

# 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 13, 1982

Senate called to order by the President.

Prayer by the Reverend David Glusker of the Green Street Methodist Church of Augusta.

REVEREND GLUSKER: Lord God, as we reflect on the events surrounding Easter and Passover, we acknowledge the importance of good conclusions. As we are gathered here today, we are very conscious of the importance of good conclusions. And so it is our prayer that You will bless those things that we have done and You will bless those things we are about to do, and that all that we do and have done may be counted as right in Your sight.

Bless the Members of this Body and those who are responsible for carrying out the decisions that are made herein. Enable us together to work for the good of the majority, and more than that, for the building of Your kingdom. Amen.

Reading of the Journal of yesterday.

Communication  
Maine Advisory Council on  
Vocational Education

12 April 1982

To the Members of the 110th Legislature:

The Maine Advisory Council on Vocational Education (MACVE) is pleased to forward to the members of the 110th Legislature a copy of its Twelfth Annual Report.

MACVE is a policy advisory body to the State Board of Education. It is mandated by Public Law 94-482, The Educational Amendments of 1976. Each year, the Annual Report is the vehicle which carries MACVE's recommendations to the State Board of Education.

MACVE members are dedicated to helping Maine improve vocational education in order to develop Maine's best natural resource — its people.

Sincerely,  
S/CHRISTINE SZIGETI-JOHNSON  
Executive Director

Which was Read, and with accompanying Report, Ordered Placed on File.

Order

On motion by Senator PERKINS of Hancock, ORDERED, that the Secretary of the Senate be authorized to furnish 100-20¢ postage stamps for each member of the Senate for the purpose of distributing various reports of the Departments of State and other public documents such as they may desire to mail to the citizens of the State.

Which was Read and Passed.

Orders of the Day

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

Senator HICHENS: Thank you, Mr. President. Optimistic that this is going to be the last day of our session, I would make my final shot as far as my poetry is concerned and share with you:

—SINE DIE—

Comes that time when we must say goodbye; papers, books all carefully placed away.

Hear the softly spoken "Sine Die" — or interpreted as "Without Day".

Our associations at an end — as we travel on the paths ahead,

But remembered — friend akin to friend — less remembered words that have been said.

Some of us will hopefully return with problems of the State once more to cope;

And new rules and regulations learn — as in uncertain areas we grope.

Others of us will walk through the door —

searching office on a higher plane.

Some choose not to serve here anymore — other realms of service to maintain.

We have argued, reasoned, compromised — sometimes reaching points of bitterness,

Yet when all our work can be surmised — we have found and conquered times of stress

In agreements that we trust will be for best interests of the people served,

And in the years ahead we hope to see laws effective in the realms deserved.

Partisan elected, we became as a unit — parties set aside

On most issues — many we can name — where non-partisan we really tried

To do what we thought as very best — for the folk by whom we were elected.

And I feel we all met the test — in serving on Committees as selected.

Human as we are, we made mistakes — that discovered our successors soon may change.

And there are some paths we chose to take that those who follow us will rearrange.

But as we all walk out of here today — I believe we'll go with head held high,

And each of us in truthfulness can say — "we did our best" — and as the years pass by

We'll all remember days we have spent here — and the friends in these two years we've made.

The staff so genial, pleasant to the ear — keeping desks so plenteously arrayed.

And as we leave these halls — fond memories will keep us ever here in thought and minds.

And often we shall find our reveries — will bring us back. Best be the tie that binds

Our hearts together in a mutual love that will sustain us as we go life's way,

And may God from His Heaven up above look down and bless us all from day to day.

Unfinished Business

April 7, 1982

The following matter, in the Consideration of which the Senate was engaged at the time of adjournment yesterday, has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 25.

The PRESIDENT: The Chair would direct the Senate's attention to the first matter of Unfinished Business:

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

Tabled—April 6, 1982 by Senator EMERSON of Penobscot.

Pending—Enactment.

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

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

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

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

Recess

After Recess

The Senate called to order by the President.

Order

Out of Order and Under Suspension of the Rules,

On motion by Senator COLLINS of Knox, ORDERED, that a message be sent to the House of Representatives proposing a Convention of both branches in the Hall of the House forthwith for the purpose of extending to His Excellency, Governor JOSEPH E. BRENNAN,

an invitation to attend the Convention and make such communication as pleases him.

Which was Read and Passed.

The President appointed Senator Collins of Knox to deliver the message, the Senator then retired to the Hall of the House and subsequently reported that he had performed the duties with which he was charged.

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

Paper From the House  
Joint Order

ORDERED, the Senate concurring, that "AN ACT to Accept Relinquishment of Exclusive Federal Jurisdiction Over Marshall Point Light Station in the Town of St. George," S. P. 855, L. D. 1992, be recalled from the Governor's desk to the House of Representatives. (H. P. 2361)

Comes from the House, Read and Passed.

Which was Read.

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

Senator COLLINS: Mr. President, this Bill that we Enacted did not contain an emergency clause. Already vandals are damaging this piece of federal property that has been turned over to the town for recreational purposes. An emergency clause would permit the local officials to exercise police powers there.

This is the purpose of this recall.

Which was Passed, in concurrence.

At this point a message was received from the House of Representatives, through Representative Mitchell of Vassalboro concurring in the proposition for a Joint Convention, to be held in the Hall of the House immediately to extend an invitation to Governor Joseph E. Brennan, Governor of the State of Maine, an invitation to make such comments as pleases him.

Orders

Expressions of Legislative Sentiment recognizing:

W. Malcolm Wilson, of Waterville, winner of the Elias A. Joseph Award in recognition of his volunteer efforts in the forming of a SCORE/ACE chapter in the greater Waterville area. (S. P. 993) presented by Senator PIERCE of Kennebec (Cosponsor: Representative MITCHELL of Vassalboro).

Mary Gardner Simcock, of Waterville, recipient of the Waterville Area Chamber of Commerce's 1982 Distinguished Community Service Award, for her demonstrated leadership, achievement and dedication to community betterment. (S. P. 994) presented by Senator PIERCE of Kennebec (Cosponsor: Representative FITZGERALD of Waterville).

Jean Paul Belanger, of Gorham, on obtaining the high rank and distinction of Eagle Scout. (S. P. 996) presented by Senator USHER of Cumberland.

Robert Estes, of Gorham, on obtaining the high rank and distinction of Eagle Scout. (S. P. 997) presented by Senator USHER of Cumberland.

Which were Read and Passed.

Sent down forthwith for concurrence.

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

Communication

Committee on Transportation

The Honorable Joseph Sewall  
President of the Senate  
State House

Augusta, Maine 04333

Dear President Sewall:

The Committee on Transportation is pleased to report that it has completed all business placed before it by the Second Regular Session of the 110th Maine Legislature.

Total Number of bills received in Committee	17
Unanimous Reports	15
Ought to Pass as Amended	9
Ought to Pass in New Draft	2
Leave to Withdraw	4
Divided Reports:	2
Respectfully submitted, S/JEROME A. EMERSON Senate Chairman	
Which was Read and Ordered Placed on File.	

#### Order

An Expression of Legislative Sentiment recognizing:

Marcella O'Halloran, of Waterville, who has received the Waterville Elks Lodge #905 Citizen of the Year Award. (S. P. 998) presented by Senator PIERCE of Kennebec (Cosponsors: Representative FITZGERALD of Waterville, Representative KANY of Waterville and Representative JACQUES of Waterville).

Which was Read and Passed.

Sent down forthwith for concurrence.

At this point the Senate retired to the Hall of the House, where a Joint Convention was formed.

(For proceedings of Joint Convention, see House Report)

#### After Joint Convention In Senate

The Senate called to order by the President.

#### Orders

Out of Order and Under Suspension of the Rules, on motion by Senator REDMOND of Somerset,

ORDERED, the House concurring, that "AN ACT to Amend the Maine Implementing Act with Respect to the Houlton Band of Maliseet Indians," (S. P. 931) (L. D. 2076) be recalled from the Governor's desk to the Senate. (S. P. 995)

Which was Read.

The PRESIDENT: The Senator has the floor.

