

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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May 13, 1982

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July 16, 1982

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STATE OF MAINE
One Hundred and Tenth Legislature
Fifth Special Session
JOURNAL OF THE SENATE

Augusta, Maine
May 13, 1982

In compliance with a proclamation of His Excellency, Governor JOSEPH E. BRENNAN, the Senators convened in the Senate Chamber at 10 o'clock in the morning.

The Senate called to order by the Secretary.

The SECRETARY: In accordance with Senate Rule 5, Senator Collins of Knox will serve as President Pro-Tem.

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

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

Prayer by the Honorable Louis Jalbert of Lewiston, Dean of the Legislature of Maine.

Representative JALBERT: Mr. President and Members of this August Body, I note a somewhat somber note this morning in this room due to the death of Senator Gerard Conley's mother. I knew her, as I know him, very, very well. I know that daughters and mothers are close, sons and mothers are close, but there is a particular closeness between Gerard and his mother.

I note Mr. President, in the absence of my blood brother, Joseph, you being here is something that makes me happy because I served with Senator Collins' father my first term, as a member of the Appropriations Committee when he was chairman, and Senator Huber. I made his life as miserable as I've made yours, although pleasantly, over the last few years.

I'm very proud to be here. I hope this session will go as smoothly as the last day of the last special session. We started out well at 9:00 this morning through Senator Huber and Representative Pearson's leadership to give you a unanimous report, slightly amended, on the pay bill. I hope that we will be out of here expeditiously. I hope you're well. God bless you and God bless this Body. Amen.

Secretary read the Proclamation.

STATE OF MAINE
Proclamation

WHEREAS, there exists in the State of Maine an extraordinary occasion arising out of an agreement between the State of Maine and the Maine State Employees' Association relating to the compensation and fringe benefits for over 10,000 employees; and

WHEREAS, the membership of the Maine State Employees' Association has overwhelmingly ratified the terms of this contract; and

WHEREAS, the laws of the State of Maine require legislative approval of the certain financial provisions of any contract between the State and an employee organization; and

WHEREAS, the State wishes to make the salary adjustments and benefits agreed upon available to State employees as soon as possible;

NOW, THEREFORE, I, JOSEPH E. BRENNAN, Governor of Maine by virtue of the constitutional power vested in me as Governor, convene the Legislature of this State, hereby requesting the Senators and Representatives to assemble in their respective chambers at the capitol in Augusta on Thursday, the 13th day of May, 1982 at 10:00 in the morning in order to receive communications, enact a collective bargaining bill, and conduct such other legislative business as may be appropriate.

Given at the Office of the Governor at Augusta and sealed with the Great Seal of the State of Maine this sixth day of May in the year of our lord nineteen hundred and eighty-two.

S/JOSEPH E. BRENNAN,
Governor

S/RODNEY S. QUINN
Secretary of State

A true copy:
Attest: S/JAMES S. HENDERSON
Deputy Secretary of State
Which was Read and Ordered Placed on File.

At this point, a message was received from the House of Representatives, through Representative Mitchell of Vassalboro, informing the Senate that a quorum was present for the consideration of such business as might come before the House.

The Roll being called the following Senators responded to their names:

Ault, Brown, Charette, Clark, Collins, Emerson, Hichens, Huber, McBreairty, Minkowsky, O'Leary, Perkins, Pierce, Shute, Teague, Traflet, Violette, Wood.

18 Senators having answered to the roll call, the President Pro Tem declared that a quorum was present.

Out of Order and Under Suspension of the Rules:

On motion by Senator BROWN of Washington,

ORDERED, that a message be sent to His Excellency, the Governor, informing him that a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.

Which was Read and Passed.

The President Pro-Tem appointed Senator Brown of Washington to deliver the message to His Excellency the Governor.

Subsequently, Senator Brown of Washington 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 PIERCE of Kennebec,

ORDERED, that a message be conveyed to the House of Representatives informing that Body that a quorum of Senators is present for the consideration of such business as may come before the Senate.

Which was Read and Passed.

The President Pro-Tem appointed Senator Pierce of Kennebec to convey the message, the Senator then retired to the Hall of the House, and subsequently, reported that he had delivered the message with which he was charged.

Communication
Administrative Office of the Courts

April 30, 1982

Dear Mr. President:

It is my honor and personal pleasure to transmit to you and to each of the other Senators of the 110th Legislature a copy of the Sixth Annual Report of the Administrative Office of the Courts, pursuant to the provisions of 4 MRSA § 17.10.

Sincerely,

S/DANA R. BAGGETT

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

Senate Paper

Senator BUSTIN of Kennebec (Cosponsors: Representative LUND of Augusta, Representative PARADIS of Augusta and Representative HICKEY of Augusta) presented, Bill, "An Act to Authorize the State Director of Public Improvements to Lease a Certain Parcel of Land to the Augusta Sanitary District." (Governor's Bill) (S. P. 1010)

Which was referred to the Committee on State Government and Ordered Printed.

Sent down forthwith for concurrence.

