

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 11, 1981

Senate called to order by the President.

Prayer by The Honorable Richard H. Pierce of Waterville.

Senator PIERCE: God, give us the strength to complete our task today in the manner which will make the people we represent proud. Grant that we all have a safe journey home this evening on the final day of our Legislative Session. Amen.

Reading of the Journal of yesterday.

**Papers From the House
Non-concurrent Matter**

Bill, "An Act to Add a Class Size Adjustment to the School Finance Act." (H. P. 1176) (L. D. 1400)

In the House, June 10, 1981, Passed to be Enacted.

In the Senate, June 10, 1981, Bill and Papers Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body Having Adhered.

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

Senator COLLINS: I move the Senate Adhere.

The PRESIDENT: The Senator from Knox, Senator Collins, moves that the Senate Adhere. Is this the pleasure of the Senate?

The motion prevailed.

Non-concurrent Matter

Bill, "An Act to Amend and Clarify the Procedure to File and Appeal Claims by Patients, Inmates or Prisoners." (Emergency) (S. P. 144) (L. D. 315)

In the Senate, February 24, 1981, Passed to be Engrossed as amended by Committee Amendment "A" (S-22).

Comes from the House, Bill and Papers Indefinitely Postponed, in non-concurrence.

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

Senator CONLEY: Mr. President, I move the Senate Recede and Concur.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?

The motion prevailed.

Non-concurrent Matter

Bill, "An Act to Establish a Direct Payment System under the Workers' Compensation Law." (S. P. 622) (L. D. 1627)

In the Senate, May 22, 1981, Passed to be Engrossed.

Comes from the House, Bill and Papers Indefinitely Postponed, in non-concurrence.

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

Senator COLLINS: I move the Senate Adhere.

The PRESIDENT: The Senator from Knox, Senator Collins, moves that the Senate Adhere.

Is this the pleasure of the Senate?

The motion prevailed.

Joint Order

WHEREAS, many municipalities in Maine are experiencing serious financial difficulties due to inflation and decreasing revenue sources; and

WHEREAS, state and federal program cuts and decreased revenue sharing promise to further diminish municipal revenue sources; and

WHEREAS, current municipal revenue sources, primarily the property tax, appear to be inadequate to meet future municipal funding needs; and

WHEREAS, serious consideration must be

given to providing adequate municipal revenues to ensure the continuation of necessary services; 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 Taxation shall study the future of municipal revenue sources and determine whether legislation should be introduced which would identify potential alternative sources and alleviate the condition of municipal funding; 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. 1677)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

Order

An Expression of Legislative Sentiment recognizing:

The Minute Men of Stearns High School, Eastern Maine Class B Baseball Champions for 1981. (S. P. 691) presented by Senator PRAY of Penobscot (Cosponsors: Representative CLARK of Millinocket and Representative MICHAUD of East Millinocket).

Which was Read and Passed.

Sent down forthwith for concurrence.

**Committee Reports
House**

The Committee on Taxation on, Bill, "An Act Relating to Motor Fuel Taxes." (Emergency) (H. P. 811) (L. D. 937)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read and Accepted, in concurrence.

Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act to Authorize the Public Utilities Commission to Allow Undisputed Portions of a Rate Change to Take Effect During the Pendency of a Rate Proceeding." (H. P. 781) (L. D. 926)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 471).

Signed:

Sensors:

TROTZKY of Penobscot

DEVOE of Penobscot

Representatives:

DAVIES of Orono

BORDEAUX of Mount Desert

WEYMOUTH of West Gardiner

VOSE of Eastport

BOISVERT of Lewiston

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

Signed:

Sensor:

TRAFTON of Androscoggin

Representatives:

KANY of Waterville

McKEAN of Limestone

McGOWAN of Pittsfield
RIDLEY of Shapleigh

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-471).

Which Reports were Read.

On motion by Senator Trotzky of Penobscot, the Majority Ought to Pass, as amended, Report of the Committee Accepted, in concurrence. The Bill Read Once. Committee Amendment "A" Read and Adopted, in concurrence. Under Suspension of the Rules, the Bill, as amended, Read a Second Time and Passed to be Engrossed, in concurrence.

Sent forthwith to the Engrossing Department.

Enactor

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

AN ACT to Authorize the Self-liquidating Bond Issue for Kennebec County for the Construction of a New Detention Facility. (H. P. 1216) (L. D. 1445)

On motion by Senator Bustin of Kennebec, Tabled until later in today's session, pending Enactment.

**Orders of the Day
Unfinished Business**

June 10, 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:

BOND ISSUE — 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 the Day by Senator CONLEY of Cumberland

Pending—Enactment

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

The PRESIDENT: The Chair would direct the Senate's attention to the second 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 SEWALL of Lincoln

Pending—Passage

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

On motion by Senator Conley of Cumberland, 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:

Orders

Expressions of Legislative sentiment recognizing:

The Brunswick High School Baseball Team, 1981 Southern Kennebec Valley Athletic Conference Champions. (S. P. 693) presented by Senator CLARK of Cumberland (Cosponsors: Representative MARTIN of Brunswick and Representative LIVESAY of Brunswick)

Cathy Curtis of Freeport, winner of the 1981 DAR Good Citizenship Award at Freeport High School. (S. P. 694) presented by Senator

CLARK of Cumberland (Cosponsor: Representative MITCHELL of Freeport)

The Gorham High School Rams, coached by Vern Plummer, who won the 1981 State Class B Girls' Softball Championship. (S. P. 695) presented by Senator USHER of Cumberland (Cosponsors: Representative BROWN of Gorham and Representative GOWEN of Standish)

Which were Read and Passed.

Sent down forthwith for concurrence.

On motion by Senator COLLINS of Knox.

ORDERED, the House concurring, that notwithstanding Joint Rule 21, the following bills may be retained by the committees to which they have been referred during the course of the interim between the first and second regular sessions of this Legislature and may be considered by those committees during that time under the supervision of the Legislative Council and shall be reported to the appropriate House in accordance with the Joint Rules at the second regular session:

Committee on Taxation (H. P. 1496, L. D. 1621. AN ACT to Create an Excise Tax on Mining Companies and to Amend the Statutes on Mining on State Lands)

Committee on Marine Resources (H. P. 1443, L. D. 11585, AN ACT to Create a Maine Groundfish Association)

Committee on Public Utilities (H. P. 866, L. D. 1027 AN ACT to Require Certain Public Utilities to Submit a Plan to the Public Utilities Commission to Provide Financing to Customers for Energy Conservation and Renewable Resource Measures.)

Committee on Appropriations and Financial Affairs (H. P. 1249, L. D. 1473 AN ACT Incorporating Federal Funds Directly into the State Budgeting Process.)

Committee on Education (S. P. 561, L. D. 1554 AN ACT to Revise the Education Law.)

Committee on Judiciary (H. P. 1543, L. D. 1660 AN ACT Relating to Informed Consent and Determination of Best Interest for those Unable to Give Informed Consent for Sterilization.)

(S. P. 515, L. D. 1437 AN ACT to Curtail the Practice of Plea Bargaining.) (S. P. 692)

Which was Read and Passed.

Sent down forthwith for concurrence.

Enactors

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

Emergency

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. (H. P. 1660) (L. D. 1688)

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

Senator CONLEY: Mr. President and Members of the Senate: It comes as no surprise to this Senator from Portland that this Bill would eventually find its way to this Chamber for Enactment. I think it might be good to ask the question, why is this Bill here before us today? The reason this is here before us today is because of the fact that the Maine Milk Commission was in violation of State statutes as passed by a previous Legislature.

In fact, many of us who are present today were here when that legislation was passed back in 1975. In fact, I would like to, if I may, read from the Legislative Record some of the debate that took place on the Maine Milk Commission back when, again, it was under fire and a bill had been submitted for the abolishment of the Maine Milk Commission.

I'd like to call the Senate's attention to remarks of the gentleman who formerly represented the Town of Standish. One of his quotes was, with the amendment that amended the present law at that time, or the law existing at that time, he said, "what I have tried to do by virtue of the amendment is to protect the

farmers from unfair competition and yet, to put the dealers in a situation where the retail price established by the Commission is the lowest price at which Maine milk can be processed, packaged, and put in the stores. The effect of this, if it is properly administered by the Commission, will be to put the Maine dealers in competition, because a dealer who can process milk at the lowest price will be able to go to the Commission, or the Commission will be able to go to that dealer, and look at his books, prove that it can be done and they will set a true minimum price."

I call the Senate's attention to remarks that were made by the former Representative from Buxton, Mr. Phil Berry, who stated, "we have before us today several amendments of which considerably watered down the original LaPointe Bill. The amendments have already been accepted by the Farm Bureau, and by Yankee Milk Commission. We have the assurance that they will be accepted by the other Body down at the other end of the hall."

What this Bill said was the Commission would evaluate what the retail price should be, and that they should find out what the cost was for milk, to get to the retail prices on the shelves of grocers throughout this State, and determine what that price should be.

The court has said that they failed to do it, that they're in violation of the law. They struck the order down, thereby freeing up price controls of retail milk.

The citizens of this State for the period of the next six months, will be ripped-off to the tune of \$5.5 million, the consumers of this State. Those of us who are in this Chamber who feel that we're trying to protect the poor dairy farmer, he will get less than \$1 million of that \$5.5 million.

I would urge that the Senate reject Enactment of this Bill. I know that it will be Enacted, but I want to go back to my city and say, we're not going to let them rip you off.

When milk can be reduced from \$2.08 a gallon down to \$1.80 a gallon, and if it were to stay at \$1.80 a gallon for the next five months, and the Commission finds exactly what it should have found in the first place, and they go back to \$2.08 a gallon, you will find a hue and cry from the public of which you have never heard before. Let's not kid anyone. The public is being ripped-off. To Enact this Bill only waves a green flag or a green light to continue to do so.

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

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: This is the little bill I talked about last night when we debated the Adjournment Order. I apologize for coming along so late. I'm not a sponsor of it. I worked the Bill. I worked it from the standpoint of what I believe will happen to the consumers. It's pretty well known that I represent a lot of farmers, so I don't have to go to any other legislator and try to convince him to vote on this Bill, based on the fact that I do represent some farmers.

I went to them because I honestly, sincerely, deeply believe that if this Bill does not pass, that in the long run, the consumer in the State of Maine will pay a great deal more. I'll be very brief, because probably most of us have heard enough about milk. I may never drink another glass of milk, I've heard so much about it in the last couple of days.

