

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

***One Hundred and Tenth***

***Legislature***

**OF THE**

**STATE OF MAINE**

**SECOND REGULAR SESSION**

**January 6, 1982 to April 13, 1982**

**INDEX**

**FOURTH SPECIAL SESSION**

**April 28, 1982 and April 29, 1982**

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**FIFTH SPECIAL SESSION**

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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  
April 6, 1982

Senate called to order by the President.

Prayer by the Reverend Dennis Plourde of the First Baptist Church of Hallowell.

REVEREND PLOURDE: Almighty Father, the creator of all mankind, we come before You now on behalf of these, our elected representatives, asking that You would guide them in these final days of their session, that You would give them wisdom from on high, as they enact legislation that will not only affect us but the generations to come in this State and in this nation. We pray Your guidance and direction on them, and ask, Lord, for Your wisdom on behalf of this great State. We ask it in the name that is above every name, Your name. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

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

Senator CONLEY: Mr. President and Members of the Senate, I believe anyone who watched the finals of the Maine State Basketball Tournament, held in Portland a month or so ago, had to be extremely pleased, not the fact that these boys from Cheverus became the State champions, because those of us who have some ties with Cheverus are extremely proud of them for that manner, but the boys of Cony High played an extremely well game. Anyone would have to be proud of them as well. No one came out of the civic center a loser. All of them came home winners.

The thing that I found most fascinating this morning in talking with Bob Brewer again, though, was the fact that the Majority Floorleader and he have something that they both share equally well. That is that they both come from the Town of Rockland, or the Camden area. So I'm going to keep my eye on the Majority Floorleader just a little bit more closely in the waning days of this session.

Senator Kerry of York was granted unanimous consent to address the Senate, On the Record.

Senator KERRY: As a former Cheverus graduate and a former member of a State championship team in basketball in 1962, 1961 actually, 1961-1962 from Cheverus, I'd like to say that I'm proud to see the Cheverus team here and their coach. I think that one of the finest aspects of watching the Cheverus team play in the tournament was the maturity and the sportsmanship shown by the team and by the coaches.

I think that, as a Senator from York, although I do represent one town in Cumberland County, South Portland, part of it, anyway, I feel very proud of having graduated from Cheverus, and secondly, on seeing the sportsman-like conduct of the team on and off the floor. Thank you very much.

Senate Paper  
Joint Resolution

Senator CONLEY of Cumberland presented the following Joint Resolution and moved its adoption,

STATE OF MAINE

In the Year of Our Lord  
Nineteen Hundred and Eighty-Two

Joint Resolution Memorializing the Congressional Budget Committee and Maine Delegation Regarding Changes to the Railroad Retirement System

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the Second Regular Session of the One Hundred and Tenth Legislature, now assembled, most respectfully present and petition the President, the United States Department of Agriculture and the Maine Congressional Delegation, as follows:

WHEREAS, the Railroad Retirement System was established by an Act of Congress, in 1935, to provide retirement-survivor and unemployment-sickness benefit programs for the Nation's railroad workers and their families; and

WHEREAS, the Railroad Retirement System has been financed jointly with contributions from rail carriers and rail labor for more than 45 years; and

WHEREAS, the Railroad Retirement System has a present cash investment worth \$3,600,000,000 and more than 1,100,000 annuitants, yet is administered with only 1% of the revenues; and

WHEREAS, the present organization, financial strength and longevity of the Railroad Retirement System allows for the efficient distribution of both railroad program benefits and, since 1974, social security benefits, to eligible recipients; and

WHEREAS, the abolition of the Railroad Retirement System or its absorption into the Social Security Program could conceivably jeopardize the continued distribution of benefits, now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request the Congressional budget committees to reject any proposal contained in the 1983 federal budget which would abolish or reorganize the Railroad Retirement System; and be it further

RESOLVED: That a duly authenticated copy of this Resolution be immediately submitted by the Secretary of State to the Maine Congressional Delegation and the members of the House and Senate Congressional budget committees.

(S. P. 983)

(Approved by a Majority of the Legislative Council pursuant to Joint Rule 35)

Which was Read.

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

Senator CONLEY: Mr. President and Members of the Senate: there is an error on the printed calendar with respect to this Joint Resolution. I, therefore, move this Joint Resolution be Indefinitely Postponed.

On motion by Senator Conley of Cumberland, the Resolution (S. P. 983) was Indefinitely Postponed.

Order

An Expression of Legislative Sentiment recognizing:

That April 8, 1982, marks the 50th anniversary of the death of Biddeford police officer Honore Dutremble, who was killed while performing his duties as a law enforcement officer. (S. P. 982) presented by Senator DUTREMBLE of York (Cosponsors: Representative LAVERRIERE of Biddeford, Representative RACINE of Biddeford and Representative NORTON of Biddeford).

Which was Read.

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

Senator DUTREMBLE: Thank you, Mr. President and Members of the Senate. It is with a great deal of pride that I get up here today and talk to you about this Order and about Honore Dutremble, who was my grandfather.

The other day we talked about, and passed an Order here about Franco-Americans. I'd like to talk to you right now about a Franco-American who came here in 1890, who came to Biddeford in 1890, at the age of 6 months.

Honore Dutremble started working in the

Pepperell Mills at the age of 9 years old, and worked there until the age of 35, at which time he became a police officer in the City of Biddeford, in 1928. In 1932, one day, on April 8, as he was coming out of church, which he did just about every day before going to work, he walked up a particular street in the City of Biddeford and tried to apprehend a thief who had stolen a car on the previous day.

Subsequently, he was shot and killed while performing his duties. His death left 12 children and a wife. Today, 50 years later, or on Thursday, which will make 50 years, the sons and daughters and the grandchildren of Honore Dutremble will remember him. I thought that I'd like to share this moment with you. Thank you.

Which was Passed.

Sent down forthwith for concurrence.

(Off Record Remarks)

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

Paper From the House  
House Paper

Bill, "An Act to Allow the Mapleton Sewer District to Charge the Fuel Cost Incurred in Filing a Lien." (H. P. 2331) (L. D. 2139)

Reference to the Committee on Public Utilities suggested.

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

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules that this Bill be given its First Reading at this time without Reference to Committee?

It is a vote.

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

Sent forthwith to the Engrossing Department.

Senate Paper  
Joint Resolution

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Joint Resolution Memorializing the Congressional Budget Committee and Maine Delegation Regarding Changes to the Railroad Retirement System

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WHEREAS, the Railroad Retirement System was established by an Act of Congress, in 1935, to provide retirement-survivor and unemployment-sickness benefit programs for the Nation's railroad workers and their families; and

WHEREAS, the Railroad Retirement System has a present cash investment worth \$3,600,000 and more than 1,100,000 annuitants, yet is administered with only 1% of the revenues; and

WHEREAS, the present organization, financial strength and longevity of the Railroad Retirement System allows for the efficient distribution of both railroad program benefits and, since 1974, social security benefits, to eligible recipients; and

WHEREAS, the abolition of the Railroad Retirement System or its absorption into the Social Security Program could conceivably

jeopardize the continued distribution of benefits, now, therefore, be it

**RESOLVED:** That We, your Memorialists, respectfully urge and request the Congressional budget committee to reject any proposal contained in the 1983 federal budget which would abolish or reorganize the Railroad Retirement System, and be it further

**RESOLVED:** That a duly authenticated copy of this Resolution be immediately submitted by the Secretary of State to the Maine Congressional Delegation and the members of the House and Senate budget committees of the Congress of the United States.

(S. P. 984)

(Approved by the Legislative Council April 5, 1982, pursuant to Joint Rule 35.)

Which was Read and Adopted.

Sent down forthwith for concurrence.

#### Orders of the Day

On motion by Senator Huber of Cumberland, the Senate voted to remove from the Special Appropriations Table:

Bill, "An Act to Provide for a Comprehensive Career and Occupational Information System." (H. P. 2015) (L. D. 1985)

On motion by Senator Huber of Cumberland, Under Suspension of the Rules the Senate voted to Reconsider its action whereby LD 1985 was Passed to be Engrossed.

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

Senator HUBER: I now present Senate Amendment "A" to the Bill under filing number S-411 and move its Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now offers Senate Amendment "A" to LD 1985 and moves its Adoption.

Senate Amendment "A" (S-411) was Read and Adopted. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

#### (Senate at Ease)

The Senate called to order by the President.

On motion by Senator Collins of Knox, Receded until 2 o'clock this afternoon.

#### Recess

#### After Recess

The Senate called to order by the President.

#### (Off Record Remarks)

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

#### Papers From the House

##### Joint Order

Expressions of Legislative Sentiment recognizing:

The top scholastic students of the 1982 graduating class of Katahdin High School in Sherman Station: Julie Ballard; Audrey Brown; Lisa Dudley; Brian Gould; Keith Lane; Judy Lewis; Eva Lilley; Tammy McKenney; Christine Rush; and William Sheehan. (H. P. 2330)

The Ellsworth High School Wrestling Team, coached by Tim Henderson, which won the 1981-82 State Class B Wrestling Championship. (H. P. 2332)

Charles Allen Bubar, son of Mr. and Mrs. Ralph Bubar of Linneus, chosen Valedictorian of Hodgdon High School for 1982. (H. P. 2333)

The late Moses Nanigian, of Madison, legendary football coach at Madison, Bangor, Edward Little and Lewiston High Schools and highly noted northeastern United States harness racing judge, on his election to the Maine Sports Hall of Fame. (H. P. 2334)

James H. Bisson, producer/director and

Marvin "Bud" Blumenstock, Extension Forester, Cooperative Extension Service, for excellence, achievement and service to the State of Maine in producing the "Yankee Woodlot" T.V. series. (H. P. 2336)

Portland High School, the second oldest high school in the United States, on the celebration, April 16, 1982, of the 161st anniversary of its founding. (H. P. 2335)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

#### Orders

Expressions of Legislative Sentiment recognizing:

The Kennebec Pee Wees, who have captured the 1982 National Division II Pee Wee Hockey Championship. (S. P. 985) presented by Senator AULT of Kennebec (Cosponsors: Senator BUSTIN of Kennebec, Representative KILCOYNE of Gardiner and Representative HICKEY of Augusta).

The "Signs of the Sunrise" chorus, from Cape Elizabeth, and Mrs. Gail Parker their director, who will represent the United States while on a concert tour in Romania. (S. P. 986) presented by Senator GILL of Cumberland (Cosponsors: Representative PERKINS of Brooksville, Representative MASTERTON of Cape Elizabeth and Representative BENOIT of South Portland).

Which were Read and Passed.

Sent down for concurrence.

