

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

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FOURTH SPECIAL SESSION

April 28, 1982 and April 29, 1982

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July 16, 1982

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

Augusta, Maine
March 3, 1982

Senate called to order by the President.

Prayer by the Reverend Reginald Couture of the Union Congregational Church in Ellsworth.

REVEREND COUTURE: Let us pause for a few moments to communicate with our God. Make us aware, O God, of the infinite possibilities of this day. Give us the ability to understand that we have the wisdom and the knowledge to be inspired by Your holy spirit in all that we say and do. And as we act on the matters before us this day, may we do so for the benefit of most of the people in this State of ours.

We ask, O God, that You will give us the humility to be the able persons that we are, and also, make us the loving individuals that we need to be, especially as we were taught by Your son, Jesus Christ, our Lord, in whose name we pray. Amen.

Reading of the Journal of yesterday.

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

Bill, "An Act to Allocate Funds from the Low-level Waste Siting Fund." (H. P. 1751) (L. D. 1741)

In the Senate, February 17, 1982. Passed to be Engrossed as amended by Senate Amendment "A" (S-383), in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-617), in non-concurrence.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: You will recall back on February 17, I had some apprehensions about the Bill as it was written originally. We had put a Senate Amendment on, which I think motivated the Commission to get together last Friday and spend about four hours to really weigh and analyze how the money should be allocated.

If you look at the original document itself, which is \$10,000 of the first year of the biennium, and \$10,000 for the second year. There are no specifics into the guidelines as to the proper allocations for the generators of low-level waste.

Fortunately, we all came into agreement at the last meeting. The House Amendment, which is H-617, if you care to look at it, really spells out a lot more clearly exactly the jurisdictions of the various departments involved in the Low-level Waste Siting Commission and their responsibilities.

On that particular basis, Mr. President and Members of the Senate, I'm in full concurrence with the House Amendment H-617, and I would move the Senate Recede and Concur with the House.

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

Is this the pleasure of the Senate?

The motion prevailed.

Joint Resolution

A Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Horace S. Libby, Esquire, of Augusta, widely respected General Counsel to the Public Utilities Commission. (H. P. 2131)

Comes from the House, Read and Adopted.

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

Senator DEVOE: Mr. President and Members of the Senate: it is difficult to speak of a

person who has been dead less than 24 hours, when you knew him for a long while as I did.

I first met Horace Libby when I was a freshman at the University of Maine, in Speech I, in the fall of 1951. After that time, I really lost contact with Horace until I came back to the Legislature and realized that he was then general counsel for the Public Utilities Commission.

In the 109th, it was my privilege to serve as Chairman of the Public Utilities Committee, and in so doing, I had frequent personal contact with Horace Libby. I talked with him very frequently on the telephone. I received ever so many factual, concise letters explaining bills that were coming before our Committee.

I found him to be extremely helpful, extremely honest, and very, very capable. I regard him as a contemporary. I just hope that we will find it in our hearts to express to his widow our deep sentiments, the sense of bereavement that I think we all feel when a man has given so much of himself to the State.

Thank you very much, Mr. President.

Senator Bustin of Kennebec was granted unanimous consent to address the Senate, on the Record.

Senator BUSTIN: Mr. President and Members of the Senate: I rise today in sadness to ask this Body to join me in a moment of silence to honor the passing of an unusual citizen of Augusta, Attorney Horace Libby. Horace Libby suffered a fatal heart attack yesterday as he worked in his office at the Public Utilities Commission. Horace was general counselor to the Commission, and in that position he touched the lives of every consumer of utility service in Maine.

We can all be grateful for the contributions Horace made to utility regulation in Maine, stronger laws and regulations, a speedier decision-making process, and a spirited and competent legal staff at the PUC. Indeed, Maine consumers were saved many millions of dollars by Horace Libby's intelligence, perserverance, and concern for the public good.

The most unusual characteristic of Horace Libby, and the most important, was his ability to deal with the emotional issues of utility regulation with grace, kindness, and a rare sense of dignity. All who came before him received equal consideration, fairness, and justice. Whether he agreed or disagreed with the cause made no difference. All received an opportunity to be heard.

All of us who enter public service would like to be remembered for some achievement. For those of us who speak in these Chambers, and whose words become part of the Legislative Record, it is now clear what achievements we cherish. But for public servants like Horace Libby, who labor quietly in the agencies of the State, the cherished achievements are not obvious.

