

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, 30, 1982

Senate called to order by the President.

Prayer by Pastor Bruce W. Meyer of Prince of Peace Lutheran Church of Augusta.

PASTOR MEYER: Heavenly Father, in our sophisticated world, we still need daily confidence and trust about our relationship to You, and maybe more so now than ever before.

Thank You for speaking to us, through men and women who have gone before us, who affirmed their relationship to You in such simple ways, like Your servant David, whom You called to govern a great people, and who said in such an unsophisticated way: "The Lord is my shepherd; I shall not want.

He maketh me lie down in green pastures: He leadeth me beside still waters.

He restoreth my soul: He leadeth me in the paths of righteousness for His name's sake.

Yea, though I walk through the valley of the shadow of death, I will fear no evil, for Thou art with me; Thy rod and Thy staff they comfort me.

Thou preparest a table before me in the presence of mine enemies: Thou anointest my head with oil; my cup runneth over.

Surely goodness and mercy shall follow me all the days of my life: and I shall dwell in the house of the Lord for ever."

Father, thank You for being still a good shepherd to us. Amen.

Reading of the Journal of yesterday.

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

Bill, "An Act Relating to the Closing of State Liquor Stores in Communities with One Store." (Emergency) (H. P. 1996) (L. D. 1972)

In the Senate, March 19, 1982, Passed to be Engrossed as amended by Committee Amendment "A" (H-641), in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" (H-641) and House Amendment "A" (H-701), in non-concurrence.

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

Senator SHUTE: I move the Senate Adhere.
The PRESIDENT: The Senator from Waldo, Senator Shute, now moves that the Senate Adhere.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I move the Senate Recede and Concur.

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

The Chair recognizes the Senator from Knox, Senator Collins.

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

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I request a Roll Call.

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

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

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

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

Senator BROWN: Would it be possible for us to have the Committee Report on that?

The Committee Reports were Read.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate, would the good Chairman of the Legal Affairs Committee explain his opposition to the House Amendment H-701, which puts the Town of Winslow in a very unique position insofar as this particular measure is concerned, besides removing the emergency preamble? I think that's of significant value at the present time to know what the opposition is to it.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, has posed a question through the Chair.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President and Ladies and Gentlemen of the Senate, the House Amendment, put on yesterday in the House, is really the Minority Report of the Committee. Other than the Minority Report, it takes the emergency off the Bill, and removes the 10 mile limit as far as opening new State stores.

It was the feeling of the Committee that if the Commission closed a State store, that they should have a year to reopen another State store in that community, even though they were within the 3 mile limit of another State store.

It wasn't the feeling of the Committee that they should be able to close State stores and automatically open up agency stores in their place.

We have about 26 stores that are affected by the cost analysis ratio, operating ratio, that could come under this same thing, so I hope that we would Adhere.

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

Senator TEAGUE: I'd like to ask the good Chairman of Legal Affairs a question. This Bill and the Amendment has to do with the liquor store in Winslow. I have talked with the Commissioner. He told me that the present liquor store, the rent is too high, there is an alternative place across the street in a place called "The Mini Mall." If I voted for Committee Amendment "A", would it be okay for the Liquor Commissioner to change the present location of the liquor store to the new location in The Mini Mall?

The PRESIDENT: The Senator from Somerset, Senator Teague, has posed a question through the Chair.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate, under the Majority Committee Report, and that's what the Senate passed several days ago, they would be able to open up another State store within 1 year, if the present State store does close. Without the legislation, they won't be able to open up any store at all in Winslow. The Committee felt they should have a State store in Winslow.

(Off Record Remarks)

The PRESIDENT: Is the Senate ready for the question?

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

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Carpenter, Charette, Conley, Minkowsky, Najarian, Pray, Trafton.

NAY—Ault, Brown, Bustin, Clark, Collins, Devoe, Dutremble, Emerson, Gill, Hichens, Huber, McBreairty, O'Leary, Perkins, Red-

mond, Sewall, C.; Shute, Sutton, Teague, Trotzky, Usher, Violette, Wood.

ABSENT—Kerry, Pierce.

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

A Roll Call was had.

6 Senators having voted in the affirmative and 24 Senators in the negative, with 2 Senators being absent, the motion to Recede and Concur with the House does not prevail.

Is it now the pleasure of the Senate to Adhere?

It is a vote.

Sent down forthwith for concurrence.

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

The Sergeant-at-Arms escorted the Senator from Androscoggin, Senator Trafton, to the rostrum, where she served as President Pro-Tem.

The President then retired from the Senate Chamber.

(Off Record Remarks)

**Committee Reports
House**

Ought to Pass — As Amended

The Committee on Transportation on, Bill, "An Act to Clarify and Make Corrections in the Motor Vehicle Laws." (H. P. 2185) (L. D. 2071)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-698).

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

The Committee on Judiciary on, Bill, "An Act Relative to the Theft of Utility Services." (H. P. 1821) (L. D. 1806)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-692).

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

The Committee on Business Legislation on, Bill, "An Act Amending the Electricians' Licensing Law." (H. P. 2127) (L. D. 2045)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-699).

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 Education on, Bill, "An Act to Provide an In-state Practice Option as a Loan Forgiveness Factor of the Osteopathic Student Loan Program." (H. P. 1749) (L. D. 1739)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-693).

Signed:

Sensors:

TROTZKY of Penobscot

PIERCE of Kennebec

Representatives:

MURPHY of Kennebec

GOWEN of Standish

LOCKE of Sebec

THERIAULT of Fort Kent

ROLDE of York

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

Signed:
Senator:

CLARK of Cumberland

Representatives:

CONNOLLY of Portland

THOMPSON of South Portland

MATTHEWS of Caribou

BROWN of Gorham

BROWN of Livermore Falls

Comes from the House, the Minority Ought Not to Pass Report Read and Accepted.

Which Reports were Read.

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

Senator TROTZKY: I move the Senate Accept the Ought to Pass, as amended, Report of the Committee.

The PRESIDENT Pro-Tem: The Senator from Penobscot, Senator Trotzky, moves that the Senate Accept the Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Madam President, Members of the Senate, I rise to oppose the pending motion. The Appropriations Committee increased the Osteopathic Student Loan Fund, doubled the amount, from \$30,000 to \$60,000 at the request of the representatives from the school, as well as the students.

Now I know we get many requests up here from time to time, but I don't think it's necessary to give people more than they need, or they even asked for. That's, in fact, what this Bill would be doing.

The Bill before us would provide forgiveness of these loans to the osteopathic students. They, in fact, did not want forgiveness and asked us not to provide it and indeed, wanted us to provide a penalty if they did not come back to practice in Maine, by doubling the amount of the loan that was due back to the State.

So, for that reason, and since we have increased the loan fund, at their request, I hope that you will not pass this Bill. I ask for a Division.

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

Senator TROTZKY: The Amendment is a simple amendment to the Bill. Essentially it says that in an area designated by the Commissioner of Human Services as being medically underserved, probably a rural area of the state, that an osteopathic student who comes back to Maine will be forgiven \$5,000 for each of the first few years that he practices.

It seems to me, and it seems to many members of the Committee, that \$5,000 is very little to forgive if we can get an osteopath, and this is usually a person who practices as a general practitioner to come to a rural area of the State.

So, I feel that it's not, it's very little money to serve, to forgive, for the State to forgive \$5,000 to get one doctor into an underserved area. I hope the Senate would pass the Majority Report.

The PRESIDENT Pro-Tem: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Madam President, Men and Women of the Senate, you can see on the calendar this morning that the Senate Chair and myself are on opposite sides of two bills. I would simply share with you my rationale for supporting the Minority Ought Not to Pass Report.

I would echo and endorse the remarks of the Senator from Cumberland, Senator Najarian, in that the priority request of Maine's or students at the osteopathic hospital and who seek careers in osteopathic medicine, has been granted by the Appropriations and has the endorsement, as I understand, of both Legislative Bodies, for that Bill sort of sailed nicely

through here.

The hearing on this bill was an interesting experience for me, and I could sum it up in probably one word. The word would be "offended". I was offended by the people who testified in support of this measure, who said that they had no other incentive other than the financial one to return to serve in the State of Maine. That, indeed, for those particularly who chose to pursue their osteopathic careers out of state, that they would not come back. They would choose not to come back, if this incentive, this financial forgiveness factor, was removed.

I would quote a doctor of osteopathic medicine, who serves in the area represented by the good Senator from Kennebec, Senator Pierce. He said, and I quote, "Maine is not a reasonable investment of a physician's time." Where is their dedication to service? Where is the exercise of their oath?

