

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

MAY 4, 1981 to JUNE 19, 1981

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STATE OF MAINE
One Hundred and Tenth Legislature
First Regular Session
JOURNAL OF THE SENATE

June 10, 1981

Senate called to order by the President.

Prayer by The Honorable Louis Jalbert of Lewiston.

Representative JALBERT: Mr. President, let us bow our heads. This morning, while I was on my knees saying my three Hail Marys, I was meditating as to what I was going to say today. I'm a frequent visitor in this Body. I've been treated with extreme courtesy at all times. We are now in the waning moments. There isn't one of us who is not both physically, but mentally tired. It is to be hoped that we finish this day, finally, with the decorum that has been displayed.

In that I have not been chosen not to be a member of this Body, I visited many state legislatures throughout the country. This Body here has the best decorum of any body that I have ever visited.

Through the leadership of the President, Joseph Sewall, whom you all know I consider a brother, and the leadership of the Honorable Senator Samuel Collins, the Honorable Senator Gerard Conley, the Honorable Senator Richard Pierce, and the Honorable Senator Charles Pray, this Body is in good hands.

Naming names is not a good thing, but you know that my real home in this building is Room 228. It has gone unnoticed, but there is a man among you who has done with his staff a fantastic job that has gone unnoticed. I'm speaking of the Honorable Senator David Huber, another very dear, close, personal friend. I must say with some sort of levity that standing behind there with my right foot on the cuspidor, I've gone away sometimes with a little more than I should have in this Body. It wouldn't make any difference anyway, because I'd have known him on the phone if he'd allow me to know him here.

In all seriousness, if this is to be our last day, on your way home, Godspeed. I love you all. God Bless you all. Amen.

Reading of the Journal of yesterday.

On motion by Senator Huber of Cumberland, the Senate voted to remove from the Special Appropriations Table:

Bill, "An Act to Provide one Additional Judgeship for the District Court." (S. P. 158) (L. D. 366)

On motion by Senator Huber of Cumberland, the Senate voted to Suspend the Rules, for the purposes of Reconsideration.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider its action whereby LD 366 was Passed to be Engrossed.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider Adoption of Committee Amendment "A".

The PRESIDENT: The Senator has the floor.
Senator HUBER: I present Senate Amendment "A" to Committee Amendment "A" and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption.

Senate Amendment "A" to Committee Amendment "A" (S-342) Read and Adopted. Committee Amendment "A" as amended by Senate Amendment "A" Adopted, in non-concurrence. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

On motion by Senator Huber of Cumberland, the Senate voted to remove from the Special Appropriations Table:

Bill, "An Act to Increase the Mileage Reimbursement Payment for Jurors." (H. P. 348) (L. D. 396)

On motion by Senator Huber of Cumberland, the Senate voted to Suspend the Rules, for the purpose of Reconsideration.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider its action whereby LD 396 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor.
Senator HUBER: I present Senate Amendment "A" under filing number S-343 and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber offers Senate Amendment "A" to LD 396 and moves its adoption.

Senate Amendment "A" (S-343) Read and Adopted. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

On motion by Senator Huber of Cumberland, the Senate voted to remove from the Special Appropriations Table:

Bill, "An Act to Create a Lake Restoration and Protection Financial Aid Program." (H. P. 551) (L. D. 627)

On motion by Senator Huber of Cumberland, the Senate voted to Suspend the Rules, for the purposes of Reconsideration.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider its action whereby LD 627 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor.
Senator HUBER: I present Senate Amendment "A" to LD 627 under filing number S-344 and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber offers Senate Amendment "A" to LD 627 and moves its adoption.

Senate Amendment "A" (S-344) Read and Adopted. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

On motion by Senator Huber of Cumberland, the Senate voted to remove from the Special Appropriations Table:

Bill "An Act Relating to and Increasing the Appropriation of Funds for Assistant District Attorneys." (H. P. 560) (L. D. 634)

On motion by Senator Huber of Cumberland, the Senate voted to Suspend the Rules, for the purposes of Reconsideration.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider its action whereby LD 634 was Passed to be Engrossed.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider Adoption of Committee Amendment "A".

The PRESIDENT: The Senator has the floor.
Senator HUBER: I present Senate Amendment "A" to Committee Amendment "A" under filing number S-345 and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption.

Senate Amendment "A" to Committee Amendment "A" (S-345) Read and Adopted. Committee Amendment "A", as amended by Senate Amendment "A" Adopted, in non-concurrence. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

On motion by Senator Huber of Cumberland, the Senate voted to remove from the Special Appropriations Table:

Bill, "An Act in Support of Regional Library Systems." (S. P. 308) (L. D. 864)

On motion by Senator Huber of Cumberland, the Senate voted to Suspend the Rules, for the purposes of Reconsideration.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider its action whereby LD 864 was Passed to be Engrossed.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider Adoption of

Committee Amendment "A".

On motion by Senator Huber of Cumberland, Committee Amendment "A" was Indefinitely Postponed, in non-concurrence.

The PRESIDENT: The Senator has the floor.
Senator HUBER: I present Senate Amendment "A" to LD 864 under filing number S-346 and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber offers Senate Amendment "A" to LD 864 and moves its adoption.

Senate Amendment "A" (S-346) Read and Adopted. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

On motion by Senator Huber of Cumberland, the Senate voted to remove from the Special Appropriations Table:

Bill, "An Act to Create an Environmental Health Program." (H. P. 804) (L. D. 914)

On motion by Senator Huber of Cumberland, the Senate voted to Suspend the Rules, for the purposes of Reconsideration.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider its action whereby LD 914 was Passed to be Engrossed.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider Adoption of Committee Amendment "A".

The PRESIDENT: The Senator has the floor.
Senator HUBER: I present Senate Amendment "A" to Committee Amendment "A" under filing number S-347 and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption.

Senate Amendment "A" to Committee Amendment "A" (S-347) Read and Adopted. Committee Amendment "A" as amended, by Senate Amendment "A" Adopted, in non-concurrence. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

On motion by Senator Huber of Cumberland, the Senate voted to remove from the Special Appropriations Table:

Bill, "An Act to Establish a Statewide Cancer-Incidence Registry." (H. P. 807) (L. D. 967)

On motion by Senator Huber of Cumberland, the Senate voted to Suspend the Rules, for the purposes of Reconsideration.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider its action whereby LD 967 was Passed to be Engrossed.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider Adoption of Committee Amendment "A".

The PRESIDENT: The Senator has the floor.
Senator HUBER: I present Senate Amendment "A" to Committee Amendment "A" under filing number S-348 and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption.

Senate Amendment "A" to Committee Amendment "A" (S-348) Read and Adopted. Committee Amendment "A" as amended, by Senate Amendment "A" Adopted, in non-concurrence. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

On motion by Senator Huber of Cumberland, the Senate voted to remove from the Special Appropriations Table:

Bill, "An Act Covering Cost-of-Living Increases for Teachers." (H. P. 918) (L. D. 1089)

On motion by Senator Huber of Cumberland, the Senate voted to Suspend the Rules, for the purposes of Reconsideration.

On motion by Senator Huber of Cumberland,

the Senate voted to Reconsider its action whereby LD 1089 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor.

Senator HUBER: I present Senate Amendment "A" under filing number S-349 and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber offers Senate Amendment "A" to LD 1089 and moves its adoption.

Senate Amendment "A" (S-349) Read and Adopted. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

On motion by Senator Huber of Cumberland, the Senate voted to remove from the Special Appropriations Table:

Bill, "An Act to Create a Department of Corrections." (S. P. 376) (L. D. 1134)

On motion by Senator Huber of Cumberland, the Senate voted to Suspend the Rules.

On motion by Senator Huber of Cumberland the Senate voted to Recede from its action whereby LD 1134 was Passed to be Engrossed.

On motion by Senator Huber of Cumberland, the Senate voted to Recede from Adoption of Committee Amendment "A".

The PRESIDENT: The Senator has the floor.

Senator HUBER: I present Senate Amendment "A" to Committee Amendment "A" under filing number S-350 and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption.

Senate Amendment "A" to Committee Amendment "A" (S-350) Read and Adopted. Committee Amendment "A" as amended by Senate Amendment "A" Adopted, in non-concurrence. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

On motion by Senator Huber of Cumberland, the Senate voted to remove from the Special Appropriations Table:

Bill, "An Act to Improve the Community Industrial Building Program." (S. P. 401) (L. D. 1193)

On motion by Senator Huber of Cumberland, the Senate voted to Suspend the Rules, for the purposes of Reconsideration.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider its action whereby L. D. 1193 was Passed to be Engrossed.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider its action whereby L. D. 1309 was Passed to be Engrossed.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider Adoption of House Amendment "A".

The PRESIDENT: The Senator has the floor.

Senator HUBER: I present Senate Amendment "A" to Committee Amendment "A" under filing number S-351 and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption.

Senate Amendment "A" to Committee Amendment "A" (S-351) Read and Adopted. Committee Amendment "A" as amended by Senate Amendment "A" Adopted, in non-concurrence. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence

On motion by Senator Huber of Cumberland, the Senate voted to remove from the Special Appropriations Table:

Bill "An Act Relating to Burial Expenses for Veterans." (H. P. 1104) (L. D. 1309)

On motion by Senator Huber of Cumberland, the Senate voted to Suspend the Rules, for the purposes of Reconsideration.

On motion by Senator Huber of Cumberland,

whereby LD 1309 was Passed to be Engrossed.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider Adoption of House Amendment "A".

The PRESIDENT: The Senator has the floor.

Senator HUBER: I present Senate Amendment "A" to House Amendment "A" under filing number S-352 and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber offers Senate Amendment "A" to House Amendment "A" and moves its adoption.

Senate Amendment "A" to House Amendment "A" (S-352) Read and Adopted. House Amendment "A" as amended by Senate Amendment "A" Adopted, in non-concurrence. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

On motion by Senator Huber of Cumberland, the Senate voted to remove from the Special Appropriations Table:

Bill, "An Act to Authorize the Department of Environmental Protection to Provide Technical Assistance to Municipalities and other Quasi-municipal Entities Regarding Solid Waste Management." (S. P. 475) (L. D. 1358)

On motion by Senator Huber of Cumberland, the Senate voted to Suspend the Rules, for the purpose of Reconsideration.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider its action whereby LD 1358 was Passed to be Engrossed.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider Adoption of Committee Amendment "A".

The PRESIDENT: The Senator has the floor.

Senator HUBER: I present Senate Amendment "A" to Committee Amendment "A" under filing number S-353 and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption.

Senate Amendment "A" to Committee Amendment "A" (S-353) Read and Adopted. Committee Amendment "A" as amended by Senate Amendment "A" Adopted, in non-concurrence. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

On motion by Senator Huber of Cumberland, the Senate voted to remove from the Special Appropriations Table:

Bill, "An Act Making Appropriations from the General Fund for Operations of the Seed Potato Board." (S. P. 517) (L. D. 1439)

On motion by Senator Huber of Cumberland, the Senate voted to Suspend the Rules, for the purposes of Reconsideration.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider its action whereby LD 1439 was Passed to be Engrossed.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider Adoption of Committee Amendment "A".

The PRESIDENT: The Senator has the floor.

Senator HUBER: I present Senate Amendment "A" to Committee Amendment "A" under filing number S-354 and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption.

Senate Amendment "A" to Committee Amendment "A" (S-354) Read and Adopted. Committee Amendment "A" as amended, by Senate Amendment "A" Adopted, in non-concurrence. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

On motion by Senator Huber of Cumberland, the Senate voted to remove from the Special

Appropriations Table:

Bill, "An Act Relating to Law Libraries." (S. P. 562) (L. D. 1532)

On motion by Senator Huber of Cumberland, the Senate voted to Suspend the Rules, for the purposes of Reconsideration.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider its action whereby LD 1532 was Passed to be Engrossed.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider Adoption of Senate Amendment "A".

The PRESIDENT: The Senator has the floor.

Senator HUBER: I present Senate Amendment "B" to Senate Amendment "A" under filing number S-355 and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, offers Senate Amendment "B" to Senate Amendment "A" and moves its adoption.

Senate Amendment "B" to Senate Amendment "A" (S-355) Read and Adopted. Senate Amendment "A" as amended by Senate Amendment "B" Adopted, in non-concurrence.

The Resolve, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

On motion by Senator Huber of Cumberland, the Senate voted to remove from the Special Appropriations Table:

Resolve, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law." (H. P. 1387) (L. D. 1564) (Emergency)

On motion by Senator Huber of Cumberland, the Senate voted to Suspend the Rules, for the purposes of Reconsideration.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider its action whereby LD 1564 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor.

Senator HUBER: I present Senate Amendment "A" to LD 1564 under filing number S-356 and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber offers Senate Amendment "A" to LD 1564 and moves its adoption.

Senate Amendment "A" (S-356) Read and Adopted.

The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

On motion by Senator Huber of Cumberland, the Senate voted to remove from the Special Appropriations Table:

Bill, "An Act to Promote the Maine Potato Industry by Improving the Quality of Packing and Marketing Maine Potatoes." (H. P. 1486) (L. D. 1613).

On motion by Senator Huber of Cumberland, the Senate voted to Suspend the Rules, for the purposes of Reconsideration.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider its action whereby LD 1613 was Passed to be Engrossed.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider Adoption of House Amendment "C".

The PRESIDENT: The Senator has the floor.

Senator HUBER: I present Senate Amendment "A" to House Amendment "C" under filing number S-357 and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber offers Senate Amendment "A" to House Amendment "C" and moves its adoption.

Senate Amendment "A" to House Amendment "C" (S-357) Read and Adopted. House Amendment "C" as amended, by Senate Amendment "A" Adopted, in non-concurrence. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

On motion by Senator Huber of Cumberland, the Senate voted to remove from the Special

Appropriations Table:

Bill, "An Act to Require the Department of Human Services to Provide Home-based Care as an Alternative to Nursing Home Care." (S. P. 614) (L. D. 1620)

On motion by Senator Huber of Cumberland, the Senate voted to Suspend the Rules, for the purposes of Reconsideration.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider its action whereby LD 1620 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor.
Senator HUBER: I present Senate Amendment "A" to LD 1620 under filing number S-358 and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber offers Senate Amendment "A" to LD 1620 and moves its adoption.

Senate Amendment "A" (S-358) Read and Adopted. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

On motion by Senator Huber of Cumberland, the Senate voted to remove from the Special Appropriations Table:

Bill, "An Act Concerning the Protection of Incapacitated and Dependent Adults." (S. P. 630) (L. D. 1639)

On motion by Senator Huber of Cumberland, the Senate voted to Suspend the Rules, for the purposes of Reconsideration.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider its action whereby LD 1639 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor.
Senator HUBER: I present Senate Amendment "A" to LD 1639 under filing number S-359 and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber offers Senate Amendment "A" to LD 1639 and moves its adoption.

Senate Amendment "A" (S-359) Read and Adopted. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

On motion by Senator Huber of Cumberland, the Senate voted to remove from the Special Appropriations Table:

Bill, "An Act to Establish and Coordinate Training, Education and Employment Programs for Recipients of Aid to Families with Dependent Children." (S. P. 642) (L. D. 1662)

On motion by Senator Huber of Cumberland, the Senate voted to Suspend the Rules, for the purposes of Reconsideration.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider its action whereby LD 1662 was Passed to be Engrossed.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider Adoption of Senate Amendment "A".

The PRESIDENT: The Senator has the floor.
Senator HUBER: I present Senate Amendment "B" to Senate Amendment "A" under filing number S-360 and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber offers Senate Amendment "B" to Senate Amendment "A" and moves its adoption.

Senate Amendment "B" to Senate Amendment "A" (S-360) Read and Adopted. Senate Amendment "A" as amended by Senate Amendment "B" Adopted, in non-concurrence. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

On motion by Senator Huber of Cumberland, the Senate voted to remove from the Special Appropriations Table:

Bill, "An Act Authorizing a Bond Issue in the Amount of \$29,300,000 for the purposes of Fostering Agricultural and Economic Development in the State of Maine." (S. P. 488) (L. D. 1428)

On motion by Senator Huber of Cumberland, the Senate voted to Suspend the Rules, for the

purposes of Reconsideration.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider its action whereby LD 1428 was Passed to be Engrossed.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider Adoption of Committee Amendment "A".

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider Adoption of House Amendment "A" to Committee Amendment "A".

On motion by Senator Huber of Cumberland, House Amendment "A" was Indefinitely Postponed, in non-concurrence.

The PRESIDENT: The Senator has the floor.

Sensor HUBER: I present Senate Amendment "A" to Committee Amendment "A" under filing number S-365 and move its adoption.

The PRESIDENT: The Senator from Cumberland Senator Huber offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption.

Senate Amendment "A" to Committee Amendment "A" (S-365) Read and Adopted. Committee Amendment "A" as amended by Senate Amendment "A" Adopted, in non-concurrence. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

Papers from the House Non-concurrent Matter

Bill "An Act Concerning Workers' Compensation Cost Containment." (H. P. 502) (L. D. 553)

In the House, June 2, 1981, Bill substituted for the report and subsequently Passed to be Engrossed as amended by House Amendment "A" (H-515).

In the Senate, June 3, 1981, Leave to Withdraw Report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference.

The PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Sewall.

Sensor SEWALL: Mr. President, I move that we Insist and Join in a Committee of Conference.

The PRESIDENT: The Senator from Lincoln, Senator Sewall, moves that the Senate Insist and Join in a Committee of Conference with the House.

Is this the pleasure of the Senate?

The motion prevailed.

Non-concurrent Matter

Bill, "An Act Relating to Attorney's Fees Under the Workers' Compensation Law." (H. P. 565) (L. D. 641)

In the House, June 2, 1981, Passed to be Engrossed as amended by House Amendment "A" (H-513) as amended by House Amendment "A" (H-524) Thereto.

In the Senate, June 3, 1981, Passed to be Engrossed as amended by Senate Amendment "A" (S-327), in non-concurrence.

Comes from the House, that Body having Adhered.

The PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Sewall.

Sensor SEWALL: Mr. President, I move we Adhere.

The PRESIDENT: The Senator from Lincoln, Senator Sewall, moves that the Senate Adhere.

Is this the pleasure of the Senate?

The motion prevailed.

Committee Report House

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Revise the Method for Paying Permanent Impairment Benefits under the Workers' Compensation Act." (H. P. 878) (L.

D. 1047)

Reported that the same Ought Not to Pass.

Signed:

Sensor:

DUTREMBLE of York

Representatives:

BEAULIEU of Portland

TUTTLE of Sanford

MARTIN of Brunswick

BAKER of Portland

HAYDEN of Durham

LAVERRIERE of Biddeford

McHENRY of Madawaska

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Sensors:

SEWALL of Lincoln

SUTTON of Oxford

Representatives:

LEWIS of Auburn

DAMREN of Belgrade

FOSTER of Ellsworth

Comes from the House, the Majority Ought Not to Pass Report Read and Accepted.

Which Reports were Read.

On motion by Senator Sewall of Lincoln, the Minority Ought to Pass Report of the Committee Accepted, in non-concurrence. The Bill Read Once. Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

AN ACT Providing for Certain Public Utility Bond Financing by the Maine Municipal Bond Bank. (H. P. 1558) (L. D. 1668)

Which was Passed to be Enacted and having been signed by the President was by the Secretary presented to the Governor for his approval.

Emergency

AN ACT to Make Corrections and Clarifications in the Education Laws. (H. P. 220) (L. D. 298)

This being an emergency measure and having received the affirmative votes of 23 members of the Senate, with No Senators having voted in the negative, was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day Unfinished Business

June 9, 1981

The following matters, in the consideration of which the Senate was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 25.

The PRESIDENT: The Chair would direct the Senate's attention to the first matter of Unfinished Business:

Bill, "An Act Authorizing Reasonable Fees for Nonresident Users of Public Libraries." (H. P. 548) (L. D. 624)

Tabled — Earlier in the Day by Senator Devoe of Penobscot.

Pending — Motion of Senator DEVOE of Penobscot to Indefinitely Postpone.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Sensor TROTZKY: Mr. President and Members of the Senate, this Bill, I hope, will not be Tabled any longer. Senator Huber just put Senate Amendment "A" onto LD 864, which provides \$46,000 in each year of the biennium for the Area Reference and Resource Centers. We wish it could be more, however, right now we have this Bill before us, is a very drastic change in reference to the Area Reference and Resource Centers.

What it does is end free access by allowing both Portland and Bangor to charge fees, and therefore, I would hope the Senate would now Indefinitely Postpone this Bill with the knowledge that we have done the most we can for the Area Reference and Resource Centers.

It's my understanding that the Portland Library receives now \$23,250; L. D. 864, \$12,000; from the Part I Budget \$7,500; from the Federal Government, another \$33,000. It's currently receiving annually a total of \$76,000.

LD 624 was Indefinitely Postponed, in non-concurrence.

Sent down forthwith for concurrence.

The PRESIDENT: The Chair would direct the Senate's attention to the second matter of Unfinished Business:

Bill "An Act to Amend the Workers' Compensation Law." (H. P. 685) (L. D. 799)

Tabled—Earlier in the Day by Senator Collins of Knox.

Pending—Adoption of Senate Amendment "A" (S-328) to House Amendment "A" (H-516)

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I withdraw my request.

The PRESIDENT: Senator Conley of Cumberland now requests Leave of the Senate to Withdraw his request.

Is it the pleasure of the Senate to Grant this Leave?

It is a vote.

Senate Amendment "A" to House Amendment "A" Adopted. House Amendment "A" as amended by Senate Amendment "A" Adopted in non-concurrence. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

The PRESIDENT: The Chair would direct the Senate's attention to the third matter of Unfinished Business:

JOINT ORDER—relative to the Workers' Compensation Commission studying the area of vocational rehabilitation. (H. P. 1618)

Tabled—Earlier in the Day by Senator Pray of Penobscot.

Pending—Passage.

On motion by Senator Sewall of Lincoln, Retabled until later in today's session.

Senator Collins of Knox was granted unanimous consent to address the Senate. Off the Record.

On motion by Senator Collins of Knox, Recessed until the sound of the Bell.

Recess

After Recess

The Senate called to order by the President.

The PRESIDENT: The Chair will appoint as conferees on the part of the Senate, on Bill, An Act Concerning Workers' Compensation Cost Containment, (H. P. 502) (L. D. 553). Senators:

SEWALL of Lincoln
SUTTON of Oxford
BROWN of Washington

The President laid before the Senate the first Tabled and specially assigned matter:

HOUSE REPORTS—From the Committee on Taxation—Bill, "An Act Concerning Homestead Tax Relief." (H. P. 1307) (L. D. 1512) Majority Report Ought to Pass in New Draft Under Same Title (H. P. 1625) (L. D. 1687); Minority Report Ought Not to Pass.

Tabled—June 9, 1981 by Senator COLLINS, of Knox.

Pending—Consideration.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: I move we Adhere.

The PRESIDENT: The Senator from Somerset, Senator Teague, moves that the Senate Adhere.

Is this the pleasure of the Senate?

The motion prevailed.

The President laid before the Senate the second Tabled and specially assigned matter: Bill, "An Act to Provide a Special Muzzle-loading Hunting Season." (H. P. 218) (L. D. 255)

Tabled—June 9, 1981 by Senator COLLINS of Knox.

Pending—Consideration.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Thank you, Mr. President. Mr. President, Members of the Senate, I move that we Recede and Concur with the House, and I wish to speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator REDMOND: Members of the Senate, I hope to be brief, but I will attempt to pass on to you a message, and the reason why I support this Bill.

As you have probably noticed, I have been and I am an industrialist, and a businessman. During my business heyday I found myself in San Juan and in the Caribbean, I found myself in Montreal, promoting Maine products, and promoting Maine as a Vacationland along with the people of the former Department of Economic Development. I think that perhaps the reason for it is because while I was doing that there I was also, promoting my own products. I think perhaps that you all realize that.

I think, perhaps that one of the reasons why this is the fifth year that I am spending here is, because I enjoy promoting this great State with its great, great people. I think that, I hope that you will take this into consideration.

Now, this group of people, who have been coming to the Legislature, at least since I'm here they've been coming every Session, and they've been asking us to be recognized.

As you know, the Maine Publicity Bureau issues a folder on events from the Pittsfield Egg Festival to the Firemen's Muster and the Portland Theatre. The people from the rest of the world have found that they like to come to the State of Maine and they really find room for each one and every individual in this world.

Now, this group of muzzle-loader lovers are asking for their day, and they want it to be added on to the list, a list as you know the folder has, looks somewhat like this with about 4 pages of festivities, and gatherings, and conventions going on in this great State. So, the muzzle-loader people are asking for their 3 days to convene and enjoy our forests in this State. They will perhaps stop at L. L. Bean and spend \$300 or \$400 on their way here, stop in the restaurants and hotels, and I can't see any reason why we don't want them to join the group.

Now, it has been my observation that these people are a very, very special group of people. While they are admirers, and they are connoisseurs of arts and crafts. It's not always convenient for them to go to Rome to admire Michelangelo's achievements and Bernini's, however, what they enjoy admiring is the crafts of the craftsmanship from a period before Eli Whitney, automated woodworking, and metallurgical working in the industry.

They enjoy admiring people's crafts from the days when the young person had to give 3 years of his time to learn the trade, without pay, and then he'd get a job for probably \$25 to \$30 per year, in those days.

Ladies and gentlemen, the muzzle-loaders, these people all they're asking is to have their 3 days in the Maine woods. I don't think that it makes a bit of difference whether it's after the season or before the season. It will be advertised. Their friends who are connoisseurs of the same crafts will be joining them here. They'll

be coming from all over.

I would like to mention that this new draft from the Committee of Conference specifies that any person who possesses a valid license to hunt big game, and I'd like to repeat that. He has to possess a valid license to hunt big game. He may obtain the Muzzle-loading license. The issuing agent shall charge a fee of \$1 for each license issued.

The 3 day muzzle-loading rifle licenses are as follows. A resident will pay \$7, a non-resident \$30, and this \$30 is plus the \$60 for his Big Game Non-resident License, and if he's an alien, his alien Big Game Hunting license is \$100 or so. You want to understand we're not giving anyone to anyone.

The privilege they are asking for, they are willing to pay more than their share, more than many of the others that have that privilege.

The question here is not whether you can shoot a deer with a muzzle-loader or not. I think that the challenge for some of these people like to prove to the world that they can still shoot the deer with their muzzle-loader from that period, and I don't think that we should consider the fact that they can go and hunt any time of the season along with other people, because they're not asking this to go hunting. It's simply a request that is something that's going to be very helpful for the economy of the State.

Therefore, Ladies and Gentlemen of the Senate, I hope that you will vote with me to Recede and Concur with the House.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreairty.

Senator McBREAIRTY: Mr. President and Honorable members of the Senate, before you vote on this very bad Bill, I'd like to bring you a few statistics.

Under our present open seasons on different wild animals, a person with a muzzle-loading rifle can hunt every day of the year, but Sundays, if he wishes. I think we should advertise that to all of the counties and let them know that every day of the year, but Sunday, if they wish to come in here, they can hunt with a muzzle-loader.

Now, they can hunt deer in the northern zone, and this is 1980 statistics, from November 3 to November 29, they also have the Saturday before the regular season opens. In the southern zone, November 10 to 29, and in the western zone, November 10 to 22.

Last year we took 37,255 deer. Believe me, that's enough deer to take. If we take more, we're going to have to close the season down much more than now.

A special muzzle-loading season would provide substantial amounts of additional opportunity for people to hunt deer. It would probably force, at least, the western zone, where we only have 2 weeks now, it would force the regular hunters down to a much less season.

Now, what is a muzzle-loader? You know there's 2 popular makes. One is put out by the Connecticut Valley Arms and that's imported from Spain. The other one is put out by Thompson Center Arms, and that's made in New Hampshire.

What Caliber? They go up as high as 58 caliber, a regular cannon. How would you like after the season is all over, if you were out there, a little deer, and have somebody stalking you with a cannon? This is what they'll be doing. A 58 caliber. They can blow a tree right down and hit a deer on the other side.

So, I would hope that you would not Recede and Concur, so that we can kill this bad Bill, and at least let Inland Fisheries and Game continue to keep control of managing our deer herd. They say, well, they can shut it off anytime they wish. How are they going to shut it off once they've sold the licenses?

So, please, let's save some of our deer, and kill this Bill. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Redmond

Senator REDMOND: Members of the Senate, I would like to quote for you and the Committee of Conference Amendment here Section C.

If a person takes a deer during any open season, on deer, he is precluded from further hunting for the deer during that year, so, there's no reason in the world why this is going to be putting anymore pressure on the deer herd.

I can appreciate the reflection of many of the good people of Maine. They're afraid this is going to bring some out-of-staters in here. We all know that, and we know that they tell us ram it to the out-of-staters. I think we're ramming it a little heavy here to the out-of-staters. I think it's going to be very good income for the State, when you consider you've got to multiply if some, if only 1000 or 2000 of those people come from out-of-state, you multiply that, the money they spend. If they spend \$500 each, you can multiply that by 3 and you run into millions of dollars.

We're doing this here. This is our job. We were elected to take care of these matters, and I hope that you will go along with this Bill.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Thank you, Mr. President. Men and Women of the Senate, I would hope that you would support Senator Redmond's motion.

Just an effort to educate briefly, on behalf of this Davy Crockett Bill, these guns are also known as Kentucky Rifles, for those who may not have known that.

We're not talking about conservation here, we're talking about proper management or proper utilization of a resource. That's all. We're talking about allowing a group of people who have a special interest in a kind of weapon which can, in no way, compete with the high powered automatic weapons that people on snowmobiles can go into the woods and go after the deer. We're talking about a very special group of people who have an opportunity to band together and hunt as they see fit, and it's not a matter of conservation here.

The department can cut off at any time, if the resource becomes endangered in any way. So, I urge that we go along, this has been to a Committee of Conference, unanimous report out of Committee of Conference, and now's the time for us to go ahead and Recede and Concur with the House, and allow this muzzle-loading Kentucky rifle season to exist.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Thank you, Mr. President. It hasn't been on too many occasions, as I mentioned before, that I have got up and supported the Chairman of the Fish and Game Committee. We seem to be at odds on several issues this year, but we are in agreement on this.

I think this is a unique situation with these musket-loading people who want 3 days only. I think, probably, many of you have seen them, with their musket-loaders, and know how difficult it is going to be for them to even get a deer. They have to get up very close before that gun would have any effect at all. After they take one shot, it takes them a long time, and the deer would be long gone, if he was lucky enough to miss that first shot, before they'd ever be able to reload again.

We have seasons for the archery people, before the regular season begins, that they can go out with their bows and arrows and hunt, and I think the deer are going to be well scared off by the time the regular season is past, before these people have the opportunity to go out for 3 days.

I'm not worried about the loss of deer, and I have been a strict conservationist, as far as the deer and the moose and the bear are concerned, as you well know, but I think this season is well warranted, and I think these

people should have the right to a 3-day season.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreairty.

Senator MCBREAIRTY: Mr. President, Members of the Senate, I'm amazed that Senators who don't want to catch striped bass, and who don't want to bait bear, want to kill deer with muzzle-loaders.

As far as the effectiveness of this gun, I think they pretty near cleaned out our buffalo herd years ago with this type of weapon.

I'm going to read you just a little from some information I got from the Department this morning. Now, they should know, the Department, they have biologists working on this every day. It says, "a special loading season would provide a substantial amount of additional opportunity to hunt deer outside the regular hunting seasons, which are annually established, based upon current population levels of deer in the various regions of the State. In an area such as sections of western and northern Maine, the seasons on deer over the last 10 years have been substantially reduced in an effort to increase deer population to more desirable levels. Special seasons on deer, such as the proposed muzzle-loading season, will place additional pressure on the deer population, and very possibly negate current efforts to increase population levels in many sections of the State."

If muzzle-loading hunting is allowed outside the regular open season on deer, as proposed, it will be held during a period when weather conditions, tracking, usually we have snow at the end of the season, make deer very vulnerable to hunting. This would likely add to the popularity of such a hunt and increase a future impact of such a hunt on deer population. This could very possibly result in a more reduced season for the regular season."

Thank you.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Mr. President, Ladies and Gentlemen of the Senate, I just want to make one thing clear.

I am opposed to a 3 day season for muzzle-loaders and striped bass.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Members of the Senate, I feel a little at a loss after listening to my good friend, Senator McBreairty. I think that there's a, perhaps, I feel that there's a complete breakdown in communications between the 2 of us, because I really enjoy spending some time with him in the Maine forests in the fall, hunting deer. We get along very good. I think that what he just read, perhaps, is something that the Commissioner has brought to the Committee and as you all know, the bureaucrats, when you bring something new that's going to cause them more work, the laws of least resistance prevail. They oppose, as you all know, we've all been involved somehow, some way or another in handling people, and I have found a long time ago that people oppose what they do not understand.

Now, I spoke with the Deputy Commissioner yesterday, and he did not tell me that they were opposed. He said that to me, as I understood it, and as I understand it, that this Committee of Conference Amendment, that they have no objections to this. They'd be glad to go along with it.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, it's a sad day when Maine's industrial development will depend on a muzzle-loading season.

I do have a communication. I was on the Committee of Conference and was the lone objector to this season, and I called up the Department of Fish and Game, and spoke with William Peppard, the Deputy Commissioner, and asked him his feelings on this, and he stated, at that time, the Department was opposed to a muzzle-loading season.

I have here a communication from the Department, and it says, if this Bill would have passed would you recommend a veto? It says, probably, and then it says, muzzle-loading rifles are legal. They're used during the regular open firearms season on deer, and we do not feel a special season is necessary or a benefit to Maine's deer herd.

So, the communication I have in writing here from Mr. Peppard, is that the Department is opposed to a muzzle-loading season, special season, but I think we ought to recognize one thing. The muzzle-loaders can go out the entire month of November to shoot deer, and if the State of Maine wants to advertise that they can come and hunt deer in November, I don't think it's any more of a help to the State of Maine to advertise for a special 3 day season.

There's a point here that I think is important. These people are going to pay fees. It's going to be extremely difficult for the Commissioner of Fish and Game, who's holding a lot of money from all these people who paid these fees for licenses to say you can't have a muzzle-loading season even though there may have been a very high deer kill during the regular season.

