

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 1, 1982 to May 13, 1983

STATE OF MAINE
One Hundred and Eleventh Legislature
First Regular Session
JOURNAL OF THE SENATE

Augusta, Maine
March 9, 1983

Senate called to order by the President.

Prayer by the Reverend R. William Sims of St. Marks Episcopal Church of Augusta.

REVEREND SIMS: Let us pray! God, our Heavenly Father, we begin this day by asking Your blessings, by giving our thanks for this wonderful State over which we have stewardship.

We ask for Your guidance in the many decisions that are to be made, during this session, to decide the future of this great State. In the name of Your Son, Jesus Christ, our Lord. Amen.

Reading of the Journal of yesterday.

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

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

The President then retired from the Senate Chamber.

**Papers from the House
House Papers**

BILL, "An Act to Clarify the Definition of Child or Children and to Delete Restrictions on Death Benefits to Spouses in the Retirement System Statutes." (H. P. 766) (L. D. 996)

Comes from the House, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Which was referred to the Committee on Aging, Retirement and Veterans and Ordered Printed in concurrence.

BILL, "An Act to Change the Method of Taxing Potatoes." (H. P. 767) (L. D. 997)

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

Which was referred to the Committee on Agriculture and Ordered Printed in concurrence.

BILL, "An Act to Abolish County Subsidies to the Superior Court System." (H. P. 752) (L. D. 983)

BILL, "An Act Making Appropriations and Allocations for the Expenditures of State Government to Insure that Maine Courts are Accessible to the Handicapped." (H. P. 753) (L. D. 984)

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 Regulate Interstate Bank Ownership." (Submitted by the Department of Business Regulation pursuant to Joint Rule 24.) (H. P. 768) (L. D. 998)

BILL, "An Act to Amend the Used Car Information Law." (H. P. 754) (L. D. 985)

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 End the School Year by June 15th." (H. P. 755) (L. D. 986)

BILL, "An Act to Allow State Championship Athletic Teams and Athletes the Right to Participate in New England Championship Events

in Competition." (Emergency) (H. P. 770) (L. D. 1000)

BILL, "An Act to Clarify the Use of Vocational-technical Institutes' Facilities by Others." (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24.) (H. P. 771) (L. D. 1001)

BILL, "An Act to Allow the Department of Educational and Cultural Services to Administer the Child Nutrition Program in Private, Nonprofit Schools." (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24.) (H. P. 772) (L. D. 1002)

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

Which were referred to the Committee on Education and Ordered Printed in concurrence.

BILL, "An Act to Remove the Superintendent of the Governor Baxter School for the Deaf from Classified Service and Clarify the Law Relating to State Educational Personnel." (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24.) (Emergency) (H. P. 769) (L. D. 999)

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

On motion by Senator Carpenter of Aroostook, Tabled for 1 Legislative Day, pending Reference.

BILL, "An Act to Require the Purchase of a Bear Stamp to Hunt Bear." (H. P. 773) (L. D. 1003)

Comes from the House, referred to the Committee on Fisheries and Wildlife and Ordered Printed.

Which was referred to the Committee on Fisheries and Wildlife and Ordered Printed in concurrence.

BILL, "An Act to Promote Consistency in the Funding Authority Granted to the Department of Mental Health and Mental Retardation." (Submitted by the Department of Mental Health and Mental Retardation pursuant to Joint Rule 24.) (H. P. 756) (L. D. 987)

Comes from the House, referred to the Committee on Health and Institutional Services and Ordered Printed.

Which was referred to the Committee on Health and Institutional Services and Ordered Printed in concurrence.

BILL, "An Act Relating to Juvenile Offenders." (H. P. 757) (L. D. 988)

BILL, "An Act Relating to Sentences for Operating Under the Influence." (H. P. 758) (L. D. 989)

BILL, "An Act to Discourage Frivolous Court Cases." (H. P. 759) (L. D. 990)

BILL, "An Act Concerning the Exclusion of Children in Apartment Buildings." (H. P. 760) (L. D. 991)

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

Which were referred to the Committee on Judiciary and Ordered Printed in concurrence.

RESOLVE, to Reimburse David James McDaniel for Damages Suffered as a Result of Wrongful Imprisonment. (H. P. 761) (L. D. 992)

Comes from the House referred to the Committee on Judiciary and Ordered Printed.

On motion by Senator Carpenter of Aroostook, Tabled for 1 Legislative Day, pending Reference.

BILL, "An Act to Increase the Compensation Benefits for Employees Formerly Working for a Bankrupt Employer." (Submitted by the Department of Labor pursuant to Joint Rule 24.) (H. P. 762) (L. D. 993)

BILL, "An Act to Encourage Small Businesses to Participate in Apprenticeship Programs."

(H. P. 763) (L. D. 994)

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

Which were referred to the Committee on Labor and Ordered Printed in concurrence.

BILL, "An Act to Amend the Laws Relating to Fees for Private Investigator and Security Guard Licenses. (Submitted by the Department of Public Safety pursuant to Joint Rule 24.) (H. P. 775) (L. D. 1005)

BILL, "An Act Concerning the Value of Prizes that may be Awarded on Beano." (H. P. 774) (L. D. 1004)

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

Which were referred to the Committee on Legal Affairs and Ordered Printed in concurrence.

