

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Tenth
Legislature

OF THE

STATE OF MAINE

SECOND REGULAR SESSION
January 6, 1982 to April 13, 1982
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FOURTH SPECIAL SESSION
April 28, 1982 and April 29, 1982
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FIFTH SPECIAL SESSION
May 13, 1982
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July 16, 1982
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STATE OF MAINE
One Hundred and Tenth Legislature
Fourth Special Session
JOURNAL OF THE SENATE

Augusta, Maine
April 29, 1982

Senate called to order by the President.

Prayer by the Honorable Dana C. Devoe of Orono.

Senator DEVOE: Dear Lord, bless the hearts and minds of each person in this Chamber. Help each person today and each day in the future to use the talents You have given them, not for their own selfish benefit, but for the good of all the people of this State. Continue to endow the Members of this Body with the desire to do their best for the people of this great State. Amen.

Reading of the Journal of yesterday.

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

Orders

Expressions of Legislative Sentiment recognizing:

William Kurtz, of Cumberland, for attaining the high rank and distinction of Eagle Scout in Troop #58 of Cumberland. (S. P. 1007) presented by Senator HUBER of Cumberland (Cospponsor: Representative DILLENBACK of Cumberland).

Dana Kregling, of Cumberland, for attaining the high rank and distinction of Eagle Scout in Troop #58 of Cumberland. (S. P. 1008) presented by Senator HUBER of Cumberland (Cospponsor: Representative DILLENBACK of Cumberland).

Which were Read and Passed.

Sent down forthwith for concurrence.

**Committee Report
House**

Ought to Pass

The Committee on Taxation on, Bill, "An Act Providing for Administrative Changes in the Maine Tax Laws." (H. P. 2406) (L. D. 2149)

Reported that the same Ought to Pass pursuant to Joint Order (H. P. 2398).

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

Which Report was Read and Accepted, in concurrence, and the Bill Read Once. Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed, in concurrence.

Sent forthwith to the Engrossing Department.

Enactors

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

Emergency

An Act Making Certain Appropriations and Allocations for Expenditures and Changing Certain Provisions of the Law Necessary to Carry Out Certain New, Expanded or Revised Programs of State Government for the Fiscal Years Ending June 30, 1982 and June 30, 1983. (H. P. 2383) (L. D. 2145)

Emergency

An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law. (H. P. 2384) (L. D. 2146)

These being emergency measures and having received the affirmative votes of 28 Members of the Senate, with 1 Senator having voted in the negative, were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

An Act Making Appropriations and Alloca-

tions 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. 2382) (L. D. 2144)

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

Senator MINKOWSKY: Mr. President and Members of the Senate: I raised the objections that I had last evening relevant to this particular Bill. My feelings have been intensified today by several inquiries and telephone calls I've had from constituents. I think it's of significant value that the people of the State of Maine know exactly where each and everyone of us stand on this particular issue.

Without further debate, Mr. President, I would ask for a Roll Call vote.

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.

One-fifth having arisen a Roll Call is ordered.

The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: Mr. President and Members of the Senate: I'm troubled a little bit by this piece of legislation, the title being 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, etc.

You're all aware that there was a legislative pay raise included in this Bill. I'm troubled to have to vote for Enactment of a legislative pay raise when it's buried in another piece of legislation.

I know that we've had the pay raise before as an individual item and we're on the record for or against it, but I just want to make sure that we're not establishing a precedent that might be utilized in future Legislatures to hide a pay raise in another piece of legislation.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, I heard the issue about the pay raise being buried in the package, in the compromise package, at the leadership meeting yesterday. I guess it was the first time I had thought about it. Somebody pointed out that it had had at least one vote in here, maybe more, and in the other branch.

I guess I'm troubled by the term "hidden" as used by the good Senator from Kennebec, Senator Ault. If it makes anybody more comfortable, it certainly, you can't hide something that you've talked that much about, I guess, is my point. It's not hidden there. It's in there. It was part of the compromise. I don't think there's anybody here that thinks we're deceiving anybody, that and many other issues are part of the compromise.

I guess what troubles me is not individual Senator or individual Legislator's concerns about the fact that they don't want to go on the record voting for the pay raise, but the fact that by implication, they're trying to indict me and other people who did vote for the pay raise. I will vote for this Bill this morning. Part of the reason I'll vote for it is the pay raise in there. I have no problem standing here.

