

# 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 Special Session  
JOURNAL OF THE SENATE

August 3, 1981

In compliance with a proclamation of His Excellency, Governor JOSEPH E. BRENNAN, the Senators convened in the Senate Chamber at ten o'clock in the morning and were called to order by the President.

Prayer by Father James Michaud of St. Augustine's Catholic Church of Augusta.

Father MICHAUD: We pray first in silence. (Pause) Heavenly Father, You are the creator of the world. You have set Your children to be the stewards of creation. Guide the minds and hearts of our Senators today, so that under the inspiration of Your spirit, their discussions, their decisions may reflect Your will on earth, as it is in heaven. We pray this through Christ our Lord. Amen.

The Secretary will read the Proclamation.

WHEREAS, there exists in the State of Maine an extraordinary occasion whereby the State of Maine, the City of Portland, and Bath Iron Works, Inc. have recently entered into a memorandum of intent which will result in the construction of a \$46.7 million ship repair and overhaul facility in Portland Harbor; and

WHEREAS, this economic development project when completed, will provide direct employment for 1,000 persons and an additional 1,000 indirect jobs; and

WHEREAS, the State of Maine has indicated its intent to provide \$15 million in bond proceeds towards the joint financing of this project; and

WHEREAS, the 110th Legislature in the 1st Regular Session passed a bond issue for approval by the people of Maine at referendum on November 3, 1981; and

WHEREAS, there is an immediate need to amend this bond issue to more precisely reflect the intended use of these bonds and to increase the amount available for port development by \$5 million; and

WHEREAS, there exists a need for the Legislature to act in a timely fashion on this proposal so that the people of Maine may vote on this amended bond issue on November 3, 1981;

NOW, THEREFORE, I, JOSEPH E. BRENNAN, Governor of the State of Maine, by virtue of the constitutional power vested in me as Governor, convene the Legislature of this State, hereby requesting the Senators and Representatives to assemble in their respective chambers at the Capitol at Augusta on Monday, the third day of August 1981 at ten o'clock in the morning, in order to receive communications and enact an amended port development bond issue.

Given at the Office of the Governor at Augusta, and sealed with the Great Seal of the State of Maine, this Twenty-Third day of July in the Year of Our Lord Nineteen Hundred and Eighty-One.

S/JOSEPH E. BRENNAN  
Governor

A true copy S/ELSIE I. BOWEN  
Attest:

Which was Read and Ordered Placed on File.

At this point, a message was received from the House of Representatives, through Representatives Mitchell of Vassalboro, informing the Senate that a quorum was present for the consideration of such business as might come before the House.

The Roll being called, the following Senators answered to their names:

YEA — Ault, Brown, Bustin, Carpenter, Charrette, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Huber, Kerry, McBreairey, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Sewall, C.; Shute,

Sutton, Teague, Trafton, Trotzky, Usher, Violette, Wood, The President.

32 Senators having answered to the Roll, the President declared that a quorum was present.

Out of Order and Under Suspension of the Rules:

On motion by Senator CONLEY of Cumberland.

ORDERED, that a message be sent to His Excellency, the Governor, informing him that a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.

Which was Read and Passed.

The President appointed Senator Conley of Cumberland to deliver the message to his Excellency the Governor.

Subsequently, Senator Conley of Cumberland reported that he had delivered the message with which he was charged.

Out of Order and Under Suspension of the Rules:

On motion by Senator PIERCE of Kennebec, ORDERED, that a message be conveyed to the House of Representatives informing that Body that a quorum of Senators is present for the consideration of such business as may come before the Senate.

Which was Read and Passed.

The President appointed Senator Pierce of Kennebec, to convey the message, the Senator then retired to the Hall of the House, and subsequently, reported that he had delivered the message with which he was charged.

Out of Order and Under Suspension of the Rules:

On motion by Senator COLLINS of Knox, ORDERED, that a message be sent to the House of Representatives proposing a Convention of both branches in the Hall of the House at 10:30 o'clock for the purpose of extending to His Excellency, Governor JOSEPH E. BRENNAN, an invitation to attend the Convention and make such communication as pleases him.

Which was Read and Passed.

The President appointed Senator Collins of Knox to deliver the message, the Senator then retired to the Hall of the House and subsequently reported that he had performed the duties with which he was charged.

**Communications**  
**Office of the Governor**

July 12, 1981

The Honorable Joseph Sewall  
President of the Senate  
Senate Chamber  
State House  
Augusta, Maine  
Dear Senator Sewall:

This is to inform you that I am today nominating Thomas G. Leahy of Freeport for reappointment to the Maine Guarantee Authority. Pursuant to Title 10 MRSA Section 751, this nomination will require review by the Joint Standing Committee on State Government and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/JOSEPH E. BRENNAN  
Governor

Which was Read and Ordered Placed on File.

**The Senate of Maine**

July 22, 1981

The Honorable David R. Ault  
The Honorable Judy C. Kany  
Chairmen, State Government Committee  
110th Maine Legislature

Please be advised that on July 21, 1981, Governor Joseph E. Brennan nominated Thomas G. Leahy of Freeport for reappointment to the Maine Guarantee Authority.

Pursuant to Title 10 MRSA Section 751, this nomination will require review by the Joint

Standing Committee on State Government.

Sincerely,

S/MAY M. ROSS

Secretary of the Senate

Which was Read and Ordered Placed on File.

**Office of the Governor**

July 23, 1981

The Honorable Joseph Sewall  
President of the Senate  
Senate Chamber  
State House  
Augusta, Maine  
Dear Senator Sewall:

This is to inform you that I am nominating Ernest Caliendo, Jr. of Hampden for appointment to the Board of Environmental Protection.

Pursuant to Title 38 MRSA Section 341, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,

S/JOSEPH E. BRENNAN  
Governor

Which was Read and Ordered Placed on File.

**The Senate of Maine**

July 23, 1981

The Honorable James A. McBreairey  
The Honorable Donald M. Hall  
Chairmen, Energy and Natural Resources Committee  
110th Maine Legislature

Please be advised that on July 23, 1981, Governor Joseph E. Brennan nominated Ernest Caliendo, Jr., of Hampden for appointment to the Board of Environmental Protection.

Pursuant to Title 38 MRSA Section 341, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources.

Sincerely,

S/MAY M. ROSS

Secretary of the Senate

Which was Read and Ordered Placed on File.

**Office of the Governor**

July 24, 1981

The Honorable Joseph Sewall  
President of the Senate  
Senate Chamber  
State House  
Augusta, Maine  
Dear Senator Sewall:

This is to inform you that I am nominating Andrew B. Berry of Whitefield for reappointment as the applicator member of the Pesticides Control Board.

Pursuant to Title 22 MRSA Section 1471-B, this nomination will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Sincerely,

S/JOSEPH E. BRENNAN  
Governor

Which was Read and Ordered Placed on File.

**The Senate of Maine**

July 24, 1981

The Honorable Walter W. Hichens  
The Honorable Luman P. Mahany  
Chairmen, Agriculture Committee  
110th Maine Legislature

Please be advised that Governor Joseph E. Brennan has nominated Andrew B. Berry of Whitefield for reappointment as the applicator member of the Pesticides Control Board.

Pursuant to Title 22 MRSA Section 1471-B, this nomination will require review by the Joint Standing Committee on Agriculture.

Sincerely,

S/MAY M. ROSS

Secretary of the Senate

Which was Read and Ordered Placed on File.

At this point a message was received from

the House of Representatives, through Representative Mitchell of Vassalboro, concurring in the proposition for a Joint Convention for the purposes of extending to His Excellency Governor Joseph E. Brennan, an invitation to make such communication as pleases him.

(Off Record Remarks)

#### Senate Papers

Senator CONLEY of Cumberland (Cosponsors: Senator COLLINS of Knox and Senator KERRY of York) presented, Bill, "An Act to Amend a General Fund Bond Issue for the Purposes of Assisting Municipalities with Resource Recovery of Solid Waste." (S. P. 716)

Reference to the Committee on Appropriations and Financial Affairs suggested.

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

Senator COLLINS: Mr. President, I move that this Bill be given its First Reading without Reference to Committee.

The PRESIDENT: The Senator from Knox, Senator Collins, moves that SP 716 be given its First Reading at this time without Reference to Committee.

Is this the pleasure of the Senate?