The tone of the hearing was one of responsiveness. Literally hundreds of questions, it seemed, were asked by members of the Committee on Education. It was only as I returned to my seat in this Chamber late in the afternoon, and I noticed young men and women wandering in the halls, and there were three over here by the desk of the good Senator from Hancock, Senator Perkins, who had little blue name tags on their lapels. They said, it gave the students' name and it said, "Doctor Intern," or "Student Doctor," I believe is more accurate.

I asked if I could speak with them. I shared with them my experience and my reaction that occurred at the hearing on this Bill. They said, No Senator Clark, we are not asking forgiveness. We are seeking additional monies in the form of student loans so that we may pursue our careers. We seek to serve in Maine. My faith in these young professionals was renewed.

Are we going to give, grant a forgiveness factor to doctors whose only incentive to practice their chosen profession is a financial forgiveness in the amount of \$5,000 for every year? I readily admit that the amended version of the Bill is much more acceptable than the original version of the Bill. I would, also, share with you, Members of this Senate, that it was reluctantly agreed to by those who spoke as proponents of the Bill.

To paraphrase the attitude that was reflected at that hearing, if we practice as osteopathic doctors, we should not have to serve in underserved areas of the State in order to gain a forgiveness feature. Why, said I? Because they should have the ability to earn a living wage, which prompted numbers of questions, of course, as to what in fact was a living wage. A living wage in this country's most financially lucrative profession, medicine, in the State of Maine, was currently approximately a gross of \$100,000 a year. If one pays one's business expenses, which are a natural cost of establishing a practice, and so forth, they would probably net between \$40,000 and \$50,000 a year.

I am fully supportive of the profit motive in free enterprise. I guess I am not supportive, I guess it's more than guess, I know that I am not supportive of a feature that would grant to one segment of our medical profession a forgiveness factor which the other segments of the medical profession do not currently enjoy.

The young people who have made a commitment to medicine and who are attending NECOM, formerly St. Francis College in Biddeford, Maine, are to be commended for their commitment, their dedication, their loyalty, and their intent to practice their oath even before they have the benefit of taking it.

God bless these young people. When I say they restored my faith, indeed they did. They asked that I include the sentiments which they expressed to me on this floor, and I have. Maine will be well served by those young doctors, those student doctors, who are currently studying and doing their clinical experiences,

mostly in family practice in this State. For they not only do not need a forgiveness feature, they sought not to have a forgiveness feature. They stated to me that they would willingly serve in the underserved areas of this State, for that was the main reason that they entered medicine.

While I would respectfully invite you to join with me in rejecting the pending motion, I must admit that should the pending motion fail, all would not be lost. At least they would be required to serve in an underserved area. Since the student doctors sought not to enjoy this forgiveness factor, in fact, sought not to enjoy a forgiveness factor, but rather an increase in the loan monies available, I think we should listen to them.

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

Senator HICHENS: Thank you, Madam President. I believe there were five different bills presented this year for student loan and forgiveness programs. There was confusion as to whether they should go to the Education Committee, or the Appropriations Committee. Some went to one and some went to the other. I believe that if this Bill had gone directly to the Appropriations Committee, it would have been worked in with the other bill, which now lies on the Table there, and we wouldn't be having all of this debate this morning.

There was a Bill, LD 1824, which I think takes care of your osteopathic graduate students. I would read that Bill. It says "Any student who upon the conclusion of his professional education, including, if applicable, internship, residency, and obligated public health service, elects to serve as general family, pediatric or veterinary practitioner in an underserved rural geographic area in the State, shall be forgiven 20% of the indebtedness as determined in Subsection 1A for each of the first five years of that service."

I believe that that will cover any medical student, any osteopathic student, anyone going into general practitioner or veterinary service. So I do not believe that this Bill is necessary today.

The PRESIDENT Pro-Tem: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Trotzky, that the Senate Accept the Majority Ought to Pass, as amended, 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.

6 Senators having voted in the affirmative, and 18 Senators having voted in the negative, the motion to Accept the Majority Ought to Pass, as amended, Report of the Committee, does not prevail.

The Minority Ought Not to Pass Report of the Committee was Accepted, in concurrence.

Divided Report

The Majority of the Committee on Education on, Bill, "An Act to Provide Flexibility with Respect to the School Entrance Age." (H. P. 1878) (L. D. 1871)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 691).

Signed:
Senator:

CLARK of Cumberland

Representatives:

CONNOLLY of Portland

MURPHY of Kennebunk

GOWEN of Standish

THERIAULT of Fort Kent

LOCKE of Sebec

ROLDE of York

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

Signed:

Senators:

TROTZKY of Penobscot
PIERCE of Kennebec

Representatives:

MATTHEWS of Caribou
BROWN of Livermore Falls
BROWN of Gorham
THOMPSON of South Portland

Comes from the House, the Minority Ought Not to Pass Report Read and Accepted.

Which Reports were Read.

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

Senator TROTZKY: Madam President, I move the Senate Accept the Minority Ought Not to Pass Report of the Committee.

The PRESIDENT Pro-Tem: The Senator from Penobscot, Senator Trotzky, moves that the Senate Accept the Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Madam President, Men and Women of the Senate, again, this is one of those bills in which the difference between the honorable Chair of the Joint Standing Committee on Education and myself is very minor. If I had my druthers, I guess I wouldn't, I guess I used that phrase before once, if I had my druthers, and I seldom do.

I think that the original Bill would have found, had that been reported out by the Committee, would have found me joining the good Senator from Kennebec, Senator Pierce, and the good Senator from Penobscot, Senator Trotzky. But a proposal developed by the sponsor and a number of people involved in this issue, not the least of them were parents of children, convinced me to at least give the Senate an opportunity to make a decision.

Currently, school entrance age for those school units across the State is 5 years old, if they have kindergarten. We used to call it sub-primary in the old days, call it kindergarten now. If a school administrative unit does not provide kindergarten, then the school entrance age is 6 years old. The deadline is October 15. An example of that deadline is that if you have a child that was born at 10 p.m. on October 15, that child may go to school in grade K in the public school system, if that child was born at 5 minutes past midnight on October 16, that child must wait one year.

The Bill, in its original form, 1871, would have made that cutoff date, October 15, more flexible. That was administratively not feasible for the local school units across the State, for one of their greatest burdens and their greatest difficulties is determining the numbers of little people who will be entering school in September. They exercise all care and energies in order to determine that in as firm a fashion as possible, beginning in the spring time with pre-registration, testing and so forth prior to the September entrance age, or school entrance date.

The amended version of the Bill, and this time I'm the one who is supporting the amended version, simply allows school administrative units across the State to exercise some flexibility in grade placement from grades K through 12, rather than grades 1 through 12. Currently all local school administrative units have flexibility relative to grade placement from grades 1 through 12. This Amendment very softly and very carefully simply increases that grade span for those units that provide kindergarten services.

There are, interestingly enough, and encouragingly enough, some local school administrative units in the State, who do provide not only kindergarten but two years of kindergarten. One is called pre-kindergarten and the other is kindergarten.

There are a few areas in education that cause as much controversy as the prospect of some

form of acceleration. Strangely enough, all available research evidence indicates that shortening, if it's advisable, through testing and parental consent, and local administrative school official involvement, shortening the period of schooling for students who are intellectually advanced, and socially mature is a beneficial practice.

LD 1871, in the proposed amended version, does not mandate acceleration or advanced placement. It simply allows parents, school administrative officials, and supportive PET people to place a little person, who has been tested, who is deemed ready for advanced placement, upon school entrance, to grade 1, if it is advisable, and is deemed beneficial to that young person.

It isn't a dramatic change, but it does provide some flexibility to those perhaps more gifted little people who, through nursery school experience, or through intellectual gifts, find themselves beyond the program which might be offered or which is currently offered in the kindergarten course.

These young people, fortunately, most young people are perceived to be very, very special by their parents. We can thank everyone for that. There are those individuals who are particularly gifted. Currently there is no provision for advanced placement or any flexibility at all within local school administrative units for advanced placement or acceleration, until they reach grade 1. Thus, they have to stay in kindergarten for a full year, which sometimes deters their interests and their intellectual development, which we believe should be encouraged.

The amended version of the Bill, again, simply expands the current law, which allows flexibility for advanced placement and/or acceleration from grades 1 through 12 to grades K through 12. Thank you.

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

Senator TROTZKY: Madam President, the law basically states that a child who reaches 5 years old before October 15 can enter kindergarten, a 6 year old before October 15 can enter first grade.

The Bill itself was opposed by the Maine Teacher's Association, by the Maine School Boards Association, and it's just an administrative headache.