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

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

Bill, "An Act to Index Annually the Standard Deduction Provision of the Maine Personal Income Tax and to Provide for a Statutory Referendum." (H. P. 2074) (L. D. 2017)

In the House, April 1, 1982, the Bill Passed to be Engrossed.

In the Senate, April 1, 1982, Bill and Papers Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body Having Adhered.

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

Senator TROITZKY: Mr. President, I move the Senate Adhere. Again, this is a fact this personal income tax indexing. There isn't enough money to maintain most of our programs. The Governor is trying to raid the General Fund for highway purposes. I feel we have to provide for some services in the State of Maine. This Bill has a price tag of \$1,000,000 on it, so I hope the Senate would Adhere.

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

Senator WOOD: I would move that we Recede and Concur and ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from York, Senator Wood, to Recede and Concur with the House, 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 Knox, Senator Collins.

Senator COLLINS: 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 pending question before the Senate is the motion by the Senator from York, Senator

Wood, that the Senate Recede and Concur with the House on L. D. 2017.

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—Brown, Bustin, Carpenter, Charette, Clark, Conley, Dutremble, Kerry, Minkowsky, Najarian, Pray, Trafton, Usher, Violette, Wood.

NAY—Collins, Devoe, Emerson, Gill, Hichens, Huber, McBreaity, Perkins, Pierce, Redmond, Sewall, C.; Sutton, Teague, Troitzky, The President, J. Sewall.

ABSENT—Ault, O'Leary, Shute.

A Roll Call was had.

15 Senators having voted in the affirmative and 15 Senators in the negative, with 3 Senators being absent, the motion to Recede and Concur with the House does not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to Adhere?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion to Adhere, please rise in their places to be counted.

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

15 Senators having voted in the affirmative, and 15 Senators having voted in the negative, the motion to Adhere does not prevail.

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

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

The Sergeant-at-Arms escorted the Senator from Knox, Senator Collins, to the rostrum, where he served as President Pro Tem.

The President, then retired from the Senate Chamber.

#### Non-concurrent Matter

**RESOLVE**, to Establish a Commercial Whitewater Study Commission. (Emergency) (S. P. 981) (L. D. 2140).

In the Senate, April 5, 1982, the Resolve Failed of Passage to be Engrossed without Reference to Committee.

Comes from the House, the Resolve Passed to be Engrossed as amended by House Amendment "A" (H-755), without Reference to Committee, in non-concurrence.

The PRESIDENT Pro Tem: Is it the pleasure of the Senate to Recede and Concur with the House?

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Mr. President, even with the moratorium section removed from this Resolve, that leaves the industry studying itself, it seems to me, as I understand the Resolution that was before us yesterday.

I'd just like to pose a question for all of you to consider before you go ahead and vote on this. If the electric utility industry in this State proposed that it fund a study commission of rate-making procedures before the Public Utilities Commission, do you think that this Legislature would buy that approach? The industry studying itself?

That's one of the key issues in this Resolve that I find a compelling reason to vote against it. The industry is going to study itself. The key constituent members of that industry are going to participate in the study.

Now, with the moratorium section out, so that new businesses can be formed to perform whitewater rafting, you're still going to have

the component parts of the industry that are already more or less well-established studying this. The proposal, that probably will come along in a year or two, we've somehow got to regulate this, an we've got to limit the number of licenses issued, and we've got to limit the number of people, and we've got to limit the number of rafts, and all that.

I find that reason, that you're going to have the constituent members of the whitewater rafting industry studying the whitewater rafting industry to be a good reason to vote against this.

So I just ask the Members of the Body to keep that approach in mind, as we approach a vote on it.

Mr. President, I move the Senate Adhere.

The PRESIDENT Pro-Tem: The Senator from Penobscot, Senator Devoe, moves that the Senate Adhere.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I request permission to approach the rostrum.

(Senate At Ease)

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

The PRESIDENT Pro-Tem: The Senator has the floor.

Senator PRAY: Mr. President and Ladies and Gentlemen of the Senate, I would wholeheartedly agree with the Senator from Penobscot, Senator Devoe, that his statement was accurate that we would be establishing a Commission which would allow the industry to study itself. For those of you who have had the opportunity to read the Study Commission, you know that his statement is inaccurate.

For those of you who have not had the opportunity, to set the record perfectly clear as to how the Commission will be formed, I'll share the information with you.

"The Commission will be made up of the Commissioner of Inland Fisheries and Wildlife or his designee; the Commissioner of Conservation or his designee, two Senators and two public members appointed by the President of the Senate; two Representatives and two public members appointed by the Speaker of the House."

Nowhere do I see where it says anybody from any particular industry is automatically appointed. Now the presiding officers of both Bodies have the opportunity to appoint whichever public members that they may see fit.

In this instance, serving in this Chamber, with a member of the opposite party being the presiding officer, I have complete trust and faith that he will appoint somebody who would be fair to the purpose and intent of the legislative act.

If the Senator from Penobscot, Senator Devoe, does not trust his presiding officer, then I would encourage each of you who also feel fit in that determination to do the same, and follow his motion to Adhere and not to allow this Ought to be passed.

We do have a very rare resource, which I think should be studied. As I had stated yesterday, if somebody had wanted to offer an amendment to take out the moratorium which was his concern yesterday, then we would address that issue.

The issue is now before us and I would hope that we would at least allow the Study Commission to go through.

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

Senator DEVOE: Thank you, Mr. President. I thank the good Senator from Penobscot for clarifying this matter on the record. I agree with him that the L. D. 2140 does not provide that the industry study itself. To the extent that I may have inadvertently misled anyone in this

Body a few moments ago, I apologize.

Now that my attention has been drawn to the printed words in this Bill, I have another objection. That is, and I ask each Member of this Body to take a look at Section 7, where it says, "Acceptance and Expenditure of Funds". We've got a cute little gimmick in Section 7. There's no Fiscal Note on this Bill because apparently somebody is lurking in the background who is going to pour some money into this study of whitewater rafting for us. It's not going to cost us a dime. It's not going to cost the General Fund a dime.

Somebody is out there in the background, just like on the Kennebec River Future Commission last year, because if you will take the time to read Section 7, you will see the words, "that the Commission may accept funds from any agency of the United States or from any other public or private source."

That may be the Audobon Society, Bald Eagle Society, National Whitewater Rafting Society, if there is such a thing, all these things, and may use these funds and any other funds appropriated to the Commission.

Now, if there is no Fiscal Note, then I question how there can be any other funds appropriated to the Commission, unless the State, or some agency of the State, or some department of State government appropriates money. Maybe the Senator from Penobscot could address the question of how this is going to be funded? Why the words, "appropriated to the Commission to hire personnel, contract services, or for other purposes necessary to carry out the Resolve"?

One final question, Mr. President. I wish that some member of the Committee could share with the other Members of this Body why the Fisheries and Wildlife Committee, or Energy and Natural Resources Committee couldn't be the committee that studies this matter over the summer, itself? After all, we're the lawmakers here. To keep the legislative assistants going, each Committee has been encouraged to come up with study proposals. It seems to me that this would be a great study proposal for whichever committee was able to get the assignment. Let the committee go out and do its own work. Thank you very much, Mr. President.

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

Senator PRAY: Thank you, Mr. President. Mr. President, Ladies and Gentlemen of the Senate, if the Senator from Penobscot, Senator Devoe, is opposed to this Resolution, then I wish he would just state that, instead of yesterday it was one thing, today it is another, and now that I've explained that, it's something else. I think that clearly, I think we would all know better where everybody stands if we just stated we're opposed to it.

The purpose of the language in reference to the acceptance and expenditures of funds is that the Director of the Bureau of Parks and Recreation stated to us that there may possibly be some federal funds available for the intent and purpose of this study, and such language would allow that if, in case, such funds were available that this Commission would be able to apply for it and possibly receive it if they were granted favorably upon for that.

Also, that there has been in a number of other studies that the Legislature has passed this type of language which would allow grant money or if particular individual's or industry's or so forth, private sources, wanted to donate money, they could.

The question again comes back of whether or not you would trust these legislators and appointed individuals to whether or not they would be swayed by whom was making the funds available. I think that is just an issue that has been thrown up over the opposition to this Order for whatever reason that opposition may be there.

I would hope that we would look at this and

consider it to its fact. If we assigned a specific committee to do the study, let's be truthful and honest, this is an election year. Study orders, usually on election years, don't do very well because you have two types of legislators around, those who are running for re-election and those who are so-called, "lame ducks." Be it the Fisheries and Wildlife Committee, which has the responsibility of licensing whitewater rafting outfits, or as the Senator from Penobscot, Senator Devoe, suggested, the Energy and Natural Resources Council, which could look at the environmental impact on those waterways and rivers.

I think that perhaps somebody from that committee could better answer as to whether or not that committee had any type of interest in doing it.

I think that this type of Commission or committee to study that factor would provide more information and better information for the next Legislature to determine the impact and whatever requirements, or regulations, or no regulations would best serve the interests of the people of State of Maine.

The PRESIDENT Pro-Tem: The Chair recognizes the Senator, Senator Gill.

Senator GILL: Mr. President, I think we have a Resolve here that there's more in it than meets the eye. It seemed to be just a simple little study had come in. I spoke yesterday against this approach, because we do have a system, Legislative Council did meet today and discussed several studies.

Whether this is a voting year and there are going to be lame ducks that will be serving on these committees or not, I myself have two very important studies that were approved by the Legislative Council today, I understand. If I thought that these weren't going to get the full treatment and adequate treatment, I would never have initiated applying to Legislative Council for them.

I think if you want to read through this Resolve, you'll find out that in Section 6, we're allowing legislative assistants providing assistance to the Commission in carrying out its charges.

I think everyone ought to stop and read this Resolve before we vote on it today.

I've got a couple of little honeys I'd like to float through at the last minute here, too. I think most of the Legislators here, if they knew it was going to be so easy, they would bring things up at the last minute and say this is just a simple little measure, let it go through. I have more respect for the system than that.

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

Senator TROTZKY: Mr. President and Members of the Senate, there is definitely a problem with the increased interest in rafting and the increasing number of companies. Essentially there are a few problems you have to deal with here.

First of all, you have to deal with the Fisheries and Wildlife, the effect on the fisheries, the potential conflict of rafting with a fishery.

Secondly, you have to deal with water flows, which may be a public utilities issue. The rafting companies can only move when the dams are open and so on, and what agreements have been made between possibly the power companies and the rafting association.

You, also, have the natural resources, what effect the rafters have on the river, where they camp, where they go out for lunch, and so on.

So you have really, possibly three committees that could be involved in this issue. Instead of assigning it to one committee, what this Resolve does essentially is forms a joint select committee, which is sort of an interdisciplinary approach. I feel that it is valid. I feel that it is a real problem. The major issue that bothered me was the moratorium. That has been taken out of this by a House Amendment. Consequently, I feel there is a need here and it

should be passed, as is.