I want you to understand what this Bill does. I would correct my good friend, the floor leader, in that this is a seven month Bill, not a six month Bill. This Bill will validate a last year's order of the Maine Milk Commission until January 10, 1982.

I know what's happening out there in the stores today. I know exactly what's happening. Right in these hallways, yesterday and today, you are already seeing the chaos, the beginnings of the chaos that would take place. I have

received over the years letter, after letter, after letter, from a particular dairy, not in my District, but in the central part of the State in support of the Milk Commission. Today, they don't support that position. I think, I haven't talked to them, but I think they envisioned them becoming Cumberland Farms North. I'm not faulting Cumberland Farms for what they're trying to do or what they want to do. That's the name of business. I understand that.

I do not believe for one second, not for one second, that the continuation of the Maine Milk Commission is ripping off the consumers of this State. I worked for a dairy years ago. We all go to stores. We get good quality. We get good quality Maine milk from clean, efficient operations.

I'll grant you, that my farmers, many of them will not stay in business. If we make a mistake in this Legislature on public drinking, on highway funding, on whatever, we go back the next Session in just a few months, and we correct that mistake.

I don't want anybody here that doesn't support this bill to come back, if my worst fears were to be realized, and say, okay, we blew it. Farmer Jones, go buy your cattle back. Farmer Jones, go buy your milking machines back. Dairy "X", go buy your machines back. We'll start up again. We were wrong.

What has happened historically in this country, when one organization has control of the market? They have set the price where they wanted it. They have done that many times, by initially cutting the price. I can't compete financially with many of the members of this Chamber. To put me into the business world today, with no financial resources, against members of this Chamber, who have substantial financial resources, wouldn't be fair. If you were concerned about my being able to make it, it wouldn't be fair.

I think the Maine Dairy Industry is an important part of our heritage, and our State. More than that, you ask yourself, what's going to happen when one or two or three large dairies bring milk in here from out-of-state, because the proponents of this Bill said, we'll buy all the Maine milk they previously bought. You're going to drive a truck from Cumberland Farms up to Presque Isle and buy milk? Sure, what are you going to pay for it? Let's be realistic with the price of gasoline and the price of other things dealing with the hauling of commodities over the road. Let's be realistic. It sounds good to say that we're saving the consumers a lot of money by letting the Maine Milk Commission go out. Denver, Colorado, today, is paying \$2.35 a gallon for unregulated milk.

This would set the retail price at \$2.08. Call it price fixing. Call it price control. Call it whatever you want. I don't want to be branded as somebody who has no sensitivity for the consumers. All I've got to do is sit here and either vote for this Bill, or justify my voting against this Bill, and my farmers are happy with their Senator.

I haven't worked a bill this hard in years, because I really, really believe that Senator Conley's constituents, and Senator McBreairey's, and Senator Kerry's, are all going to suffer.

We are faulted, and I think we make mistakes by looking at what's going to happen tomorrow. What's the price of milk going to be tomorrow? I don't care. What's it going to be a year from today, two years ago, and what can we do then to correct it? We can't do much at that point, folks, if my fears are to be realized, if this Bill does not fail.

I would hope, pray, that you vote for this bill today, both to protect an industry which today, the farming industry, which is today relatively healthy, and also, over the long haul, probably after you are all out of the Legislature, we're all out of the Legislature, to protect the consumers. I believe it with all my heart.

Mr. President, I request the Yeas and Nays.

The PRESIDENT: The Chair recognizes the

Senator from York, Senator Hichens.

Senator HICHENS: Mr. President and Members of the Senate, I agree wholeheartedly with the statements just made by the good Senator from Aroostook, except on one point where he said he didn't resent Cumberland Farms and the efforts they had made.

I most heartily resent Cumberland Farms and the efforts they have made. It has been my privilege to be Chairman of the Committee on Agriculture for the last seven years. I have sat through long hearings when Cumberland Farms have tried to undermine the Maine Milk Commission. They have tried every trick in the book. I firmly believe that this last decontrol is the result of some of their tricks.

I am not in the legal profession, so I can't prove that point. I have been down in the area of York County and the southern part of Maine where Cumberland Farms have been active. I remember three years ago, when they finally found out that North Berwick wasn't one of the regulated towns. So they had big signs in their store there, milk, \$1.82 a gallon. I didn't see any lines of people in front of that store to get that cheaper milk.

Two weeks ago, they had signs in the South Berwick store, \$1.82 a gallon. I've gone by there several times in the weekends when I've been home, and I haven't seen lines of people there. In fact, I checked with two other stores in town, which were selling milk at \$2.10 a gallon. They said their sales hadn't gone down. Last week, we read in the papers that Shaw's said their sales hadn't gone down, even though they were charging the \$2.08 a gallon.

Now if this is going to make this big change that Cumberland Farms has been working for, and some of our other dairies now are talking about, it's going to make, I don't know why the people haven't responded any more than they have.

I would say that the good Senator from Cumberland, Senator Conley, isn't looking beyond the end of his nose, when he says that the people deserve these low prices. They may get these low prices for six months. They may get them for as long as a year. I can guarantee you that within two years, the prices are going to be a lot higher than they are right now at \$2.08 a gallon, when the prices are decontrolled. As the good Senator from Aroostook has stated, it's happening in Colorado, and some of the other states of our union.

We are going to do ourselves a great disservice today, if we should vote against this Bill, which would protect these prices for the next seven months, and give the Milk Commission a chance to get back on the beam such as they inadvertently seem to have got off the beam.

I certainly hope today that you will give this the two-thirds vote that is needed, not to protect the Maine Milk Commission, but to protect the Maine farmers.

A few weeks ago, you passed a bill to protect 30 bear-trapping organizations, or camps, in this State. There were tears shed because these people were going to go out of business if we didn't protect their trapping and baiting season this year.

What about the hundreds of farmers who are going to go out of business if we vote against this today? I hope you will take that into consideration, as the Roll Call is taken.

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

Senator CONLEY: Mr. President, it's not strange to me that the good Senator from York, Senator Hichens, would be up speaking in favor of this Bill. He spoke in favor of it, or in opposition to any bill that would have repealed the Maine Milk Commission over the years he's been here.

The question before this Body today is, does the Maine Milk Commission have to adhere to the law? Apparently, they don't. Apparently, we're saying "Benedicta dos omni potent Deus" We'll give them just total absolution and

do as you wish.

I wasn't raised on a farm. I don't have a dairy in the backyard. There's one thing I have. I have twelve children, and I've paid through the end of the nose that the good Senator from York has made mention of time, and time, and time again, to dairies that have been ripping-off the public from day one.

I hope the Governor of this State has the guts to put a stamp of veto on this Bill the minute it hits his desk.

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

Senator SUTTON: I have never heard so much nonsense in my life, Mr. President. The Governor and I haven't agreed on everything this session. We may not agree on a lot of other things, but I don't believe for one second, even though he may have a farm called "Munjoy Hill Farm," that he is going to desecrate the whole rest of the State of Maine for Portland.

If you all haven't been listening, there are, Maine is basically a rural state. The fact that milk prices may come down in Portland on Munjoy Hill don't mean they're going to come down in South Paris, for one seconds. If they do, it may not be more than ten or twenty seconds, or months. We're going to be paying a heck of a lot more than we are now and bringing it in from Pennsylvania and Wisconsin, and all over the United States.

I don't believe for one second the Governor of this State is going to veto a Bill that's good for the majority of the people of this State. Regardless of the Supreme Court, and regardless of how you feel about the Milk Commission, this is not the time to pull the shade down.

I've got mixed emotions about the Milk Commission, as well as I've got mixed emotions about some other of the commissions in this government. I'm not prepared, at this point, to not have at least a hearing and some discussion on this thing. We're not going to be able to do it if we let the situation continue as it is, because although the good Senator from Aroostook and I haven't agreed on a lot of things, he said a very truthism today. By the time we get around to discussing it, we really won't have anything to talk about. I really think we should have something to talk about.

Given the slightest possibility that the good Senator from Cumberland is correct, I think we at least ought to have a little time to be sure of that. At this point, I am certainly not sure of it. I would certainly urge this Senate to give the system a little time. In this particular case, you know, I've been dumped on for so long in the last few days about the free enterprise system. I'm nearly up to my ears with it. You know, where I come from, from the free enterprise system. You know there's nothing in the free enterprise system, there's no product in the whole system that is as perishable as milk, that I know of. It's an entirely different ball game.

Please, give the system just a little while to work itself out. If we're wrong, let's work it out on a much more quiet and sensible basis than we're trying to do it right now, because if we are wrong, we will have done this State and its people a grave disservice.

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

Senator WOOD: Mr. President and Members of the Senate: I intend to vote for this Bill today. I feel that because of my past record it deserves some explanation. I am probably the only one in here that has consistently voted against the Maine Milk Commission. I was one of the lonely three signers of the Governor's Bill last time to do away with the Milk Commission. I have no love for that Organization.

I have no love for the dairies of this State, because I think they have shown their true colors. We are now seeing them desert the farmers one by one, because they think they can make some money with the Maine Milk Commission going away.

I am supporting this Bill simply because I think that it is time to stand up for some of the farmers in this State. I have consistently, since I've served in this Legislature, tried to pass legislation to preserve farm land and preserve our farming way of life. I think that to not pass this would be a further erosion of our farm property in the state. Our poultry industry is in trouble. Our potato industry is in trouble. Let's not make the milk industry in trouble, also.

There is a law in the books. I don't think the Maine Milk Commission knowingly violated that law. They thought they were acting in good faith when they passed the last price order. The courts had ruled that it was not in proper order. We should give them the time to get their house in order. I don't think we're encouraging them to break the law. We are simply giving them some time to get their house in order. If they can't do that, then we will have to let the chips fall where they may.

Interestingly enough, from my position, the very people that I'm supporting today, the Farm Bureau and those people, they have simply never supported any of my positions over the years. I take no great enjoyment in supporting them today. I think those farmers back home are the backbone of this State, that farm land is the backbone of this State. To desert our farmers at this time would be a great disservice, not only to the farmers, but the consumers who will ultimately pay not only higher prices, but will see a further erosion of a way of life that we all take a great deal of pride in.

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

Senator CLARK: Mr. President, a supermarket in Brunswick announced today that it was going to lower the price of a gallon of milk to \$1.79. That supermarket is not a market that's aligned with two of our major chains in the State of Maine. That pleases me, \$1.79. Yes, that supermarket has lowered the price of milk.