The Amendment is an administrative headache, which is a little bit less than the original Bill.

Many, many parents are going to come before their school systems and say I'd like my child to skip kindergarten to go into first grade. My kid is gifted and so on. It's going to require all types of evaluation. It's very difficult to evaluate children down at the lower levels.

We do have provisions for skipping grades higher up, because then children have reached certain maturity and so on. We're dealing with trying to evaluate social maturity and many other factors at the lower levels.

So, the Bill is also inconsistent, because it allows, it treats those units which don't have kindergarten differently from those units that have kindergarten in their systems. So, if you're treating systems different, K through 12, or grade 1 through 12, it's not fair to the parent.

So, I feel that this Bill is just going to cause a lot of administrative headaches for the school systems, for pupil evaluation teams, and right now the school systems are crying for money. They testified at the hearing, the Maine Teacher's Association, that they do not have the money to test and evaluate all these kids. We don't know how many parents are going to start coming in and saying their kids are gifted, and would like to skip kindergarten and go into first grade.

So, I feel the Bill is really unnecessary.

The PRESIDENT Pro-Tem: 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 Penobscot, Senator Trotzky to Accept the Minority Ought Not to Pass 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.

13 Senators having voted in the affirmative, and 13 Senators having voted in the negative, the motion to Accept the Minority Ought Not to Pass Report of the Committee does not prevail.

Is it now the pleasure of the Senate to Accept the Majority Ought to Pass Report of the Committee?

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: I request a Roll Call.

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

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

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mrs. President, may I approach the rostrum, please.

(Senate at Ease)

The Senate called to order by the President Pro-Tem.

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

Senator TROTZKY: What this Bill did, the intent of the Bill was to allow kids to come into school earlier, in kindergarten, kids who were very young, to get into school in kindergarten.

Since the Bill couldn't get through, the people who supported the Bill then changed the intent of the Bill to allow kids then to skip kindergarten who were in kindergarten to get into first grade. All the Bill does is provide an administrative headache. That's all this Bill does. The Maine School Boards Association, the Maine School Superintendents Association were opposed to the Bill. There's no need to cause more confusion in schools without giving a little more money to the schools.

The PRESIDENT Pro Tem: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Madam President, Men and Women of the Senate, the strong advocate for the Maine Teachers' Association, the good Senator from Penobscot, Senator Trotzky, has somewhat misled you. Those organizations which he cited were indeed opposed to the original Bill, but the amended version, the Majority Ought to Pass Report, is not the original Bill.

Is it an administrative headache to provide testing from grades 1 through 12? Is it that much more of an administrative headache to provide those same kinds of services for school units in the State that offer grades K through 12? I would submit to you the answer is no.

The Bill does not mandate that little people be accelerated or that they skip a grade. The Bill simply provides that which is already provided in local school units, in grades 1 through 12. Flexibility to accelerate the youngsters' educational experience, if that youngster is ready.

Most parents are aware that the intellectual, emotional, and physical maturity of their children is of paramount concern for success in a school environment. There are, and you know there are, some young people who are particu-

larly gifted. Their gifts bless our culture and our society.

This simply provides for those units that currently do provide kindergarten experiences that, if a child is deemed advanced, that the school administrative officials can accelerate that youngster's learning experience. That's all. That's all.

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

Senator TROTZKY: Madam President, if one looks at the Amendment, this Bill does not, this Amendment does not treat all children in the State equally. It says, those systems that have K through 12, if your child is under 6 by October 15, the kid can go on to first grade. Yet, in those school systems that don't have a kindergarten, just have 1 through 12, your child had to be 6 years old October 15 before they enter first grade.

So in other words, the Bill is not consistent, because it doesn't treat all children in the State equally. It should treat all children in the State equally in terms of getting into first grade. But it states those who have kindergarten, those kids where there is kindergarten, children can be advanced into first grade when they're under 6 years of age, whereas in the 1 through 12 systems they can't.

So again, it becomes an administrative nightmare. It is unfair the Amendment.

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

Senator CLARK: Madam President, Men and Women of the Senate, the good Senator from Penobscot is in error. This Bill does not treat school administrative units across the State unfairly, nor in a discriminatory fashion. In my opinion, there are some school units who are already treating their students unfairly because they do not provide kindergarten. That's a given. I accept that.

The law already provides for flexibility for those students, for those administrative units across the State, from grades 1 through 12. So that flexibility and the possibility for an accelerated educational experience already exists across the State, uniformly, from grades 1 through 12. If a local administrative unit does not provide kindergarten services, the acceleration is already provided for that 6 year old child who enters first grade at age 6.

So if that child is particularly gifted, and in intellectually, emotionally and physically mature, the works are already in place to provide acceleration. The flexibility is already in the law for those administrative units.

This simply provides for the flexibility to be extended to grade K. Yes, there is a potential that a youngster entering kindergarten at age 5 may be advanced to grade 1 at age 5. But if a local administrative unit does not provide kindergarten, and the youngster who is particularly gifted enters grade 1 at age 6, then that youngster is already, has already the flexibility in the law to advance that youngster immediately at age 6, to grade 2.

It all evens out, as they say where I come from, "It all comes out in the wash."

(Off Record Remarks)

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

Senator WOOD: Thank you, Madam President and Members of the Senate. I'm probably the only Senator here that has taught little people. Before I came to the State Capital, I was a teacher of 4 and 5 year olds in our Headstart program. There are days when I'd rather be teaching little people than trying to convince the big people up here to do certain things.

I would like to relate to you an incidence that I had in teaching that I think really tells you why I will be supporting this Bill. I had a student who had left Headstart and went on to the

big school. After being in the big school for about a month, the parents called me and said, we're having some real problems with our child. He's not behaving well in school. He's bored all of the time.

He's causing discipline problems. Would you mind going to the school and talking to them?

I said, fine, I'd love to. I went down to the school and talked to them about this student. Come to find out, he was simply bored. They had assumed, because he was in Headstart, he was slow. I kept saying the reason that he's out of Headstart now is that he has that head start and he can do the work.

If he had the opportunity to go on, and be promoted a grade, he would have been much happier. I think that when you have a student that young that is turned off to school, you are going to have some real problems in later years.

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

Senator DUTREMBLE: Madam Chairman and Members of the Senate, this is another State Senator who has taught little people. I have taught in grades from K through 12, so I feel that I can speak on this.

I don't want to take into consideration of what the superintendents think or what the teachers think, or what the parents think, I just want to stand here and try to understand what the 5 and 6 year old is thinking.

Are the parents the ones that are saying, well my child belongs in the first grade? Or is it the youngster who is saying that? That's very important, because we have to remember that throughout life, we are going to rush and push these kids until they graduate. I think that 5 years old is kind of young to start pushing them.

What happens to the youngster who, in the fourth or fifth grade, doesn't meet up the expectations? Do you, in the fifth, sixth, seventh grade, or any grade along the way, say, we're keeping you back now? That you have to take into consideration.

I don't see any harm in keeping a young kid in kindergarten where he belongs, with his peers. If the young boy or the young girl is advanced, or is supposedly further ahead physically, intelligently than the others, then they should provide for them. The parents should provide in other ways. That young kid should stay with his peers.

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

Senator NAJARIAN: Madam President, Members of the Senate, as long as everybody else is getting into the act, I might as well, too. I have a sister who teaches school in Delaware. I called her about a week ago on another matter. She said to me the superintendents of Maine are upset with you. I said, well how come? She said, well you're supporting that Bill that allows 5 year olds, that changes the school age for kindergarten. I said, I don't have anything to do with that Bill. I never even heard of it, unless they're getting that information from some questionnaire I filled out some time ago.

Well, she went into, she teaches first grade, and she went into a big discussion of how bad this Bill would be. I said, well I really can't see any harm in it. I started school when I was 5, the first grade. She said, yeah, but, just look at how terrible your handwriting is, too. So after about 15 minutes more of this discussion on my nickel, as Louis Jalbert says, I said all right, you've convinced me. I'll vote against the Bill. That's why I'm voting against it.

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

Senator TROTZKY: Madam President, I have been accused of being in error, that they treat school systems differently. I would suggest to Senator Clark, and other Members of

the Senate, that they read the Amendment.

The Amendment specifically says, you're treating two school systems differently, those with K through 12 and those with 1 through 12.

The PRESIDENT Pro Tem: Is the Senate ready for the question?

The pending question before the Senate is the Acceptance of the Majority Ought to Pass, as amended, Report of the Committee.

A Yes vote will be in favor of Accepting the Majority Ought to Pass, as amended, Report of the Committee.