A friend of Horace's gave this assessment of Horace's service, and herein may be a clue to his achievements. "When Horace Libby came to work for the people of Maine, it was often said that the utilities ran Maine. When he left us, however, however early, few could doubt that the Public Utilities Commission regulated the utilities. This is a splendid achievement, and one of which all Maine people can be proud."

Which was Adopted, in concurrence.

**Communication
Senate Chamber
President's Office**

March 2, 1982

Honorable David R. Ault

Honorable Judy C. Kany

Chairmen

Joint Standing Committee on State Govern-
ment

State House
Augusta, Maine 04333

Dear Committee Chairmen:

Please be advised that Governor Joseph E. Brennan is renominating Cynthia Murray-Beliveau of Augusta, for appointment to the State Personnel Board.

Pursuant to Title 5 MRSA Section 591, this nomination will require review by the Joint Standing Committee on State Government and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL

President of the Senate

S/JOHN L. MARTIN

Speaker of the House

Which was Read and referred to the Committee on State Government.

Sent down for concurrence.

Senate Paper

Senator SEWALL of Penobscot (Cosponsors: Senator CONLEY of Cumberland, Representative MARTIN of Eagle Lake and Representative KELLEHER of Bangor) presented, Bill, "An Act to Protect the Atlantic Salmon Fishery in the Lower Penobscot River from Veazie to the Southernmost Point of Verona Island. (S. P. 906)

(Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Reference to the Committee on Energy and Natural Resources suggested.

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

Senator PRAY: Mr. President, I move that this item be referred to the Committee on Fisheries and Wildlife.

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

Senator TROTZKY: Mr. President, I oppose the motion that it be referred to Fisheries and Wildlife. It is appropriately referred to Energy and Natural Resources because this issue does take on aspects of energy, because some people in the City of Bangor would like to develop a dam up there. Consequently, with the small amount of energy that might generate, I think Energy and Natural Resources would be the appropriate Committee.

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

Senator PRAY: Mr. President, Ladies and Gentlemen of the Senate, as we read the title we're talking about the Atlantic Salmon Fisheries and protecting it. This is clearly a Bill which, I think, belongs before the Committee which is going to deal with the fisheries aspect of it and not the hydro aspect of it. Which would then, I believe, that the Bill would go before Energy and Natural Resources.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Pray, that S. P. 906 be referred to the Committee on Fisheries and Wildlife, please rise in their places to be counted.

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

12 Senators having voted in the affirmative, and 17 Senators having voted in the negative, the motion to refer S. P. 906 to the Committee on Fisheries and Wildlife does not prevail.

Which was referred to the Committee on Energy and Natural Resources and Ordered Printed.

Sent down for concurrence.

Orders

Expressions of Legislative Sentiment recognizing:

The John Bapst Crusaders, who have won the State Class D Boys' Basketball Championship for the Academic year 1981-1982. (S. P. 903) presented by Senator TROTZKY of Penobscot (Cosponsors: Representative KELLEHER of

Bangor, Representative ALOUPIS of Bangor and Representative DIAMOND of Bangor).

Captain Bill Brennan, of the Maine Maritime Academy, who will retire on August 31, 1982 after 16 years of true and faithful service to the academy. (S. P. 904) presented by Senator PERKINS of Hancock (Cosponsor: Representative PERKINS of Brooksville).

Which were Read and Passed.
Sent down for concurrence.

Second Readers

The Committee on Bills in the Second Reading reported the following:

House

Bill, "An Act to Reduce Burdensome Fees for Businesses Incorporating or Expanding with No Par Value Stock." (H. P. 2006) (L. D. 1977)

Which was Read a Second Time and Passed to be Engrossed, in concurrence.

House — As Amended

Bill, "An Act Amending the Charter of the Boothbay-Boothbay Harbor Community School District." (Emergency) (H. P. 1902) (L. D. 1887)

Bill, "An Act to Establish the Position of Director of Engineering Within the Public Utilities Commission." (H. P. 1789) (L. D. 1779)

Which were Read a Second Time and Passed to be Engrossed, as amended, in concurrence.

Bill, "An Act to Adjust Fees for Licenses Issued by the Real Estate Commission." (H. P. 1809) (L. D. 1794)

Which was Read a Second Time.