If you have a problem with that issue. If you have a problem with the fact that that issue is in the compromise, fine, that's outstanding. That's excellent, but don't try to indict me by implication that somehow this is hidden in there. Again, I have a hard time understanding how something can be hidden that we have talked about, that we have debated, that had a public hearing, that had at least one Roll Call

vote for all of us to get on the record for.

I guess I would just, if it's troubling people that much, and if those people are in fact re-elected, I would invite them to walk to the State Treasurer's Office, each and every payday and turn that money back to the State of Maine. Thank you.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: Since the word "hidden" has been brought out relevant to this issue, that's exactly how many people in the State of Maine feel about this. They equate this somehow or other with the federal pay raises that went along. We don't fall in the same category. I'm very, very cognizant of that particular fact, but it surprised me how many people brought this up, that we're pulling the same kind of stunt that they did in Washington, D.C.

Now, my reason for this, or my objection is all the other measures that have been attached to this one single document in the name of compromise. I was not part and parcel to the leadership's or the administration's so-called compromise. I was not consulted, but I feel my vote is just as important on the floor of this Senate as anybody else's. The end result is I think it's about time we start looking out for the interests of the individual people of the State of Maine, instead of looking out for our party concerns.

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

Senator CONLEY: Mr. President and Members of the Senate: Gerry Conley supports a pay raise for legislators. Gerry Conley has never voted against one. The reason I've never voted against one is so that people like the good Senator from Androscoggin can come here and serve. I'm not afraid to say it. I hate all this malarkey being spread across this floor this morning, putting us in a position of doing what Congress has done.

This is not the black lung bill. This Bill came before this Senate, was voted on by a Roll Call at least on three occasions. Everyone knows how the Members felt at that particular time. There were several who voted against it. There were several who voted against it.

I voted against tax conformity from the day it entered this Senate, a welfare bill for the corporate structure of this State. I'm willing to swallow that bitter pill as part of a compromise so that we can get the State's business done and get out of here.

This is not the black lung bill. It's a Bill that's been up front before the Legislature time and time again. It's been one that was presented to us by an outside commission, a study commission appointed by order, that made recommendations, recommendations that were reviewed not only by the leadership of both parties, but reviewed by the Appropriations Committee itself.

Now let's have any rhetoric about against a pay raise. Maybe the good Senator from Androscoggin may not be in here next session. Maybe Gerry Conley may not be here next session, but at least give some people the right to be able to serve here and that they don't have to go into bankruptcy by trying to provide a public service.

The PRESIDENT: Is the Senate ready for question?

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President and Members of the Senate: I realize that we are in a very, very difficult situation today, because there are parts of this Bill which I am all in favor of, but there are other parts that I can not just go along with. I've had to weigh the balance on one side against the other, as to whether some issues are more important than the others.

I have steadfastly opposed appropriating

money from the General Fund to the Highway Fund, and allocating the funds from the Transportation Safety Fund, because I believe that we should impose a tax on the gasoline to take care of the Highway Funding aspect of our government.

I am also opposed to the increased compensation for the Members of the Legislature. I'm going to vote against this Bill, mainly on that part. Some people have criticized us for coming in on these two days, how much money it cost, if we pass this Bill today it's going to cost the taxpayers \$690,000 just for increased salaries for our State Legislature.

I do not think, under the economic conditions we are in, when we're asking other people to cut back, that we should increase our own salaries to this extent. I go along wholeheartedly with a daily expense increase, but not on an increased compensation as far as salaries are concerned.

There are parts of this Bill which I do like. I very reluctantly vote against it when it provides for a cost of living increase for teachers, State employees, and their beneficiaries, and there are other parts along with that. I think the teachers and the State employees are going to understand my position. I certainly hope they are, that I am not voting against them. I am voting against all of this unnecessary part of this Bill, which I think should have been taken out, but we were warned not to take it out because it might break up the whole system. Maybe sometimes it is better to break up the whole system.

Nevertheless, I will be voting against the Bill.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: I think I quite clearly spelled out last evening the many reservations I had relevant to this particular bill. The thing I did not emphasize the most was the legislative pay raise. Although I had voted against this thing consistently, not because I live within 40 miles of the State House, but I am making the necessary adjustments in my employment to be here and serve. Anybody who can not make those necessary adjustments in their employment to be here and serve should not be here in the beginning, anyway.