Senator REDMOND: Mr. President and Members of the Senate, I fear that in the future, some of the agents for the Maliseets might abuse their powers we are giving away in this Bill, and become Czars to the citizens and property owners in unorganized townships. The Bill, 2076, which is an amendment to the Indian Land Claims Settlement of 1980, allows the federal government to purchase and hold land in Maine in trust for the Houlton Band of Maliseet Indians, with \$900,000 of money already allocated for this purpose.

The unequal treatment occurs in the provisions for the location of such land in trust. The Bill would allow for review and approval of the governing body of any city, town, village, or plantation, before the land trust could be established within their boundaries, but does not provide for any similar review and approval within the unorganized townships of Maine.

This is a clear case of discrimination against the thousands of citizens and landowners in unorganized townships. We're talking about establishing permanent government land trusts, which could only be altered in the future by an act of Congress. We're not providing for any means of public hearing or input.

My amendment to this Bill requires approval by the Legislature or the county commissioners, which are both governing bodies of the unorganized townships, before they can establish these trusts in those areas. Unless such a procedure is adopted, there is a risk of civil action against the State for failing to extend equal protection to the citizens and landowners of unorganized townships.

The decision we have to make today on this Legislation is whether we disrupt the process and strategy, which was used to ram it through at the eleventh hour, in order to assure our

posterity their equal rights. We must take the time and do our very best.

We've spent many hours in this session. We are accused of not accomplishing very much. Our form of government demands very much of us. We must correct the flaw in this piece of legislation, and we must do it responsibly.

In the first settlement, the legislators accepted their responsibility. We must continue to take precautions to avoid the injustices handed down to us by our predecessors and we must not repeat the same mistakes that were made.

What is leadership in our free enterprise society? Leadership, Ladies and Gentlemen, in this Chamber, all of us, collectively we are the leaders. As leaders, we must exercise our duties, without prejudice to any race, color, or creed. We must assure everyone equal protection of property rights.

We in the Legislature spend many hours and days working hard, using up taxpayers' money on items called emergencies that do not begin to measure or have the impact this Bill could have on communities. I'm asking you to bear in mind that we do not reject this Bill, and I repeat, we are not rejecting this Bill by placing that amendment on it. We're only asking that it be made a better Bill by voting for this amendment. In the end, it will help all of us.

Ladies and Gentlemen of the Senate, I'd like to point to you, when this came before the Committee on Judiciary, I did not attend that public hearing, however, I've done a little bit of work, because I couldn't understand this unanimous Ought to Pass Report. I would like to point to you a memorandum that was presented by Jon Hull to the Committee, subject LD 2076, Maliseet Indians Bill.

He goes, number one, two, three, four, five, are some of the items that he had some concern about. Five is identification of location of these lands. Ladies and Gentlemen, the location of these lands is very, very important. We are asking in the cities, towns, municipalities, and plantations, that they give their approval before locating these lands. We have left out the unorganized townships.

Another memorandum dated March 31, which was presented to the Committee on Judiciary. This one is from Thomas Tureen and Andy Janelle regarding the same public hearing. I point to you, and I would like to read from this memorandum, item three on page two. "It is suggested that LD 2076 must specify the general location of the future Maliseet lands. The LD deals with this question by indicating that the Houlton Band may acquire trust land anywhere within the State of Maine, providing the legislative body of any organized area gives, its prior consent to acquisition of land within any such organized area."

Section 5D, 4D of the federal act merely requires that the agreement between the Houlton Band and the State of Maine make provisions on the location of lands to be acquired in trust for the Houlton Band. There is no requirement that the agreement between the Houlton Band and the State specify location. The taxation issue was discussed by the Band and the State, the provision which appears in LD 2076 is the product of those negotiations."

Ladies and Gentlemen, what kind of mumbo jumbo is this? I don't, I can't make it out. I don't, I'm not satisfied. I would like to pose a question to the members of the Committee on Judiciary. I would like to hear from them whether they are satisfied to this alert that was brought up by Jon Hull and the answer given by Andy Janelle and Tom Tureen? I pose that question.

The PRESIDENT: The Senator from Somerset, Senator Redmond, has posed a question.

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you, Mr. President. Members of the Senate, I respectfully urge the Members of the Senate to vote against this

Joint Order. To specifically answer the question posed by the Senator from Somerset, Senator Redmond, the work session that we had on this Bill, after the hearing, at which time we had both the memorandum from Mr. Jon Hull and the reply memorandum from Mr. Janelle and Tom Tureen we were very much satisfied as to the response provided by Mr. Janelle and Mr. Tureen and decided, finally, that the Bill, in its drafted form, with one slight exception which the Committee amended, was perfectly proper.

I would like to point out that this Bill is the product of long and hard negotiations by the State. We have to keep in mind that it complies with the mandates of the federal law, the federal implementing act, which simply provided that any State legislation had to make provisions for the location of the land, but it did not, the federal implementing act did not have to state exactly what those provisions were.

Now in the original bill, with the Passamaquoddy and Penobscot Indians that we passed in 1980, there were specific parcels of land that were identified in the bill, from which, or within which, the Indians must purchase the acreage with the money that they had available to them. The bill did not specify exactly which parcels of land or portions of which parcels of land had to be purchased. They simply identified the parcels within which the land must be located.

We have to keep in mind that this Bill provides for no State money to be used in funding this, there is no governmental status accorded the Maliseet Indian Band. They are completely within and covered by State of Maine law at all times. They have no governmental powers.

Finally, there is a \$100,000 guarantee fund, which can be used by the Secretary of the Interior, if need be, to pay municipal taxes and to make payments in lieu of taxes for the land which constitutes the Maliseet Indian land that is ultimately purchased.

For these reasons, Mr. President, I respectfully urge the Members of this Body to vote against the adoption of this Joint Order. Thank you very much.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, I can't add anything to the words of the good Senator from Penobscot, Senator Devoe. This is, with the exception of three words, "or county commissioners", identical to the amendment that was defeated overwhelmingly in this Body the other day, or the amendment that would be proposed if this Order were passed.

I would simply ask that you would vote against passage of the Order. I think the issue has been very well discussed. I think the good Senator from Penobscot, Senator Devoe, has very clearly delineated what the opinion of the Judiciary Committee has been. I would simply ask that you vote against the pending motion, and Mr. President, I would request a Division on Adoption.

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

Senator REDMOND: Mr. President and Members of the Senate, I would like to again bring to your attention the question that I posed. I really appreciate the fine speech by the Senator from Penobscot, Senator Devoe, and this report by the proponent of the Bill, the good Senator from Aroostook, Senator Carpenter, but I don't see where they have answered my question.

My question keeps revolving around the equal protection clause of the United States and the Maine Constitutions. This is what my question revolves around, not some mumbo jumbo legal talk. It's very, very simple. It is equal protection of property that I am seeking for the people who live in unorganized townships, Ladies and Gentlemen, it seems that's simple enough.

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

Senator DEVOE: Thank you, Mr. President. I will try not to use much legal mumbo jumbo, but some of it may be necessary in order to respond directly to what the Senator from Somerset had posed as a question.

We have to keep in mind here is that this Bill gives a municipality the right to reject the purchase by the Secretary of the Interior of land within a municipality to be held in trust by the Secretary for the tribe.

At the present time, if this Bill passes, we will have a fund from which payments in lieu of taxes may be made. Now the key issue is payment in lieu of taxes. There is a fund, or there will be a fund, when this Bill is finally signed by the Governor, that will protect not only municipalities, but this State, in the event the Maliseet Indians were to fail to make payments in lieu of taxes. This Bill provides a mechanism by which those payments will come from a guaranteed fund.

So the Indians, when they purchase land, were they to fail to make payments in lieu of taxes voluntarily, are not going to be able to get any advantage that you, or I, or any other landowner in unorganized territory would have. We'd be subject to the duty to pay our taxes. If we were to choose not to pay the taxes, then the State could place a tax lien on the property and take away, ultimately, divest us of our legal title to the property for our failure to make payments of the taxes.

Now, I should think that the good Senator from Somerset, rather than being opposed to this Bill, would in fact be very pleased with this Bill, because if he opposes this, if this Bill were to get recalled from the Governor's desk, if in the process of tinkering around with it, some other Member of this Body or the Body at the other end of the hall were to tack an amendment on to remove this \$100,000 fund that is available for payment of monies in lieu of taxes, then in fact, the Indian landowners would have an advantage over other landowners. That is, the present statute does not give the State, as I read it, the power to place a tax lien, because of the fact that there is this \$100,000 guarantee fund.