Even though I am not familiar with the Munjoy Hill Dairy Industry, and probably my nose is longer than my floor leader's, I'm not going to join with my seatmate in supporting passage of LD 1688 today. I haven't noticed that there's been chaos in the halls. That chaos is no greater or no less reflected in other issues where people who care about the issue travel to Augusta and try to influence their legislators. I heartily approve of that process. That's involvement in government in and of itself.

I'm not speaking on behalf of the consumers of this State. I'm speaking because I believe that LD 1688 is untimely, precipitous, inopportune, yes, premature. I understand the reasons of the supporters of this measure. I respect them. I probably am the single person who has hassled the Chair of the Committee on Business Legislation and most about the free enterprise system, for I had it waved as a flag for these many weeks that we worked together.

I believe that since the court decision, that competition has returned briefly to the Maine Dairy Industry. I recognize that the organized dairy industry, the Maine Farm Bureau, and yes, the Maine State Grange, have positively reflected the interest of their membership over these many years.

It's difficult sometimes to take a position when you know that the Bill is going to pass. I feel that I must. I have, on this floor in previous days, alluded to a questionnaire that I distributed. Actually, the numbers of questionnaires that I distributed were over 3000. The question that I asked relative to the Maine Milk Commission, perhaps does not keenly or closely reflect LD 1688, but it is as follows:

Should the Maine Milk Commission continue to set the retail price of milk in Maine? Eighty-two percent of my constituents responded no. So I believe that I'm standing and supporting the vast majority of constituents in Senate District 11.

Should LD 1688 pass here today, and I'm under no delusions that it won't, I submit to you that competition in the dairy industry will be short-lived. We're going to restore price setting powers to the Maine Milk Commission until January. For years, and years, and years, 9 legislative years for me, I have heard of the dire threats about the sky falling in should the Maine Milk Commission stop setting minimum milk prices. The only thing that's happened is that the prices have gone up. I sure do wish that the farmers had been the recipients and the beneficiaries of those increased prices.

Executives and store owners across the State are contemplating lowering the price of milk. Should LD 1688 pass, the need for competitive milk pricing will again disappear because we passed this measure. Since the 1930's, I'm not too sure what exact date, the Maine Milk Commission has served well the cause of protectionism. In the long run, protectionism only makes the protected industry weaker, less prone to modernize, and less attractive to investors. With fixed prices gone, Maine's dairy industry at this very moment faces competition in the open market. That's the free enterprise system, where the forces of the marketplace prevail, the laws of supply and demand.

It's a sometimes cruel and inefficient mechanism, and sometimes consumers indeed pay higher prices. We all seem to be willing to risk that for other commodities and consumables. Certainly, milk is not the most perishable of all consumer goods. It is one of the most important consumer goods, I agree.

The immediate future, should this Bill not pass, won't be easy for Maine's dairy industry. The dairy industry could learn to compete. It could learn to stand on its own. The long term prognosis for that industry is indeed good. Why? Because our Maine dairy industry is peopled by Maine citizens. I have faith in that industry. There isn't a segment of our economy here in Maine that has stood as champions, as stalwarts, for the free enterprise system, and as advocates, outspoken advocates, even militant advocates, if you will, to remove government burdensome regulations and get government off our backs. Have you heard those phrases before? Indeed, I have, and I'm sure you have, too.

The Maine Farm Bureau, the Maine Dairy Industry, and the Maine State Grange espouse those principles in the booklets that have come across our desks. That fact we can not deny. Yet, here today, we would be taking action in opposition to those principles. I submit that the Bill again will pass. I shall not be part of the majority that votes in support of Final Enactment. I submit that it's time that the sunlight shine on the free enterprise system as well as the Maine dairy industry. Thank you.

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

Senator TROTZKY: Mr. President, the good Senator from Cumberland, Senator Clark, says let the sun shine on the free enterprise system. When it comes to labor issues, we set minimum wages. Why? Why do Senator Clark and Senator Conley stand on this floor setting minimum wages?

Let me say this. I come from a District which is a city. It's the smallest district in the State of Maine in terms of size. I may have one or two dairy farmers. I haven't sent out a questionnaire. I'm sure if I sent out a questionnaire into my community of Bangor, probably I'd get the same results Senator Clark got in the sense that maybe, I don't know what the percentage would be, it might be 75, 80 percent of the people saying, let competition slow. Let's see the prices of milk go down.

Essentially, in the study that I see of the Milk Commission of Maine's industry, we have a stable agricultural industry in the dairy industry. We have seen what's happened to the poultry industry. Edmund Burke made a

statement, your representative owes you not his industry only, but his judgment. He betrays instead of serving you if he sacrifices it to your opinion.

I see in the long run, if we allow the large dairies such as Cumberland Farms out-of-state to come into the State. They will underprice our dairies. The result is our dairies will start going out of business. Eventually, as Senator Carpenter stated here, we're going to have a few large dairies and they'll control the price of milk.

So, I think in the best interest of maintaining a stable dairy industry, that this Bill should pass.

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

Senator SEWALL: Thank you, Mr. President. Members of the Senate, I just want to mention one thing, when we talk about the free enterprise. It seems to me that the farming industry, and especially in the dairy industry, depends a lot on the price of grain, which has gone from \$8 to \$11 in the last two or three years and most of this grain price is under government support prices.

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

Senator REDMOND: It seems as if it would not be apropos if I let this debate go by without adding my nickel's worth, seeing that I live next to a farmer who milks 200 cows for about 15 years. I saw this farmer with many others last week. He came and asked me to support this Bill. I can understand why.

I, too, am for free enterprise. I would like to see government get off our back.

Incidentally, as I walked in this Chamber here, my milkman for those 15 years stood there, and he's interested in government. I asked him how he felt about it. He has very strong feelings that if we let this go down the drain, that we're going to lose a lot of our small farmers.

Ladies and Gentlemen of the Senate, there was a very famous person who once said that no democratic government will work as it should work until we recognize that we really can only enjoy any right so long as we are prepared to discharge its equivalent duty. This applies just as much to the farmers of this State as to other businesses. If there is a problem with the Maine Milk Commission, let's not let it go down the drain. Let's address the problem where it lies and not throw away the baby with the bath water.

I hope that you will go along and support this Bill.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President, not wanting to prolong this discussion much farther because I feel everyone knows just how they're going to vote on the issue, I wish some of you could have been over in the gallery and heard the debate in the other Body today. They could have given you some good lessons on blends and so forth.

It bothered me that the good Senator from Cumberland mentioned about the cheapness, the \$1.79 a gallon. I was always told by my father that you get what you pay for. If you pay cheap, you get cheap. I think that some of these people that were talking in the other Body this morning could explain that the blend of milk that you pay a cheap price for is a cheaper blend of milk.

I think the Maine people have been very fortunate through the years under the Maine Milk Commission to get a good quality of milk, much better than again this Cumberland Farms people have been bringing in from out-of-state.

I listened on TV the other night to a gentleman who was sitting on one side of the room tell how his distributing company can take care

of the problem pretty well most of the year. There would be times of the year when the supply wouldn't be that good. They wouldn't know just what they were going to do if they didn't have the Maine farmer to depend on. Probably the price might fluctuate during that time.

I think that's one of the big problems you're going to see, that we're not going to get this flow of milk at a lower blend year around. Even though we may have sales at \$1.79 right now, that in a few months, as I mentioned earlier, you're going to be paying perhaps as high as \$2.79 a gallon for milk when the controls are taken away.

You talk about a free market. I don't know how you can look back only about two months ago and heard the dilemma that the poultry business is, because of the cost of transportation of bringing grain in, which had been mentioned a little bit this afternoon. These dairy farmers can't depend just on silage, can't depend just on hay. They have to have grain come in. They have to pay the higher price than other states which maybe some of this milk would be coming from have to pay.

Again, this is a business which the whole State of Maine is interested in. I raised a large family. I went out looking for bargains. I, also, went out looking for quality, that my kids would get the very best. I think that's what the Maine people, every consumer deserves.

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 York, Senator Dutremble.

Senator DUTREMBLE: Mr. President and Ladies and Gentlemen of the Senate, I'd like to be excused from voting because of the possibility of an appearance of conflict.

The PRESIDENT: The Senator from York, Senator Dutremble, requests Leave of the Senate to be excused from voting on this matter because of the possibility of the appearance of a conflict of interest.

Is it the pleasure of the Senate to grant this leave?

It is a vote.

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President, I wish permission to pair my vote with the gentleman from Washington, Senator Brown. If he were here, he would be voting Yea and I would be voting Nay.

The PRESIDENT: The Senator from Cumberland, Senator Najarian, Requests Leave of the Senate to pair her vote with the gentleman from Washington, Senator Brown. If he were here, he would be voting Yea and the Senator from Cumberland, Senator Najarian, would be voting Nay.

Is it the pleasure of the Senate to grant this leave?

It is a vote.

The pending question before the Senate is the Enactment of LD 1688.

A Yes vote will be in favor of Enactment of LD 1688.

A No vote will be opposed.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

YE — Ault, Bustin, Carpenter, Charette, Collins, Devoe, Emerson, Gill, Hichens, Huber, McBreairty, Minkowsky, Perkins, Pierce, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trafton, Trotzky, Usher, Viollette, Wood, The President, J. Sewall.

NAY — Clark, Conley, Kerry.

ABSENT — O'Leary.

A Roll Call was had.

26 Senators having voted in the affirmative and 3 Senators in the negative, with 2 Senators having paired their votes, with 1 Senator being absent and 1 Senator being excused, LD 1688 was Passed to be Enacted.

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

Senator CARPENTER: Mr. President, having voted on the prevailing side, I move Reconsideration and hope the Senate votes against me.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Aroostook, Senator Carpenter, that the Senate Reconsider its action whereby LD 1688 was Passed to be Enacted.

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.

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

In the House June 2, 1981, Passed to be Engrossed as amended by House Amendment "A" (H-516).

In the Senate June 10, 1981, Passed to be Engrossed as amended by House Amendment "A" as amended by Senate Amendment "A" (S-328) Thereto, in non-concurrence.

Comes from the House, that Body having Adhered.

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

Senator SEWALL: Thank you, Mr. President, I move we Recede and Concur.

The PRESIDENT: The Senator from Lincoln, Senator Sewall, moves that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?

The motion prevailed.

Sent forthwith to the Engrossing Department.

Non-concurrent Matter

Bill, "An Act Relating to Political Fund-raising by State Employees." (S. P. 258) (L. D. 740)

In the Senate June 10, 1981, the Minority Ought Not to Pass report Read and Accepted.