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

Senator DUTREMBLE: Mr. President and Ladies and Gentlemen of the Senate, I was just looking over here at Committee Amendment 612. I was just wondering why the increases of 75% to 300% are needed, for this particular Commission, seeing where in the past few years, the real estate business has gone down quite a bit. I just can't understand why more money is being spent when less work is being done. I really would like to have this question answered.

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

Senator SUTTON: Thank you, Mr. President. In response to the good Senator from York, Senator Dutremble, he should first of all understand that there are many of us that share the concerns that he has raised. I, just briefly, might bring you up-to-date.

The original request in the Bill was for fees much higher than those that are in the Bill right now. They were asking for \$170,000 worth of new fees.

The questions that the good Senator mentioned about the slow-down of real estate and what-have-you were all brought up before the Committee. The Committee agonized over this, decided the request was too big, that there were problems with the Real Estate Board, but that we needed the Real Estate Board at this point.

So, a new fee schedule was setup, the one that's before you in the Amendment. As I say, that is \$70,000 less.

We have put the Real Estate Commission on notice that there are lots of people that are not pleased with the manner in which they are running their show. But by the same token, in general, we feel that we do need a Real estate commission. They have been told that, should they not, and there will be a study made of the Real Estate Commission, should they not get their house in order by the time this Legislature convenes again, I'm sure that they're going to be looked at very carefully and in a much different manner.

So the good Senator should understand that we share the concerns of many of the people who have looked at this increase, but we feel in

order to, at this time, continue the continuity of this agency, which we think we need, we do need some increased fees.

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

Senator DUTREMBLE: Mr. President, Ladies and Gentlemen of the Senate, I would thank the good Senator for answering the question that I posed. I'll tell you what my concerns are. I've been here, this is my fourth year, in the four years that I've been here, it seems the Real Estate Commission has come in here year after year nickle and diming the realtors to death.

I question whether or not the motives of the increases are sincere. If they're really concerned about the Real Estate Board, and if they're really concerned about doing the job that they have to do, then there is another way where they could raise a lot of funds where they would not hurt and not be nickle and diming these realtors to death every time that the Commission sees fit that they need the raise.

I'm talking mainly about the Bill that we passed two years ago on continuing education, which we have received a lot of complaints about. The fact that year after year now, real estate agents have to go take a course, which turns out to be nothing more than spending four or five hours sitting down and watching slides, and spending \$25, \$35 for this course. There is a lot of money being made by some people out there.

I think a good way of funding the Real Estate Commission and to make sure that the Commission does its work, and make sure that these courses are adequate, would be to take half of the money that a person has to pay for a course and send it to the Real Estate Commission. This way here, we wouldn't be asking for these people to pay money every year so that they can make a living.

I will let it go at that, and probably try to kill this thing on Enactment.

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

Senator CLARK: Thank you, Mr. President. Mr. President, Men and Women of the Senate, I think it's appropriate that the suggestions and/or unfounded allegations of my good friend and Senator from the County of York, Senator Dutremble, be addressed.

The issue of continuing education is separate and distinct and has nothing to do with the Bill, in its amended version before us.

His suggestions, that the monies derived from continuing educational opportunities afforded the members of the real estate industry across the State, might be incorporated in another bill which would be before still another Legislature, perhaps the 111th.

We all recognize that the real estate industry is not exactly a flourishing industry in our State today. There are numbers of reasons for that inactivity and all of us recognize those. I will assume that, that's a given.

More money is not being spent, and less work being done, unless the word work is referring to the numbers of new home starts that are going on out there, or the numbers of sales of homes.

The work of the Real Estate Commission continues daily. The Real Estate Commission was created by the Legislature in 1937. It is operated on dedicated funds. The Real Estate Commission and its staff are experiencing the same impacts of inflationary costs, spiraling inflationary costs, as are every other segment of our State, not to mention State government.

The staff of the Real Estate Commission has been cut back by two, and four of its current staff received termination notices two weeks ago this coming Friday.

Currently, the Real Estate Commission is operating statutorially, because it is required to operate.

The work that it is doing is not diminishing,

for it handles, in fact, all of the questionables, and indeed some of them are questionable, practices of our licensed real estate people across the State. Those consumer complaints and client complaints are referred to the Real Estate Commission, and that enables the Real Estate Commission and the real estate profession to police itself.