A No vote will be opposed.

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

ROLL CALL

YEA—Brown, Bustin, Carpenter, Charette, Conley, Huber, Pray, Sewall, C.; Teague, Wood.

NAY—Ault, Clark, Collins, Devoe, Dutremble, Emerson, Gill, Hichens, Kerry, McBreaire, Minkowsky, Najarian, Perkins, Shute, Sutton, Trafton, Trotzky, Usher, Violette, The President, J. Sewall.

ABSENT—O'Leary, Pierce, Redmond.

Senator Clark of Cumberland was granted permission to change her vote from Nay to Yea.

A Roll Call was had.

11 Senators having voted in the affirmative and 19 Senators in the Negative, with 3 Senators being absent, the motion to Accept the Majority Ought to Pass, as amended, Report of the Committee does not prevail.

On motion by Senator Collins of Knox, LD 1871 and all its accompanying papers was Indefinitely Postponed.

Senate Ought to Pass

Senator GILL for the Committee on Health and Institutional Services on, RESOLVE, Authorizing the Department of Human Services to Direct the Development of an Assessment Tool and Referral System to Assist Persons Considering Boarding Home Care. (S. P. 963) (L. D. 2116)

Report pursuant to Joint Rule 17 that the same Ought to Pass.

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

Second Readers

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

House

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1982. (Emergency) (H. P. 2253) (L. D. 2102)

Bill, "An Act to Amend the Charter of the Lucerne-in-Maine Village Corporation." (H. P. 2257) (L. D. 2105)

Bill, "An Act Concerning the Regulation of Atlantic Salmon." (H. P. 2256) (L. D. 2104)

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

Bill, "An Act to Remove Restrictions Preventing State Retirees from Receiving Certain Benefits." (H. P. 2260) (L. D. 2106)

Which was Read a Second Time.

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

House — As Amended

Bill, "An Act Concerning Maine Emergency Medical Services." (H. P. 2234) (L. D. 2092)

Bill, "An Act to Encourage Fuel Diversity by Increased Use of Natural Gas." (Emergency) (H. P. 1956) (L. D. 1929)

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

Enactors

The Committee on Engrossed Bills reported

as truly and strictly engrossed the following:
AN ACT to Provide for the Direct Election of Community School District School Committees." (H. P. 2237) (L. D. 2095)

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

AN ACT to Create a State Set-aside System for Petroleum Products. (H. P. 2088) (L. D. 2022)

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

Senator COLLINS: Madam President and Members of the Senate, as I looked at this Bill, which would set-aside a 5% reserve of petroleum products, I wondered whether it was really a necessary and useful measure at this time, and would like to ask any member of the Committee, if they would give us reasons for enacting it.

The PRESIDENT Pro Tem: The Senator from Knox, Senator Collins, has posed a question to the Chair to any member of the Committee who may choose to answer.

The Chair recognizes the Senator from Aroostook, Senator McBreairty.

Senator McBREAIRTY: Madam President, Members of the Senate, this Bill does exactly as Senator Collins stated. It would allow the State to mandate 5% of our petroleum products to be set-aside for emergencies.

I haven't any strong feeling one way or another on this Bill. There didn't seem to be anybody at the hearing that did. The companies didn't protest too hard. There wasn't too many people pushing for it.

At the time we passed this Bill out, there was a Bill at the federal level that, if it had passed, this Bill wouldn't have been needed at all. I guess, since this Bill has come out, the President saw fit to veto that bill. His veto was sustained.

So, I don't know if that answers the question or not, but I tried to tell you what the Bill does. You'll have to make your own decision as how to vote for it.

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

Senator SUTTON: Thank you, Madam President. Ladies and Gentlemen of the Senate, I would suggest that the Maine Senate, Maine Legislature, should do the same thing that the President has seen fit to do, and that is Veto this Bill.

It is a further intrusion into the free enterprise system. There is an old question, "when in doubt, throw it out." We can certainly ask ourselves what's broken that we're trying to fix?

If you want to see what deregulation does, just take a ride up and down Western Avenue and watch the prices of the petroleum come down.

This, on the face of it, would seem like an awful nice thing to do. I'm not quite sure where the big storage tanks are going to be, that are going to hold all this 5% of fuel. How it's going to be allocated? Whether it's going to go to businesses, or civilians, or emergency preparedness, or what.

It's certainly something I don't think we should be getting into on the State level. If this is necessary, I think it should be done on the federal level. At the federal level, it's already been decided that it wasn't necessary.

Less regulation is what we want, and not more. We want the system to work within the confines that it's designed to work. For that reason, I move the Indefinite Postponement of this Bill and all its accompanying papers.

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

Senator CONLEY: Mrs. President, would

you have the Secretary Read the Report of the Committee, please.

The Committee Report was Read.

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

Senator PRAY: Thank you, Madam President. Ladies and Gentlemen of the Senate, I happen to notice, in looking at the LD number, this comes out pursuant to Joint Rule 18, which is in reference to Committee Study Order Reports. Thus, I would suspect that the Committee on Energy and Natural Resources had a study on this proposal, and came out with this Legislation pursuant to those directives, through the study order, and also to Joint Rule 18, thus, in most instances, it is probably a unanimous report from the Committee itself, which studied it last year.

As the Secretary just Read the Committee Report, again, it was a unanimous Committee report.

In reference to the Bill itself and what we're talking about, if we are so short in our memories as to the oil embargoes that have occurred in the past, if there is any time that we're going to have a set-aside program it should be while there's a glut on the market, and not when another embargo is taking place. It's always nice to learn from past mistakes.

The State of Maine, in its geographical location, is at a disadvantage. It's at a disadvantage because of its population. If there is ever another crisis, which is set up by either previous use, the State of Maine again will suffer. Nationally, when we look at the State of Maine, we have conserved more fuel than any other state in our consumption.

I would suspect in another crisis, that it would go by past performance and past use, thus those states such as California, for example, over the past five years, has increased their consumption. Over that same time period, the State of Maine has cut their consumption.

If we did not put enabling legislation on the board, I think that the consumers and the people of the State of Maine would pay the price in the end.

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

Senator CONLEY: Mrs. President, during the First Regular Session of the 110th Legislature, if you recall, we enacted legislation with a sunset provision in it that would have prohibited any oil company, major oil company, from pulling out of the State without prior notice to the Department.

That sunset provision died, and the Governor introduced legislation, which would have continued that program, but the Maine Senate saw fit to kill that Bill.

The good Senator from Penobscot, Senator Pray, is 100% correct when he mentions the fact that today, as far as the world oil market is concerned, that there is a glut of oil and fuel. There are no problems.

I don't know how many of you watch the McNeil/Lehrer report in the evenings, but just recently I had the opportunity of watching one and it dealt with the OPEC nations and the supply of fuel for the world. Right now, they're playing a little game that's going on. No one knows exactly what the effect is going to be down the road, with respect to rising the prices of a barrel of fuel, set by the OPEC itself.

There's no one naive enough to believe in this Senate Chamber, that if that price is raised, there could very well be another shortage of fuel. It could be the hold back of the manufacturing of oil, gasoline, kerosene, etc. It could very well be that the good citizens of Oxford County may very well be deprived of the gallons of fuel that may be needed to heat many of their homes in that area. It could very well be that fuel could be deprived in Aroostook County, because of the shortages of fuel.

All this Bill does, again, is enabling legislation that would allow the Executive Branch to set-aside gallons of fuel in the event there is a State-wide emergency, that they could then divert those fuels, set them aside and divert them to the areas in the State where they are in need.

There is absolutely nothing that should be irritating to the oil companies of this State. Although I do notice that the Maine Lobbyist from the petroleum interests is sitting in the Chamber this morning. It seems surprising to me that a study order that went through its process, having public hearings, the Bill being introduced from the Committee, and another public hearing held, and no opposition to speak against this Bill, and in the waning days, when this Bill is to be Enacted, up pops the jack rabbit and we're all supposed to respond and kill this Bill.

I say to you, if you have some concerns with respect to what might happen, just might happen down the road, that you'll give this Bill some consideration. Don't come crying when your constituents come crying that there's a problem in Oxford County, Aroostook County.

We know that those ships come in somewhere down in the southern Maine area. We'll stop those trucks from getting up there. With this Legislation, we should be able to provide necessary fuels.

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

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

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

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

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Thank you, Madam President. Senator Jack Rabbit rises to respond to the good Minority Floorleader. First of all, I've got the highest respect for the Committee system. In fact, probably, one of the finest mechanisms that our legislature has.

