

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

INDEX

FOURTH SPECIAL SESSION

April 28, 1982 and April 29, 1982

INDEX

FIFTH SPECIAL SESSION

May 13, 1982

INDEX

SECOND CONFIRMATION SESSION

July 16, 1982

INDEX

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

Augusta, Maine
March 10, 1982

Senate called to order by the President.

Prayer by the Reverend Armand Bill of Saint Bridget's Church of North Vassalboro.

REVEREND BILL: Let us pray. Almighty God, our Father, You have charged us with the task of building on this earth a home, where all the nations dwell in unity, liberty, and justice. We pray for strength and purpose to make officers in every branch of government accountable to all the people, fulfilling roles of service and responsibility, that they may seek justice and protect the weak, and lead us in constructing institutions for our peace and mutual aid. Amen.

Reading of the Journal of yesterday.

Papers From the House
House Paper

Bill, "An Act to Increase the Sardine Tax." (H. P. 2157) (L. D. 2057)

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

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

Order

On motion by Senator TEAGUE of Somerset (Cosponsors: Senator SEWALL of Penobscot, Representative TARBELL of Bangor and Representative DAY of Westbrook)

ORDERED, the House concurring, that the Joint Standing Committee on Taxation report out a bill to the House to update current law to conform the state tax code to the United States Internal Revenue Code by repealing and replacing the Revised Statutes, Title 36, section 5102, subsection 11, the substantive content of said bill to read in its entirety as follows:

11. **Meaning of terms.** Any term used in this Part has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes, unless a different meaning is clearly required.

Any reference in this part to the laws of the United States shall be construed as a reference to the provisions of the Internal Revenue Code of 1954, and amendments thereto and other provisions of the laws of the United States relating to federal income taxes as of December 31, 1981. This subsection shall be effective as to items of income, deductions, loss or gain accruing in taxable years ending on or after January 1, 1982, but only to the extent that those items have been earned, received, incurred or accrued on or after that effective date.

(S. P. 919)

Which was Read.

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

Committee Reports

House

Ought to Pass

The Committee on Business Legislation on, Bill, "An Act to Authorize Governmental Entities to Provide Self-insurance." (H. P. 1825) (L. D. 1807)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed, as amended by House Amendment "A" (H-636).

Which Report was Read and Accepted, in concurrence, and the Bill Read Once. House Amendment "A" was Read and Adopted, in concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Concerning Salaries of District Court Judges." (H. P. 1869) (L. D. 1863)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-633).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Report was Read and Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" was Read.

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

Senator MINKOWSKY: Mr. President, I have an inquiry to make to any member of the Appropriations Committee relevant to the Amendment attached to this particular Bill. I guess, we can understand quite clearly the differential between the Superior Court justices and the District Court justices, but the question arose, last evening, in discussion as to the full-time Workers' Compensation Commission salaries being tied into the District Court judges' salaries. I guess, I'm looking at the viewpoint of how much correlation is there between the Compensation Commissioners' salaries and the District Court judges'? There seems to be some feeling that they should not be tied in together, that they should stand on their own. I was wondering what the actions of the Appropriations Committee were in making this particular recommendation as a Committee Amendment?

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

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President and Members of the Senate, the salaries of the Commissioners of the Workers' Comp. are already tied by statutes to the salaries of the District Court judges. That's why we raised their salaries when we raised the District Court judges' salaries.

Committee Amendment "A" was Adopted, in concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Provide for a Comprehensive Career and Occupational Information System." (H. P. 2015) (L. D. 1985)

Reported that the same Ought to Pass.

Signed:

Senators:

SEWALL of Lincoln
SUTTON of Oxford
DUTREMBLE of York

Representatives:

BEAULIEU of Portland
MARTIN of Brunswick
FOSTER of Ellsworth
McHENRY of Madawaska
BAKER of Portland
LAVERRIERE of Biddeford
TUTTLE of Sanford
ARMSTRONG of Wilton

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

Signed:

Representatives:

LEWIS of Auburn
JACKSON of Harrison

Comes from the House, the Bill Passed to be Engrossed.