This Bill, in its present form, Members of this Chamber, assures the State of Maine as the taxing authority in unorganized territory, that payments that are due the State for ownership of land in the unorganized territory are in fact going to be made.

Now the good Senator from Somerset also raised the question, the specter of whether the Houlton Band, if it were the owner of land in unorganized territory, was going to become a czar and coerce adjoining private landowners. I submit to the Members of this Body that the exact opposite is going to happen. That cannot happen under this Bill, as I read it, because this Bill gives no governmental jurisdiction to the Maliseets. It says that they are subject to all the laws of the State of Maine. There are no tribal courts. There are no Indian judges going to be appointed under this Bill. There are no special fishing or hunting privileges that the Maliseets will enjoy that you or I would not enjoy by virtue of hunting or fishing within the boundaries of their land.

The Maliseets are going to be treated just the same way that you or I would be treated, were we the owners of land within the unorganized territory. The additional protection which the State enjoys, as a result of the Bill in its present form, is that there is a guarantee fund from which payments in lieu of taxes will be made if the Indians do not voluntarily make them. Imagine what it would be like, if you or I, as private landowners, wishing to buy land in unorganized territory, had to post a bond of \$10,000 or \$20,000 to cover the possible default by us, after our purchase of land, if we were to fail in making payments of real estate taxes due the State of Maine. What a hue and cry

there would be around the State.

I submit to you, Members of the Senate, that this provision has been negotiated into this Bill in its present form, so we have a protection which the State enjoys, which we all represent, which the State does not enjoy with the private landowners who own land, who get tax bills from the State.

Finally, you think of the possible pressures that could be brought onto individuals who happen to occupy the office of county commissioner. Think of it for a minute. The three county commissioners of any county, who had to approve the purchase of land by the Maliseet Band of Indians, think of the tremendous pressures that could be brought on them. Think of the pressure that would be, could be brought on them that might end up in their frustrating the intent of the State, that the Maliseets be able to use the \$900,000 they got as a result of the other litigation, and be prevented from making a legitimate market price purchase of land that they wanted to buy for the benefit of the Indians. Any way, any number of ways, that tremendous pressure could be brought on two individuals to frustrate a legitimate desire by the Band of Maliseets to purchase land.

I submit to you, Members of the Senate, that this Bill is a very good bill in its present form. This Bill has something in it that no private landowner is subject to. That is, it has a \$100,000 fund that can be available for the payment of monies due the State in lieu of real estate taxes.

For these reasons, again, Members of the Senate, I urge you to vote against the adoption of this Order. Thank you very much, Mr. President.

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

Senator SUTTON: Mr. President, to belabor this subject just a teeny bit further, my good friend and associate from Penobscot, Senator Devoe, and his Committee, have labored long and hard on this subject. As my good friend from Androscoggin has said so many times, for the record, I'd just like to tell you why I'm going to vote for the good Senator from Somerset, Senator Redmond.

It's a very simple matter. It's called fairness. Regardless of all the good faith that went into this negotiation, there was one group of people in the State of Maine have got the opportunity to go through a legal entity to have justice brought before them except those in the unorganized territories, some of whom I represent.

So it's just basically a matter of fairness that they be included. Pressure on the county on the county commissioners? How about pressure on the selectmen? How about pressure on the council of the towns and cities that have this opportunity? It's no different.

So, Ladies and Gentlemen of the Senate, strictly in the manner of fairness, nothing more, nothing less, so that every citizen of the State of Maine has the same opportunity, which they do not have in the present form of this Bill, I urge you to support the recall of this Bill, so that it can be amended so that the people of the unorganized territories have exactly, nothing more, nothing less, exactly the same opportunity of the people of the towns and cities in the organized municipalities of the State of Maine. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Mr. President, I request a Roll Call on the motion.

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 Passage of S. P. 995.

A Yes vote will be in favor of the Passage of S. P. 995.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA—Ault, Emerson, Gill, Hichens, McBreairey, Perkins, Pierce, Pray, Redmond, Shute, Sutton, Teague, Trotzky.

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

ABSENT—Sewall, C.

A Roll Call was had.

13 Senators having voted in the affirmative and 18 Senators in the negative, with 1 Senator being absent, SP 995 Fails of Passage.

On motion by Senator TEAGUE of Somerset (Cosponsor: Senator WOOD of York),

In Senate April 13, 1982

WHEREAS, the Legislature has considered 2 legislative documents relating to an excise tax on mining; and

WHEREAS, the legislation contained in Legislative Document 1621 and Legislative Document 2043 of the 110th Legislature is in need of further consideration; and

WHEREAS, this Joint Standing Committee on Taxation is prepared to study this matter further and report back a compromise bill at the next special session of the 110th Legislature convening after May 8, 1982; now, therefore, be it

ORDERED, the House concurring, subject to the Legislative Council's review and determinations hereinafter provided, that the Joint Standing Committee on Taxation shall study the subject matter of the Legislative Document 1621 and Legislative Document 2043 pertaining to the excise tax on mining to determine whether or not the best interests of the State would be served by enactment of a compromise version of this or similar legislation; and be it further

ORDERED, the Joint Standing Committee on Taxation shall study mining excise taxation and report its recommendations, along with any accompanying legislation to the next special session of the 110th Legislature convening after May 8, 1982; and be it further

ORDERED, that the Legislative Council, before implementing this study and determining an appropriate level of funding, shall first ensure that this directive can be accomplished within the limits of available resources, that it is combined with other initiatives similar in scope to avoid duplication and that its purpose is within the best interests of the State; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the committee. (S.P. 999)

Which was Read.

The PRESIDENT: The Senator has the floor.

Senator TEAGUE: Mr. President and Members of the Senate: the Committee on Taxation had two bills, LD 1621 and LD 2043, that are still in Committee that are studying the excise tax on mining. We have asked that the Taxation Committee have a study order and report back to the special session of the 110th convening after May 8, 1982, to give us another month to come out with a Bill.

Which was Passed.

Sent down forthwith for concurrence.

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

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

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

### Recess

### After Recess

The Senate called to order by the President.

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

### Committee Report

#### House

#### Ought to Pass—As Amended

The Committee on Transportation on, Bill, "An Act Making Adjustments to the Allocations from the Highway Fund for the Fiscal Year Ending, June 30, 1982 and June 30, 1983." (Emergency) (H. P. 1925) (L. D. 1905)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-768).

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

Which Report was Read and Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" was Read and Adopted, in concurrence. Under Suspension of the Rules, the Bill, as amended, Read a Second Time and Passed to be Engrossed, in concurrence.

Sent down forthwith to the Engrossing Department.

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 Accept Relinquishment of Exclusive Federal Jurisdiction Over Marshall Point Light Station in the Town of St. George." (S. P. 855) (L. D. 1992)

Recalled from Governor's desk pursuant to Joint Order H.P. 2361.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-767), in non-concurrence.

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

Senator COLLINS: I move that the Senate Recede and Concur with the House.

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?

The motion prevailed.

Sent down forthwith to the Engrossing Department.

### Committee Report House

#### Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on, Bill, "An Act Making Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1982 and June 30, 1983. (H. P. 1890) (L. D. 1870)

Reported that the same Ought to Pass in New Draft under Same Title. (H. P. 2368) (L. D. 2142)

Signed:

Senator:

NAJARIAN of Cumberland

Representatives:

PEARSON of Old Town  
CHONKO of Topsham  
BRENERMAN of Portland  
JALBERT of Lewiston  
KELLEHER of Bangor  
CARTER of Winslow

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under Same Title. (H. P. 2369) (L. D. 2143)

Signed:

Sensors:

HUBER of Cumberland  
PERKINS of Hancock

Representatives:

ALLOUPIS of Bangor  
DAVIS of Monmouth  
LANCASTER of Kittery  
SMITH of Mars Hill

Comes from the House, the Bill in New Draft, (H. P. 2368) (L. D. 2142) Passed to be Engrossed.

Which Reports were Read.