But as we all know, if we put all of our trust and all of our faith and what have you in the Legislative Committee system, there really wouldn't be any need for us to be sitting here, would there, and discussing these things?

I'll tell you, I'm not particularly interested in what the oil companies think about this thing. I haven't talked about it. I think probably at the time this was studied and heard that a lot of folks thought that this was going to be handled on a federal level.

I don't really feel like I'm in terribly bad company. In fact, I'd like to be able to stand just a little taller, because folks a little bit wiser than I have already decided that this is not something that should be done, that we do not need new laws in this regard.

When the President of the United States has decided that, I think probably I'm in a position to go along with him. I think I'm in a position to stand up in this Body and to suggest that possibly the Study Committee might have made a mistake in this regard.

I do not believe that the State should be involved in regulating, setting-aside, petroleum products any more than they should be drafting men to defend our Maine borders, or doing other things that should be done on a federal level. I don't think for a second that if there's another crisis, that Oxford County is going to be in any worse shape than Washington, D.C. or any other spot of the United States.

This is a federal problem. It should be handled on the federal level. We should not be making laws in the State of Maine and getting our hands into areas where I do not believe we should be.

For that reason, I again suggest that we should deep glut this Bill.

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

Senator PRAY: Thank you, Madam President. The good Senator from Oxford told me earlier today that he was going to wrap himself in the Maine flag on a labor bill, but I guess he's taken off a little early and decided to use this one as a warmup for a labor bill, to discuss that item.

I happened to notice in reading the Bill, in Section J, page 5 of the Enactment, that it says "the set-aside program shall remain in effect no longer than 180 days without approval from the Legislature."

Could someone on the Committee respond as to the meaning of that and as to whether or not if the set-aside program is established, thus the issue would come back before us in the next session?

The PRESIDENT Pro Tem: The Senator from Penobscot, Senator Pray, has posed a question through the Chair to a member of the Committee.

The Chair recognizes the Senator from Aroostook, Senator McBreaity.

Senator MCBREAIRTY: Madam President, Members of the Senate, I would assume that if that's what it says, that's what it means. I haven't looked the Bill over recently. If that's what it says, I would assume that it means that.

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

Senator REDMOND: Members of the Senate, seeing that I am involved in this as I'm a member of the Committee on Energy and Natural Resources, and I most certainly, it's very difficult for me to deny that I went with the affirmative majority of that Committee.

However, in view of the most eloquent debate here, I am discovering more and more that it keeps hitting my philosophy that I really believe in and that's get the government off your back. I'm going to change my mind and I'm going to vote against this Bill.

Ladies and Gentlemen of the Senate, there's no reason in the world why our Chief Executive has all the powers, if there is any sign or there are any signs of such a need, our Chief Executive can order this reserve, or the federal government. It's their responsibility.

Of course, the Legislature, we're always here as everyone know. The legislators are very diligent. If such a need should arise, they will foresee it and get after our Chief Executive and we will not get caught here.

So this is why I'm going to change my vote.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Madam President, Ladies and Gentlemen of the Senate, having dealt somewhat and still finding myself in the position of a business which requires an inventory, I find that any time I increase my inventory, someone has to pay. When somebody mandates an increase in inventory, then that must be passed through to the ultimate customer.

It would be my feeling on this that we are mandating State-wide that someone increase their inventory stocks, then indeed the pass through must come eventually to the ultimate customer. The ultimate customer to me would be the elderly, would be the people who drive back and forth to work for their employment, would be the people who use oil whether they be young or old to heat their houses, to heat their businesses, whatever.

When you mandate an increase in inventory, you again mandate, and this will not be a case of the competition will take care of it, because you're mandating it on a State-wide basis. So you there again are mandating a price increase

to those utility users, or those users who will use this particular commodity, which will be petroleum in this case, and this relates back to me, to be the heating oil that we use, to the fuel that we use to get to our jobs, to and from.

I suggest to you that if you are in favor of mandating a price increase to your fuel users, this would be the way to do it. If you are opposed to that, then I think there is an option that has been offered to you by the Senator from Oxford, Senator Sutton.

The PRESIDENT Pro Tem: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Thank you, Madam President. Ladies and Gentlemen of the Senate, it's interesting now when you ride around the State, you see gasoline at maybe \$1.19 a gallon, or in that vicinity, and how everybody talks about how cheap it is. Why, when only a few years ago, it was 70¢ a gallon, and everybody was shocked that it eventually went over a dollar.

It's surprising how the price can rise up so high, increase so much over such a short period of time, and then drop so little and everybody says, my God, look at how much money we're saving now because gasoline went down 19¢, 18¢ a gallon. They all forget that it's doubled from its original price in the beginning, which was close to 70¢ a gallon.

The concerns that this is a national problem and those who echo that comment, I think, fail to recognize that the President and Congress, when they address the national problems, are looking across the entire nation. The concerns of Maine are quite different from that of California, or those in the southern states. The energy necessities there are quite different from those here in the northern part of the United States.

Maine is a rather dispersed market. It's a rural region, which is not very profitable in many instances to the oil industry. I think that is evident by the fact that a number of distributors in the past few years have lessened to a great deal.

There is some concerns, or there were concerns just a short time ago in reference to the pull out of a number of major suppliers. The market is being controlled by less and less individuals all the time.

I've got to give the Energy and Natural Resources Committee a lot of credit, and its Chairman in the drafting of this Legislation, I think that it's very well controlled. It says that if a program is established, that it can be in effect for no more than 180 days without approval of the Legislature. Of course, the Governor himself may terminate the program if he deems necessary.

So all we're talking about is enabling legislation, that if there is a perception that there is going to be a problem, that the Department of Energy could establish this program, and require a mandate at that time.

We don't know what the guidelines and the rules are going to be at this time, but even if they do establish it, it will not be in effect for more than 180 days without this Body and the other Body taking some action, either reaffirming it or doing away with it completely.

I think that when we consider the alternatives as to whether or not we are going to ask the Maine consumers to carry the burden or the short term cost at this time, with the possible alternatives of maybe gasoline going from \$1.17 a gallon to \$2.37 a gallon like its past track record, the couple of extra cents to carry a 5% surplus or set-aside is a small price to pay for the assurance that something will be there if, in case, the oil glut disappears and the Arab nations again decide to boycott or have an embargo against this country.

The foreign policy of this nation is not on the most solid of grounds. A lot of people are asking what it is and nobody knows for sure,

and I would not want to put my fate in the Arab oil nations that they are going to continue supplying us at the rate that they are, or that we will continue to have the amount of fuel or that the State of Maine will rank very high in getting what is left if there is a crisis situation.

I would rather respond to that concern at this time than once the awareness of a crisis exists, because it is kind of like shutting the barn door after the horse has left.

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

Senator MINKOWSKY: Madam President, and Members of the Senate, I have listened very attentively to this debate and I have been very motivated by it, and I can tell you very sincerely that it is just a continuing scenario of what we discussed last week when we were talking about the residential conservation service, again, enabling legislation to mandate the State of Maine to continue spending dollars, or mandating other people to spend dollars in the name of the State of Maine.

This is nothing but a series of bills that is coming out of this Committee that allegedly is being handled on the basis that the federal government is dropping it so we had better pick it up.

I do not see the rationale behind these series of bills especially during a special session at the present time.

The fear that I had, because I had no allegiance to the oil companies or anybody else as far as that is concerned, I have been ripped off by them just like the rest of you have been. The thing that I object to primarily is this, we are centralizing a great deal of power in one particular agency of State government and that is the Office of Energy Resources. This is the most fearful aspect more than anything else before us. So I intend to vote against Enactment of this particular piece of Legislation.

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

Senator DEVOE: Thank you, Madam President. Members of the Senate, I thank everyone here in this Body who has spoken on this bill today, because with virtually every speaker there has been a new aspect of this Bill revealed to us.

A couple of things that I haven't heard, although the Senator from Androscoggin, who just spoke, alluded to one of these things. We are focusing an awful lot of power in the Office of Energy Resources.

The more I hear and the more I read this Bill about determining whether there is an intrastate supply imbalance, calculating the set-aside volume. I wonder if there shouldn't have been a little Fiscal Note of some kind attached to this Bill?

Like so many things that come from the Public Utilities Commission, who came in a few years ago, and they have been doing it again this year, and last year. Oh we can do this with present staff, we don't need any new people. A year or two later you get an emergency appropriation, because they are so overworked. We had a perfect example of that just last week, where some of the programs that we listened to them on two or three years ago, or three or four years ago and accepted their statements that they did not need new staff, now they do need new staff. They are terribly overworked. The docket is crowded, the cases are complex. Some of these things are caused by the laws that they presented to us and that we passed for them three or four years ago.