Which Reports were Read and the Majority Ought to Pass Report of the Committee was Accepted, in concurrence. The Bill Read Once and Tomorrow Assigned for Second Reading.

Senate

Leave to Withdraw

Senator NAJARIAN for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Limit the State's Ability to Make Lease-purchase Agreements." (S. P. 769) (L. D. 1827)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

Second Readers

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

House

Resolve, Authorizing the State Planning Office to Study the Implications for Maine of Canadian Tidal Power Development in the Bay of Fundy. (Emergency) (H. P. 1975) (L. D. 1950)

Bill, "An Act to Amend Charters of Various Water Districts Organized Under the Private and Special Laws Including Milbridge and Strong." (H. P. 2151) (L. D. 2054)

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

Bill, "An Act to Make the State Unemployment Tax Exemption for Individuals Engaged in Fishing Consistent with the Federal Unemployment Tax Exemption for Such Individuals." (Emergency) (H. P. 2008) (L. D. 1979)

Which was Read a Second Time.

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

House — As Amended

Bill, "An Act to Permit Municipalities to Adopt Contract Zoning Under the Maine Zoning Laws." (H. P. 1827) (L. D. 1809)

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

Senate

Bill, "An Act to Adjust the Eating, Lodging and Recreational Place Licensing Fee." (S. P. 811) (L. D. 1907)

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act to Permit the Superintendent of Insurance to Promulgate Rules Requiring Provisions in Group Health Contracts Providing for Conversion to Individual Coverage Upon Termination of Group Coverage." (S. P. 774) (L. D. 1845)

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

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:
AN ACT to Amend the Definition of Table Wine. (S. P. 829) (L. D. 1937)

AN ACT to Reduce Discrimination by Allowing Employees of Local Districts which Participate in the Social Security System the Option of Withdrawal from the Maine State Retirement System. (H. P. 1990) (L. D. 1966)

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

Emergency

AN ACT to Adjust Fees for Licenses Issued by the Real Estate Commission. (H. P. 1809) (L. D. 1794)

Comes from the House, Failed of Enactment.

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

Orders of the Day

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

JOINT ORDER—Relative to the Joint Standing Committee on Taxation reporting out a Bill regarding the state tax code. (S. P. 919) Tabled earlier in today's session by Senator Collins of Knox, pending Passage.

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

Senator TEAGUE: Mr. President, Members of the Senate, this piece of Legislation is the most important piece of Legislation the Taxation Committee will consider in this Session. It will realign Maine's income tax laws for the year 1982 with the Federal Tax Code for one year.

In the one-day special session we held back on December 9, we passed a package of 25 federal changes just for the year 1981. At that time, we said the Taxation Committee will have to study and deal with the changes for 1982.

So far in this Session, we have had no bill to do this. Two bills were turned down by the Legislative Council, with the understanding the Administration would resolve the issue. We have not heard from the Administration and there are just 16 days left in this Session.

Almost every income taxpayer in Maine will be affected if we do not piggyback our Maine laws onto the Federal Tax Code. We will all have to keep two sets of books: one for the United States Internal Revenue Service, and the other for the Internal Revenue Service of Maine. An expanded Bureau of Taxation will be needed with 50 new employees, and will cost approximately \$2,000,000 per year to start up and maintain, if we do nothing in this Session.

I hope you will support me in this proposed Legislation today, and in turn, help all of the taxpayers in Maine from being burdened with extra paperwork a year from today. Thank you.

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

Senator WOOD: Mr. President, Men and Women of the Senate, I think that we should look at this Order very carefully today, because what we are being asked to do is spend \$10,000,000 in 16 days.

This Bill, if it is reported out favorably, will cost the State this year or next year \$10,000,000. We are being asked to study this, although our Committee has its share of experts on it, I don't think we're capable of, in 16 days, coming up with a way to spend \$10,000,000.