Comes from the House, the Bill Passed to be Engrossed, in non-concurrence.

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

Senator COLLINS: I move that the Senate Adhere.

The PRESIDENT: The Senator from Knox, Senator Collins, moves that the Senate Adhere.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President, I move that the Senate Recede and Concur, and request a Roll Call.

The PRESIDENT: A Roll Call has been requested.

Senator CLARK: Thank you, LD 740 was debated extensively yesterday. Time being at a premium, at least while we are in Session, I won't rehash some of those arguments, but I would ask, if you have an opportunity, that you look at this simple one-page Bill, LD 740, co-sponsored in this Chamber by myself and the good Senator from Aroostook, Senator McBreairey, and ask yourself, is it really fair that Maine's classified employees, all approximately 12,000 of them, are denied, is it fair that

they be, that they continue to be denied to exercise their full rights as citizens of the State of Maine, with particular reference to political fundraising?

I submit to you that it is inappropriate. The Legislative Body, who by the process of politics, will be passing judgement and maintaining a second class citizenship for those Maine citizens.

The PRESIDENT: Is the Senate ready for the question?

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 Clark, 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—Bustin, Carpenter, Charette, Clark, Conley, Dutremble, Kerry, Najarian, Pray, Trafton, Usher, Violette, Wood.

NAY—Ault, Collins, Conley, Devoe, Emerson, Gill, Hichens, Huber, McBreairey, Minkowsky, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky, The President-J. Sewall.

ABSENT—Brown, O'Leary.

Senator Minkowsky of Androscoggin was granted permission to change his vote from Nay to Yea.

A Roll Call was had.

14 Senators having voted in the affirmative and 17 Senators in the negative, with 2 Senators being absent, the motion to Recede and Concur with the House does not prevail.

Is it now the pleasure of the Senate to Adhere?

It is a vote.

On motion by Senator Collins of Knox, sent forthwith.

Enactors

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

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 Collins of Knox, Tabled until later in today's session, pending Enactment.

AN ACT to Authorize the Public Utilities Commission to Allow Undisputed Portions of a Rate Change to Take Effect During the Pendency of a Rate Proceeding. (H. P. 781) (L. D. 926)

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

AN ACT to Remove the Customer Charge from Electric Utility Rate Structures." (S. P. 654) (L. D. 1679)

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

Senator TROTZKY: Mr. President, it is my understanding that we are now dealing with LD 1679?

The PRESIDENT: The Senator is absolutely correct.

On motion by Senator Trotzky of Penobscot, the Senate voted to Reconsider its action whereby LD 1679 was Passed to be Engrossed.

On motion by Senator Trotzky of Penobscot,

the Senate voted to Reconsider its action whereby Senate Amendment "B" was Adopted.

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

Senator TROTZKY: Mr. President, I move the Senate Indefinitely Postpone Senate Amendment "B".

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

Senator SUTTON: Mr. President, I would be interested, before we vote on this, on the reason for this. I thought that the Amendment we put on the other day was a very logical and understandable Amendment. Why we should change it now, especially without discussing it, I'd like a little clarification?

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: Mr. President and Members of the Senate: I stated yesterday that I'm concerned with the Legislature actually setting rates, but not setting policy. The Senate Amendment which I intend to offer today, Senate Amendment "C", states that it's up to the Commission to decide the number of kilowatt hours in a minimum charge. It leaves that up to the Commission rather than the Legislature specifically stating there shall be up to 80 kilowatt hours with a minimum charge, which is strictly arbitrary.

So this does give more discretion to the Commission than Senate Amendment "B".

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

Senator SUTTON: Mr. President, maybe I'm not looking at the Amendment that the good Senator plans on filing, but the one I see brings back a 5000 customer minimum. I thought he made a very dramatic speech, which I agreed with yesterday about the evenness and honesty, and the fairness of having all utilities face the same problem.

If I am looking at the right one, and 5000 customers is involved, I would think, unless there's a very good explanation, I would request a Division.

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

Senator TROTZKY: Mr. President and Members of the Senate: I looked at the Amendment yesterday and all morning have been with one of the Commissioners. There is a very real problem in that some of the small utilities along the coast have to be treated differently than the large utilities. They have a large capital investment in relationship to very few customers. Consequently, with the amendment as put on yesterday, that eliminates the number of customers, it would severely affect the local residential ratepayers.

Consequently, to try and make a situation a little bit better, I've removed the number of kilowatt hours and had to reluctantly specify a minimum number of customers to be able to treat those small utilities, you might say in a unique manner because they are much smaller than Central Maine Power or Bangor Hydro.

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

Senator HICHENS: Mr. President and Members of the Senate: these two bills, the original one and LD 1679, "An Act to Remove the Customer Charge from Electric Utility Rate Structures" have been very interesting bills for me. I co-sponsored both bills. Two or three weeks ago, I had a headline in the paper that Hichens had jumped ship, and was referred that I came from the Republican ship into the Democratic waters.

Yesterday, after I had made the statement that the Amendment, which was presented by the good Senator from Penobscot was accepted, that I would not be able to abide the Bill as amended. Today, my wife overheard some-

one else say on the Democratic side, presumably, that I'd jumped ship again.

It seems to ring true that a note that I got from one of my fellow Senators the other day after a statement I made that I was all wet is being proved very realistic, because jumping ship twice in two weeks would make somebody real wet.

I like this Amendment. I think it answers the problems at hand, and yesterday the pressure was put on me, as you might well realize, by one of the principals in the Senate. Today I was called to the Superintendent's office and told by his Excellency that he thought that I shouldn't be concerned over the farmers being excluded from the Bill or the farmers' protection because the Public Utilities Commission could take care of it, in this Amendment it leaves it all up to the Public Utilities Commission to set their rates, and hopefully, set them at a low set rate, and I feel that this Amendment is the answer to the problems that we have and should be accepted.

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

Senator AULT: Mr. President and Members of the Senate: I have been voting in support of retaining the \$5.70 minimum charge, because I believed it was fair. I agreed with Senator Trotzky in that the service was there if you needed it. It was there whenever you might have wanted it.

It has come to my attention that if I had one meter on my house and I pay that \$5.70 minimum charge, I accept that, but I understand if I rent a room in my house to anybody, the utility can charge me another \$5.70 even though I have one meter.

Does your Amendment remove this right of the Public Utilities?

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

Senator TRAFTON: The Bill, as amended or in its present form, would remove that.

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

Senator TROTZKY: Mr. President and Members of the Senate: I think it's important to be very direct on this issue.

There are many issues we face in the Legislature. There is no complete right or complete wrong. There is valid reasons sometimes, and you're caught in between. Essentially, the customer service charge, we know, especially people in the Central Maine Power Company area, they get that \$5.70, and they aren't very opposed to it, and the feeling was, you know, this morning in taking a good hard look at this, that to try and come up with an Amendment which would leave the most discretion to the Commission, to try in a sense to set a policy, but yet, not to set the specifics.

I did speak with one of the Commissioners this morning, and had that Commissioner help me draft this Amendment. I did circulate the Amendment to a few people, some people on the Utilities, to Senator Trafton who, also, Senator Devoe, who also were on the PUC, Public Utilities Committee. No matter which way you go, no matter which direction you go, there can always be the other side of the argument. I feel that this amendment has a great deal of justification and probably will quiet a lot of the people out there who are screaming and yelling about the customer service charge, but yet, it leaves the maximum amount of discretion possible to the Commission.

The Commissioner felt that you had to have some limit on the number of people in the utility, limit on the size of the utility, because sometimes when you have an extremely small utility, serving an island, it has to be treated different than a large utility such as CMP which serves something like 350,000 customers.

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

Senator SUTTON: Mr. President, Ladies and Gentlemen of the Senate, I too, have voted ag-

ainst changing this Bill right from the start. I accepted that amendment the other day, which I think was fair because the farmers' part of the Bill had not been discussed, and because it treated all utilities alike.

As I understand it, utilities have the opportunity to charges based on their cost with the PUC.

I urge you not to support this amendment because we're going right back to where we started by putting a limit and taking away the fairness of it.

I would ask a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Trotzky, that Senate Amendment "B" be Indefinitely Postponed, please rise in their places to be counted.

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

19 Senators . . .

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President, could I have a Roll Call, please?

The PRESIDENT: The Chair will advise the Senator.

Senator SHUTE: What was the vote?

The PRESIDENT: The Chair was about to announce the vote, which was 19 Senators having voted in the affirmative, and 8 Senators in the negative, the motion to Indefinitely Postpone, in non-concurrence, does prevail.

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

Senator TROTZKY: I now present Senate Amendment "C" under filing number S-369 to LD 1679, and move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, now offers Senate Amendment "C" to LD 1679, and moves its adoption.

Senate Amendment "C" (S-369) Read.

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

Senator SUTTON: I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: I 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 pending question before the Senate is the Adoption of Senate Amendment "C".

A Yes vote will be in favor of Adopting Senate Amendment "C" to LD 1679.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Bustin, Carpenter, Charette, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Hichens, Huber, Kerry, McBrearty, Minkowsky, Najarian, Perkins, Pray, Redmond, Sewall, C.; Teague, Trafton, Trotzky, Usher, Wood.

NAY — Ault, Gill, Pierce, Shute, Sutton, Violette.

ABSENT — Brown, O'Leary.

Senator Dutremble of York was granted permission to change his vote from Yea to Nay.

A Roll Call was had.

23 Senators having voted in the affirmative and 7 Senators in the negative, with 2 Senators being absent, Senate Amendment "C" was Adopted.

The Bill, as amended, Passed to be En-

grossed, in non-concurrence.

The PRESIDENT: Is it the pleasure of the Senate that LD 1679 be sent forthwith.

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Suspension of the Rules, please rise in their places to be counted.

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

30 Senators having voted in the affirmative, and No Senators having voted in the negative, the Rules are Suspended.

Sent down forthwith for concurrence.

Orders of the Day

On motion by Senator Bustin of Kennebec, the Senate voted to take from the Table: Bill, "An Act to Authorize a Self-liquidating Bond Issue for Kennebec County for the Construction of a New Detention Facility." (H. P. 1216) (L. D. 1445) tabled earlier in today's session, by the Senator from Kennebec, Senator Bustin, pending Enactment.

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

Senator BUSTIN: I request a Roll Call.

The PRESIDENT: A Roll Call has been requested.

Senator BUSTIN: Mr. President, I'll speak to that.

The PRESIDENT: The Senator has the floor. Senator BUSTIN: Before a Roll Call is taken, I would like to just explain what's going on with this particular Bill.