It is a vote.

The Bill Read Once. Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed without Reference to Committee and Ordered Printed.

Sent down forthwith for concurrence.

Senator CONLEY of Cumberland (Cosponsors: Representative HIGGINS of Scarborough and Representative MARTIN of Eagle Lake) presented, Bill, "An Act to Amend a Bond Issue to Increase the Amount of \$5,000,000 and to Provide Authority to Construct, Acquire or Improve Drydocks and Other Ship Construction and Repair Facilities." (S. P. 714)

Which was referred to the Committee on Transportation and Ordered Printed.

Sent down forthwith for concurrence.

Senator EMERSON of Penobscot (Cosponsor: Representative CARROLL of Limerick) presented, Bill, "An Act to Amend a Bond Issue for Highway and Bridge Improvements." (S. P. 715)

Reference to the Committee on Transportation suggested.

Under Suspension of the Rules, the Bill Read Twice and Passed to be Engrossed, without Reference to Committee, and Ordered Printed.

Sent down forthwith for concurrence.

#### (Senate at Ease)

The Senate called to order by the President

The Senate then retired to the Hall of the House, where a Joint Convention was formed. (For proceedings of Joint Convention, see House Report)

#### AFTER JOINT CONVENTION IN SENATE

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, 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:

#### Paper from the House House Paper

Resolution, Proposing an Amendment to the Constitution of Maine to Decrease the Bonding Limit of the Maine School Building Authority from \$10,000,000 to \$6,000,000. (H. P. 1705) (L. D. 1694)

Reference to the Committee on Appropriations and Financial Affairs suggested.

Comes from the House, Passed to be Engrossed without reference to the Committee and Ordered Printed.

Under Suspension of the Rules, the Resolve Read Twice and Passed to be Engrossed, without Reference to Committee, in concurrence.

Sent forthwith.

#### Committee Report Senate Ought to Pass

Senator USHER for the Committee on Transportation on, Bill, "An Act to Amend a Bond Issue to Increase the Amount by \$5,000,000 and to Provide Authority to Construct, Acquire, or Improve Drydocks and Other Ship Construction and Repair Facilities." (S. P. 714) (L. D. 1693)

Reported that the same Ought to Pass.

Which Report was Read and Accepted, and the Bill Read Once. Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed.

Sent down forthwith for concurrence.

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

#### Communications Committee on State Government

August 3, 1981

The Honorable Joseph Sewall  
President of the Maine Senate  
State House  
Augusta, Maine  
Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 110th Maine Legislature, the Joint Standing Committee on State Government has had under consideration the nomination of Thomas G. Leahy to the position of Member of the Maine Guarantee Authority.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 110th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS: Senators 3

Representatives 9

NAYS: Senators 0

Representatives 0

ABSENT: Rep. Webster of Farmington and Rep. Lisnik of Presque Isle.

11 members of the Committee having voted in the affirmative and 0 in the negative, it was the vote of the Committee that the nomination of Thomas G. Leahy to the position of Member of the Maine Guarantee Authority be confirmed.

Sincerely,  
S/DAVID R. AULT  
Senate Chairman  
S/JUDY C. KANY  
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on State Government has recommended that the nomination of Thomas G. Leahy be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on

State Government be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 110th Legislature, the vote will be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — None.

NAY — Ault, Brown, Bustin, Carpenter, Charrette, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Huber, Kerry, McBreairty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trafton, Trotzky, Usher, Violette, Wood, The President, J. Sewall.

ABSENT — Hichens.

No Senators having voted in the affirmative and 32 Senators in the negative, with 1 being absent and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Thomas G. Leahy is confirmed.

#### Committee on Agriculture

August 3, 1981

The Honorable Joseph Sewall  
President of the Senate of Maine  
State House  
Augusta, Maine  
Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 110th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Andrew B. Berry of Whitefield as member of the Pesticide Control Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result: YEAS: Senators 1

Representatives 7

NAYS: 0

ABSENT: 5 (Senator Hichens of York; Senator Shute of Waldo; Rep. Michael of Auburn; Rep. Lisnik of Presque Isle; Rep. McCollister of Canton)

Eight members of the Committee having voted in the affirmative and none in the negative with 5 being absent; it was the vote of the Committee that the nomination of Andrew B. Berry of Whitefield as member of the Pesticides Control Board be confirmed.

Sincerely,  
S/LUMAN P. MAHANY  
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Agriculture has recommended that the nomination of Andrew B. Berry be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Agriculture be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 110th Legislature, the vote will be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — None.

NAY — Ault, Brown, Bustin, Carpenter, Charrette, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Huber, Kerry, McBreairty,

Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trafton, Trotzky, Usher, Violette, Wood, The President, J. Sewall.

ABSENT — Hichens.

No Senators having voted in the affirmative and 32 Senators in the negative with 1 Senator being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Andrew B. Berry is confirmed.

#### Committee on Energy and Natural Resources

August 3, 1981

The Honorable Joseph Sewall  
President of the Senate of Maine  
State House  
Augusta, Maine 04333  
Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 109th Maine Legislature, the Joint Standing Committee on Energy and Natural Resources has had under consideration the nomination of Ernest A. Caliendo, Jr. to the position on the Board of Environmental Protection.

After public hearing and discussion on the nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 109th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS: Senators 3

Representatives 9

NAYS: Senators 0

Representatives 0

ABSENT: 1 Representative Michael

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Ernest A. Caliendo, Jr. to the position of the Board of Environmental Protection be confirmed.

Sincerely,  
S/JAMES A. MCBREAIRTY  
Senate Chairman  
S/DONALD M. HALL  
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended that the nomination of Ernest A. Caliendo, Jr. be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Energy and Natural Resources be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 110th Legislature, the vote will be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President, Men and Women of the Senate, certainly all the Governor's appointments are very important, but I think this one bears particular scrutiny because certainly the Board of Environmental Protection makes some important decisions about the future of Maine in terms of both its development and its natural resources.

Since I have received no information on this particular candidate, I would like to ask the Chairman of the Joint Standing Committee on Natural Resources to speak specifically to his qualifications for being a member of the Board of Environmental Protection.

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

Senator MCBREAIRTY: Mr. President, Honorable Members of the Senate, that's a hard question for me to answer. He came before the

Energy and Natural Resources Committee this morning with a very short notice to us. I got the impression that his background will help give us a real balance on the Board of Environmental Protection.

He's a businessman. Personally, I think he will be a real asset to the Board.

As far as having time to really look into his background, we did not have that time any more than we usually do on some of these appointments.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate: I basically have the same concerns, addressed earlier, as Senator Trafton from Androscoggin. With the sketchy explanation that has been given of the candidate for the position to the Board of Environmental Protection, I just wanted to have the Record state very clearly this morning the reason why I would be voting against this particular nominee, not because he may not be qualified in the eyes of the Governor of the State of Maine, but neither have I received sufficient information to make that determination to know that he is qualified for his particular job.

So the basis of what information has been given to me this morning on the floor of the Senate, I'll be voting against this nominee.

The PRESIDENT: Is the Senate ready for the question?

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

#### ROLL CALL

YEA — Minkowsky.

NAY — Ault, Brown, Bustin, Carpenter, Charette, Clark, Collins, Devoe, Dutremble, Emerson, Gill, Kerry, McBreaity, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trafton, Trotzky, Usher, Violette, Wood, The President, J. Sewall.

ABSENT — Conley, Hichens, Huber.

1 Senator having voted in the affirmative and 29 Senators in the negative with 3 Senators being absent and 1 being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Ernest A. Caliendo, Jr. is confirmed.

(Off Record Remarks)

#### (Senate at Ease)

The Senate called to order by the President.

#### Enactors

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

#### Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Decrease the Bonding Limit of the Maine School Building Authority from \$10,000,000 to \$6,000,000. (H. P. 1705) (L. D. 1694)

The PRESIDENT: The Chair would inform the Senate that this is a Constitutional Resolution, and requires a two-thirds vote.

Is the Senate ready for the question?

This is a Constitutional Amendment, and in order for its passage it requires the affirmative vote of two-thirds of those members present and voting.

Will all those Senators in favor of the passage of this Resolution, 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 and 30 being more than the required two-thirds vote, the Resolution was Finally Passed and having been signed by the President, was by

the Secretary presented to the Secretary of State.