BILL, "An Act to Amend the Wholesale Seafood License Law." (Submitted by the Department of Marine Resources pursuant to Joint Rule 24.) (H. P. 776) (L. D. 1006)

BILL, "An Act to Prohibit the Possession or Landing of Plugged Lobsters." (Submitted by the Department of Marine Resources pursuant to Joint Rule 24.) (H. P. 777) (L. D. 1007)

Comes from the House, referred to the Committee on Marine Resources and Ordered Printed in concurrence.

Which were referred to the Committee on Marine Resources and Ordered Printed, in concurrence.

BILL, "An Act to Authorize the Public Utilities Commission to Conduct a Study on the Costs of Electrical Space Heating in Residential Units." (Submitted by the Office of Public Advocate pursuant to Joint Rule 24.) (H. P. 779) (L. D. 1008)

BILL, "An Act to Allow Consumer Groups to Solicit Funding through Utility Bills." (H. P. 780) (L. D. 1009)

Comes from the House, referred to the Committee on Public Utilities and Ordered Printed.

Which were referred to the Committee on Public Utilities and Ordered Printed, in concurrence.

BILL, "An Act to Regulate the Use of Child Restraint in Motor Vehicles" (H. P. 764) (L. D. 995)

BILL, "An Act to Deregulate Motor Carriers of Passengers for Hire." (Submitted by the Department of Transportation pursuant to Joint Rule 24) (H. P. 781) (L. D. 1010)

BILL, "An Act to Provide for Alternate Financing for Displaced Homeowners." (Submitted by the Department of Transportation pursuant to Joint Rule 24.) (H. P. 782) (L. D. 1011)

BILL, "An Act to Provide for a Sign on Interstate 95 South indicating the Location of Togus." (H. P. 783) (L. D. 1012)

BILL, "An Act to Improve Motor Vehicle Laws Regarding Pedestrian Safety." (H. P. 784) (L. D. 1013)

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

Which were referred to the Committee on Transportation and Ordered Printed, in concurrence.

Communication

The Following Communication (S. P. 374)

111th Maine Legislature

March 8, 1983

Honorable Kenneth Hayes
Honorable Stephanie Locke
Chairs
Joint Standing Committee on Education
State House
Augusta, Maine 04933

Dear Chairs Hayes and Locke:

Please be advised that Governor Joseph E. Brennan today nominated Peter W. Johnston of Fort Fairfield for appointment to the Board of Trustees for the University of Maine.

Pursuant to 20 MRSA Section 2251, this nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,
S/GERARD P. CONLEY
President of the Senate
S/JOHN L. MARTIN
Speaker of the House

Which was Read and referred to the Committee on Education.
Sent down for concurrence.

Senate Papers

BILL, "An Act Authorizing a Bond Issue in the Amount of \$3,500,000 for the Purposes of Constructing Additional Facilities at the Maine Correctional Center." (S. P. 367) (Presented by Senator DIAMOND of Cumberland.) (Cosponsors: Senator PEARSON of Penobscot and Representative COOPER of Windham)

BILL, "An Act Concerning Payments to Boarding Care Facilities." (S. P. 368) (Presented by Senator VIOLETTE of Aroostook) (Cosponsors: Senator NAJARIAN of Cumberland, Representative SMITH of Mars Hill and Representative MARTIN of Van Buren.)

BILL, "An Act Appropriating Funds for Petitioning Against Damage Due to Foreign Imports." (Emergency) (S. P. 369) (Presented by Senator McBREAIRTY of Aroostook) (Cosponsors: Senator CARPENTER of Aroostook, Representative LISNIK of Presque Isle and Representative MACBRIDE of Presque Isle.)

Which were referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

BILL, "An Act to Provide Transportation to Nonpublic School Students." (S. P. 370) (Presented by Senator TWICHELL of Oxford)

Which was referred to the Committee on Education and Ordered Printed.

Sent down for concurrence.

BILL, "An Act to Allow the Training of Bear Dogs." (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.) (S. P. 371) (Presented by Senator L'SHER of Cumberland.)

Which was referred to the Committee on Fisheries and Wildlife and Ordered printed.

Sent down for concurrence.

BILL, "An Act to Improve Maine's Dental Health." (Submitted by the Department of Human Services pursuant to Joint Rule 24.) (S. P. 372) (Presented by Senator BUSTIN of Kennebec) (Cosponsors: Representative CHONKO of Topsham, Representative MANNING of Portland and Senator NAJARIAN of Cumberland.)

Which was referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

BILL, "An Act to Enable Claimants to Process Small Claims Locally." (S. P. 373) (Presented by Senator EMERSON of Penobscot.) (Cosponsor: Representative WILLEY of Hampden.)

Which was referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

Committee Reports House

Ought Not to Pass

The following Ought Not to Pass reports shall be placed in the legislative files without further action pursuant to Rule 15 of the Joint Rules:

BILL, "An Act to Impose a Luxury Tax on Jewelry" (H. P. 510) (L. D. 608).