It's going to be difficult to say no and keep the money, so it's my feeling that this is really unnecessary and let's face it, a muzzle-loader is a gun. That's what it is.

There are many different types of guns. People go out and hunt, I assume, with pistol during the season, probably. They go out into the woods with all kinds of guns, all different calibers, and so on. So, let's not distinguish between muzzle-loaders and the rest.

There'll be demands for separate seasons for different weapons once this passes.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President, in the past few years I've always opposed muzzle-loaders for various reasons. This time I was successful in getting on the Committee of Conference.

I'm not too happy with a special muzzle-loading season, so, I insisted that we write into this that there be no guarantee that there will be a muzzle-loading season even after these people purchase a license. There is no guarantee.

I heard the good Senator from Aroostook, Senator McBreairty, say there were 37,000 deer shot last year, taken, bow and arrow and rifles, but I remember earlier years when we used to shoot upward of 40,000, 44,000, 45,000 in a year. There's just as many deer today.

Talk about the Department should know, and the biologists. You created a special 2 week season only in western Maine. If you'll check the Fish and Game records, you'll find that last year they shot more deer in that 2 weeks, than they did the year before in 3 weeks. Your biologists should know that the more people you put in the woods at one time, the more deer you're going to take. That worked in reverse.

This Bill sunsets in March of 1983. It's only a 2 year season. The Commissioner has the right to shut the season down now on rifles. If at any time, he determines that the deer are being jeopardized by snow, or hunting pressure, too many deer being taken, so if he shuts down the season, there'll be no muzzle-loading season, and these people have purchased their license and there's no refund.

The guarantees are all built into it. There's no more loaded rifles in automobiles, or anything else. I would support the motion to Recede and Concur.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: Mr. President, I haven't expected to speak on this issue, but I think I'd be remiss if I did not correct the Record, and point out to the Senator from Aroostook that it was not the muzzle-loader, but the newly invented Winchester Repeating rifles, as carried

by Buffalo Bill Cody, that decimated the buffalo herd.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Somerset, Senator Redmond that the Senate Recede and Concur with the House, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: I request the Yeas and Nays.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is the motion by the Senator from Somerset, Senator Redmond, that the Senate Recede and Concur with the House.

A Yes vote will be in favor of the motion to Recede and Concur with the House.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Ault, Brown, Charette, Clark, Devoe, Gill, Hichens, Kerry, Minkowsky, O'Leary, Perkins, Pierce, Redmond, Sewall, C.; Trafton, Wood.

NAY — Carpenter, Collins, Conley, Dutremble, Huber, McBreairey, Najarian, Pray, Shute, Sutton, Teague, Trotzky, Violette.

ABSENT — Bustin, Emerson, Usher.

A Roll Call was had.

16 Senators having voted in the affirmative and 13 Senators in the negative, with 3 Senators being absent, the motion to Recede and Concur with the House does prevail.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Having voted on the prevailing side, I move Reconsideration and hope that the Senate will vote against me.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Somerset, Senator Redmond, that the Senate Reconsider its action whereby it voted to Recede and Concur with the House.

Will all those Senators in favor of Reconsideration, please say "Yes."

Will all those Senators opposed, please say "No."

A Viva Voce Vote being had, the motion to Reconsider does not prevail.

The Bill having been signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Senator Collins of Knox, the Senate voted to remove from the Unassigned Table:

HOUSE REPORTS — from the Committee on State Government — Bill, "An Act to Provide that Merit Increases for State Employees will Only be Awarded for Job Performance that is Meritorious." (H. P. 714) (L. D. 839) MAJORITY REPORT Ought Not to Pass; MINORITY REPORT Ought to Pass.

Tabled—April 21, 1981 by Senator Collins of Knox.

Pending—Acceptance of Either Report.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: I move Acceptance of the Ought to Pass Report.

The PRESIDENT: The Senator from Kennebec, Senator Ault, moves that the Senate Accept the Minority Ought to Pass Report of

the Committee.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Senator VIOLETTE: Yes, Mr. President and Ladies and Gentlemen of the Senate, I'll be very brief. I hope that we would not Accept the Ought to Pass Report today. It is my feeling that this Bill violates the collective bargaining process. This is clearly, in my opinion, a negotiable issue. What the LD proposes is basically unworkable as this process is highly subjective and arbitrary.

The Hay Plan establishes a seven step system. It takes three years to reach Step D, before employees reach private sector salary levels. Our present so-called Merit System has never been what the layperson would really call a Merit Pay System.

This system has eliminated the many problems of the so-called 60/40 program of years past, such as morale and the like. Both management and labor are opposed to this particular LD.

For these reasons, I would hope that today we would Accept the Majority Ought Not to Pass Report. Thank you.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Kennebec, Senator Ault, that the Senate Accept the Minority Ought to Pass Report of the Committee, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

16 Senators having voted in the affirmative, and 15 Senators having voted in the negative, the motion to Accept the Minority Ought to Pass Report of the Committee, in non-concurrence, does prevail.

The Bill Read Once. Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Paper from the House Joint Resolution

State of Maine

In the Year of Our Lord One Thousand Nine Hundred and Eighty-one.

JOINT RESOLUTION ACCEPTING THE CAPITOL PLANNING COMMISSION REPORT AND INDICATING A WILLINGNESS TO UTILIZE THE CAPITOL COMPLEX PLAN AND PUBLIC IMPROVEMENT PROPOSALS AS A GUIDE FOR ALL FUTURE LEGISLATION PERTAINING TO THE CAPITOL COMPLEX.

Whereas, the Capitol Planning Commission has been given the responsibility of establishing and maintaining a master plan for the orderly development of future state buildings and grounds in the Capitol Complex of the City of Augusta; and

Whereas, the Capitol Planning Commission has submitted to the Legislature a report, proposed public improvements, and recommendation that the master plan be revised; and

Whereas, the Legislature has reviewed this plan; now, therefore, be it

Resolved: That We, the Members of the 110th Legislature in regular session assembled, acknowledge receipt of the Capitol Planning Commission report dated April, 1981 and the fulfillment by the commission of its legislative mandate contained in the Public Laws of 1967, chapter 458; and be it further

Resolved: That the Legislature gives its general support to the basic concepts of the existing Capitol Planning Commission plan, and indicates its willingness to utilize this plan together with any supplements to it as a guide for

all future legislation concerning public improvements or other matters in the Capitol Complex; and be it further

Resolved: That suitable copies of this resolution be sent forthwith to the Capitol Planning Commission. (H. P. 1675)

Comes from the House, Read and Adopted. Which was read.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President and Members of the Senate, not that everybody seems to give too much notice to most of these resolutions that we pass through here, I notice that this one says that the Legislature gives its general support to the basic concepts of the existing Capitol Planning Commission Plan, and indicates its willingness to utilize this Plan together with any supplements to it as a guide for all future legislation, etc., etc.

I wonder if somebody might want to expound what we seem to be giving our general support to.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: Thank you, Mr. President, I believe that Capitol Planning Report has been put on our desks previously before in the Session.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Just for the Record, let me say that there's at least one Senator here who doesn't know what's in that plan and who doesn't support this Resolution.

On motion by Senator Perkins of Hancock, Tabled until later in today's session, pending Adoption.

Orders of the Day

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President, is the Senate in possession of LD 1679?

The PRESIDENT: The Chair would answer in the affirmative. Bill, "An Act to Remove the Customer Charge from Electric Utility Rate Structures." (S. P. 654) (L. D. 1679)

Senator TRAFTON: I would now move that this Bill be referred to the Joint Standing Committee on Public Utilities, and Ordered Printed.

The PRESIDENT: The Senator from Androscoggin, Senator Trafton, now moves that this Bill be referred to the Committee on Public Utilities and Ordered Printed.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, this Bill comes on the last day. It's a Bill that we have already debated extensively, and once defeated. It seems to me that we ought not to go through the same performance all over again in this session. I would, therefore, move that we Indefinitely Postpone this Bill and all its accompanying papers.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President, when the vote is taken, I would request the Yeas and Nays. I would just briefly remind the Senate that this is the Bill to remove the customer service charge from the electric utility rate structure. Although it was defeated, it was because inadvertently the emergency preamble had been left on it. It does, I believe, however, represent a majority of this Body's feelings that this is a good Bill and should be Enacted.

I would hope you would vote against the motion to Indefinitely Postpone so that we can move forward to this Bill.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, I'd like to briefly summarize the merits of this Bill. First of all, what it does, it says that the minimum charge will apply to utilities that have only 20,000 customers or more, so the Bill first

is discriminatory.

Secondly, it throws 80 kilowatt hours up front in the minimum charge, so the Bill is arbitrary, with absolutely no reason why it's 80, or 90, or 70.

Third, it says that the minimum charge is put in as part of the energy charge. It appears on the statement issued by the company as a single item. To me, the Bill is intellectually dishonest.

Fourth, the Bill talks about setting special family farm rates. What this does is force one group to subsidize another group. The Bill never had a public hearing in terms of family farm rates. A Bill of this sort, just to have one group have a special rate, should have a public hearing.

To summarize, what this Bill does, and this is the basic reason why I'm going to oppose it, it puts the Legislature into the business of setting electric rates. It puts this Legislature into the business of setting electric rates. We can't even solve the Transportation Department problems right now. I don't think it's our business to start setting electric rates. We set up the Public Utilities Commission. We set them up, we give them long terms to insulate them from political pressures, so that when they set rates, they set rates that are fair both to the company and to the consumer. A company should just have a fair rate of return, be able to attract capital to provide service to customers, and the customer should get the best rates possible.

I would hope that the Senate would follow the leadership of Senator Collins and move to Indefinitely Postpone this Bill.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President, Men and Women of the Senate, in prior debate, we heard a great deal about intellectual dishonesty. I'd like to give a few thoughts on intellectual dishonesty this morning. It's a very interesting concept. I think it's intellectually dishonest not to charge for energy by the kilowatt, not to charge a flat rate so that the more you use, the more you pay. I think it's intellectually dishonest to charge a person using 1000 kilowatts 6.5 cents per kilowatt, and charge a person using 100 kilowatts 12 cents per kilowatt.

I think it's intellectually dishonest to throw up our hands at the thought that maybe, just maybe, this Body is a policy-making body. We're not trying to set rates here. Clearly, this is not a Bill that is setting rates. It's setting policy. It's saying we don't want a customer service charge. We want a flat rate based on per kilowatt usage. We want to pay for what we want to use.

I think it's intellectually dishonest to cross-subsidize large users of electricity and penalize the small user. Many of us in this body perhaps didn't even realize that some of the family farms were allowed to use the residential rate. I think it's intellectually dishonest to talk on the floor of this Senate time after time about inflation and the ravages of inflation, while not trying to deal with one of the leading factors causing that inflation, the rising cost of energy.

Finally, I think it's intellectually dishonest to talk about the energy problem, while allowing incentives for high usage to remain in place. No one is suggesting that this is the quick fix. No one is suggesting that this is the ultimate answer to the energy problem. We're suggesting it's just a part of the answer.

It's time we reduced our demand for electricity. It's time we recognized that there are limits to our resources on this earth. There are finite limits to our natural resources, and energy being one of those. Can we really stand here this morning and suggest that coal is renewable, that uranium is renewable, that oil is renewable? We have to ask ourselves if we don't reduce our demands for electricity, what are we leaving for our future generations?

We have to admit it. We have to look at our-

selves and admit that we're hooked. We're hooked on the big "E", energy, electricity. We use it all the time. How many of us use a Cuisinart now, instead of using the old knife to cut up vegetables for our salads? How many of us use electric toothbrushes instead of a little elbow motion to brush our teeth at night? How many of us use electric dryers day in and day out, because we're a little too lazy to go out to the clothesline and hang up the clothes on the line? How many of us use electric carving knives because we're a little too lazy to use a little elbow action to carve our turkeys and hams and whatever? The list goes on, and on, and on. We're truly hooked. We use it day, after day, after day.

In this Bill, we're now going to create, or we're going to allow to stay in place a reward for those people who are hooked on the big "E". We're going to allow them to pay less. If they use 1000 kilowatts, they'll pay less, 6.5 cents, but the small user, the user who is perhaps conserving, making every effort to reduce his or her demand, we're going to have that 12 cents, double the cost.

I would hope today that we could rise above a partisan interest in this Bill, and support a very modest step forward to begin to base the amount we pay for electricity on the per kilowatt hour basis. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I share the interest of the Senator from Androscoggin, Senator Trafton, in policies that would help us to conserve electrical energy. I do not agree with her conclusions of her evaluation of human nature with respect to the effect of this Bill.

My own judgement is that if anything, this Bill will encourage greater use of electricity. The reason, the biggest reason in the Bill, is the grandfathered family farm rate. The section on the family farm rate is confusing. First, it says you do it like we did before. Then it says, no, you're grandfathered in to where you were before residentially.

I went over this at some length with people at the Commission because I wanted to really understand it. We came to the conclusion that it really does grandfather in at a low residential rate some of our biggest users of electricity on the family farm.

Then I went to the farmers, as represented by the Farm Bureau people, who are here in our lobby from time to time, and some other individual farmers. I said, are you really after this? When they understood what I meant, they said, no, we're not after this. We realize that makes everybody else's rates go up, so they aren't after it. Yet, if they're given it, if they're given it, they have every incentive to use more and more and more electricity at a very low rate, while everybody else's rate goes up. It doesn't make any sense.

I think we have dealt with everything else in the Bill. We've debated it thoroughly. We've considered it, dealt with it, and defeated it. At this time in the Session, I would very much urge that the Senate defeat this finally.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President and Members of the Senate, I would like to clarify the Record. We have right now, with Central Maine Power Company, they used to have declining block rates which meant the more electricity you used, the cheaper it was. The Legislature opposed that policy, because basically the Legislature felt that we should be encouraging conservation.

The PUC changed Central Maine Power's rate structure to a flat rate. In other words, you pay 5.7 cents a kilowatt hour for every kilowatt you use. I'll tell you what encourages conservation, the fact that electric rates are high. That's what it is, that oil rates are high, that OPEC nations have jacked the oil rates up. That's the reason people are conserving. The

flat rate structure that we have does encourage conservation. My electric bill for two months went from \$60 to \$80 to \$100. Let me tell you something, the lights started going off in the house all over the place. The more electricity I use, the higher, the larger that bill is going to be. We do have a flat rate structure right now.

What this bill does, if we start throwing 80 kilowatt hours up front into this minimum charge, it's going to raise that 5.7 cents a kilowatt hour which Central Maine charges to about 6.2 cents a kilowatt hour. In other words, it's going to raise the cost per kilowatt hour.

People are conserving now. They're conserving because of the high cost of electricity. This bill, and probably the most important thing in it here is we should not be setting electric rates in this Legislature. Why are we throwing 80 kilowatt hours in? Originally the feeling was, throw 100 kilowatt hours in up front. They realized that people who were for this bill, that if you threw in 100 kilowatt hours in up front that the minimum charge of Central Maine Power would be more than \$5.70, therefore, it would cause a political backwash.

Therefore, they decided, let's reduce the number of kilowatt hours so we can't get the minimum charge under \$5.70. These are strictly political games being played here in setting rates. Again, I emphasize, and this is the importance of the appointed Commission also that we have today. We insulate our commissioners from politics. So they can sit and set rates in a rational way, with the guidelines set forth by this Legislature and by the federal government, which has set your rates according to the actual costs of electricity. There are certain fixed charges. Those fixed charges again are, poles, wires, meters, meter readings, billing, insurance, taxes. These are charges, actual charges to all the customers. They're averaged out and each customer is given a customer service charge. This is the best estimate of the Public Utilities Commission in charging people according to what the actual costs are of having them hooked up to a system and then giving them a flat rate for every kilowatt hour which they use.

I urge the Senate again to vote against this Bill.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate: This morning I'm going to support the Governor's Bill, LD 1679, not because of intellectual dishonesty or all the buzz words I heard used this morning, but simply because I just became aware of the PUC report. I think it's of significant value that some of these particular aspects of that report be read into the Record, so in future years they'll understand exactly what the rationale is about this.

The first part of the report, which I found of significant value, and even on support of the removal of the customer service charge, "is the monthly bill of a high use customer will increase even more, by anywhere from \$10 to \$45 a month. It is true that the low use customer of 200 to 300 kilowatt hours would see a net decrease in his or her bill, but it is assured that the actual customer cost of \$5.70. It is clear that the low use customers are not paying their fair share, but are being subsidized by the average or high use customer."

I'm being intellectually honest for the low use customer I'm going to subsidize. It further states "It should be moreover noted that many high use customers are not wealthy, but in fact are low income. For example, nearly all low income customers who constructed their homes with FmHa loans have electric heat, or electric space heat, because that is what FmHa required."

Thus, low income but high use customers would, therefore, be substituting the customer's cost of the average and low customer use.

Another point of interest in the PUC report was finally the total elimination of the separate customer charge works to the advantage of the seasonal customer. Again, using CMP as an example, the customer has approximately 48,000 seasonal customers in 1980. If we again assume that the actual costs per customer are \$5.70, and if these costs are incurred regardless of usage, it is obvious that these, that in those months during which the seasonal customer is absent and using no electricity, the cost of serving him must, nevertheless, be recovered.

This is presently done by charging the seasonal customer \$5.70 every month, even if the customer uses no electricity.

