

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
Third Special Session
JOURNAL OF THE SENATE

December 9, 1981

In compliance with a proclamation of His Excellency, Governor Joseph E. Brennan, the Senators convened in the Senate Chamber at 10 o'clock in the morning.

Senate called to order by the President.

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

Father MICHAUD: We pray, Father, You alone know what is truly just and true. Fill the minds and the hearts of this noble assembly with Your spirit, so that they may seek Your ways. May they deliberate and make decisions according to Your spirit of poverty and sincere detachment. We pray this through Christ, our Lord. Amen.

The Secretary read the Proclamation.

State of Maine
PROCLAMATION

WHEREAS, Congress has enacted the Economic Recovery Tax Act of 1981 which contains many changes to the Federal Internal Revenue Code, and;

WHEREAS, this legislation becomes effective with the 1981 tax year, and;

WHEREAS, the Maine income tax law is presently based upon the federal code and legislation is necessary to adopt federal law changes, and;

WHEREAS, the Legislature must consider and resolve these matters before the Maine 1981 income tax instructions and forms are printed and distributed, and;

WHEREAS, these forms are normally mailed to Maine taxpayers early in the new year in order that these taxpayers may file their returns in a timely manner;

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 Wednesday, the ninth day of December, 1981 at ten o'clock in the morning in order to receive communications, enact a bill to conform Maine's tax law to the Internal Revenue Code, and conduct such other legislative business as may be appropriate.

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

S/JOSEPH E. BRENNAN
Governor

S/RODNEY S. QUINN

Secretary of State

A true copy. S/ELSIE I. BOWEN

Attest: Deputy Secretary of State

Which was Read and Ordered Placed on File.

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

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

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 PRAY of Penobscot, 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 Pray of Penobscot to deliver 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.

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

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

November 10, 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 Ralph L. Tucker of Brunswick for appointment as a Commissioner of the Workers' Compensation Commission.

Pursuant to Title 39 MRSA Section 91, this nomination will require review by the Joint Standing Committee on the Judiciary 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.

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 purpose of extending to His Excellency, Governor Joseph E. Brennan, an invitation to attend the Convention and make such communication as pleases him.

The Senate of Maine

November 10, 1981

The Honorable Dana C. Devoe

The Honorable Barry J. Hobbins

Chairmen, Judiciary Committee

110th Legislature

Please be advised that Governor Joseph E. Brennan has nominated Ralph L. Tucker of Brunswick as a Commissioner of the Workers' Compensation Commission.

Pursuant to Title 39 MRSA Section 91, this nomination will require review by the Joint Standing Committee on Judiciary.

Sincerely,

S/MAY M. ROSS

Secretary of the Senate

Which was Read and Ordered Placed on File.

Committee on Judiciary

December 2, 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 Judiciary has had under consideration the nomination of Ralph L. Tucker of Brunswick as a Commissioner of the Workers' Compensation Commission.

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:

Senators — 0

Representatives — 1 (Rep. Benoit)

12 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 Ralph L. Tucker be confirmed.

Sincerely,

S/DANA C. DEVOE

Senate Chairman

S/BARRY J. HOBBINS

House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of Ralph L. Tucker be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Judiciary 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—Ault.

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

ABSENT—Sutton.

1 Senator having voted in the affirmative and 31 Senators in the negative, with 1 Senator 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 Ralph L. Tucker is confirmed.

At this point the Senate 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.

Office of the Governor

November 10, 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 Paul T. Pierson of Caribou for appointment to the District Court.

Pursuant to Title 4 MRSA Section 157, this nomination will require review by the Joint Standing Committee on the Judiciary 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

November 10, 1981

The Honorable Dana C. Devoe
The Honorable Barry J. Hobbins
Chairmen, Judiciary Committee
110th Maine Legislature

Please be advised that Governor Joseph E. Brennan has nominated Paul T. Pierson of Caribou for appointment to the District Court of Maine.

Pursuant to Title 4 MRSA Section 157, this nomination will require review by the Joint Standing Committee on Judiciary.

Sincerely,
S/MAY M. ROSS
Secretary of the Senate
Which was Read and Ordered Placed on File.

Committee on Judiciary

December 2, 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 Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Paul T. Pierson of Caribou to the position of Judge of the Maine District Court.

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 — 7
NAYS:
Senators — 0
Representatives — 1 (Rep. Carrier)
ABSENT:
Senators — 0
Representatives — 2 (Reps. Benoit and Reeves)

10 members of the Committee having voted in the affirmative and 1 in the negative, it was the vote of the Committee that the nomination of Paul T. Pierson be confirmed.

Sincerely,
S/DANA C. DEVOE
Senate Chairman
S/BARRY J. HOBBS

House Chairman
Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of Paul T. Pierson be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Judiciary 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, Hichens, Huber, Kerry, McBreairty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Sewall, C.; Shute, Teague, Trafton, Trotzky, Usher, Violette, Wood, The President - J. Sewall.

ABSENT—Sutton.

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 Paul T. Pierson is confirmed.

Office of the Governor

November 20, 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 Richard C. Carver of Beals, Stetson H. Everett of Hancock and E. Maynard Graffam, Jr. of Rockport for reappointment to the Marine Resources Advisory Council.

Pursuant to Title 12 MRSA Section 6024, these nominations will require review by the Joint Standing Committee on Marine 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

November 20, 1981

The Honorable Melvin A. Shute
The Honorable Gary W. Fowlie
Chairmen, Marine Resources Committee
110th Maine Legislature

Please be advised that Governor Joseph E. Brennan has nominated Richard C. Carver of Beals, Stetson H. Everett of Hancock and E. Maynard Graffam, Jr. of Rockport for reappointment to the Marine Resources Advisory Council.

Pursuant to Title 12 MRSA Section 6024, these nominations will require review by the Joint Standing Committee on Marine Resources.

Sincerely,
S/MAY M. ROSS
Secretary of the Senate
Which was Read and Ordered Placed on File.

Committee on Marine Resources

December 4, 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 Marine Resources has had under consideration the reappointment of Richard C. Carver of Beals to the position of member of the Marine Resources Advisory Council.

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 reappointment be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS:
Senators — 2
Representatives — 6

NAYS:
Senators — 0
Representatives — 0

ABSENT: 5 Sen. Dutremble of York, Rep. Fowlie of Rockland, Rep. Post of Owl's Head, Rep. Nelson of Portland, Rep. Hanson of Kennebunkport.

8 members of the Committee having voted in the affirmative and 0 in the negative, it was the vote of the Committee that the reappointment of Richard C. Carver to the position of member of the Marine Resources Advisory Council be confirmed.

Sincerely,
S/MELVIN A. SHUTE
Senate Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Marine Resources has recommended that the nomination of Richard C. Carver be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Marine 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 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, Hichens, Huber, Kerry, McBreairty, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Sewall, C.; Shute, Teague, Trafton, Usher, Violette, Wood, The President - J. Sewall.