Orders

Expressions of Legislative Sentiment recog-

nizing;

Warren Davenport, of Wayne, recipient of the Kennebec County "Dairymen of the Year." (S. P. 1011) presented by Senator PIERCE of Kennebec (Cosponsors Senator AULT of Kennebec and Senator TEAGUE of Somerset).

Leroy Darling, Chief of Police of Westbrook, who is retiring after 23 years of dedicated public service. (S. P. 1012) presented by Senator USHER of Cumberland (Cosponsors: Representative CARRIER of Westbrook and Representative DAY of Westbrook).

Rev. Antonio Gosselin, Pastor of St. Hyacinth's Church, of Westbrook, upon serving 40 years in priesthood. (S. P. 1014) presented by Senator USHER of Cumberland (Cosponsor: Representative CARRIER of Westbrook).

Dennis J. Patterson, of Eliot Troop 340 and son of Mrs. Melody Patterson, who has attained the high rank and distinction of Eagle Scout. (S. P. 1015) presented by Senator HICHENS of York.

Michael Thibeau, Jr., of Eliot Troop 340 and son of Mr. and Mrs. Michael Thibeau, who has attained the high rank and distinction of Eagle Scout. (S. P. 1016) presented by Senator HICHENS of York.

William Spinney, of Eliot Troop 340 and son of Mr. and Mrs. Tyler Spinney, who has attained the high rank and distinction of Eagle Scout. (S. P. 1017) presented by Senator HICHENS of York.

Chris Millar, of Eliot Troop 340 and son of Lt. Colonel and Mrs. J.D. Millar, who has attained the high rank and distinction of Eagle Scout. (S. P. 1018) presented by Senator HICHENS of York.

Carl and Marie Bridges, of Penobscot, who are celebrating the 50th anniversary of their wedding. (S. P. 1019) presented by Senator PERKINS of Hancock (Cosponsor: Representative PERKINS of Brooksville).

George McCloud, the father of career education in Maine, who is retiring after 26 years in the South Portland Schools, including work with computer programming, CETA and work as teacher, guidance counselor, assistant to the superintendent and assistant superintendent. (S. P. 1020) presented by Senator GILL of Cumberland (Cosponsor: Representative MACOMBER of South Portland).

Which were Read and Passed.

Sent down forthwith for concurrence.

Joint Resolutions

Joint Resolutions in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of the Honorable Odilon J. Bernier, a distinguished member of the 104th and 105th Maine Legislatures. (S. P. 1013) presented by Senator USHER of Cumberland (Cosponsors: Representative CARRIER of Westbrook and Representative DAY of Westbrook).

WHEREAS, the Legislature has learned with deep regret of the death of Catherine A. Conley, of Portland, mother of State Senator Gerard P. Conley. (S. P. 1021) presented by Senator PRAY of Penobscot (Cosponsors: Senator NAJARIAN of Cumberland, Senator SEWALL of Penobscot and Senator COLLINS of Knox.)

Which were Read and Adopted.

Sent down forthwith for concurrence.

Orders of the Day

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

On motion by Senator Pierce of Kennebec. Recessed until the sound of the Bell.

Recess

After Recess

The Senate called to order by the President.

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

Papers From the House House Papers

Bill, "An Act to Fund and Implement Certain Collective Bargaining Agreements and Benefits for Other State and Judicial Employees." (Emergency) (H. P. 2421) (L. D. 2153)

Comes from the House, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed, in concurrence.

Bill, "An Act to Adjust Fees for Licenses Issued by the Real Estate Commission." (Emergency) (H. P. 2419) (L. D. 2151)

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

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

Bill, "An Act to Designate the Director of the Bureau of Medical Services as a Major Policy-Influencing Position Within the Department of Human Services." (Emergency) (H. P. 2420) (L. D. 2152)

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

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

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

Joint Orders

ORDERED, the Senate concurring, that "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," House Paper 1922, Legislative Document 1904, be recalled from the legislative files to the House. (H. P. 2417)

Comes from the House, Read and Passed.

Which was Read.

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

Expressions of Legislative Sentiment recognizing:

Henry Cameron, principal of the Garland Street Junior High School, for his lifelong dedication to students and their educational development. (H. P. 2409)

Emma L. True, of Gardiner, who will celebrate the 100th anniversary of her birth on June 12, 1982. (H. P. 2410)

Avril Rough, of Augusta, State of Maine Champion Speller of the Year for 1982. (H. P. 2411)

The Monmouth Academy Speech Team, coached by Scott Foyt, which won the 1982 Mid-Maine Conference Championship and the All-State Championship. (H. P. 2412)

Shawn Legassie, of Millinocket Troop 57, who has achieved the high honor and distinction of Eagle Scout. (H. P. 2413)

Wayne Thurston, of Norway, who has been chosen Maine's Outstanding Farmer of 1982. (H. P. 2414)

Wilbur S. Viles for 48 years of banking services to the people of the Oxford Hills area. (H. P. 2415)

Palmer Libby, an outstanding master of the arts and a devoted teacher and friend of his students. (H. P. 2416)