They further state, under the proposed legislation, however, the recovery of those customer costs imposed by seasonal customers would be recovered through the energy charge as applied to all customers. Because the energy charge is constant throughout the year, but seasonal customers pay that charge only a few months, the company's other rate-payers would have to subsidize the seasonal customer. Again, I'm putting myself in the posture of subsidizing our seasonal customers.

It goes on to state, "thus in 1980, CMP's seasonal customers used a total of 112,867,327 kilowatt hours, and the utility received a revenue of \$8,882,318. If this revenue is adjusted to reflect the increase of per kilowatt hour of .00950 and the elimination of the \$5.70 customer service charge, total revenues from this class would have been only \$6,723,648. This represents a shortfall of \$2,136,570, which would have to be made up from year round customers.

Since about half of the seasonal customers are from out-of-state, half of the subsidy from year round customers would go to them, basically meaning that the rest of us who are customers in the State of Maine will pick up that particular cost.

Moreover, the customer charge is not limited to electric utilities, because these costs exist at all utilities. They must be collected from customers in the same manner. Consequently, and in my municipality we have a municipal water district, many utilities employ minimum charge for normal amount of water designed to recover these fixed costs."

It's nothing unique what the PUC set up insofar as minimal costs are concerned. The charge by local service by the telephone company can be characterized as a type of customer charge, for it recovers not only the cost of the telephone itself, or the local calls, but also the cost of access to the telephone network, poles, wires, etc.

Again, the part that irks me a little bit is that we are only going to the utilities of 20,000 or more customers. It basically exempts the utilities under 20,000, for it goes on to state in these small isolated utilities have very high customer charges. Isle au Haut Electric Co-op, for example, has a monthly customer charge of \$16. There are several others in the State of Maine.

If this is the intent of the Governor's Bill, to alleviate the problem with the low users of 200 or 300 kilowatts and have the rest of us who are medium and high use users of maybe 1000 kilowatts or more, then I think I'll assume the posture of helping out the low user by endorsing the Governor's concept in this particular Bill.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, just one

brief question through the Chair. In the interest of intellectual honesty, would someone please tell us what's going to happen to this Bill today if we refer it to Committee?

The PRESIDENT: The Senator from Oxford, Senator Sutton, has posed a question through the Chair.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: If the Bill is referred to Committee, I'll probably have it advertised and set up for public hearing.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: I have made official inquiry. If this Bill is referred to Committee, it can be set over until the next Regular Session, such as a bill that is before the Judiciary at this time.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Knox, Senator Collins that LD 1679 be Indefinitely Postponed.

A Yes vote will be in favor of the Indefinite Postponement of LD 1679.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Ault, Collins, Devoe, Emerson, Gill, Huber, McBreaity, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky.

NAY — Brown, Bustin, Carpenter, Charette, Clark, Conley, Dutremble, Hichens, Kerry, Minkowsky, Najarian, O'Leary, Pray, Trafton, Usher, Wood.

ABSENT — Violette.

A Roll Call was had.

15 Senators having voted in the affirmative and 16 Senators in the negative, with 1 Senator being absent, the motion to Indefinitely Postpone LD 1679 does not prevail.

On motion by Senator Trafton of Androscoggin, Referred to the Committee on Public Utilities and Ordered Printed.

Sent down forthwith for concurrence.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Committee Reports

House

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on, Bill "An Act to Reduce the Minimum Size for Exempt Lots Subdivided Under the Land Use Regulation Law." (S. P. 51) (L. D. 60) have had the same under consideration, and ask leave to report:

That the House recede from engrossment as amended by House Amendment "A" (H-84); indefinitely postpone House Amendment "A" (H-84); read and adopt Committee of Conference Amendment "B" (H-560) attached herewith and passed the bill to be engrossed as amended by Committee of Conference Amendment "B" (H-560), in non-concurrence.

That the Senate recede and concur with the House.

On the part of the House:

HALL of Sangerville

MARTIN of Eagle Lake

On the part of the Senate:

McBREAIRTY of Aroostook

O'LEARY of Oxford

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee of Conference Amendment "B" (H-560), in non-concurrence.

Which Report was Read.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President, this is one of 2 bills that are mine. I've read them, and I've gone over them good now, and I'm more disgusted than ever.

I move the Indefinite Postponement of this Bill and all its accompanying papers.

The PRESIDENT: The Chair would advise the good Senator from Oxford that the only motions available, the only positions available are Acceptance and Rejection of the Committee of Conference Report.

On motion by Senator O'Leary of Oxford, the Senate Rejected the Committee of Conference Report, in non-concurrence.

Sent down forthwith for concurrence.

(Senate at Ease)

The Senate called to order by the President.

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on, Bill, "An Act Concerning the Size of Exempt Lots Under the Subdivision Laws." (S. P. 141) (L. D. 312) have had the same under consideration, and ask leave to report:

That the House recede from passage to be engrossed as amended by House Amendment "A" (H-85); indefinitely postpone House Amendment "A" (H-85); read and adopt Committee of Conference Amendment "A" (H-559) attached herewith and pass the bill to be engrossed as amended by Committee of Conference Amendment "B" (H-559), in non-concurrence.

That the Senate recede and concur.

On the part of the House:

HALL of Sangerville

MARTIN of Eagle Lake

On the part of the Senate:

McBREAIRTY of Aroostook

O'LEARY of Oxford.

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee of Conference Amendment "B" (H-559), in non-concurrence.

Which Report was Read.

On motion by Senator Devoe of Penobscot, the Senate Rejected the Committee of Conference Report, in non-concurrence.

Sent down forthwith for concurrence.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Papers from the House

Joint Orders

Expressions of Legislative Sentiment recognizing:

The Brewer High School Girls' Softball Team, 1981 Eastern Maine Class A Champions. (H. P. 1669)

The Reverend Joseph Carrier of Saco, priest at the church of the Notre Dame, who is retiring after 45 years in the priesthood. (H. P. 1670)

Coach Jim Ford and the Oak Hill Raiders who have won 3 consecutive league championships in Class C tennis. (H. P. 1671)

Coach Bill Fairchild and the Oak Hill Raiders upon winning 5 consecutive league titles and 2 state titles in Class C baseball. (H. P. 1672)

The Raiders of Oak Hill High School and Coach Bill Fairchild, winners of the State of Maine Class C Baseball Championship for 1981. (H. P. 1673)

Lieutenant Timothy Sherwood, from South Paris, 1981 West Point Graduate. (H. P. 1674)

Come from the House, Read and Passed. Which were Read and Passed, in concurrence.

Joint Order

WHEREAS, the quality of education is of the utmost concern to all citizens of the State; and

WHEREAS, the quality of classroom instruction and all the issues that surround it are of critical importance in the lives of children; and

WHEREAS, there is evidence of interest in the role of local school committees and their

responsibilities; and

WHEREAS, there exists the possibility of enhancing the community-school relationship; and

WHEREAS, there is a need to look at the ever-widening responsibilities of the schools for matters not previously assigned to schools; and

WHEREAS, the State has a responsibility to provide leadership in education; now, therefore, be it

ORDERED, the Senate concurring, subject to the Legislative Council's review and determinations hereinafter provided, that the Joint Standing Committee on Education shall study the present delivery system for public education, including, but not limited to, the following areas:

A. The quality of elementary and secondary classroom instruction and ways to improve it;

B. Understanding by school committees and boards of directors of their authority and role, and ways to improve their exercise of their authority;

C. Methods to involve parents and the community more directly in public education; and

D. The ever-widening responsibility of schools for matters not previously assigned to them; and be it further

Ordered, that the committee report its findings and recommendations, together with all necessary implementing legislation in accordance with the Joint Rules, to the Legislative Council for submission in final form at the Second Regular Session of the 110th Legislature; and be it further

ORDERED, that the Legislative Council, before implementing this study and determining an appropriate level of funding, shall first ensure that this directive can be accomplished within the limits of available resources, that it is combined with other initiatives similar in scope to avoid duplication and that its purpose is within the best interests of the State; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the committee. (H. P. 1676)

Comes from the House, Read and Passed.
Which was Read and Passed, in concurrence.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Papers from the House Non-concurrent Matter

Bill, "An Act Promoting Alcoholism Prevention, Education, Treatment and Research." (H. P. 1540) (L. D. 1655)

In the House, June 9, 1981, Passed to be Engrossed as amended by House Amendment "A" (H-558), in non-concurrence.

In the Senate, June 9, 1981, Passed to be Engrossed as amended by Senate Amendment "D" (S-362), in non-concurrence.

Comes from the House, that Body having Adhered.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I would move that the Senate Recede and Concur and would speak briefly.

The PRESIDENT: The Senator has the floor.

Senator PIERCE: Mr. President, Members of the Senate. This is the last vote, whatever the outcome, on this piece of legislation. We have certainly debated the pros and cons at great length. I would just point out that the non-concurrences, the Committees of Conference, the Amendments all are behind us now. It is very simply do or die on this measure.

I would hope that you would consider well your vote this morning, and vote to support the Recede and Concur motion.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Mem-

bers of the Senate, from the day that this Bill first came to this Chamber, in fact, the day that it was introduced, I have raised my concerns with the sponsor of this legislation, and have echoed my sentiments on the floor of this Senate, with respect to the dedication part of this Bill, the dedication of funds.

I have told the sponsor, from day one, that I would not vote against Enactment on this Bill. My position has been very, very clear.

There have been all types of accusations made from one end of the hallway, down at the other end of the hallway in the building, in the House. There have been accusations made on the floor of this Senate, and I would suggest that all of them have been totally unfounded.

It was not the Senator from District 9 that had a House Amendment put on this Bill, that made an accounting change. It made it more easy for the State to collect the revenues from the brewers. It was the House membership that did that.

Once that Bill was opened up, it gave us the first opportunity, the first opportunity in this Chamber, and the first opportunity in the other Body, to discuss the real issue of this Bill, and that being the dedication of those funds.

We have lost the battle, and I intend to follow through on my commitment, and vote the Enactment, but I can assure you that if I'm back, and I think we'll all rue the day that this has become a dedicated fund, but I intend to come back, and I will fight harder and harder to make sure it stays in an account but that the Appropriations Committee and the Legislature as a whole can take all of our priorities in this State accountable at one time, that the elderly and the needy are not going to be discarded at the sake of one program.

Therefore, Mr. President, I would hope that the Senate Recede and Concur with the House.

The PRESIDENT: Is it the pleasure of the Senate to Recede and Concur with the House?

The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: I request a Roll Call.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, Members of the Senate, the summation made by the good Senator from Cumberland, Senator Conley, basically concurs with the rationale I had on this particular Bill.

I had very serious reservations, I still have, about dedicating revenues for one specific purpose, because there's no clear cut accountability.

In discussing the issue with some of the people here this morning, and all the phone calls I've received relative to this issue, I am going to vote and stand by a commitment I have made also, that I will go along to Recede and Concur with this particular Bill, to implement the program itself.

I assure you, also, I will have a very watchful eye as to the accountability of this program as time goes on. I think the merits are very good. The thinking has been good, but the implementation in the strategy we are using leaves a little bit to be desired.

I know the agencies involved in this particular thing are concerned, not only for their jobs, but for the people they are working on behalf of.

I know in talking to members of the Council on Alcoholism, they intend to really be more vigilant, and their boards intend to be more vigilant from this day forward, compared to what they have done in the past. I guess this would basically, again, put the bureaucratic system on notice that they'd better respond in the proper manner, instead of just being a conduit for all these monies to be earmarked any way they see fit.

I would hope the Senate would support me in the motion this afternoon to Recede and

Concur.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: Mr. President and Members of the Senate: Just to take a moment of your time, I appreciate all the support and the keeping of commitments on this Bill.

I realize that this has been a very hard Bill for all of us to deal with. It has been an especially hard Bill for me to deal with. I bow to the concerns of the senior members of this Body, who have been through many years of funding, and whether they're dedicated or undedicated, I hope their fears do not come true. I hope that because we have had this, if you'll excuse the term, blood letting, that, perhaps, it has put everybody on notice, that when they get funded for programs like this, they better come through with some darn good proposals to use this money, that we ought to have some results, that we ought to show that there is going to be lower drunken driving charges, that kids realize that when they get in their car, and they have drunk, that they are going to get picked up, that they have some kind of education to tell them not to do that.

I hope that the statistics will bear us out. I appreciate all of your support and I would appreciate you going with the Recede and Concur motion.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you, Mr. President. Mr. President, Men and Women of the Senate, I take a few moments as we approach the noon-time this day to thank you all for the support that you in this Chamber have given to the chief concern that I have expressed relative to the dedicated feature of LD 1655.

A strong case has been made and echoed over and over again by speaker, after speaker, after speaker to increase the State's commitment to the problems, treatment, education, prevention and rehabilitation of alcoholism.

I have a luxury this morning for which I am most appreciative, of knowing that the pending motion will prevail. I simply stand this morning saying to you that because I know the motion will prevail that I am going to exercise my legislative conscience and not join with you. Not that I don't share your commitment to address the tragedies of alcoholism, but in legislatively good conscience, I cannot support the creation of yet another dedicated revenue fund.

If the Highway Fund is any guide, I hope that what we're doing today with the creation of a dedicated fund that we will not live to regret it. I'm optimistic that the message has been loud and clear, and that this is one fund that will be responsible, accountable, efficient, responsive, all of those positive characteristics that we would like so to attribute to State government.

Again, while I urge you to support the pending motion, I exercise my right to abide by the principle which I have articulated consistently. Thank you.

The PRESIDENT: Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is the motion to Recede and Concur with the House.

A Yes vote will be in favor of the motion to Recede and Concur.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Ault, Brown, Bustin, Carpenter, Charette, Collins, Conley, Dutremble, Emerson, Hichens, Kerry, McBreaity, Minkowsky, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Sutton, Teague, Trafton, Trotzky,

Usher, Violette, Wood.

NAY — Clark, Devoe, Gill, Huber, Najarian, Sewall, C.;

ABSENT — None.

A Roll Call was had.

26 Senators having voted in the affirmative and 6 Senators in the negative, with No Senators being absent, the motion to Recede and Concur with the House does prevail.

There being no objections all items previously acted upon were sent forthwith.

On motion by Senator Pierce of Kennebec, Recessed until 2:00 o'clock this afternoon.

Recess

After Recess

The Senate called to order by the President.

Orders of the Day

On motion by Senator Huber of Cumberland, the Senate voted to remove from the Special Appropriations Table:

Bill, An Act to Create an Appellate Division of the Workers' Compensation Commission, to Require the Commission to Conduct a Data Systems Study and to Expedite the Filing of Medical Reports. (H. P. 1252) (L. D. 1476)

On motion by Senator Huber of Cumberland, the Senate voted to Suspend the Rules, for the purposes of Reconsideration.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider its action whereby LD 1476 was Passed to be Engrossed.

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider Adoption of House Amendment "A".

The PRESIDENT: The Senator has the floor.

Senator HUBER: I present Senate Amendment "B" to House Amendment "A" under filing number S-366 and move its Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber offers Senate Amendment "B" to House Amendment "A" and moves its adoption.

Senate Amendment "B" to House Amendment "A" (S-366) Read and Adopted. House Amendment "A" as amended by Senate Amendment "B" Adopted, in non-concurrence. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Senate Paper Joint Resolution

Senator TRAFTON of Androscoggin (Co-sponsors: Senator GILL of Cumberland, Senator NAJARIAN of Cumberland and Representative MITCHELL of Vassalboro) present the following Resolution and move its adoption:

STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Eighty-one.

JOINT RESOLUTION EXPRESSING SUPPORT FOR THE ADOPTION OF AN INFANT FORMULA MARKETING CODE.

WHEREAS, a code of marketing practices for infant formula companies was recently proposed to the member nations of the World Health Assembly; and

WHEREAS, almost all of the member nations of the Assembly, except the United States, have upheld the code; and

WHEREAS, this code would be a purely advisory code rather than a treaty or other international obligation, and would not place any internal limitations on the United States; and

WHEREAS, this code is intended to support the governments of poorer nations in their ef-

forts to protect their people against misleading advertising and other practices which may tend to induce women to abandon breast-feeding in favor of the use of infant formula even in circumstances where the use of formula may be inadvisable, unsanitary or inappropriate; and

WHEREAS, the approval of such a code by the United States is necessary in order to promote world concern for the nutritional well-being and health of infants throughout the world; now, therefore, be it

RESOLVED: That We, the Members of the Senate and House of Representatives of the 110th Maine Legislature, in First Regular Session now assembled, take this opportunity to express our support for the adoption of an infant formula marketing code. (S. P. 685)

Which was Read and Adopted.

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following: AN ACT to Authorize and Encourage Risk Capital Funds. (H. P. 1581) (L. D. 1675)

On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

AN ACT to Add a Class Size Adjustment to the School Finance Act. (H. P. 1176) (L. D. 1400).

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate, could somebody on the Committee of Conference tell the members of the Senate what the Conference agreed on and what the Bill now does.

The PRESIDENT: The Senator from Waldo, Senator Shute, has posed a question through the Chair to any member of the Conference Committee.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, Members of the Senate, originally the Bill was, an incentive was given to keep, to try and get class sizes under 20 for grades K-3.

The Committee of Conference eliminated Kindergarten, and now it just stands at grades 1-3. School systems which have classes in those young grades, lower grades, under 20 will receive \$500 per child for every youngster under 20 in that class.