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

Senator CONLEY: Mr. President, far be it for me to become involved in the waters of the Kennebec, or the Penobscot unless it was dealing with Atlantic salmon.

However, several years ago, I had the opportunity of coming down I guess it was the Kennebec, up near the Wyman Dam on a raft. It was one of the most exciting experiences that I've ever been entertained with. If no one has done it, I suggest that they do it.

Now that was several years ago, and I recall the day that I went down the river, that we beached at noontime for a lunch. What surprised me was the traffic on the river, the number of other rafts that were coming down at the time that we were beached.

It's my understanding that running the rapids in rafts has become quite a popular recreational sport to speak of and the traffic has become tremendous in the numbers who are now looking forward to that as a form of recreation.

Yesterday, when this thing came before the Legislative Council, it received, I believe, unanimous support of the Council, to be entertained by both Houses. I can appreciate the objections that were raised with respect to a moratorium, although I think that in all honesty, there may have been some justification for recommending the moratorium.

I certainly can see why there should be, I see why there should be no objections to the way that this Resolve has been amended, striking the moratorium out. I think it may be best, not only for those who become involved in this recreational sport, but for the citizens of the State as a whole, that we do take a hard look at what is going on with respect to this sport of riding the rapids, so to speak, and to make sure whatever recommendations are made to the Legislature, that the protection and the safety of all citizens who engage in this sport would be one that we would be entertained with dealing with in the next session of the Legislature.

Therefore, I would urge the Senate to Recede and Concur with the House in that fashion.

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

Senator REDMOND: Mr. President and Members of the Senate, of course this is an industry which is more substantially in my District. I understand there's some 15,000 people that come from outside of the State. It's quite a boon to the economy.

I can appreciate all the questions that are popping up here today. However, it did go through the Legislative Council. It was accepted. I would hope that we would pass it today to be Engrossed. We'll have plenty of chances to caucus on it and discuss it, because, in the interest of time, I understand we're going to Adjourn tomorrow. I hope that we would Pass it to be Engrossed and debate it tomorrow.

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

The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Mr. President, Senator Devoe indicated some of the possibilities of funds for this study. I wonder if someone who is more closely aligned to this Resolve could tell us some of those people that the funds would be coming from?

The PRESIDENT Pro-Tem: The Senator from Cumberland, Senator Gill, has posed a question through the Chair for any Senator who may care to answer.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Thank you, Mr. President. Mr. President, Ladies and Gentlemen of the Senate, some of the people who have been contacted that have a concern in this matter, al-

though no absolute response has come from anybody, is Great Northern Paper Company, Central Maine Power, the Maine Rafting Association, the Bureau of Parks and Recreation in reference to the possibility of federal funds. Those are the four groups that I know of off-hand that there has been expressed that there may be either monies available or individuals who have a direct interest in the concerns of this problem.

Now, nobody has stepped forward and said, yes, we will contribute or give money. I have had the opportunity to talk with the two industries, basically the major landowners in the area, Great Northern Paper Company and a representative from CMP. Both of them have expressed interest. Great Northern, they had reservations and didn't look too positive, but there were no clear yes/no answers. CMP was a great deal of interest with no indication one way or the other.

CMP, of course, recognizes the problem on the Kennebec, because up until this year they had a lease with the Association. That lease is no longer being held with the Association, thus they will have to face the problems of dealing with the rafters as they come in as individuals.

I have no problems or no inclinations one way or the other of that lease agreement in the past, or how they plan on working it out in the future. I do think that a variety of individuals see that there is a concern here. I think that they would like, and I'm speaking for myself, that I think, I feel, that they would like to see some outside group take a look at it before the problem is at a greater extent than it is today.

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 Pray, that the Senate Recede and Concur with the House, please rise in their places to be counted.

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

17 Senators having voted in the affirmative, and 11 Senators having voted in the negative, the motion to Recede and Concur with the House does prevail.

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 Knox, Senator Collins, to his seat on the floor of the Senate.

The PRESIDENT: The Chair would thank the Majority Floorleader for a job well done.

#### Non-concurrent Matter

Bill, "An Act to Prohibit Public Utilities From Including Uncompleted Construction Work Costs in Their Rates". (S. P. 773) (L. D. 1844)

In the Senate, April 1, 1982, the Minority Ought Not to Pass Report Read and Accepted.

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-445), in non-concurrence.

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

Senator COLLINS: Mr. President, I move that the Senate Adhere.

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

Senator TRAFTON: Mr. President, I move that we Recede and Concur, and would ask for a Roll Call.

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

ators 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 Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, I am not going to drag this debate on, I just want to make it perfectly clear, that if you vote against the pending motion then you are very clearly sending the message that you want to allow the Public Utilities Commission, to allow the utilities to continue to charge and receive Construction Work in Progress on Seabrook and any other plant that may be under construction in the future, allow these charges to be passed through to your constituents, or ratepayers at this point.

This is bottom line, it is very simple. The motion is to Recede and Concur, to go along with the other Body, in what I think was a responsible action.

This Bill is not a anti-CWIP bill. This Bill will not damage in any way any utility in the State of Maine. Don't be misled by what is probably going to be said after I sit down. Thank you.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, I am sure that I will heed the advice of the good Senator from Aroostook, and I will not be misled by his assessment and evaluation.

Mr. President, today I had an opportunity to speak to at least 15 people relevant to this particular issue, who had some very serious concerns about the Bill as it is presently drafted.

The only hangup that I think that we are faced with today was what the good Senator from Penobscot, Senator Trotzky, brought out to us originally, and that is very simply that what we are voting on today is not what the Committee on Public Utilities voted on nor what the Public Utilities Commission agreed to, again according to that letter that was sent out.

If we are voting on the FERC language which is the more restrictive part of it, compared to what the Maine Public Utilities Commission and in compliance with the Public Utilities Committee, then I am saying, what happened to the original bill? Why were we not given a choice between both of these particular presentations?

There is a great concern out there, there is no doubt about it, but I think that from the concern that I have discussed with people today, most of the people do not understand the magnitude and scope of what we are talking about.

Yesterday, I think, I referred to about three specific different passages from different editorials, right straight down to letters from constituents and the end result is, and I'll just recap one single sentence. CWIP is not putting the entire burden of construction costs on the current consumers of electricity, it is merely adding the interest on the bonds which raise the funds for construction. Otherwise, and this is the thing that has got me and I am concerned for the ratepayers, I am concerned for the elderly, the low-income, everybody else who will come under this. Otherwise even more bonds and shares must be sold to pay the interest and dividends. At today's cost of money this greatly compounds the total capital that must be required and it must eventually be recovered in the future selling price of electricity.

Now no matter how you try to break it down, the end result is that the ratepayers are going to be paying for it. I think with the amendment that we have today, before us, which for many sources is way too stringent compared to the amendment that was agreed upon by the Committee. It will not serve the interests of the

people of the State of Maine, and above all the ratepayers, who will be subsequently paying the cost of the higher rates.

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

Senator TRAFTON: Thank you, Mr. President. Men and Women of the Senate, it seems to be as if we have the same arguments over and over again, so I might as well give the same responses over and over again, so that it is easy for people to refer to the legislative debate and see the answers and questions together.

In response to what the Committee did, I'll speak for myself but it does apply to several of the other Committee members, I would have signed the Bill out as written in its LD form. That as you know would have totally restricted any CWIP charges from being allowed into the rate base.

The reason that I eventually changed my position, and decided to support the FERC language is because I did recognize that there might be those rare occasions when the financial stability of a utility might demand that CWIP charges should have some considerations. So I saw this as a more moderate position and one that I could support.

The second point and the good Senator from Penobscot, Senator Trotzky, raised this yesterday, before we realized that the Bill was not before us. That is the issue of the prior approval bill that we passed, and somehow the good Senator feels that this is the panacea to all the utility problems and all the ratepayer problems. That bill is a good piece of legislation, but as I have pointed out before it really does not relate to the issue at hand. That bill deals only with the decision, the day of the decision and the public utilities commission saying yes the decision to invest in "X" project is prudent on the day the PUC gives that approval. It in no way speaks to financing eventual costs, and it is quite clear that the onus is on the utility to carry forth from the day that the decision is made in a prudent manner, and that a decision as to allocations of costs between ratepayers and stockholders will be made at the time that the rate hike is requested, again, before the PUC.

That bill, although, I think it is a good piece of legislation it does not deal with the issue at hand.

Finally the good Senator from Penobscot continually throws around his ideas about interest rates and as I said yesterday I really don't know where he is wired into, because I just don't seem to be getting the same information. Now last night when I went home I quickly picked up the paper, the Christian Science Monitor, and as most good Democrats turned right to the business section. Now, sure enough there was an article here that was well written and it is called, Utility Stock Ahead of the Crowd Lately Still Look Good. I would just like to quote you one passage on interest rates. It quotes a very reputable financial firm and it says, "Bear, Stearns is estimating that thirty year AA rated bond rates, will drop from a current 16% level to 13.5% by the fourth quarter of the year."

So all this conjecture that somehow that interest rates can only go up, I would say to you that certainly financial experts on the other side can predict just the opposite and say that financial rates may indeed go down.

The issue before you again is whether you feel that ratepayers should have to pay for service that may never be on-line, or that may be on-line only at some distant point in the future.

I hope that you will vote to Recede and Concur and give fair treatment to the ratepayers of this State.

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

Senator TROTZKY: Mr. President and Members of the Senate: I am being quoted here and I just felt that it was important that the knowl-

edgeable and good Senator from Penobscot rise to set the record straight.

First of all Public Service of New Hampshire does have an anti-CWIP bill, and if we look at Public Service of New Hampshire, their bonds are now rated BB, which are known as speculative grade. It means that fiduciary investors are legally prohibited from investigating in these securities. That means pension funds, trusts, etc. They are speculative.

Public Service Company of New Hampshire which has a good old anti-CWIP bill is unable to complete its permanent financing in the United States capital market, therefore, it goes to Europe and borrows through a Dutch corporation. It borrows at a steep premium over prime.

Now to the extent that Public Service of New Hampshire is able to find buyers in the United States market, they pay a significant premium. Let me explain it to you. They are rated BB, and for example, on 12/4/80 they paid 17% interest. 17%! Now you add another example, Louisiana Power and Light which was rated triple-B which is better, they paid 15.75%. So in other words the BB rated company pays a much higher rate of interest than a triple-B.

Now you say well 2%, what is that, but when you are borrowing millions and millions of dollars over 20 years that is a lot of money that the ratepayers are going to pay.