That is only the tip of the iceberg, because of the way the federal system was changed. It's a cumulative effect. Every year there will be new tie-ins to the tax system. We could be taking, in four or five years, of the State losing something in the neighborhood of \$30,000,000, \$40,000,000, \$50,000,000. We, in 16 days' would be making that determination.

I think there are a few things that we should take into consideration when we vote on this. First, there are still changes in the tax structure, being proposed in Washington. Senator Dole, who is the ranking Republican member of the Finance Committee, is proposing major changes in President Reagan's tax program. Yet, we are going to be accepting that tax program before we know if these changes are made. Senator Dole is proposing that we have a minimum tax on corporations. There's also talk about doing away with the provision that would allow companies to sell their tax credits. If a company can not take advantage of its tax credits, it can sell them to another company in order for that other company to take advantage of its tax credits. There are many people, in both the Congress and the Senate, that find this provision objectionable and they want that provision changed. Yet, we are not going to have the benefit of their debate and their advice. We are simply, in 16 days, going to accept that proposal.

Secondly, we have no idea what State funds are going to be available to meet this need. We have an indexing bill, and possibly two, that will be going to the voters. One of them might be costing in the neighborhood of \$30,000,000. Then we're going to tack onto that another \$10,000,000. I simply think it would be foolish for us, at this time, to vote for anything until we know what the voters do next November.

What is the hurry? This will not impact on this year's tax returns we took care of that in December. Those tax returns will be filled out and mailed in on April 15. That will be taken care of. This problem will not occur again until next April 15. We have plenty of time. We can have several special sessions, if needed, to deal with this. I see no urgency in us dealing with it today.

Also, I think you should be aware that other states have certainly not taken the lead of Maine in agreeing with the federal government. Governor Kerry in New York has said, that there should be other ways of providing tax credits to businesses, that they should not accept wholeheartedly the federal system. New York State is in session right now, and they're working on alternatives.

I think in Maine there are several alternatives. I talked about those last December. I'm still a believer in those alternatives, but we will not have the benefit of those alternatives. We will simply have to report a bill out.

I, also, have a very serious problem with the way this Order is worded, because it simply doesn't ask the Taxation Committee to report out a bill. It says, specifically, what the major content of that bill will be. What if, after we have hearings, we determine that we have to increase the corporate income tax to pay for this measure? What if we determine that we have to remove the sales tax from new and used equipment? Will we have the ability to report out a bill doing that, since we are ordered, specifically, the content of this Bill? I think that this Order is putting the Committee in concrete. We would have no options. We would have 16 days to determine the financial future of this State. I think that is totally unacceptable.

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

Senator COLLINS: Mr. President, I would certainly agree with the Senator from York Senator Wood, that this is an important Bill, that it raises policy questions of considerable implication. I think it's also important to consider, as we vote on this Bill just what we are doing. I submit that what we are doing is laying out a basic policy of whether we go it alone, go our own way with our own Internal Revenue Service, our own Internal Revenue Code, or whether we stick to the policy that we've followed for many years of following basically the Federal Internal Revenue Code as the foundation of our own Income Tax Law.

The suggestion that we wait is the suggestion that might well be expected. We waited last fall until the 11th hour, until the month of December, to make a decision about the tax matter for last year. As we look down the road and see that this decision will mean revenue losses based on the present posture of the Internal Revenue Code at the federal level, it seems to many of us that the prudent way is to plan ahead. If it means that because of a revenue loss, we must face up to other adjustments in our budget, either in cutting programs, or in increasing some of the taxes we already have on the books, we ought to be looking at it now while we're in the midst of our budgetary process, and not waiting until next October, or November, or December to come rushing in, in a one-day program and trying to adjust basic policy in budget and taxation.

We all know that taxation and budget are among the most difficult matters that we wrestle with here in this Legislature. We know in the end we have to come together as Demo-

crats and Republicans, as people who are working for the best for the State of Maine as a whole, because neither party can do this alone, in our State.