It also maintains the enviable reputation of our real estate industry across the State by keeping the policing of the industry in-house, and resolving the conflicts and/or consumer complaints that come before it. The numbers of complaints have not diminished. We have ample documentation in the Committee on Business Legislation to the numbers of cases which have been resolved by the Real Estate Commission.

The Real Estate Commissioners are not asking for an increase, but the costs of maintaining that organization have increased. Thus, we have a moderate proposal before us.

Indeed, I tend to agree with Senator Dutremble from the County of York in that it does seem that increase in fees are frequently requested, but we must remember there was a Legislature in which the fees were denied while costs escalated.

This proposal before you is a moderate increase. We realize that the industry, again, is not exactly blossoming out there across the State, but we do believe that since the Commission is currently in a deficit situation, and will be, because it operates on a biennial licensing, that it is important to retain and maintain the operations of that Commission in order to protect not only the industry, but the citizens of this State.

It is the feeling of the Joint Standing Committee on Business Legislation that the modest fee increases incorporated in the Committee Amendment, and indeed they are considerably more modest than the proposal in its original form that was before the Committee, are appropriate and will meet the financial needs of the Commission at a reduced personnel level.

It was a unanimous Committee Report. Many of us, including myself, who co-sponsored this measure, would rather not have had to address this issue at this particular time, but it is necessary. I can answer the question as to why it is necessary.

The Real Estate Commission is operating at a deficit. It owes the Governor's Contingency Fund the sum of \$30,000. You see there are such items over which they have little control. One of the main items and large expenses of the Real Estate Commission is not only does it operate on dedicated funds, and the number of licensees has decreased in direct reflection to the level of business that is going on across the State, but the State CAP, which is the assessment levied on the Real Estate Commission has increased, and so have staff salaries. We're either going to have a Commission which is operating, or we aren't. The current law does not provide for a repeal of the Commission, so we have to fund it. If we're going to fund it, I would submit that we must fund it above the deficit level, and responsibly.

Which was Passed to be Engrossed, as amended, in concurrence.

Senate — As Amended

Bill, "An Act to Provide the District Courts with Concurrent Jurisdiction Over Mechanics Lien Actions." (S. P. 746) (L. D. 1749)

Which was Read a Second Time and Passed to be Engrossed, as amended.

Sent down for concurrence.

Papers from the House

House Papers

Bill, "An Act Amending the Electrician's Licensing Law." (H. P. 2127) (L. D. 2045)

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

Comes from the House, referred to the Committee on Business Legislation and Ordered Printed.

Which was referred to the Committee on Business Legislation and Ordered Printed, in concurrence.

Bill, "An Act Permitting the Establishment of Student Loan Corporations." (H. P. 2128) (L. D. 2044)

Comes from the House, referred to the Committee on Education and Ordered Printed.

Which was referred to the Committee on Education and Ordered Printed, in concurrence.

Bill, "An Act to Create an Excise Tax on Mining Companies." (H. P. 2129) (L. D. 2043)

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

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

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

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

Recess

After Recess

The Senate called to order by the President.

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

Papers from the House

Joint Orders

Expressions of Legislative Sentiment recognizing:

Steve Averill, of Bangor, who has been named to the 1981 Maine Class AA All-State Football Team. (H. P. 2125)

Charleen Chase, of Norway, who has been named Outstanding Woman of the Year for 1982. (H. P. 2126)

Chief Warrant Officer Dennis J. Small, of Brownville Junction, who saved the life of a 5-year-old boy from drowning at Fort Campbell, Kentucky. (H. P. 2130)

the Cougars of Dirigo High School and Coach Robin Marshall, who have won the State Class C Boys' Basketball Championship for the 1981-1982 academic year. (H. P. 2132)

Mrs. Geraldine Deering, of Hartland, Department President of the American Legion Auxiliary of Maine, for her good work and service to Maine and the Nation. (H. P. 2133)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

Committee Reports

House

Leave to Withdraw

The Committee on Taxation on, Bill, "An Act to Restore a Property Tax Exemption Previously Granted to the American Red Cross." (H. P. 1797) (L. D. 1787)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read and Accepted, in concurrence.