BILL, "An Act to Provide Equitable Treatment in the Determination of Maximum Unemployment Compensation Benefits." (H. P. 555) (L. D. 706)

Leave to Withdraw

The following Leave to Withdraw reports shall be placed in the legislative files without further action pursuant to Rule 15 of the Joint Rules:

BILL, An Act Creating 15 Public Assistance Service Foresters Within the Forest Management Division, Maine Forest Service (H. P. 105) (L. D. 112)

BILL, An Act to Provide Funding for the Police Academy (H. P. 602) (L. D. 750)

Ought to Pass — As Amended

The Committee on Energy and Natural Resources on BILL, An Act to Adjust the Service Fee and Allocations of the Low-Level Waste Siting Fund and to Adjust the Membership of the Low-Level Waste Siting Commission. (Emergency) (H. P. 568) (L. D. 663) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-41).

Comes from the House, with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-41) as amended by House Amendment "A" (H-48) thereto.

Which Report was Read.

The PRESIDENT PRO-TEM: The Chair recognizes the Senator from Knox, Senator COLLINS.

Senator COLLINS: Mr. President, I have a special interest in this Bill because of my brief period of service on the Commission that is affected. I was appointed to the Commission last spring because of a vacancy, and I resigned in January, at the request of our President, in order to make room for the ongoing service of the Senator from Kennebec, Senator Kany, who had very diligently chaired that Committee from its inception.

It's quite clear that additional funds are needed for the operation of this Commission, but I am disturbed by two aspects of the Bill that is before us, and I feel that I should mention those.

The fees that fund this Commission come from a levy against the cubic footage of low-level radioactive waste. That waste is produced in very large measure at Maine Yankee, and in a very modest measure the next largest producers would be the hospitals of our State. The hospitals of our State have two representatives on the Commission. Maine Yankee is not represented on the Commission, although, it is paying nearly 99% of the costs of the Commission.

When the rate is a dollar a foot, this isn't so bad. When we are asked to raise the rate ten dollars a foot, a multiplier of ten times in one swoop then, I began to think about the equity of the levy.

Should the ratepayers of one utility system have to bear the entire burden, nearly the entire burden, for the entire State? This is one of the things that disturbs me, because the work that is being done by this Commission is being done for the safety of all the people in the State. It seems to me that if we're going to multiply the amount of levy to the extent we're asked to, that the general citizenry of the State ought to bear some of the load, rather than make strictly the ratepayers of one portion of the State bear all the load.

So, I mentioned these two factors, because I think that we have an activity going on here that's going to be increasingly important. It may, in time, become increasingly expensive. The amount being asked here seems to me to be fairly high in relation to the amount of work I have seen being done, because most of the work is being done by in-house staff of the State of Maine, within the budget already existing for the various departments concerned.

If we create a precedent that only the ratepayers of one utility bear the load for the entire State, I think we're not treating the people of the State fairly, as a whole.

Today, I simply mention this, hoping that it

may receive attention down the line.

The PRESIDENT PRO-TEM: The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Mr. President and Members of the Senate, I'm glad that Senator Collins did rise on this measure, because it gives me an opportunity to speak to it. I'm glad to point out that in the wisdom of the Energy and Natural Resources Committee we chose to have the generator pay for a goodly portion of the cost of determining how we must deal with our low-level radioactive waste. It certainly makes sense, in this case, probably more than usual, even, for the ratepayers to pay the cost, because half of the ratepayers for Maine Yankee, and Maine Yankee generates 90% of the volume of the low-level radioactive waste coming from the State of Maine, half of those ratepayers are out-of-state utilities and customers. So consequently, if we went to our General Fund, certainly those customers, or those who benefit from half of the production would not be paying their fair share.

I'm glad that Senator Collins did point that out. By the way, we miss him as a member and Senator Collins was most gracious when he resigned and has always been so complimentary and so interested in what's going on in the Commission. We appreciate his fine service, which was absolutely excellent.

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

Senator MINKOWSKY: Mr. President, since this is a forum for the members of the Commission, I might as well have my two cents about this issue.

I was appointed to this Commission along with then Representative Kany on a nonpartisan basis by Senator Joe Sewell, at the time. We had amongst our elected officials on the Commission, I would say a substantial turnover, and at the present time, we do have a full complement, but I would say it's not from a nonpartisan point of view, which is most unfortunate. I think that point should have been rectified in the appointments in the House Membership. Certainly, if that had come up to my attention, as a member of the Senate, in the name of fair play, I certainly would have resigned, so that a Republican member could have served on the Commission.

The Commission, itself, has been extremely beneficial. The people on the Commission are really very knowledgeable, and at this point, I must commend then Representative Kany, now Senator Kany, for the outstanding job she did in soliciting many, many people, from many different walks of life to testify before the Commission. This was really a marvelous thing and actually there was no costs at all involved.