ABSENT—Minkowsky, Sutton, Trotzky.

No Senators having voted in the affirmative and 30 Senators in the negative, with 3 Senators 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 Richard C. Carver is confirmed.

Committee on Marine Resources

December 4, 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 Marine Resources has had under consideration the reappointment of Stetson H. Everett of Hancock to the position of member of the Marine Resources Advisory Council.

After public hearing and discussion on the nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 110th Maine Legislature that this reappoint-

ment be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS:
Senators — 2
Representatives — 6

NAYS:
Senators — 0
Representatives — 0

ABSENT: 5 Sen. Dutremble of York, Rep. Fowlie of Rockland, Rep. Post of Owl's Head, Rep. Nelson of Portland, Rep. Hanson of Kennebunkport.

8 members of the Committee having voted in the affirmative and 0 in the negative, it was the vote of the Committee that the reappointment of Stetson H. Everett to the position of member of the Marine Resources Advisory Council be confirmed.

Sincerely,
S/MELVIN A. SHUTE
Senate Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Marine Resources has recommended that the nomination of Stetson H. Everett be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Marine 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 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, Hichens, Huber, Kerry, McBreairey, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Sewall, C.; Shute, Teague, Trafton, Usher, Violette, Wood, The President - J. Sewall.

ABSENT—Sutton, Trotzky.

No Senators having voted in the affirmative and 31 Senators in the negative, with 2 Senators 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 Stetson H. Everett is confirmed.

Committee on Marine Resources

December 4, 1981

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

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 Marine Resources has had under consideration the reappointment of E. Maynard Graffam, Jr. of Rockport to the position of member of the Marine Resources Advisory Council.

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

YEAS:
Senators — 2
Representatives — 6

NAYS:
Senators — 0
Representatives — 0

ABSENT: 5 Sen. Dutremble of York, Rep.

Fowlie of Rockland, Rep. Post of Owl's Head, Rep. Nelson of Portland, Rep. Hanson of Kennebunkport.

8 members of the Committee having voted in the affirmative and 0 in the negative, it was the vote of the Committee that the reappointment of E. Maynard Graffam, Jr. to the position of member of the Marine Resources Advisory Council be confirmed.

Sincerely,
S/MELVIN A. SHUTE
Senate Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Marine Resources has recommended that the nomination of E. Maynard Graffam, Jr. be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Marine 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 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, Hichens, Huber, Kerry, McBreairey, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Sewall, C.; Shute, Teague, Trafton, Usher, Wood, The President - J. Sewall.

ABSENT—Sutton, Trotzky, Violette.

No Senators having voted in the affirmative and 30 Senators in the negative, with 3 Senators 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 E. Maynard Graffam, Jr. is confirmed.

Office of the Governor

November 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 Maynard F. Marsh of Gorham, Charles G. Dow of West Gardiner, F. Paul Frinsko of Scarborough and Frederick B. Hurley, Jr. of Wayne for appointment to the Maine Indian Tribal-State Commission.

Pursuant to Title 30 MRSA Section 6212, these nominations will require review by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

Thank you for your assistance in this matter.

Sincerely,
S/JOSEPH E. BRENNAN
Governor

Which was Read.

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

Senator PRAY: Thank you, Mr. President. Mr. President and Members of the Senate, the reason I rise at this time, prior to the filing of this letter is because it is my intention to vote against the four nominees. Instead of speaking on each of them as they were voted on, I thought perhaps it would be more appropriate to speak in reference to the letter coming from the Governor, and state my opposition to all four of these individuals.

In fact, really the opposition isn't to the four individuals. I believe that, as the following pages of the calendar, and as the events that will take place this afternoon, that these indi-

viduals, as reviewed by the Judiciary Committee, are qualified individuals to serve on the Commission. My opposition is to the fact that the location of all four individuals aren't from the northern part of the State, but which is West Gardiner and then further south.

The Indian Lands Claim case and the settlement that followed suit basically dealt with the northern two-thirds of the State. It is those individuals in that area of the State, which, I think, have more in consideration than those in the southern part, so it would be my intention of voting against all four of the nominees.

Which was Ordered Placed on File.

The Senate of Maine

November 23, 1981

The Honorable Dana C. Devoe
The Honorable Barry J. Hobbins
Chairmen, Judiciary Committee
110th Maine Legislature

Please be advised that Governor Joseph E. Brennan has nominated Maynard F. Marsh of Gorham, Charles G. Dow of West Gardiner, F. Paul Frinsko of Scarborough and Frederick B. Hurley, Jr., of Wayne for appointment to the Maine Indian Tribal-State Commission.

Pursuant to Title 30 MRSA Section 6212, these nominations will require review by the Joint Standing Committee on Judiciary.

Sincerely,
S/MAY M. ROSS
Secretary of the Senate

Which was Read and Ordered Placed on File.

Committee on Judiciary

December 2, 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 Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Maynard F. Marsh of Gorham as a member of the Maine Indian Tribal-State Commission.

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:
Senators — 0
Representatives — 1 (Rep. Benoit)

12 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 Maynard F. Marsh be confirmed.

Sincerely,
S/DANA C. DEVOE
Senate Chairman
S/BARRY J. HOBBS
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of Maynard F. Marsh be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Judiciary 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—Carpenter, O'Leary, Pray, Violette.
NAY—Ault, Brown, Bustin, Charette, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Hichens, Kerry, McBreaity, Minkowsky, Najarian, Perkins, Pierce, Redmond, Sewall, C.; Shute, Teague, Trafton, Usher, Wood, The President - J. Sewall.

ABSENT—Huber, Sutton, Trotzky.

4 Senators having voted in the affirmative and 26 Senators in the negative, with 3 Senators being absent, and 4 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 Maynard F. Marsh is confirmed.

Committee on Judiciary

December 2, 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 Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Charles G. Dow of West Gardiner as a member of the Maine Indian Tribal-State Commission.

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:

Senators — 0
Representatives — 1 (Rep. Benoit)

12 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 Charles G. Dow be confirmed.

Sincerely,
S/DANA C. DEVOE

Senate Chairman

S/BARRY J. HOBBINS

House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of Charles G. Dow be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Judiciary 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—Pray.

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

ABSENT—Emerson, Huber, Sutton, Trotzky.

1 Senator having voted in the affirmative and 28 Senators in the negative with 4 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 Charles G. Dow is confirmed.

Committee on Judiciary

December 2, 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 Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of F. Paul Frinsko of Scarborough as a member of the Maine Indian Tribal-State Commission.

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:

Senators — 0
Representatives — 1 (Rep. Benoit)

12 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 F. Paul Frinsko be confirmed.

Sincerely,
S/DANA C. DEVOE

Senate Chairman

S/BARRY J. HOBBINS

House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of F. Paul Frinsko be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Judiciary 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—Carpenter, Perkins, Pray.