CMP is now rated triple-B, which is not that good. The PUC in January felt constrained to give CMP an emergency rate increase to protect CMP ratepayers from the consequences of down grading of CMP bonds.

What passage of this Bill does is it first of all sends a message to the financial community. It will significantly lower a utility like Central Maine Power's standing with the investment community, and make it more difficult to maintain its bond rating and by the way it has a low bond rating, and therefore, the ratepayers are going to pay much higher interest rates.

So, it is not a simple issue, this issue. The way that we have it set up right now, is that the PUC has discretion. Construction Work in Progress charges can be divided in many different ways between the ratepayers and the stockholders depending on the individual situation. That is the way that it should remain.

So, voting for this Bill, can be a very anti-consumer vote. It is not a simple issue.

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

Senator SUTTON: Mr. President when the vote is taken I request leave of the Senate to pair my vote with the Senator from Oxford, Senator O'Leary, who if he were here would be voting Yes and I would be voting Nay.

The PRESIDENT: The Senator from Oxford, Senator Sutton, requests leave of the Senate to pair his vote with the Senator from Oxford, Senator O'Leary, who if he were here would be voting Yea on the pending motion and the Senator from Oxford, Senator Sutton, would be voting Nay.

Is it the pleasure of the Senate to grant this leave?

It is a vote.

The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Trafton, 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—Brown, Bustin, Carpenter, Charette, Clark, Conley, Dutremble, Kerry, McBreahty, Najarian, Pray, Trafton, Usher, Violette, Wood.

NAY—Ault, Collins, Devoe, Emerson, Gill, Hichens, Huber, Minkowsky, Perkins, Pierce, Redmond, Sewall, C.; Shute, Teague, Trotzky, The President-J. Sewall.

ABSENT—None.

A Roll Call was had.

15 Senators having voted in the affirmative and 16 Senators in the negative, with 2 Senators having paired their votes, and No 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.

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

#### Recess

#### After Recess

The Senate called to order by the President.

#### Non-concurrent Matter

JOINT RESOLUTION Memorializing Congress to Call a Constitutional Convention to Limit the Annual Federal Budget. (H. P. 2322)

In the House, April 5, 1982, the Joint Resolution Adopted as amended by House Amendment "A" (H-753).

In the Senate, April 5, 1982, the Joint Resolution Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body Having Adhered.

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

Senator COLLINS: Mr. President, I move the Senate Adhere.

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that the Senate Adhere.

Is this the pleasure of the Senate?

It is a vote.

#### Enactors

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

AN ACT to Allow the Mapleton Sewer District to Charge the Full Cost Incurred in Filing a Lien. (H. P. 2331) (L. D. 2139)

AN ACT to Amend the Electric Rate Reform Act to Require the Public Utilities Commission to Consider Utility Financing of Energy Conservation. (H. P. 2275) (L. D. 2122)

AN ACT to Protect the Atlantic Salmon Fishery in the Lower Penobscot River from Veazie to the Southernmost Point of Verona Island. (S. P. 906) (L. D. 2048)

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

AN ACT Authorizing the County of Cumberland to Raise and Expend Funds for the Construction of a Court House and for Capital Improvements to and Related Facilities for Certain Court Houses. (H. P. 2087) (L. D. 2024)

Comes from the House, Indefinitely Postponed.

On motion by Senator Huber of Cumberland, LD 2024 was Indefinitely Postponed, in concurrence.

#### Emergency

AN ACT to Extend the Health Facilities Information Disclosure Act and to Authorize the Charging of Fees for the Dissemination of Information. (H. P. 2238) (L. D. 2096)

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

#### Emergency

AN ACT Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law. (H. P. 2239) (L. D. 2098)

On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table,



pending Enactment.

#### Emergency

AN ACT to Amend the Exemption from Sales and Use Tax for the Sale of Certain Instrumentalities of Interstate or Foreign Commerce. (H. P. 1905) (L. D. 1890)

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

#### Emergency

AN ACT to Amend the Exemption from Sales and Use Tax for the Sale of Certain Instrumentalities of Interstate or Foreign Commerce. (H. P. 1905) (L. D. 1890)

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

#### Emergency

AN ACT to Clarify the 1981 Amendments Relating to the Operating Under the Influence and Habitual Offender Laws. (H. P. 2309) (L. D. 2138)

#### Emergency

AN ACT to Revise the Salaries of Certain County Officers." (H. P. 2280) (L. D. 2126)

These being emergency measures and having received the affirmative votes of 30 members of the Senate, with No Senators having voted in the negative, were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

#### Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1982. (H. P. 2300) (L. D. 2133)

This being an emergency measure and having received the affirmative votes of 30 Members of the Senate, with No Senators having voted in the negative, was Finally Passed and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

#### Order

An Expression of Legislative Sentiment recognizing:

Robert Bryant, of Minot, winner of the School Union 29 Spelling Bee Contest." (S. P. 987) presented by Senator TRAFTON of Androscoggin.

Which was Read and Passed.  
Sent down for concurrence.

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

#### Communication Committee on Judiciary

April 6, 1982

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 110th Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Earl J. Wahl to the position of Judge of the District Court of Maine.

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

YEAS: 3 Senators  
8 Representatives  
NAYS: 0 Senators

0 Representatives  
ABSENT: 0 Senators

2 Representatives - Rep. Benoit, S. Portland & O'Rourke, Camden

11 members of the Committee having voted in the affirmative and 0 in the negative, it was the vote of the Committee that the nomination of Earl J. Wahl be confirmed.

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

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of Earl J. Wahl be confirmed.

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

The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Thank you, Mr. President. Members of the Senate, it is my pleasure today to commend Mr. Earl Wahl to you as an outstanding gentleman and citizen of Washington County. He is a personal friend and is considered to be a man of very high repute within the County. I commend him to you today. I urge your confirmation.

The PRESIDENT: Is the Senate ready for the question?

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

#### ROLL CALL

YEA—None.

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

ABSENT—O'Leary.

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

#### (Off Record Remarks)

#### Orders of the Day

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

Bill, "An Act to Index Annually the Standard Deduction Provision of the Maine Personal Income Tax and to Provide for a Statutory Referendum. (H. P. 2074) (L. D. 2017)

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

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

Senator COLLINS: A Parliamentary inquiry, Mr. President. Is the motion to Insist now in order?

The PRESIDENT: The Chair would advise the Senator that the motion to Insist is the only motion available to the Senate.

Senator COLLINS: Mr. President, I move that the Senate Insist.

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

Senator WOOD: Mr. President, Men and Women of the Senate, I hope that we do not Insist today. I would ask for a Roll Call when the vote is taken.

I think that it is very important that we pass

some kind of measure, some kind of indexing measure this Session. We have had indexing measures before us repeatedly. The citizens of this State have requested repeatedly that we offer some relief from inflation.

This is a modest proposal, I realize, but nonetheless it is a proposal that will meet the needs of 80% of the taxpayers. Those taxpayers that file the short form that are not allowed the luxury of itemizing their deductions, and therefore, taking advantage of the inflation factor when you itemize your deductions.

These are the people, the little people of the State, who year after year pay their taxes faithfully, who will now be able to receive some modicum of relief from the State. I fail to understand why we would want to kill this Bill. The motion to Insist would have that effect.

It was a year ago at this very time that the Senator from Knox, Senator Collins, made the motion that we pass a bill of this nature. He is today saying that we should kill this measure. The very same people that are voting against this Bill have been saying that we should piggy-back the income tax to help out businessmen at a cost of \$10,000,000. Yet, when it comes to 80% of the people of the State of Maine, the middle-class people of the State, the people that we're supposed to represent, we are unwilling to give them \$1,000,000 worth of tax relief.

I would say that we are all a bunch of snogsters. That's the word that Harry Truman had for those people who are always on the winning side until the final vote comes, and somehow they disappear, who were all in favor of motherhood and apple pie until the hard decisions had to be made.

The hour is late. I would suggest that \$1,000,000 worth of income tax relief to these people are not to much to ask. I urge you to vote against the motion to Insist.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I would urge that the Senate Recede and Concur with the House.

The PRESIDENT: The Chair would advise the Senator that the motion is not in order, that motion having been defeated once. Insist is the only motion available to this Body.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: A parliamentary inquiry. Was there not an interceding motion between the motion to Recede and Concur?

The PRESIDENT: The Chair had been advised by the parliamentarian that the only motion available to the Senate is now Insist. The motion to Recede and Concur failed on a 15 to 15 tie. The motion to Adhere failed. The only motion left is to Insist.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: May I approach the rostrum?

#### (Senate At Ease)

The Senate called to order by the President.

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

Senator CONLEY: Mr. President, I move that this item be Tabled until later in today's session.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that this item be Tabled until later in today's session. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion



to Tabled L. D. 2017 until later in today's session, please rise in their places to be counted. Will all those Senators opposed, please rise in their places to be counted.

14 Senators having voted in the affirmative, and 16 Senators having voted in the negative, the motion to Table does not prevail.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I would now move that the Senate Recede and Concur with the House.

#### (Senate at Ease)

The Senate called to order by the President.

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

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

#### Order

##### Joint Resolution

A Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of the Honorable Howard A. Chick, of Sanford, who served as a member of the 106th Maine Legislature. (S. P. 988) presented by Senator WOOD of York (Co-sponsors: Senator HICHENS of York, Senator CLARK of Cumberland and Representative PAUL of Sanford).

Which was Read and Passed.  
Sent down for concurrence.

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

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

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

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

#### Recess

##### After Recess

The Senate called to order by the President.

#### (Off Record Remarks)

##### Enactor

The Committee on Engrossed Bills reported as truly and strictly engrossed the following: AN ACT to Revise the Education Laws. (S. P. 897) (L. D. 2042)

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

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

#### Papers from the House Joint Orders

Expressions of Legislative Sentiment recognized:

Anthony Pellegrini, chosen 1982 Valedictorian of Morse High School. (H. P. 2337)

Cynthia Deschenes and John Schneider, Co-Valedictorians and Mark Wilson, Salutatorian, for the 1982 graduating class of Stearns High School. (H. P. 2338)

Bill Michaud, of Troop 58 of Millinocket, who has attained the high rank and distinction of Eagle Scout. (H. P. 2339)

Linda R. Harvery, chosen 1982 Valedictorian

of Central High School in Corinth. (H. P. 2340)

Scott K. Brown, chosen 1982 Salutatorian of Central High School in Corinth. (H. P. 2341)

Mount Desert Island Girls' Swim Team, winners of the State Class B Girls' Swimming Championship. (H. P. 2342)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

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

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

Bill, "An Act to Establish Standard Procedures Enabling the Formation of Municipal Power Districts." (H. P. 1959) (L. D. 1932)

In the Senate, April 5, 1982, the Bill and Papers Indefinitely Postponed, in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" (H-715), as amended by House Amendment "A" (H-760) Thereto, in non-concurrence.