I will be voting against it. I'm not particularly against the jail. I'm against the way it's being done at the moment.

There is a division in Kennebec County as to whether we should put this issue out to bond right now, or not. I know it's only a referendum item, and perhaps, this is the time, and it's tempting for me to just not debate the issue, and just let it go out to referendum, and let the people say, but I don't think that's acting responsibly. I don't think that's acting responsibly, because I don't think Kennebec County has their act together enough to put this out to referendum yet. I think that it will lose, and perhaps, that's what people want it to do. I'm not sure of that.

If you will look at the Amendment that has been put on there, and that's what I object to. I may have gone along with the bond issue as it was, but I object to the Amendment, because what it is saying is that the State of Maine shall, "shall" not "may", give up a parcel of land on Hospital Street in Augusta for a site for the jail, and that jail is for a tri-county jail, not just for Kennebec County, although Kennebec County is going to bear the brunt of it.

It further states that we, Kennebec County, will pay them up to \$5000 an acre for that. I think that you ought to consider that very carefully before you vote on this. Is that what you really want, when you have a county divided?

The parcel of land that that piece is in is already being developed, there are arbors in the works, for a recreational area, an arboretum, a lot of things that the Department of Conservation would like to see done. They've already given up lots of pieces of land in and around Augusta, and what you should be considering is do you really want to give up some more of our public lands.

Now, I'm in a precarious position here, because I am from Kennebec County. I do represent them, and we do give up a lot of our taxable lands to the State, so, I'm in a mixed bag here, but I still say we aren't prepared to take this on right now.

I've never felt comfortable about the process that where we have arrived at putting this out for referendum. I would prefer that we waited until the next session before we put this Bill in.

because then, we could tie up the loose ends. Maybe we could have a united delegation.

So, I move for a Roll Call and I ask you to vote with me.

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

Senator MINKOWSKY: Mr. President, Members of the Senate, I was not that aware of the bond issue that's facing us for Kennebec County to build this new facility, really until today, and of course, I guess I might state in the beginning I never have been a very strong proponent of county government or anything county government ever has done in the past.

I understand the total expenditure on this particular facility is in the area of \$5,000,000 after they finalize figures. I, also, understood earlier in the day that my County of Sagadahoc has been participating with the County Commissioners of Kennebec County as well as Lincoln County, in drafting the necessary agreements in which my County of Sagadahoc will be participating in about 15 percent of the total cost of this particular facility.

There has been great concern raised. Exactly the dilapidated conditions of the Kennebec County Jail at the present time, and it certainly would mean additional cost to Kennebec, as well as Sagadahoc and Lincoln Counties, in which to transport their prisoners to other areas of the State of Maine. I understood even as far as Aroostook County, which has an adequate facility. Of course, there's always Androscoggin County, we're always happy to take them in, also, because we do have very, very up-to-date adequate facilities. I made a point to call the County Commissioners of Sagadahoc County this afternoon, more or less to bear out the feelings that during the various meetings that have been held in Kennebec County, with Lincoln County, that they were in concurrence, that they were on the right area. The feeling was expressed very clearly on the part of Sagadahoc, that they had been involved in these negotiations from the early part. They are in full compliance with the bond issue, and they felt very strongly that if it was to fly it should be decided by the people.

So, on that particular basis, representing Sagadahoc County in this particular case, I'm going to vote for the bond issue to be sent to the people of Kennebec County to make that determination if they want the jail facility.

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

Senator PIERCE: Mr. President and Members of the Senate, if I was to outline for you, even briefly, the history of the Kennebec County Jail, and where we'd arrived at now, we'd need at least another 5 day extension. So, I'll try to do that somewhat quickly.

This Bill, probably, falls very clearly into the category that Senator Trotzky recently mentioned, where it's really not right legislation, or wrong legislation.

Kennebec County, as you may recall, was the County Jail that was closed by the State some 2 or 3 years ago, and at that time, as a result, we experienced something like 90 percent increase in our budget. We finally pared that down to about 54 percent increase in one year, primarily, because of the jail, and what that did, of course, was very clearly, and very quickly, focus attention on the problem that we have with our county facility.

There is absolutely no doubt about it, it has to be replaced.

All three of the Commissioners agreed to that. One of the three feels that the bond issue should, ought to be put off for some time.

As I talked to various members of the delegation, I've found that there isn't complete unanimity on whether we should build a jail, shouldn't build a jail, should do it now, etc.; but clearly there has been a consensus developed, and the consensus is the Bill that's before us here today. It's wound its way through the Leg-

islature and ends up for Final Enactment, and I would hate to see us turn it down after all the many, many months, and the amount of work that's gone into it.

Whether or not the voters will accept the responsibility of building a new facility remains to be seen. Building a facility such as jails is not very popular. We feel that it has to be done at some point, and the consensus of the delegation, clearly, is that we'd like to go ahead with this legislation now. The vote was overwhelming in the other Body, 125-13, and only three members of the county delegation voted against it.

So, on that basis, and realizing that there isn't really a right or wrong here, I would ask you to go along with us for Final Enactment of this Bill, and let us proceed down the road, which is still long ahead of us, to finalizing the solution to our county jail problem.

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

Senator BUSTIN: I would expect the good Senator from Androscoggin to support this Bond Issue because Kennebec County is going to have to carry the brunt of it, something to the tune of, I think it's 80 percent, perhaps the Senator from Kennebec could clear me up on that, but we are going to have to carry the brunt of that. Also the piece of land has only been looked at in Augusta, and if you're talking about three counties, then it seems to me you ought to talk about more than just looking at land in Augusta. There must be other land available that we can purchase, and perhaps is a better site for that.

The other thing is that in Kennebec, we're not in danger of being shut down. We already put a goodly amount of renovations in there to bring it up so that we won't shut down. I can't believe, given the correctional situation, here in the State of Maine, that the Department of Corrections is ever going to shut down that jail unless it's absolutely horrible.

The other thing that we ought to keep in mind is that I believe there's some kind of legislation that's been floating around here to decide whether we want to keep county government. There's also a question in everyone's mind as to whether the jail should remain in the county system. I think that everything is so up in the air that we ought to give it a little bit of breathing room, and give it some time.

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 Enactment of LD 1445.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Ault, Brown, Carpenter, Charette, Clark, Collins, Devoe, Emerson, Gill, Huber, McBreairty, Minkowsky, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky.

NAY—Bustin, Conley, Dutremble, Hichens, Kerry, Najarian, Pray, Trafton, Usher, Viollette, Wood.

ABSENT—O'Leary.

A Roll Call was had.

20 Senators having voted in the affirmative and 11 Senators in the negative, with 1 Senator being absent, LD 1445 was Passed to be Enacted.

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

Senator PIERCE: I move Reconsideration.

The PRESIDENT: The pending question before the Senate is the motion by the Senator

from Kennebec, Senator Pierce, that the Senate Reconsider its action whereby LD 1445 was Passed to be Enacted.

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.

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

Communication House of Representatives

June 11, 1981

Honorable May M. Ross
Secretary of the Senate
110th Legislature
Augusta, Maine
Dear Madam Secretary:

The House voted today to Adhere to its action whereby it Indefinitely Postponed Bill "An Act to Establish a Direct Payment System under the Workers' Compensation Law" (S. P. 218) (L. D. 605)

Respectfully,
S/EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Orders

Expressions of Legislative sentiment recognizing:

John Bshara III, of Troop 345, upon attaining the high rank and distinction of Eagle Scout (S. P. 696) presented by Senator Wood of York (Cosponsor: Representative Murphy of Kennebunk)

The Engrossing Staff of the Maine Legislature for their dedicated service engrossing legislation for the 110 Maine Legislature: (S. P. 697) presented by Senator Ault of Kennebec (Cosponsors: Senator Pierce of Kennebec, Senator Bustin of Kennebec and Representative Damren of Belgrade)

Which were Read and Passed.

Sent down forthwith for concurrence.

Orders of the Day

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

HOUSE REPORTS—from the Committee on Taxation — "Bill, An Act to Remove the Exemption for Motor Vehicle Fuel from the State Sales Tax Law." (H. P. 645) (L. D. 735) MAJORITY REPORT Ought Not to Pass; MINORITY REPORT Ought to Pass.

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

Pending—Acceptance of Either Report.

The Majority Ought Not to Pass Report Accepted, in concurrence.

The President laid before the Senate:

Bill, An Act to Authorize the Public Utilities Commission to Allow Undisputed Portions of a Rate Change to take effect During the Pendency of a Rate Proceeding. (H. P. 781) (L. D. 962) tabled earlier in today's session, by the Senator from Cumberland, Senator Conley, pending Enactment.

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

Senator TRAFTON: Mr. President and Members of the Senate: I'd like to discuss some of my reasons for not supporting Enactment of this LD before us.

It's very easy to pass legislation. Sometimes I feel that we don't take a close enough look to see if legislation is truly needed, and I think this Legislative Document is not needed.

In the first place, electric utilities already

have recourse to certain procedures to expedite receiving monies under a rate decision. One of those proceedings is something that previous Legislatures has initiated, the fuel adjustment proceeding. This takes into account when the price of fuel has risen. This can automatically be passed on.

The Public Utilities Commission also has emergency powers which have been used in past rate decisions. If the delay would be detrimental to the utility, the Public Utilities Commission can expedite the rate proceedings and pass on, immediately, portions, or the whole rate, which has been allowed.

Also, under another section of the law, the utilities, as soon as the rate decision has been processed can immediately, the next day in fact, turn around and request another rate decision, so that if some unforeseen circumstance arises, they can immediately have a review in light of that.

So, I think, here, at three proceedings, which already allow considerable flexibility to the Public Utilities Commission for passing on rate adjustments, as the utility may deem them necessary.

The Bill before us deals with a process to determine undisputed amounts. Undisputed amounts isn't really defined in the Legislation, but presumably, it's an amount that no party would seem to argue against.

My first thought, when I read the term "undisputed amount," is that it may have exactly the opposite effect that some utilities might wish, and that would be to encourage more interveners in rate decisions, but I think also that trying to arrive at an undisputed amount really takes away from the focus of the rate decision hearings, in that it allows a certain kind of plea bargaining into the procedure, a certain kind of determination as to what exactly an undisputed amount might be.

Any appeal from an undisputed amount would be meaningless because there is no mechanism for recovering rate increases once they have gone into effect, so that, if, in fact, an undisputed amount were allowed in then at a later point, in the same rate hearing case, while the decision was made that it was not, in fact, undisputed, it would, virtually, be gone. The customer would pay for it, and there would be no recourse.