NAY—Ault, Brown, Bustin, Charette, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Hichens, Kerry, McBreaity, Najarian, O'Leary, Redmond, Sewall, C.; Shute, Teague, Trafton, Trotzky, Usher, Wood, The President - J. Sewall.

ABSENT—Huber, Minkowsky, Pierce, Sutton, Violette.

3 Senators having voted in the affirmative and 25 Senators in the negative, with 5 Senators being absent, and 3 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 F. Paul Frinsko is confirmed.

Committee on Judiciary

December 2, 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 Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Frederick B. Hurley, Jr. of Wayne as a member of the Maine Indian Tribal-State Commission.

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:

Senators — 0
Representatives — 1 Rep. Sharon Benoit

12 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 Frederick B. Hurley, Jr. be confirmed.

Sincerely,

S/DANA C. DEVOE

Senate Chairman

S/BARRY J. HOBBINS

House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of Frederick B. Hurley, Jr. be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Judiciary 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—Carpenter, Pray.

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

ABSENT—Huber, Minkowsky, Pierce, Sutton, Violette.

2 Senators having voted in the affirmative and 26 Senators in the negative, with 5 Senators being absent, and 2 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 Frederick B. Hurley, Jr. is confirmed.

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

Senator CONLEY: Mr. President and Members of the Senate, the reason I did not get up to speak on the confirmation of Mr. Hurley serving as a member of this Indian Tribal Commission is the fact that I have no questions about him as a individual. I do have a question with respect though, as to whether or not a state employee, and I believe that Mr. Hurley serves as Deputy Commissioner of the Fisheries and Wildlife, if that's the name of that Department over there. The fact is that this Commission

does compensate members a stipend of \$75 a day plus per diem. I wonder, and I put a request in to the Attorney General's office and I have not received any response yet, as to whether or not he, as an employee, would be able to receive that?

Secondly, the question of incompatibility as to whether or not one serving in the Executive Branch could, also, serve on this Indian Tribal Commission. I hope that we will be hearing something from the AG's office with respect to that, and if there is some change that has to take place, that it would be taking place very shortly.

Office of the Governor

November 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 William S. Broderick of Ogunquit for appointment as a Superior Court Justice.

Pursuant to Title 4 MRSA Section 152, this nomination will require review by the Joint Standing Committee on the Judiciary 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

November 24, 1981

The Honorable Dana C. Devoe
The Honorable Barry J. Hobbins
Chairmen, Judiciary Committee
110th Maine Legislature

Please be advised that Governor Joseph E. Brennan has nominated William S. Broderick of Ogunquit for appointment as a Superior Court Justice.

Pursuant to Title 4 MRSA Section 152, this nomination will require review by the Joint Standing Committee on Judiciary.

Sincerely,
S/MAY M. ROSS

Secretary of the Senate

Which was Read and Ordered Placed on File.

Committee on Judiciary

December 2, 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 110th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of William Brodrick of Ogunquit as Superior Court Justice of the State of Maine.

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:

Senators — 0
Representatives — 1 (Rep. Benoit)

12 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 William Brodrick be confirmed.

Sincerely,
S/DANA C. DEVOE
Senate Chairman
S/BARRY J. HOBBS
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of William S. Brodrick be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Judiciary 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, Hichens, Huber, Kerry, McBreaity, Minkowsky, Najarian, O'Leary, Perkins, Pray, Redmond, Sewall, C.; Shute, Teague, Trafton, Trotzky, Usher, Violette, Wood, The President - J. Sewall.

ABSENT—Pierce, Sutton.

No Senators having voted in the affirmative and 31 Senators in the negative, with 2 Senators 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 William S. Brodrick is confirmed.

Office of the Governor

November 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 G. Arthur Brennan of York for appointment to the District Court.

Pursuant to Title 4 MRSA Section 157, this nomination will require review by the Joint Standing Committee on the Judiciary 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

November 24, 1981

The Honorable Dana C. Devoe
The Honorable Barry J. Hobbins
Chairmen, Judiciary Committee
110th Maine Legislature

Please be advised that Governor Joseph E. Brennan has nominated G. Arthur Brennan of York for appointment to the District Court of Maine.

Pursuant to Title 4 MRSA Section 157, this nomination will require review by the Joint Standing Committee on Judiciary.

Sincerely,
S/MAY M. ROSS

Secretary of the Senate

Which was Read.

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

Senator WOOD: Mr. President, and Men and Women of the Senate, I intend to vote against this nominee and would like to explain my position before the vote is taken. Is this an appropriate time?

The PRESIDENT: The Chair would answer

in the affirmative.

Senator WOOD: Men and Women of the Senate, I have known Mr. Brennan for a good many years. I have worked with him. I was chairman of our delegation when he was County Attorney, and respect his work and his ability. I have come to know him and feel confident that he will probably make a good judge.

Because of my interest in plea bargaining, I have done some research in the amount of plea bargaining that goes on in York County. I think it is an exceptional amount. I think that it is an intolerable amount, as far as I'm concerned. I raised this issue with Mr. Brennan awhile ago, and it's for that reason that I will not be able to vote for him. He is responsible for that office. He is responsible for that amount of plea bargaining.

I wish him well in his judgeship, and I hope that if I'm here when he comes up for reappointment that I will be able to vote for him.

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

Senator KERRY: Yes, Mr. President, Ladies and Gentlemen of the Senate, I, also, am a York County resident and very close to Mr. Brennan in the sense that I have seen him in action and have seen him conduct himself in the courtroom as well as within the community.

Prior to voting in favor of Mr. Brennan's nomination, before the Judiciary Committee, I did an extensive survey of police, legal, and judicial individuals with regards to his competence and capability in the legal profession, and certainly with regards to his capability as a judge.

I feel that it was overwhelming. There was not one person that found any problems with Mr. Brennan's capability to conduct himself as a judge in the District Court. Therefore, in all due respect to the Senator from York, Senator Wood, I would like to say that aside from that personal concern that he has, there were many and overwhelming support for Mr. Brennan for this nomination. Before the hearing, we found that there was no one that opposed his position. Secondly, there were many, many who came in favor. Thank you.

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

Senator HICHENS: Mr. President, I, too, would like to support the nomination of G. Arthur Brennan as judge. I have known him before he ran for the office of County Attorney. He went into that office following a disrupted county attorney's position. He has done well in straightening out that position and giving it some respectability in not only York County, but the State of Maine.

I have worked with him on several issues. Even though I go along with the good Senator from York, Mr. Wood's idea on plea bargaining, I think that Mr. Brennan has been handicapped in a great many ways. I am sure that as a judge that he is going to be a fair and honest judge. I am very pleased to vote for his nomination.

Which was Ordered Placed on File.

Committee on Judiciary

December 2, 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 Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of G. Arthur Brennan of York to the position of Judge at Large of the Maine District Court.

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 nomina-

tion 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 — 8

NAYS:

Senators — 0
Representatives — 0

ABSENT:

Senators — 0
Representatives — 2 (Reps. Benoit and Carrier)

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 G. Arthur Brennan be confirmed.