The thing is, we know it's a part-time citizen's Legislature. We must make that decision on our own, if we want to serve. That's taking into consideration exactly what our financial condition is. If anybody was smart, they wouldn't serve if they were facing bankruptcy because they'd be in a black, it would really be a black eye in the State of Maine for people who will be facing bankruptcy to be up here trying to make decisions for the State.

Now there is many other factors that came into play. There's parts of this Bill I agree with. I don't want to reiterate them again, but the thing is they do comply with a little bit of what Senator Hichens from Eliot has said.

More importantly is, the people of the State of Maine are looking for an austerity program, and are asking us to at least be logical and intelligent in making this particular decision. That's just what I intend to do today, Mr. President and Members of the Senate.

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

Senator AULT: Mr. President and Members of the Senate: If the Senator from Aroostook feels he's been indicted, I have sympathy for him, but certainly don't feel I have to apologize because it was not my intent at all.

As I said, we're all on record, whether we support or oppose the pay raise. I would just point out again, I hope we do not establish a precedent of putting the pay raise in another piece of legislation.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the Enactment of LD 2144.

A Yes vote will be in favor of the Enactment of LD 2144.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Ault, Brown, Bustin, Carpenter, Charette, Clark, Collins, Conley, Devoe, Emerson, Gill, Huber, Kerry, McBreaity, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trafton, Trozky, Usher, Violette, Wood, The President, J. Sewall.

NAY—Hichens, Minkowsky.

ABSENT—Dutremble.

A Roll Call was had.

30 Senators having voted in the affirmative and 2 Senators in the negative, with 1 Senator being absent, LD 2144 was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Papers From The House

Joint Orders

Expressions of Legislative Sentiment recognizing:

Sharon Clark, and her committee colleagues for their remarkable volunteer efforts in raising funds to bring David Toma, a anti-drug crusader, to the Lewiston-Auburn area to talk about drug problems with area students and parents. (H. P. 2399)

Edward Adams, of Presque Isle High School, highest ranking member of the Class of 1982. (H. P. 2401)

Tim Charette, of Presque Isle High School, second highest ranking member of the class of 1982. (H. P. 2402)

Brian Sipe, who won the Brother John Award for the outstanding actor at the North East Drama Festival. (H. P. 2403)

The Presque Isle Shipmate Playhouse, which has won the top award in the State Drama Festival and the New England Drama Festival. (H. P. 2404)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

Joint Resolution

A Joint Resolution in Memoriam:

WHEREAS, the Legislative has learned with deep regret of the death of Susan N. Brown, our Legislative Assistant Bill Brown's beloved wife. (H. P. 2405)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

Order

An Expression of Legislative Sentiment recognizing:

Ed Genthner, of Clare's Thirsty Dolphin in Brunswick, who has been named the "Ugliest Bartender in Maine" by the Maine Chapter of the National Multiple Sclerosis Society for 1982. (S. P. 1009) presented by Senator CLARK of Cumberland (Cosponsors: Representative MARTIN of Brunswick and Representative LIVESAY of Brunswick).

Which was Read and Passed.

Sent down forthwith for concurrence.

Enactor

The Committee on Engrossed Bills reported as truly and strictly engrossed the following: AN ACT Providing for Conformity with the Internal Revenue Code for Taxable Years Ending in 1982. (H. P. 2385) (L. D. 2147)

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

Senator COLLINS: Mr. President, this is the

Bill that has caused us a great deal of effort in this session, and I want to make just two observations for such value as they may have in the interpretation of this Bill in the days to come.

This Bill provides the State of Maine tax conformity on a substantial basis with the Federal Internal Revenue Code with two exceptions. The first is the Maine taxpayers would not be able to make deductions for Safe Harbor Leasing provisions which permit corporations to lease certain depreciation deductions from corporations which can not make use of them.

The second exception relates to the Accelerated Cost Recovery System. If the State Budget Officer certifies on December 1, 1982, that there is sufficient unappropriated revenues to fund full conformity, full conformity takes effect. If excess revenues are not sufficient then corporate taxpayers which are not sub-chapter S corporations have two options. They may continue to use the depreciation provisions in effect prior to the Accelerated Cost Recovery System, or they may use the Accelerated Cost Recovery System, but they must add back 18% of their Federal Accelerated Cost Recovery deductions for State Income Tax purposes in 1982. These corporations would then have the right to deduct this amount at 6% per year over the next 3 years, so that they would recoup the amount that they did not obtain in 1982.