However, it is built into the School Finance Act so that schools will be reimbursed based on their property wealth, their state valuations, as the case with Special Education, Transportation, and General Purpose Aid.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate, maybe the good Senator from Penobscot, Senator Trotzky could tell the Senate what criteria they used to come to the class size of 20. Why not 19 or 21? Have they done a study in that area, that it would be better to have 19 or 20 or 21 students in a class?

From my district, which is a fairly rural area, this seems to favor the urban areas of the state heavily. I think, if you come from Portland, and you have all your classes, 1-3, and 4-6, in one school, you can adjust your class size, 20 students per teacher very easily, but how do you work this with rural areas, such as mine, where I have 5 different school districts? I guess the one large city I have in my district is 5,000 people, and the other 29 towns in that district aren't nearly that large, 1,000 people.

How do you adjust the class size in a rural school where they have 27 students per class? It would seem to me that the only way that district could get any benefit, under this Bill, would be to transport the students 1-3 to one school, and transport the students 4-6 to another school, therefore, making up a large enough number of students so that they could segre-

gate those students, 20 students per classroom. Some of the schools that I represent in my district, they even have teachers teaching 2 grades, 11 students in one grade, 7 students in another grade. How do the districts come out financially as far as one teacher teaching 2 grades but they're teaching less than 20 students? Would they still get the \$500 a student, or do they have to have one teacher per grade?

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, I'm extremely happy that the Senator from Waldo is taking an interest in this Bill.

There's one major issue here and that's if you are a parent of a child, a small child, do you want that child in a class with 30 kids, or would you rather see that child in a class with maybe 20, 19, or 18 other children?

The essence of this Bill is to say to school systems that we'd like to see smaller classes in the younger grades because if children can get a good education in the younger grades, it carries on up into the upper grades. You don't spend money for remedial reading and so on.

We can't, it's hard to construct a bill that treats every area of the State exactly alike, because there are definitely some differences, but the Senator does have, for example, the town of Belfast in his area, which I think might make use of the Bill. Maybe they would find that it would be a benefit in education if the, to have smaller classes, maybe if some kids were transported from one class to another, but it was the, it's an attempt by the Education Committee to try to put some incentive into the School Finance Act to reduce class sizes.

All our communities are under budget problems. All our communities have budget problems right now because of inflation, and what's taking place today is teachers are being fired, and we're getting larger and larger classes, and our feeling is that this is not in the best interest of the children.

So, from the Committee on Education's point of view, we feel this is a good Bill.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate: The people in my area are truly interested in keeping their children in their own neighborhood and their own towns. As I said before, on this bill, I'm tired of this discussion, that in my area, in order to save a little money, the school directors and the superintendent of schools in my district wanted to bus the K-3 from the three towns within that district to one town. There was three towns in that district, close one school, and then bus the 4-6 to another school. The people in that district, overwhelmingly, rejected the school budget twice, and moreover, told the directors that they didn't want busing in that district when they would bus children, kindergarten children, or first grade children, 20 miles by their own schoolhouse, two towns down the line, in order to integrate classes, and bus children 4-6, 20 miles up the line to integrate classes, and I think this Bill is only going to implement that plan.

Now, towns are hard pressed for education money right at the present time. Could anyone here tell me how this is going to save money?

Are you going to put the extra money into busing? I mean, they've tried busing the world over, and it hasn't worked out too good, but I think most people are interested in keeping their children K-6, at least, in their own community.

Now, this is a great bill for Bangor. I'll say that, because all your students integrated into one classroom, schoolhouse, but it's not very good for rural areas. I think this money might be better spent if we put it onto leeway and divided it up over the whole State and forgot about the busing situation.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: I move that LD 1400 be placed on the Appropriations Table.

The PRESIDENT: The Chair would advise the Senator that he was out of order, that he cannot put anything on the Appropriations Table.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President, the good Senator from Penobscot will be interested that I, also, have taken interest in this Bill primarily based on the Fiscal Note, which is \$350,000 in the fiscal year '83, and \$1,570,000 in fiscal year '84.

I'm sure we'd all like to see better education, small class sizes, but I think that by the time this Bill gets into effect and begins costing us this kind of money, I suspect there will be enough changes in the general education area made by Congress that perhaps we'd better consider this later when our financial situation is clearer.

I, therefore, move the Indefinite Postponement of this Bill and all its accompanying papers.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: The Senator from Cumberland has peaked my interest with the dollar figures that he's stated with this. I also was interested in the good Senator from Penobscot's statement that the reimbursement to communities was based on the Education Finance Act, and that really showed their true dedication to education for grades 1-3 when they based it on the Education Finance Act, because many of my coastal communities will undoubtedly be ineligible, because of the Education Finance Act, because of the high property valuations within that area.

If we are truly interested in better education for grades 1-3, then I would suggest that there must be a better means for a wider distribution of the funds than through the Education Finance Act valuation method.

While I'm very sympathetic with the things that this does, and with the end product of implementing this thing, I think, with the cost factor and with the inequities already stated, that I, too, will support the Indefinite Postponement.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President and Members of the Senate: I'll support the motion to Indefinitely Postpone this Bill at this time because, yes, it isn't a priority on the Education Committee. The priority of the Education Committee was "leeway." The priority, yes, was to spread money around to all communities, and right now this State is funding leeway \$2,000,000 less than it was supporting it last year, \$2,000,000 less, and what did the Appropriations Committee do on that? The Appropriations Committee did nothing.

We came in with a Bill. We came in with a Bill, saying that any funds left over in the Education Account be used to fund leeway, and not sent up to a Highway Department or sent off to other Human Services. That was the priority of the Education Committee, and it's still the priority of the Education Committee.

So, to say in one breath, you don't like this Bill, and let's have other bills that will spread money evenly over all the communities in the State. This Senate rejected that. It's important because as Chairman of the Education Committee, I'm not going to be quiet. Somebody has to say and point out to the people of the State of Maine that by the Governor of this State, by leaving the mil rate the same, and leeway at 1.2, \$125, he is actually spending \$2,000,000 less in leeway, in the State of Maine this year. Eighty-five percent of the communities in the State of Maine make use of leeway.

So, to expedite the process, I would concur and ask the Senate to Indefinitely Postpone this Bill.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you, Mr. President. Mr. President and Members of the Senate: There are some questions that have gone unanswered even though I reflect the sentiment that has been said so beautifully and forcefully articulated by the good Chairman of the Joint Standing Committee on Education, Senator Trotzky from Penobscot.

Where were you Senator Shute? And where were you Senator Perkins, when the leeway Bill was before this Chamber? Not only has the Governor, under funded Leeway in his proposed budget, but this Chamber went on record as not supporting the priority measure from the Joint Standing Committee on Education, LD 747, not only in Bill form but in an Amendment form.

Why did the Committee on Education settle on 20 as the magic figure? Where are the studies that would justify our contention that a teacher/pupil ratio of 20-1 in the lower grades, namely reflective of the Committee of Conference, grades 1-3 would justify a ratio of 20-1.

Indeed, there isn't a piece of educational research which does not support the benefits to the little people with a lower teacher/pupil ratio and the opportunity for obviously more individualized attention and/or instruction.

The intention of the Committee on Education was not to favor the urban areas, if urban areas who experience unique situations in the State, among them this proportionate municipal overburden, as compared with our rural communities, do have the ability to take advantage of this measure on a more frequent basis than do the more rural communities, then that is the way the cookie crumbles, so to speak. The intention was not to favor the urban area, but they do have disproportionate expenses relative to education.

As I mentioned, not to mention, perhaps, lack of or uneven or inequitable proportions of exempt property within their municipality boundaries.

I wondered when this Bill would come to the attention of this Chamber again. I sort of looked around and wondered who would be standing. The good Senator from Waldo, Senator Shute and I debated this issue when the Bill was before us originally, before it went to the Committee of Conference and this Senate rejected it at that time, prior to the Committee of Conference.

I am under no delusions today that this Bill or the pending motion will not be Indefinitely Postponed, particularly since the good Senator from Penobscot, Senator Trotzky, has joined that side. I simply say to you that I will not vote to Indefinitely Postpone this measure, that I think if we are going to address the issue of funding for exceptional children, for remedial educational programs, then we ought to begin at the root cause of it all, and that is ineffective, too large pupil numbers in classrooms, where the very core basics are taught.

This Bill has nothing to do with busing, and I am reassured, once again, that the people in Waldo County, have retained local control, when they; once again, reaffirmed that they did not want their youngsters bussed. Busing is separate and distinct. If a school unit in this State would qualify, by establishing pupil teacher ratios of 20-1 in their classrooms, then they would be eligible for the incentive program, which is structured according to the School Finance Act under this Bill LD 1400.

As usual, I bow to the majority will.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate, I happened to look over my Roll Call records on LD 747, and I don't find a Roll Call on that motion, and I wonder if that Bill went under the hammer to defeat, and I wonder if anyone in this Senate voted for defeat of this Bill, not just the Sen-

ator from Waldo.

I'm kind of confused, when we bring up where the people were when the Bill came up. I think I was up the last time this Bill was up. I opposed it the last time. I oppose it now, and I don't think anyone in the State should wonder where I'm coming from on this Bill.

This Bill does affect the busing in the district. It affects \$500 per pupil, and if \$500 per pupil isn't enough leverage to make school district directors and superintendents in this State to change their direction on busing in this State, I don't know what is. I've seen school district directors and superintendents in this State change the direction of school policy for \$10 a student, let alone \$500 a student.

Now, this Bill is pointed towards helping the urban areas in the State. Now, I'm not against education. My wife teaches school. She teaches 3rd grade. She could qualify under this. So, I think the money, in this Bill, would be better spent in other ways to benefit all the students in the State, not those that are willing to bus their students from one town to another so that those students would be on a bus an hour a day extra. When they bus students right by their own schoolhouse, 15 miles up the road, just to save \$500 or get \$500 of State money, I think it's a sorry state of affairs. I think we ought to take a look at the students. Is it more important to save \$500 a student, or is it more important that that student not be on a bus 2 1/2 hours extra every day?

I wouldn't want to be on a bus 2 1/2 hours every day if I didn't need to, and I don't think those little children, 6, 7, 8 years old ought to be on a bus if they don't have to for 2 1/2 hours, when they get bussed right by their own schoolhouse and up the road.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Thank you, Mr. President. Members of the Senate, I'm kind of confused at this point that we're getting kind of twisted on this particular Bill.

I don't see this is a busing issue in any fashion, and I don't think it's been purported to be. As far as citing research relative to the 20 class size, I think probably we could do that, that that is probably the maximum size that one teacher could handle reasonably within a room.

The issue it raised with me, this particular Bill, was just what was expected out of that extra \$500 to a community? Would they be expected to hire an aide, for instance, to work in a classroom? Would they be expected to divide that class up if there is 25 people in the class? Or would that extra \$2500 dollars for those 5 extra students, would they hire an aide to assist them?

It's not a busing issue, and as far as this arbitrariness of 20 class size, I think we probably could get the necessary research to cite that that's probably the maximum that a teacher could handle. But, I would like to pose that question, as what would happen with the extra \$500?

The PRESIDENT: The Senator from Washington, Senator Brown, has posed a question through the Chair.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you, Mr. President, 20 seems like a good round number, 20 was an optimum number when one teacher is dealing with 20 little wiggly people, grades 1 through 3. That's 5, 6, 7, and 8 years old.

To reduce the teacher/pupil ratio from what is normally 1 to 25 or 1 to 30, and in some instances 1 to 40 in our State, rarely I might add thank goodness, poses additional financial burdens on the local school unit. The \$500 was an attempt to address those financial burdens. The determination and the staffing and/or arrangements within the classroom are still vested in the local school unit, school committee, or board of directors.

In the County of Waldo, as I said in my ear-

lier remarks, which perhaps were a little too heated, or even intemperate, for which I apologize to my good colleague from that County. I am reassured that local control will still prevail. I can not imagine in that County or any other county where the influence of elected school directors, or an employee, the chief school officer, the superintendent of schools, let alone the principals or other administrators would have that much influence over the will of the citizens of any Maine community, whereby \$500 as an enticement and/or incentive would thwart the wishes of the citizens.

Relative to the disposition of the Leeway Bill earlier in our session, or the disposition of this Bill earlier in our session, I haven't had the opportunity to check the Roll Calls. I do know that the good Senator from Penobscot, Senator Trotzky and I, signed out on opposite sides on the Committee Report. My signature reflected the Majority Committee Report, which, if I remember, and I'm not remembering exactly down to the last penny, so to speak, but did fall as issues have perhaps even too frequently fallen, or been decided upon in this Chamber, with the Majority Party prevailing and the Minority Party not prevailing. I would submit that perhaps that is the manner with which both the leeway and the disposition of LD 1400, prior to the Committee of Conference, were finalized in this Chamber.

I simply am stating this to clarify some of the concerns that were expressed, and to justify my vote this afternoon when I do not join with you in supporting the pending motion of Indefinite Postponement. Maybe we will even table this Bill on the Appropriations Table pending the motion to Indefinite Postponement. Who knows what will happen?

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President and Members of the Senate, I am a bit concerned about the process that's taking place right now. We're dealing with an Enactor which costs money. There were other bills the Education Committee put out, which were very important, also. One, which I feel maybe takes priority over this, which had to do with residential treatment centers and sending children who are state wards to residential treatment centers. This was one of the priorities of the Education Committee.

The Leeway Bill was one of the priorities of the Education Committee. These bills went on the Appropriations Table, and then they were weighed, I assume, together as to one versus another.

Here we're taking a bill totally out of the process and dealing with it. This Bill does have merits. It really is not a bussing bill. It's not my priority. I believe, for example, the Residential Treatment Center Bill for state wards has a higher priority than this. I believe that this Bill does belong on the Appropriations Table, as the others were put there.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Huber, that LD 1400 be Indefinitely Postponed, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

14 Senators having voted in the affirmative, and 12 Senators having voted in the negative, the motion to Indefinitely Postpone LD 1400 in non-concurrence, does prevail.

Sent down for concurrence.

AN ACT to Provide More Public Accountability for Sewer and Sanitary Districts. (H. P. 1562) (L. D. 1670)

AN ACT to Maintain and Improve Marine Patrol Services. (H. P. 1589) (L. D. 1680)

Which was Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

proval.

Emergency

AN ACT to Revise the Salaries of Certain County Officers. (H. P. 1508) (L. D. 1622)

This being an emergency measure and having received the affirmative votes of 28 Members of the Senate, with No Senators having voted in the negative, was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

AN ACT to Fund and Implement Certain Collective Bargaining Agreements and to Fund and Implement Benefits for State Employees Excluded from Collective Bargaining and to Provide Funding to the University of Maine for Collective Bargaining Purposes and to Provide Additional Funding for the Maine Maritime Academy. (H. P. 1598) (L. D. 1683)

This being an emergency measure and having received the affirmative votes of 27 Members of the Senate, with No Senators having voted in the negative, was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

On motion by Senator Collins of Knox, the Senate voted to take from the Unassigned Table:

SENATE REPORTS — from the Committee on Election Laws — "Bill, An Act Relating to Political Fundraising by State Employees." (S. P. 258) (L. D. 740) MAJORITY REPORT Ought to Pass; MINORITY REPORT Ought Not to Pass.

Tabled—April 15, 1981 by Senator Collins of Knox.

Pending—Acceptance of Either Report.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I now move Acceptance of the Minority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I request a Roll Call.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President, LD 740 is my Bill, as we heard before. It's been resting Unassigned for a good many months. The public hearing was way last March, the 3rd to be exact. It was reported out of Committee favorably, and went zipping through the process, pending Final Enactment, I believe. Here it comes off the Table.

LD 740 is an attempt to bring classified State employees into the political forum to the extent that they may engage in fund raising activities outside their working hours. It is 1981, not the transposition of those figures, 1891.

This Bill has been introduced before. There were no opponents. There were none who testified at the public hearing, neither for nor against in that famous category of those who either can not make up their mind or really don't want to, or perhaps even don't dare. Some of us call it the gray area. Others refer to it as the fence.

There were over nine proponents testifying in support of this measure. Title 5, MRSA, Subsection 14, presently prohibits, (is it Title, or Chapter, I can't remember), prohibits classified State employees from soliciting or receiving contributions for political candidates for federal, state, or county offices.

Teachers, municipal workers, university employees, and unclassified State employees may solicit and receive contributions. Classified State employees can not.

LD 740 would remove this prohibition for

classified employees. The Bill has some built-in safeguards. It would continue to prevent State workers from any such activities during their working hours, while they are on State property, and through the use of State facilities such as telephones or the State mail service.

In addition, State employees would continue to be prevented from using their positions in any way to coerce other employees to contribute to a particular candidate, party, or cause. Presently, unclassified State employees, including political appointees are not subject to the restrictions as are our Maine citizen classified employees. Federal law does not prevent State employees in federally funded positions from soliciting political contributions, as long as it is not done on State time or on premises belonging to the State.

Therefore, the change that this Bill, LD 740, proposes, will not in any way, I submit, jeopardize federally funded programs or positions.

In the 109th Maine Legislature, this Bill was reported out of the Committee on Election Laws with a Majority favorable Report. It passed at that time, 116 to 26 in the other Body. It ran into similar action as reflected in the pending motion in this Calendar today. It died in this Chamber in the 109th.