Sincerely,
S/DANA C. DEVOE
Senate Chairman
S/BARRY J. HOBBS
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of G. Arthur Brennan be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Judiciary 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—Wood.

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

ABSENT—Sutton.

1 Senator having voted in the affirmative and 31 Senators in the negative, with 1 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 G. Arthur Brennan is confirmed.

Office of the Governor

November 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 Linda S. Crawford of Hallowell for appointment to the District Court.

Pursuant to Title 4 MRSA Section 157, this nomination will require review by the Joint Standing Committee on the Judiciary 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

November 24, 1981

The Honorable Dana C. Devoe
The Honorable Barry J. Hobbins
Chairmen, Judiciary Committee
110th Maine Legislature

Please be advised that Governor Joseph E. Brennan has nominated Linda S. Crawford of

Hallowell for appointment to the District Court of Maine.

Pursuant to Title 4 MRSA Section 157, this nomination will require review by the Joint Standing Committee on Judiciary.

Sincerely,
S/MAY M. ROSS
Secretary of the Senate
Which was Read and Ordered Placed on File.

Committee on Judiciary

December 2, 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 Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Linda Crawford of Hallowell to the position of Judge at Large of the Maine District Court.

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 — 0
Representatives — 2
(Reps. Joyce and O'Rourke)

NAYS:

Senators — 3
(Sens. Devoe, Conley & Kerry)
Representatives — 7
(Reps. Hobbins, Carrier, Soule, Lund, Drinkwater, Reeves & Livesay)

ABSENT:

Senators — 0
Representatives — 1 (Rep. Benoit)

2 members of the Committee having voted in the affirmative and 10 in the negative, it was the vote of the Committee that the nomination of Linda Crawford be denied.

Sincerely,
S/DANA C. DEVOE
Senate Chairman
S/BARRY J. HOBBS
House Chairman
Which was Read and Ordered Placed on File.

Office of the Governor

December 3, 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 hereby withdrawing my nomination of Linda S. Crawford for appointment as a Judge at Large of the District Court of Maine.

Thank you for your assistance.

Sincerely,
S/JOSEPH E. BRENNAN
Governor
Which was Read and Ordered Placed on File.

Department of Transportation

November 30, 1981

Hon. Joseph Sewall
President of the Senate
Hon. John L. Martin
Speaker of the House
State House
Augusta, Maine
Dear Senator Sewall and Representative Martin:

Pursuant to 1981 Public Law, Chapter 492, Chapter C, Section 21, this is to certify that \$6.7 Million would need to be allocated to match all State Aid Funds raised by municipalities prior to January 1, 1981, to complete all State Aid projects under agreement with the Depart-

ment of Transportation prior to January 1, 1981, and to continue administration of the State Aid Program to its completion. However, to meet estimated expenditures for work scheduled during the current budget period would require an allocation of \$3.0 Million for fiscal year 1983.

The Administration will be considering these needs in preparing budget adjustments for consideration at the next regular session of the Legislature.

Sincerely,
S/GEORGE N. CAMPBELL, Jr.
Commissioner
Which was Read and Ordered Placed on File.

Department of
Educational and Cultural Services

December 1, 1981

TO: Members of the 110th Legislature
Bureau of the Budget
FROM: Harold Reynolds, Jr., Commissioner
SUBJECT: Actual Education Costs for Base Year 1980-81

Pursuant to the provisions of 20 MRSA 4744, I forward herewith notification of the "actual education costs" as defined in subsection 1 of 20 MRSA 4743 for the base year 1980-81.

A. Elementary operating costs	\$186,661,695
B. Secondary operating costs	114,275,908
C. Special education costs for program operated by administrative units	16,272,002
D. Special education tuition and board, excluding medical costs	6,740,626
(1) Tuition and board for pupils placed by administrative units	5,364,127
(2) Tuition and board for State Wards and direct State placements	1,076,499
(3) Adjustments under section 4749, subsection 6	300,000
E. Vocational education costs	10,427,661
F. Transportation costs	
(1) Operating costs	26,671,214
(2) Purchase of buses	3,692,281
G. Debt service costs	
(1) Principal and Interest	26,092,691
(2) Insured Value Factor	326,217
(3) Leases	519,269
Other Major Capital Costs	2,378,079
H. Cost of unusual enrollment adjustments	301,385
I. Cost of geographic isolation adjustments	289,230
J. Cost of adjustments for small administrative units	55,423
K. Cost of reimbursement for private school transportation	223,784
M. Audit adjustments	(248,991)
N. Optional local appropriations with state participation	
(1) Local Share	16,869,689
(2) State Share	8,468,450
O. Optional local funds without state participation	27,028,112
P. Cost of state expenditures for teacher retirement benefits	29,229,753

The above figures include all adjustments in expenditure reports through December 1, 1981 and include state and local monies only except that Federal P. L. 874 funds are included.

NOTE: The sum of items A to G represent the total expenditures for the base year while items H to P are duplicative.

Which was Read and Ordered Placed on File.

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

(Senate at Ease)

The Senate called to order by the President.

Senator Pray of Penobscot was granted unanimous consent to address the Senate, Off the Record.

On motion by Senator Collins of Knox, Re-

cessed 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

Bill, An Act Providing for Conformity with the United States Internal Revenue Code as of December 1, 1981. (Emergency) (H. P. 1716) (L. D. 1703)

Comes from the House, reference to the Committee on Taxation and Ordered Printed.

Which was referred to the Committee on Taxation and Ordered Printed, in concurrence. Sent forthwith.

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:

Order

On motion by Senator AULT of Kennebec (Cosponsors: Senator McBREAIRTY of Aroostook, Representative TARBELL of Bangor and Representative PARADIS of Old Town),

ORDERED, the House concurring, that An Act to Increase Eligibility Levels for the Elderly Householders Tax and Rent Refund Act, H. P. 626, L. D. 709, be recalled from the legislative files to the Senate. (S. P. 727)

Which was Read and Passed.

Sent down forthwith for concurrence.

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

Paper From the House Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation report out a bill to the House to provide additional relief under the Elderly Householders Tax and Rent Refund Act and Low Cost Drug Program which will increase by \$1,000 the income limitation levels for eligibility under each program and cost the State \$1,085,000. (H. P. 1717)

Comes from the House, Read and Passed.

Which was Read.

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

Committee Report House Divided Report

Nine Members of the Committee on Taxation on, Bill, "An Act Providing for Conformity with the United States Internal Revenue Code as of December 1, 1981." (Emergency) (H. P. 1716) (L. D. 1703)

Reported in Report "A" that the same Ought to Pass.

Signed:

Sensors:

TEAGUE of Somerset
EMERSON of Penobscot

Representatives:

MASTERMAN of Milo
DAY of Westbrook
TWITCHELL of Norway
BROWN of Bethel
INGRAHAM of Houlton
KANE of South Portland
KILCOYNE of Gardiner

Three Members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass as amended by Committee Amendment "A" (H-576).