Roy A Briere, of Rumford High School, one of the Nation's intellectually distinguished and

accomplished high school seniors, who has compiled a record of outstanding scholastic achievement and academic excellence. (H. P. 2418)

The top ten students of Buckfield High School, class of 1982: William Pratt, Valedictorian; Thersa Pulsifer, Salutatorian; Lisa Beaucage, Ted Dunn, Heidi Richardson, Mary Wasson, Kendall White, Jennifer Tucker, Kim Coulthard and Tammi Carson. (H. P. 2423)

Jerry Deschambault, of Sanford, and Kevin Sheehan, Captain John Hunt and Dr. Thomas Chayka, of the York Fire Department, for their heroic rescue of a life from a burning building on March 22, 1982. (H. P. 2424)

Owen Allen, Linwood Peary and Clarence (Pete) Boulter, all of Washburn, upon being made life members of the Washburn Fire Department in recognition of their service to the community. (H. P. 2425)

Amber Theriault, of Washburn, daughter of Armand and Debbie Theriault, crowned Miss Washburn for 1982. (H. P. 2426)

The Rev. Herbert Reid for his years of dedication and community service to the town of Fairfield. (H. P. 2427)

Ellen Phair, daughter of Mr. and Mrs. Carroll Phair of Limestone, who has been chosen Valedictorian of the 1982 graduating class of Limestone High School. (H. P. 2429)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

Committee Report Senate

Ought to Pass—As Amended

Senator AULT for the Committee on State Government on, Bill, "An Act to Authorize the State Director of Public Improvements to Lease a Certain Parcel of Land to the Augusta Sanitary District." (S. P. 1010) (L. D. 2150)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-479).

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

Sent down forthwith for concurrence.

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

Orders

Expressions of Legislative Sentiment recognizing:

David N. Sherburne, Troop 158 in Lewiston, upon achieving the high rank and distinction of Eagle Scout. (S. P. 1022) presented by Senator MINKOWSKY of Androscoggin.

Normand Marquis, of Boy Scout Troop 158 in Lewiston, who has received the Pope Pius XII Religious Award, the highest religious award in scouting, and who has attained the high rank and distinction of Eagle Scout. (S. P. 1023) presented by Senator MINKOWSKY of Androscoggin.

Which were Read and Passed.

Sent down forthwith for concurrence.

On motion by Senator Pierce of Kennebec, 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

The Committee on Taxation on, Bill, "An Act to Create an Excise Tax on Mining Companies

and Regulate Mining Activities." (H. P. 2428) (L. D. 2155)

Reported that the same Ought to Pass pursuant to Joint Order (S. P. 999).

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.

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

Senator EMERSON: Mr. President and Ladies and Gentlemen; I would like to address a couple of points, as a member of the Committee which put so much time into this Bill.

There has been some question about the need for constitutional amendments. Those amendments are not needed to make this bill constitutional.

The Attorney General has said there are no such problems. The constitutional amendments will, however, be necessary to change some of the provisions of the Constitution which set a tree growth withdrawal penalty, without realizing the impact that that penalty would have on mining.

Since constitutional amendments are very serious steps, the Bill provides for further study to determine the exact wording.

We should not, however, wait to pass this Bill, it is a necessary first step. Companies have been holding off on mineral leases because of the confused state of the laws.

The Bill goes as far as it can toward correcting the tree growth problem. For example, it defines such values, just values, in section 2864 in terms of what the mining and milling of the materials can earn for income, taking into account all the costs and expenses, including capital investment costs, such as the investment in equipment and facilities and a discount rate of 17%.

The tax is in lieu of property on the company's property located at the mine site. Such as plant and equipment, and the ore being processed.

There is property taxation of land and buildings. The tax, also, exempts from property tax property going to or from the mine site. So that, for example, the mineral concentrates being shipped from the mine site will not be subject to the property tax in the State. Thank you.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: there is a few parts of this Bill that I haven't received answers on and I certainly would like to project a few questions to the Chairman of the Taxation Committee.

When I first looked over the Bill, I guess it has been around quite a lengthy time, I guess I appreciate the amount of work that the Committee has done on this redraft, but I guess in the long term what I look at is the depredation of the environment in that particular part of the State of Maine, and subsequently all the other areas of the State if this particular Bill is passed.

In further discussion, today, it is actually interesting after comparing a newspaper account, that says the State of Maine would receive revenues in excess of \$20,000,000 over a 20 year span of time, if we allow this particular Bill to become law. How interesting it is when you draw a correlation with that \$20,000,000 over 20 years to allow depredation of the environment even worst than it is, and yet we can spend \$20,000,000 very easily subsidizing Bath Iron Works and never blink an eye under that Bond Issue. So one seems to wash out the other which I don't think is really in the interest of the people of the State of Maine.

When I look at the environmental section of this Bill, where it brings up the expenditures of interest from the fund will be contained in the

general plan prepared by the board which will be subject to legislative approval, the funds may be used to purchase and develop parks and recreational facilities, wildlife habitats, marine habitats, unique natural areas and to restore the quality of marine waters, lakes, rivers and streams. When I looked under that particular part there I said, isn't that interesting. All of a sudden many people are concerned about our environment and I am really surprised that the environmentalists really haven't latched onto this particular part here.