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

Senator HUBER: Mr. President, I move that the Senate Accept the Minority Ought to Pass in New Draft Report.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate Accept the Minority Ought to Pass in New Draft Report of the Committee.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President and Members of the Senate: there are only two major differences between the Minority Report on the budget and the Majority Report. One concerns \$2,400,000 for Highway, one concerns an extra \$1,000,000 for the AFDC program.

I'm not going to dwell on the highway program. Everybody knows they need at least \$2,400,000. The Transportation Committee claims they need \$3,700,000, but this is the amount that the Appropriations Committee had decided to make available to them, and the Governor has agreed.

The other program, the \$1,000,000 for AFDC, I think, is far more important and one of the most needy programs that this Legislature can take action on in this session.

Of all groups that this Legislature tries to assist, students, businesses, the mentally retarded, the elderly, or the State employees, no group of people is more in need of our help this year than those families that are dependent on the Aid to Families with Dependent Children program. There is no government program that is less popular, not only in this State but across the nation. It is even unpopular with those people who are dependent on it. They hate it, and they would like to get off of it, and they are on the bottom of our economic pecking order.

I'd just like to review briefly for you some of the history of this program in the last year, because many people think that we gave them help last September. That's not really true. In the last session of the Legislature, the last regular session of the Legislature, the Appropriations Committee requested the Department of Human Services to devise a method to improve the Work Incentive Program for AFDC recipients, and report back to the Appropriations Committee.

Whereas 35% of the mothers on AFDC used to work prior to some payment rate changes that Governor Longley made, now only 25% were working. The Appropriations Committee thought that this could be improved. So we asked the Department of Human Services to study and to devise a method and come back to us for their recommendations on how to improve the Work Incentive Program.

Meanwhile, in August, Congress passed the budget reconciliation act, which reduced the funding for a multitude of social service programs and reduced entitlement programs, such as AFDC, and Medicaid, and Food Stamps, all programs which serve the very poorest among us.

The Reagan Administration also changed

AFDC eligibility standards and made a dozen or more other niggly changes which resulted in cutting thousands of Maine families from all benefits and reducing the benefits for hundreds more. It practically obliterated the Work Incentive Program.

So last September, when we met to deal with the block grants, at the request of the Department, the Legislature de-appropriated \$2,200,000 previously appropriated to AFDC, but no longer needed because of the fewer number of families that now qualified. We re-appropriated \$1,200,000 of this amount to restore somewhat the previous Work Incentive, though it is now worse than last spring, when we were hoping that we could move forward.

Now only 13% of AFDC mothers are working, which means a 50% reduction since last June. People are far better off not to work at all. They get more money from AFDC grant by not working than if they tried to work with a minimum income.

As of March 30, 3,400 families had had all benefits cut, 1,600 families had their benefits reduced. This has freed up, so to speak, \$3,700,000. The Governor recommended about \$1,000,000 of this to be returned to raise the benefits of those still on AFDC, and later requested, when \$7,900,000 was no longer needed for the Highway, that another \$1,500,000 be restored to the AFDC program.

What this argument is over, is over \$1,000,000 to minimally improve the lot of 16,500 virtually destitute Maine families. The additional \$1,000,000 would bring help to about 300 of those 3,400 families who have been cut off completely, and raise the grant about \$5 per month per child.

Keep in mind that these cuts were not made because these families no longer needed assistance, but simply to save money at the federal level. It was a paper calculation, not based on material changes in the incomes or the standard of living of these families.

As of today, a mother and a child with no other income receives a mere \$223 a month, or \$2,700 a year to support herself and that child. This Report, the Majority Report, would provide a mere \$10 more per month for the two of them. A family of four now receives only \$378 a month, if they have no other income, \$4,500 a year to support one adult and three children. Imagine, if you can, trying to raise three children, paying market rents, utilities, clothing, and all the other basic necessities on \$4,500.

The average State employee retirement check is \$457 a month for one individual. The Legislature is united on providing another \$1,400,000 for this group. The average Social Security check is \$327 a month for one individual. Imagine trying to maintain a family of four on only \$50 more than that.

These people are truly needy. I'm not saying that sarcastically. The women who spoke to us at the hearing were in emotional shambles. They are operating on overloaded fuses, and one after another, they tried to describe for us their economic situations, and one after the other, either were openly in tears, or very obviously choking back their tears.

In six years on the Appropriations Committee, listening to these women testify, I have never seen them so obviously desperate for something to improve their lot.

I think that if we can find \$5,300,000 to enhance the lifestyles of people who are already relatively well off, we can find another \$1,000,000 to provide for this very poverty stricken group of people.

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

Senator BUSTIN: Mr. President and Members of the Senate: I had no intention of speaking on this issue, but I did happen to have something fall into my hands that I just happened to read this afternoon while I was waiting for the session to begin again. It is from, it is an issue brief on the feminization of poverty.



It's out by the women's work force, a project of Wider Opportunities for Women Incorporated. It's a good follow-up for what the good Senator from Cumberland has said, Senator Najarian. It's on single parents.

"Marital dissolution through separation, divorce, or death is now a commonplace in American life. No-fault divorce has made it extremely easy to terminate a marriage at any point, after months or after 40 years. And while the social consequences of widowhood, separation, or divorce are painful for the individual, the family, and the community, the economic consequences for the women commonly lead to poverty.

The reality is that only 14% of divorcing women are awarded alimony, and only 7% of those collect it regularly. Only 46% of divorcing mothers are awarded child support, and only half of these collect it regularly. Three years after a divorce, only 19% of divorced fathers continue to pay awarded alimony or child support. In California, for example, where three out of five single-headed households are on welfare, divorced women and their children live on an average of \$218 per month, while divorced men average \$800 per month.

These economic realities remain hidden from the general public. As a society, we persist in the stereotype of the American family as one male breadwinner, a homemaker-wife, 2.5 children, and a life of economic affluence. But the stereotype no longer matches the lives around us. Close to one in every two marriages in the U.S. ends in divorce. The entrenched stereotypes cost us dearly by reinforcing public policies which tend to accelerate the growing feminization of poverty."

I urge your support for this Bill.

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

Senator TROTZKY: Mr. President and Members of the Senate, I believe firmly that yes, we have to support AFDC at a decent level so that people can have a decent way of life who have no other way of getting monies, however, the General Fund has basically been used in the past for social services; human service programs, and education. For the first time today, we see a raid on the General Fund for Highway Funds. This is caused by the lack of courage of the Governor of this State of Maine, and also the lack of the courage of many members of the Democratic party here to support a Gas Tax to properly fund highways. The Highway Funding does not belong in this L. D. 2142.

There would be more monies for Human Services if the Governor of this State raised funds properly for highways, which has traditionally been the Gas Tax.

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

Senator CONLEY: Mr. President and Members of the Senate, I only rise because of the statements that have been made by the good Senator from Penobscot, Senator Trotzky, who has been yelling for a Gas Tax since the day he arrived here.

I don't think we should color the issue before us by talking about a Gas Tax versus a program that takes care of many dependent children.

Now, I have been reading the newspapers over the past weekend. If there's one thing that has really irritated me, is to have one the Majority Floorleader of this Body state that anything that is good from business, the Democrats are against. The presiding officer of this Body has, also, made statements that what's good for business apparently Democrats don't believe in.

Well, I think we ought to put that to rest. First of all, there is one thing that I was born with, and I thank God for it, is I have had a social conscience. I just don't want to live day by day, and see the corporations of this State and the corporations of this country become more and more wealthier while those in need

throughout this State are deprived.

We are depriving them tonight at this late hour, because of the fact that we won't appropriate \$9,800,000 to take care of the corporations mostly within this State. I find that sickening and I find that deplorable, because of the fact that in good conscience, in order to get \$1,000,000 for AFDC mothers and their children, that we had to extract from the General Fund \$6,200,000 to make the corporate structure of this state more wealthier.

If that's the kind of justice that we have in this state, I hope you will all go home this evening with your heads hung low.

Let's look at some of the programs that the Democrats have supported, and I name only a few. One, the bill that was sponsored by the good Senator from Penobscot, Senator Pray, that gave tax credits to corporations for jobs. Let's look at the IMC, Chlor-Chemical company up in Bangor, where we totally exempted the Gas Tax, or the tax for electricity so they could manufacture their product. Let's look at down in the good Senator Collins' area, down in Rockland, where again, we did away with the tax on the manufacturing of cement so that they could become more competitive with other industries in this State or in this region, because of the fact that the Canadian government was subsidizing those manufacturers in Canada.