Signed:

Representatives:

POST of Owl's Head
HAYDEN of Durham
HIGGINS of Portland

One Member of the same Committee on the same subject matter reported in Report "C" that the same Ought Not to Pass.

Signed:

Senator:

WOOD of York

Comes from the House, Report "A" Read and Accepted and the Bill Passed to be Engrossed.

Which Reports were Read.

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

Senator WOOD: Mr. President, I'm well aware that this Bill will be accepted, this Report will be accepted, but since I intend to vote against the Bill when it is up for Final Enactment, I think it would be better for me to get my remarks out of the way now.

I signed the Ought Not to Pass Report basically because I feel that we have an experiment going on in our nation's capitol. The Federal Congress has enacted, after weeks and months of debate, a major tax package. In fact, this tax package is so new that the rules and regulations that accompany the tax package have not even been developed in Washington yet.

More importantly, we are unaware of the full financial implications of this tax package. Probably even more importantly than that, we are not sure that the assumptions that it will work are valid.

In recent weeks we have had the Stockman revelations regarding supply side economics and the trickle down theory that are the very heart of this tax package. We now have news that there will be \$101 billion deficit that might have to be offset with a federal tax increase. At the very least we can say that the situation in Washington is fluid.

Yet, we are being asked today to go along with this tax package in a one-day session. Why are we asked to do it? First, we are told that there would be chaos among the general citizens at tax time. I would point out that the short form, which a majority of our citizens fill out, 75 percent of the tax forms, have already been printed and will be sent out. Whether we act or fail to act today will have no impact on 75 percent of our citizens.

That other 25 percent, along with the businesses, might face some kind of confusion, might. It is not a given that they will face confusion. These people usually have accountants and tax people to work with them and these people are paid to deal with confusion.

We are told that all states have piggy-backed onto the federal system. That is simply not true. Many states have refused to go along with the Washington package, and have developed alternative methods of their own.

Unfortunately in the rush of a one-day session, our Committee was not able to explore these alternatives. What is the price tag? No one can tell us what the full impact of these tax programs will be. I think it's just phony financial planning to pass something which we do now know what the full price tag will be.

It is interesting to note as the Bill became more refined, so did the price come more refined. I would hesitate to call this a refining process.

We are, also, told that businesses will be hurt if we don't pass this. I would point out that there would be some businesses hurt if we do pass it, because of the way that they purchase things, because of the liabilities they now take on their taxes, these people will be hurt. This was pointed out by accountants at the hearing. Their point-of-view was that some people were going to be hurt regardless of what we do.

So do not think that you are helping all businessmen by passing this Bill.

We have been, also, told that we will be hurting the business climate. One of the theories of business taxation is that there needs to be stability in the climate. With the one year sunset, there is no stability in this. Businesses certainly will not expand or buy new equipment if they're not sure that in a year's time they can take a deduction for that equipment. So if we think that we're going to be able to not sunset this Bill, we're being a little foolish at this point.

Again, we have been told that there will be confusion. I think there's going to be confusion in January. January would be a better time to deal with it. If need be, we could simply have people send amended forms in.

Maine law rightly requires the Legislature to affirmatively agree to federal changes before putting them into our tax program. It requires us to decide what is good tax policy for Maine. I do not think this program is good tax policy. We have an important role to play. We are not here to be rubber stamps, but to be active participants with the federal system. I think Maine is noted for its slowness to accept new ideas, for its unwillingness to take things at face value, and for its conservative attitude that it's better to take a wait-and-see attitude before we jump on the bandwagon.

At this point, I feel that these attitudes should prevail today. We should watch this experiment. We should hope that it succeeds. We should wait before we become guinea pigs.

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

Senator TEAGUE: I move we accept the Majority Report "A" Ought to Pass and would just say a few remarks. The Taxation Committee had a hearing that began at 9:30 on Monday morning. It went almost until 2:00. We had the sponsors testify. Everybody said in their testimony that they were in favor of this Bill, that we should try it. There have been only three states, or maybe four states that have not adopted this tax policy. We did not have one person get up and say they were in opposition to this Bill. Thank you.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, generally from the discussion by the good Senator from York, Senator Wood, I concur with his remarks. I think we need more than one day in which to assess, evaluate, and analyze this entire thing.

One key phrase this morning the Governor used in his message to the Joint Convention was "the incomprehensible tax code". I don't think the Congress of the United States realized what they were doing at the time. I think they were just going by what the Internal Revenue Service was offering them as a solution to, for the many inequities of the American taxpayer is faced with in this nation.

I think we are moving too quickly on this particular Bill. I think we are not really assessing who we are injuring the most. I'm talking about the majority of the people in the State of Maine who work for \$10,000, maybe to the \$15,000 bracket, who are picking up the brunt of all these different programs. It's about time that we really start taking this particular group into consideration. If the assessment is correct, that 75 percent of the people in the State of Maine use the short form, and those forms are already made up at the present time and being

distributed, and they are not recipients at all, then I would say that we certainly can wait another three and a half weeks to really run an in-depth evaluation on this type of legislation.

One of the articles appeared in a Lewiston paper this morning, simplified it a great deal when they made the assessment. The chief reason for Brennan's Bill is to simplify the filing of the 1981 tax returns. From my evaluation and in caucus, and discussing this matter all day long during the interim period of time, we were wasting a lot of time, I find there's a lot more to this particular Bill than just the chief reason is to simplify the filing of taxes in 1981.

The think that I believe, really believe, if we have the surplus, if it does exist in the amounts they claim it does exist, that the taxpayers in the State of Maine, really who, because of inflation, because of the system we actually have, we should not be just giving money back to just segmented groups, a business community, or the people in the \$30,000 bracket. We should be giving it to everybody on an equal basis. If we did have over-collections in the State Income Tax, then I think that money should be rebated based upon the present economy of the State of Maine to the people, because everybody was in concurrence when we were talking about a \$5 million surplus, that we certainly could keep the store open and keep our plans viable to meet our needs. Now that there's an estimated \$33 million, everybody's thinking about spending all this money during the next special session in about three and a half weeks.

Senator Wood's remarks, I think, are very, very valid. I think in time will prove to be exactly why we should really spend more time in the proper evaluation and assessment. The thing, if I understood correctly this morning at our caucus, if the Committee who worked on this particular Bill for two days, did not analyze every aspect of the Bill, how do they expect people like us, who come here and just get bits and pieces during the course of the day, to run a proper assessment of what is in the interest or the best interests of the taxpayers in the State of Maine? If everything that has materialized, we really don't know what we're doing. I don't think basically if you don't have a full understanding of the ramifications of this type of legislation, because the Federal Internal Revenue Service says, this is the way we should go, then we should not do this. We're not being fair to our constituents. We're not being fair to the State of Maine as a whole, who has been rather independent in running its own tax program. If it worked well enough over the years, I don't see why we should be instantaneously conformists because the Federal Tax Guides say we have to be, and because Congress maybe did not assess this properly as they should have at the time.