In looking at this in the perspective as it should be it appears that this particular Bill is giving the environmental people a hot dog to keep their mouth full during this segment of time in order that they don't say too much about this. I don't think that that is really in the interest of the people of the State of Maine.

The question I have come in page 29 of the Statement of Fact, under line 31, "prior to receipt of revenues, the Legislature must appropriate funds from the General Fund for those grants." I haven't seen any Legislative Appropriation to implement this particular law. If money seems to be as tight as everybody seems to be talking about here, at the present time, where is the money coming from to implement this particular law that is in this particular section at this present time? That would be one question, I think, should be on the Legislative Record to let everybody know exactly, does the State make an investment as it states in this particular Bill, or does it come from some other undisclosed area?

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

Senator TEAGUE: I will try and answer the gentleman from Androscoggin's question, Senator Minkowsky. On page 29 that he is talking about, I mean, is the Mining Impact Assistance Fund and that has nothing to do with the parts that he is talking about the DEP, and those.

If he would look to page 23 in the Bill itself, that is where we deal with MRSA 38 and beginning in sections 11, 12, 13, 14, 15, and 16. I think on those items right there that he will look and see that we in the Taxation Committee have looked at this problem and have tried to say, foresee in the future, what problems could be and have covered ourselves with either a bond or say, an insurance policy, or in some other way.

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

Senator MINKOWSKY: Mr. President, maybe through the Chair to the Chairman of the Committee on Taxation, the Statement of Fact under mining excise tax brings in the fact that there are 16 different mining companies presently exploring Maine. There seems to be some type of apprehension on their part that they will not get excess revenues or additional revenues for their exploration.

The question comes up, why the urgency after all these years? They have been mining for 20 years in the State of Maine, or exploring the areas. Why the urgency in this one day special session, in which to address this compared to not allowing this to come up during the January 1983 session?

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

The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: Mr. President and Members of the Senate, I'll try and answer that one, too. L. D. 2016 came in front of the Regular Session back in oh say, March or April over a year ago. The Taxation Committee studied that Bill at the time. We felt we could not answer the questions at that time, so we carried the bill over into the special session. In the special session we were presented with a new Bill, with an L. D. number 2043. The Taxation Committee,

even after our 50 days or 51 days that we met, still felt that we should have some more time to look at the Bill.

After that session was over with, and say for the past 10 days, right now the Taxation Committee has studied almost every single day on this one issue. On Tuesday, at 8:00 or 9:00 at night, the full Committee came out with a unanimous Ought to Pass Report.

We had many items in the Bill that we had to compromise. We finally came out that we thought we had a Bill here that everybody can accept.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: there was an article that appeared a few weeks ago in the Maine Sunday Telegram, and I also think in the Portland Press Herald that talked about the exact state of affairs in the mining industry, especially copper throughout the areas of the United States where there are large copper mines. I think the point was being expressed at that particular time was the fact that these areas were not producing at the present time because of high price of milling, mining, and even smelting of copper, that it was not feasible.

If it's not feasible for these people to do this at the present time in Maine, even though they are still exploring this, I guess my point is, why is the urgency coming about when we know that this particular industry is depressed in other parts of the nation where they have huge, large copper and other valuable metal deposits as well as refineries? It just doesn't make good sense to have this come to us at the present time.

Unfortunately, we're only looking at this, or I think at least the way it's been projected on the various pieces of material, to look at it only from a viewpoint of monetary considerations to the people of the State of Maine.

I don't think the evaluation has been rendered deep enough insofar as what the environmental impact in the long-term in the State of Maine will be. I think that could be catastrophic and devastating. I really think that we, in good conscience, should really screen, evaluate and analyze this thing a lot more clearly before jumping into this particular matter based upon monetary gain and monetary consideration.

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

Senator WOOD: Mr. President, Men and Women of the Senate, just a few comments in regard to the statements the gentlemen from Androscoggin has made.

One, is his concern about the environment in the State of Maine. I would point out that this Bill basically went to Taxation because we were discussing the taxing implications of mining.

This is not the appropriate vehicle to decide whether we want mining in the State or not. It is the appropriate vehicle if you want to tax mining in this State.

We are under no illusions. These mines will have to go to the DEP, make every effort to meet all of the standards that the DEP lies down or puts in to regulate the mine so that they will not be disallowed from doing anything else that any other industry would do if they want to locate in the State of Maine.

There are many of us that might not like to see mining in the State, but that was not the issue before the Committee on Taxation. The issue was, how do you best go about taxing mining since this is a new, relatively new, activity in the State of Maine.

I would point out that if this Bill is defeated, mining probably will take place in the State. It has taken place in the past. Without this Bill and its reclamation sections, then the mining that will take place will be even more detrimental to the environment, without this Bill.

So, I do not think that the environmental organizations have been given a hot dog to stuff in their faces so they will not be concerned about this issue. I know the environmental organizations well enough so that if they had some serious reservations they would have been before our Committee. They were not.