Now these are the essentials of this matter. I have not done a technical analysis on my own, but the material that I have read to you comes from a staff lawyer for the Legislative Branch.

The Executive Branch has, also, made extensive study of this through lawyers attached to the Bureau of Taxation, and they have assured us that this legislation is Constitutional and that it does what the statement of purpose in the original bill says that it does.

I recommend passage of this act.

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

Senator WOOD: Mr. President, Men and Women of the Senate, although there are many parts of this Bill, like there were many parts of the Appropriations Act that I am in favor of, I will ultimately not be voting for this Bill today, and it is for two reasons.

One, I do not share the feelings that this Bill is technically correct or Constitutional. I think that there are two parts of the Bill that cause me some concern.

Consistently this session, I have supported some form of conformity. This Bill does not take effect until December 1st. All individuals, all corporations, whatever make of corporations will have to file on a quarterly basis under the old system, until December 1st. They will receive no benefits until December 1st, and then they will have to file an amended form.

I think for businesses that wanted to avoid double bookkeeping, double depreciation schedules and all of that, we have done nothing to alleviate that problem. They will still have to file under the old report and then on December 1st, the \$6,200,000 if that is available they will be able to amend, the \$9,800,000 if that is available they will be able to amend, but in no way are we preventing this duplication of bookkeeping, because the Bill does not take effect until December 1st. So I am not sure that corporations receive the benefits that they think they are going to receive.

The second problem that I have with it is that the Constitution is very clear about delegation of taxing authority, there have been many court cases. We are allowing an officer of the State not attached to the Legislature to make a determination that is not a mathematical determination, it is a value judgment on what he determines as contingencies to justify whether there is money or not. I would submit that that is delegation of authority. It is poor tax policy, and although I am in sympathy with the aims of this legislation, I think that the legislation is

not going to fulfill those aims.

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

Senator COLLINS: Mr. President, I respectfully disagree with at least a portion of the analysis submitted now by the Senator from York, Senator Wood.

This Bill will become effective as law 90 days after adjournment of this session, as any other regular bill does.

The question that remains hanging in the balance that has been referred to as a December 1 effectiveness, of course, relates to the Accelerated Cost Recovery depreciation factors.

I have discussed with business people and accountants the type of paperwork involved in this particular Bill. Many corporations do adjust depreciation on a quarterly basis, others, on a monthly basis. Their final adjustments do not come until the end of their fiscal year.

The difference in what they pay in periodic payments is usually very slight. The final result is what is important.

It is true that some corporations may go ahead and file their returns if their fiscal year ends like July 1, for example, before that December 1 triggering date has arrived. Some may elect to get extensions of time, paying what they project is the proper tax in the meanwhile. Others may go ahead and file on the basis of what they perceive to be the correct depreciation.

If they do, and if it turns out that the result is not as they predicted it for themselves based on this legislation, then all they will need to do is to file an amended return to make the correction.

It may well be that the revenues of this State come in sufficiently, that we shall even know the probable answer by the first of July. We are certainly very hopeful of that. This Bill certainly does place a restraint upon this Legislature not to make future allocations and expenditures of money over and beyond the amount that might be needed for tax conformity.

These are all clearly known facts. I am advised by business people who have studied this, that this is not an inconvenience of sufficient proportion to warrant us setting this whole thing aside. I think it is important to get this principal established and known, and the word to go out to business, that we are trying to make it possible for them to have a healthy life in our economy and to provide jobs that are so sorely needed in these times.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, I have gone through several people in the business community. I have evaluated this particular piece of legislation, not from a partisan point of view, but from a business point of view. In speaking with these business people, one interesting thing I want to call to the attention of those who might be opposed to it.

I have just as many Democratic businessmen here that I deal with in the State of Maine as maybe there are Republican businessmen.

In addition to that, I was not heartily in favor of the tax conformity bill we had before us during that one day special session because I anticipated something like this would materialize.

When I started researching the, not the multi-national corporations, or the national corporations, but just the corporations, in the State of Maine, and the categories we have developed here, persons who own residential property containing one or more rental units, the ma and pa stores, the gasoline station operators, the insurance agencies, the data processing companies, the retailers of all sizes and lines, the grocery stores, in fact every entity of business will be affected.

This gave me the impetus I needed in which

to come up with a final analysis of why I am voting in favor of this particular Bill this morning. It is simply the Legislature, by adopting conformity, will eliminate substantial additional cost to the taxpayers, meaning the business community, for tax return preparations. This is a very, very large expense, especially if they are hiring CPA's.