#### Bond Issue

AN ACT to Amend a Bond Issue for Highway and Bridge Improvements. (S. P. 715) (L. D. 1695)

This being a Bond Authorization Act and having received the affirmative votes of 30 Members of the Senate, with No Senators voting 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.

#### Bond Issue

AN ACT to Amend a Bond Issue to Increase the Amount by \$5,000,000 and to Provide Authority to Construct, Acquire or Improve Dry-docks and Other Ship Construction and Repair Facilities. (S. P. 714) (L. D. 1693)

On motion by Senator Collins of Knox, Tabled until later in today's session, pending Passage to be Enacted.

#### Bond Issue

AN ACT to Amend a General Fund Bond Issue for the Purposes of Assisting Municipalities with Resource Recovery of Solid Waste. (S. P. 716) (L. D. 1696)

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

Senator COLLINS: Mr. President, this Bill is one of three bills that were presented to the Legislature for the purpose of cutting back the State's exposure to bonded indebtedness. We have just enacted two of the three bills. As we approach this final Bill, I want to take this occasion to take issue with our State Treasurer.

Our State Treasurer is quoted in the press as saying, "what the Legislature decides to authorize doesn't really matter, because of the backlog of bond issues authorized previously."

I'm sure that members of the Legislature will be a bit startled to find that what they think about bond issues doesn't really matter.

We all know that bond issues, once authorized, have to be timed in accordance with need and in accordance with money market movements. It doesn't make any sense to rush out and sell bonds the minute they're available, if by waiting a few months or sometimes even a year or two, you can get a better interest rate. It doesn't make any sense to do these before State government is fully poised and ready to go. Projects of the size that require bond issues don't happen overnight. They take a lot of planning, a lot of lead time, a lot of preparation. There are always some bond issues waiting.

When the Governor made his proposal concerning the Bath Iron Works, many of us, were enthused at the prospect of economic development in the State, and at the same time we thought, should we push upon the electorate an additional \$5 million that exceeds the policy this Legislature has adopted, these past two or three years, of trying to keep our bond exposure at 90 percent of the amount being retired in the biennium.

Now the State Treasurer may have the experience of issuing more or retiring more than these percentages in a given period of time but the fact is that none of this happens without Legislative action in the first place.

So, when the Governor, after discussion with Republican leadership, came back with a proposal to cut \$5 million in other places, including 1(D) authorization, we felt that we were together supporting the philosophy of not increasing our exposure by more than 90 percent as we work along in this sort of a program.

I would urge you to support the pending bond issue. Many of us would like to spend money on resource recovery planning and assistance to our towns. It is important. On the other hand, this is the type of endeavor on the part of the State that does not, in general, produce a capi-

tal item, a capital expenditure. That's the sort of thing that I submit ought better to be paid for in our Current Services Budget.

With this million dollar start that will be available, it seems to me that we might well address another half million or another million if the concept of working with the towns in this respect works out, either next year, or the year after, or the year after.

So, I hope that you will support this principle of keeping our bond issue exposure at a reasonable level, and that you will vote "yes" on the pending bond issue cutting.

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

Senator PRAY: Mr. President and Members of the Senate: I'm not going to stand here today and tell you or interpret what the State Treasurer meant in his statement. I did have a discussion with the State Treasurer this morning in reference to the State of Maine's bond indebtedness and the effect that this potential \$5 million additional bond indebtedness to the Bath Iron Works project would have on the State of Maine.

He had talked to the, referring to the people in New York, Moody Investments, and asked them the same question. They basically said it would have no effect on the State's bond rating.

It would be my interpretation of that comment in conversation with him this morning, is that the evaluation of what we are going to extend or expand our bond indebtedness for would make a determination as to the effect it would have upon the bond rating. A project such as Bath Iron Works would be viewed in a favorable manner, and thus would have no effect as to whether or not if we had gone forth and just issued an additional \$5 million bond and let alone our concerns for the 90 percent figure that we've adjusted ourselves to over the past several sessions.

The Governor called us into Special Session for a very special occasion. As perhaps once in a decade or lifetime proposition came along, an opportunity for municipal, State, and private enterprise to join together for the benefit of the entire State. That proposal has been going through this Legislature. I've heard of no individual who is really that eminently opposed to it, who feels that the Bath Iron Works project is not worth the consideration of the Legislature for the benefit of the entire State.

I share that same feeling with the proposal that we have here at this time, one which originally came into the Session asking for \$5 million. The Committee on Energy and Natural Resources approved \$2.5 million. The Legislature and the Legislative Council basically in the final days of the Session, in its attempt to stay within the 90 percent figure of bonds that are being issued, cut it down to \$1.5 million, lost another \$1 million.

Now Republican leadership is presenting to this Legislature an attempt to cut another half a million dollars off of it. So from the beginning of the Session, we've gone from \$5 million down to \$1 million.

The good Majority Floor Leader stated that he believes that this money should come out of a Current Service Budget. This proposal has already been approved by the 110th Legislature in its First Session. We agreed and we approved at that time \$1.5 million.

The question that we come and we're faced with at this time is a half a million dollars. I ask each and every one of you, what that half a million dollars actually means and us trying to stick by the 90 percent figure? It comes down to less than 1 percent. We'll still be under 91 percent. I believe it's somewhere around 90.02 percent, is what we'll be issuing in bonds.

I think that the concern that many individuals have, the sponsors of this original proposal back in the 110th had, is that grave concern of, what are we going to do with our solid waste? What have we been doing. We've been burying it for the last decade. God knows what it's been

doing underground. All you have to do is look at a few communities such as Wells and see what's happened down there. What happens once that waste goes into the ground water table of this State? One of Maine's greatest resources is water, the pure and clean water that it has. I think for us to, at this time, arbitrarily cut off another half a million dollars, one third, of the proposal that is left at this time, is an irresponsible step for this Legislature to take.

Mr. President, when the vote is taken, I request it be taken by the Yeas and Nays.

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

Senator CONLEY: Mr. President and Members of the Senate, I certainly understand the grave concerns that the good Senator from Penobscot, Senator Pray, has with respect to the problem dealing with solid waste.

I know that several years ago in having served as a member of the Portland City Council, at a time that we considered over and over again, and the hundreds of thousands of dollars that it cost and continues to cost the citizens of greater Portland when going into solid waste management, we recognized how important that area was, and is, and certainly many of the rural communities today are being faced with the same complex issue.

I share the good Senator's concerns because I have seen what has happened in the Town of Gray with the water problem that has polluted the supply of drinking water for many of its residents.

I think that if we were to take a poll within this Chamber, that practically everyone here would state that they believe in solid waste management, and how we are to dispose of it is probably one of the top priority issues that all of us from Fort Kent to Kittery are concerned about.

I do, in a sense, agree with the remarks made by the Majority Floor Leader. I believe that the revenues should be put right up front. I believe that the good Senator, related to the fact of an upcoming Session, and I believe that we are going to be back here in September, or October to deal with block grants that the administration in Washington has brought about.

I would state that in order to make it more possible for us to wind up our Session today, that I as one Senator would pledge my support to take from the \$20 million surplus, that we read about in the papers recently, to take a half million dollars and to put that up front to make sure that this planning for the solid waste problem is added to the additional million dollars to go to the voters in November. We actually are not going to lose any time at all, because we do have to wait for November for the referendum on this issue. Secondly, we could certainly appropriate the half million dollars from the surplus that is presently on-board, to satisfy the needs and concerns of many of us.

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.

This is a Bond Authorization Act and in accordance with Section 14, of Article 9, of the Constitution requires the affirmative vote of two-thirds of those Senators present and voting.

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

#### ROLL CALL

YEA—Ault, Bustin, Charette, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Huber, Kerry, McBreaity, Najarian, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, The President, J. Sewall.

NAY—Brown, Carpenter, Clark, Minkowsky,

O'Leary, Pray, Trafton, Trotzky, Usher, Violette, Wood.

ABSENT—Hichens.

This being a Bond Authorization Act, and having received the affirmative votes of 21 Senators, with 11 Senators voting in the negative, with 1 Senator being absent, and 21 being less than two-thirds of the Membership present and voting, LD 1696 Failed of Passage to be Enacted.

Sent forthwith for concurrence.

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

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

(Recess)

(After Recess)

The Senate called to order by the President.