No the Democrats have done a great deal for businesses in this State, but by God, we have a conscience as well to take care of those in need. That's what we're here for, and this Maine Senate doesn't shock me one bit, not one iota, to put the scales out and weigh it up here with the poor, and load it down here with every buck we can for business.

Yes, we've gone along. We have compromised time and time again. We have sponsored legislation and certainly this Governor, whose number one priority since he took office has been one jobs, jobs and economic development. If anyone wants to check the record and they go to the federal agency, not the State agency, then they'll find out that since he took office, there has been an additional 20,000 jobs in this State, which pumped money in to the General Fund here to provide money for many of the services that we're talking about here today.

That's not the issue. The issue is whether we're going to buy a budget that provides an additional \$1,000,000, cut back \$500,000 by the Appropriations Committee to give increases and bring back onto the rolls by lifting the standard of need, so that some of those people, and I believe it's something like 300 or 350 children in this State can be restored to the rolls. That's all we're talking about, 350 families. I wonder, is the \$6,200,000 for tax conformity. Is \$6,200,000 not enough to get another \$1,000,000 into a budget that will take care of children in need.

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

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

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate, I also have been scrutinizing this budget very closely. I guess sometimes I become very apprehensive with what I see in this particular budget.

We've been talking about the critical things here this evening, AFDC and the Highway Funding. I have analyzed somewhere in the area of \$800,000 that we're going to vote on this evening for other things which I don't really feel are essential at the present time, especially with the dire straits that I find the State of Maine and its people in.

For example, number one, on page 23 of the document. The State Development Office to provide funding for the Washington office, almost \$100,000. Again, for the State Development

office, five positions in a two year period of time, provide funds, currently funded with federal funds due to expire April 1982, to continue on with the State Planning Office, four more positions for \$122,000. Again, positions that will be eliminated because the federal funds are running out. The State Planning Office, \$104,000 for three more additional positions. Energy Resources, the Office of Energy Resources, thirteen more positions, for a total tune of about \$380,000.

Where have they really screened, evaluated and analyzed these particular factors in this particular budget? We're talking about the things that are chiefly concerned to our AFDC cases, and the Highway Funding, but I don't actually see this evening the essential necessity of keeping these items in at the present time.

I think these items could be eliminated, real-locating that money and maybe justifiably so, to the truly needy and AFDC cases we actually are confronted with in the State of Maine.

I think this basically, in the years I've been here, I consider one of the most atrocious gimmicks ever perpetrated against the people of the State of Maine. We are compelled to buy this entire package, even though there are parts of this that are really and truly objectionable.

In looking over this entire budget, I'd be rather interested to find out from some member of the Appropriations Committee first, how many jobs are being accepted by the State that were totally funded by the federal government? Secondly, if you want to put a dollar figure on that total amount? If you want to do that, I think you'll find those figures will be astronomical. I think this is one area that we should be looking at first to cut, instead of jockeying around with these figures between the Department of Transportation and our AFDC cases.

I certainly wish at the present time if someone on the Appropriations Committee could actually justify these particular jobs, especially the ones I notice here in the Office of Energy Resources, the thirteen jobs? And what are they going to do? We have talked in the past about the proliferation of the bureaucratic system, and here we're creating more jobs for these bureaucrats. We have compelled the Committee on Audit and Program Review to screen, to evaluate, analyze, to disseminate these various jobs, which we have done in the past. Here we're reinstating all these darn jobs again.

We are not very consistent in what we are doing. This evening, unfortunately, the entire package is really good, but I feel very, very compelled to say to you very frankly tonight that this part here I do not feel very happy about.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President and Members of the Senate, there has been some discussion of the provisions for the AFDC program. I would like to point out that the Minority Report includes the original Governor's recommendation of a 5% increase and an accompanying medical care services dollars which go along with the expansion of this program.

It did not accept the provisions of L. D. 1970, which, as far as I know, is still in the Appropriations Committee.

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

Senator NAJARIAN: Mr. President and Members of the Senate, I just want to briefly respond to the concerns of the good Senator from Androscoggin, Senator Minkowsky. What the Appropriations Committee tried to do, as we always do, is to maintain current services of State government. As a matter of fact, the Office of Energy Resources and the State Plan-

ning Office have been reduced. A number of employees are not being funded. They were all practically funded by federal dollars. I don't have the exact count, but what we're doing is just replacing a portion of those individuals who are already there just to maintain sort of a bare bones program in those two areas.

Again, in case there is any confusion, the current motion on the floor is to Accept the Minority Report, which had \$1,000,000 restored to AFDC. The Majority Report, which is not before us at this moment, has about \$2,000,000 more for AFDC, money that the Legislature originally appropriated to AFDC. The Governor recommended that we put in an additional \$1,500,000 when he discovered that we no longer needed \$7,900,000 for the highways and freed up \$5,000,000 that was in his original budget.

So I ask you to reject the current motion on the floor so that we can accept the Majority Report, which includes additional money for AFDC families.

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

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

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

The pending question before the Senate is the motion by the Senator from Cumberland, Senator Huber, that the Senate Accept the Minority Ought to Pass, in New Draft, Report of the Committee.

A Yes vote will be in favor of the motion to Accept the Minority Ought to Pass, in New Draft, 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—Ault, Collins, Devoe, Emerson, Gill, Hichens, Huber, McBreairty, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky.

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

ABSENT—O'Leary.

A Roll Call was had.

16 Senators having voted in the affirmative and 15 Senators in the negative, with 1 Senator being absent, the motion to Accept the Minority Ought to Pass, in New Draft, Report of the Committee, in non-concurrence, does prevail. The Bill, in New Draft, Read Once. Under Suspension of the Rules, the Bill, in New Draft, Read a Second Time.

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

Senator HUBER: Mr. President and Members of the Senate: I now present Senate Amendment "A" to the Bill and move its Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now offers Senate Amendment "A" to LD 2143 and moves its Adoption.

Senate Amendment "A" (S-475) was Read.

The PRESIDENT: The Senator has the floor.

Senator HUBER: Mr. President and Members of the Senate: with great regret I present this Amendment, which represents not the work of the Appropriations Committee, but was a bill discussed in the press today and prepared last night, which faces only the immediate future needs of State government in fiscal year 1982.

Although both of the bills that we were discussing faced a series of needs of State Government, I'm afraid the situation that we're in will prevent passage of either of the Committee Reports.

This Amendment is an attempt to avoid considerable problems and immediate problems in

such areas as funding for housing inmates in county jails, funding at the State prison, various workers' compensation claims, and other immediate needs of State government which may prove to be problems even within the next few weeks.

It, also, does provide the basic education allocation and the subsidy index, which is also of immediate and serious concern to local school districts.

I hope that this Amendment will be adopted.

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

Senator NAJARIAN: Mr. President and Members of the Senate: I don't know who sat the priorities in this Senate Amendment, but there are many, many other things in our budget that are being omitted that are equally as important as anything in this Senate Amendment. There is nothing in there for the Department of Education; nothing in there at all for the Department of Human Services which includes money for general assistance, which includes money that we owe for catastrophic illness; includes nothing for boarding homes, in the first year, or the second year; it includes nothing for child abuse and neglect when we have provided more workers to meet a critical need.

It does, however, Senator Minkowsky will be interested to know, have the Federal State coordinator funded. That is very critical. It has nothing for Thomaston, for the prisons. It has nothing for the correctional, Maine Correctional Center. We had \$75,000 in there for training. I can go on, and on, and on. Every department of the State practically is eliminated from this Amendment except for educational funding and a few, certainly, critical areas, but only a very few.

I hope we reject that Amendment, too.

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

Senator HUBER: Mr. President and Members of the Senate: the Senator from Cumberland, Senator Najarian, is exactly right. In fact, the two Reports, as has been pointed out before, varied in only two areas. This Amendment, proposed Amendment, does not attempt to do anything except address the most immediate needs. It does not address many other State needs, but hopefully would hang State government together for a short period of time, at which point I would hope that the Legislature could do something more responsible.