Ensure, compliance at no additional cost, and yes, aid economic development, which is of paramount importance here in the State of Maine, provide jobs for the citizens of the State, and to keep the budget within the prospects that it should be. That amount, if I understood correctly, should not exceed or cost more than \$2,100,000. That certainly could be applied for economic development.

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

Senator WOOD: Mr. President, Men and Women of the Senate, I think that many of you would be amazed to realize that I, too, own a small business, and I consider myself a small business person. So, at no time, have I not supported or supported this Bill because of business people.

In fact, two days after the last session, I had the pleasure of speaking to the Chamber of Commerce. There were about 15 people there that owned businesses, large and small. I explained to them what at that time was the compromise that failed, and to a person, all of them said that compromise made good sense. I said, I thought it did at that time.

So, I would hate to have my remarks characterized as somehow being anti-business, since I consider myself being a business person and make my living at that.

I would only point out that if the Senator from Androscoggin is concerned about the additional cost of bookkeeping to business people, the good Senator from Knox has already told us that they will have to file amended forms. To file an amended form takes some kind of bookkeeping ability, and costs some kind of money.

So, that there will still be a potential additional cost to business people, and I don't think those people should be misled.

I do have two technical questions that I think the sponsor can clarify. The Senator from Knox, Senator Collins, said that this law would take effect 90 days after we adjourn. In my reading of the Bill, on page 5, section 10, it says "the effective date of this Bill shall be effective on December 1, 1982."

The other concern I have is that the good Senator mentioned that by July 1, we would know whether we had the money. In this Bill, it says that that would not be known until December 1, and that all contingencies should be taken into account. Since the word contingency is not defined, if a certain referendum passed in November, and those referendum cost the State money, would not that be a liability, an encumbrance to our funds, and will not that preclude this Bill from taking effect?

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

Senator COLLINS: Mr. President, I want to assure the good Senator from York, Senator Wood, that all of the fears that he now dangles before us have been thought about, explored, and discussed with people of far greater knowledge than perhaps any of us in this Chamber on the technical side of these matters.

The Senator is quite correct that the December 1 date is the important date in knowing our status with regard to Accelerated Cost Recovery for corporations. When I said that we may even know by July 1 whether the money is there, I also said that it is possible that this Legislature could come in at some future date and appropriate away money that would otherwise be available for this full tax conformity.

The fact is that the answer is in our hands, in the hands of this Legislature. It is my judgment that we are not likely to appropriate away more money than would permit this Acceler-

ated Cost Recovery Program to stand, and to perform the office that we intended it to perform.

Under the heading of contingencies, I have discussed this matter with Rodney Scribner, the Commissioner of Finance and Administration, as well as with other technicians connected to the State. The word "contingency" is a word that has received definition through the years in the courts, and in legislative parlance, and in terms of contingent accounts. I think probably the only thing that needs to be directly addressed is the point raised by what might be the result if the voters in November were to adopt a specific proposal that will be on the ballot?

The fact is that any such initiated bill that shall be on the ballot does not become effective until as the Constitution provides, 30 days after the Governor has proclaimed the passage of it. The Governor is obliged under the Constitution, to await the time in which the ballots have been canvassed. We all know from the past that this is likely to be at least 10 days after the election, and he then has an additional 10 in which to make his proclamation.

So, as I see it, the earliest that any effectiveness of a fall decision would be made, would fall probably about December 20, at which time a new Legislature will be in office, and will be available to deal with whatever results may need to be dealt with.

I assure the Senator that the meaning of that word "contingency" has had attention. I have confidence in the good faith of our Governor, and his administration, to use that word in the context in which we have traditionally known it.

Someone suggested to me, suppose we go to war and the State of Maine gets involved in a lot of extra expenses, I suppose that is conceivable that that could happen. If it did, we might want that sort of contingency to prevail over this sort of thing. I am not concerned that, that word "contingency" causes us any problem.

The plain facts are going to be that there will be certain revenues. There will be appropriations that this Legislature has passed. Those numbers will be part of the public records. They can be examined and held out to the world to see. I have confidence that the Executive Branch of this government will do its work properly so that ultimately we will have the benefit of this full tax conformity.

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

Senator CONLEY: Mr. President and Members of the Senate, since I first became involved in the Legislature, and serving in also the municipal office, I have always felt the responsibility of government was to help those in need.