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

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

(Recess)

(After Recess)

The Senate called to order by the President.

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

#### Paper From the House Non-concurrent Matter

Bill, "An Act to Amend a General Fund Bond Issue for the Purposes of Assisting Municipalities with Resource Recovery of Solid Waste." (S. P. 716) (L. D. 1696)

In the House, August 3, 1981, Passed to be Enacted.

In the Senate, August 3, 1981, Failed of Enactment, 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 Recede and Concur with the House. I'd like to speak to that motion.

The PRESIDENT: The Senator has the floor.

Senator COLLINS: Mr. President, one of the most impressive things that I have heard in our legislative experience was said on the floor of the other Body, an hour or so ago, by one whose heart is very much in the effort to control solid waste problems. She was a prime sponsor of this whole effort concerning solid waste. She said, "Now we're just playing games. It's time to put that aside and get on with the main purpose of this effort, and to keep the arrangements that were so carefully worked out," or words to that effect.

I think that's the sign of a big person, someone who is placing the main goal right up at the top. I hope very much that we'll all ponder that spirit and that sentiment carefully. I'm asking that we have a Roll Call on the motion to Recede and Concur.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President and Members of the Senate, right now in this country, there's no question about it, there's a military build-up. It's essential to protect the free world.

However, right now, somehow leadership has linked the Bath Iron Works Bond Issue with a

bond issue for solid waste recovery, resource recovery. It's my feeling that we can have both. A military build-up should not be at the expense of a clean environment.

In the last Session of the Legislature, and I won't say it's hard to get \$500,000 out of this Legislature. It was hard this past session. It's going to be harder the next session. The technical assistance grants for solid wastes are drying up. The EPA is drying up. Coastal Zone Management monies are being committed. There's a tax cut at the federal level and so on. Many programs are going to dry up where there's money committed to solid waste.

Let's take a look for a second, this Bill came in and asked for \$5 million. The Department said all they requested was \$2.5 million for planning stages, planning stages for communities all around the State for resource recovery. To get those resource recovery steam generation plants, into operation, they estimate it would cost \$45 million to \$90 million.

Let's take a look at what's happening in Auburn, Maine. Auburn has gone to steam incineration, got steam from their waste and they sell it to Pioneer Plastics. The cost is \$4 a ton. That's the local taxpayer dollar. For Bangor, the greater Bangor area, the cost is \$9 a ton. It's expected that by 1990, in Auburn, the cost of solid wastes are going to be offset by the monies coming in from selling steam to different industries.

Many communities throughout the State, right now, are attempting to go into planning for some kind of incineration plant. Caribou is looking at modular incineration to be able to take their waste, incinerate it, sell the energy to Loring Air Force Base. Bangor, Brewer, and 20 communities are trying to get together possibly selling their steam to Diamond International. Rockland, Camden, Rockport, I understand from the DEP this morning, is looking at the possibility of a regional program to sell steam let's say to Pen-Bay Medical Center. The Waterville/Winslow area is looking at its options. The Brunswick area got the last technical assistance grant to sell steam, incinerate and sell to Pejepscot Paper.

There are pre-construction costs to all of these. All of our towns are being squeezed, as everybody sees, with cutbacks and taxes. To get a construction project going you have to have contract negotiations, there are requests for proposals, site preparation, permit processes have to be taken care of. What this Bill did is it said that the State would match local community's commitments with 50 percent. The local community would put up 50 percent, and then the State would put up 50 percent.

It's my feeling that it's unnecessary to link the two together. We're attempting right now to get communities together, in a regionalization, get a lot of small communities that have been putting their wastes in solid land fills. Many of the communities in the State are having problems. They feel there's going to be a problem in the Rockland/Rockport area. They feel there's a problem in Saco, Biddeford, Old Orchard Beach areas, where sanitary land fills on top of sand pollutes ground water.

All we're saying here is, I think, we ought to kill this Bill. It's not necessary to take \$500,000 off a \$1.5 million bond issue. The expected costs were going to be \$2.5 million. The Appropriations Committee amended it down to \$1.5 million. Although it's necessary, a military build-up, and it's essential for the State of Maine to try and take advantage of every job any job opportunities that come into this State, especially good jobs which Bath Iron Works will offer, it's not essential to trade it off at the expense of a clean environment and resource recovery.

The toughest bills that the Natural Resources Committee deals with come back to that simple thing, solid waste. It was open burning, then it's sanitary land fill, but take a look at what's happening today in Auburn, Maine,

where it's \$4 a ton. Communities need help and federal monies are drying up. I would hope that the Senate would not vote to Enact this Bill.

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

Senator PRAY: Mr. President and Members of the Senate, I'd just like to respond to a few of the comments made by the Majority Floor Leader, the Senator from Knox, Senator Collins, in reference to the fact that he felt that games were being played. Up until that comment I was going to sit here and just take my vote, and remain as consistent as I have attempted to throughout the Session, and still vote in opposition to this proposal.

Before I do respond to the concerns that the Senator has that games are being played, I'd like to thank those who voted along with me this morning in rejecting this proposal. I'd like to thank those who are going to stick by their earlier commitment, there earlier feeling that this was the correct way to go. I think the voters of this State appreciate consistency within their elected representatives.

My concern, though, to the comments of the good Majority Floor Leader that games were being played, that those games started last week, when Republicans felt as if they had to try to outdo the Governor, who had a great proposal to bring before the people of this State and this Legislature. When the Governor proposed the \$5 million additional bond for the purpose of allowing the Bath Iron Works expansion, Republicans felt as if they couldn't be outdone, so they had to do something.

I was down here for that announcement. I saw the concern that some of the Republican members had at that time. The end result of that is the fact that they felt as if, well, we've got to get something for this, so let's ask for a \$5 million reduction to off balance that. That was not the concerns or the comments that day. It came out either later that day or the following day, after they had a chance to see what they could get their pound of flesh for.

That's where the games started. At that time, Republican leadership has been down here meeting with the administration, trying to decide exactly where would they cut. The difference with the \$500,000 that we're debating at this time is peanuts to the overall bond indebtedness and to the figures of trying to adhere by the 90 percent of sending 90 percent out to the voters of this State to what we retire. If we come down to ignore the point of principle, and I do not feel as if I'm playing games, or the people who have supported the position that I have taken this morning, or the people that no matter which way they have voted, on either side of the issue, is playing a game here today.

It is a heartfelt belief that this is a serious problem. It is serious, there's 1,000's jobs that are going to be brought into the Portland area. The pollution of the ground water of this State will have a devastating effect, it will cost us more than a half a million dollars, more than \$15 million, or more than the total cost of the Bath Iron Works project together, if we do not address this problem to the detail and to the fullest of details that we can address it.

The fact that we started at \$2.5 million and we're now looking at \$1 million shows that it continuously is put back to the back burner, only until after we have a major crisis will then this State Legislature address it. It's very easy for somebody to stand up and say, come October, or come January, or in the next session, that I'm willing to support giving a half a million dollars. Then when we come in here for the next session, they sit there and they say, well, we have to give money to education and to human services. We have to give money for this and that. Gee, I told you that, but I didn't have the entire picture at the time. Now that I've got it, I agree with you, but we just don't have the money. We can't spend it.

Then in a couple of years from now we will address it. Sooner or later it will be addressed.

My concern is the fact that it's going to be later and it's going to be too late.

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

Senator SHUTE: Mr. President and Ladies and Gentlemen of the Senate, I for one feel I have been a little bit schnooked here by the other party in that vote this morning. I thought there was some kind of a gentlemen's agreement, that we were going to readjust the bonded indebtedness of the State to take care of the problem at hand, which is the Bath Iron Works, the reason we're over here. That didn't seem to come to pass.

There's great concern about the land water and the drinking water in the State. I didn't notice any of this concern a month ago, when the Department of Environmental Protection and Commissioner Henry Warren approved a 500 gallon oil spill for Penobscot Bay. I didn't hear anyone here rise to their feet, other than me, to oppose that project. All you need to do in this State, if you want to have an illegal act made legal, is to have an oil company, the American Petroleum Institute in this case, give a \$300,000 grant to a college. Then they'll approve the project as an educational project. Then they can dump all the oil they want to in your waters of your bay.