That may well happen with this Bill were we unfortunate enough to see this Bill pass.

Now if you have LD 2022 before you I suggest that you look at page 5, where we talk about penalties. We have got a pretty stiff penalty section in this Bill, \$10,000, Members of the Senate. Ten thousand dollars. If an oil supplier to Great Northern Paper Company gets an

emergency call, their regular source of fuel has been impaired, they need something quickly to keep the paper machines going. That oil dealer, I would think, is going to deliver the oil if he has it in his tanks.

Let's say that he technically violates this section that requires him to set-aside 5% of the fuel in his storage tanks. The Office of the Director of Energy Resources can go after him. Now we are not talking about a little modest penalty of \$1,000 or \$2,000, you know. We have got a rich oil distributor here, not necessarily an oil company, but we have got a distributor, one who presumably has a few hundred thousand dollars tied up in distribution tanks, delivery trucks and things like that. So he is a nice easy fat target for \$10,000.

Now ask yourselves, would a violation of the set-aside order from the OER justify a civil penalty of \$10,000? I submit to you that even though that is the maximum presented there, given the mentality that exists in some State agencies in Augusta, today, there would be a temptation to go after a \$10,000 fine.

These are two of my reasons that I am not going to vote for this Bill. Thank you very much, Madam President.

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

Senator CONLEY: Mrs. President, Members of the Senate, I always love to listen to the reasons, good or otherwise, why the Majority Party seems to take a position of being so probusiness, and anti-citizenry of this State.

There is nothing in this piece of Legislation that should offend anyone.

The good Senator from Oxford, Senator Sutton, said let's let big brother do it. Let's let the fed's do it. They run things so beautifully around here, talking about facing a hundred billion dollar deficit. They have done a great job.

I would ask you, who would you want to be in control of the fuel supply of this State, Exxon Oil Company or the Executive Branch of government?

Last week we had a piece of legislation in here, that dealt with nuclear waste and the hazards that it can create. The federal government has been talking since 1948, of doing something, with the burning or disposal of nuclear waste.

Last week this Senate Chamber voted overwhelmingly to pass a law, that would mandate the federal government to get going and do something. We are sick and tired of reading about what they are thinking of, but nothing is being done.

I can be sure and assure you that the Congress of the United States can care less of what happens to the citizens of Maine when the larger communities or the larger states start putting on a hue and cry if there is a shortage of fuel for this county. Good old Maine, forget it.

This is strictly, and purely, and simply enabling legislation that allows a set-aside provision for the Executive Branch. And there is every safeguard that you could possibly want in this Bill. No wonder the good Senator from Aroostook, Senator McBrearty and his Committee even though apparently the retention period of the good Senator from Franklin, must have lost his good reasons for signing this Unanimous Ought to Pass Report.

It is obvious to me that it is a very simple innocuous Bill, that is going to protect the citizens of this State in the event that, that present oil glut now on the world market, does become a shortage.

I would urge the Senate to vote for Enactment of this Bill.

The PRESIDENT Pro Tem: Is the Senate ready for the question?

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Thank you, Madam President. One quick final word. This enabling legislation that the good Senator from Cumberland

talked about says, the director shall promulgate rules in accordance with the Maine Administrative Act. These rules shall meet the requirements.

No one responded to the lack of a Fiscal Note on this. This is going to cost money, it is going to be burdensome, it is going to be putting unnecessary work on our State government, it is going to put all this extra power in the Office of Energy Resources.

There are oil tanks all over this State. If by chance there should be some type of an emergency, I am sure that the Governor can get us back here in 24 hours, and we can freeze all the petroleum and all the tanks in the State if that is necessary.

This is a bad Bill, Ladies and Gentlemen.

The PRESIDENT Pro Tem: Is the Senate ready for the question?

The pending question before the Senate is the motion by the Senator from Oxford, Senator Sutton that L. D. 2022 and all its accompanying papers be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

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

ROLL CALL

YEA—Ault, Collins, Devoe, Emerson, Gill, Hichens, Minkowsky, Perkins, Redmond, Sewall, C.; Shute, Sutton, Teague, The President, J. Sewall.

NAY—Brown, Bustin, Carpenter, Charette, Clark, Conley, Dutremble, Huber, Kerry, McBrearty, Najarian, O'Leary, Pray, Trafton, Trotzky, Usher, Violette, Wood.

ABSENT—Pierce.

A Roll Call was had.

14 Senators having voted in the affirmative, and 18 Senators in the negative, with 1 Senator being absent, the motion to Indefinitely Postpone L. D. 2022 does not prevail.

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

Senator COLLINS: I request a Division on Enactment.

The PRESIDENT Pro Tem: A Division has been requested. Will all those Senators in favor of Enactment of L. D. 2022, please rise in their places to be counted.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I request that when the vote is taken that it be taken by the Yeas and Nays.

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

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

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

The pending question before the Senate is Enactment of L. D. 2022.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

NAY—Ault, Collins, Devoe, Emerson, Hichens, McBrearty, Minkowsky, Perkins, Redmond, Sewall, C.; Shute, Sutton, Teague, The President, J. Sewall.

ABSENT—Pierce.

Senator Gill of Cumberland was granted permission to change her vote from Yea to Nay.

A Roll Call was had.

17 Senators having voted in the affirmative, and 15 Senators in the negative, with 1 Senator being absent, the Bill was Passed to be Enacted.

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

Senator PRAY: Having voted on the prevailing side, I move that the Senate Reconsider and urge us to vote against the motion.

The PRESIDENT Pro Tem: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Pray, that the Senate Reconsider its action whereby L. D. 2022 was Passed to be Enacted.

Will all those Senators in favor of Reconsideration, please say "Yes".

Will all those Senators opposed, please say "No".

A Viva Voce Vote being had, the motion to Reconsider does not prevail.

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

Emergency

AN ACT to Clarify the Procedure for Budget Meetings. (H. P. 1730) (L. D. 1715)

This being an emergency measure and having received the affirmative vote of 28 members of the Senate, with No 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.

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

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

The Sergeant-at-Arms escorted the Senator from Androscoggin, Senator Trafton to her seat on the Senate Floor. (Amid the applause of the Senate, the members rising.)

The PRESIDENT: The Chair is certainly pleased to congratulate the first lady presiding officer of this Body. The Chair might suggest that as a result of her competent handling of Senate affairs this morning, that the Chair suspects that a third dimension may have been established for future Senate presidential contests.

Orders of the Day

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

Bill, "An Act to Revise the Definition of Forest Land for Purposes of the Tree Growth Tax Law and to Require Notification of Landowner's Obligation to Reapply. (Emergency) (H. P. 2178) (L. D. 2068)

Tabled—March 29, 1982 by Senator COLLINS of Knox.

Pending—Passage to be Engrossed.

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

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

Bill, "An Act Making Allocations Related to the Alcoholism Prevention, Education Treatment, and Research Fund for the Expenditures of State Government for the Fiscal Year ending June 30, 1983. (S. P. 832) (L. D. 1940)

Tabled—March 29, 1982 by Senator COLLINS of Knox.

Pending—Passage to be Engrossed.

On motion by Senator Perkins of Hancock, the Senate voted to Suspend the Rules.

On motion by Senator Perkins of Hancock, the Senate voted to Reconsider its action whereby Committee Amendment "A" was Adopted.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: I present Senate Amendment "A" to Committee Amendment "A" under filing number S-441 and moves its adoption.

Senate Amendment "A" (S-441) to Committee Amendment "A" was Read.

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

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

Senator PRAY: Mr. President, I don't seem to have a copy of the Senate Amendment. It's not in my book. Could the good Senator explain it?

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President and Ladies and Gentlemen of the Senate, this merely delineates the budgetary items within the Bill, LD 1940. The original Bill did not show the line item budget, this does, and specifies how each shall be spent.

Senate Amendment "A" to Committee Amendment "A" was adopted, Committee Amendment "A", as amended by Senate Amendment "A", Thereto, was Adopted. The Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

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

Paper from the House

House Paper

Study Report — Health and Institutional Services

The Committee on Health and Institutional Services to which was referred by the Legislative Council the study relative to providing appropriations to the Department of Human Services and the Department of Mental Health and Mental Retardation, have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Provide Appropriations to the Department of Human Services and the Department of Mental Health and Mental Retardation", (H. P. 2268) (L. D. 2115) be referred to the Committee on Appropriations and Financial Affairs for public hearing and printed pursuant to Joint Rule 18.

Comes from the House, the Report Read and Accepted and the Bill referred to the Committee on Appropriations and Financial Affairs.