I call upon all the Members of the Senate to think seriously about the basic policy, because that's all that we're trying to pose, and that's all that we're trying to decide here today. If we decide that we want to continue to piggyback the Federal Income Tax system as our basic system, then decisions go on from that point. Decisions go forward as to where our budget will shape up. Decisions will go forward as to whether we must increase this tax or that tax, and when we must do it.

I think it's a mistake to put off this basic decision of whether or not to piggyback the Federal Income Tax. The suggestion of Senator Wood that we may not like some things that the Congress is doing now, or may do in the future, is, of course, something to think about. The decisions that he speaks of that the Congress may consider are very minor in respect to what the effect would be on State of Maine taxpayers. Not everything in the Internal Revenue Code is palatable to everybody, of course. Overall, the basic structure is sound and unless we are to compel our Maine taxpayers to keep two sets of books, have all kinds of extra expense with accountants and lawyers, and in general being confused over a double tax system then we must take the step of adopting basic federal tax policy as ours for the foreseeable future.

I would call upon this Senate to adopt this as basic tax policy, so the Governor, the Committee on Appropriations, and the Committee on Taxation may do some truly long-range planning in the budgeting and taxing process that we must have before us.

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

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

Senator CONLEY: Mr. President and Members of the Senate, I'm delighted that the Majority Floorleader took the time to explain to each of us how important this Legislation is. I think, perhaps he could be a little more specific. I'll quote from a note I just received from a member of his party. I'll quote it verbatim, "This is a brutal power play. They made sure I'd be here at 8:30 a.m." Let's call it what it is, nothing but a big political joke.

Common sense is something that most of us have been endowed with. I've said that many, many times. If we're willing to give away Fort Knox to the corporations of this country, that is the Congress, that's their business, but, believe me, the people that I represent are wild, wild about the tax breaks that were given during the last session of Congress.

Yes, we had to, last December, piggyback those cuts to bring Maine in alliance with the congressional act. Believe me, there's a revolution starting out there right down the street. You can start in Hallowell. You can hear the people jibing to the top of their voices. Something is going to change in Washington. That change is going to affect those tax credits that were given. I'll be damned if I'm going to stand here on the floor today and put a stamp of approval on a bill that steals from the poor, the elderly, those unable to fend for themselves.

The corporate structure of this country has done well for itself. We're not going to use one red cent of the taxpayers of Maine's money to make even a worse charade of what took place in Congress.

I urge every Member in this Senate to exercise their common sense and to reject this stupid Order.

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

Senator TEAGUE: I think that if the good Senator from Cumberland, would know what was in the tax package he would feel entirely different.

This is not a corporate bill, just a few of the items, I mean, that this Bill handles is the marriage penalty relief, the child dependent care credit, the roll-over period for people selling their houses, the 55 year old people who are selling their houses, I mean, for the first time. It changes the IRA extensions and the Keogh Plans. The retired people that he is talking about who put their money in All-Savers Certificates. All those are in here, there are 25 of them, and I think maybe I should give him a list of all 25 different items.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Senator VIOLETTE: Mr. President, and Ladies and Gentlemen of the Senate, it is my intention to vote against this Order today. I was one of those few 5 who voted against this last year, and I intend to do so today.

I voted against that policy last year, because I happened to have felt that the federal government's new taxation policy was totally inept at that time, and I happen to think so today.

I do not want this State to fall into the same problems financially that the federal government has. The federal government in Washington has their own printing press, and the State of Maine doesn't.

I, also, asked many, many questions last year relative to this legislation in my caucus and on the floor of the Senate. Those questions went unanswered, and it was for that reason that I voted against this legislation last year. Those questions remain unanswered today. The federal government to this day admits that it doesn't know the effect and the implications of its own changes in its taxation policy. Until I have the answers to those questions, that the federal government, itself, has not been able to answer, then I am going to continue to resist voting for something which I do not know what the long-range effect is, and to which I expect the federal policy will be making substantial changes, Senator Collins, within the near future.