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

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 Making Appropriations, Authorizations and Allocations Enabling the State Planning Office to Administer the Small Cities Program Community Development Block Grant." (Emergency) (H. P. 2263) (L. D. 2108)

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

Senator HUBER: Mr. President, Under Suspension of the Rules, I move the Senate Reconsider its action whereby this Bill was Passed to be Engrossed.

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

Senator CONLEY: I object.

The PRESIDENT: The Senator from Cumberland, Senator Conley, has objected to Suspension of the Rules.

The Chair will order a Division.

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

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

16 Senators having voted in the affirmative,

and 15 Senators having voted in the negative, the motion to Suspend the Rules does not prevail.

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

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

Senator HUBER: Mr. President, I move that the following LD's be taken from the Special Appropriations Table: LD's 1721, 1722, 1731, 1756, 1772, 1824, 1847, 1863, 1869, 1877, 1883, 1885, 1886, 1890, 1904, 1909, 1939, 1949, 1956, 1982, 1983, 1985, 1986, 2006, 2007, 2012, 2047, 2050, 2061, 2084, 2091, 2094, 2096, and 2098.

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

Senator CONLEY: Mr. President, may I pose a question through the Chair?

The PRESIDENT: The Senator may state his question.

Senator CONLEY: The LD's that the good Senator from Cumberland has requested to be removed from the Table, am I to assume that these are all the bills that are on the Table with the exception of the block grant legislation that we just put back on the Table?

The PRESIDENT: We'll answer that question as soon as we can determine it.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President and Members of the Senate: It was my intention to take off all the bills on the Appropriations Table except for LD 2108, the Community Development Block Grant Bill, which I some moments before removed and then fouled up the motion and I will deal with later. I do have two other bills which seem to have escaped my net.

The PRESIDENT: The Chair would advise the Senator from Cumberland, Senator Conley, that all bills have been removed from the Table, with the exception of LD 2108, the Community Block Grant Bill.

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

RESOLVE, Reimbursing Great Pond on Account of Taxes Lost Due to Lands Being Classified Under the Maine Tree Growth Tax Law. (H. P. 1736) (L. D. 1721)

RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to the Veterans' Property Tax Exemption. (Emergency) (H. P. 1737) (L. D. 1722)

Bill, "An Act to Clarify Fish Inspection Responsibilities." (H. P. 1742) (L. D. 1731)

Resolution, Proposing an Amendment to the Constitution of Maine to Limit the Life of Bond Authorizations." (S. P. 753) (L. D. 1756)

RESOLVE, Authorizing the City of South Portland to Bring a Civil Action Against the State. (Emergency) (H. P. 1782) (L. D. 1772)

Bill, "An Act to Amend the Maine Medical Compact." (S. P. 766) (L. D. 1824)

Bill, "An Act to Require Reporting of Abuse of Elderly or Incapacitated Adults." (S. P. 779) (L. D. 1847)

Bill, "An Act Concerning Salaries of District Court Judges." (H. P. 1869) (L. D. 1863)

Bill, "An Act Relating to the Selection and Service of Traverse and Grand Jurors." (S. P. 793) (L. D. 1869)

Bill, "An Act to Provide Retired Teachers, State Employees and Beneficiaries with a Cost-of-living Increase." (H. P. 1891) (L. D. 1877)

Bill, "An Act to Revise the Procedure for Municipalities Withdrawing from the Maine Forestry District." (Emergency) (H. P. 1911) (L. D. 1883)

Bill, "An Act to Provide Assistance in the Marketing of Maine Agricultural Products." (H. P. 1900) (L. D. 1885)

Bill, "An Act to Provide a Data Input and Retrieval System for the Workers' Compensation Commission." (H. P. 1901) (L. D. 1886)



Bill, "An Act to Amend the Exemption from Sales and Use Tax for the Sale of Certain Instrumentalities of Interstate or Foreign Commerce." (Emergency) (H. P. 1905) (L. D. 1890)

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

Bill, "An Act Revising Executive Salary Ranges." (S. P. 813) (L. D. 1909)

Bill, "An Act to Provide Financial Assistance to Students of Osteopathic Medicine." (S. P. 831) (L. D. 1939)

Bill, "An Act to Eliminate the 2¢ Excise Tax Imposed on Jet Fuel Used by International Flights." (Emergency) (H. P. 1974) (L. D. 1949)

Bill, "An Act Relating to State Entitlement of Certain School Administrative Districts." (Emergency) (H. P. 1984) (L. D. 1956)

Bill, "An Act to Provide State Funding for Literacy Volunteers." (S. P. 847) (L. D. 1982)

Bill, "An Act to Equalize Health Insurance Benefits for Retired State Employees." (S. P. 850) (L. D. 1983)

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

Bill, "An Act to Authorize the Treasurer of State to Issue Tax Exempt Commercial Papers." (H. P. 2021) (L. D. 1986)

Bill, "An Act Relating to Harness Racing at Agricultural Fairs, the State Stipend and Parimutuel Pools." (Emergency) (S. P. 864) (L. D. 2006)

Bill, "An Act to Clarify Solar Energy Tax Exemptions." (H. P. 2066) (L. D. 2007)

Bill, "An Act Creating the Housing Opportunities for Maine (HOME) Program and Governing Program Funds Appropriated by this Act to the Maine State Housing Authority." (Emergency) (H. P. 2071) (L. D. 2012)

Bill, "An Act to Provide for the Storage and Disposal of Illegal and Obsolete Pesticides and Handling Empty Pesticides Containers." (Emergency) (S. P. 905) (L. D. 2047)

Bill, "An Act to Authorize the Repair, Maintenance and Improvement of the Building and Grounds of the Statehouse." (H. P. 2144) (L. D. 2050)

Resolution, Proposing an Amendment to the Constitution of Maine to Authorize the Credit of the State to be Loaned to Secure Funds for Loans to Parents of Maine Students Attending Institutions of Higher Education. (S. P. 920) (L. D. 2061)

Bill, "An Act Appropriating Funds for the Agent Orange Information Committee." (Emergency) (S. P. 945) (L. D. 2084)

Bill, "An Act to Adjust Levels of Compensation for Members of the Legislature and the Senate Secretary and House Clerk." (H. P. 2233) (L. D. 2091)

Bill, "An Act to Identify Freshwater Wetlands." (H. P. 2236) (L. D. 2094)

Bill, "An Act to Extend the Health Facilities Information Disclosure Act and to Authorize the Charging of Fees for the Dissemination of Information." (Emergency) (H. P. 2238) (L. D. 2096)

Bill, "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law." (Emergency) (H. P. 2239) (L. D. 2098)

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

Senator HUBER: I move that these Bills be referred to the Committee on Appropriations and Financial Affairs.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that these Bills be referred to the Committee on Appropriations and Financial Affairs.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I would pose a question through the Chair. Now that this session is coming to an end, do we have it within the Joint Rules to refer matters on the Appropriations Table, or any bills, to a committee?

The PRESIDENT: The Chair would answer the Senator in the affirmative, that the motion to commit is in order. There is no time specified when it may not be in order in the Joint Rules.

The Senator has the floor.

Senator CONLEY: It is my understanding then that the motion before the Senate is recommit these bills to the Committee on Appropriations and Financial Affairs.

The PRESIDENT: The Chair would answer in the affirmative.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: I believe the motion is to refer them to Committee, because some have not been in the Appropriations Committee.

The PRESIDENT: The Chair would advise the Senator from Cumberland, Senator Conley, on advice from the Chair's parliamentarian that the motion to refer and the motion to commit are one and the same thing. It's not refer.

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: A parliamentary inquiry. If the bills were never referred to that committee in the first place, can we refer a bill to a committee that it was not referred to, harkening back to the days of the Harness Racing Bill. We were told we could not refer a Bill from one committee to another committee, after the Report had been accepted.

The PRESIDENT: The Chair would advise the Senator from York, Senator Wood, that the motion was not to re-refer, but to refer, and that this motion is in order.

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: A further parliamentary inquiry. Since some of these bills have been amended, when we were with the Harness Racing Bill, we were told that we could not refer that Bill to another committee, once we had Accepted the Report with an Amendment on it that, that Bill then, we would have to strip off those Amendments if it was going to be sent to another committee. Some of these bills have been amended, is it possible to refer them to a second committee?