I believed then, perhaps erroneously, that the reason that the Minority Ought Not to Pass, which is indeed Minority this time, prevailed in the 109th Maine Legislature in this Senate Chamber, was that we were emerging from a very traumatic fair share issue and emotions were running high. I can not believe that common sense, that extending the rights of first class citizenship to our classified State employees, will not prevail today.

Obviously, I hope that we reject the pending motion. Classified State employees should be able to exercise, if nothing else, first class citizenship rights and responsibilities, and should be allowed to raise funds for candidates of their choice at the various levels of political activity.

Courts in general have recognized that State employees should enjoy as few restrictions as possible. I would submit that it is unalterably unjust that they are prohibited from exercising their political rights, those rights, on which we depend, those rights on which our system of government so depends.

At the very least, LD 740 would simply allow a classified State employee to sell a ticket to a bean supper, or some other political fundraiser. State employees are asking to be freed from second class citizenship. There are over 12,000 of those people, who are our fellow citizens out there, who are prohibited today, simply because they, coincidentally are classified employees, our employees, the employees of the citizens of this State. They are, in fact, disenfranchised, and I urge you to free them today, to allow them to participate fully, to stand tall. I submit to you it is the very least we can do.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President and Members of the Senate, this issue before us, this Bill, is an extremely dangerous piece of legislation. This Bill that would allow political fundraising by State employees poses a really serious threat to good government. Public officials, whether they be State employees, members of the Legislature, or the Governor, must have the trust of the people of Maine to be effective. Without question, this Bill has the power and potential to destroy that trust.

This Bill does not really add to the rights already enjoyed by State employees. It merely opens the door to coercion, corruption, and conflict of interest.

In 1975, in the Maine Legislature repealed the Baby Hatch Act. It wisely rejected a companion bill that would have removed the prohibition against political fundraising by classified State employees.

In 1977, the 108th Legislature rejected this

Bill. The good Senator from Cumberland, Senator Clark, has already told us about how the 109th Legislature rejected this same Bill. Now, in 1981, the 110th Legislature has to make a decision. I trust it will be to reject this disastrous Bill once again.

Maine's classified employees can work for political candidates. They can attend caucuses and conventions. They can give money to the party or candidate of their choice. They may not legally engage in political fundraising. The danger of involving State employees in political partisan fundraising is obvious. Every day, during the working hours, citizens of Maine rely on State employees for information, services, for permits, for licenses, and for administrative decisions. When the working day is over, if those same State employees are selling tickets for a party fundraiser, or soliciting money on behalf of a certain political candidate, the potential for a little friendly greasing of the skids is all too obvious.

Moreover, this Bill threatens the very fabric of our State employee system. Our State employees are hardworking and dedicated individuals. They deserve job security, pay increases, and promotions based on merit and performance, not on their ability to raise political funds.

I believe that we will have better State government if our State employees are non-partisan in their dealings with the public, and with their fellow employees. I am informed that in one state, where the partisan fundraising is permitted, this system was, unofficially but clearly, been turned into a virtual checkoff against the employees' salary as a contribution to the party in power. It's a great deal of embarrassment that occurs when the party in power shifts from one party to another.

In my judgement, our State employees are paid little enough now without having added to their union dues another contribution to the union political action committee, or to a particular party candidate. The people who are clamoring for this Bill, who are here in the halls every day lobbying for it, do not represent the rank and file members of MSEA and MTA. The rank and file have no desire to become involved in political fundraising. I can assure you. They are satisfied with the freedom to contribute as they please and to whom they please, without being solicited or asked to solicit.

Many of them have told me that they resent the use of their dues to support candidates whom they do not support. They resent the use of their money to endorse 89 Democrats and 5 Republicans. Of course, the Democrats resent the endorsement of the 5 Republicans.

Our State employees are qualified to make their own choices. The use of their hard-earned dollars should not be left up to a minority band of union activists.

Ladies and Gentlemen of the Senate, the passage of this Bill would not enhance the rights of our State employees as some would argue. It would, in fact, jeopardize the existing rights that they have fought long and hard to gain. The question before us today is not one of employee rights, but rather one of good government. I ask you to join me in voting to defeat this legislation.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate, the good Majority Leader of the Senate has finally baited me during this Session. There must be something wrong with the AFL-CIO, as well as the Maine State Employees Union, because it was brought to mind, they also endorse very few Republicans. I am a little bit shocked to hear the low number of Republicans that were endorsed by MSEA. In fact, if one recalls, two years ago, when I spoke in favor of this Bill, I told you about how many votes the Maine State Employees Union could carry, their own. I said I'd like to see a carbon copy of the ballot after they came out from

voting.

That's not the issue here. The issue is should the employees have the right, the basic right as any other public employee to be able to raise funds to assist candidates of their choice. That's what it all boils down to. I remember I told all of you, the good Senator from Kennebec, Senator Ault. Don't worry about this Bill. State employees vote Republican. For the issues that we had in here dealing with fair share and every other State employees issue that was before us in the last session, and the good Senator from Kennebec voted against those issues. He's back. He's back. MSEA couldn't stop him.

Let's not narrow this thing down. When the good Senator from Knox, whom I have a great deal of admiration, has really not been one out supporting the so-called labor movement in his number of years being in this Body. He was against collective bargaining recently for county employees, against collective bargaining for the judicial employees.

We can honestly say that perhaps we might even extend it beyond that, that he really doesn't believe in collective bargaining at all. We have it. We have it because some people in this Chamber and in the other Chamber from year to year have an open mind. They feel that the working citizens of this State, who are working for the public sector should be treated as equally as those in the private sector.

Why can't we extend that just one step further, and say why should we deny, why should we deny those individuals working in the public sector the same basic rights that anyone else has on the outside, or being able to go out and raise a few dollars if they want to support someone they want.

I would urge the Senate to reject the pending motion, to keep an open mind like the good Senator from Aroostook, Senator McBreairey did in sponsoring this Bill a couple of sessions ago. That shows to me a man of courage, a man of conviction, a man who's willing to put his name on the line.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you, Mr. President. Mr. President, Men and Women of the Senate, seldom have I been prompted to respond to the remarks of the good gentleman from Knox, Senator Collins, for that Majority Floor Leader has long ago earned my sincere admiration and respect and reverence. Forgive me if I can not associate the remarks that he shared with us on the floor, just a few minutes ago, with my image of Senator Collins and the respect in which I hold him, that LD 740, this innocuous little Bill, to quote the words of a line State employee who happens to be classified, "free me to exercise my rights politically." That LD 740 would jeopardize the rights that classified State employees have fought so long to gain, that the danger is obvious that we would, if we passed this measure be greasing the skids or even threatening the fabric of our State employee system, that LD 740 and its impact or effects, should it ultimately be passed, would be disastrous or dangerous, or even a serious threat to good government. Forgive me if I do not embrace those sentiments, or even if I listen to them incredulously and with amazement.

The restrictions in political fundraising under which our classified employees currently exist should be removed. It's really as simple as that. Yes, indeed, the gentleman from Senate District 11, who came to testify on this measure, is not to even extend the terminology, a goon of the union. He is a loyal, responsible, dedicated, classified State employee. He testified that he didn't know of any other group who were denied their political rights. He sought only to be granted the right to serve his country and indeed his state, municipality, and county, in a full political fashion. He wished to be unencumbered from the prohib-

itions which currently exist.

I think that State employees are paid little enough now. If they were paid more, then that should be the result of the collective bargaining process. Are we paying them by denying them the exercise of those political rights that we enjoy, or that unclassified State employees enjoy? Is that how we reward our State employees?

If the rank and file of those 12,000 more or less classified State employees, to quote the good Senator from Knox, are satisfied now, why did they come unsolicited to testify in support of passage?

I'm glad we have a Roll Call. I guess I'm chagrined that I don't view LD 740 as in such a sinister light as does my colleague from the County of Knox. I view it positively. I am willing and eager to extend to all Maine citizens, regardless of their employment, the exercise of full first class citizenship, politically or otherwise.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, Ladies and Gentlemen of the Senate, very briefly, with all respect to my good colleague from Cumberland, her basic precept is very good and very honest and very true. The only difference is, in my opinion, that the good Senator from Knox has put it in perspective, that should the employee have the right to participate as he sees fit, then we would be talking about something that's honest and legitimate.

There are those of us that do not believe that that is the situation. That is precisely why this law was passed in the first time, and the reason why we should maintain it.

If he could endorse the person he wanted to, and contribute to the person he wanted to, number one, and if number two, his job wasn't in jeopardy if he didn't, then everything that's been said would be absolutely true. For those two basic reasons and those two basic concepts, it is not just and fair that the system that we have now be changed. Thank you.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President and Members of the Senate, I didn't intend to get in on this controversy, but the good Senator from Cumberland made a statement which provoked me to stand up and defend my position on this Bill. When she said that someone at the hearing stated that they didn't know of any other group which was restricted from taking part in political activity.

There are not too many State employees down in my area of York County. We do have a group of people down there that can not take part in any political activities, because they happen to work for the Naval Shipyard in Kittery, Maine. I've had a great many of these people who would like to serve on town committees, who would like to get active in the political area, but federal regulations are not allowing them to do so. As long as that group can not do so, I don't know why we should have to make any provisions for State employees to have that same right.

The PRESIDENT: Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is the motion by the Senator from Kennebec, Senator Pierce, that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of the motion to Accept the Minority Ought Not to Pass Report of the Committee.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Ault, Collins, Devoe, Emerson, Gill, Hichens, Huber, McBreairty, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky, The President J. Sewall.

NAY—Brown, Bustin, Carpenter, Charette, Clark, Conley, Dutremble, Kerry, Minkowsky, Najarian, O'Leary, Pray, Trafton, Usher, Violette, Wood.

ABSENT—None.

A Roll Call was had.

17 Senators having voted in the affirmative and 16 Senators in the negative, with No Senators being absent, the motion to Accept the Minority Ought Not to Pass Report of the Committee does prevail.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Having voted on the prevailing side, I move Reconsideration.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Knox, Senator Collins that the Senate Reconsider its action whereby it Accepted the Minority Ought Not to Pass Report of the Committee.

Will all those Senators in favor of Reconsideration please say "Yes".

Will all those Senators opposed, please say "No".

A Viva Voce Vote being had, the motion to Reconsider does not prevail.

Sent down for concurrence.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Committee Report Senate Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act to Remove the Customer Charge from Electric Utility Rate Structures." (S. P. 654) (L. D. 1679)

Reported that the same Ought to Pass.

Signed:

Senator:

TRAFTON of Androscoggin

Representatives:

DAVIES of Orono

RIDLEY of Shapleigh

McGOWAN of Pittsfield

BOISVERT of Lewiston

VOSE of Eastport

BORDEAUX of Mount Desert

McKEAN of Limestone

CUNNINGHAM of New Gloucester

KANY of Waterville

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Senators:

TROTZKY of Penobscot

DEVOE of Penobscot

Which Reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, I move the Senate Accept the Ought Not to Pass Report of the Committee.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President, I request a Roll Call and would ask you to vote against the pending motion.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is the

motion by the Senator from Penobscot, Senator Trotzky, that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of the motion to Accept the Minority Ought Not to Pass Report of the Committee.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Ault, Collins, Devoe, Emerson, Gill, Huber, McBreairty, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky, The President J. Sewall.

NAY—Brown, Bustin, Carpenter, Charette, Clark, Conley, Dutremble, Hichens, Kerry, Minkowsky, Najarian, O'Leary, Pray, Trafton, Usher, Violette, Wood.

ABSENT—None.

A Roll Call was had.

16 Senators having voted in the affirmative and 17 Senators in the negative, with No Senators being absent the motion to Accept the Minority Ought Not to Pass Report of the Committee does not prevail.

The Majority Ought to Pass Report of the Committee Accepted. The Bill Read Once.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President, I now move. Under Suspension of the Rules, that we give this Bill its Second Reading.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I ask for a Division.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: I withdraw my motion.

The PRESIDENT: The Senator from Androscoggin, Senator Trafton, requests Leave of the Senate to Withdraw her motion to Suspend the Rules.

Is it the pleasure of the Senate to Grant this Leave?

It is a vote.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I move that this Bill be given its Second Reading later in today's session.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: A parliamentary inquiry. Can the Second Reading be given without Suspending the Rules, and if so, under what circumstances?

The PRESIDENT: The Chair would advise the Senator that the Second Reading may be given not sooner than one hour after its initial reading.

The Bill Assigned for Second Reading later in today's session.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Communications House of Representatives

June 10, 1981

Honorable May M. Ross

Secretary of the Senate

110th Legislature

Augusta, Maine

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action to the two branches of the Legislature on Bill "An Act Concerning Workers' Compensation Cost Containment" (H. P. 502) (L. D. 553)

Representative MITCHELL of Vassalboro

Representative DIAMOND of Windham

Representative HIGGINS of Scarborough

Respectfully,

S/EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

House of Representatives

June 10, 1981

Honorable May M. Ross

Secretary of the Senate

110th Legislature

Augusta, Maine

Dear Madam Secretary:

The House today voted to Adhere to its action whereby it accepted the Majority "Ought Not to Pass" Report of the Committee on Labor on Bill "An Act to Revise the Method for Payment of Permanent Impairment Benefits under the Workers' Compensation Act" (H. P. 878) (L. D. 1047)

Respectfully,

S/EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

House of Representatives

June 10, 1981

Honorable May M. Ross

Secretary of the Senate

110th Legislature

Augusta, Maine

Dear Madam Secretary:

The House voted today to Adhere to its former action whereby it Indefinitely Postponed Bill "An Act to Revise Workers' Compensation Disability Payments" (S. P. 358) (L. D. 1033)

Respectfully,

S/EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Emergency

AN ACT to Create the Public Advocate to Represent the Interests of Utility Customers. (H. P. 1578) (L. D. 1673)

This being an emergency measure and having received the affirmative votes of 27 Members of the Senate, with 4 Senators having voted in the negative, was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

AN ACT to Authorize Bond Issues up to the Amount of \$5,100,000 for Energy Conservation Improvements for State-owned Buildings, Completion of State of Maine Park Facilities and Equipment Replacement for the Maine Public Broadcasting Network in the State of Maine. (H. P. 1550) (L. D. 1663)

On motion by Senator Conley of Cumberland, Tabled until later in today's session pending Passage.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Paper From the House Non-concurrent Matter

Bill, "An Act to Establish Temporary Minimum Prices to be Paid to Milk Dealers and Retailers and to Facilitate Compliance of the Milk Commission with Recent Cases before the Maine Courts. (Emergency) (H. P. 1660) (L. D. 1688)

In the Senate, June 9, 1981, Passed to be Engrossed, in concurrence.

Comes from the House, Passed to be Engrossed as amended by House Amendment "B" (H-566), in non-concurrence.

On motion by Senator Collins of Knox, Tabled until later in today's session, pending Consideration.

Communication House of Representatives

June 10, 1981

Honorable May M. Ross

Secretary of the Senate

110th Legislature

Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to Adhere to its action whereby it accepted the Majority "**Ought Not to Pass**" Report of the Committee on **State Government** on Bill, "An Act to Provide that Merit Increases for State Employees will Only be Awarded for Job Performance that is Meritorious" (H. P. 714) (L. D. 839)

Respectfully,
S/EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

Order

An Expression of Legislative Sentiment recognizing:

Ronald G. Thurston, of West Gray, member of Boy Scout Troop 86, upon attaining the high rank and distinction of Eagle Scout. (S. P. 686) presented by Senator HUBER of Cumberland.

Which was Read and Passed.

Sent down forthwith for concurrence.

Orders of the Day

The President laid before the Senate:

JOINT ORDER—relative to the Workers' Compensation Commission studying the area of vocational rehabilitation. (H. P. 1618)

Tabled—Earlier in the Day by Senator SEWALL of Lincoln.

Pending—Passage.

On motion by Senator Sewall of Lincoln. Retabled until later in today's session.

The President laid before the Senate:

JOINT RESOLUTION—Accepting the Capitol Planning Commission Report and Indicating a Willingness to Utilize the Capitol Complex Plan and Public Improvement Proposals as a Guide for all Future Legislation Pertaining to the Capitol Complex. (H. P. 1675)

Tabled—Earlier in the Day by Senator PERKINS of Hancock.

Pending—Adoption.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President, Ladies and Gentlemen of the Senate, while the original piece of this legislation, to which this refers, the Capitol Planning Commission, has cleared the Appropriations Committee and now lies on the Table with our approval, I guess my reservations with regard to this Order fall on the last paragraph, when it says it's willing to utilize this plan together with any supplements to it as a guide for future legislation. I guess this is where I part company with it, because I feel that any supplement to it, I might not necessarily agree with or feel they were in the best interests of the City of Augusta, or the State of Maine, or the Capitol Complex, and would ask a Division on this.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: Mr. President and Members of the Senate, members of our profession all have aspirations for higher office. My only aspiration right at this time is to be the senior Senator from Kennebec, which hopefully I will be next Session. Then I'll know what's going on when orders such as this come before us.

The Capitol Planning Commission is required to report to the State Government Committee on what it's been doing, every two years. Under Title 5, Section 297 to 307 of the Maine Revised Statutes, they are directed to establish and maintain a master plan for the orderly development of future State buildings and grounds in the Capitol area proceeds with economy, Capitol planning, aesthetic consideration, and with due regard to the public interest involved. Capitol is spelled with an "o", and not with an "a".