Presently, with the new Amendment that is being bandied around for the elderly, which I am in full concurrence. We should have done it up at the last Regular Session without breaking it up at the present time to sweeten up this particular Bill. That might be the criteria I'll use in which to eventually vote for this Bill. I certainly felt that it was of paramount importance, at least to express my dissatisfaction of what I observe in this particular Bill today, even though the sweetener does change my philosophy somewhat towards this entire thing.

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

Senator TEAGUE: I would just like to add a few more words, I mean in answer to the Senator from Androscoggin. This is one thing that the Taxation Committee looked at in good shape, it is an inter-departmental memorandum from Ray Halperin:

"If the State were to establish a Maine Income Tax income base with significant differences from the Federal system, substantial audit resources would be required to monitor

taxpayer returns.

If Maine were to establish a program roughly equivalent to the Federal program, it is estimated that about 6,000 audits would involve approximately 35 revenue agent type positions. Including support staff," and so forth, "total personnel would number about 50.

It is estimated that the cost of this effort would approximate 2 million annually."

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

Senator MINKOWSKY: Mr. President, may I pose a question through the Chair to the good Senator, the Chairman of the Taxation Committee? If he could tell me, and it's just one remark that I heard this afternoon about this, the amount of loss of revenue for the State Income Tax that has not been collected by the Bureau of Taxation, do you have any figures exactly what the uncollected amount that is due the State of Maine is at the present time? Is it \$6 million? \$12 million? or \$15 million? These are the figures that I have heard here today.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: Mr. President, I can't answer that question and I know that it is after 5 o'clock, so now the Bureau of Taxation has closed down for the evening and I will try and get the answer to the gentleman.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

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

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

24 Senators having voted in the affirmative, and 5 Senators having voted in the negative, the motion to Accept the Majority Ought to Pass Report "A" of the Committee in concurrence does prevail.

The Bill Read Once. Under Suspension of the Rules, the Bill Read a Second Time.

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

Senator O'LEARY: Mr. President, I present Senate Amendment "A" to LD 1703 and move its passage.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now offers Senate Amendment "A" to LD 1703 and moves its adoption. Senate Amendment "A" (S-377) Read.

The PRESIDENT: The Senator has the floor.

Senator O'LEARY: Mr. President, it seems in the Congress of the United States, they always enact just before the end of the year what they call "A Christmas Tree Tax Bill". It seems to assist everyone but the individual taxpayer. These are the special concerns.

Mr. President, I would suggest that today we're going to help big business. We're going to help the elderly, but we have no assistance here whatsoever for the increasing tax burden placed upon the tax individual through his income tax.

Last year, Mr. President, Members of the Senate, the individual income tax collected a little more than three times the corporate income tax. It is projected that this year it will collect a little more than four times as much as the corporate tax. Right now, the corporate tax is running a little over \$3 million behind its projection, whereas the individual income tax is running \$4 million ahead. I had proposed in the 108th, and I had three co-sponsors in the 109th, An Act to Index the Maine Income Tax. Unfortunately, in the both sessions, these Bills were reported out of Committee unanimously Ought

Not to Pass and never received any debate on this floor or in the other Body.

Mr. President, the tax system that we have now and with the increases in inflation, the real income of those who work for a living is gradually being dissipated. Yet, our coffers are running over. There's \$33 million in surplus. We project to give business people \$2 million, another \$1 million to the elderly. This Amendment of mine that would index the income tax would be another loss of \$6 million. Perhaps a little more, but we couldn't get the figures from Ray Halperin as of yesterday.

As I see it, Mr. President, in understanding one of the members of the Appropriations Committee, who is totally familiar with the tax structure in the State and the budgeting, we have an overcollection of the individual income tax and other taxes of \$33 million. We will this year spend \$3 million more than we did last year. However, we will take in another additional \$16 million in surplus next year, which is a total of \$49 million. Where do we give any relief to the middleman who has to pay all of his tax? I would like to see this fully debated here and find out who is in favor of giving a break to the middle income man.

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

Senator TEAGUE: I would just hope that you would vote against this Amendment. The Taxation Committee took up tax indexing in the last session. At that time, we did not have a surplus. We thought we could not afford it. The bills probably all died in Committee. The last report that I have heard is that there will be maybe a bill coming through referendum process to the Committee this year that does take up tax indexing. I've also read in the newspapers that the Governor has a bill that will take up indexing. I feel it's too broad a subject, and too short a time for us to take up right now.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Thank you, Mr. President. Mr. President, Men and Women of the Senate, a few moments ago, I joined my colleague, the Senator from York, Senator Wood, in voting against the acceptance of Report "A". To explain my basic philosophy which, seemingly, as amendments come along and additional amendments are put on our desks, I think it's perhaps a just time to explain my position and what I feel my situation is.

I, basically, have been opposed to this one-day special session to address this tax proposal, to keep us in what is called conformity with the Federal and United States Internal Revenue Code. First of all, we're not in conformity anyway, even if we pass this. There still are some differences between the State Code and the Internal Revenue Code.

We've talked today in just this debate here in reference to the surplus, or the supposedly surplus, that we have in our State Treasury. Back in my home district, I was informed last night that the second largest employer in the State is going to be experiencing some shutdown time, because of the lack of orders for paper. They have in excess of a million dollar a week payroll.

As a matter-of-fact, a few years ago, when Great Northern Paper Company went on strike, there was quite a substantial loss of revenue to the State because of the length of that strike. If you can well imagine an individual earning somewhere around \$20,000 to \$25,000 to \$30,000 not working, would have a great impact upon the State Income Tax system that we have.

Basically we're dealing with at this time what is projected to be somewhere around \$30 million to \$33 million surplus. The economy of the nation is in a down trend. Maine, I think, is about to follow suit in the weeks and the months to come. At that time, the projected

income revenues are going to drop. The surplus is going to drop.

We deal an awful lot with a million dollars. We're dealing with a biannual budget of over a billion dollars. To put a few things in perspective, just to explain to you first of all what the million dollars is, is if an individual in this Chamber wanted to spend \$100 an hour, for 24 hours a day, it would take him 25 weeks to spend \$1 million. If you wanted to spend a billion dollars, then that's a thousand times that. We've already received projections that the federal government may very well be in a deficit of over \$109 billion.

The present administration in Washington was chosen by the people of this nation for a change. They didn't like government as usual, but the change hasn't been coming from the administration yet. I don't see it anywhere in the near future. I think we're going to pay dearly for it.

When we start addressing on a piecemeal basis either this Legislation that is before us at this time, the Amendment that is before us at this time, or the other issues that come before us in this Special Session, and come January, when we start addressing the expenditures of the State and the impact that the economy in its present down trend is going to have, we're going to be asking where that money is, be it \$400,000 as has been a low price tag on this Bill, or even at some points in time while we were debating the Bill, as high as \$2.6 million.