I think the issue of why we have developed a trust fund is not to give a sock to the environmentalists, but basically because we are in effect losing one of our natural resources when we mine. After that copper is gone, it will certainly not be recreated on this earth, in our time anyway.

So, you need something to replace that. It makes sense to trade-off one loss resource with a gain of a natural resource such as parks and recreation land.

The other argument, the final argument that I'd like to address is the one that this is all happening in a one day session. As our good chairman has pointed out, the Committee has been dealing with this issue for at least 2½ years. The Legislature has been fully cognizant of those dealings. It has had several drafts in front of it to study, so that this is certainly nothing that is being rammed down anyone's throat at the last minute. It's something that is well thought out, well discussed. We've had at least two public meetings, several, several work sessions that have all been open to the public, where any legislator is welcome to attend, as well as members of the public. I don't think there's anything trying to be rushed through at the last minute.

In regards to the price of copper, we are not only dealing with copper. We are dealing with a lot of other minerals that might be mined in the State of Maine. I think that if you are serious about having mining activity, the companies have to know on what basis the taxing policy of the State is before they decide to undertake exploratory activity and development of mines.

So, although mining will not open tomorrow, will not open a week from tomorrow, will not open maybe even a year from tomorrow, I think that before those mines get the go ahead from the State of Maine, they are going to want to know what our taxing policy is. That's why we should be passing this Bill today.

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

Senator EMERSON: I think the Senator from York, Senator Wood, made the point that I wanted to make, but I want to say there is quite an industry in this State of exploration for mines. That seems to be somewhat at a halt now on account of the State not having a clear tax policy, especially with regards to the penalties paid on land when they're taken out the tree growth.

We have made some provision in this Bill to allow the penalty to be deducted from the sales tax, so there is some relief in it. I think that's one of reasons to continue the exploration activities that's going on in the State.

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

Senator TROTZKY: Mr. President, I'd like to pose a question through the Chair. I have a fact sheet here that says, the excise tax is levied in lieu of property taxes. They say, revenues from the excise tax are expected to total about \$20,000,000 over the life of the mine. What would be those property taxes that are being given up in return for this approximately \$20,000,000 in excise taxes? How much would the property taxes that are lost, what is the estimate of that loss?

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, has posed a question through the Chair to any knowledgeable Senator.

The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: The property taxes really that would be lost would be the personal property taxes such as the personal property tax on

say, trucks, heavy shovels, bulldozers, and so forth. The land and the buildings, the property tax on those would still be paid to the municipality in which the mine was located. So it primarily would be from say personal property taxes. Also maybe taxes on the mine itself, the minerals in the ground, but nobody could figure that one out.

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

Senator WOOD: Mr. President, Men and Women of the Senate, to further clarify the remarks of the Chairman of the Committee on Taxation, currently under Maine Law, once a mine is open, those minerals are exempt from taxation for 10 years. So, it's fairly a moot question on how much tax we would lose.

Those items that we would be losing in property tax would be subject to the excise tax.

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

Senator REDMOND: Mr. President and Members of the Senate: I'm not very familiar with this Bill. I've been just glancing at it. It's a 30 page Bill, and it's creating a new tax.

I, also, am wondering, why should we have that brought to us in a half day of a special session to pass something like this that's going to affect the lives of the people of this State here forever?

It has been my experience that some of the people that I represent in the unorganized territories of the State, on some of these rushed bills, I've found in the past that those who write up those bills totally disregard the existence of the people in the unorganized territories. They treat them the same as if they were monkeys in the jungle somewhere.

I think that I have been developing a credibility gap. I can't vote for any bill that comes in with such a short notice. This sets policies for the future. There's all sorts of things in here other than just taxing the minerals. I think this Bill should be referred to a blue ribbon select committee to study it. Then come to the next Legislature as any bill of such importance, as this, should come to the next Legislature, and then we will process it the way we should. That's why I can't vote for this.

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

Senator TEAGUE: In answer to my good friend, Senator Redmond, from Somerset, on April 13th we had a Joint Order, that was one of our last days here, stating that "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 the 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."

This is the special session after May 8, 1982.

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

Senator WOOD: Mr. President and Members of the Senate: I would only like to add one comment in terms of looking after the interests of the unorganized territories. If you'd look at the Statement of Fact of this Bill, on page 25, you would notice that in establishing the mining excise tax trust fund, the only member that we specify was to be one member representing the interest of the unorganized territories.

It's because basically, because we felt so strongly that the unorganized territories were going to be impacted by this Bill and their needs needed to be represented, that we took the extraordinary language and put in that one member, no other member is specified, but we specified that one member must represent the unorganized territories.

I think we did that in trying to better represent those people that Senator Redmond represents.

resents.

Also, in terms of this Bill being brought in at the last minute, my seatmate, Senator Violette, sponsored this Bill in 1981, sponsored this Bill in 1982. We have held public hearings. There was a blue ribbon commission that developed the outline of this Bill 2½ years ago, which I served on. So, the Bill is certainly not a new idea. Maybe it's an idea whose time has not come. I hope that's not the case. Only if you decide to defeat this and appoint a blue ribbon commission, don't put me on the commission.