I didn't hear anyone in this Senate jump to their feet in my defense on that project. So it wouldn't surprise me if the DEP dumped all their solid waste down Penobscot Bay. They're going to dump their oil down there, and ruin the fishing industry, ruin the livelihood of a number of people down there, just because we get a \$300,000 grant from a petroleum company. I knew the oil lobby ran Washington, but I didn't know it ran the State of Maine.

If you want to see a historical moment in the history of the State, you can come down to Penobscot Bay in August when they dump the 500 gallons of oil in the Bay. You can watch history being made. I wonder where the ecologists have been during this period of time. They surely haven't been coming to the defense of the project, or my defense, or anyone's defense down there, when it's 100 percent unanimously against that project.

I don't think the \$500,000 that might be deleted from this project will have any great devastating effect on the State. If it does, all you do is get the industry to make a grant to a college, or some other educational institution. Then you get a legal license to do whatever you want to. So I don't see where the \$500,000 is going to hurt that much.

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

Senator CONLEY: Mr. President and Members of the Senate, I realize the day is getting shorter as we sit here and debate this measure. I honestly believe that, we're talking about the reduction of a bond issue from \$1.5 million down to \$1 million, we're talking about planning, planning (period) of solid waste throughout the State.

No one knows for sure whether or not that bond issue that goes to the voters this fall is going to be ratified. As I've stated, we all recognized that we have tremendous problems dealing with solid waste from one end of the State to the other. Many communities have taken a step forward and they've done something about it. Many of the rural communities do have serious problems. The \$1 million that is now being proposed, the reduction of the half a million, I don't believe is going to curtail that planning period, that much, in that short a time.

I stated earlier today that I, for one, would be willing to support out of the \$20 million surplus, that we have, that half a million dollars, if needed, to continue on with that project. It seems to me that we don't have an option left today. We don't have an option left. The House has taken its final position with respect to this particular Bill. Although I personally may feel



very, very strongly about \$1.5 million going to the people in referendum. I can live just as happily with \$1 million as well.

As I stated, it's a little bit late to become that parochial. We have heard about other proposals that were considered by the Republican members of leadership. In all honesty, I'm not going to discuss those here today, because even though they may have almost unanimously felt strongly enough with respect to cutting one project by \$1 million, they knew that politically they couldn't to it. It would be almost an impossibility. We would have been just here probably for two days, maybe three days. Perhaps they feel this is the easiest step to go with. I must admit, and I dislike saying it today, that Democratic leadership at the time had no input to refute some of the statements or the statements made by the good Senator from Waldo, Senator Shute. When you people appeared on the scene, or what you read in the paper, was really an agreement between the Executive Branch of government and the Republican leadership. We were told about the compromise position that was made. Some of us have said that we would support the position adopted by both Republican leadership and the Governor's office.

It's unfortunate that we didn't have some input with respect to that. Again, I would state that it's a little bit late in the day for us to try to salvage something that I know is going to mean chaos with respect to the big ball game that is going to proceed this bond issue to the voters in the fall.

As I've stated, I personally, would pledge my support for half a million dollars. In fact, in all honesty, I think the \$1.5 million should come out of the General Fund. I have never seen a capital improvement project. This is not capital improvement. It is nothing tangible, something that you can lay your hands on. It would be very strange to me that bond council would even approve of something like this. If you're certain we're dealing in a municipality, you couldn't pass a general obligation bond dealing with planning.

I would submit that I think the millions of dollars going out to the voters is fine. I would just as soon support putting a half a million dollars from the General Fund, from the surplus of the General Fund, to help these communities throughout the State meet their objectives in the planning of solid waste.

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

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

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

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

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

**YEA**—Ault, Brown, Bustin, Carpenter, Charrette, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Huber, Kerry, McBreaity, Najarian, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Trafton, Usher, Wood, The President. J. Sewall.

**NAY**—Minkowsky, O'Leary, Pray, Trotzky, Violette.

**ABSENT**—Hichens.

A Roll Call was had.

27 Senators having voted in the affirmative and 5 Senators in the negative, with 1 Senator being absent, the motion to Recede and Concur with the House does prevail.

The Bill having been signed by the President,

was by the Secretary presented to the Governor for his approval.

The President laid before the Senate: Bond Issue, "An Act to Amend a Bond Issue to Increase the Amount by \$5,000,000 and to Provide Authority to Construct, Acquire or Improve Drydocks and Other Ship Construction and Repair Facilities" (S. P. 714) (L. D. 1693), tabled earlier in today's session by Senator Collins of Knox, pending passage to be Enacted.

The Chair recognizes the Senator from Cumberland, Senator Conley.

**Senator CONLEY:** Mr. President and Members of the Senate: As the Senator that represents Senate District 9 in the City of Portland, I am certainly extremely pleased with this proposal that's coming before us today. I was made aware of this proposal at the same time the rest of the leadership was informed at the press conference and luncheon that the Governor had a short time ago.

The project to me, brings what I consider to be tremendous economic growth to the southern and central part of this State. Some individuals may look upon this as being a Portland development. To be honest with you, I obviously feel it's going to have some tremendous influence with respect to the overall economics of the City of Portland. That is that it's going to be a tremendous help to those who are presently unemployed. It's going to be a tremendous benefit to many of the people that presently have businesses in the Portland area. It's going to just have tremendous spinoffs something like 5 times the initial investment of what is being made by both the State and the City, and Bath Iron Works.

In other words, I think it's going to protect a tremendous economic boom for the State within the next several years.

I must say when I have read and have been informed, in detail, of the history of the proposal that is there before us, or here before us today, I think a great deal of credit must go out to the Executive Branch of this government. It must go out to the Executive Branch of the City of Portland, and certainly to the Bath Iron Works officials, who were competitive enough and patient enough to pursue not only locating in the City of Portland, but by continuing its shipbuilding development within the State of Maine.

For nine and a half years, I was employed as a city councilor, as we use that word loosely, by the City of Portland. I had the esteemed privilege of serving under what I consider to be the only economic developer the City has had in the last 12 to 15 years, one who has shouldered his muscle to the grind day in and day out. That's Mr. Clark Neily, one who I think has taken his beatings time and time again and has never really been rewarded for his endeavors that he has placed into the economic development of the Portland area. He has never been that parochial where he is, if Portland couldn't locate one particular development that he didn't refer it to some other community where perhaps things just might be a little bit better.

I think primarily, and I've heard everywhere from \$196 million up to \$300 million, that's going to be returned to the State's coffers over the lifetime period and span of this 20 year bond issue dealing with the \$15 million that's being pledged by the State.

I think there's one other important issue that I should make. That is that the City of Portland itself, which has generally limited itself in the amount of dollars that it has put forward for capital improvements, have generally limited that figure to \$3 million annually. The fact is that they are taking upon their shoulders, which is going to referendum to the voters of Portland in November at the same time that the Bond Issue before us, may be going before the state voters, that the City has enough faith that it is pledging its credit 5 times what it normally would do in any given year.

One might say, well, the City is going to have, reap tremendous rewards from this. I want you to know that the property tax doesn't increase in the sense in new development from the drydock. It doesn't return property taxes to the City. What it's going to do primarily, it's going to put a shot in the arm of the business community that is badly needed. I am pleased that we have this great opportunity, not only for Portland and southern Maine, but rewards that are going to be reaped by the entire citizenry of the State of Maine and the benefits that are going to accrue to the General Fund.

If I may take the time, Mr. President, I would like to put into the Record an analysis of the Legislature, so that everyone will have a complete understanding as to what exactly this Bill is.

The amendment has been prepared as narrowly as possible expands the scope and the purpose of Private and Special Law 1981, chapter 65 to enable the State to participate in the development of major ship construction facilities in Portland.

It does not mandate the State to do anything, but it does give the Administration the authority and the means to implement the letter of commitment among the State, the City of Portland and the Bath Iron Works described by Commissioner Campbell.

I would like to go through the Bill and give a brief explanation of what each section is intended to do, both technical structure and purpose of this Act were fully available to the Legislature.

The preamble is simply a traditional fixture to Maine bond legislation, reciting the fact that two-thirds of those present and voting have authorized the extension of the State's full faith and credit to back a bond issue and briefly outlining the purposes for which that credit is to be used.