What are we going to do come 1982 or 1983? Are we going to change our philosophy? At this time, if we adopt this, we're going to change, for an example, the depreciation allowance. Many of you in here who are businessmen as myself understand that system and how you depreciate. If we change the law at this time, then we adjust another depreciation standard. If we readdress this in 1982, in the next Session, we may very well end up adopting a third.

I think that the philosophy that has been projected by the Senator from York, Senator Wood, is a wise one. It is more of a wait-and-see attitude, fair time to evaluate and not a knee-jerk reaction to a one-day Special Session, here it is or else. That's not good government. That's basically the position that we've been put in.

I've learned an awful lot about this Bill today, far more than when I received it last Friday and had an opportunity over the week-end to scarcely review it. I learned a lot more about it today. I think that what the long run action of this Committee, or this Chamber, is versus the short term would be far better weighed if we waited until January, survey the entire situation, including the Amendment which is now offered by the Senator from Oxford, Senator O'Leary, in reference to indexing. We would have a better picture of not only the economy of this State, but we would have a better picture of what this Legislature as a whole would want to do with the entire tax structure.

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

Senator O'LEARY: Mr. President, I remain a cynic when it comes to doing anything for the working man, working woman of this State, the middle income. When I look at the taxes, whether it be the personal income tax, or the sales tax, which are the largest gatherers of the taxes in this State, they all come from the same person, the middle income tax person. He is the person that pays for everything.

We talk about giving a tax break to certain industries so that it doesn't go under, Martin Marietta, or another over in Orrington that buys an awful lot of electricity. In the final analysis, it's always the middleman, the middle income man, who picks up the bill.

I remain a cynic because I don't believe the Legislature will ever, unless it's initiated by the people, ever do anything to correct the inequities that we have in our income tax laws.

Mr. President, I ask for a Roll Call on the motion to Indefinitely Postpone.

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

Senator TEAGUE: I move we Indefinitely Postpone this Amendment.

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

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

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

The pending question before the Senate is the motion by the Senator from Somerset, Senator Teague, that the Senate Indefinitely Postpone Senate Amendment "A" to LD 1703.

A Yes vote will be in favor of the motion to Indefinitely Postpone Senate Amendment "A".

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, Collins, Conley, Devoe, Gill, Huber, Kerry, McBreairty, Najarian, Perkins, Pierce, Pray, Redmond, Sewall, C.; Teague, Trafton, Troitzky, Usher, Violette, Wood.

NAY—Clark, Dutremble, Hichens, Minkowsky, O'Leary, Shute.

ABSENT—Emerson, Sutton.

A Roll Call was had.

24 Senators having voted in the affirmative and 6 Senators in the negative, with 2 Senators being absent, the motion to Indefinitely Postpone Senate Amendment "A" to LD 1703 does prevail.

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

Senator PIERCE: Mr. President, I present Senate Amendment "B" under filing number S-378 and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now offers Senate Amendment "B" to LD 1703 and moves its adoption. Senate Amendment "B" (S-378) Read.

The PRESIDENT: The Senator has the floor.

Senator PIERCE: Mr. President and Members of the Senate, this is a very simple and straightforward amendment. It removes the Sunset Clause from this piece of Legislation. Since the Governor first made his proposal, I have been pretty much in complete agreement with the thrust of his arguments.

One area that did concern me, though, was the fact that at the end of this month, the tax breaks are given to the American people and Maine people were going to come to an end automatically. It seems to me that the presumption ought to be that this is a good Bill now, so we're going to vote for it, and it's going to be a good Bill, equally a good Bill next year, and we're going to continue to support it.

Perhaps next year we're going to find that some of these tax breaks we can't afford to give. If that's the case, then it seems to me that we should face that straightforwardly at that time, head on, and say we can't, and vote accordingly, not go in the backdoor and say well automatically we're going to end these tax breaks, because we're putting a Sunset Clause on it. That is my reason why I feel that we should take it off at this time and just enact these tax breaks as a package, and not just for the rest of this month.

I would ask, when the vote is taken, that it be taken by the Yeas and Nays.

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

Senator TEAGUE: I move we Indefinitely Postpone Senate Amendment "B". This is another one, this was my first thought when we heard the Bill. I did want to take the Sunset Clause from the Bill, but the price tag, I mean right on this Senate Amendment "B" is some-

where between \$5 million and \$9 million. Let's put the Bill in place, let's see how it's working for two or three months, and then the Taxation Committee can probably come out with a recommendation down the line for you.

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

Senator WOOD: I would agree with my Chairman of Taxation. I would hope we would Indefinitely Postpone. I think that this Amendment has to be, I mean, I just find it incredible that it's being offered. I think all of the people that supported the Bill at the hearing, when we asked them about the sunset, they said, well philosophically they'd like to see the sunset off, but financially none of them could tell us what the impact was going to be. None of the State people that we had at the hearing could pretend to tell us what the economic impact would be two or three years down the road. So it was the general consensus of all the people that showed up at the hearing that it was much wiser for us to sunset this provision.

Remember, we are accepting, if we do not sunset, we are accepting the entire tax package. There are many parts of that tax package that will not have any impact this year, but will have an impact for the next five years, because that's the way they kick into the system. What we are doing by removing the sunset, is agreeing to something five years down the road, when we simply do not know what it is that we're agreeing to. I think it would be utter chaos to do that. I don't think that it's justifiable in any way. I can't imagine us not having the sunset on this Bill. It would simply be a case of the blind leading the blind to remove the sunset.

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

Senator CARPENTER: Mr. President, I just would like to echo the words of the good Senator from York, Senator Wood. I certainly can't support this Bill if it has anything more than a one year life that we know of right now. It seems to me that we're willing to give the Economic Recovery Tax Act of 1981, the Washington Act, a chance to prevent confusion and double bookkeeping, etc. We are willing to piggyback our tax system to that.

If you accept the Amendment that is currently being offered, you are essentially, as the good Senator Wood just said, buying a pig in a poke, and buying something that we don't know what it's going to look like three, four, or five years down the road. The ERTA, the Economic Recovery Tax Act, is a progressive phase-in of a new system of taxation. We certainly don't know what the situation, what the economy is going to be like a week from today, let alone two years from now. With the ever-deepening recession, and the ever-mounting deficits in Washington, there is even now considerable talk, as I understand from press reports, of modifying the Economic Recovery Tax Act of 1981. What could conceivably happen would be a roll back of that, and yet we would be left with our own version still on the books. Those of you that have been around here a few years see tax incentives and tax breaks for many, many different things that are on the books, that we all can agree privately that shouldn't be there, but go ahead and try to take them off.