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

Senator TRAFTON: Mr. President, I move the Senate Recede and Concur, and I would ask for 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 Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, Thank you. I have read over the Amendment put on by the House of Representatives. They have cleared up the objections that I had relevant to this particular bill. The only thing I did not agree with fully is the local referendum question. Only 10% of the people would vote on it, but I guess with the Bill watered down as it is, it doesn't pose any serious problem to the municipalities.

I checked with a few municipal officers and I guess they are in general concurrence that if and when they can afford to get into bonding of this type and to merge and run a power system, that they would do it. I guess it's a very, very remote thing, especially with the bonding situation as it has been explained to me.

I want to make the record very clear this afternoon. I will vote for the Enactment of this particular Bill.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Trafton, that the Senate Recede and Concur with the House.

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA—Ault, Brown, Bustin, Carpenter, Charrette, Clark, Conley, Dutremble, Huber, Kerry, Minkowsky, Najarian, Pierce, Pray, Sewall, C.; Shute, Teague, Trafton, Usher, Viollette, Wood.

NAY—Collins, Devoe, Emerson, Gill, Hichens, McBreaity, Perkins, Redmond, Sutton, Trotzky.

ABSENT—O'Leary.

Senator Redmond of Somerset was granted permission to change his vote from Nay to Yea.

Senator McBreaity of Aroostook was granted permission to change his vote from Nay to Yea.

A Roll Call was had.

23 Senators having voted in the affirmative and 8 Senators in the negative, with 1 Senator being absent, the motion to Recede and Concur with the House does prevail.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President, having voted on the prevailing side, I would now ask for Reconsideration and hope you would all vote against me.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Trafton, that the Senate Reconsider its action whereby it voted to Recede and Concur with the House.

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

Will all those opposed, please say "No".

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

#### Committee Report House

##### Committee of Conference Report

The Committee on the disagreeing action of the two branches of the Legislature on, Bill, "An Act to Adjust Fees for Licenses Issued by the Real Estate Commission." (H. P. 1809) (L. D. 1794) have had the same under consideration, and ask leave to report: that they are unable to agree.

On the part of the House:

KELLEHER of Bangor  
LANCASTER of Kittery

On the part of the Senate:

SUTTON of Oxford  
SEWALL of Lincoln  
CLARK of Cumberland

Comes from the House, the Report Read and Accepted.

Which was Read.

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

Senator CLARK: Mr. President, I move that we reject the Committee of Conference Report and further move that the Senate Insist and ask for a second Committee of Conference.

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

Senator SUTTON: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Clark, that the Senate reject the Committee of Conference Report, and Insist and Request a second Committee of Conference, please rise in their places to be counted.

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

19 Senators having voted in the affirmative, and 13 Senators having voted in the negative, the motion to reject the Committee of Conference Report in non-concurrence and Request a second Committee of Conference does prevail.

Sent down forthwith for concurrence.

The PRESIDENT: The Chair will appoint as conferees on the part of the Senate on the second Committee of Conference on Bill, "An Act to Adjust Fees for Licenses Issued by the Real Estate Commission. (H. P. 1809) (L. D. 1794).

Senators:

Sutton of Oxford  
Sewall of Lincoln  
Clark of Cumberland

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

#### Committee Report House

##### Ought to Pass—As Amended

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Adjust Levels of Compensation for Constitutional Officers, Members of the Legislature and the Senate

Secretary and House Clerk." (H. P. 2233) (L. D. 2091)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-746).

Comes from the House, Passed to be En-grossed as amended by Committee Amendment "A" and House Amendments "A" (H-748) and "D" (H-758).

Which Report was Read.

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

Senator COLLINS: Mr. President, this Legislature last year decided to approach the question of legislative compensation through the appointment of an outside commission, not connected to State government in any way, of independent citizens who could evaluate our positions and the work that we do and the fairness of our compensation.

That Commission, which was bi-partisan in nature, consisted of a couple of bank presidents, and a hospital personnel man, and an industrial executive with a lot of personnel experience, and a western Maine businessman well known for his sharp pencil. They did a very thorough job of investigating all of the factors that go into fair compensation. In a sense, they were the fact finders of the question about how and how much that we ought to be paid.

When we call upon such eminent citizens and they do a very thorough piece of work and present it in a very understandable form and very well supported with arguments, I think we owe it to them as well as to ourselves to look at it very carefully and to pay a great deal of attention to it.

We, of course, are the final deciders. It's not easy to decide in an election year to raise the salaries of those who come after us in the next Legislature. The voters always have the final word about whether we've acted prudently or not.

I find that the voters expect legislators to be paid fairly, and those who know something about what we do, most of them say you aren't paid nearly enough.

This proposal is never going to satisfy everyone, but it is apparent from the fact that it has passed the other Body that it has at least satisfied a number of the Members of this Legislature. It comes to us with a few changes.

One of those changes is that extra compensation for committee chairmen has been stripped out of the Report. The second is that that section that related to the constitutional officers, moving their compensation into a range and determination through the Legislative Council. That has been stripped out.

I think that those two changes are not of major significance in approaching the real problem that this Legislature has to deal with, because the Legislature can address some problems any time, but a Legislature can not raise its own salary while it is in office. We have to be looking ahead on this measure. There has been no increase since 1977. Meanwhile, we have been increasing the pay scales of everyone else in State government, year, after year, after year.

The proposal here, although it sounds like quite a lot when you think of it in one bite, in one year, if you were to spread that over the time period from 1977 to 1983, when this would really begin to be in effect, if you were to compound that change in the same manner that other salaries are generally compounded, you would find that it is a very reasonable and modest increment.

I think we would also find, if we studied this whole matter, that the expense levels likewise are only keeping up with the times. We have to remember that this expense level situation won't be with us until 1983. I expect that by then we will have even higher demands upon our pocketbooks for some of the things we must pay for as we travel, or as we have our meals,

or have our lodging here in Augusta.

So, it isn't easy and I know there will be a lot of different opinions in this Body about the best way to do this. I hope that we will take very seriously the work of this Commission. One of the factors that is very much on our minds as we come to the very closing days when we must clear an Appropriations Table that clearly doesn't have enough money around to satisfy it, is how do we fit this in with all the other items?

Because of that financial stringency, I will, if this Body permits, be offering, at a later point, an amendment that will suggest that at this time, we only address the salary aspects, and not the expense increase aspects. The reason for that is, I think, obvious, that next year we can take another look at the expense increase situation and see where it is in relation to the economy and our personal needs. We can adjust expenses during a term when we are in session. We can not address salaries, because that has to go to the next Legislature. That's the only way that we can do this sort of thing constitutionally.

The difference in money is around \$200,000. This has a price tag on it of about \$640,000. Working with a very limited amount of money, obviously that is a problem in itself. If it were not a problem, I would be urging upon you the full report, both expenses and salary. But because it is a problem, and we have to recognize that problem, I'm going to be suggesting that alternative as a way of cutting that amount back to about \$440,000. The exact amount will be in the footnote on the amendment, when it arrives.

So, I hope that we will take this seriously and I hope that we can find the courage to do what we think is fair, but in light of what others who have a very complete impartiality and objectivity say is fair. I realize it is difficult for us to say what is fair, but others have said it to us, at our request, in a very forthright and careful manner. I hope we will take that seriously.

The PRESIDENT: Is it the pleasure of the Senate to Accept the Ought to Pass, as amended, Report of the Committee?

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate: I, too, have been looking at this particular document very closely. I really feel that the Senator from Knox has given us a very thorough evaluation of this particular document.

I guess when I first came here in 1965, there was about \$1,800 a year, but yet over the years, I have been able to make do by working on the outside. I guess maybe the reason why I was able to do this is I am in commuting distance of the Maine Legislature, where maybe other members do not have that flexibility.

I think, generally, the people don't look upon the legislative job as one that is based upon compensation, no more than the citizens of the State of New Hampshire pay their Legislature about \$200 per year.

Most people evaluate it from the viewpoint, at least that I have spoken to, that if you can run for the Legislature, raise campaign funds, and sometimes it's very sizable in some areas that you certainly can make do insofar as your living expenses.

They further go on to state that we in the State of Maine did not design a Legislature as a profitable way of making or subsidizing your living.

I've paid very close attention to these remarks. I've got this from all over my Senatorial District. I'm talking about two different counties, Sagadahoc as well as Androscoggin. Although it is quite clear on the parts of some people, they misconstrue that our salaries are commensurate with the United States Congress. I assured them by no way can they make that correlation. They just have that lack of understanding.

I just want to be on record this afternoon,

Mr. President, when this vote is taken on the compensation Bill, that I intend, and I will vote against it.

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

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate: I would agree with some of the remarks that the Majority Floor-leader made concerning this Bill, and that is his opening statement was fairness, that the Commission wanted fairness. He wanted fairness. I think fairness is the key to the whole thing.

Under fairness, I would wonder if the good Senator from Knox or any other Senator here would like to make it fair as far as the commuters and those that stay here on the expenses go. I think we're all well aware that those that travel back and forth verify their mileage and get paid exact mileage, up to, under the new Bill, it would be \$24 a day. Those people staying here, regardless of what their expenses are, whether it's \$20 a week or \$50 a week for room, those people, under the new Bill would get \$144 a week, plus a round trip, plus their meals. Everybody would get meals, of course.

I think the whole thing is fairness. So why should a person that stays in the Legislature be allowed 6 days of expenses if we're here 5 days, plus a round trip, and those that commute back and forth get 4 days of expenses, plus 1 day of meals and 1 round trip? Now there's a difference there probably of \$120 or so a week, the way I have it figured out, for anyone who lives 50 miles away.

So I think if you want to make this thing fair, what I would like to do, when this Bill gets to Second Reading, is to have those people that stay here put in for actual lodging expenses, the same as those that travel back and forth, get paid for actual mileage, and everyone get paid their meal expenses. I think that way it would be fair, and probably that way I could support the legislation.

I'm not going to support legislation that continually discriminates against the commuters of this State. I think that is something that should be addressed and should have been addressed by the Commission.

I've had several people say to me, why didn't I go to the Commission and address the Commission? One reason I didn't is that we put this Bill out for a hearing, and I kept watching that calendar that comes out of the President's office, Appropriations Bills' Hearings. I never did see this Bill on the Appropriations calendar for a hearing. The next thing I knew, the Bill was out.

As far as appointing a Commission to study legislative pay increases, I think we're all well aware that Congress did this several years ago. Of course, the only thing they didn't, this Commission was different, because Congress wanted the Commission to set the salaries. Then they wouldn't even have to vote on their salaries. I think it's admirable that people would take the time to come up with a compensation plan for the Legislature, but you might remember that back in, when I was in the other Body at the time, probably 8 years ago, we had another Commission headed by Mr. Monks. That Commission came up with a more liberal plan than this is. That was cut down. I did attend that hearing.