I had mentioned to Senator Kany, as well as, other people concerned with the Legislation, that I was apprehensive insofar as the strategy used in raising the funds to fund the Commission. At the present time, I believe from testimony that I have heard, that the problem of low-level waste is there, there's no doubt about that; but it has been handled expeditiously and in a very safe manner through Maine Yankee and through the Maine State Police, in them notifying exactly what the route is to the disposal site in South Carolina. They have done this without statutory requirement, which is part of the Bill at the present time.

More importantly, when this Commission was first organized, at one dollar per cubic yard, it was not my understanding that the generators would be paying the full cost for the study of the Commission. Now, by all indications, the study of the Commission has exceeded the fifteen thousand dollars. If you look at the Bill under the Statement of Fact, you'll see that through compacting, we've brought it down to about seven thousand five hundred cubic yards of low-level waste that's being transported to the burial site in South

Carolina.

Why I bring this up is, that this was a Congressional Act, mandated to every one of the states, either to address the problem singularly, that is have your own disposal site, or as a region, have a regional site. Now, we have gone three hundred and sixty degrees around this thing, starting at point "A" and ending up back at point "A", where we have not made a full determination because of various states projecting different points-of-view as to where they should, how they should handle their low-level waste.

Interestingly enough, even though Maine Yankee does produce in excess of 90% of low-level waste, we are extremely fortunate in the State of Maine that this only represents maybe less than 2% of the total amount of generated waste.

Senator Collins was on target when he brought out that even though we have competent, capable Representatives on the Commission, that Maine Yankee is not represented on the Commission, and they are compelled to pay the entire cost. Now, the studies that have been produced by the Commission have been extremely beneficial, and I, somehow or another concur with what I have read in the paper and the work of the Northeastern Regional Compact, in addition to all the other compacts, that the end result is the State of Maine should bear some of the cost, since it is for the health and safety of the people of the State of Maine.

The point was brought out by Senator Kany the reason why Maine Yankee is picking up almost all the cost of this particular Commission study, is because half of it is owned by out-of-state utilities, but I must, also, say that half of those out-of-state utilities, pay taxes to the State of Maine to many municipalities, we have no area of discrimination in that area, by saying the out-of-state utilities are, also, contributing to a substantial tax base in the State of Maine. Whether it's Wiscasset only, or other parts of the State where just transmission lines are located.

I have a little difficulty, at the present time, excepting the ten dollars per cubic yard, because there's no clear definition as to how this ten dollars per cubic yard will be utilized by the Commission. We have fully utilized, the Department of Environmental Protection, Health Engineering under the Department of Human Services, and the Maine Geological Survey. I must say, these three agencies of State Government, even though I refer to them as bureaucrats, have done a yeoman's job in producing the necessary information to help the Commission make valid, sound, ethical, logical, judgments, based upon the present known technology. There's no answer to this, at the present time, and I don't believe by allowing Maine Yankee to assume all this costs is fair to Maine Yankee, or to the ratepayers in the State of Maine.

I think at this point, since this issue has surfaced, I will prepare an amendment sometime today, so when this issue does come up in the Second Reading, Senator Kany and myself, and other interested persons can evaluate this a little more closely insofar as how, even though it is spelled out very clearly in the Bill, the reporting both by the Commission and to the State we have not spelled out clearly, who will be involved in utilization of this money? How many more experts will we call in to evaluate, analyze, and disseminate the alleged problem on low-level waste?

The PRESIDENT PRO-TEM: The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Mr. President and Members of the Senate, I just like you all to know that Senator Minkowsky had an opportunity to come to the public hearing, especially invited to come to the work session on this Bill and had chosen not to participate until now. We

worked very hard, thought this through, had a unanimous approval on the Commission of the work plan for the Commission, and Senator Minkowsky did participate in that.

You all will be receiving a copy of the work plan of the Commission, and as we try to deal with this problem, which we must deal with under the Federal Law, it is the entire amount of the funding will be used by all parties in attempting to manage the low-level radioactive waste, not just the Commission.

When we, a year ago, appropriated monies to fund the work of this, we under appropriated, not knowing that Maine Yankee would be cutting its volume in half. Consequently, we presently have some unpaid bills; for instance, we have an unpaid bill to the State Geologist, in which the State Geologist under this subchapter had been required to report to the Legislature regarding possible sites and some of the geological finding for siting of facilities within the State of Maine. Consequently, we are not able to pay that. I will say that both the State Geologist's Office and the Department of Environmental Protection have used monies which were not budgeted for the purpose to work on this topic. It only seems appropriate that we should appropriate monies to do what we decide that we must do. So, that's what it's all about.

I certainly hope that you will go along with this Bill. It's most appropriate for the generators to pay, after all it is their problem, as well as, all of our problem. Once again, it would be most unfair through the General Fund to be paying for this, when the problem is largely a result of having Maine Yankee within our midst; it is 50% owned and 50% of the customers are, therefore, out-of-state.

I hope you will go along with this Bill and keep that in mind, as we hear more debate, I'm sure from Senator Minkowsky who has always objected to having the generators pay to attempt to resolve their problem.