Which Report was Read.

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

Senator HUBER: Mr. President and Members of the Senate, the Appropriations Committee has heard the Senator from Aroostook, Senator Violette's Bill dealing with boarding homes. The Appropriations Committee has held public hearings on the Governor's boarding home recommendations in the Appropriations Act, L. D. 1870.

The Committee has further voted to approve the Governor's recommendations in an aggregate amount of \$1,682,000, which satisfied Senator Violette's concerns and his Bill was granted Leave to Withdraw.

Now, 5 days before the hoped for end of this wonderful Legislative Session, we get a \$1,200,000 request as a result of a study order on boarding homes, from the Committee on Health and Institutional Services. I submit we don't have time for proper advertising of this Bill. We have considered various boarding home recommendations in two different vehicles.

Perhaps to abbreviate the remainder of this Legislative Session somewhat, I move that this item be Indefinitely Postponed.

On motion by Senator Huber of Cumberland, L. D. 2115 and all its accompanying papers was

Indefinitely Postponed, in non-concurrence.

Sent down forthwith for concurrence.

Committee Report

House

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Open State Collective Bargaining to the Public." (H. P. 2183) (L. D. 2067)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

SEWALL of Lincoln

DUTREMBLE of York

Representatives:

BEAULIEU of Portland

MARTIN of Brunswick

BAKER of Portland

LAVERRIERE of Biddeford

McHENRY of Madawaska

FOSTER of Ellsworth

ARMSTRONG of Wilton

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "A" (H-704)

Signed:

Sensor:

SUTTON of Oxford

Representatives:

JACKSON of Harrison

LEWIS of Auburn

Comes from the House, the Majority Ought Not to Pass Report Read and Accepted.

Which Reports were Read.

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

Senator SUTTON: Mr. President, I now move that we Accept the Minority Ought to Pass Report and would speak to my motion.

The PRESIDENT: The Senator from Oxford, Senator Sutton, now moves that the Senate Accept the Minority Ought to Pass, as amended, Report of the Committee.

The Senator has the floor.

Senator SUTTON: Thank you, Mr. President. Ladies and Gentlemen of the Senate, I really find myself in a very peculiar position this morning, much more so than even the good Minority Leader would suspect.

I find myself not only in support of, strong support of, the recommendation made by the Governor in regard to the opening of the State Collective Bargaining System. I also find that I'm in opposition to the good Senator from Lincoln, Senator Sewall, the Chairman of the Committee, a colleague, and friend who is supporting the position that labor has taken on this particular Bill. I hope she is as nervous about her position as I am about mine.

Not only that, I also find out that for one of the few times I'm if not completely, partially in agreement with an editorial of one of our major daily newspapers, whom I think very often completely misses what's going on in the real world around them.

Today I think they're right, and I'd just like to read just a little bit about what they say about this opening of collective bargaining to the public.

"Opening contact talks to the public is hardly a sweeping proposal. It is instead a rather simple matter to unlock the doors behind which negotiators for the State and its employee unions decide how to spend the public's money. Clearly a problem exists when it comes to State employees Contract negotiations. No one would be more aware of that than the lawyer for the union representing State employees who have been working without a contract since last July because of stalled negotiations."

Ladies and Gentlemen, I would submit that had we had open negotiations, that our State employees would not have been without a contract for just short of a year.

Only the negotiators, State and union officials know the reasons for the stalemate. Each

side blames the other for being unreasonable or delaying a settlement. But the public has no way of knowing who's telling the truth, because the talks have been secret.

Remember, Ladies and Gentlemen, we're not talking about business and labor. We're talking about State Employees being funded by taxpayers' money. It's a different situation than we find in the private sector.

While the State labor contract dispute drags on, with no end in sight, public employee contracts on the local level have proven successful in several communities.

I'm sure the good Senator from Lincoln will be interested to know that in Bath, for instance, closed talks between the city and the firefighters were stalled for months. It took just a few weeks of public negotiations, however, for a settlement to be reached, with negotiators for both sides agreeing that talks went faster and produced more reasonable dialogue when conducted openly.

The stringent opposition to the open talk proposal from labor representatives and the less than forceful support from the Governor has given it, to suggest that the public will continue to be kept in the dark when it comes to how the State and unions propose to spend our money."

That's just plain wrong. Taxpayers will be footing the bill for any settlement that is eventually reached. Those same taxpayers have the right to know how and by whom, decisions producing the settlement are made.

In the public hearing, one of the union leaders of our State, one of our State groups, came before the Committee and said, I could support this 100% if you would include either binding arbitration, or right to strike.

I found that rather interesting. I would submit to you that should we pass this piece of landmark legislation, as far as labor contracts are concerned, and we open the talks to our public State employees, to the scrutiny of the people who are going to be paying for it, that we may find down the line that yes, binding arbitration and right to strike is in the best interest.

But, on the other hand, we may very well find as I suspect we'll find that opening up these talks will speed the decision making process to such an extent where we won't even have to talk about binding arbitration or right to strike.

So, Ladies and Gentlemen, I would certainly endorse openly and enthusiastically the Governor's Bill to open the State Collective Bargaining System to the public, and ask for your support.

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

Senator CONLEY: Mr. President and Members of the Senate, first of all, I speak as the Senator from District 9. I am really, my knees start knocking when I get up to speak on a Bill that I find myself in support with the good Senator from Oxford, Senator Sutton.

My labor record in the halls of this Chamber, I've always considered to be very pro-labor. The thought of this particular piece of legislation does nothing in the world for me to interpret as being an anti-labor bill. Anyone who thinks so is on the deep end.

The present statute today allows, so long as both sides agree, to bargain, collectively bargain, in good faith, in the open.

A few years ago we had a bill in here similar to the one that's before us today. I stood up and I opposed that bill. I opposed it at that time because of the fact that as a former municipal officer from the City of Portland, that the City of Portland through its collective bargaining process, would negotiate with 14 different unions. I always thought at that time, it would be ludicrous to have collective bargaining done in the open, with the 13 other business agents representing those 13 other unions to be sitting in the same room, watching the process of the negotiator for the City to be bargaining with this 1 union while the other 13 representatives

watched or looked on.

I said, that would just create one horrendous nightmare. So I voted against the bill. But I found out, once the City agreed to that particular contract, that contract became public. It came before the City Council in session. It became ratified. The other 13 unions were still out there on the strings, allegedly still bargaining.

So whatever was conceded, or whatever was bargained for in good faith by both that 1 union and the City, it became public information.

There's nothing in this Bill that takes away anything, anything at all from labor. It certainly does not take anything away from the government. In this particular case, it's limited to the State Collective Bargaining process.

I think that's unfortunate. I think it should be one that should be a general statute that should apply to all public unions, or the practice of collective bargaining in general. There's nothing harmful in this Bill. It takes away nothing. It gives nothing. It treats everyone equal, and it will, it will prevent these crazy things that you read in the newspapers that, Side A offered 2%; Side B wants 48%. It brings the sides closer together perspective. It makes them negotiate in what we, when we passed collective bargaining, perceived to be in good faith.

I think good faith has been disrupted because of the fact that we presently say, so long as one side wants to bargain behind closed doors, it takes away from actually what's going on. There's nothing to prohibit anyone, whether it's management, or whether it's the union themselves, from bargaining for issues what they believe firmly in. There is a question after that, whether or not they can arrive at a settlement. They don't arrive at a settlement. They go to mediation, or they can go to fact finding, then they can come back to mediation, then go to arbitration. Our collective bargaining statutes, is a fact, are really ludicrous because of the fact that there is nothing binding with respect to economics.

What we're talking about here, again, is primarily the basic working conditions, employment. They can bargain for wages, and generally they, sooner or later, accept again mediation, or they compromise, each position compromises and finally arrive at an agreement.

By opening it up, it doesn't take away anything. It takes away nothing from either side. It puts it really, it lays it right there on the table and says, now let's go at it and let's do it. You want to represent the brotherhood, or sisterhood, fine. That's your opportunity. Management wants to be ludicrous, then they can become a public spectacle and I'm sure they'll be chastised and criticized by the public for doing so. Why shouldn't they be?

So I have no problem whatsoever in dealing with this measure. I am a card carrying member of the BRAC, as I always like to say, I like to plop that on the record so that you make those charges of conflict of interest, like the Maine Good Road Association seem to think.

But if you want to call, "a spade a spade," I think it should be done publicly. Let it be done publicly. Let it be done in the open. I'm sure my brothers and my sisters that are in the union will get paid just as well, and their working conditions will be just as good as they are today if not improved upon, but I see no reason for anyone to have any fear about this and particularly the MSEA. Long live them.