This preamble is identical to that for chapter 65, except that it specifically adds that part of the economic development objective is to be served by financing shipbuilding and repair facilities, including drydocks. It further makes it clear that these facilities can be used, operated and eventually acquired, if that option is exercised, by public or private entities. Of course, we contemplate that those eventual purchasers, if they act to exercise the option, would be either the City of Portland or Bath Iron Works, although if they declined to exercise the option, other ultimate purchasers could be sought by the State.

In section 1 of the Bill, the Statement of Purpose contained in the new section one was suggested by bond council in New York.

This section specifically mentions the underlying public purpose on which this entire project is based — a dramatic increase in employment in Maine that would not occur but for the creation of ship repair facilities that could rival those which already exist in other states and are available now for use by our competitors.

In a State with our low per capita income, limited industrial base, limited private capital availability and high unemployment rates, this kind of government participation in economic development is of vital importance to our success in attracting this kind of business to the State.

Again, this section makes it clear that we contemplate the use, operation, and potential ultimate purchase of these heavy industrial facilities by other public and private entities, with the advantages for taxes and operational efficiency that such arrangements can mean.

We thought it was appropriate to also explicitly mention the other purposes for which chapter 65 was already intended, including the construction of a cargo-handling facility at Searsport, the possible development of feed grain terminal facilities to assist poultry industry, and sharing in the financing of centralized packing and potato storage facilities for the



purpose of assuring a greater degree of quality control for that very troubled section of our economy.

Finally, the facilities to be constructed in Portland could also be used for cargo handling purposes should it no longer be necessary for ship repair work.

All of these projects have in common the purpose of expanding and improving the transportation and production capacity of the State of Maine to increase employment opportunities for our citizens in a healthy economic environment with all the benefits of increased prosperity, general tax revenue and reduced dependence on government welfare programs a vigorous economy delivers, and this section makes it clear that it is the fundamental public purpose of this act.

Section 2, this section amends the original section 1 of chapter 65 to increase the total amount of bonding as amended from \$29,300,000 to \$33,300,000, an increase of \$5 million to make available the full \$15 million necessary for the State's commitment to fund the drydock and pier improvements necessary to make this project work.

Before discussing Section 3 of this bill, it must be remembered that even though some sections are not reprinted in L. D. 1693, they will continue to be a part of the law if this Bill is enacted.

In other words, the original Section 2, entitled "Interest and Debt Retirement" the original Section 3, entitled "Disbursement of Bond Proceeds;" and the original Section 4 entitled "Appropriations from General Fund bond issue" will continue intact and will become effective if approved by the voters at referendum, even though they do not appear in L. D. 1693. These changes are made in Section 9 of this Bill.

Section 3 itself changes the words "cargo port facilities" simply to "port facilities."

This change would allow to undertake the ship construction and repair work now envisioned, as well as the original cargo handling purpose planned in Chapter 65.

I would like to make it absolutely clear that this change will in no way, shape or manner diminish our legal ability to develop ship off-loading, cargo handling and storage facilities in Searsport, Portland or elsewhere along the coast.

Section 4 makes a technical change to revise the total bonding amount for consistency purposes.

Section 5 adds a definition of the term "Port Facilities," as used in the preceding section.

This section describes the kinds of structures that would ordinarily be associated with cargo port development, such as wharves, storage and lifting facilities, connecting transportation links and similar facilities.

But it also adds a description of the somewhat different kinds of structures that would be necessary for the development of shipbuilding and repair facilities, such as drydocks, fabrication shops, and related machinery.

We have deliberately tried to make this definition broad, so that the same facilities could be used for both purposes, and so that other related uses, such as the heavy machinery construction and repair business normally undertaken by shipyards for land-based industries, such as the overhaul of equipment used in the paper-making business, could also be undertaken under the authority of the Act.

Under Section 6, this section has also been broadened somewhat, to assure that revenues accruing to the State directly from these projects will be dedicated to paying off costs, associated with these projects and their bond financing.

The most likely sources of such revenue are the proceeds from the sale of the Maine State Pier to the City for \$4.6 million, and any lease payments Bath Iron Works would be required to make to the State in compensation for any

deductions that company might be required to take under the jobs and investment tax credit incentive now built into State Law.

This compensatory lease payment is a part of this carefully structured bargain among the parties and in no way is meant to suggest any doubts on our part as to the validity or utility of the tax credit as a general development tool.

The \$4.6 million dollar sale price for the State pier will be discussed more fully in Section 12.

Finally, with respect to this section, it should be observed that if the future significant surpluses develop as a result of any of these accounts, then nothing would legally prevent a subsequent Legislature from amending this Act to return the balances other than those secured from the sale of bonds to the General Fund.

It should also be clear that the very substantial indirect revenue gains we anticipate from the implementation of this Act will be allocated in the normal way, so that the additional corporate and personal income taxes, sales taxes, property taxes and other revenues which will be generated as a result of the 1,000 new Bath Iron Works jobs and other multiplier effects of these projects will go to the General Fund or to other accounts in accordance with the generally applicable revenue laws of the State.

Under Section 7, this section is again preceded by some sections requiring renumbering.

In this instance, the section which will be retained, even though it is not reprinted is the original Section 6, entitled "Acquisition and Use of Property."

Again, even though the original Section 6 is not reprinted it will be in full force and effect after the enactment of this Bill.

Finally, a technical renumbering change is made in the original Section 6, entitled "Contingent upon ratification of bond issue" to reflect the general renumbering required by this Act.

Section 8 deals with the actual question which will be presented to the voters on the ballot on November 3rd for their consideration.

We have tried to keep it as simple and straightforward as we could, but bond counsel strongly recommended the inclusion of new language to make it clear that the proposed ship repair facility could be conveyed to a private operator as a part of this general economic development strategy.

Given that imperative, we felt it would also be appropriate to identify the other specific projects contemplated, including the airport improvements, feed grain terminal, cargo facility and potato packing facilities, rather than singling out just one aspect of the overall proposal.

Sections 9 and 10 are the renumbering for consistency sections, simply renumbering, but again retaining the sections mentioned before, plus the original Section 9, entitled "Appropriation," and authorizing the Secretary of State to expend \$82,000 if a proposed constitutional amendment concerning residency requirements for candidates is approved.

In section 11, this section has been added as a precautionary measure to make it clear that the Department of Transportation is vested with the necessary authority to implement this rather complex proposal. We do not want this project to be in any way jeopardized by a technical legal argument that the agreements necessary to implement this project were in any way executed "ultra vires," that is — outside the scope of the lawful authority of the State officials responsible for its management.

In particular, the authority to enter into purchase and sale agreements for the pier and related facilities, leased for the drydock, cooperative agreements with the City and BIW, options to purchase and other legal documents should be made affirmatively.

We also felt that it would be prudent to again

restate the authority of the Commissioner to sell the Maine State Pier as this is a cornerstone to the entire package that has been negotiated among the parties and to make it clear that the proceeds of the sale of this asset would be available for the funding of the necessary improvements to the facility so that it can be made suitable for purpose of ship construction and repair.

This provision is added out of an excess of caution, as the Commissioner with the consent of the Governor, is already, in our judgment, authorized to enter into such a transaction under Private Special Law 1929, chapter 114, 1(B) which provides "no... deed or conveyance of real estate given by the Port Authority shall be valid until approved by the Governor and council" and under Private Law 1971, chapter 593, which transferred the authority of the directors of the Port Authority to the Commissioner of the Department of Transportation.

In other words, we believe the Commissioner has the authority to enter into the appropriate agreements now, but want to dispel any doubts that might otherwise arise in the future on this issue.

The final section of the Act which appears in the legislation as Section 13 makes the provisions of Section 12 concerning the Department's authority effective 91 days after adjournment sine die of this special session, is again a technical legal requirement. Because the State Pier is regarded a real, rather than personal, property, it cannot constitutionally be conveyed before the expiration of a 90 day waiting period under Article IV, Part 3, Section 16 of the Maine Constitution.

In summary, this Act is limited in its purpose to amending the agricultural and economic development bond issue which was enacted in June to allow for the development of a major shipbuilding and repair facility in the port of Portland.

We have carefully limited amendments to only those necessary to increase the funding availability by the amount required to make this project work and by expanding the scope of the originally proposed cargo port development to allow for shipbuilding, repair and allied activities as a part of port development.

In all other aspects, the bond issue remains intact as you enacted it last June.