So, I would think whatever we did, if we want to be fair, and I think fairness is the name of the game here, if we want to be fair with other legislators, and if we want to be fair with even State employees, as far as them getting their raise, I don't think we should take a very strong stand on taking care of ourselves and not putting that much consideration on the state employees that still haven't had a raise for, I think 2 years.

I would hope that my amendment, when it comes time, might be adopted by this Legislature.

The PRESIDENT: The Chair recognizes the

Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate: I started to think about this issue about the time the Bill was printed, trying to decide what I thought I would do. Once I saw the levels of compensation being recommended by the Commission, I pretty well decided what I was going to do. The good Senator from Androscoggin, Senator Minkowsky, said that he just wanted to be on the record. Well, I guess I could probably sit here and probably we'll have a Roll Call on this Bill, somewhere along the way, before it goes too far, so I probably will be on the record, but I think it's important that some things be said here today, because this is an issue that touches our political nerves about as deeply as anything that we deal with in this Legislature.

I have been here now for a few years and there have been pay bills raised and defeated, and raised and passed back in 1976. It is an issue that always has directly affected me, because I've never been fortunate enough to have a job, a full-time career oriented job that I could return to, as many of you do. I made that decision when I first came down here, and I have kind of scraped and scratched around the edges and done a variety of odd jobs and survived.

I find this one to be one of the most politically nonvolatile issues that I have ever dealt with back in my District. I think it was 3 weeks ago, I write a newspaper column every week that has some readership. I put into the column what the Commission's recommendations were and that I intended to support them, unless they got completely thrown out of whack. The tremendous surge of zero phone calls, and zero letters, and zero comments on the street reaffirmed what I thought before.

When I go back home and tell people that my salary in the Maine Legislature is \$3,500 a year, they think one, I'm crazy, or two, that stuff coming under the table must be awfully attractive.

We pride ourselves here in Maine, and I've heard most every member of this Body get up and talk about the citizen Legislature. I'll tell you what you're doing, you're very, very narrowly defining the word "citizen." How many times have you heard some speaker stand in this Body and talk about a bill that was going to gouge the middle-income working man and woman in this State?

Those kinds of bills do come along. Why do we stand here to defend them? Because the working man and women of this State, working men and women of this State are not here to protect themselves. Look around. This is the finest group of people over the last 8 years that I've ever worked with in my life, by and large. Look around. The definition of who can serve, not who wants to serve, but who can serve in the Maine Legislature is getting narrower, and narrower, and narrower. Look around this Chamber. Look at the statistics as of last Thursday, the filing deadline. 32 seats in one party. 12 seats in another party. In the House, I think 6 out of the 33 Senators have no opposition. That's sinful, that's sinful.

I saw a press release damning this Bill as soon as it hit the printers. The press release was written by my opponent, so it's going to be a good clear issue in the fight this fall. That doesn't bother me. That doesn't bother me at all.

I think it's important, whether I come back to this Legislature or any of you come back to this Legislature, that anybody in the State of Maine should be able to put their name on a petition and file it with the Secretary of State's office.

I agree with the Senator from Androscoggin, Senator Minkowsky, that we're not up here to make a profit. I hope and pray to God that by the time re-election results are final and by the time this Bill takes effect, if it ever does, if I'm fortunate enough to be re-elected shortly there-

after, I hope to be a practicing attorney. So it's not going to make a great deal of difference in my standard of living.

Who can afford to come here and serve? Do you want to narrow down the class of people so narrowly, so terribly narrow, that just a very, very small percentage of the citizenry of this State can afford to be here? I think that's what you're looking at. I think that's exactly what you're looking at.

The good Senator from Waldo, Senator Shute, just brought out a very good point. The Commission, which I believe was set up by the former Senator from Orono, Senator Ted Curtis, 8 years ago, or 6 or 8 years ago, recommended essentially the same salary level, 8 years ago, my sources tell me, from the front row. The same salary level. This is the big political issue, a lot of people think.

I'll just say this. I don't care who your opposition is, but if this is the issue that defeats you, if this is the issue that defeats you, then perhaps you haven't done a good enough job of explaining it to your constituents back home. It may, in fact, be one that defeats me. If it is, so be it. But I think I'll sleep a little more comfortably knowing that if this Bill passes, and if it passes with my support, that maybe there would be 10, 15, 150, 400 more people out of the million people we have in this State who could afford to run for this job.

I started to say I agree with the Senator from Androscoggin that this should not be a profitable job. I've always said that it ought to pinch a little bit to serve down here, but you shouldn't have to slash your wrists. You shouldn't cut out hundreds of thousands of people in this State who couldn't run. That's not fair. Thank you.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: In earlier debate when we were talking about the indexing bill, a statement was rendered that somewhere near 80% of the people in the State of Maine, which were referred to as little people, file individual income tax returns. That shows me very clearly, if it runs 80% of the so-called, "little people," the people of the State of Maine are not in a very, very high income bracket, are they?

If they fall in that particular category, that means that we might be making more than they are. I think that is totally unfair.

If you want to talk about fairness relevant to this particular Bill, then I don't think anybody here this afternoon would have any objection if we had a Roll Call on the acceptance of this. I so move and ask for a Roll Call vote.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you, Mr. President. Mr. President and Members of the Senate, I thank each one of my colleagues who have spoken on this matter, and I'd just like to offer a few observations of my own.

I'm extremely disappointed that the action, I believe, on the part of the Governor or whoever it was in appointing the members of the Commission caused such a delay that it wasn't until sometime late in February, early in March, that the first hearing of the Commission was held.

The second disappointment was that the day the first hearing was held happened to be a day when the Legislature was not in session.

Now I, and a lot of other Members of this Legislature have a full-time job back in the Bangor area. Therefore, I was in my office the day that the Legislative Commission was down here. According to the newspaper reports, only 4 Legislators showed up. Now there may have been others who weren't mentioned in the news accounts. I certainly would have shown, and I certainly would have testified to that Commis-

sion had they had their hearing on a day when we were in session.

You recall last year that we had a bill in here to shorten the length of the legislative session. I happen to be one who is not running for re-election, for a variety of reasons, but one of those reasons is not because the legislative compensation isn't higher. I happen to believe very firmly, and I think I'm more in agreement with Senator Carpenter on this, that it should pinch, it should pinch very hard. It should hurt. It should be a sacrifice to run for the Legislature.

When I started in 1976, campaigning, and was fortunate enough to be elected, and two subsequent times was fortunate enough to be re-elected, I didn't run for the salary.

I think we should have a citizen Legislature. I think that individuals should come down here, work their very hardest while they are here, and get back home and go to work at their full-time job. That's what I happen to be choosing, as a personal choice right now.

The final concern I have about this Bill, and I really haven't made up my mind whether I'm going to vote for or against the Bill, but how can we sit here today and how can the other Body almost have the nerve to debate this Bill before we get the State employees' pay contract to debate on? I fail to understand it.

I know everyone here has spoken very sincerely from the heart and I do not question the sincerity of those who have spoken in favor of this Bill and who will vote in favor of the Bill. I hope that you won't question my sincerity in making these remarks.

I would like to have seen the Commission appointed sooner. I would like to have seen the Commission, in my opinion, have the good sense, almost the courtesy to the Legislators that they are trying to help to schedule their first hearing when we happened to be in session and are available to go talk.

The most troublesome aspect to this whole thing is how can we sit here today and debate this, when we haven't yet voted on a State employee pay contract? Thank you very much, Mr. President.

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

Senator COLLINS: Mr. President, I honor the remarks of my good friend, the Senator from Penobscot, Senator Devoe. I would like to point out to the Senate, however, one different view, with respect to timing.

When the State employees settle a contract with the State of Maine, their pay is retroactive to July 1, 1981. That's bound to be a part of the contract. If we pass a pay raise, it's not going to come into effect until the next Legislature, which will commence next winter. I would surely hope that by that time, a State employee's pay contract would be in force. I just can't imagine it going longer than that.

I can't see that any action on our part about this, which is a prospective action, ought to, I guess I fail to see why the timing ought to be synchronized, which I assume is perhaps the implication that is offered here.

We are under a Constitutional restriction that has no application to State pay raises for our classified service. We can't raise our own pay in the session to which we are elected. We have to look ahead. We have to decide the pay for the next Legislature. The Constitution made it that way and we can't do anything about that.

Pay raises for State employees are not something that we have anything to do with until the Governor and the union have come to an agreement and made a contract which they submit to us for ratification. Certain things are within our hands as to timing. Certain things are not. The Constitution says something about what is and what isn't. The laws that we enacted years ago about collective bargaining determine the timing of other things.

So I say that we ought to do what we can do.

what our laws permit us to do, and not feel at all embarrassed that we don't have on our desks today a contract with the State employees, because that we have no control over. If we did, I would recognize the justice of the position of the Senator from Penobscot, but I can not recognize a just position there, when we have no control over it.

So I would urge us not to be distracted by that. We need to remember that we don't get merit increases year, to year, to year, as the State employees do. We have to make a judgment once every so often, and the Constitution tells us the timing.

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

Senator NAJARIAN: Mr. President and Members of the Senate, I would like to just point out to the good Senator from Penobscot, Senator Devoe, that the Commission was appointed, I believe, by the Speaker of the House and the President of the Senate, and not by the Governor.

Number two, the Commission held 9 meetings, including 2 public hearings. Now the one that you referred to was February 8, which was probably on a Monday and was a day when we were not in session. However, their second public hearing was on March 18, which was a Thursday. I believe we all received a notice on our desks of that hearing. I can understand why, if you didn't see it, with all the papers that we have, but it was held on March 18, at a time when the Legislature was in session.

While I'm on my feet, I have the report of the Commission. I would just like to point out a couple of things to the Members of this Senate. Three considerations which guided them in their deliberation. One was that their recommendation be fair, just, and reasonable. Second, that the pay ought not to be so low as to discourage citizens from seeking office, but not so high as to be the sole reason for seeking a Senate or House seat. Third, that it is very difficult for the Legislature to resolve this issue of their own pay.

That's one reason why I believe that since none of us can be objective about this, whether we're for it or whether we're against it, whether we think it ought to be more, whether we think it ought to be less, we just ought to leave it alone, because as the good Senator from Knox, Senator Collins, pointed out, these are not big liberal spenders that are making this recommendation to us.