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

Senator REDMOND: I appreciate the remarks of the good Senator Wood, the Senator from York, very logical.

However, how many pages is there in the Statement of Fact? Seven or eight pages? I'm a slow reader, but I would like to pose a question to the Senator from York, or the Senator from Somerset, Senator Teague. How about the unorganized townships, how are they going to benefit from the tax on the minerals? I don't see any provision there. Those minerals are the major issue that we're talking about. Let's not get into any other details that could be in there. What will the unorganized territories get from the minerals? That's what we're taxing here, isn't it? Minerals?

The PRESIDENT: The Senator from Somerset, Senator Teague, asks Leave of the Senate to speak a fourth time.

Is there objection?

The Senator has the floor.

Senator TEAGUE: Thank you, Mr. President. Members of the Senate, and Senator Redmond, the Bill, the unorganized territory or a town that had a mine would not receive any benefit from those minerals themselves. The only thing that the town where the mine is located would receive is the amount of money from the taxation on the land and the buildings themselves. The State would receive the money from the excise tax, which is on the minerals.

Which was Passed to be Engrossed, in concurrence.

Sent forthwith, to the Engrossing Department.

Orders of the Day

The President laid before the Senate:

A Joint Order relative to LD 1904 being recalled from the Legislative files, (H. P. 2417) tabled earlier in today's session on motion by Senator Teague of Somerset, pending Passage.

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

Senator TEAGUE: Mr. President, I present Senate Amendment "A" to H. P. 1922, L. D. 1904, and move its adoption.

The PRESIDENT: The Senator from Somerset, Senator Teague, now offers Senate Amendment "A" to HP 2417 and moves its adoption.

Senate Amendment "A" (S-480) was Read and Adopted.

The Order, as amended, Passed, in non-concurrence.

Sent down forthwith for concurrence.

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

Orders

Expressions of Legislative Sentiment recognizing:

Alfred and Leona Harris, of Bailey Island in Harpswell, who celebrated their 50th wedding anniversary on May 3, 1982. (S. P. 1024) presented by Senator CLARK of Cumberland (Cosponsor: Representative DILLENBACK of Cumberland).

Winifred W. Curtis, M.D., of Harpswell, who was named Harpswell's 1982 Citizen of the Year by the Merriconeag Grange of North Harpswell. (S. P. 1025) presented by Senator

CLARK of Cumberland (Cosponsor: Representative DILLENBACK of Cumberland).

Gilbert Palmer, of Freeport, North Yarmouth Academy senior class president and Valedictorian, who has been named a National Merit Scholarship Finalist for 1982. (S. P. 1026) presented by Senator CLARK of Cumberland (Cosponsors: Representative MITCHELL of Freeport and Representative JACKSON of Yarmouth).

Lisa Hodsdon, of Pownal, senior at North Yarmouth Academy, who has been named a National Merit Scholarship Finalist for 1982. (S. P. 1027) presented by Senator CLARK of Cumberland (Cosponsors: Senator HUBER of Cumberland, Representative MITCHELL of Freeport and Representative JACKSON of Yarmouth).

Donald J. McKissock, of Topsham, who received the Joshua Chamberlain Award for promoting understanding between the military and civilian communities by the Military-Community Council (S. P. 1028) presented by Senator CLARK of Cumberland (Cosponsors: Senator MINKOWSKY of Androscoggin, Representative CHONKO of Topsham and Representative SMALL of Bath.)

Which were Read and Passed.

Sent down forthwith for concurrence.

Senator Pray of Penobscot 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.

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

Paper From the House House Paper

RESOLVE, Adjusting the Authorized Expenditures of Cumberland County for the Year 1982. (Emergency) (H. P. 2422) (L. D. 2154)

Reference to the Committee on Local and County Government suggested.

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

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

It is a vote.

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

Sent forthwith to the Engrossing Department.

Committee Report House

Ought to Pass — As Amended

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Fund and Implement Certain Collective Bargaining Agreements and Benefits for Other State and Judicial Employees." (Emergency) (H. P. 2421) (L. D. 2153)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-783).

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 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
Joint Resolution
State of Maine**

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

**JOINT RESOLUTION CONCERNING
DISPLAY OF THE MAINE
MEDAL FOR HONORABLE SERVICE
IN THE MEMORIAL AMPHITHEATER
OF ARLINGTON NATIONAL CEMETERY**

WHEREAS, thousands of men and women of the State of Maine have served their State and Nation faithfully and unselfishly in time of strife; and

WHEREAS, these men and women of the armed services have shown great patriotism, loyalty and devotion to duty to Maine and the United States of America; and

WHEREAS, many of these citizens of our State sacrificed their lives so that we as a people and a nation might live in freedom, justice and peace; and

WHEREAS, it is fitting that those who fought for their State and Nation be recognized for their honorable service; now, therefore be it.