As I mentioned earlier, it also concerns me that we're taking away from the final determination of the PUC, within the scope of the nine months allowed to them for a rate decision, the impetus to make rate decisions in as timely a manner as possible by allowing this sort of primary step, if you will.

I don't think rate making need be slow, and we have some encouraging signs from the Public Utilities Commission that rate making, is, in fact, being speeded up, and just recently in the Bangor Hydro case instead of taking the full nine months, it, in fact, took only five months.

We have done a number of things in this Legislature that I think, again, will speed up the decisions of the PUC. We have deregulated transportation. We have partially deregulated water companies, and I think both these actions will free up time and staff effort in the Commission to enable us to have rate cases in a more timely manner.

Additionally, under another piece of legislation, LD 579, water utilities need not even come to the Public Utilities Commission for a rate decision. We have returned that decision making power back to the water district so that they can make decisions on rates at the local level. I think that allowing disputed amounts really conflicts with the direction that we set in that Bill, which has already been passed.

And, finally, I think that it's totally lacking in an understanding of the customer concerns to pass this type of legislation. Essentially, what we're saying is that in a nine month period they can see two rate hikes. I think it's difficult

enough, and I base this basically on the Auburn experience that we've recently had for rate-payers to understand one rate increase in a nine month period, let alone the possibility of two, very close together rate increases in a nine month period.

I think our direction should be to reduce that nine month period to as limited an amount of time as possible as we've done recently, as we've seen it is possible recently in the Bangor Hydro case, and not to further deflect from that direction by creating a whole new proceeding, an undisputed proceeding, when the Public Utilities Commission already has various mechanisms available to it for utilities deemed in dire emergency.

So I would ask for the Yeas and Nays on Enactment of this, and I would urge you to seriously consider not Enacting this at this time.

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

Senator TROTZKY: Mr. President, the Majority of the Committee backed this Bill. There are delays. There is a time lag, and so on, when a lot of these smaller companies, private water companies come to the PUC. Essentially, all this Bill is saying, it's saying that the Commission may, leaves the Commission discretion, they may approve undisputed amounts of a requested rate increase.

In other words, if the Commission feels that that part of the rate increase is justified, they can allow that part of the rate increase to go into effect and the charges to be made to the customers while still working on those other parts of the rate increase which are disputed.

There is protection here for the customer in the sense that the Bill says that the customer shall be notified of the rate increase, and explain to the customer what's taking place here.

Many of these smaller utilities are having financial problems. It was the feeling of the Majority of the Committee that those parts of the rate increase that have been approved by the Commission, at the Commission's discretion, may be passed on to the consumer.

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 Androscoggin, Senator Charette.

Senator CHARETTE: Mr. President, could we have the Reading of the Committee Reports, please?

Which Reports were Read.

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

Senator TROTZKY: Mr. President, on this last day of the Session, I want the Senate to note the non-partisan nature of the Public Utilities Committee.

The PRESIDENT: The pending question before the Senate is the Enactment of LD 926.

A Yes vote will be in favor of the Enactment of LD 926.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Ault, Carpenter, Charette, Collins, Devoe, Dutremble, Emerson, Gill, Huber, McBreairey, Minkowsky, Perkins, Pierce, Redmond, Sewall, C.; Teague, Trotzky, Usher, Violette.

NAY—Brown, Clark, Conley, Kerry, Najarian, Pray, Shute, Trafton, Wood.

ABSENT—Bustin, Hichens, O'Leary, Sutton. A Roll Call was had.

19 Senators having voted in the affirmative and 9 Senators in the negative, with 4 Senators being absent, LD 926 was Passed to be Enacted

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

On motion by Senator Pierce of Kennebec. 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:

Order

An Expression of Legislative Sentiment recognizing:

The K.J. Printing Company, a Division of the Guy Gannett Publishing Company for their dedicated service printing documents for the 110th Maine Legislature; (S. P. 698) presented by Senator AULT of Kennebec (Cosponsors: Senator PIERCE of Kennebec, Senator BUSTIN of Kennebec, Representative HICKEY of Augusta, Representative LUND of Augusta and Representative PARADIS of Augusta).

Which was Read.

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

Senator AULT: Mr. President and Members of the Senate: I have heard that there are some members of the 110th Legislature that believe that we're still here today with an extended Session because the Commercial Printing Division of the Kennebec Journal has been slow in doing their work, and the Engraving Department has been tardy in their responsibilities.

I just want the public and members of the Senate to know that I don't believe this. The Kennebec Journal has been working all night and all day to do the printing that they're required to do. The Engraving Department, I believe, has been keeping up with the work. I just want you to know that I do not believe it's the Kennebec Journal and the Engraving Department that is responsible for us to be here today.

Which was Passed.

Sent down forthwith for concurrence.

Orders of the Day

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

Bill, "An Act Establishing the Women's Training and Employment Program." (H. P. 568) (L. D. 644)

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 644 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" 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-370) 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:

BOND ISSUE An Act to Authorize a General Fund Bond Issue in the Amount of \$2,500,000 to Assist Municipalities with Resource Recovery of Solid Waste. (H. P. 1528) (L. D. 1641)

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 1641 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor.
Senator HUBER: I present Senate Amendment "B" to LD 1641 under filing number S-371 and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber offers Senate Amendment "B" under filing number S-371 and moves its adoption.

Senate Amendment "B" (S-371) Read and Adopted. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

On motion by Senator Conley of Cumberland, the Senate voted to remove from the Table: Bond Issue, 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 the Senator from Cumberland. Senator Conley, Pending Enactment.

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

On motion by Senator Huber of Cumberland, the Senate voted to Reconsider its action whereby LD 1663 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor.
Senator HUBER: I now present Senate Amendment "A" to L.D. 1663 under filing number S-364 and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, offers Senate Amendment "A" to LD 1663 and moves its adoption.

Senate Amendment "A" (S-364) 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 Require the State to Pay its Share of School Funding on the 15th Day of Each Month." (H. P. 55) (L. D. 68)

Bill, "An Act Relating to the Special Administrative Expense Fund and Errors in Benefit Payments under the Employment Security Law." (S. P. 62) (L. D. 89)

Bill, "An Act Concerning the Uniform processing of Employer Contributions into the Retirement System." (S. P. 101) (L. D. 210)

Bill, "An Act to Amend Special Education Statutes to Provide for the Computation of Board and Care and to Authorize Rate Approval by the Commissioner." (H. P. 268) (L. D. 302)

Bill, "An Act Relating to the Per Diem and Case Assignments for the State Board of Arbitration and Conciliation (H. P. 280) (L. D. 310)

Bill, "An Act to Phase Out County Payments for the Support of Judiciary." (H. P. 352) (L. D. 400)

Bill, "An Act to Amend the Fee Schedule for the Payment of Appointed Forest Fire Wardens." (H. P. 506) (L. D. 557)

Bill, "An Act to Increase Eligibility Levels for the Elderly Householders Tax and Rent Refund Act." (H. P. 626) (L. D. 709)

Bill, "An Act to Increase the Compensation for Substitute Teachers." (H. P. 655) (L. D. 758)

Bill, "An Act to Amend the Group Life Insurance Program for State Employees and Teachers." (S. P. 301) (L. D. 845)

Bill, "An Act to Authorize County Commissioners to Charge Rent for Space Furnished to other Governmental Entities in County Court Houses and Other County-owned Facilities." (H. P. 753) (L. D. 890)

Bill, "An Act to Adjust Annually Individual Income Tax Laws to Eliminate Inflation Induced Increases in Individual State Income Taxes." (H. P. 907) (L. D. 1074)

Bill, "An Act Concerning the Payments of Burial Expense for Certain State Wards." (H. P. 1008) (L. D. 1204)

Bill, "An Act to Appropriate Funds to the Maine Geological Survey for Ground Water Aquifer Mapping." (S. P. 453) (L. D. 1299)

Bill, "An Act to Provide Sales Tax Exempt Status for Nonprofit Family Crisis Service Agencies." (H. P. 1113) (L. D. 1318)

Bill, "An Act to Separate the Funding of Old System Teachers in the Maine State Retirement System." (H. P. 1145) (L. D. 1367)

Bill, "An Act Relating to the Transport of State Prisoners in Knox County." (H. P. 1152) (L. D. 1373)

Bill, "An Act to Establish an Energy Conservation Program for Commercial and Light Industrial Buildings." (H. P. 1180) (L. D. 1404)

Bill, "An Act to Establish a Limited Tax Credit for Aid Businesses Providing Day Care Services to their Employees." (H. P. 1240) (L. D. 1465)

Bill, "An Act Establishing a Voluntary Income Protection Program for Shellfish Harvesters." (H. P. 1450) (L. D. 1590)

Bill, "An Act to License Community and Home Health Agencies." (S. P. 618) (L. D. 1624)

Bill, "An Act to Define Eligibility for School Purposes and to Determine Financial Responsibility for the Education of State Wards and Students who are not State Wards." (H. P. 1559) (L. D. 1669) (Emergency)

Bill, "An Act to Authorize and Encourage Risk Capital Funds." (H.P. 1581) (L.D. 1675)

On motion by Senator Huber of Cumberland, these Bills were Indefinitely Postponed, 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 State Participation in Local Leeway under the School Finance Act." (S.P. 265) (L.D. 747)

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

Senator HUBER: Mr. President, I move that this bill be Indefinitely Postponed.

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

Senator TROTZKY: Mr. President and Members of the Senate, Local Leeway, which affects 85 percent of the communities which make use of Local Leeway, is being underfunded this year by over \$2 million. In other words, last year we spent \$10 million on Local Leeway, and because we left the mill rate the same, automatically the State is only contributing \$8 million to Local Leeway.

All this Bill says is money that's left in the Local Leeway Account be used to fund monies that are left, unexpended monies in the education account be used to fund Local Leeway.

Therefore, I would hope the Senate would not follow the leadership and the Appropriations Committee and Enact this Bill today.

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

Senator HUBER: Mr. President and Members of the Senate, as with an amendment presented by the good Senator from Penobscot, Senator Trotzky, earlier in the Session, the cost of this measure would be \$2.3 million over the Governor's recommendation that recommendation is included in our Part I Budget.

This Bill would also cost \$700,000 over the Commissioner's recommendation. I know that

every town would like more funds in the form of Education Funding and in other forms, but I simply feel that we have to honor the Governor's recommendation in this area to keep these costs within the estimate that we're working with. I don't think we can afford this at this time. I hope the Senate will Indefinitely Postpone the Bill.