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

SENATOR MINKOWSKY: Mr. President, I certainly appreciate the kind words by the good Senator from Kennebec, Senator Kany. She never ceases to amaze me in the diplomatic way she can debilitate a person rather rapidly.

Let me point out one particular thing, which I think should be clarified from the onset. This Senator from Androscoggin, as a member of the Low-Level Waste Siting Commission, has attended every one of the meetings. There was one meeting held last week where my Committee on Marine Resources was in direct conflict with the time that the Low-Level Waste Site Commission met. I indicated very clearly to the good Senator, and our Chairman of our illustrious Committee, that I would not be able to participate. I think it is rather offensive to me when the Chairman of the Low-Level Waste Siting Commission says, I had chosen not to participate. That is not correct. I choose to participate as much as I am able to do so, and I can assure the good Senator that I've taken this responsibility on the Commission extremely seriously. I cannot offer any expertise, I'm just a layman. At least, I can project, I think, a fair equitable public point of view, at least, what I have received from my people and other people who have contacted me throughout the entire State of Maine, relevant to the position of the Low-Level Waste Siting Commission.

So, having clarified that particular point, the most important thing is, there is a problem out there, but, Maine Yankee, and I'm not defending the actions of Maine Yankee that's not my intent and purpose, has seen fit to handle its present compacting, by sending to a feasible, acceptable, Federal site, in South Carolina, at their own expense. I understand from the statistics raised, this ran almost five hundred

thousand dollars. So, they are addressing that particular problem. They're not evading it, which might seem to be the indication I've heard in previous testimony.

They fully concur, at least from my findings, with the intent and purpose of the Commission and its work, because I believe they are good citizens like any other industry in the State of Maine, regardless of how some people construe them to be.

The only thing that I find fault with, from the time we set up the Low-Level Waste Siting Commission at one dollar per cubic foot, was the fact that the funding was exclusively paid by the generators. The hospitals produce less than 2%, but they are still a generator.

The thing that was made very clear earlier, and I think it is very important, if you want these people to pay, and they are willing to pay, they have never bucked this thing at all, in fact, I don't think they even participated in this particular piece of Legislation, they've just maintained a very low profile and a very compliant attitude, which I didn't feel was right, they should have representation, because this is just a recommending Commission to the Governor and to the Legislature. If you think that they're going to have that kind of influence with the talents and abilities of the regular people on our Commission, you're very wrong, if you have that assessment.

Mr. President, this will be a Second Reader tomorrow, will it?

The PRESIDENT PRO-TEM: That is correct.

Senator MINKOWSKY: I'll discuss it further at that time. Thank you, Mr. President.

The PRESIDENT PRO-TEM: The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Members of the Senate, just a couple of areas I thought that I had better clear up now.

First of all, Maine Yankee is delivering its waste to the South Carolina facility, which is not a Federal facility, by the way, it's a private commercial facility, and that particular facility will no longer be available to Maine Yankee beginning in 1986. Under the new Federal Law, states can join in compacts and possibly, states can themselves, have a facility and thereby, exclude waste from outside of their region or their state. Right now, those states in the southern part of the United States are gathering together and it seems very probable they will agree to a compact, and thereby, will be excluding the waste from outside the southeast, which of course means Maine. That is why, we are attempting to deal with this problem.

Once again, Maine Yankee and the few other generators have not been paying for all of the costs of trying to research this, instead the Department of Environmental Protection, primarily, and the State Geologist have been, through their funding sources, really carrying more than their share of the load. I just wanted to clarify those things.

I don't want to take too much of the time of the Members of the Senate, but if anybody has further questions, I would be happy to answer them.

We had an interim report from our Commission last June. We once again in December issued another report, and we are ready now to handout the unanimous recommendations for our work plan for the coming year. We did vote unanimously not to send to the Legislature the compact for the northeast this year, but decided to have further studies on our options and the alternatives available to us, and to make final recommendations to the Legislature and the Governor next January.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, I assure you this will be the last time I stand on this issue, today.

Please take the opportunity to read over this Bill, L. D. 663, and see how the costs of this particular study have proliferated from fifteen thousand dollars to seventy-five thousand dollars. Ask yourself is this an equitable, fair way to assess a company, as well as, the ratepayers in order for the State to make a study to tell them how to do it? Because when you get down to the basic of this thing, if we should have a Low-Level Waste Siting site in the State of Maine, from an economics point of view, it's going to be in excess of one million dollars from figures I've heard projected before the Commission.

The maintenance, upkeep, and the security of the particular site for as long as it is going to be there, will add on additional costs to the ratepayers. Now we are in the infancy of this particular thing, and that's why for the health and safety of the people of the State of Maine, along with the generators, the State should participate.

One final point, if I understand from the Commission Report, we are in debt to the tune of thirty-five hundred dollars, or maybe a little more between health engineering and the State Geologist. That's a far cry from the requested amount of seventy-five thousand dollars.

The PRESIDENT PRO-TEM: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCI: Thank you, Mr. President and Members of the Senate, I would like to inform the good Senator from Kennebec, as I'm sure she's aware and the good Senator from Androscoggin, that after this session convenes we are going to be having a workshop with the people from Maine Yankee, and their representatives with Safe Power in the Committee, discussing the twenty-three unresolved safety issues at Maine Yankee, and if they would like to discuss that, I think, we would like to hear it at the Committee.