RESOLVED: That the Legislature of the State of Maine authorizes that the highest state award, the Maine Medal for Honorable Service, be displayed with the awards of the other states of the Union in the Memorial Amphitheater at Arlington National Cemetery, in dedication to and in honor of these citizens of the State of Maine who have given so much to their State and their country; and be it further

RESOLVED: That a suitable copy of this resolution be prepared for display in the Memorial Amphitheater. (H. P. 2435)

Comes from the House, Read and Adopted. Which was Read and Adopted, in concurrence.

**Committee Report
House
Ought to Pass**

The Committee on Business Legislation on, Bill, "An Act to Adjust Fees for Licenses Issued by the Real Estate Commission." (Emergency) (H. P. 2419) (L. D. 2151)

Reported that the same Ought to Pass.

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

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

Sent 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
House Paper**

Bill, "An Act to Amend the Banking Code to Correct an Omission Regarding the Deposit Authority of Thrift Institutions." (Emergency) (H. P. 2430) (L. D. 2156)

Reference to the Committee on Business Legislation suggested.

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

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

It is a vote.

Under Suspension of the Rules, the Bill Read

Twice and Passed to be Engrossed, without Reference to Committee, and Ordered Printed, in concurrence.

Sent forthwith to the Engrossing Department.

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

Senator TEAGUE: Mr. President, is the Senate in possession of LD 1904?

The PRESIDENT: The Chair would answer in the affirmative, the

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) having been recalled from Legislative Files Pursuant to Joint Order H. P. 2417.

Senator TEAGUE: Mr. President, I move that we would Recede and Concur and would speak briefly.

The PRESIDENT: The Senator has the floor.

Senator TEAGUE: This Resolve was killed on the Appropriations Table in the last days of our session, the Resolve, authorized 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.

The Committee Amendment, which was unanimous, when it came out of Committee, these buildings that were going to be sold were all located in the unorganized territory. All the money would have to be used in the unorganized territory to put in energy-saving improvements in that area. Thank you.

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

It is a vote.

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.

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

Order

An Expression of Legislative Sentiment recognizing:

Gerald C. Tipper, of Waterville, winner of the Boys' Clubs of America Bronze Keystone Award for Exceptional service. (S. P. 1029)

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.

**Committee Report
House
Ought to Pass**

The Committee on State Government on, Bill, "An Act to Designate the Director of the Bureau of Medical Services as a Major Policy-Influencing Position Within the Department of Human Services." (H. P. 2420) (L. D. 2152)

Reported that the same Ought to Pass.

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

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

Sent forthwith to the Engrossing Department.

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:

Lynn Wunderlich, daughter of Mr. and Mrs. Robert Wunderlich of Limestone, who has been chosen Salutatorian of the 1982 graduating class of Limestone High School. (H. P. 2431)

Nettie Winchenbach, of Waldoboro, who will celebrate the 90th anniversary of her birth on June 13, 1982. (H. P. 2432)

Michael Levasseur, valedictorian, and Michelle Bouchard, salutatorian, of the 1982 graduating class of Van Buren District High School, S.A.D. #24. (H. P. 2434)

Ginger Lord, of Winslow, who won the 97-pound title at the Women's World Powerlifting Championships in Birmingham, England. (H. P. 2436)

Sherry DeRosby, of Mechanic Falls, or heroism in saving a child from drowning. (H. P. 2438)

William Howes, who has been named to the Class C Basketball All-Maine Third Team. (H. P. 2439)

Michele Nelson, who has been named Miss Greater Lincoln for 1982. (H. P. 2440)

Betty Ordway, of East Millinocket, who is retiring after 19 years as secretary to the selectmen. (H. P. 2441)

Mr. and Mrs. Dewey Winchenbach, of Waldoboro, who recently celebrated their 65th wedding anniversary. (H. P. 2433)

Come from the House, Read and Passed.

Which was Read and Passed, in concurrence.

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:

Enactors

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

AN ACT to Authorize the State Director of Public Improvements to Lease a Certain Parcel of Land to the Augusta Sanitary District. (S. P. 1010) (L. D. 2150)

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

AN ACT to Create an Excise Tax on Mining Companies and Regulate Mining Activities. (H. P. 2428) (L. D. 2155)

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

Senator EMERSON: Mr. President Ladies and Gentlemen: earlier today I read into the record a statement containing a reference to a study regarding possible need for constitutional amendments to the tree growth law. The purpose of the study is to determine a need for such amendments. There has not been a determination made by the Committee of any action necessary.

The PRESIDENT: Pursuant to Article 5, part 1, section 8, of the Constitution of the State of Maine, Enactment of this Bill requires an affirmative vote of two-thirds of the members of each House.

The Chair will order a Division.

Will all those Senators in favor of Passage of LD 2155, please rise in their places to be counted.