Senate

Leave to Withdraw

Senator CHARETTE for the Committee on Local and County Government on, Bill, "An Act to Authorize the Use of Surplus Proceeds of Municipal Borrowing for Other Purposes." (S. P. 797) (L. D. 1879)

Reported that the same be granted Leave to Withdraw.

Senator EMERSON for the Committee on Taxation on, Bill, "An Act Relating to Property Taxes Prorated between Seller and Purchaser." (S. P. 744) (L. D. 1747)

Senator WOOD for the Committee on Taxation on, Bill, "An Act Concerning Declaration of Value for Deeds of Distribution." (S. P. 748) (L. D. 1751)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted, Sent down for concurrence.

ENACTORS

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

AN ACT to Clarify Variable Rate Disclosures in the Maine Consumer Credit Code. (H. P. 1752) (L. D. 1742)

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

RESOLVE, Authorizing the Maine Forest Service to Convey by Bid Sale of the State's Interest in Certain Real Estate in the Maine Forestry District and to Use the Proceeds for Energy-saving Improvements to Other Existing Fire Control Buildings. (H. P. 1922) (L. D. 1904)

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

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

Committee Report

Senate

Ought to Pass

Senator VIOLETTE for the Committee on Legal Affairs on, Bill, "An Act to Amend the Definition of Table Wine." (S. P. 829) (L. D. 1937)

Reported that the same Ought to Pass.

Which Report was Read and Accepted, and the Bill Read Once. On motion by Senator Conley of Cumberland, Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed. Sent down for concurrence.

(Off Record Remarks)

Orders of the Day

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

Bill, "An Act Authorizing the County of Cumberland to Raise Funds for the Construction of a Court House, Capital Improvements and Related Facilities." (H. P. 2087) (L. D. 2024)

Tabled—Monday, March 1, 1982 by Senator Conley of Cumberland.

Pending—Reference.
On motion by Senator Conley of Cumberland, Retabled for 2 Legislative Days.

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

Bill, "An Act to Adjust the Fees for Licenses of the Electricians' Examining Board." (H. P. 1728) (L. D. 1713)

Tabled—Tuesday, March 2, 1982 by Senator Sutton of Oxford.

Pending—Enactment.

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

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate, this Bill seems to be a bit excessive in the fee increases to me and, at least, to the 60 or 70 electricians that I work with every day. They expressed a little displeasure with the fee increase.

I believe they are somewhat excessive. Journeyman electricians going from \$20 to \$40, the limited electrician's license going from \$30 to \$60, the apprentice license going from \$5 to \$10, about every license in here has a 100% fee increase. I wonder if some member of the Business Legislation Committee could explain the drastic increase necessary to the Examining Board for this increase.
The PRESIDENT: The Chair recognizes the

Senator from Oxford, Senator Sutton.

Senator SUTTON: Thank you, Mr. President. I thought the good Senator from Waldo would never ask.

There have been a variety of fee bills that have come before the Business Legislation Committee this term. All these boards that are part of the Business Regulation Department are funded by dedicated revenue. They all have to have their approval before the Business Legislation Committee. I think most of us would just as soon they go to the Appropriations Committee, but that's not the way it is right now. Although it may be in the future, because the Commissioner has promised us and is in the throes of doing a complete evaluation of the whole Department of Business Regulation and looking at all of these particular things.

In this case, the original bill that came in asked for free increases of \$125,000. They indicated they hadn't had a fee increase since 1965, that they had lost two inspectors and their situation was critical.

We had about eight proponents. Granted, most of them were the sponsors and people that were part of the Electrician's Board. You'll be interested to know that we had no opposition whatsoever. There wasn't one person that came and spoke against the Bill.

We were concerned. As I mentioned with the real estate Bill, we had the same type of concerns with the electrical Bill. I share some of the concerns that the good Senator from Waldo has in fact very much so.

By the same token, with the dedicated revenue situation, the only funding for the Department, the fact that the State had mandated that we have the Department, as the good Senator from Cumberland pointed out this morning, we need to fund them. We felt that what they requested was too much. We cut all the fees back, so that they totalled about \$19,000, or \$16,000, \$17,000 cuts I guess, because this new Bill I think is \$108,000 as opposed to \$125,000, so it would be \$17,000. We are now waiting for the results of the study that the Commissioner is making.

I would recommend that we go along with this fee increase to maintain the fiscal responsibility and authority of this particular Board.