Mr. President, that was put into the record at the request of the counsel of the State of Maine, or primarily representing the Chief Executive, and I want you to know that I have put most of you to sleep. I almost fell asleep myself reading, but at least it is in the record.

The President requested the Sergeant-at-Arms to escort the Senator from Cumberland, Senator Conley to the rostrum to assume the duties of President Pro-Tem.

The Sergeant-at-Arms escorted the Senator from Cumberland, Senator Conley to the Rostrum where he served as President Pro-Tem.

The President then retired from the Senate Chamber.

The PRESIDENT Pro-Tem: The Chair recognizes the Senator from Aroostook, Senator McBreaity.

Senator McBreaity: Mr. President and Honorable Members of the Senate, Governor Brennan, leadership and all who were involved in putting together a financial package that will make it possible for Bath Iron Works to expand and create new jobs in Portland should be congratulated by all who are interested in the welfare of Maine people.

Passage of LD 2215, "An Act Providing for Jobs and Investment Credit" and Final passage of LD 1693, "An Act to Amend a Bond Issue to Increase the Amount of \$5,000,000 and to Provide Authority to Construct and Repair Facilities," are perfect examples of what can be done to encourage new expansions of industry in Maine, when we all work together.

Governor Longley, I assume, was responsi-

ble for putting LD 2215 together in a very short time, called a special session, the bill was passed, and Pratt and Whitney was encouraged to come to Maine, by the promise of a \$2.1 million tax break over a period of 7 years.

Passage of LD 1693 will earmark \$15. million from this bond issue, plus \$4.6 million from the sale of the State pier as the State's share as an incentive to bring Bath Iron Works to Portland.

I understand that passage of LD 1693 will make it necessary to dredge 150,000 cubic yards from Portland harbor, use up several acres of State submerged land, provide 1,000 new jobs, and possibly bring to the Portland waterfront several hundred naval or Maine crew members, while ships are being repaired.

Again, I congratulate Governor Brennan and all others responsible for so rapidly putting together a package of this magnitude and assuming it will be completed within two years, without requiring Bath Iron Works to conduct a long, extensive, expensive, drawn-out, environmental impact study.

Again, I wish to point out how easy and fast millions of tax dollars can be committed, use of public submerged lands agreed to, and environmental problems overcome, when the Governor, regulators, and the Legislature work together in the best interest of the people of Maine.

Three years ago, Superior Mining came to the Maine Legislature, expressing a desire to mine copper in northern Maine. They did not ask for a tax break. They did not ask that Maine people be bonded for millions of dollars to build mining facilities as an incentive for them to come to Maine. All they asked was that Maine cooperate and make it possible for them to invest millions, and at the same time, provide badly needed jobs for northern Maine.

As Chairman of the Natural Resources Committee, I have been kept well posted as to what Maine has done to date to encourage mining jobs in northern Maine. In my opinion to date, we have done nothing but discourage Superior Mining to continue.

Last fall an ambitious regulator from LURC forced Superior Mining to spend \$140,000 for soil erosion prevention, \$140,000 for soil erosion prevention that anyone with any common sense will agree did much more harm than good.

If I had the time, I can take it within a radius of 5 miles of this building and show you many places where more damage is being done than would have taken place there without any money spent.

Instead of an emergency bill being considered in a special session to give Superior Mining a tax break, we have two tax bills sitting on the shelf to put an extra excise tax on mining companies in Maine. We have had mining in Maine since the early 1800's, and never thought of an excise tax before.

What would Bath Iron Works do if instead of passing this Bond Issue today, we drafted an excise bill on shipbuilding and put it on the shelf for future consideration? I am sure, without any more taxes created, Maine will benefit greatly under our present tax system from Bath Iron Works and Superior Mining, if they decide to expand in Maine.

Saturday, Bangor Daily carried two news items on the Maine page, one directly over the other. The total of the top item was revised "Bath Iron Works Bond Awaits Legislature". The title of the bottom item was "LURC Dissatisfied with Superior Mining Affects Data". The two news articles are perfect examples of what happens when an industry is wanted by all concerned, and what happens when regulators are given free rein to harass and discourage an industry from coming in.

According to the news article, the second news article, after spending thousands of dollars, and months of air and water monitoring by Superior Mining, Jeff Pidot, Director of LURC, has indicated that Superior's environmental work plan, submitted to the State agen-

cies on May 30, falls far short of meeting LURC's requirements. Jeff indicated that he wanted to see discussion of potential impacts of accidents which may occur in connection with mining. In his comments on Superior's plan, Pidot urged the company to undertake a precise monitoring project, for impact on terrestrial species, including the effects of noise and air pollution on animals and vegetation.

Also, he suggested the company should look into the potential adverse impact on local human population and employment picture. Pidot took the company to task for preconceived assumptions about biological effects, particularly to those involving sensitive endangered species. The plan, Pidot concluded, is solid on issues such as energy impact, recreation and other land use impacts, and immediate and surrounding areas and human health impacts.

I believe LURC is nitpicking, and if they have their way, we will never have mining in northern Maine. The point I am trying to bring out here today is, that the State of Maine appears to have two standards, one for Pratt and Whitney and Bath Iron Works, and another for Superior Mining. One standard for organized territories and another for unorganized.

I am going to vote for this Bond Issue today. I strongly believe that the new jobs that will be created will greatly benefit all the people of the State of Maine. In return, I am going to ask that the Governor, DEP, LURC, and the Maine Legislature in the near future decide if we wish to have a mining operation in northern Maine. If we don't want Superior to continue, we should say so.

Many of us in northern Maine strongly feel that a copper mining operation in Aroostook, port facilities at Sears Island, and shipbuilding and ship repair facilities at Portland, is a perfect combination that will greatly improve the economy of the whole State of Maine. Thank you very much.

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

Senator NAJARIAN: Mr. President and Members of the Senate, I promise to be a lot briefer than that other Senator from Portland. Since that is the City I represent, I do feel compelled to say a few words about this project.

That is that no project of recent memory approaches the scope and the certainty of this undertaking. In one fell swoop, they are rebuilding wharves and piers that have been dilapidated for a generation. We are creating the largest and most versatile drydock the State has ever seen.

We are doing this with a partner whose record for reliability, contract performance, and high wages is already legendary in our State and in our region. We may never have an opportunity like this again. We prevailed over an extremely competitive offer from our great rival in Massachusetts.

Shipyards, wharves, and piers are traditionally seen as public purposes in this country. This project in Portland will rehabilitate and redevelop one of America's oldest waterfronts, and return shipbuilding and allied industries to Portland Harbor.

The facility itself, that is the piers, the shipyard, and the wharves will all be located inside a public port. This is an important public goal and it relates to increased public activity in our great harbor. I am pleased to be able to support it. Thank you, and thank you Mr. Minkowsky for yielding. I've been listening to House debate on the television.

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

Senator MINKOWSKY: Thank you very much, Mr. President. I wish that I could have mustered the same amount of support and enthusiasm just a few short weeks ago, when we were building a \$128 million methanol plant. All

we asked for at the time was to have a study for the barrier toll system to live up to the commitment we made in 1977.

Unfortunately, people did not place much emphasis on \$128 million versus \$46 million, or \$46.2 million. This was not a Lewiston/Auburn bill at the time. It was interesting to denote the various reports on television, the reports in the news media, the attitudes of public officials, especially in Portland, especially the city manager, who by all indications did not appear that optimistic about the City of Portland being able to float \$15 million worth of bonds. He showed a great deal of concern of the deleterious effects it might have if they did not get over the hump by the year 1985.

From that particular point-of-view, I started to wonder, should the State of Maine, itself, get involved in this particular thing, since Portland, itself, did not display that much enthusiasm through its appointed official.

The good Senator from Cumberland, Senator Conley, brought out that this is a Portland development. I guess by all precepts that have been expressed here today, it appears that way. The only remarks I heard, appeared was that it was a Portland bail out, because the City of Portland was facing very serious financial difficulties.

The city manager of Portland, I think, used the expression that it was a gamble, or even more so, a risk. When you look at the \$33 million bond issue that will be going before the people in November, that's a substantial amount of money. Can the people of Maine afford, in 20 years, to spend another \$37 million in interest over the \$33 million bond issue that will be put forth to them in November? Is our economic stability at the present time that well, that we can afford to do this?