Just informing you that after this session that will be taking place in Room 105.

Which Report was Accepted, in concurrence.

The Bill Read Once. Committee Amendment "A" was Read. House Amendment "A" to Committee Amendment "A" was Read and Adopted, in concurrence. Committee Amendment "A" as Amended by House Amendment "A" thereto was Adopted, in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

The Committee on Legal Affairs on BILL, An Act to Prohibit Skiing in Out-of-bounds Areas. (H. P. 524) (L. D. 649) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-45)

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-45).

Which Report was Read.

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

Senator TRAFTON: Mr. President, I move to Indefinitely Postpone L. D. 649, and all accompanying papers and would speak to my motion.

The PRESIDENT PRO-TEM: The Senator has the floor.

Senator TRAFTON: Mr. President and Members of the Senate, this Legislative Document proposes to create a civil violation for anybody who skis off a ski trail, be it a downhill trail, or cross-country ski trail.

Currently, the Tramways Act, which this Bill amends, enables a ski area to take away the ski ticket of a person who does not follow certain regulations of that ski area. My feeling is that this Bill is a poor use of, not only district attorneys' time, but law enforcement officers' time, judge and court time. I would propose that we

Indefinitely Postpone this L. D. and would ask you to join in with me.

On motion by Senator Trafton of Androscoggin L. D. 649 was Indefinitely Postponed, in non-concurrence.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Labor on BILL, An Act Relating to the Minimum Wage for Waiters and Waitresses. (H. P. 406) (L. D. 489) Reported that the same Ought Not to Pass.

Signed:

Senators:

DUTREMBLE of York
HAYES of Penobscot
SEWALL of Lincoln

Representatives:

BEAULIEU of Portland
NORTON of Biddeford
TAMMARO of Baileyville
BONNEY of Falmouth
WILLEY of Hampden
SWAZEY of Bucksport
LEWIS of Auburn
ZIRNKILTON of Mount Desert

The Minority of the same committee on the same subject matter

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-38)

Signed:

Representatives:

TUTTLE of Sanford
GAUVREAU of Lewiston

Come from the House, the Majority Report Read and Accepted.

Which Reports were Read and the Majority Ought Not To Pass Report of the Committee was Accepted, in concurrence.

Senate

Ought to Pass

Senator MCBREAIRTY for the Committee on Energy and Natural Resources on BILL "An Act to Establish an Annual Maine Clean Water Week." (S. P. 142) (L. D. 434) Reported that the same Ought to Pass.

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

Ought to Pass in New Draft

Senator CLARK for the Committee on Business Legislation on BILL, An Act to Amend the Consumer Credit Code Regarding Mobile Homes. (Emergency)j (S. P. 86) (L. D. 217) Reported that the same Ought to Pass in New Draft under same title. (S. P. 366) (L. D. 1121)

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

Divided Report

The Majority of the Committee on Legal Affairs on BILL, An Act to Permit the Petition of Local Referendum by the State Liquor Commission. (S. P. 224) (L. D. 661)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-19)

Signed:

Senator:

CHARETTE of Androscoggin

Representatives:

COX of Brewer
SWAZEY of Bucksport
COTE of Auburn
STUDLEY of Berwick
PERRY of Mexico
McSWEENEY of Old Orchard Beach
DILLENBACK of Cumberland

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

Signed:

Senator:

SHUTE of Waldo

Representatives:

HANDY of Lewiston
STOVER of West Bath
DUDLEY of Enfield

Senator DANTON of York Abstained. Which Reports were Read and the Majority Ought to Pass, as amended, Report of the Committee was Accepted.

The Bill Read Once.

Committee Amendment "A" (S-19) was Read and Adopted.

The Bill, as amended, Tomorrow Assigned for Second Reading

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

Committee Reports

House

Divided Report

The Majority of the Committee on State Government on BILL, An Act to Prevent Combining more than one Bond Issue Item in a Single Bond Issue Bill and to Correct Statutory Provisions Relating to Showing Bond Interest on Ballots. (H. P. 278) (L. D. 338)

Reported that the same Ought Not to Pass.

Signed:

Senators:

VIOLETTE of Aroostook
BALDACCI of Penobscot

Representatives:

PARADIS of Augusta
GWADOSKY of Fairfield
COOPER of Windham
LaPLANTE of Sabattus
KETOVER of Portland

The Minority of the same Committee on the same subject matter

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-46)

Signed:

Senator:

HICHENS of York

Representatives:

LEBOWITZ of Bangor
SPROUL of Augusta
HOLLOWAY of Edgecomb
DILLENBACK of Cumberland
SALSBURY of Bar Harbor

Come from the House with the Minority Report Read and Accepted and the Bill Passed to be Engrossed, As Amended by Committee Amendment "A" (H-46).

Which Reports were Read.

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

Senator CARPENTER: I move the Senate Accept the Majority Ought Not to Pass Report.