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

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate, it appears to me that this fee increase would nearly double the income of the Department. The Department has been running over a period of 17 years, and has not gone out-of-business. So, if these fees can't be adjusted down some more, I will move Indefinite Postponement of the Bill and all accompanying papers.

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

Senator SUTTON: Without prolonging this debate any further, because I think we need to get to the matter of voting, I would certainly heartily recommend that you don't do this.

We studied this at great length, and felt that we could not, in good conscience, recommend at this time fee increases any less than this. I'm not sure where the good Senator from Waldo got his information as to the total budget of the Department. I'm not sure that is correct. In fact, I don't think it is correct, but I don't happen to have my notes on that right in front of me.

I would ask that you defeat the move to Indefinitely Postpone, so that we can vote to Enact this Bill.

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

Senator SHUTE: I'd ask for a Roll Call.

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

Will all those Senators in favor of ordering a

Roll Call, please rise and remain standing until counted.

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

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, Ladies and Gentlemen of the Senate, just a couple of questions to perhaps clarify the issue that's before us to maybe a member of the Committee or some other knowledgeable Senator. It's my understanding that the Electrician's Examining Board, which would be the beneficiary of this increased fee, is basically set up with a cross-section of individuals in the field itself, and that its intention and purpose is to basically protect that industry, and to require a certain amount of policing.

I guess if that is true, and what I'm basically looking for is, a statement by somebody, perhaps, as I said knowledgeable in it, that this is basically a board of electricians looking out for themselves, and thus it would be beneficial to allow them to police themselves far more than it would be to go some other route because of a lack of revenue. Would that not be true?

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

Senator SEWALL: Thank you, Mr. President. That is true.

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

Senator WOOD: Men and Women of the Senate, I'd not intended to speak on this, but when the Bill was first put on my desk I mailed it out to all of the electricians in my District, and this weekend I had a call from one of those, a Mr. Collette in Sanford, and he presented me with a partition of about 50 different electricians who were opposed to the Bill.

I had a lengthy conversation and because of that I will be voting to Indefinitely Postpone.

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

Senator MCBREARTY: Mr. President and Honorable Members of the Senate, I think that we had better seriously consider this Bill before we Indefinitely Postpone it.

Most of these boards were set up at their own request and contrary to what they tell us, they are not solely for the purpose of protecting the public. They are for protecting themselves, because they set up regulations and requirements in order to be licensed that are quite stringent in some cases.

Now, I have personally done some research on my own, and also, we are reviewing boards that will automatically sunset if they are not reviewed by the Audit Committee. I found personally one special revenue account, this doesn't happen to be a board, that over the last 3 years there has been over, somewhere around \$150,000 of General Fund money that went into that special revenue account that shouldn't have gone at all.

One reason that fees have got to be increased quite considerable, maybe at one time, is the fact that we have let them go too long without adjustments. We have had inflation, one thing that has come in recently that didn't, or they weren't charged for before was Attorney General's fees. I assume that the Attorney General was spending so much time with all these boards that it was taking a considerable lot of money and finally they decided where these were independent boards that they had to charge for their services.

We had a hearing yesterday and a board was before us that pays the Attorney General \$2,000 a year for fees and they were very happy with that. So some of these things have entered into it and what they could do by killing this Bill is eliminate the board, because if there isn't monies there to operate, some of us are going to insist that they do not get funded from somebody else's fees, or General Fund monies. That

is what has been happening, there sure has got to be some work done in this board thing, more then we have already done. Thank you.

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

Senator SUTTON: Mr. President, I think that the Senator from Aroostook has made some very pertinent remarks.

I am awfully sorry that the good Senator from York couldn't have come forward within the 2 months since we have heard this Bill to let us know this information.

We heard this Bill on January 19, and by the way this masters electricians license that is going up to \$80, is a biennial fee. We are talking about \$40 per year to be a master electrician in the State of Maine and be protected, educated and looked after by the beautiful surrounding arms of the Electrical Board of the State of Maine.

There are safety factors involved, there is the whole integrity of the trade involved.

I would like to suggest to you that it is irresponsible to Indefinitely Postpone this Bill and that the fees in here are minimal at best or at least. Seventeen years since an increase at an average of 5% to 15% per year in inflation, come on, be rational now and don't get excited about 100%, and 25% and all those numbers. We are talking about the highest fee is the master electrician, how much does a master electrician make these days probably? I am sure that he can afford \$40 per year to help maintain the integrity of his trade.