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

Senator DUTREMBLE: Mr. President and Members of the Senate: It seems interesting that we're talking about a process here that has been in existence for quite some time. Up until this year, we didn't seem to have that much of a problem. We had a bill introduced by people who, in the past, haven't opposed open negotiations. All of a sudden, now because of what's happened with the MSEA, we have the ability

here to open the negotiations.

I do want to clarify a few points that were stated here. One point that we should remember is that this year, if the sides would have wanted to, they could have opened these negotiations, if both sides had agreed to it. I believe that's the law now. To my knowledge, I don't believe either side asked for open negotiations.

This Bill wasn't supposed to be the result of what's going on this year anyway, according to what we heard during the hearing.

For those of you are concerned that the taxpayers don't have a say in this, I want to remind you that they certainly do. We are elected by the taxpayers, and we do have the final say on the contract. I think that if we will remember a few years ago, in my first term here, in the other Body, we did interfere with what was done with the contract with the MSEA.

I have no problems in going back to my constituents and saying, yes, your concerns are being watched over, not only by myself, but by all the other good Senators from around the State.

I would caution us to not create a separate class of people, separate from the unions and the private sector, who aren't under laws like this, or who would not be under a law like this. Whether or not we want to start doing things for different people because they start working for the State, just because they are working for the State.

I would hope that we would go along with the Majority Committee on this Bill, and vote Ought Not to Pass. Thank you.

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

Senator CONLEY: Mr. President, I would again make one final statement. Again, I think we should keep in mind that what is presently going on is going on. The process is being followed with respect to the negotiation of the present State employees contract, and it is going according to the law.

Again, you can recall that the Governor, I believe, has already negotiated, again, in good faith, 3 State employees contracts. The State Police contract was settled; the VTI's was settled; ASC-ME was settled.

What was negotiated, what was accepted, what has been ratified by this Legislature was public. It became public, and so it became public long before the current negotiations with MSEA. MSEA could say, well let's hold back every year and see what the other 3 unions have agreed to.

I don't have any problem with that either. The fact is, what has already been negotiated with the 3 other unions does become public, becomes public not only for MSEA, it becomes public for everybody in the State. It becomes public for us when we have to say, yes, we agree to what's in that contract.

Contrary to what we did last year, the court said we had no business doing what we did. We had no business becoming, interfering into that contract, because we weren't interfering in economic measures. We interfered with a process that was agreed to, the fair share provision. It was statutory language, had absolutely no economic conditions with respect to the bill of the taxpayers in this State.

Again, I point out, I think it would improve upon the collective bargaining process for public employees. As I say, it's unfortunate that it doesn't extend itself to all public employees, because I think contracts would be reached much faster and arrive, at more, there would be more responsible positions being taken at the early sessions, at the bargaining table.

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

Senator SUTTON: Thank you, Mr. President. Just one quick last word on this. I am enjoying so much being on the same side with the good Senator from Cumberland. I just want to be up

here again and be able to talk here and look at him and know that he's not putting pins into the doll he holds in his lap, that looks like me.

Anyway, I would like to suggest that there are two things. One, the public sector bargaining and labor relations is different than the private sector.

I'd like to suggest also that when we get the final contract we have no question, we don't really know what happened. All we have is a yes or a no. Knowledge, I think someone said, is truth. That's where we, the way we get it is by having this open right from the start.

I'd like to suggest that we do this on the State level and not get involved yet in the counties and towns. This is the places to find out what it's all about, and to see if it's going to work as well as we think it is.

So, I would certainly ask and suggest that you give this the opportunity to be tried. It's progressive. I think it's in the best interests, remember the citizens that we're talking about, the taxpayers, they're also our State employees. I sincerely believe that it will be in their best interests. Thank you.

When the vote is taken, Mr. President, I request it be taken by 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 Oxford, Senator Sutton, that the Senate Accept the Minority Ought to pass, as amended, Report of the Committee.

A Yes vote will be in favor of Accepting the Minority Ought to Pass, as amended, Report of the Committee.

A No vote will be opposed.

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

ROLL CALL

YEA—Clark, Collins, Conley, Devoe, Emerson, Hichens, Huber, Kerry, Minkowsky, Perkins, Sutton, Trafton, Trotzky.

NAY—Ault, Brown, Bustin, Carpenter, Charette, Dutremble, McBreairty, Najarian, Pray, Redmond, Sewall, C.; Shute, Teague, Usher, Violette, Wood.

ABSENT—Gill, O'Leary, Pierce.

A Roll Call was had.

13 Senators having voted in the affirmative and 16 Senators in the negative, with 3 Senators being absent, the motion to Accept the Minority Ought to Pass, as amended, Report of the Committee, does not prevail.

The Majority Ought Not to Pass Report of the Committee was Accepted, in concurrence.

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Adjust Annually Individual Income Tax Laws to Eliminate Inflation-induced Increases in Individual State Income Taxes. (I. B. 2) (L. D. 1737)

Reported that the same Ought Not to Pass. Signed:

Senators:

TEAGUE of Somerset
EMERSON of Penobscot
WOOD of York

Representatives:

POST of Owl's Head
KILCOYNE of Gardiner
HIGGINS of Portland
TWITCHELL of Norway
KANE of South Portland
HAYDEN of Durham
INGRAHAM of Houlton

The Minority of the same Committee on the same subject matter reported that the same

Ought to Pass.

Signed:

Representatives:

BROWN of Bethel
MASTERMAN of Milo
DAY of Westbrook

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

Which Reports were Read.

On motion by Senator Teague of Somerset, the Majority Ought Not to Pass Report of the Committee was Accepted, in non-concurrence. Sent down for concurrence.

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

Committee Report House

Ought to Pass in New Draft

The Committee on Local and County Government on, Bill, "An Act to Create a Cumberland County Baseball Stadium." (H. P. 1949) (L. D. 1926)

Reported that the same Ought to Pass in New Draft Under New Title, "An Act to Clarify the Authority of Municipalities to Raise and Expend Money for Athletic Facilities", (H. P. 2265) (L. D. 2112).

Comes from the House, the Bill, in New Draft, Passed to be Engrossed.

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

Orders of the Day

The President laid before the Senate:

Bill, "An Act to Remove Restrictions Preventing State Retirees from Receiving Certain Benefits (H. P. 2260) (L. D. 2106), Tabled earlier in the day by Senator Hichens of York, pending Passage to be Engrossed.

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

Senator HICHENS: Mr. President and Members of the Senate: I am a little disturbed over this, a new title, or a new draft of L. D. 2058, which gave Members of the Legislature the right to have certain benefits, even though they have been receiving State retirement benefits. I wonder if somebody from the Committee on Aging, Retirement, and Veterans might explain what this Bill does?

The PRESIDENT: The Senator from York, Senator Hichens, has posed a question through the Chair to any Senator who may care to answer, more specifically a member of the Aging, Retirement, and Veterans Committee.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, the Chairman of our Committee has suggested that I might speak to this. I will try to do so.

Originally, there was a suggestion that when a retired State employee became a member of the Legislature, that they ought to be able to participate in the Retirement System further as legislators. That idea was rejected because it singled out legislators for a specific advantage that many of us felt was discriminatory in that direction.

The matter was referred to the State Retirement board as is always the practice with retirement bills. Last year, after some deliberation, they made a suggestion of an alternative. This year the Committee worked on that alternative, and came out with a general bill that has to do with all State retirees who might return to employment by the State, in a position in which they normally would be eligible for participation in the Retirement System.

If they do elect to be in the Retirement System, for example, if someone comes to the Legislature, they don't have to be in the system, but if they elect to be in the system, then they will become eligible for those bene-

fits earned as legislators under that system.

If they have been, for example, teachers or State employees who have retired, and they then come back into employment, let's say as a substitute teacher, or as a State employee on a short-term basis, because the personal policies do not permit lengthy re-employments, as a rule. Then they may enhance their benefits in the sense that they will be accumulating new State Retirement System benefits the same as any other employee might, if they were working in the system.

Now, it is perhaps of some importance to note that there is a Fiscal Note here. We never know how many retired beneficiaries of the system may come back to work, whether as teachers, or State employees, or as legislators, but there are always likely to be a few. The estimates were that perhaps the greatest possible number that might be considered would have a fiscal requirement on the part of the State of \$30,000. That probably is on the high side.

Whether this Bill, if Enacted, would survive the Appropriations Table, of course, I don't know.

It's not effective until January 1, 1983, if we do pass it.

Which was Passed to be Engrossed, in concurrence.

(Off Record Remarks)

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