This is certainly a welfare bill, welfare for the corporate structure of the State, primarily. Yes, there are things in here that I support. The marriage penalty is certainly one that should be addressed, and a few other items.

I can not for the love of me, understand why Maine has to be so up front, so rapid to adopt a program that may very well be changed within the next few days in Congress.

As I have stated, I am going to swallow a bitter pill, but one couldn't hardly help but noticing, if they took the time to read, and I'm sure the good businessmen friends of the Senator from Androscoggin, Senator Minkowsky, small and large, and I always thought businessmen were all Republicans. I'm sure they must have read the Wall Street Journal. Maine's economy turning around after 25 years of high joblessness. I think that's a credit to the State. It shows that we, in Augusta here, have done a great deal to help business.

I have to address and go back to a subject that I mentioned last week, or the last time we were here and we discussed what the Democrat's position is with respect to helping busi-

nesses. There's a litany of things that we've done to assist business in this State, Democrats and Republicans alike. Somehow or another the Republicans like to be out front with the magnates, as they were all for big business.

I remember in my City, we passed something we called the repeal of the inventory tax for business. That cost my City over \$1,000,000, and a commitment yet was made by the Legislature, particularly to those towns who had inventory taxes, that we were going to restore those lost funds. We have yet to do it. We created a phase-out program. Since that time, I believe that final year has been paid, it's either being paid this year or was last year. The communities are now without.

Well, here's one more welfare program that we're passing. I hope that four years, the next four years in Washington, that the people who are responsible for this, and the problems that are being caused throughout this country, will pay dearly for it.

The Bill was Passed to be Enacted and having been signed by the President, was by the secretary presented to the Governor for his approval.

(Senate at Ease)

The Senate called to order by the President.

At this point a message was received from the House of Representatives through Representative Mitchell of Vassalboro, the Majority Floor Leader of the House, that the House had transacted all business before it and was ready to Adjourn Without Day.

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

Senator COLLINS: Mr. President, as we draw to the end of this session, knowing that we may be back again for a day or two, but not just when or what length of time, I would like to take just a minute to pay tribute to the very wonderful staff that serves all of us so well here in the Senate.

Mary Porter, our Assistant Secretary; Pat Clark, who is Secretary to the President; Terry Morrison, our Sergeant-at-Arms; Jim Boudreau, who is not with us today, but has been active in all previous times, Pat Woolston, Michael Lund, our very energetic and accommodating pages; Linnea Pedersen, who is the Assistant Reporter; Timothy Marks, our Doorkeeper; Linda Howe, our Reporter; our Postmaster, David Young; our Assistant Postmaster Emile Pelletier; and then May Ross's efficient office, Patricia Moreau, Alta Main, Donna Tracy, and those folks from the fourth floor, who so patiently wait on us and transcribe, Madelyn McNamara, Pauline Gruber, June Palman, who doubles as the Sound System Moderator, Helen Wing, Maureen Johnson; and of course, down in the office that Senator Pierce and I share, Christine Patrick. I know that our friends on the Democratic side of the aisle may have things to say about those who especially serve them well.

I want to say also that in some respects a closing day like this has a bit of sadness to it. There are some among us who will not be returning of their own choice. Another time, that is another Legislature, come next December. Dana Devoe of Orono has been a solid member of this Body as Chairman of Judiciary and previously as Chairman of Public Utilities.

John Kerry of Old Orchard Beach has shown us a great heart and a strong determination to advance in the service of those ideals that mean so much to him.

Donald O'Leary, who is somewhat of a miracle man. I don't understand how he has the strength to be here in the way that he does. I have especially enjoyed my association with Senator O'Leary, as we co-sponsored the Probate Code and as he took a special interest in

some of the features of the Criminal Code and environmental causes, where he stood for a sound balance of interests.

Senator Richard Pierce, who again, is one who seeks the service of this State at a higher level, and who has served us well, particularly with respect to matters of Business Legislation and Election Laws and other causes in which he has stood strongly for business interests.

Senator Roland Sutton, our strong voice from the west, who brings the perspective of a businessman who has worked hard and has achieved well. His strong voice will be missed here, because he has spoken a point of view that we all need to hear, just as we need to hear the point of view of labor, the poor, and other groups that we serve here.

Senator Barbara Trafton, sometimes spoken of as one of the angels. I'm not sure whether that's because of the color of her hair or what, but I know that she is highly regarded for her intellect and for her understanding of public utility matters and environmental causes.