It affects the area surrounding the Capitol buildings, the Blaine House, etc. and not the whole City of Augusta.

We received a report in the State Government Committee. We felt that we should recog-

nize the fact that we did receive it, which we did. As a result, we sent this Joint Order before the Legislature.

The last paragraph with which Senator Pierce and Senator Perkins apparently have some problems says that the Legislature will give its general support to the basic concepts of the existing Planning Commission Plan and indicate its willingness to utilize this Plan together with any supplements to it as a guide for all future legislation concerning public improvements or other matters in the Capitol Complex.

I drive to Augusta every day and back, even when we're not in Session. I believe that Western Avenue is an abomination for the State Capital of this State. This Capitol Planning Commission doesn't have anything to do with Western Avenue or the rest of the City of Augusta, but it protects the area around this Capitol building, which to me is dear. I think we should plan for its future. I think it should be planned correctly. I hope that this Order will be passed.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: Mr. President and Members of the Senate, as the other Senator from Kennebec County, I wholeheartedly support this Resolve and urge its Passage.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Adoption of HP 1675, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

17 Senators having voted in the affirmative, and 6 Senators having voted in the negative, HP 1675 was Adopted, in concurrence.

(Senate at Ease)

The Senate called to order by the President.

On motion by Senator Collins of Knox, Recessed until 4:30 this afternoon.

Recess

After Recess

The Senate called to order by the President.

On motion by Senator Collins of Knox, the Senate voted to take from the Table:

Bill, An Act to Establish Temporary Minimum Prices to be Paid to Milk Dealers and Retailers and to Facilitate Compliance of the Milk Commission with Recent Cases before the Maine Courts. (Emergency) (HP 1660) (LD 1688) tabled earlier in today's session by the Senator from Knox, Senator Collins, pending Consideration.

On motion by Senator Carpenter of Aroostook, the Senate voted to Recess from its action whereby LD 1688 was Passed to be Engrossed.

House Amendment "B" Read.

On motion by Senator Carpenter of Aroostook, House Amendment "B" Indefinitely Postponed, in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, I now present Senate Amendment "A" to LD 1688 under filing number S-368 and move its passage.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, offers Senate Amendment "A" to LD 1688 and moves its adoption.

Senate Amendment "A" (S-368) Read.

The PRESIDENT: The Senator has the floor.

Senator CARPENTER: Mr. President, exactly what this Amendment does, the difference in the original Bill and the Amendment. The original Bill had the one year time frame in there. The House Amendment took that out and put in six months. However, six months would

leave us in the middle of December. The Legislature would not be in Session. My Amendment very simply takes this to the 10th day of January, 1982, when the Legislature is back in Session. At that time we probably will need to take a look at where the Milk Commission is, if the Bill passes.

This is a seven month Amendment as opposed to the one I just killed, which was a six month Amendment. That's reason it's the 10th. The 10th is seven months. Thank you.

Senate Amendment "A" Adopted. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

Senator Collins of Knox was granted unanimous consent to address the Senate, Off the Record.

Senator Conley of Cumberland was granted unanimous consent to address the Senate, Off the Record.

On motion by Senator Collins of Knox, Recessed until the Sound of the Bell.

Recess

After Recess

The Senate called to order by the President.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

AN ACT to Establish and Coordinate Training, Education and Employment Programs for Recipients of Aid to Families with Dependent Children. (S. P. 642) (L. D. 1662)

On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

AN ACT Concerning the Protection of Incapacitated and Dependent Adults. (S. P. 630) (L. D. 1639)

On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

AN ACT to Authorize the Department of Environmental Protection to Provide Technical Assistance to Municipalities and other Quasi-municipal Entities Regarding Solid Waste Management. (S. P. 475) (L. D. 1358)

On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

AN ACT to Create a Lake Restoration and Protection Financial Aid Program. (H. P. 551) (L. D. 627)

On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

AN ACT to Improve the Community Industrial Building Program. (S. P. 401) (L. D. 1193)

On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

AN ACT Relating to Law Libraries. (S. P. 562) (L. D. 1532)

On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

AN ACT in Support of Regional Library Systems. (S. P. 308) (L. D. 864)

On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

AN ACT to Provide one Additional Judgeship for the District Court. (S. P. 158) (L. D. 366)
On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

AN ACT to Increase the Mileage Reimbursement Payment for Jurors. (H. P. 348) (L. D. 396)

On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

AN ACT to Establish a Statewide Cancer-Incidence Registry. (H. P. 807) (L. D. 967)

On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

AN ACT to Create an Environmental Health Program. (H. P. 804) (L. D. 914)

On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

AN ACT Covering Cost-of-Living Increases for Teachers. (H. P. 918) (L. D. 1089)

On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

AN ACT Making Appropriations from the General Fund for Operations of the Seed Potato Board. (S. P. 517) (L. D. 1439)

On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

AN ACT to Create a Department of Corrections. (S. P. 376) (L. D. 1134)

On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

AN ACT to Continue the Maine Turnpike Authority. (S. P. 650) (L. D. 1676)

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Trafton. Senator TRAFTON: On Enactment, I would ask for the Yeas and Nays.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Thank you very much, Mr. President. Mr. President and Members of the Senate, I don't know if I concur with the rationale insofar as having a Roll Call vote on the Turnpike issue, but I certainly want to express to the Senate this afternoon my thanks to them in allowing me to address my genuine concerns relevant to this issue.

I hope that the Chief Executive of this State, in his wisdom, really analyzes exactly the direction this particular Bill has gone in, and that it would be resolved before 1985.

Of significant value, I think, for the Record to show, is in discussing this measure with several members of the Legislature, I have been convinced that the message delivered by members of the Androscoggin County delegation, in debate, was listened to attentively by the Legislature. I am fully cognizant of the fact that dollars are of paramount importance at the present time, and the rationale and the vote that had been given for this so-called compromise amendment was done primarily because of the fate of the Department of Transportation and other circumstances since this has been a very, very complex issue.

I would also want to state this afternoon, even though a vote will be taken through the Yeas and Nays, that under the present circumstances, I am going to vote for the Enactment of this particular Bill.

The PRESIDENT: Is the Senate ready for the question?

A Roll Call has been requested. Under the Constitution, in order for the Chair to order a

Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is Enactment of LD 1676.

A Yes vote will be in favor of Enactment of LD 1676.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Ault, Bustin, Carpenter, Charette, Clark, Collins, Conley, Dutremble, Emerson, Gill, Hichens, Huber, Kerry, McBreaity, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Sewall, C; Shute, Sutton, Teague, Trafton, Trotzky, Usher, Violette, Wood.

NAY—Brown.

ABSENT—Devoe.

Senator Brown of Washington was granted permission to change his vote from Nay to Yea. A Roll Call was had.

31 Senators having voted in the affirmative and No Senators in the negative, with 1 Senator being absent, LD 1676 was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

AN ACT to Establish a Hazardous Waste Response Fund and to Facilitate the Development of Needed Waste Facilities. (S. P. 661) (L. D. 1685)

AN ACT Relating to Burial Expenses for Veterans. (H. P. 1104) (L. D. 1309)

Which were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

AN ACT to Restructure the Public Utilities Commission. (S. P. 637) (L. D. 1652)

Comes from the House, Recommitted to the Committee on Public Utilities.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, I move that LD 1652 be Indefinitely Postponed and would like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator TROTZKY: Mr. President and Members of the Senate, there is concern that this Bill might be interpreted as a competing measure. Therefore, in the wisdom of the Committee on Public Utilities, we feel this Bill should now be Indefinitely Postponed.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, is there an error on the Supplement with respect to this Bill being Recommitted?

The PRESIDENT: The Chair would answer the Senator in the affirmative. There is an error.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President, I'd like to respond to that question. It was moved in the other Body that it be Recommitted. Again, because of the concern that even if this were back in Committee that somehow it could arise as a competing measure due to the Amendment that was originally proposed by the Senator from Kennebec, which no longer made it an emergency, a valid emergency.

The Committee, I think, unanimously feels that to put everyone's fears to rest, that we would like to Indefinitely Postpone it. I would concur with the remarks of the Senator from Penobscot.

The PRESIDENT: The Chair recognizes the

Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I'm just a little bit confused on this issue and wondered if we might have a little thought from the Committee. I noted that the Public Advocate Bill, which was a similar measure, there was an Amendment put on it, from the Attorney General saying that it wouldn't be a competing measure. That took care of that.

This measure, we took care of the problem I had with it. Everybody still thought it was a good Bill, so that we would restructure it. Why wasn't a similar Amendment put on this Bill if it was such a good one, that everybody agreed with at the time, so that we could do the same thing with this and have what everybody thought was an excellent idea?

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: If I may answer that, because I did the legal research over the weekend. The fact that the terms were all going to be grandfathered took away any emergency quality and left it open to challenge under a particular court case, as not being bona fide emergency, and therefore, being treated as ordinary legislation, which would have made it a competing measure. With all that technicality having been digested, it seemed best to treat it this way.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President and Members of the Senate, the Committee would hope that Legislative Leadership would allow this Bill in during the next Session of the Legislature, because we do feel that the Bill has merits. Because of that concern that it could be interpreted as a competing measure, at this time we feel that to play it safe it be Indefinitely Postponed.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I don't want to belabor the issue, but I've had some continuing concern over these PUC bills and the things that I perceive happening with them. I still would like the basic question answered. Why the Amendment was put on one bill that clearly said that it wouldn't be a competing measure, why it couldn't have been put on this Bill similarly, and it obviously wouldn't have been a competing measure, unless there are some ulterior motives.

On motion by Senator Trotzky of Penobscot, LD 1652 Indefinitely Postponed, in non-concurrence.

Sent down for concurrence.

Emergency

RESOLVE. Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law. (H. P. 1387) (L. D. 1564)

On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Final Passage.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Orders

Expressions of Legislative Sentiment recognizing:

The Scarborough Police and Fire Departments, and the Old Orchard Beach fire and Rescue Departments, for their efforts in the rescue of 5 individuals from the frigid waters off Pine Point on May 30, 1981. (S. P. 687) presented by Senator KERRY of York (Cosponsors: Senator DUTREMBLE of York, Representative HIGGINS of Scarborough and Representative MCSWEENEY of Old Orchard Beach).

Howard Cutler, Richard Rice, David Gogins, Robert Mitchell, Michael Dickson and Joe Lothrop for their heroic efforts in assisting in the rescue of 5 individuals from the frigid

waters off Pine Point on May 30, 1981. (S. P. 688) presented by Senator KERRY of York (Cosponsors: Senator DUTREMBLE of York, Representative HIGGINS of Scarborough and Representative McSWEENEY of Old Orchard Beach).

Which were Read and Passed.

Sent down forthwith for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

AN ACT Relating to and Increasing the Appropriation of Funds for Assistant District Attorneys. (H. P. 560) (L. D. 634)

On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

AN ACT to Require the Department of Human Services to Provide Home-based Care as an Alternative to Nursing Home Care. (S. P. 614) (L. D. 1620)

On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

AN ACT to Promote the Maine Potato Industry by Improving the Quality of Packing and Marketing Maine Potatoes. (H. P. 1486) (L. D. 1613)

On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

AN ACT Promoting Alcoholism Prevention, Education Treatment and Research. (H. P. 1540) (L. D. 1655)

Which was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Communication Committee on Taxation

June 10, 1981

The Honorable Joseph Sewall
President of the Senate
State House
Augusta, Maine 04333
Dear President Sewall:

The Committee on Taxation is pleased to report that it has completed all business placed before it by the First Regular Session of the 110th Legislature.

Bills received in Committee	174
Unanimous Reports	164
Ought to Pass	7
Ought to Pass as Amended	30
Ought to Pass in New Draft	2
Ought Not to Pass	43
Leave to Withdraw	81
Referred to Another Committee	1
Divided Reports	9
Bills held in Committee	1

Respectfully Submitted,
S/THOMAS M. TEAGUE

Senate Chairman

Which was Read and Ordered Placed on File.

Orders

Expressions of Legislative Sentiment recognizing:

T. J. Willett, of Auburn, who has reached the high rank and distinction of Eagle Scout. (S. P. 689) presented by Senator TRAFTON of Androscoggin.

Mrs. Robert A. Austin of Auburn, upon her retirement after 23 years of dedicated service to the Y.W.C.A. (S. P. 690) presented by Senator TRAFTON of Androscoggin.

Which were Read and Passed.

Sent down forthwith for concurrence.

Orders of the Day

The President laid before the Senate: Bond Issue, Bill, An Act to Authorize Bond Issues up to the Amount of \$5,100,000 for Energy Conservation Improvements for State-Owned Buildings, Completion of State of Maine Park Facilities and Equipment Replacement for the Maine Public Broadcasting Network in the State of Maine. (H. P. 1550) (L. D. 1663), Tabled earlier in today's session, by Senator Conley of Cumberland, pending Passage.

On motion by Senator Conley of Cumberland, Retabled until later in today's session.

Recessed until the sound of the Bell.

Recess

After Recess

The Senate called to order by the President.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Second Reader

The Committee on Bills in the Second Reading Reported the following:

Bill, An Act to Remove the Customer Charge from Electric Utility Rate Structures. (S. P. 654) (L. D. 1679)

Which was Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, is it proper at this time to offer an Amendment to this Bill?

The PRESIDENT: The Chair would answer the Senator's question in the affirmative.

Senator TROTZKY: Thank you, Mr. President. Mr. President, I present Senate Amendment "B", filing number S-367, and move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, now offers Senate Amendment "B" to LD 1679 and moves its adoption.

Senate Amendment "B" (S-367) Read.

The PRESIDENT: The Senator has the floor.

Senator TROTZKY: Mr. President and Members of the Senate, the Bill which was presented by the Governor said that the minimum charge, any company with more than 20,000 customers eliminates the customer service charge. This is discriminatory. We have all kinds of electric companies throughout the State which have customer service charges. For example, Isle au Haut Electric Power Company has a \$16 customer service charge; Eastern Maine Electric Cooperative, a \$5 customer service charge; Maine Public Service Company, \$3.30 customer service charge, Swan's Island Electric Company, up and down the line you have customer service charges.

What this would do is eliminate the customer service charge from all electric utilities.

The second part of the Amendment strikes out all of Section 4. Section 4 of the Bill talks about a family farm rate. There was never, ever a public hearing on setting up a special rate for one group of customers, having everybody else subsidize. This was never heard at a public hearing, therefore, what this Bill does is just change the Bill so that it would eliminate the customer service charges throughout the State, all over.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I commend the good Senator from Penobscot, Senator Trotzky, for rehashing the same issues that have been rehashed time and time again. Therefore, I would move the Indefinite Postponement of this Amendment. When the vote is taken, I request it be taken by the Yeas and Nays.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkows-

ky.

Senator MINKOWSKY: Mr. President and Members of the Senate, I certainly don't want to rehash the points all over again, either. I think I articulated my points quite clearly on the floor of the Senate this morning. One of the reservations I expressed at that particular time was the 20,000 customer. Since I have been a firm believer in equity and fair play for everybody, and understanding what I brought out this morning about the customer service charge in water utilities, like in my own particular municipality, and other utilities, in fact I brought out Isle au Haut. I was correct I said Isle au Haute this morning, but it's Isle au Haut. It should be equitable all the way around. In other words, we should not discriminate against customers in various parts of the State of Maine. After all, the citizens of Maine should be on equal footing.

I made inquiries since then about the family farm rates. I was told very frankly by some members of the opposite end of the Hall, if the customer service charge is as bad as it may seem, then why discriminate and set up a separate, why not set up a separate rate for the family farm, since they are very, very heavy users. The idea that Senator Trafton expressed this morning that the heavier users that you are, that it should be equity and fair play for everybody, if I understood it correctly.

On that particular basis, I'm going to support Senator Trotzky's Amendment this afternoon.

The PRESIDENT: Is the Senate ready for the question?

A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that Senate Amendment "B" to LD 1679 be Indefinitely Postponed.

A Yes vote will be in favor of the Indefinite Postponement of Senate Amendment "B" to LD 1679.

A No vote will be opposed.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

YEA—Collins, Conley, Emerson, Hichens, Najarian, O'Leary, Perkins, Pray, Redmond, Teague, Trafton, Violette, Wood.

NAY—Ault, Brown, Bustin, Carpenter, Charette, Clark, Dutremble, Gill, Huber, Kerry, McBrearty, Minkowsky, Pierce, Sewall; C.; Shute, Sutton, Trotzky, Usher.

ABSENT—Devoe.

Senator Collins of Knox was granted permission to change his vote from Yea to Nay.

Senator Emerson of Penobscot was granted permission to change his vote from Yea to Nay.

Senator Kerry of York was granted permission to change his vote from Nay to Yea.

Senator Redmond of Somerset was granted permission to change his vote from Yea to Nay.

Senator Clark of Cumberland was granted permission to change her vote from Nay to Yea.

Senator Brown of Washington was granted permission to change his vote from Nay to Yea.

A Roll Call was had.

13 Senators having voted in the affirmative and 18 Senators in the negative, with 1 Senator being absent, the motion to Indefinitely Postpone Senate Amendment "B" does not prevail.

Is it now the pleasure of the Senate to Adopt Senate Amendment "B"?