I do not believe the federal government's changes in this area are going to be minimal. I, quite frankly, expect some major changes to be made particularly in some of the areas relative to credits for businesses, and the sale of their losses to other corporations of which we still do not know what the effect of this would be on the State of Maine. When I asked those questions last year, there were not answers and there are still none today.

Why is it relative to depreciation we are suddenly changing our policy with respect to machinery and buildings and we are making a reversal of our policy? Where in the past we allowed for a greater depreciation on machinery, we are now going to make a complete change to where that depreciation would be greater on buildings and less on machinery. That question was not answered last year.

Why the changes in the carrier route and the changes in tax benefits relative to carrier routes in Maine, and many other questions.

I still believe today that there are no answers to those questions. So, I intend to vote against this Order today. I do not think it is in the best interest of the State of Maine. So be it, if it means that we do have to have our own internal revenue department, here. I think that, that is not reason in and of itself to have to mirror the horrendous policy of the federal government. Just because they have decided to do what they wish, I do not think that it is necessary for us to simply follow in step.

I intend to vote against this today and I would hope that you would too.

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

Senator WOOD: Mr. President and Men and Women of the Senate. I would agree with the statement of Senator Teague that there are many, many positive aspects of the tax act.

There are many benefits, I think, that we in the Democratic Party fought long and hard for in terms of day-care and marriage penalty clause, and all of those things. I think our record is clear on those issues. That is not the point that we are debating today.

Just as there are many positive benefits, there are many benefits of dubious qualities, such as depreciation, such as the ability to sell one's tax credits. That, again, is not the issue that we are debating today.

We are debating whether we should, en masse, support whatever the federal government does in terms of income tax policies, with 16 days left in this Session.

I think that, that is not a wise decision to make. I think that it is an inappropriate decision to make.

We have got well over 8 or 9 months of this year left. A study could be done, a number of sessions could be held and the right decision could be arrived at.

I think with all of us wanting to get out of here in 16 days, I think the temptation will be to act hastily and act in a manner that we will regret in the future.

I would point out that in the past we have piggybacked to the federal system, but I would, also, point out that those past changes have been minor and have not cost the State very much money.

It still requires the affirmative action of the Legislature. Why are we required? Because our Constitution points out in Article 9, section 9: "The Legislature shall never in any manner suspend or surrender the power of taxation." If we pass an act saying that in the future we will accept whatever changes are made at the federal level, I would argue that we have certainly suspended and are surrendering our power over taxation issues. I think that, that is a wrong policy.

I think that we have 8 or 9 months left in this year. I think that there are enough of us, in both parties, that can sit down and look at this issue and all of its ramifications and come up with a package that makes sense.

I would ask a question of the Chair, or anyone in the drafting of this Order, if this Order is passed and we hear the Bill and determine that we have to raise the corporate income tax, does this Bill allow us, does this Order allow us the option of amending any part of this Order, where it says that the substantive content of the Bill will read in its entirety? Are we allowed to amend any part of Section 11, as referred to here?

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

Senator REDMOND: Mr. President, Members of the Senate, I, like my good friend from Cumberland, Senator Conley, would like to report to you, members of the Senate, the feelings of the people that I represent in my District. My District, which was quoted in the New York Times and then also in the state papers, the District that I represent, and I will quote: "We're accustomed, poverty is becoming intensified." The people over there are continuously asking me to do the best I can to create an atmosphere in this State, where we can induce the entrepreneurs, where we can entice the businesses and the corporations to make jobs for these people.

I'm going to support this for that simple reason, because I still believe in our swim or sink system. Who makes the jobs? The good Senator from Cumberland, I think together, a new beginning, we've done pretty well for that area on the Bath Iron works Bill. Together, we're going to work out our problems, but we're going to have to stick to the system that was established by our founding fathers.