Admittedly, leadership, the Governor's office, and all the people surrounded with this particular project, the State Planning Office, were very much alert to what was going on. Here we are, members of the Legislature, elected by the people of the State of Maine, that really did not become cognizant of this particular thing, as important as it may be, until this brochure from the State Planning Office that were received on July 21, about three days before the entire article broke in the Maine Sunday Telegram.

Yet, we are expected this afternoon to make a decision of paramount importance affecting the State of Maine and its people. Yet, doing it by impulse and emotions, or by factual information. I am not saying that the people designed this particular program were not ethical and not honest. They did have a good understanding.

It's us people who go out and campaign and elect people in these various areas, that are left behind to make these particular decisions in a very, very short span of time.

There were some concerns about this particular Bond Issue. I'm speaking only the portion pertaining to Bath Iron Works, not the rest of the issue. We hear a great deal about the performance and productivity of Bath Iron Works. I can assure you that I feel very inclined to agree wholeheartedly because maybe 800 to 1100 people from my community work at BIW.

I might add significantly, also, that during the Curtis Administration, when I was here, we did put forth a bond issue in the excess of \$25 million, when BIW had bids out in contention with Litton Industries.

I want to basically show the Legislature or this Senate this afternoon that we have been a strong proponent of BIW and everything it represents.

An unknown factor, at least up until today, was its affiliation with "Congoleum," its parent company. We've heard a great deal about BIW, but we have heard very little about Congoleum. I was wondering if the people who drafted up the original piece of legislation really took a close look at the financial stability

of Congoleum.

We are talking, also, about BIW's own statement that it had anticipated contracts in the \$200 million, \$900 million, maybe to \$1 billion. If they have that much of a portion of contracts ahead of them, what is the necessity for the State of Maine to involve itself directly with taxpayers' dollars in which to address this particular program?

We are told primarily it's helping the City of Portland tax wise. It's helping the industry of the State of Maine. It's creating allegedly 1,000 new jobs. All positive thinking, but yet I go back to my original thinking and statement, which was the apprehension shown by the city manager in Portland, that it was risky.

I intend to support this Bond Issue this afternoon, but I think the people of the State of Maine deserve to get many more answers during the interim period of time, when this Bond Issue finally materialized for them to vote on in November.

An interesting question came up. Why was this not directed to the Maine Guarantee Authority, instead of through this particular Bond Issue? I have yet to get that particular answer, but I imagine it must be floating around somewhere.

I hope, very sincerely, that the people of the State of Maine fully are cognizant of the total cost of this Bond Issue and what they are going to pay for this entire program. I just don't want to let it go slide by, by simply saying just look at the jobs, and look at it as expanding industry that could have gone to Boston because the conditions might have been better. Sometimes these are just simple ploys that I think should be explored that much further. Maybe the people involved in the foundation of this particular program, the administration, the Governor's office, the Planning Office, the Department of Transportation, and other people involved, might have had the answer to this, but they're not the elected officials who are here today making this decision.

I think the part I object to is being informed after the fact, when the newspaper has all the facts directly from the horse's mouth. We are just lined up here as a group of conformists, to endorse this particular proposal.

I have not said it's a bad proposal. In fact, maybe I'm a little more optimistic and a little more happy about this entire thing than it allegedly appears here this afternoon. I think that the people of the State of Maine really have a great deal at stake. Will this change the bond rating of the State of Maine? We're double "A". Will we maintain this? Will it go down further?

I don't have the expertise? I'm just a rank and file person in the Legislature. The experts are the ones who are paid good money to make these particular decisions. We can pay them all the platitudes and everything else, but the dollars are there for them, for the expert advice.

When it comes to the explanation to the people of the State of Maine, it comes from guys like myself, who don't have the expertise, but going on the good faith of other people, who are explaining that particular point-of-view very optimistically, very cautiously, yet using the word risky.

I just want to have the Record state it very clearly this afternoon. I intend, number one, as I will vote for the Bond Issue, I still think the Governor should have made a decision on the submerged land issue. I can't understand why a company would want to involve itself with purchasing this type of land, where it's up in the air whether they will ever have title to it, or clear title to it, when the Governor has the option at the present time of making that determination. Since back in 1975, he, as Attorney General, made a ruling along those lines, where today he is actually very cautious in signing a particular bill that will actually clear the title to not only the lands along the coast in Portland, but along the entire seaboard of the

State of Maine, including maybe the land that BIW is presently on in the Bath area.

These are some of the apprehensions I might have, even though I'm going to vote for this particular issue. I thought the Record should be clear and stated very clearly, that these problems do exist, and hopefully between now and November of 1981, when this comes up before the people of the State of Maine, that maybe some of these particular apprehensions can be cleared up and satisfied that people of the State of Maine won't be faced what we faced back in the early 1960's with the Freddie Vahlsing fiasco, where we lost millions of dollars plus many other subsequent millions of dollars we have lost in other ventures.

I'm sure BIW does not fall in the same category as Freddie Vahlsing does. I'm sure the contracts are good, that they insofar as military expansions. Yet, on the other hand, we want to be perfectly sure that we understand this particular thing very clearly from the beginning to the end.

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

Senator COLLINS: Mr. President, I want to make one response to the remarks of the Senator from Androscoggin, Senator Monkowsky. Governor Brennan has assured us that, unless the Supreme Judicial Court finds some very serious fault in the legislature that we enacted about submerged lands, that he will sign that Bill as soon as he hears from the law court.

I want to express my appreciation to the Senators from Cumberland, Senator Conley and Senator Najarian, for their careful attention to the public purpose background of this legislation. As a lawyer, my first concern was, how do we justify having taxpayer money presented for the State to own a drydock? As I looked into this, I found that this sort of expenditure of public funds had been successfully carried out and sustained, in Mississippi, and in Oregon, and in the State of Washington.

Much of the rationale for this sort of thing evolves around the historic use of great ports as arteries of commerce that serve all the people. In this case, Portland is our great port of the State of Maine, a well known public port. I suppose we might think of this in a small sense, as Maine's participation in the national defense effort. That sort of thing, too, is justified by Maine Constitutional Authority.

Coming from the mid-coast as I do, I think of this as a possible opportunity. The State is already in the ferry boat business. Some of our steel ferry boats have reached the point where they need to be started out. Maybe they can be stretched out in these drydocks.

I will be happy to support the pending issue.

The President Pro Tem requested the Sergeant-at-Arms to escort the Senator from Penobscot, Senator Sewall, to the rostrum where he may assume his duties as President.

The Sergeant-at-Arms escorted the Senator from Penobscot, Senator Sewall to the rostrum where he assumed his duties as President.

The Sergeant-at-Arms escorted the Senator from Cumberland, Senator Conley, to his seat on the floor of the Senate.

The PRESIDENT: I am sure that the Senators agrees with me that the good Senator from Cumberland, Senator Conley, did his usual fine job of presiding.

The PRESIDENT: Is the Senate ready for the question?

This being a Bond Authorization Act and having received the affirmative votes of 31 Members of the Senate, with No Senators voting 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:

On motion by Senator Conley of Cumberland. ORDERED, that a message be sent to His Excellency, the Governor, informing him that the Senate has transacted all the business which has come before it and is ready to Adjourn Without Day.

Which was Read and Passed.

The President appointed Senator Conley of Cumberland to convey the message to his Excellency the Governor.

Subsequently, Senator Conley of Cumberland reported that he had delivered the message with which he was charged.

Subsequently a message was received from the House of Representatives through Representative Mitchell of Vassalboro, the Majority Floor Leader of the House, that the House had transacted all business before it and was ready to Adjourn, Sine Die.

Out of Order and Under Suspension of the Rules:

On motion by Senator Collins of Knox, ORDERED, that a message be sent to the House of Representatives informing that Body that the Senate has transacted all the business which has come before it and is ready to Adjourn Without Day.

Which was Read and Passed.

The President appointed Senator Collins of Knox to convey the message to the House of Representatives.

Subsequently, Senator Collins of Knox reported that he had delivered the message with which he was charged.

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

Senator McBREAIRTY: Mr. President, Honorable Members of the Senate, I move that the Senate Adjourn Sine Die.

On motion by Senator McBreairty of Aroostook, at 4:41 p.m. on Monday, August 3, 1981, the Honorable Joseph Sewall declared the Senate of the First Special Session of the 110th Legislature, Adjourned Sine Die.