And finally, Senator Howard Trotzky of Bangor, that fearless champion of whatever cause he decides to espouse, no giant being too big for him to tackle. We have appreciated the levity that he has brought to us as well as his sound judgment on many matters that affect the environment, the field of public utilities, and the field of education, which was his original first love as a career vocation.

And so, I would ask the Members of the Senate to rise and give their response to this very brief tribute to those who have served us and those who will be leaving us in this coming year.

(Applause, the Members rising)

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

Senator CONLEY: Mr. President and Members of the Senate: Last January, a year ago, we came into this Body, with many new faces as is normal, I guess, for each new Legislature that comes in. I know it must be difficult, particularly for the newer Members, to take a look at this corner and say, what kind of a person is he, because I know that some of my antics are not generally appreciated by the presiding officer, perhaps even by the Majority Floor Leader at times.

I share very much the sentiments expressed by the Majority Floor Leader, Senator Collins, and those of you who are not returning, we wish you all well. Some perhaps, a little better, a little more success in life. Those of us will be coming back. When the good Senator from Knox, Senator Collins, started reading off all the staff around here, to be a little political and a little levity, I thought it was an obituary column that he was originally reading off, but the elections aren't until November, and we don't know what's going to happen.

I know that we're a Democratic party, and we're going out and we're going to talk about the Democratic philosophy, the Democratic programs. We hope that we take control of this Body when we return.

Again, as I stated, that's in November, and it will be another January that will come by. I've been waiting for a long, long time for that. I would be lying if I said anything different to any of you, that I'm making a novena, that in November the people really take a good look at what's happened over the last few years, and give us control of this Body just once in 20 years. I wish you all well.

(Applause)

Senator Carpenter of Aroostook was granted unanimous consent to address the Senate, On the Record.

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, this seems to be the appropriate time to pay tribute and say thanks and whatnot. I just wanted to

add my personal comments.

Two years ago, I made a decision that it was time to quit playing around and get serious with my life, and partly, at least, inspired by people like Sam Collins, I decided to go to law school. I don't think there's been a day or hardly a day that's gone by that I've been here, and I think I've only missed one day, that somebody hasn't stopped me in the hallway, or seen me somewhere and asked me how I was doing and how things were going. I think of Dana Devoe, because he probably has asked me and shown as much concern as anybody, and my good friend Babs has asked me quite a few times, and Sam, and people like that.

That's meant a lot to me. It's been a very difficult, almost two years, traveling back and forth between Portland and Augusta and Houlton, and points north and south. It really has been helped a lot by concerns shown by people that I'm not always on the same side with, in this Chamber on particular issues. I just wanted to publicly get up and thank you for showing your concern for me as an individual, and putting aside the politics. It's been very much appreciated. Thank you.

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

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

Senator COLLINS: Mr. President, I neglected to mention the good services of Jayne Cory in the President's office, who has been with us briefly. Finally, I wanted to reserve a special word of appreciation to the person who really manages this Senate more than anyone else, our own May Ross. God bless you.

(Applause, the Members rising)

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

Enactors

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

AN ACT Providing for Administrative Changes in the Maine Tax Laws. (H. P. 2406) (L. D. 2149)

AN ACT to Provide for Improved Energy Policy Development and Electricity Demand Forecasts. (H. P. 2273) (L. D. 2120)

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

Senator Pierce of Kennebec was granted unanimous consent to address the Senate, On the Record.

Senator PIERCE: Mr. President, one of the reasons the Majority/Minority parties have assistants, and the role I play is that once in a while, the leaders in each party make a slight slip.

This morning, although the good Senator from Knox did yeoman's service and mentioned just about everybody whom we wanted to thank, I think he forgot one person, and overlooked, Rosemarie Cote Butler, who works in our office, who probably is one of the most delightful persons I think I've ever had the pleasure to work with. I'm sure especially my 16 Republican colleagues whom she works with so closely, just want to add our word of thanks to her for a superb job and thank her for all her services.

(Applause, the Members rising)

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:

Linda Lorenzen, of Rockport, salutatorian of School Administrative District #28, Camden-Rockport. (H. P. 2407)

Maria Libby, of Camden, valedictorian of School Administrative District #28, Camden-Rockport. (H. P. 2408)

Come from the House, Read and Passed.
Which were Read and Passed, in concurrence.

(Senate at Ease)

The Senate called to order by the President.