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President, I'd like to speak against Adoption of this Amendment. I

think there was some confusion in the last vote. Maybe I'm overstating the case.

I'd like to speak specifically to the two issues that are raised in the Amendment offered by the good Senator from Penobscot, Senator Trotzky.

The first issue is this issue of whether utilities under 20,000 customers are different than utilities above 20,000 customers, and whether, in fact, by passing the Bill in its present form, we are a party to any kind of discrimination.

There is a very distinct difference between utilities below 20,000 customers and utilities above 20,000 customers, and that was why the Majority of the members of the Committee decided to include this provision, and the difference is this. The utilities under 20,000 customers have, as a majority of their ratepayers, seasonal users, whereas the ratepayers of the utilities of over 20,000 customers have, as a majority of their ratepayers, year round users, and that is why the distinction between the two. I think it's a distinction, and not a discrimination.

The second part, which deals with the family farm, as we've tried to point out in prior debate, the family farms are, indeed, a large user of electricity, but there is a difference between the family farm users, and just any large electricity users, and that is that they use the majority of their electricity in off peak hours, i.e. in the summer hours, in the summer months, and so for that reason we felt that they deserved a special look to see if their electricity rates could in some way reflect their patterns of usage.

I would ask the Senator from Penobscot, at this point, with this Amendment on it, if he, indeed, will support its Enactment, and if the answer is in the negative, then I would suggest to you that this is, indeed, a way to kill this Bill.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: I'll be open and honest, I will never support the Enactment of this Bill.

Now, let me say this. I think Senator Trafton brought something out very clearly. This Legislature should set policy. If we're against custom, you know, we set a policy that PUC should determine rates based on costs, the actual costs to their best estimate. If we're setting a policy, we might set no customer service charges, but we're not setting policy, we're setting rates, again, because we're saying the utilities over 20,000, no customer service charges. Utilities under 20,000, why 20,000, why not, 30,000, why not 10,000 customers?

It's again that same issue. We're substituting this Legislature for the Public Utilities Commission to set rates, and if you think we're starting to have problems now, in this one Bill, every Bill, every Session of the Legislature from now on, there are going to be amendments and bills put in to change rates. If you don't like the rate, change it. If you don't want 80 kilowatt hours in there, minimum charge, put a Bill in to have 100. Put a Bill in to have 200.

Secondly, in the other issue, which is extremely important, this family farm rate. There was never a hearing on a special family farm rate. We have a policy in this Legislature. On every important issue, you should have a public hearing. We have never had a public hearing on a special rate for farmers, one group subsidizing another, but we have set a policy, and that policy is the PUC should set rates to reflect the actual costs.

I feel that, I don't like the Bill, I don't like the Bill in any posture, but if, at least I'd rather see you setting, saying there should be no customer charges, rather than turning around and being discriminatory, and saying, in a certain group there can be customer charges, and in another group of utilities there can't be.

I think it's more in line setting policy that way than it is to turn around the way the Bill is structured right now.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President, Men and Women of the Senate, I think that many of us in this Body try to adhere to a policy of reasonable consistency in our actions here, and although I can appreciate some of the things that the good Senator from Penobscot is raising today, just recently a unanimous decision of the Public Utilities Committee, which was supported unanimously in this Body, was, indeed, a policy change such as we're talking about today, and that had to do with the TTY. We decided that it was such an important policy question that we would make that change in the rate. So, in fact, we changed their rate of 70 percent of what the average person would pay.

There are times when we have to set policy. There are times when the Public Utilities Commission may not set the kind of policy that we feel is appropriate. We are a policy-making Body. This is not rate setting; it is setting the policy, setting the parameters in which the Public Utilities Commission will operate.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, Members of the Senate, I somehow or another always get fetched out of my seat every time the good Senator from Penobscot, Senator Trotzky, starts talking on high from the throne of the PUC.

It seems to me last night he was extremely inconsistent in voting for the, so-called, Maine Milk Commission. If we're not establishing rates, or setting rates, with that Bill, we're setting them. We're putting milk right under regulation of the Maine Milk Commission. To me, that's setting rates.

If you want to go down to the City of Portland today, and buy a gallon of milk for \$1.82, do it today, because once that Bill passes, the rates are going to be moved right up again. That, to me, is setting rates. Passage of that Bill is setting rates.

And, the good Senator knows, that with respect to a public hearing on the Bill, we put one of the largest increases on the Income Tax right in this very Body with not so much as a whimper to the public.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President, I, too, would like to answer the good Senator from Penobscot, Senator Trotzky.

This morning I said that I had an official response that this Bill did not have to be heard until the next Regular Session. The Committee took it upon themselves to have a session on this Bill, today, decided to vote the Bill out without a public hearing, which bothers me very much, because I, too, feel that a Bill with this significance, especially the family farm rate should have had a public hearing.

I do not like this Amendment, and I will have to go on Record that if this Amendment is accepted that I will have to vote against the Bill.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate, maybe somebody on the Agriculture Committee or the Public Utilities could tell me why the farmers use more electricity in the summer than in the winter as the good Senator from Androscoggin said. I represent quite a lot of farmers in my District, and I wasn't aware of that, but maybe somebody could explain that to the Senate here today.

As far as the Maine Milk Commission, I don't know as that Bill has anything, whatsoever, to do with the electricity rates in the State. I'm not sure what the good gentleman from Cumberland meant when he said we had enacted an increase in the Income Tax, and if we have, I would like to recall that Bill and vote against it, because, as far as I know, I've been here 12 years, and I have never voted for an increase in the Income Tax, and I never will. If that Bill has been Enacted, and is down on the Gover-

nor's desk, I'd like to have it recalled to vote against the Bill, because I certainly don't want to vote for an increase in the Income Tax.

Now, why should this Senate take the position that those utilities that serve people under 20,000 residents should have a different position, as far as utility rates go, than those over 20,000?

I'm so sick of passing Bills in this Senate and seeing the Federal Congress pass bills to represent small minority groups that don't represent the working people in this State.

I would like to have you people go back and ask you working people how they would like to have you vote.

Now, I work with the working people every day, and they're a little bit tired of representing this group that represents less than 20,000 people or this group that represents less than 5,000 people. Why don't we have a consistent policy in this State, that all people are represented the same? Why should the people in my area, because they are served by a large public utility, have a different policy than those people that are represented by less than 20,000 people? Are those people that are represented by a utility less than 20,000 people, are they any better than the people in my district?

The PRESIDENT: The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Mr. President, Ladies and Gentlemen of the Senate, right from the very beginning I had trouble with this Bill, but I've been voting for it, because being lobbied on this Bill, I was continually told that this Bill would help a lot of the people in the City of Biddeford and a lot of the senior citizens, and I just couldn't see myself voting against the senior citizens, but now with Senator Trotzky's Amendment, I see a Bill here that not only helps the people of Biddeford, but the entire population of the State of Maine, so, I will continue to support Senator Trotzky's Amendment.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, I'll attempt to be very brief at this early hour of the evening, because of the number of pressing matters left that will be coming before us.

My interpretation of the issue that's before us, in the present Amendment, is that if you are against the Bill, then you would be voting to Adopt Senator Trotzky's Amendment. If you are for the Bill, then you would be voting against the Adoption of it. I think, clear and simple, that's what the outcome of the Bill is going to be, based upon this vote at this time.

I feel that way so strongly, that it's going to indicate the final outcome of it, that I'd request that the vote of the Adoption of this Amendment be taken by the Yeas and Nays.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, I'd like to clarify. If you vote for the Adoption of this Amendment, you're setting a policy in the State that there are no customer service charges for any utilities. You're being consistent. That's what this vote means.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is Adoption of Senate Amendment "B".

A Yes vote will be in favor of Adoption of Senate Amendment "B".

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Ault, Brown, Bustin, Carpenter, Charette, Collins, Dutremble, Emerson, Gill, Huber, McBrearty, Minkowsky, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Trotzky, Usher.

NAY—Clark, Conley, Hichens, Kerry, Najarian, O'Leary, Pray, Teague, Trafton, Violette, Wood.

ABSENT—Devoe.

A Roll Call was had.

20 Senators having voted in the affirmative and 11 Senators in the negative, with 1 Senator being absent Senate Amendment "B" was Adopted. The Bill, as amended, Passed to be Engrossed.

Sent down forthwith for concurrence.

(Senate at Ease)

The Senate called to order by the President.

Orders of the Day

On motion by Senator Huber of Cumberland, the Senate voted to remove from the Special Appropriations Table:

Bill, "An Act to Create a Blue Ribbon Commission to Study the Public Education Delivery System." (H. P. 1178) (L. D. 1402)

On motion by Senator Huber of Cumberland, LD 1402 was Indefinitely Postponed, in non-concurrence.

Sent down forthwith for concurrence.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Paper From the House Joint Order

ORDERED, the Senate concurring, that in accordance with emergency authority granted under Title 3, section 2 of the Maine Revised Statutes the First Regular Session of the 110th Legislature shall be extended by one legislative day to be held on June 11, 1981. (H.P. 1678)

Comes from the House, Read and Passed.

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President, I oppose this extension of one day. We've had our 100 days, and this is it. It seems that we're elected to do a job. The Constitution allows us 100 days to do it, plus 5 days, plus 5 days more if we decide to extend.

It would seem to me, Mr. President and Members of the Senate, that the day after we're sworn in we may just as well go home and let the Legislative Leadership decide what's going to happen to the bills that come before the Legislature, and then we come back on the 100th day, and either accept or reject.

I'm opposed, Mr. President. I ask for a Division.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, Members of the Senate, I'd just point out to the good Senator, and my good friend, the Senator from Oxford, Senator O'Leary, that the Constitution, also, provides us the opportunity to extend in those instances and circumstances where, perhaps, it may be leadership, or some other individuals, or problems in the system that has caused us to seek this extension.

In this instance, it perhaps has been a combination of those people, and leadership is not void of any of the problems or the faults that has caused us to be here this long, but we're willing to accept the responsibility, and would hope that the members of this Chamber would vote for this extension so we can do the business and the service to the people of this State that we were elected to do.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: I would request a Roll

Call.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: Mr. President, Members of the Senate, I, too, am opposed to extension. I believe that the Chairmen of the Joint Standing Committees have done excellent work in getting their bills out of their committees. I think the Chairmen of the Transportation, Taxation, Labor, you name them, had their Bills out.

I think that we've been delayed in here by bills coming in late from the Governor's office, and I don't think that the Senate leadership, be it on the Democratic side of the aisle or the Republican side of the aisle, is responsible for any need for this extension. I think it's the leadership on the other end of the 3rd floor that's responsible for asking for this extension, and I resent it.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate, we've been here 100 days, and we've cost the taxpayers in this State about \$3 million in the past 100 days. We still have some important issues before us. I've been here 11 years, and I've never voted for an extension, but I think the Senate and House of this Legislature would look kind of ridiculous going home with 10 or 15 important issues still left here, without resolving them.

Now, I don't think the blame would rest upon the Governor, as some of you might think. The blame would rest upon this Legislature for not resolving the issues before it.

Now, we have the Highway Issue, that's not resolved. We have the Submerged Land Bills, that's not resolved. The Milk Commission, that's not resolved. The Workers' Comp, that's not resolved. The Tree Growth, that's not resolved.

So, what have you done in 100 days? You've spent \$3,000,000 over here, and you're willing to go home without finishing your business.

Now, I think this Legislature's going to be lax in its obligations if it goes home without finishing the business that the taxpayers sent you over here to do, and I don't think one day, and it costs \$30,000 a day over here, is going to hurt the State of Maine.

Now, I think all of these issues before the Legislature are more important than \$30,000 to the taxpayers, and these aren't the only issues. These are only a few of them, but we do have some important issues, and if you want to go home without doing your business, you go ahead and vote against extension, but I feel we have an obligation to do the State's business and to vote a one day extension and complete that business.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Mr. President, Ladies and Gentlemen of the Senate, I listened with interest at the issues still before us. The Highway, which has been before us since January. Submerged Lands has been before us for months. Tree Growth has been before us for months.

We've had these issues here for months, and now we're saying we need one day to take care of something we couldn't do in 2 or 3 months. What's going to happen here is tomorrow we're going to jam everything through. We can certainly jam it through tonight.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: Mr. President and Members

of the Senate, I'm willing to stay here as late as you want tonight to finish our business, and I'd like to pose a question to the Senator from Waldo.

If we don't finish that business tomorrow, Senator Shute, are you willing to vote an extension until next week?

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate, I don't know if I got the complete drift of that question or not, but if we couldn't complete our business in one day, I would certainly vote to extend it two days, but I think the Legislature has an obligation to do the business that the people sent us over here to do.

Now, I was elected to do a job, and usually, when I'm elected to do a job, or I'm paid an hourly wage to do a job, I try to do that job. If I don't do it on hourly rate, I do it on time and a half rate. Certainly an extension wouldn't be time and a half, but I would go along with extending the Session to complete the business of the Senate.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, Members of the Senate, I share many of the frustrations that members of this Body feel. Many of us have commitments to our jobs, to our families, and we'd really like to go home and call it a day.

The good Senator from Waldo, Senator Shute, is absolutely right. There is much of the people's business still to be handled in this Legislative Session. I commend him for his speaking out as he has.

There's one thing that I've noticed in this Session, particularly on the 100th day, that temperaments, with the exception of mine, and the good Senator from Kennebec, Senator Pierce, have been on an even keel. I think that's remarkable because we have not had that polarization, so to speak, that I have witnessed and experienced in the past Sessions, and it would be my hope that for at least the continuance of one more day that we could remain sort of good brothers and good sisters and try to accomplish what has to be done.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, Ladies and Gentlemen of the Senate, I haven't had an opportunity like this in the whole 100 days to debate both the good Minority Leader and one of my good colleagues and friends at the same time, but I would ask just one question.

What is the posture of the situation that's going to be changed in the next 24 hours that hasn't been changed in the last 100 days?

The reason we're here talking right now is because there are people that don't want the things to be resolved that we're trying to get resolved done, and if someone could tell me how those impasses are going to be changed in the next 24 hours, I'm perfectly willing to stay and let them.

In all deference to the remarks of the good Senator from Waldo, I've been working for 100 days, at least I've been trying to, and do the people's work, and the reason we're not done now is not because that I didn't try to get it done, and most of those of you in this Body are in the same position. So I would just like to know what is going to be different when we're standing here tomorrow night discussing this same thing.

What have you got planned, those of you who are going to vote to extend, what is your plan to resolve things that we haven't been able to resolve in 100 days, that we weren't able to resolve last week, when we should have stopped? Last week it was because we couldn't get the printing done.

Well, you and I both know that there's lots of reasons for it, and I haven't heard any of those reasons addressed. If I really thought that those reasons had been addressed and were

being addressed, I would be the first to stand here and say it.

What I would like to suggest is that those reasons can be addressed, but I'm not sure they're going to be addressed tonight. Let's let them be addressed, and then let us come back one statement addressed so that the people can get \$30,000 worth of good out of us.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, I sit around here from time to time during the Session and look at my colleagues, members of both political parties, and also down at the other end of the Hall, and say it's a pretty good system. You know, it really works. I felt that way after we passed a bill about no smoking here, a little fellow from Kingfield happened to get it passed.

You know, I've been through a couple of late, late, late night sessions. I believe in the process pretty strongly even though I get pretty upset and pretty frustrated when I lose a bill or lose an issue, but I'll tell you what. Late night sessions, for those of you who have never gone through them, are not nice. They are not pretty. They do not enhance this process that we all believe in or we wouldn't be here. They get very nasty. They make us look worse than they think we are.

I'll tell the good Senator from Oxford, Senator Sutton, one thing will be different tomorrow. I've got a bill that I've never worked so hard on a bill in my life. It's in printing right now, and I can't speed that process up one bit. It will be back here late tonight. By gosh I'll be here, if we're here, but I would rather, because it's not a nice situation, and those of you who have been through it in this Chamber or the other know it. I certainly don't have any qualms whatsoever about voting for an extension. I was sent down here to do a job, knowing full well that I was under a 100 day Constitutional limit. I may have had something to do with holding it up because of this Milk Bill. I don't know. If so, I'll take the blame for it, but that Bill came to me in the last few days.

That's one thing that's different, and that's the reason I'm voting for an extension. I would much rather wrap that Bill up tonight, but I'm just scared of what happens to this whole process. It tends to fall apart about 9:00 on the last night of the Session, and if you believe in the process, I think you're like the good Senator from Waldo, Senator Shute, and he and I have been through a couple of them together. It sure doesn't do anything for any of us, and it sure doesn't do anything for the people of the State of Maine.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the Passage of HP 1678.

A Yes vote will be in favor of Passage of HP 1678.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

YEA—Brown, Bustin, Carpenter, Charette, Clark, Collins, Conley, Emerson, Hichens, Huber, Kerry, McBreaity, Najarian, Perkins, Pray, Shute, Trafton, Trotzky, Usher, Violette, Wood, The President J. Sewall.

NAY—Ault, Dutremble, Gill, Minkowsky, O'Leary, Pierce, Redmond, Sewall, C.; Sutton, Teague.

ABSENT—Devoe.

A Roll Call was had.

22 Senators having voted in the affirmative and 10 Senators in the negative, with 1 Senator being absent, HP 1678 Passed, in concurrence.

On motion by Senator Pierce of Kennebec, Adjourned until 10:00 o'clock tomorrow morning.