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

26 Senators having voted in the affirmative.

and 1 Senator having voted in the negative, and 26 being more than two-thirds of the membership of the Senate, LD 2155 was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

AN ACT to Amend the Banking Code to Correct an Omission Regarding the Deposit Authority of Thrift Institutions. (H. P. 2430) (L. D. 2156)

Emergency

AN ACT to Fund and Implement Certain Collective Bargaining Agreements and Benefits for Other State and Judicial Employees. (H. P. 2421) (L. D. 2153)

Emergency

AN ACT to Adjust Fees for Licenses Issue by the Real Estate Commission. (H. P. 2419) (L. D. 2151)

Emergency

AN ACT to Designate the Director of the Bureau of Medical Services as a Major Policy-Influencing Position Within the Department of Human Services. (H. P. 2420) (L. D. 2152)

These being emergency measures and having received the affirmative votes of 27 Members of the Senate, with No Senators having voted in the negative, were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

RESOLVE, Adjusting the Authorized Expenditures of Cumberland County for the Year 1982. (H. P. 2422) (L. D. 2154)

This being an emergency measure and having received the affirmative votes of 26 Members of the Senate, with No Senators having voted in the negative, was Finally Passed and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Senator Pray of Penobscot was granted unanimous consent to address the Senate, On the Record.

Senator PRAY: Thank you, Mr. President. Mr. President and Members of the Senate, in just a few moments we will be addressing the next supplement which deals with a Joint Resolution memorializing the President and Congress of the United States to refrain from reductions in the Social Security benefits.

I noticed in today's Bangor Daily that there is a story in the headlines in reference to Congressman Emery taking a position of opposing the President on Social Security cuts. We in this State have a number of citizens who are elderly. We have 178,000 receiving Social Security benefits, and 160,000 of those only income are Social Security benefits.

We in this State have taken care of our elderly in the recent session of those who deal with the, on our State retirement system. We have given them an increase. In Washington, there is an attempt to address, to delay the implementation of the July increases.

The next issue is a Resolution of this Legislature taking a position to show our legislative delegations in Washington that we, as members of the 110th Legislature, feel and are concerned of the possible detrimental effects any type of delay or reduction to the tune of \$40,000,000,000 would have on the elderly in this State.

Congresswoman Snowe has already expressed her opposition to this cut. I think to confirm the entire delegation, of which Senator Mitchell has already stated his opposition, it is only left now that Senator Cohen, who has not clearly stated his position in opposition to it.

Such a memorial would give us the opportunity to express the concerns of Maine's elderly.

It's going to require a Suspension of the Rules, which thus requires a two-thirds vote. It

will be my intention of asking for a Roll Call, not upon the political purposes of putting one side against the other. The intent is clearly to express a legislative sentiment as we have done on a number of other occasions that we assessed to be of a sufficient value for the benefit and the betterment of Maine people.

I would hope that when that motion is made to Suspend the Rules, that it would be done unanimously, and that we can express our concerns for Maine's elderly at that time. This is perhaps the last issue that we'll deal with tonight, and I think that it's a rather important issue and perhaps would be a great way to end this one day special session, in a reflection upon the concerns of those who are most vulnerable to inflation and the economic conditions of our time. Thank you, Mr. President.

The PRESIDENT: Is it the pleasure of the Senate to Suspend its Rules, in order to take up Supplement #17.

The Chair recognizes the Senator from Knox, Senator COLLINS.

Senator COLLINS: Mr. President, I object to Suspension of the Rules on this matter.

The PRESIDENT: The Senator from Penobscot, Senator PRAY.

Senator PRAY: I request a Roll Call.

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

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

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

The pending question before the Senate is the motion to Suspend the Rules.

A Yes vote will be in favor of Suspending the Rules.

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, Dutremble, Gill, Minkowsky, Najarian, Pray, Trafton, Usher, Violette, Wood.

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

ABSENT—Conley, Devoe, Kerry, McBreairty, O'Leary.

A Roll Call was had.

14 Senators having voted in the affirmative and 14 Senators in the negative, with 5 Senators being absent, the Rules are not Suspended.

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, and subsequently 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 Pray of Penobscot.

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 Pray of Penobscot to convey the message to His Excellency the Governor.

Subsequently, Senator Pray of Penobscot reported that he had delivered the message with which he was charged.

(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)

The PRESIDENT: His Excellency, Governor Joseph E. Brennan.

GOVERNOR BRENNAN: Thank you very much. Ladies and Gentlemen of the Senate, I want to thank you for the prompt disposition of the matters before you. I know that the pay raise bill will mean a lot to the morale of our State workers.

I, also, want to thank you for the activities throughout the session. I believe there have been a lot of achievements in housing, human services, economic development, public safety, protection from child abuse, and the like.

I think you can leave this session with a great deal of pride in what has taken place. I want to wish you well. Many of us may not be so well when we meet again. Some of us may be lame ducks, or dead ducks, or whatever. I hope you have a nice summer. Thank you 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 York, Senator HICHENS.

Senator HICHENS: Mr. President, I now move that the Senate Adjourn Sine Die.

On motion by Senator Hichens of York, at 7:45 p.m. on Thursday, May 13, 1982, the Honorable Joseph Sewall declared the Senate of the Fifth Special Session of the 110th Legislature, Adjourned Sine Die.