The PRESIDENT Pro-TEM: The Senator from Aroostook, Senator Carpenter, moves the Majority Ought Not to Pass Report.

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President and Members of the Senate I would ask for a Roll Call on this motion, opposing the motion as presented by the Senator from Aroostook.

As you'll remember back a year ago when there was a vote taken by the people of the State of Maine on the bond issue which incorporated three or four different items, potatoes, Bath Iron Works and I think, it was the fish pier in Portland, a great many people in our State were very much confused because of the three issues combined in that one bond issue. A great many people didn't even bother to vote and some of those that did vote, voted "No" because they were against one portion of that bond issue where they were in favor of others.

I think that it is very unfair to the people of Maine, the votes of Maine to have to be faced with a combined bond issue when it could so easily be broken down and each issue presented to the voters on its own merits.

On this Bill 338, the original Bill was to pro-

hibit combining more than one bond issue item in a single bond issue bill except under certain limited instances and, also, corrected the statutory provisions concerning the showing of bond indebtedness on ballots.

The Committee, a minority of the Committee came out with an amendment which is to include more information on the ballot for bond referendums. According to this amendment the voter will be provided information showing the total amount of bonds to be issued, the total estimated cost and interest over the lifetime of the bond, and the total estimated costs of the bond, principal and interest.

Again I would say in fairness to the voters of the State of Maine I hope that you will accept the Minority Report and reject the motion that has been made.

The PRESIDENT Pro-Tem: The Chair recognizes the Senator from Aroostook, Senator Violette.

Senator VIOLETTE: Mr. President and Ladies and Gentlemen of the Senate, just to give you an idea as to why the majority of the Committee on State Government felt that this Legislation Ought Not to Pass. First of all to give you a little historical background this same legislation was defeated in the 110th Legislature, for basically the same reasons that I will give you today.

First of all this is a sloppy Bill. It is a bad piece of legislation. It has a significant number of flaws. It asks that projects that are closely related be placed together. It doesn't say who is going to determine what closely related projects are. Are they to be projects that are within a department? So might not within the Bureau of Veterans Affairs construction for a veterans home and a new air hangar be placed within one category or any road program. There is no - the Bill does not contain an answer to this problem. It just leaves it. Or is it for the court to determine what are closely related projects? Or for the Attorney General? Or for the Appropriations Committee?

It is not clear where the authority created by it — another problem with this Legislation is that it is not clear whether or not this Bill affects the Maine Guarantee Authority or any other such authority in this State.

When those questions were asked of the sponsors of this Legislation they had no answer.

In addition to this there is substantial cost in placing each individual item on the ballot. I think that, that is rather a minor argument, but nonetheless a further argument.

In addition to that this is only statutory law, it really places no restriction on the Legislature, all the next Legislature has to do is say, notwithstanding such and such a law, we will do this or we will do that.

So, quite frankly, I do not think that the Bill does anything. I think that it is badly drafted. I think that it is a sloppy piece of legislation. The 110th Legislature defeated this same legislation. I would hope today that this Senate would continue along and would accept Senator Carpenter's motion to accept the Majority Ought Not to Pass and to put this Legislation the same place that the 110th did. Thank you, Mr. President.

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

Senator HICHENS: Mr. President in response to the good Senator from Aroostook County, it very definitely defines what can be put on these bond issues, if they are related, in the Bill itself, it says, "Two or more projects may be combined in a single question for submission to the electors only if they are so closely related to each other that one would not be acquired or constructed without the other." I think that, that is very clear as to how they could be combined and not to be confused as the good Senator has tried to present it to us this morning.

In reference to his statement that this Bill was defeated in the 110th Legislature, I think,

that if we very closely look over the bills on our desk that we'll find that about two-thirds of the bills that are here, are bills that were presented not only in the 110th, but in the 109th, and maybe back in the 108th. They were defeated at that time and that is why they are re-presented to us for this session, and many of these bills that were defeated before have gone through and many more will go through. I think that it is a very poor argument as to a reason to kill this Bill, today.

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

Senator BALDACC: Mr. President and Members of the Senate, as a member of the State Government Committee, it sounded real good when we first heard it because of some of the problems that were going on during the last time around with bond issues. But in real terms right outside today, the only thing, the only way that the State is going to get anything done is to put things together like that, because if you start pitting areas against each other then nothing is going to fly.

Maine is at the end of the railroad tracks and this is the only way that we, as a State, can get things done. I think that on the surface that it may look politically palatable, but I think that you have to really say, you know, what is good for the State of Maine? I would hope that you would concur with the majority of the Committee in that thinking.

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

Senator HAYES: Mr. President I would like to speak against this motion. My experience as a citizen and as a member of this Senate has been that there are serious problems with the referendum process in this State. I think that there is a problem with the drafting of the measures as they are presented to the people. The wording, sometimes it is worded in the negative to require an affirmative, or worded in the affirmative to require a negative response from the people.

Of even more serious concern, I think, is the coupling of more than one item in a single referendum question. This seems to be done to deliberately confuse and even manipulate the people of the State.