Third, I'd just like to say that although in Maine, we pay our Legislators, \$29,000 less over the biennium than the national average of \$36,000, and \$12,000 less than the national geometric mean of \$19,000 for the biennium, they did not use that as their guide. They used five economic indicators, median household income for Maine, average personal income, per capita income, average hourly wage for factory production workers, the PCE deflator, and the consumer price index. Those range between 1977, when we had our last increase, and 1981, of between 35% and 52.7% for an average of 45%. That is about what their increase that they're recommending to us, in an average of about 45%.

I personally feel that's reasonable. I feel it's very conservative. I think that as Senator Collins says, taking out the Constitutional officers and the committee chairmen does no great harm to the Bill. I hope that the Senate will support it. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Kerry.

Senator KERRY: Mr. President, Ladies and Gentlemen of the Senate, I've listened to this debate with great interest, and I think Senator Devoe mentioned something that I think is important, that everyone who has debated this has tried to have been as objective as they can and as sincere as they can about this issue.

I, for one, have never seen a political advantage for voting oneself or even any legislator, even in the next session, a pay raise. I will definitely not be here during the next session, so I think I can look about it and talk about it with a certain degree of objectivity.

I have evolved on this issue to the point where I was thinking of how can we vote anybody a pay raise in the Legislature, when we can not provide services for the elderly, for the child abuse and neglect, for many of these other issues that are close to many people who are here.

And then you think about, who are the people who vote for all of these bills? Who are the people that work hard, sometimes two and three jobs to come here, regardless of party affiliation, someone who leaves this Body at 4:00 or 5:00 in the afternoon and goes to work at S.D. Warren, or goes to a paper mill, or goes to their law offices, go home, and they are going home to teach night school, or getting up early in the morning to farm? They may be retired, they may be a widow. I think people feel self-conscious about giving themselves pay raises.

I would say this. I would like to mention that if you are going to vote for this, if you're think of not voting for it, and especially since it will not apply to people who are sitting in this Body, but think of the quality of the people and the time that most legislators spend doing their job.

I firmly believe, when I think of the hard work of many of the people in this specific Body, and in the other Body, that they certainly deserve a pay raise. As a small businessman, I know what sacrifices I make, and my family makes in order that I may serve the public. Yet, I feel that I have an advantage who do not own their own business, and can not set their own times.

Secondly, I would point out that I believe that we spend well over a billion dollars in this State with our budgets. There is a substantial amount of money. You want to maintain the quality of the individuals that come to serve here. I would say this, that I am going to vote in favor of this. It will not do me any advantage. I can not think of a political advantage, certainly not a monetary advantage for it, but I'm doing it for the people who I think have sacrificed greatly. I did overcome a reservation, a grave reservation that I had, because of the retirees, because of the elderly, because of the child abuse and neglect, because of the cutbacks from the federal government, because some momentous decisions are going to be made here by people who must have not only a great sensitivity to the issues, but must understand what it means to hurt. I think most of the people in this Body and in the other Body do understand that.

So, I would hope that we would support this measure for that, because I know the people who are in this Body and the other Body have sacrificed and it does hurt.

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

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate, I read in the Commission's report that the Maine Legislature is now 38th in the nation as far as compensation goes. I wonder if some of the more knowledgeable people as far as the State average income goes could tell us where the average income of the State of Maine is as far as nationwide income goes? I believe we are about 38th, also, in the State of Maine.

We've heard quite a lot here today about the little people in the State not being able to serve in the Legislature. I wonder who could tell me which of the little people were on the Study Commission here, in the State of Maine? Which little people did we ask who should get the, how much of an increase we should have in compensation?

As I read these five names, there's not many little people on there. I didn't see many mill

workers, or sardiner packers, or anyone else on there.

I guess that evidently those that want this compensation plan passed, we're going to pass the salary this year, and then the first day of next year, we can pass the compensation plan. Still, the question will go on, when are we going to have the fairness between the commuters and those that stay here as far as expenses go?

I wish somebody that stays overnight here in Augusta and gets their 6 days expenses for staying here 5 days, gets their round trip, would address that question.

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 Ought to Pass, as amended, Report of the Committee.

A Yes vote will be in favor of Accepting the 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, Clark, Collins, Conley, Devoe, Dutremble, Gill, Huber, Kerry, McBreairey, Najarian, Perkins, Pray, Redmond, Sewall C.; Trafton, Trotzky, Usher, Violette, Wood.

NAY—Ault, Emerson, Hichens, Minkowsky, Pierce, Shute, Sutton, Teague.

ABSENT—O'Leary.

A Roll Call was had.

23 Senators having voted in the affirmative and 8 Senators in the negative, with 1 Senator being absent, the motion to Accept the Ought to Pass, as amended, Report of the Committee in concurrence does prevail. The Bill Read Once. Committee Amendment "A" was Read and Adopted, in concurrence. House Amendment "A" was Read.

The PRESIDENT: Is it now the pleasure of the Senate to Adopt House Amendment "A"?

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, there are two House Amendments on the Bill, I believe, I wonder if someone would like to explain exactly what they do?

The PRESIDENT: The Senator from Kennebec, Senator Pierce, has posed a question to any Senator who may care to answer.

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President and Members of the Senate, I believe that one of the House Amendments removes the portions of the Bill which relate to the Constitutional officers. They put them in and a range, that's been taken out. The second change is that there was a 12.5% increase recommended for the committee chairmen. That has been taken out of the Bill.

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

Senator PIERCE: Mr. President and Members of the Senate, I noticed there is a House Amendment filed by Mr. Jackson, which removes the Constitutional officers and the Senate Secretary and Clerk from the statute, and then another one that was offered, evidently was not offered but is now printed and just came across our desks from Mr. Jacques of Waterville.

My understanding is there is a mistake in the original House Amendment, and that actually the people involved would be removed from statute, not just from the Bill. I wonder if anyone would want to comment about that.

The PRESIDENT: Is it now the pleasure of the Senate to Adopt House Amendment "A"?

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: The Senator from Kennebec, Senator Pierce, has raised a question, I think, that relates to House Amendment "D". I have not had opportunity to check that. It would be my suggestion that we proceed with the Adoption of House Amendment "A" and then let the matter be Tabled until later in today's session so that we can check that point that the Senator has made more carefully.

House Amendment "A" was Adopted, in concurrence.

Senator COLLINS: Mr. President, I now move that we Table this matter until later in today's session.

#### (Senate at Ease)

The Senate called to order by the President.

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

Senator COLLINS: Mr. President, I ask leave of the Senate to withdraw my Tabling motion on the pending motion.

The PRESIDENT: The Senator from Knox, Senator Collins, requests leave of the Senate to withdraw his motion to Table LD 2091.

Is it the pleasure of the Senate to grant this leave?

It is a vote.

On motion by Senator Collins of Knox, Re-cessed until the sound of the Bell.

#### Recess

#### After Recess

The Senate called to order by the President.

The PRESIDENT: The Senate is presently in consideration of a Bill, An Act to Adjust Levels of Compensation for Constitutional Officers, Members of the Legislature and the Senate Secretary and House Clerk. (H. P. 2233) (L. D. 2091)

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

Senator COLLINS: Mr. President, I apologize to the Senate for having misinformed the Senate earlier this evening about the Constitutional status of changing reimbursements during the term of the Legislature in which we are currently serving. I have learned that you may change reimbursements for mileage, but not for other expenses of serving here.

I have, therefore, junked my previous suggestion and will be supporting the Commission report, as amended by the removal of committee chairmen extras, and by removal of the Constitutional officers.

Procedurally, in order to permit us to complete addressing this matter, it is my intention to move to kill House Amendment "D" because of a technical error that was discovered there. We have prepared a new Amendment which will be offered to replace that technical error relating to the Constitutional officers.

The Senator from Hancock, Senator Perkins, has an amendment which he will explain to you. I will defer to him so that he may offer his amendment before the one that I have to offer, because the two are in conflict and I would prefer that the Senate make a decision on Senator Perkins' amendment first, then we will move in that direction.

I guess then, Mr. President, that the next procedure would be reading the House Amendment "D".

House Amendment "D" was Read.

On motion by Senator Collins of Knox, House Amendment "D" was Indefinitely Postponed, in non-concurrence.

The PRESIDENT: The Chair recognizes the

Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President, I move that the Rules be Suspended for purposes of Reconsideration.

The PRESIDENT: The Chair would advise the Senator that he is considering, Reconsidering Committee Amendment "A", it is not necessary to Suspend the Rules.

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

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

Senator PERKINS: Mr. President, I now offer Senate Amendment "C" to Committee Amendment "A" under a filing number of S-470 and would move its adoption and would speak briefly.

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

Senate Amendment "C" (S-470) to Committee Amendment "A" was Read.

The PRESIDENT: The Senator has the floor.

Senator PERKINS: Mr. President, Ladies and Gentlemen of the Senate, I realize the hour is late, so I will try to be brief. My Amendment removes everything within the Bill except the expenses, the daily expenses which will be as the Commission recommended, of \$45 a day and \$21 a day, from \$35 to \$45, and from \$17 to \$21 a day for the expenses.

I respect very much the comments that have preceded me. I also respect very much the recommendations of the Commission and respect the time and hours that they put into this. I do, however, see some conflict in my own mind that accepting or spending this money when we have not accepted a budget, the State employees have been mentioned, the basic salary for those in my area would indeed, in some cases, fall under that which I would be proposing for myself, were I to be re-elected.

With regard to the Appropriations Committee recommendation, I did indeed vote for its acceptance because I voted it out of Committee. There were to be, I suspect, five different reports would have come from the Appropriations Committee, so therefore we on the Committee agreed to vote it, the recommendation, out intact.

I would refer to the absence of hearings in that the Committee accepted the Report of the Commission, had no hearing but the hearing had been held by the Commission. This was merely a report from the Commission to the Committee. We, therefore, approved that and sent it to the floor of the Senate.

I would urge you, that in this day when the State employees have not had their pay raise, even though it be retroactive until last July, they don't have it in their pocket as yet. Many of my people are suffering under some adverse circumstances already, with the long winter, with an increase of fuel and other things. I, therefore, feel that I would like not to vote a salary increase for myself or for my successor, but would indeed feel that the expenses would be one route to follow.

I present those to you without prejudice, but feel that there is an avenue and in hearing the Bill, that this would be an avenue that I would recommend for myself and for you also if you feel of a like mind. If you do not feel of a like mind, then I respect you for it. These are my thoughts and I present them to you.

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

Senator DEVOE: Thank you, Mr. President. Mr. President, I'd like to direct a question through the Chair to the Senator from Hancock. In reading, if the Amendment that he is offering has a filing number of S-470, then it seems to me to reduce the constituent allowance back to the \$200 that it's already at, and to reduce, instead of increase to \$45, the way I

read this Amendment, he is purporting to reduce to \$25, the expenses. I wish the Senator would address that. Otherwise, I have a real concern with this Amendment under filing number S-470.