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

Senator TEAGUE: In answer to some of the previous questions of the good Senator. Senator Wood said that 16 days was too short. If you re-

member back on December 9, the Taxation Committee came in on December 8, had a public hearing and so forth on this Bill, heard all the pros and cons, and so forth. Then the Legislature came in, in a one-day session, and passed it.

The only thing we're asking right now is for the Taxation Committee to report out a bill in the 16 days time. We do have enough time to study this problem, and to give all the taxpayers in Maine a chance to come out and speak at the public hearing.

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

Senator DEVOE: Thank you, Mr. President. Mr. President and Members of the Senate, as I read this Order, all it asks is the Taxation Committee report out a bill. I'd just like to ask some of those who are opposing this Joint Order, why are you depriving this Body of a full and extensive debate on the merits of the Bill as it would be worded when reported out by the Taxation Committee? Is there something that the Democrat Party in this State feels might be beneficial to the people, if we have a chance to debate the merits of the Bill?

You're trying to stifle full and complete discussion on the merits at this time. If you have arguments that can persuade individual Legislators that this Bill has an adverse impact on this State, then let's have that conclusion reached after a full and complete discussion of the facts.

It sounds to me today, like every person who is planning on voting against this Order is really fearful of the merits of the Bill, fears a full and complete discussion.

For that reason, Mr. President, I intend to vote for the Order, because I don't want to be on record as stifling discussion of an issue that is important to this State. In my view, every Senator who votes against this Joint Order, is voting to stifle discussion of an important issue. I'm not going to be on record for that purpose. Thank you, Mr. President.

The PRESIDENT: The Chair would advise the Senator from York, Senator Wood, that in answer to his question, certainly the Bill would be amendable, provided the amendments were germane when the Bill was on the floor.

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: Mr. President, Men and Women of the Senate, I certainly am not speaking for the Democratic Party. There are those that can speak for their party better than I.

I have never been on to stifle dissent. Possibly, my fears stem from the fact that over the last year I have been studying this issue rather intensely, and have come to some conclusions that there are lots of things that we should be leery about, about this Legislation.

Again, I do not think that is the issue. I think at some point we have to deal with this issue, obviously before a year from April. This issue has to be resolved, and I have no problems with resolving the issue.

The problems I have are: that we have 16 days. We really don't have 16 days. We have been told we have to have all bills out of committee by a week from Friday. So we have something less than 16 days. The bill would have to be advertised. A hearing would have to be held. I simply think, in that hurried atmosphere, that we would not get the discussion that would be necessary and sufficient for us to come to any kind of conclusion that would be rational.

The other problem I have is that I have seen many orders in my 6 years here, and the orders simply read asking the committee, whatever the committee is, to report out a bill dealing with this subject, or report out a bill dealing with this title. This Order does not do that. I probably would have supported an order that said simply to report out a bill dealing with the question of whether the State should piggyback on the federal tax.

This Order sets up the ground rules by which the Committee is to play by. My fear is, although we have been told that we can amend it, as long as the amendment is germane, since we have been given some guidance here, I'm afraid that the amendment that I would be proposing would not be germane. If they were ruled not germane, I would not have my day in court. Thank you.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, I'm glad one point in this debate of 22 minutes has been clarified, that Senator Wood is not speaking for the Democratic Party. I listened very attentively to everything that has been said this morning and I don't see any fear in this Order itself.

I'm not in full concurrence with what might be the end result of a bill itself, but I'm certainly interested in finding out what the bill is and its contents, and what the general public at the public hearings feel about this, Republicans, or Democrats, or Independents, or whatever they may be.

I think we owe it to the people of the State of Maine to let them know full well, regardless that there's only 16 days more or less left in this particular Session, exactly what this thing is all about.

I'm not looking at this from a viewpoint of which party is going to get credit. I'm looking at it, is it going to serve the interests of the people of the State of Maine?