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

Senator WOOD: Mr. President, Men and Women of the Senate. Just to clarify a point, I certainly would have made that information available to the Committee if I had had it, it was this weekend that the electrician contacted me, I guess, that he was to busy to contact me, but he called me on Saturday or Sunday morning and I spent a good time on the phone with him. He did not object to a fee increase, he just felt that over the years he had not gotten a good dollar return on his fees and he felt that at this point that it was inappropriate and 50 other people agreed with him. I told him that I would share those concerns with the Senate.

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

Senator CONLEY: Mr. President, this obviously is a non-partisan issue. I intend to support the good Senator from Oxford, Senator Sutton, but it surprises me to hear him speaking with such a liberal output today. My retention period is not that great, but if I recall we were trying to put some Food Inspectors around, as we were concerned about the bubonic plague going across the State of Maine. I think that we were requesting something like \$5, but God bless him he is beginning to get an eyeopener.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the motion by the Senator from Waldo, Senator Shute, that L. D. 1713 be Indefinitely Postponed.

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

ROLL CALL

YEA—Ault, Brown, Carpenter, Dutremble, Hichens, Pierce, Shute, Wood.

NAY—Clark, Collins, Conley, Devoe, Emerson, Gill, Huber, McBreaarty, Minkowsky, Najarian, Perkins, Pray, Redmond, Sewall, C.; Sutton, Teague, Trotzky, Usher, Violette.

ABSENT—Bustin, Charette, Kerry, O'Leary, Trafton.

A Roll Call was had.

8 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 5 Senators being absent, the motion to Indefinitely Postpone L. D. 1713 does not prevail.

Which was Passed to be Enacted and having been signed by the President, was by the Secre-

tary presented to the Governor for his approval.

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

HOUSE REPORTS—from the Committee on Legal Affairs — Bill, "An Act to Prohibit Public Drinking on School Premises Without Requiring Prior Warning by a Law Enforcement Officer." (H. P. 1929) (L. D. 1912) MAJORITY REPORT Ought Not to Pass; MINORITY REPORT Ought to Pass as Amended by Committee Amendment "A" (H-616)

Tabled—Tuesday, March 2, 1982 by Senator Hichens of York.

Pending—Acceptance of Majority Report

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

Senator HICHENS: Thank you, Mr. President. This Bill was discussed yesterday. Some concerns were raised by the good Senator from Penobscot, Senator Devoe. I have prepared an Amendment which I hope answers those concerns. So I hope that you will vote against Acceptance of the Majority Report and Accept the Minority Report so that we may put on this Amendment.

The PRESIDENT: The Chair would request Leave of the Senate to Withdraw his motion that the Senate Accept the Majority Ought Not to Pass Report of the Committee. In the opinion of the Chair, this will expedite whatever action that the Senate might want to take on this Legislation.

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

It is a vote.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, I would now move Acceptance of the Minority Report and basically ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Aroostook, Senator Carpenter, that the Senate Accept the Minority Ought to Pass, as amended, by Committee Amendment "A" Report of the Committee, please rise in their places to be counted.

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

24 Senators having voted in the affirmative, and No Senators having voted in the negative, the motion to Accept the Minority Ought to Pass, as amended, Report of the Committee, in concurrence, does prevail.

The Bill Read Once. Committee Amendment "A" was Read.

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

Senator HICHENS: Thank you, Mr. President. I now present Senate Amendment "A" to Committee Amendment "A" and move its passage.

The PRESIDENT: The Senator from York, Senator Hichens, now offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption.

Senate Amendment "A" (S-396) to Committee Amendment "A" was Read.

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

Senator BROWN: Mr. President, I wonder if the good Senator, Senator Hichens, would briefly explain what that Amendment does?

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

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President, this Amendment simply takes the word "public" out of the school's part of the Amendment. Yesterday there was an objection made to having it public schools, instead of all schools. So we've taken the word "public schools" away so it applies to all schools.

Senate Amendment "A" (S-396) to Committee Amendment "A" was Adopted. Committee Amendment "A" as amended by Senate Amendment "A" was Adopted in non-concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

On motion by Senator Collins of Knox, Adjourned until 9:30 o'clock tomorrow morning.