The PRESIDENT: The Chair would advise the Senator from York, Senator Wood, that the motion is in order. That when these Bills are reported out from the Appropriations Committee, hopefully, they will be the Appropriations' Bills, and the Amendments will be Appropriations' Amendments.

Is it the pleasure of the Senate that these Bills be referred to the Committee on Appropriations and Financial Affairs?

The Chair recognizes the Senator from Aroostook, Senator Violette.

Senator VIOLETTE: Yes, Mr. President and Ladies and Gentlemen of the Senate, could we have an explanation as to why we are referring these Bills on the last day of the session, and why we are not taking them from the Table, and Enacting them?

The PRESIDENT: The Senator from Aroostook, Senator Violette, has posed a question through the Chair.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President and Members of the Senate: my purpose in doing this is an attempt to keep these bills alive subject to the Study Order, which I will present next, so that at subsequent special sessions, if we care to reconsider these Bills, they will be available in their current form and won't have to be re-generated or recalled from the Legislative files, or generated from scratch. It would keep

the Appropriations Table available for the next special session.

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

Senator TRAFTON: Mr. President, I would like to direct a question to the good Senator from Cumberland, Senator Huber, it seems to me that our charge has been to handle these matters within the 50 days allocated to us in the Second Regular Session.

It strikes me that this is rather a circuitous route to circumvent the nature of a special session which is to allow the Governor to make up the call. I wish that you would respond to that question.

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

The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President and Members of the Senate, this may be seen as what the Senator from Androscoggin, may be seen as she perceives it, but that is not my intent, my intent is to avoid a lot of mechanical troubles when and if we do again consider these matters.

On motion by Senator Huber of Cumberland, referred to the Committee on Appropriations and Financial Affairs, in non-concurrence.

Sent down forthwith for concurrence.

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

Senator HUBER: I move that L. D. 2106 and 2123 be taken from the Special Appropriations Table.

#### Senate at Ease

The Senate called to Order by the President.

The PRESIDENT: The Chair would advise the Senator from Cumberland, Senator Conley, who inquired earlier about what Bills were left on the Table, that there were 3 Bills remaining on the Table. The first one that was mentioned and these two, which are:

Bill, "An Act to Amend the Maine Certificate of Need Law." (S. P. 967) (L. D. 2123)

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

The Chair apologizes for the error.

Is it now the pleasure of the Senate that these 2 Bills be removed from the Special Appropriations Table?

It is a vote.

On motion by Senator Huber of Cumberland, referred to the Committee on Appropriations and Financial Affairs, in non-concurrence.

Sent down forthwith for concurrence.

Out of Order under Suspension of the Rules, on motion by Senator Huber of Cumberland,

Ordered, the House concurring, that the following legislation be held by the Joint Standing Committee on Appropriations and Financial Affairs for the purposes of additional study; and be it further

Ordered, that the committee report out this legislation on the first day of the Fourth Special Session of the 110th Legislature.

(H. P. 1736, L. D. 1721, RESOLVE, Reimbursing Great Pond on Account of Taxes Lost Due to Lands Being Classified Under the Maine Tree Growth Tax Law.)

(H. P. 1737, L. D. 1722, RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to the Veterans' Property Tax Exemption.)

(H. P. 1742, L. D. 1731, AN ACT to Clarify Fish Inspection Responsibilities)

(S. P. 753, L. D. 1756, RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Life of Bond Issues.)

(H. P. 1782, L. D. 1772, RESOLVE, Authorizing the City of South Portland to Bring a Civil

Action Against the State.)

(S. P. 766, L. D. 1824, AN ACT to Amend the Maine Medical Compact.)

(S. P. 779, L. D. 1847, AN ACT to Require Mandatory Reporting of Elderly Abuse.)

(H. P. 1869, L. D. 1863, AN ACT Concerning Salaries of District Court Judges.)

(S. P. 793, L. D. 1869, AN ACT Relating to the Selection and Services of Traverse and Grand Jurors.)

(H. P. 1891, L. D. 1877, AN ACT to Provide Retired Teachers, State Employees and Beneficiaries with a Cost-of-living increase.)

(H. P. 1911, L. D. 1883, AN ACT to Revise the Procedure for Municipalities Withdrawing from the Maine Forestry District.)

(H. P. 1900, L. D. 1885, AN ACT to Provide Assistance in the Marketing of Maine Agricultural Products.)

(H. P. 1901, L. D. 1886, AN ACT to Provide a Data Input and Retrieval System for the Workers' Compensation Commission.)

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

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

(S. P. 813, L. D. 1909, AN ACT Revising Executive Salary Ranges.)

(S. P. 831, L. D. 1939, AN ACT to Provide Financial Assistance to Students of Osteopathic Medicine.)

(H. P. 1974, L. D. 1949, AN ACT to Eliminate the 2¢ Excise Tax Imposed on Jet Fuel Used by International Flights.)

(H. P. 1984, L. D. 1956, AN ACT Relating to State Entitlement of Certain School Administrative Districts.)

(S. P. 847, L. D. 1982, AN ACT to Provide State Funding for Literacy Volunteers.)

(S. P. 850, L. D. 1983, AN ACT to Equalize Health Insurance Benefits for Retired State Employees.)

(H. P. 2015, L. D. 1985, AN ACT to Provide for a Comprehensive Career and Occupational Information System.)

(H. P. 2021, L. D. 1986, AN ACT to Authorize the Treasurer of State to Issue Tax Exempt Commercial Papers.)

(S. P. 864, L. D. 2006, AN ACT Relating to Harness Racing at Agricultural Fairs, the State Stipend and Parimutuel Pools.)

(H. P. 2066, L. D. 2007, AN ACT to Clarify Solar Energy Tax Exemptions.)

(H. P. 2071, L. D. 2012, AN ACT Creating the Housing Opportunities for Maine (HOME) Program and Governing Program Funds Appropriated by this Act to the Maine State Housing Authority.)

(S. P. 905, L. D. 2047, AN ACT to Provide for the Storage and Disposal of Illegal and Obsolete Pesticides and Handling Empty Pesticides Containers.)

(H. P. 2144, L. D. 2050, AN ACT to Authorize the Repair, Maintenance and Improvement of the Building and Grounds of the Statehouse.)

(S. P. 920, L. D. 2061, RESOLUTION, Proposing an Amendment to the Constitution of Maine to Authorize the Credit of the State to be Loaned to Secure Funds for Loans to Parents of Maine Students Attending Institutions of Higher Education.)

(S. P. 945, L. D. 2084, AN ACT Appropriating Funds for the Agent Orange Information Committee.)

(H. P. 2233, L. D. 2091, AN ACT to Adjust Levels of Compensation for Constitutional Officers, Members of the Legislature and the Senate Secretary and House Clerk.)

(H. P. 2236, L. D. 2094, AN ACT to Identify Freshwater Wetlands.)

(H. P. 2238, L. D. 2096, AN ACT to Extend the

Health Facilities Information Disclosure Act and to Authorize the Charging of Fees for the Dissemination of Information.)

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

(H. P. 2260, L. D. 2106, AN ACT to Remove Restrictions Preventing State Retirees from Receiving Certain Benefits)

(S. P. 967, L. D. 2123, AN ACT to Amend the Maine Certificate of Need Law.)

(S. P. 1000)

Which was Read.

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

Senator CONLEY: Mr. President, I move that this Order be Indefinitely Postponed.

The PRESIDENT: The Senator from Cumberland, Senator Conley now moves that S. P. 1000 be Indefinitely Postponed.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: I ask for the Yeas and Nays.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Mr. President and Members of the Senate, if I read that Order right that Order calls for a Fourth Session for something that we couldn't do in the first 50 days. Is that what that Order calls for?

I really would like an explanation on that Order. We have got 50 days here to do the work of the State, we have done absolutely nothing. You called us back here today supposedly to do some work, we sat around and done nothing, and now we want to come back in and waste some more money. I would like that explained to us?

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

The Chair recognizes the Senator from Aroostook, Senator Violette.

Senator VIOLETTE: I would like to pose a question to the sponsor of this Amendment and would request of him to know what further study, what further enlightenment the Committee on Appropriations and Financial Affairs can lend to this Senate that it has not already done? Why it is that we are not able to do the work this evening that we ought to be doing?