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

Senator TROTZKY: Mr. President, I know that the State collected \$5 million more than expected this last month. What this Bill is asking right now is that unexpended monies in the Education Account, it's not asking for any other money, but unexpended monies be used in the Local Leeway Account. All this Bill is asking is that these monies not be transferred to the General Fund, where they be fund highways or to fund other human services programs. Education is not being funded properly, which is resulting in increases in your property taxes all over the State.

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

Senator NAJARIAN: Mr. President and Members of the Senate, I feel that this is an irresponsible way to fund an increase in Leeway. As I pointed out during the time when Senator Trotzky offered his amendment to do the same thing, we're reducing Leeway to 1 mil and \$135 per pupil. The towns are going to go out and raise money based on that formula.

Each year, more and more of the school systems are taking advantage of Leeway, so that our surplus has been declining every year. If you have this kind of formula, they're going to, in all probability, use the maximum amount of Leeway money that we have appropriated, then will end up at the end of the year having to prorate that loss. So then all the school districts are going to have to go back and make some cuts, because the money is not going to be there.

The reason we fund Leeway to its maximum potential, as if all towns were to take advantage of it, is so proration wouldn't happen, which is what did happen when we first had introduced Leeway. As more and more towns take advantage of it, there's less and less surplus. With reducing this formula, which leaves an exposure of \$2.3 million, I'm afraid the towns are going to get caught. I'm almost sure they will at the end, when the money isn't there.

Therefore, I think that a more responsible way would be to put as appropriation of \$2.3 million on the Bill, and then you could decide whether you want to spend \$2.3 million more. This way the money isn't there. I hope you will defeat the Amendment.

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

Senator CLARK: Thank you, Mr. President. Men and Women of the Senate, perhaps you will remember our discussion of an issue yesterday relating to class size. In the interest of brevity, I would remind you that this is the number one priority, as had the good Chairman of that Committee, Senator Trotzky of Penobscot, of the Joint Standing Committee on Education. This is the number one priority as evidenced by the Maine State Superintendents' Association. This is the number one priority of the local school unit, school committees, and/or boards of directors in Senate District 11.

Members of the Appropriations Committee, or at least the Chair of that Committee, and the Senate have received letters from my local superintendent, which speaks to the dire necessity of additional State monies in the area of Local Leeway. Particularly impacted are those communities whose state valuations have increased to the extent that their State contribution to fund local school efforts is on the decline.

I would say that in the vast majority of the

five towns which comprise my Senate District, three find themselves in that unenviable position currently. Thus, not only do I stand as a member of the Committee on Education, in obvious committed support passage of LD 747, but as the local State Senator from my district.

We all know the necessity of adequately funding education. Leeway is that area which we feel has not been addressed as squarely as it might have been in the budget. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Huber, that LD 747 be Indefinitely Postponed, 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 10 Senators having voted in the negative, the motion to Indefinitely Postpone LD 747, in non-concurrence does prevail.

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 Gifted and Talented Education." (H. P. 837) (L. D. 1003)

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

Senator HUBER: Mr. President, I move that this Bill be Indefinitely Postponed.

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

Senator TROTZKY: Mr. President and Members of the Senate, I hope the Senate will not go along with the Indefinite Postponement of this Bill. The Governor, there's a program which was held this past year for gifted children. These were seniors in high school, where they were able to attend a Governor's school program for gifted and talented children.

The Education Committee met with many of these kids. These kids are going to be, in many cases, the leaders in the State in many different fields, in the arts, sciences, politics, and what not in the future. Each one of them said the program was a tremendous asset to them.

I feel very strongly that to discontinue this program right now is to ignore a segment of our kids in school which are not being attended to properly.

We spend over \$25 million for emotionally disturbed children, retarded children, who do not fit into the schools properly. We also have gifted children. They come from all walks of life, all nationalities and so on.

The program was very beneficial to all of them. They spoke of it very highly. I feel that this Bill should be Enacted. The cost to the State is \$35,000.

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

Senator HUBER: Mr. President and Members of the Senate, you may have noted that LD 610, which is "An Act to Provide for Reimbursement under the Education Finance Act for Programs for Gifted and Talented Children," a Bill sponsored by the Senator from Penobscot, Senator Trotzky, was not on the list of bills which have been recently under consideration for Indefinite Postponement. I believe the feeling in the Appropriations Committee was that with two bills in this area, that really all we could do was make one effort in this area.

The sponsors are roughly similar on the two bills. LD 610 has not been proposed for Indefinite Postponement.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Huber, that LD 1003 be Indefinitely Postponed, please rise in their places to be counted.

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

24 Senators having voted in the affirmative, and 5 Senators having voted in the negative, the motion to Indefinitely Postpone LD 1003 in non-concurrence, does prevail.

Sent down forthwith for concurrence.

(Senate at Ease)

The Senate called to order by the President.

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

On motion by Senator Collins of Knox, Receded 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:

Papers from the House Non-concurrent Matter

Bill, "An Act to Control the Cost of Workers' Compensation Rates to Maine Employers." (H. P. 1291) (L. D. 1504)

In the House, May 22, 1981, the Bill in New Draft (H. P. 1483) (L. D. 1611) Passed to be Engrossed as amended by House Amendment "A" (H-453).

In the Senate, May 26, 1981, the Minority Ought Not to Pass Report Read and Accepted, in non-concurrence.

Comes from the House, the Bill in New Draft, Passed to be Engrossed as amended by House Amendments "A" (H-453) and "B" (H-572), in non-concurrence.

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

Senator SUTTON: Mr. President, I move that the Senate Adhere.

The PRESIDENT: The Senator from Oxford, Senator Sutton, moves that the Senate Adhere.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I move the Senate Recede and Concur and ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Conley, 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.

11 Senators having voted in the affirmative, and 18 Senators having voted in the negative, the motion to Recede and Concur with the House does not prevail.

Is it now the pleasure of the Senate to Adhere?

It is a vote.

Sent forthwith.

On motion by Senator Collins of Knox, Receded until the sound of the bell.

Recess

After Recess

The Senate called to order by the President.

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, Receded 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:

Papers from the House Joint Orders

Expressions of Legislative Sentiment recognizing:

Emmett Stevens of East Millinocket, upon his retirement after 23 years of dedicated service to the community as a teacher at Schenck High School. (H. P. 1679)

The heroic efforts of Marty Jo Shaw of Mars Hill, who swam a mile to summon help for a family involved in a boating mishap in the frigid waters off Pine Point. (H. P. 1680)

The East Branch Snow Rover Club of East Millinocket which has been named the number one snowmobile club in the State by the Maine State Snowmobile Association. (H. P. 1681)

Senator John Kerry, of Old Orchard, his children Natasha and Meghan, and Linwood and Cecil Boutet for their efforts in assisting in rescuing 5 individuals from the frigid waters off Pine Point. (H. P. 1682)

Hon. Glen W. Torrey of Auburn, upon his appointment to represent Maine on the USDA Stabilization and Conservation Commission. (H. P. 1685)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

Joint Resolutions

Joint Resolutions in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Mary Brown Dickinson, a very special teacher who captured for all time, the love and respect of the Lisbon and Sabattus Communities. (H. P. 1684)

WHEREAS, the Legislature has learned with deep regret of the death of Lyman J. Kane, Sr.; of Bar Harbor, Chief of Police of that community for 31 years. (H. P. 1688)

Come from the House, Read and Adopted.

Which were Read and Adopted, 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 Authorizing Reasonable Fees for Nonresident Users of Public Libraries." (H. P. 548) (L. D. 624)

In the House, May 22, 1981, Passed to be Enacted.

In the Senate, June 10, 1981, Bill and accompanying Papers Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body Having Adhered.

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

Senator COLLINS: Mr. President, I move that the Senate Adhere.

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

Senator NAJARIAN: Mr. President and Members of the Senate, I feel a little uncomfortable about the adhering on this Bill, since we still have not Enacted the Funding Bill. It's still on the Appropriations Table.

I just wonder if there's a possibility that this can still be Tabled a little longer.

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

Senator TROTZKY: I move this be Tabled for 1 Legislative Day.

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

Senator COLLINS: I request a Division.
The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Trotzky, that LD 624 be Tabled for 1 Legislative Day, please rise in their places to be counted.

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

8 Senators having voted in the affirmative, and 18 Senators having voted in the negative, the motion to Table LD 624 for 1 Legislative Day does not prevail.

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

Senator NAJARIAN: I move this be Tabled until later in the day.

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

Senator COLLINS: Mr. President, I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Najarian, that LD 624 be Tabled until later in today's session, please rise in their places to be counted.

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

11 Senators having voted in the affirmative, and 16 Senators having voted in the negative, the motion to Table LD 624 until later in today's session does not prevail.

Is it now the pleasure of the Senate to Adhere?

It is a vote.

Sent forthwith.

Non-concurrent Matter

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

In the Senate June 10, 1981, Passed to be Engrossed as amended by Committee Amendment "A" (S-297) as amended by Senate Amendment "A" (S-365) Thereto, in non-concurrence.

Comes from the House. Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "B" (H-571) Thereto, in non-concurrence.

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

It is a vote.

Sent forthwith to the Engrossing Department.

Enactors

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

AN ACT to Amend the Workers' Compensation Law. (H. P. 685) (L. D. 799)

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 Stabilize the Maximum Weekly Benefits under the Workers' Compensation Act. (S. P. 225) (L. D. 613)

This being an emergency measure and having received the affirmative votes of 26 Members of the Senate, with 2 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.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the follow-

ing:

Committee Report House Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Amend the Maine Tree Growth Tax Law." (H. P. 801) (L. D. 955)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-546).

Signed:

Senators:

TEAGUE of Somerset
EMERSON of Penobscot

Representatives:

BROWN of Bethel
HIGGINS of Portland
MASTERMAN of Milo
DAY of Westbrook
INGRAHAM of Houlton
TWITCHELL of Norway

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "B" (H-547).

Signed:

Senator:

WOOD of York

Representatives:

POST of Owl's Head
KANE of South Portland
HAYDEN of Durham
KILCOYNE of Gardiner

Comes from the House, Minority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "B" (H-547) as amended by House Amendment "A" (H-569) Thereto.

Which Reports were Read.

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

Senator TEAGUE: Mr. President, I move we Accept the Majority Ought to Pass, as amended, Report and would speak briefly.

The PRESIDENT: The Senator has the floor.