Joint Order

WHEREAS, the joint utilization of water resource facilities for fisheries and boating and for energy production is a desirable and possible goal; and

WHEREAS, 6 major rivers in the State contain natural runs of anadromous fisheries; and

WHEREAS, there are many more miles of undeveloped, free-flowing river corridors in the State; and

WHEREAS, there exists an axial flow bulb-type turbine that can produce required energy without the construction of a conventional-type dam; and

WHEREAS, the downstream survival rate for salmon and trout through these turbines has been recorded as high as 97%, now, therefore, be it

ORDERED, the Senate concurring, that a joint select committee be appointed to study the feasibility of using this new type of turbine in Maine and its possible applications; and be it further

ORDERED, that the joint select committee shall consist of 3 members of the House of Representatives appointed by the Speaker of the House one of whom to be designated as co-chairman; and 3 members of the Senate appointed by the President of the Senate, one of whom to be designated cochairman; and be it further

ORDERED, that \$25,000 be allocated from the Legislative Account to carry out this study; and be it further

ORDERED, that the joint select committee report its findings and recommendations together with all necessary implementing legislation to the Legislative Council for introduction at the First Regular Session of the 111th Legislature. (H. P. 2400)

Comes from the House, Read and Passed as amended by House Amendment "A" (H-781).

Which was Read, House Amendment "A" was Read and Adopted, in concurrence.

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

Senator SHUTE: Mr. President, a point of inquiry. I haven't had a chance to read the Amendment. Does that take the \$25,000 off the study order? That seems a bit excessive.

The PRESIDENT: The Chair would answer, in the opinion of the Chair, in the affirmative. It does remove the \$25,000.

The Joint Order, as amended, Passed, in concurrence.

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 informing that Body that the Senate has transacted all the business which has come before it and is ready to Adjourn Without Day.

Which was Read and Passed.
The President appointed Senator Collins of Knox to convey the message to the House of Representatives. The Senator then retired to the Hall of the House.

Senator Teague of Somerset was granted unanimous consent to address the Senate, Off the Record.

At this point, Senator Collins of Knox reported that he had delivered the message with which he was charged.

Out of Order and Under Suspension of the Rules:

On motion by Senator Conley of Cumberland,
ORDERED, that a message be sent to His Excellency, the Governor, informing him that the Senate has transacted all the business which has come before it and is ready to Adjourn Without Day.

Which was Read and Passed.
The President appointed Senator Conley of Cumberland to convey the message to his Excellency the Governor.

Subsequently, Senator Conley of Cumberland reported that he had delivered the message with which he was charged, and the Governor was pleased to say that he would attend the Session forthwith.

Senate at Ease

The Senate called to order by the President.

The Sergeant-at-Arms escorted the Governor of Maine, the Honorable Joseph E. Brennan, to the rostrum. (Amid the applause of the Senate the members rising)

GOVERNOR BRENNAN: Mr. President and Ladies and Gentlemen of the Senate, first I want to say I'm delighted and honored to be invited back to this Body, where I once had the privilege to serve. I'm especially delighted to be able to come here and to commend the Men and Women of the Senate for rising above their personal differences and meeting their public responsibilities.

I think that what took place in the last two days has enhanced the image of this Senate. I think you've done yourselves proud. Even more important than that, I believe by passing that housing bill, which will mean some \$60,000,000 or so in housing activity, a lot of people will be helped. Many young couples will have a chance to buy their first home.

I believe by passing legislation to help the poorest children in this State, and also, to further improve the capacity of State government to protect children against child abuse and neglect, you have done yourselves proud.

I commend you for passing legislation to help our retirees with their modest pensions. I also commend you for passing tax reductions for individuals and businesses, because I believe that will increase our potential and our opportunity for economic development, which really means jobs and again, those are the best human services programs.

So I want to say I'm so pleased that you've done in two days what couldn't be done in 52 days, that I want to invite you back again in a couple of weeks to do some more business. Thank you very, very much.

The Sergeant-at-Arms escorted the Honorable Joseph E. Brennan, the Governor of Maine, from the Senate Chamber. (Amid the applause of the Senate, the members rising).

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBrearty.
Senator McBREARTY: Mr. President, I move that the Senate Adjourn Sine Die.

On motion by Senator McBrearty of Aroostook, at 12:32 p.m. on Thursday, April 29, 1982, the Honorable Joseph Sewall declared the Senate of the Fourth Special Session of the 110th Legislature Adjourned, Sine Die.