Again, I have no fear regarding the Order, but I can say one thing for sure at the present time to each and every one of you, after it has its public hearing, and after I have sufficient input from the citizens of my Senatorial District, I can assure you I can vote against the Bill just as quickly as I could support an Order this morning.

On that particular basis, Mr. President, I feel compelled in a very constructive way to, at least, allow the people of the State of Maine to hear this at public hearings. Therefore, I want to be on record as supporting the Order itself, but not necessarily the entire Bill at its final disposition.

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

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

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

The pending question before the Senate is Passage of SP 919.

A Yes vote will be in favor of Passage of SP 919.

A No vote will be opposed.

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

ROLL CALL

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

NAY—Bustin, Charette, Clark, Conley, Najarian, O'Leary, Pray, Usher, Violette, Wood.

ABSENT—Carpenter, Dutremble, Kerry, Trafton.

A Roll Call was had.

18 Senators having voted in the affirmative and 10 Senators in the negative, with 4 Senators being absent, SP 919 was Passed.

Sent down for concurrence.

On motion by Senator Collins of Knox, there being no objections all items previously acted upon, with the exception of those items previously held, 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.

Orders of the Day

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

Bill, "An Act to Fund and Implement Collective Bargaining Agreements Relating to Vocational-Technical Institute Employees." (H. P. 2084) (L. D. 2023)

Tabled—March 9, 1982 by Senator COLLINS of Knox.

Pending—Passage to be Engrossed.

On motion by Senator Pierce of Kennebec, Under Suspension of the Rules, the Senate voted to Reconsider its action whereby Committee Amendment "A" was Adopted.

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

Senator PIERCE: Mr. President, I now present a Senate Amendment under filing number 403 and move its adoption.

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

Senate Amendment "A" (S-403) to Committee Amendment "A" was Read and Adopted. Committee Amendment "A", as amended by Senate Amendment "A" Thereto, was Adopted, in non-concurrence, and the Bill, as amended, was Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

(Off Record Remarks)

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

Bill, An Act to Revise the Fair Credit Reporting Act and to Conform it to Recent Maine Judicial Decisions. (H. P. 1727) (L. D. 1712)

Tabled—March 9, 1982 by Senator COLLINS of Knox.

Pending—Passage to be Engrossed.

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

Senator PIERCE: Mr. President, I present a Senate Amendment under filing number 404 and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now offers Senate Amendment "A" to L. D. 1712 and moves its adoption.

Senate Amendment "A" (S-404) was Read and Adopted. The Bill, as amended, was Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the third Tabled and specially assigned matter: Bill, "An Act to Clarify the Statutes Pertaining to Search and Rescue." (H. P. 1837) (L. D. 1834)

Tabled—March 9, 1982 by Senator CONLEY of Cumberland.

Pending—Passage to be Engrossed.

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

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

Papers From the House

House Papers

Bill, "An Act to Remove Restrictions Preventing Persons Elected to the Legislature from Receiving Certain Benefits." (H. P. 2158) (L. D. 2058)

Comes from the House, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Which was referred to the Committee on Aging, Retirement and Veterans and Ordered Printed, in concurrence.

Resolve, Authorizing the Commissioner of Marine Resources to Convey an Easement over Certain State Land. (H. P. 2159) (L. D. 2059)

Comes from the House, referred to the Committee on Energy and Natural Resources and Ordered Printed.

On motion by Senator Shute of Waldo referred to the Committee on Marine Resources and Ordered Printed, in non-concurrence.

Sent down for concurrence.

Bill, "An Act to Revise the Laws Pertaining to Bail in Criminal Cases." (H. P. 2160) (L. D. 2060)

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

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

(Off Record Remarks)

Committee Reports

House

Leave to Withdraw

The Committee on Aging, Retirement and Veterans on, Bill, "An Act to Permit Maine Employees from the Town of Orono to Withdraw from the Maine State Retirement System." (H. P. 1991) (L. D. 1967)

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.