Senator TEAGUE: This Amendment provides for strict eligibility requirements for placing land under Tree Growth Taxation. It provides for regional determination of wood production rates and annual determination of stumpage value and the discount rate.

Beginning in 1982, municipal reimbursement is applied to municipalities which have a tax shift in excess of 3 percent of the total tax levy. It clarifies the definition of forest land, and expands the definition of a parcel of land. It also provides that towns notify the State Tax Assessor annually of the amount of penalties received for withdrawal of land from tree growth, and eliminates the mandatory inclusion of parcels of land containing an excess of 500 acres.

Mr. President, this Tree Growth Tax issue has been in front of Taxation. Two years ago, we had a public hearing that lasted until around 10:30 in the evening. This year, on April 1, we had a hearing that lasted until 6:30, or 7:00 at night. This Tree Growth Tax Law has been a bone of contention in the Taxation Committee's problems for a good number of years.

This Committee Amendment "A" was worked out about two or three weeks ago. It is a good Amendment. It will help the small towns that have had the greatest amount of tax shift. I hope you will support Committee Amendment "A".

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

Senator WOOD: Mr. President and Members of the Senate, I would urge you not to support Committee Amendment "A", Report "A". I think that the good Senator is exactly right in outlining what this Report does. It differs in two aspects from Report "B". I think these aspects are significant.

The first, in setting the 3 percent level, it eliminates all reimbursements to the majority of those towns that are presently receiving re-

imbursements. For you people that represent the various counties, I will outline what counties receive no benefits under Report "A". Knox receives no benefit, Lincoln receives no benefit, Sagadahoc, Waldo, Cumberland, York, Androscoggin, and Kennebec receive no money under Report "A".

The towns in those counties are presently receiving funds under the tree growth reimbursement formula. If we pass Report "A", these counties will receive no benefits, the towns in those counties.

I would point out that for some of these towns, it will be a substantial loss. I would like to read a list, and I know the hour is late but I think it's important when you vote on this issue, to know how it's going to impact on your various communities. The list I will read are towns that will lose over \$1000 in reimbursement. The Towns of Durham, Minot, Ashland, Cyr Plantation, Dyer Brook, Haynesville, Marsardis, Nashville, Macwahoc Plantation, New Canada, St. John, St. Francis, Stockholm, Walagrass, Freeport, Harpswell, New Gloucester, Scarboro, Carabasset Valley, Avon, Houlton Plantation, Industry, Kingfield, Rangeley, New Sharon, Castine, Deer Isle, Ellsworth, Hancock, Lamoine, Otis, Belgrade, Farmingdale, Clinton, Fayette, Litchfield, Sidney, Vienna, Windsor, Cushing, Hope, Rockport, Alna, Jefferson, Newcastle, Buckfield, Denmark, Dixfield, Fryeburg, Gilead, Hartford, Greenwood, Lovell, Norway, Otisfield, Paris, Porter, Waterford, Woodstock, Brewer, Clifton, Edinburg, Garland, Howland, LaGrange, Medway, Milford, Plymouth, Bowerbank, Brownville, Dover-Foxcroft, Willimantic, Bowdoin, Athens, West Forks, Burnham, Cutler, Northfield, No. 21 Plantation, Princeton, Talmadge, Wesley, Whiting, Arundel, Cornish, Kennebunkport, Lebanon, Limington, Wells, and York.

These are the towns that will lose over \$1000 in reimbursement. There were other towns that will lose less than \$1000. I think, to pass Report "A", we'll be sending a message to these towns that are losing this money, that you will no longer get this reimbursement. With the 3 percent ceiling with the towns that have any built-up population, they will never receive any reimbursement for a law that we passed and put on the books and started reimbursing them. We are now taking that reimbursement away.

I don't think it's fair. I don't think it's equitable. I think in the closing days of the Legislature, it would be a slap in the face to these communities. I'm not prepared to go back to my communities and tell them that they've lost everything under tree growth.

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

Senator TEAGUE: The good Senator really is giving a list, but he's forgot one thing. That is the tree growth factor itself. This is in the formula. I mean the stumpage under Report "A" probably would be going up about 20 percent. The discount factor would be dropping from 20 percent down to 10 percent. This would increase the valuation, roughly, about 30 percent on an acre of land. If you took, say one acre of land, and figured at the present time, I mean, the value of that land under tree growth was \$50, and then you added, say the 30 percent increase, you would add a \$15 to that making it \$65. The \$15 increase, say at a 20 mil rate, would increase the amount the landowner pays to the town in those towns of about 30 cents. Most of those towns, I mean that the present time are being reimbursed at the rate of 11 cents an acre.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Somerset, Senator Teague, that the Senate Accept the Majority Ought to Pass, as amended, Report of the Committee, please rise in their places to be counted.

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: I 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 pending question before the Senate is the motion by the Senator from Somerset, Senator Teague, that the Senate Accept the Majority Ought to Pass, as amended, 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 — Brown, Collins, Devoe, Emerson, Gill, Hichens, Pierce, Pray, Redmond, Sewall, C.; Sutton, Teague, Usher, Violette.

NAY — Ault, Bustin, Carpenter, Charette, Clark, Conley, Dutremble, Kerry, McBreairey, Najarian, Perkins, Shute, Trafton, Trozky, Wood.

ABSENT — Huber, Minkowsky, O'Leary.

A Roll Call was had.

14 Senators having voted in the affirmative and 15 Senators in the negative, with 3 Senators being absent, the motion to Accept the Majority Ought to Pass, as amended, Report of the Committee does not prevail.

The Minority Ought to Pass, as amended, by Committee Amendment "B" Report of the Committee Accepted, in concurrence. The Bill Read Once. Committee Amendment "B" Read.

House Amendment "A" Read.

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

Senator TEAGUE: I move Indefinite Postponement of House Amendment "A".

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

Senator WOOD: Mr. President, I would request a Division on that motion.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Indefinite Postponement of House Amendment "A", 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 12 Senators having voted in the negative, the motion to Indefinitely Postpone House Amendment "A", in non-concurrence, does prevail.

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

Senator TEAGUE: I present Senate Amendment "A" to Committee Amendment "B" and move its adoption.

The PRESIDENT: The Senator from Somerset, Senator Teague, offers Senate Amendment "A" to Committee Amendment "B" and moves its adoption.

Senate Amendment "A" to Committee Amendment "B" (S-373) Read.

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

Senator WOOD: Mr. President, I would request a Division and I'd like to speak.

The PRESIDENT: The Senator has the floor.

Senator WOOD: It looks at this point as if we will go away with this Session without any Tree Growth Reform. It will be back again. This is not the unusual. It seems to be the scenario we like to follow. I think it's unfortunate this has

happened, but it's out of my hands at this point.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Adoption of Senate Amendment "A", please rise in their places to be counted.

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

18 Senators having voted in the affirmative, and 10 Senators having voted in the negative, Senate Amendment "A" was Adopted.

Committee Amendment "B", as amended by Senate Amendment "A", Adopted, in non-concurrence. Under Suspension of the Rules, the Bill, as amended, 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:

Papers from the House Joint Orders

Expressions of Legislative Sentiment recognizing:

Kenneth F. Baily of Harpswell, for distinguished service to the Legislature and the people of the State of Maine. (H. P. 1686)

JoAnne M. D'Arcangelo of Augusta, for distinguished service to the Legislature and the people of the State of Maine. (H. P. 1687)

Dorothy Hall, of Sangerville, for distinguished service to the Legislature and the people of the State of Maine. (H. P. 1688)

Kathleen Watson Goodwin, of Bath, for distinguished service to the Legislature and the people of the State of Maine. (H. P. 1689)

Kenneth Allen, of Sidney, for distinguished service to the Legislature and the people of the State of Maine. (H. P. 1690)

Phyllis Stafford of Augusta, for distinguished service to the Legislature and the people of the State of Maine. (H. P. 1691)

Pamela E. Lovley, of Whitefield, for distinguished service to the Legislature and the people of the State of Maine. (H. P. 1692)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

WHEREAS, following 10 years of intensive efforts to clean up our waterways and to restore native fisheries, the Atlantic salmon is returning to Maine rivers; and

WHEREAS, the restoration of this majestic fish has created great interest and consequent fishing pressure on the resources; and

WHEREAS, there are few controls on taking Atlantic salmon in coastal waters, and without some controls fishing pressure may endanger the restoration effort; and

WHEREAS, the Legislature has enacted an emergency measure to establish interim controls on taking Atlantic salmon in coastal waters, but this interim measure will be repealed on December 31, 1981; and

WHEREAS, careful study of the restoration efforts, fishing measure, legal jurisdiction and enforcement of management alternatives is necessary before enacting long-term controls on the Atlantic salmon fishing; 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 Marine Resources shall study the Atlantic salmon fishery and determine whether legislation should be introduced which would establish additional controls on this resource; 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. 1693)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

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:

Papers From the House Joint Orders

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 2 additional legislative days to be held on June 12, 1981. (H. P. 1695)

Comes from the House, Read and Passed.

Which was Read.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the Passage of HP 1695, please rise in their places to be counted.

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

27 Senators having voted in the affirmative, and 3 Senators having voted in the negative, HP 1695 was Passed, in concurrence.

(Senate at Ease)

The Senate called to order by the President.

WHEREAS, Legislative Document 1594, Bill, "An Act to Clarify the Status of Certain Real Estate Titles in the State" has been introduced before the Legislature; and

WHEREAS, passage of the Bill is intended to clarify the ownership, location and alienability of coastal lands that were or may have been created on or before October 1, 1975 by the filling of submerged or intertidal lands; and

WHEREAS, in order to avoid future problems and to protect the interest of owners or purchasers of coastal land and the State, a mechanism is needed to determine which lands are covered by the provisions of this Act, and whether or not particular pieces, about which questions may arise in the future, are covered by the provisions of the Act; and

WHEREAS, careful study of this problem is necessary in order to develop such a mechanism; 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 Judiciary shall study the provisions of Legislative Document 1594 and shall develop a procedure which may be used to determine what lands or parts of lands are covered by the provision of that Bill and which will protect owners of such lands, future purchasers of such lands, title attorneys and the State by making it possible to determine if particular lands are covered by that Bill; 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. 1694)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

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

Senator TROTZKY: Mr. President, is the Senate in possession of LD 747, the Local Leeway Bill?

The PRESIDENT: The Chair would answer in the negative.

On motion by Senator Pierce of Kennebec, Adjourned until 8:00 o'clock tomorrow morning.