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

Senator PERKINS: I did indeed intend to reduce the constituent allowance from \$300 to \$200. If I read under line 23, further amend the Bill in Section 8, the first sentence, page 3, striking out the figures 25 and adding 35, I would read that also as the Senator infers. This is an error in the printing, because my intention was to add that to figure \$35.

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

Senator COLLINS: I move that Senate Amendment "C" be Indefinitely Postponed.

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

Senator PERKINS: Mr. President and Ladies and Gentlemen of the Senate, I would oppose the Indefinite Postponement of Senate Amendment "C", as flawed as it is, and would ask someone if they would Table this until later in today's session or until, for 1 Legislative Day, because I feel, in fairness to the Legislature, that this position should be aired. It would not be properly aired in this posture.

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

Senator PIERCE: Mr. President, I move this be Tabled until later in today's session.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now moves that this be Tabled until later in today's session.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion to Table LD 2091 until later in today's session, please rise in their places to be counted.

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

8 Senators having voted in the affirmative, and 18 Senators having voted in the negative, the motion to Table until later in today's session does not prevail.

On motion by Senator Collins of Knox, Senate Amendment "C" (S-470) was Indefinitely Postponed.

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

Senator COLLINS: Mr. President, I now offer Senate Amendment "B" to Committee Amendment "A" and move its adoption.

The PRESIDENT: The Senator from Knox, Senator Collins, now offers Senate Amendment "B" to Committee Amendment "A" and moves its adoption.

Senate Amendment "B" (S-469) to Committee Amendment "A" was Read.

The PRESIDENT: The Senator has the floor.

Senator COLLINS: Mr. President, the purpose of this Amendment is to correct the technical error in House Amendment "D" that we've already killed off. The resulting net effect is that the Constitutional officer will have been removed from the Bill, but they'll go back to their old statutory salaries that are already on the books.

Senate Amendment "B" to Committee Amendment "A" was Adopted. Committee Amendment "A", as amended by Senate Amendment "B" was Adopted, in non-concurrence.

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

Senator SHUTE: Mr. President, I offer Senate Amendment "A" to LD 2091 and move its adoption.

The PRESIDENT: If the Senator would defer his motion so we could give this Bill its Second Reading.



Under Suspension of the Rules, the Bill, as amended, Read a Second Time.

The PRESIDENT: The Chair understands that the Senator from Waldo, Senator Shute, now offers Senate Amendment "B" to LD 2091 and moves its adoption.

The Chair understands that the Senator from Waldo, Senator Shute, now moves that the Senate Reconsider its action whereby it Adopted Committee Amendment "A" to LD 2091.

Is this the pleasure of the Senate?

It is a vote.

The Chair also understands that the Senator from Waldo, Senator Shute, now offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption.

Senate Amendment "A" (S-466) to Committee Amendment "A" was Read.

The PRESIDENT: The Senator has the floor. Senator SHUTE: Mr. President and Ladies and Gentlemen of the Senate, I thought I wouldn't be offering this Amendment because I felt that what Senator Collins said, that he'd be striking the expenses off this year and taking them up next year. That didn't come to pass so I am going to offer this Amendment and hope that the Senate, in the name of fairness, might Adopt the Senate Amendment that would treat commuters and those that stay here fairly.

What the Amendment does, is right now commuters get paid actual mileage, expenses going back and forth. They also get a meal allowance, which everybody gets. Those that stay here get their maximum allowable expense regardless of their lodging.

So, all my Amendment does is say that everyone in the Legislature will get \$21 a day for meals and everyone will be allowed up to \$24 a day for either mileage or for lodging, actual expenses. I think if we're going to have one group verify their expenses, why not have the other group verify their expenses. So I hope you might adopt the Amendment.

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

Senator COLLINS: Mr. President, I would request a Division on the pending motion. This problem that the Senator refers to is one that we have discussed, I think, twice in my memory here. Of course it involves each of us keeping an expense vouchering system and submitting that.

When we debated it before, it was the general feeling that it was a wiser way to adopt a rather standardized figure and everyone adhere to it.

I think we have to recognize that some will fare better than others with that kind of a system. On the other hand, if we adopt the system that is suggested by the Senator from Waldo, we require ourselves to do a considerably greater amount of justifying and we require additional staff work in the Legislative Finance office to keep track of what we are claiming for reimbursements.

The net result, of course would be some savings to the State, but on balance, I think that we decided correctly before, that it was wiser to adopt a standard amount.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Adoption of Senate Amendment "A" to Committee Amendment "A" please rise in their places to be counted.

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

8 Senators having voted in the affirmative, and 20 Senators having voted in the negative, the motion to Adopt Senate Amendment "A" to Committee Amendment "A" does not prevail.

Is it now the pleasure of the Senate to Adopt Committee Amendment "A" as amended?

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, a parliamentary inquiry. Is there a parliamentary

procedure to get before us again the Amendment that Senator Perkins had tried to present at this point?

The PRESIDENT: The Chair would answer the Senator in the affirmative, that the motion to Reconsider would be in order on the Perkins Amendment, which was simply killed.

The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President, I would ask the Senate to Reconsider whereby it Indefinitely Postponed Senate Amendment "C".

The PRESIDENT: The Senator from Hancock, Senator Perkins, now moves that the Senate Reconsider its action whereby it Indefinitely Postponed Senate Amendment "C".

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you, Mr. President. Mr. President, before we vote on this, I would like someone else in the Body to tell me whether I'm reading Senate Amendment "C" with a filing number of S-470 incorrectly. If I am, I would appreciate someone correcting me. If I am not reading it incorrectly, then it seems to me that this Bill reduces the money that will be paid to legislators rather than increasing it. It goes from, you strike out the figure 35 and you put in its place 25. If you look at Section 8 of the Bill, which is on page 3, they're talking Members of the Senate and House shall receive, in the Bill, \$35 for every day's attendance, and a meal and housing allowance in the amount of \$45.

Yet, this Amendment, it seems to me, cuts it back to \$25. I'm not trying to mislead anyone here, but if I'm incorrect in the way I am reading Senate Amendment "C", I wish someone would clarify it for all of us.

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

Senator PERKINS: Mr. President, after numerous trips to authorities greater than myself, I have been told that what I am attempting to do, and what is correct in the Bill, is I am correcting the salary portion of the Bill. This is the confusion that existed in the other Body but that actually, the correction is made in the salary portion, not in the expense portion.

I don't wish to argue points of law, because I'm not in the position, nor do I have the background to do so. I only, after having traversed the halls from one section here to the Research Office, have found that this to be the response I have received. My intention, as is stated in the Statement of Fact, is merely to deal only with the expense portion of that. The expense portion will be \$45 to \$21, to that degree only.

The PRESIDENT: Is it now the pleasure of the Senate to Reconsider its action?

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, now that we understand the real effect and intent of this Amendment by the Senator from Hancock, Senator Perkins, I think we still need to face the basic question of whether we want to Adopt it or not. If we Adopt it, we are, in effect, throwing out everything else that we've been trying to do here tonight, because we are not having a salary increase. We are adjusting downward even some of the expense increases that are in the Bill.

So, rather than go through a lot more parliamentary procedures, I would ask the Senate to simply vote against Reconsideration, and if you vote, if that is the way the vote goes, that will have recorded for the Senator the wishes of the Senate.

The PRESIDENT: The pending question is Reconsideration of the Indefinite Postponement of Senate Amendment "C".

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

The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: I ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Reconsideration, please rise in their places to be counted.

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

9 Senators having voted in the affirmative, and 19 Senators having voted in the negative, the motion to Reconsider does not prevail.

Committee Amendment "A", as amended by Senate Amendment "B", thereto, was Adopted, in non-concurrence. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

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

#### Communication House of Representatives

April 6, 1982

Honorable May M. Ross

Secretary of the Senate

110th Legislature

Augusta, Maine

Dear Madam Secretary:

The House voted today to Insist and Join in a Second Committee of Conference on Bill "An Act to Adjust Fees for Licenses Issued by the Real Estate Commission" (H. P. 1809) (L. D. 1794)

The Speaker appointed the following members of the House to the Committee.

Representative KELLEHER of Bangor

Representative CARTER of Winslow

Representative LANCASTER of Kittery

Respectfully,

S/EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

#### Orders of the Day

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

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

Tabled—April 5, 1982 by Senator EMERSON of Penobscot

Pending—Enactment

On motion by Senator Emerson of Penobscot, Retabled for 1 Legislative Day.

The President laid before the Senate:

Bill, "An Act to Index Annually the Standard Deduction Provision of the Maine Personal Income Tax and to Provide for a Statutory Referendum." (H. P. 2074) (L. D. 2017).

Tabled earlier in today's session by Senator Collins of Knox, pending the motion by the Senator from Knox, Senator Collins that the Senate Insist.

The PRESIDENT: A question was posed, a parliamentary inquiry was posed to the Chair by the Senator from Cumberland, Senator Conley. The Chair will rule thusly. In matters of non-concurrence, the rules are very specific. All motions must be entertained before the Chair can re-entertain a specific motion.

In this instance, the motion to Insist had not been entertained. That motion was put before the Body and is in order. This motion must be disposed of, after which time then the entire chain of motions is again in order.

Is it the pleasure of the Senate to Insist?

It is a vote.

The Chair is in error. A Roll Call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate: First of all, I want to thank the ruling given by the Chair. I just want to state, without detaining us here any longer tonight and I believe any ruling given from the



Chair must be one of absolute, one that everyone can be assured that that decision or that ruling has been made, has been made in good faith and the best decision based on information.

Although some may feel that I've tried to delay the hearing on this, or the action on this particular bill, I feel that a ruling from the Chair in this House or in the other Body is just as valid as the statute that has been passed and has the effect of law.

So, again, Mr. President, I thank you very much for the ruling.

The PRESIDENT: The Chair thanks the good Senator from Cumberland for his observations.

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

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

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

The pending question before the Senate is the motion by the Senator from Knox, Senator Collins, that the Senate Insist.

A Yes vote will be in favor of the motion to Insist.

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, Huber, McBreaity, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague.

NAY—Brown, Bustin, Carpenter, Charette, Clark, Conley, Dutremble, Kerry, Minkowsky, Najarian, Pray, Usher, Violette, Wood.

ABSENT—O'Leary, Trafton, Trotzky.

A Roll Call was had.

15 Senators having voted in the affirmative and 14 Senators in the negative, with 3 Senators being absent, the motion to Insist does prevail.

#### Senate at Ease

The Senate called to order by the President.

On motion by Senator Pierce of Kennebec, Adjourned until 10:30 o'clock tomorrow morning.