Ought to Pass

The Committee on Business Legislation on, Bill, "An Act to Establish "Free Look" Requirements for Medicare Supplement Policies." (Emergency) (H. P. 2111) (L. D. 2036)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

Which Report was Read and Accepted, in concurrence, and the Bill Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Business Legislation on, Bill, "An Act to Amend the Uniform Commercial Code Regarding Investment Securities." (H. P. 1935) (L. D. 1919)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-639).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Judiciary on, Bill, "An Act Concerning Look-Alike Drugs." (H. P. 1882) (L. D. 1875)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-638).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Reports were Read and Accepted, in concurrence, and the Bills Read Once. Committee Amendments "A" were Read and Adopted, in concurrence, and the Bills, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on State Government on, Resolution, Proposing an Amendment to the Constitution of Maine Prohibiting Bond Issues of Less than \$2,000,000. (H. P. 1792) (L. D. 1782)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (C "A" H-597).

Signed:
Senators:

AULT of Kennebec
GILL of Cumberland

Representatives:

KANY of Waterville
 DIAMOND of Bangor
 DILLENBACK of Cumberland
 GWADOSKY of Fairfield
 MASTERTON of Cape Elizabeth
 BOYCE of Auburn
 SMALL of Bath
 BELL of Paris

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

Signed:

Senator:

VIOLETTE of Aroostook

Representatives:

McGOWAN of Pittsfield
 PARADIS of Augusta

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-597).

Which Reports were Read and the Majority Ought to Pass, as amended, Report of the Committee was Accepted, in concurrence, and the Resolution Read Once. Committee Amendment "A" was Read and Adopted, in concurrence, and the Resolution, as amended, Tomorrow Assigned for Second Reading.

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

Senate Paper

Senator TROTZKY of Penobscot (Cosponsor: Senator CLARK of Cumberland) present, Resolution, Proposing an Amendment to the Constitution of Maine to Authorize the Credit of the State to be Loaned to Secure Funds for Loans to Parents of Maine Students Attending Institutions of Higher Education. (S. P. 920)

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

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

Sent down for concurrence.

Committee Reports

Senate

Leave to Withdraw

Senator HUBER for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Adjust the Rates of Reimbursement for Adult Foster Homes and to Adopt a Cost Reimbursement Payment System for Boarding Care Facilities." (S. P. 770) (L. D. 1842)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Senator WOOD for the Committee on Taxation on, Bill, "An Act to Establish the Cost of the Maine Forestry District in Fiscal Year 1982-1983." (S. P. 842) (L. D. 1965)

Reported that the same Ought to Pass.

Which Report was Read and Accepted, and the Bill Read Once, and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

Senator EMERSON for the Committee on Taxation, Bill, "An Act to Amend the Charter of the East Eddington Public Hall Company." (S. P. 792) (L. D. 1868)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-406).

Which Report was Read and Accepted and the Bill Read Once. Committee Amendment "A" Read and Adopted. The Bill, as amended, Tomorrow Assigned for Second Reading.

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

Order

An Expression of Legislative Sentiment recognizing:

The Citizens of Poland on the opening of a new wing at the Poland Community School. (S. P. 921) presented by Senator TRAFTON of Androscoggin (Cosponsor: Representative CALLAHAN of Mechanic Falls).

Which was Read and Passed.

Sent down for concurrence.

Orders of the Day

The President laid before the Senate: Bill, "An Act to Make the State Unemployment Tax Exemption for Individuals Engaged in Fishing Consistent with the Federal Unemployment Tax Exemption for Such Individuals." (H. P. 2008) (L. D. 1979)

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

Pending—Passage to be Engrossed.

On motion by Senator Collins of Knox, Retabled for 2 Legislative Days.

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

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

Pending—Enactment.

This being an emergency measure and having received the affirmative votes of 26 Members of the Senate, with 4 Senators having voted in the negative, was Passed to be Enacted, in non-concurrence, and was signed by the President.

Sent down for concurrence.

On motion by Senator Pierce of Kennebec, Adjourned until 8:30 o'clock tomorrow morning.