Evidently he knows something that I do not. I fully expected that we would be passing some budget this evening, or we would be stripping the Table of all those Bills that had been agreed upon. I voted against the motion last week to extend one additional day, for this very purpose. I am feeling that what was being contemplated would not be achieved.

I certainly would expect an explanation as to why the Committee on Appropriations in 51 days has not been able to study these some 30 Bills appropriately? Why it is going to take them some additional days? Why it means that I have to come back here for another special session, just because the Committee on Appropriations hasn't had time to study these Bills, because certainly that is what the intent of this Study Order is?

The PRESIDENT: The Senator from Aroostook, Senator Violette, has posed a question through the Chair.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: I believe that there will be a Fourth Special Session, to consider the state employee salary increases. I am further informed that this will be in the very near future.

As to what the Appropriations Committee might study, perhaps it might study as to how to get some of these Bills passed.

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 Cumberland, Senator Conley, that S. P. 1000 be Indefinitely Postponed.

A Yes vote will be in favor of the motion to Indefinitely Postpone S. P. 1000.

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

ABSENT—O'Leary.

A Roll Call was had.

15 Senators having voted in the affirmative and 16 Senators in the negative, with 1 Senator being absent, the motion to Indefinitely Postpone S. P. 1000 does not prevail.

Which was Passed.

Is it now the pleasure of the Senate that this Order be sent down forthwith?

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: A parliamentary inquiry. Do the Rules have to be Suspended to send this Order forthwith?

The PRESIDENT: The Chair would answer in the affirmative.

Senator PRAY: I object.

The PRESIDENT: The Chair will order a Division.

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

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

16 Senators having voted in the affirmative and 15 Senators having voted in the Negative, the Rules are not Suspended.

#### Orders of the Day

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

Bill, "An Act Making Appropriations, Authorizations and Allocations Enabling the State Planning Office to Administer the Small Cities Program Community Development Block Grant." (H. P. 2263) (L. D. 2108)

The PRESIDENT: The Senator has the floor.

Senator HUBER: I move the pending question.

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

Senator AULT: 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 Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President and Members of the Senate, I would like the record to show that the reason I am going to oppose Enactment of L. D. 2108, the Community Development Block Grant Bill, is because there are eleven other emergencies on the Table which many of them are equally as important

as this one.

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

Senator COLLINS: Mr. President, I pose a question through the Chair to any Senator who may be able to answer. Is it not true that failure to pass this measure before the first of May will cause the State to lose at least \$5,000,000 in federal grants?

The PRESIDENT: The Senator from Knox, Senator Collins, has posed a question through the Chair.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President and Members of the Senate, I believe the answer to the question is yes, and that is my reason for pushing passage of the Bill at this time.

The PRESIDENT: The pending question before the Senate is the Enactment of L. D. 2108.

A Yes vote will be in favor of the Enactment of L. D. 2108.

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

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

ABSENT—O'Leary.

Senator Hichens of York was granted permission to change his vote from Nay to Yea.

A Roll Call was had.

17 Senators having voted in the affirmative and 14 Senators in the negative, with 1 Senator being absent, L. D. 2108 Failed of Enactment, in non-concurrence.

Sent down forthwith for concurrence.

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 recognizing:

Dr. Norman Nickerson, of Greenville, who is celebrating the 90th anniversary of his birth. (H. P. 2365)

Virgil Valente, of Milo, who was presented the Alchemists Plaque for his endeavors in the field of science for Maine secondary students. (H. P. 2364)

The Bangor High School girls' swim team, coached by Robby MacDonald which won the 1982 State Class A Championship. (H. P. 2366)

The United Baptist Church, of Lewiston, on its 150th anniversary, April 25, 1982. (H. P. 2367)

Joseph Barto, of Portland, who is celebrating the 102nd anniversary of his birth. (H. P. 2370)

The Hebert family, descendants of Patriarch Simon Hebert (1764-1843), which will hold a family reunion in Madawaska on July 2-4, 1982. (H. P. 2371)

That the St. John Valley will celebrate its 5th Annual Acadian Festival Week, June 28 to July 5, 1982, in Madawaska. (H. P. 2372)

Captive Nations Week, July 18-24, 1982, commemorating the nations under Communist control, including Afghanistan, Bulgaria, Cambodia and Laos, Cuba, Czechoslovakia, Estonia, East Germany, Hungary, Latvia, Lithuania, Poland, Romania, Ukraine and Yugoslavia, with special recognition to the Maine residents who are natives of the captive nations. (H. P. 2373)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

#### Joint Orders

Expressions of Legislative Sentiment recog-

nizing:

Lane Feldman, of Auburn, who has been chosen the recipient of the Bobby Orr Youth Hockey Sportsmanship Award and the City of Auburn Recreation Department Sportsman-ship Award. (H. P. 2375)

Northeast COMBAT, Maine's leading consumer education and assistance organization, upon the celebration of the 10th anniversary, Friday, April 23, 1982. (H. P. 2376)

Laurie Thibodeau, of Bangor, who has been named to the 1982 Maine All-State Girls' Basketball Team. (H. P. 2377)

Cheryl Rich, of Bangor, who has been named to the 1982 Maine All-State Girls' Basketball Team. (H. P. 2378)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

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

Senator COLLINS: Mr. President, I pose a parliamentary inquiry as to the present status of Supplemental Senate Journal number 11, the Order which a few minutes ago failed to receive Suspension of the Rules, with respect to sending forthwith. Is that still before the Body?

The PRESIDENT: The Chair would answer the Senator in the affirmative. The paper is still in the possession of the Senate.

Senator COLLINS: Mr. President, I move Passage.

The PRESIDENT: The Chair would advise the Senator that the Joint Order has been Passed. The limitation was on sending it forthwith.

#### (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, calling the Senate's attention to Supplemental Senate Journal number 11, I move the Senate Reconsider its action whereby this matter was Passed.

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that the Senate Reconsider its action whereby. . .

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I hope the Senate will vote against me on that motion.

The PRESIDENT: The pending question before the Senate is the motion that the Senate Reconsider its action whereby S. P. 1000 was Passed.

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

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

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

#### Enactor

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

#### Emergency

AN ACT to Accept Relinquishment of Exclusive Federal Jurisdiction Over Marshall Point Light Station in the Town of St. George. (S. P. 855) (L. D. 1992)

This being an emergency measure and having received the affirmative votes of 31 Members of the Senate, with No Senators having voted in the negative, was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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 Making Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1982 and June 30, 1983." (Emergency) (H. P. 2369) (L. D. 2143)

In the House, April 13, 1982, the Bill, in New Draft, (H. P. 2368) (L. D. 2142), Passed to be Engrossed.

In the Senate April 13, 1982, the Bill, in New Draft, (H. P. 2369) (L. D. 2143), Passed to be Engrossed as amended by Senate Amendment "A" (S-475), in non-concurrence.

Comes from the House, that Body having Adhered.

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

Senator COLLINS: 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?

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate Recede and Concur with the House.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Senator VIOLETTE: Mr. President, 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 Cumberland, Senator Conley, 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, Minkowsky, Najarian, Pray, Trafton, Usher, Violette, Wood.

NAY—Ault, Collins, Devoe, Emerson, Gill, Hichens, Huber, McBreaity, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Trotzky.

ABSENT—O'Leary.

A Roll Call was had.

15 Senators having voted in the affirmative and 16 Senators in the negative, with 1 Senator being absent, the motion to Recede and Concur with the House does not prevail.

Is it now the pleasure of the Senate to Adhere?

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: I request the Yeas and Nays.

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

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

counted.

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

The pending question before the Senate is the motion to Adhere.

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

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, McBreairty, Perkins, Pierce, Redmond, Sewall, C.; Shute, Sutton, Teague, Trozky.

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

ABSENT—O'Leary.

A Roll Call was had.

16 Senators having voted in the affirmative and 15 Senators in the negative, with 1 Senator being absent, the motion to Adhere does prevail.

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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 don't mean to sound facetious, but do you think there's anyone here present tonight, if they're back here again, will ever vote to extend for one more legislative day?

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On motion by Senator McBreairty of Aroostook, at 11:45 p.m., on Tuesday, April 13, 1982, the Honorable Joseph Sewall declared the Senate of the Second Regular Session of the 110th Legislature, Adjourned, Sine Die.