I think this would be absolutely, or potentially, very disastrous for the State of Maine to give this any more than a one year look. If, in fact, at the end of the one year, ERTA is still intact, and we still need the provisions contained in this Bill, fine. A simple re-enactment of the Bill that we're considering today would suffice to do that rather than buying this monster.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: I would request the

Yeas and Nays.

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

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

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

The pending question before the Senate is the motion by the Senator from Somerset, Senator Teague, that the Senate Indefinitely Postpone Senate Amendment "B" to LD 1703.

A Yes vote will be in favor of the motion to Indefinitely Postpone Senate Amendment "B".

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Brown, Bustin, Carpenter, Charette, Clark, Collins, Conley, Devoe, Dutremble, Huber, Kerry, Minkowsky, Najarian, O'Leary, Pray, Teague, Trafton, Trotzky, Usher, Violette, Wood.

NAY—Ault, Gill, Hichens, McBreairty, Perkins, Pierce, Redmond, Sewall, C.; Shute.

ABSENT—Emerson, Sutton.

A Roll Call was had.

21 Senators having voted in the affirmative and 9 Senators in the negative, with 2 Senators being absent, the motion to Indefinitely Postpone Senate Amendment "B" to L. D. 1703 does prevail.

The Bill was Passed to be Engrossed, in concurrence.

Sent forthwith.

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

Senator AULT: Mr. President is L. D. 709 in the possession of the Senate?

The PRESIDENT: The Chair would answer in the affirmative. The Bill, "An Act to Increase Eligibility Levels for the Elderly Householders Tax and Rent Refund Act" H. P. 626, L. D. 709 having been recalled from the legislative files.

On motion by Senator Ault of Kennebec, Under Suspension of the Rules, the Senate voted to Reconsider its action whereby L. D. 709 was Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Senator AULT: I move Enactment.

The PRESIDENT: The Senator from Kennebec, Senator Ault moves that L. D. 709, "An Act to Increase Eligibility Levels for the Elderly Householders Tax and Rent Refund Act" be Enacted.

Which was Passed to be Enacted, in non-concurrence, and signed by the President.

Sent down forthwith for concurrence.

(Senate at Ease)

The Senate called to order by the President.

Enactor

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

Emergency

AN ACT Providing for Conformity with the United States Internal Revenue Code as of December 1, 1981. (H. P. 1716) (L. D. 1703)

This being an emergency measure and having received the affirmative votes of 25 Members of the Senate, with 5 Senators having voted in the negative, was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Paper from the House Joint Resolution

A Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of the Honorable Romeo T. Boisvert, of Lewiston, Member of the 100th, 101st, 102nd, 103rd, 104th and 110th Maine Legislatures. (H. P. 1718)

Comes from the House, Read and Adopted.

Which was Read.

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

Senator CHARETTE: Mr. President, Women and Men of the Senate, I would move for Passage of this Memoriam for Representative Romeo Boisvert. I am speechless at this time, as close a friend as he was to myself, and I'm sure to all of you. I would ask the President of the Senate to call for a moment of silence, if this is in order.

The PRESIDENT: The Chair would be very pleased.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate, the passing of Representative Romeo Boisvert came as a total and complete shock to many of those of us who have had the pleasure of knowing Representative Boisvert. It certainly was my pleasure to have served with him in this Body many years ago. I certainly found him to be one of the most outstanding representatives to come and serve in this Body from Androscoggin County. He was a gentleman in every sense of the word, just a straightforward person. It was my pleasure to have been able to be an acquaintance and a friend of his during his span on this earth.

The PRESIDENT: The Chair would ask the Senate to rise and observe a moment of silence with respect to our former colleague, who was a fine gentleman. (a moment of silence.)

Which was Adopted in concurrence.

Orders of the Day

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

A Joint Order relative to the Taxation Committee reporting out a bill. (H. P. 1717)

Tabled earlier in today's session, by Senator Collins of Knox, pending Passage.

On motion by Senator Collins of Knox, H. P. 1717 was Indefinitely Postponed, in non-concurrence.

Sent down forthwith for concurrence.

Out of Order and Under Suspension of the Rules:

On motion by Senator Pierce of Kennebec,

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 Pierce of Kennebec to convey the message to the House of Representatives.

Subsequently, Senator Pierce of Kennebec 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, Without Day.

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

Senator COLLINS: Mr. President, I have been requested by the Chair of the Legislative Council to make an observation about Friday. On Friday the council will be meeting most of the day to screen the bills to be admitted into the Second Regular Session. Some sponsors of those bills have been asking whether they should be there. The answer is no, they don't

need to be there. If their bill is not admitted, they have a right of appeal. The appeals day will be a week from Friday. Of course, they might want to be present for an appeal.

I think in general there would not be much opportunity for individual legislators to make their pitch on Friday if we are to get through the fairly large number of bills that we must screen. A week from Friday, of course, there would be the appeal opportunity. Thank you, Mr. President.

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.

The PRESIDENT: While the good Senator from Cumberland, Senator Conley is on his mission the Chair would ask the Senate to rise and extend its good wishes to the staff who have done such a wonderful job in decorating the Chamber for the Christmas Season. I think that you all agree with me that it is a super job. (Applause, the members rising.)

At this point, Senator Conley of Cumberland reported that he had delivered the message with which he was charged, and reported that the Chief Executive, Governor Joseph E. Brennan, would be here immediately to address the Senate.

The President requested the Sergeant-at-Arms to escort Governor Joseph E. Brennan to the rostrum.

The Sergeant-at-Arms escorted Governor Joseph E. Brennan to the rostrum amid the applause of the Senate, the members rising.

The PRESIDENT: Governor Joseph E. Brennan.

GOVERNOR BRENNAN: Mr. President, Members of the Senate, I want to thank you for completing the business that you were called here to conduct, and then some. I think both parties showed a strong social conscience in passing the Elderly Bill, which I support. I think it gives us a head start on the work we had planned to do in January. Maybe if you'd stick around for a couple more days we can get the rest of it done and we could cancel next year.

It is interesting how things work in the Legislature. Sometimes during the course of the morning and the afternoon it appears that nothing is going to be done. But by the end of the day, somehow or the other the work gets done. I think it is commendable.

As I had an opportunity to say at the joint Convention this morning, I do want to commend this Senate, I didn't get a chance to speak to the House today, this afternoon, for the work that you've done during the course of the past year. I think you've really been a credit to the people that you represent.

Again, I want to thank you for serving, and to repeat what I said this morning, I wish you and your family a nice holiday. Thank you very much.

The Sergeant-at-Arms escorted Governor Joseph E. Brennan from the Senate Chamber, amid the applause of the Senate, the members rising.

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

Senator MCBREAIRTY: Mr. President, Hon-

orable Members of the Senate, I move we Adjourn Sine Die.

On motion by Senator McBreairty of Aroostook, at 6:46 p.m. on Wednesday, December 9, 1981, the Honorable Joseph Sewall declared the Senate of the Third Special Session of the 110th Legislature Adjourned Sine Die.