It is my feeling that this Bill does not go far enough to define how referenda should be worded. Thank you.

The PRESIDENT Pro-Tem: The Chair recognizes the Senator from Aroostook, Senator Violette.

Senator VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate, this Legislation has nothing to do with publicly initiated referenda, I think that, that point ought to be made.

Secondly, the good Senator from York, Senator Hichens is correct, but unfortunately he doesn't finish reading the rest of that line, where it says, "or if they are similar projects in different locations." It is fine to read the first part of the sentence, but I think you ought to read the whole sentence.

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

Senator COLLINS: Mr. President and Members of the Senate, I want to support the position expressed by the Senator from Penobscot, Senator Hayes, as well as, the Senator from York Senator Hichens.

We have to pay attention to the fact that the public made it very clear, after the last round of referendum questions, that they do not like to have a lot of unrelated questions under one voting box.

What Senator Violette has pointed out about the fact that this is only statutory is indeed true and a reminder that a lot of things change and can be changed, but the value of this statute, as I see it, is that it would make us pause and make a conscious judgment that we were, in effect, amending a policy in our statutory

scheme.

I have no objection to a referendum question that puts half a dozen state parks into one bond issue that is probably a good idea, or something that takes a couple of agricultural programs and puts them into one package, but when we mix such unrelated items, as we have done in the past year or two, and in affect tried to put something over on the voters, I think we are showing less confidence in the judgment of the electorate then we should. If we give it straight to the electorate in a simple clear message that they will understand, they will usually do the right thing. It is when we attempt to load too much onto the electorate and make it too complicated, or to make the numbers so large that they scare the electorate, those are the occasions when the electorate is likely to turn us down.

If we want to maintain the confidence of the electorate in the referendum process, as we give it out to the electorate, principally in bond issues, we need to make a more conscious effort to be clear and to make the package so that discerning judgments can be made. Thank you.

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

Senator CONLEY: Mr. President and Members of the Senate, I wish to move that this Bill and all of its accompanying papers be Indefinitely Postponed, and would speak to my motion.

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

Senator CONLEY: Mr. President and Members of the Senate for those of us who have served in the Legislature for a few years, we recognize the fact of what I call, "pure democracy". Democracy in a sense that we, as a Senate, in order to pass a bond issue to the people must have two-thirds of the entire elected membership present and voting to go to the people. It must, also, pass in the same manner through the other Body, at the other end of the hall. It's also submitted to generally a joint standing committee, whether it is Transportation or whether it is before Appropriations, and that committee gives a great deal of earnest consideration before reporting out that bond issue.

I recall several years ago many, many years ago, when the super University of Maine was established and it received great acclaim by the voters throughout the State, and they voted for the "Super U."

That put on a green light, because of the fact that it received an overwhelming endorsement by the voters of this State in referendum on a bond issue. Well, perhaps the University got a little greedy the next session, because they came back in the Chief Executive, at that time, proposed a really astronomical, amount of money to help fund the University and to establish new buildings throughout the State on the various campuses.

I recall, only too vividly, of holding up the bond issue down at the other end of the hall, where I was a member at that time, because I wanted to see the Law School put into that bond issue, so that it would be passed by the voters.

There was a move afoot to keep that issue separate and aside from the major issue. I remember we formed a coalition down the other end, and we were able to prevent the major bond issue from being passed. After it had been stalled for about three or four days and we were getting near to Adjournment the sponsor of that bill, who was a member of this Body, came down to me, and who happened, also, to be a member of the Cumberland County delegation and asked me to call the horses off and to allow both of them to go on their own merit.

The strange thing was, and much to my chagrin, the Law School passed and was ratified by the people, and the University, the "Super U" went down the tube.

I honestly wonder and I ask each of you to truly examine that presently there is a pro-

posed bond issue I believe for a fish pier in Eastport. If that were to go out by itself, how many people in the towns of the good Senator from York, Senator Hichens, would support a bond issue to establish a fish pier in Eastport? How many people would have voted for BIW had it been alone? Yet we have been told over and over again, because of the fact that that facility is being built it is going to provide over a thousand new jobs in Portland and related areas.

I think that one of the greatest things that we have got going for us in this State, is the fact that we, all of us, support enthusiastically economic development. The State has become partners with those in private business to try to bring about new jobs for our people. If we become so parochial in our thinking that this has merits on its own, we know differently that parochialism and the geographical location of one community being pitted against another is going to mean a sure downfall.

I believe that those — the Chief Executive — those who the bond issues go before the joint standing committees, examine extremely carefully what they are proposing. We as a Body have analyzed and debated certain issues in some of the bond issues. I remember the most controversial one of recent date was BIW, and there wasn't a soul in this Chamber, not one, who opposed it. We can recall, also, there was only one member in the other branch who voted against it.

The people overwhelmingly from Fort Kent to Kittery enthusiastically supported that bond issue, in spite of the fact, in spite of the fact that there was an organized movement to bring about the defeat on that issue based on Constitutional problems.

I suggest that the people are a lot smarter than we give them credit for. I believe that as long as we exercise our best judgment, we either defeat the issue here, seriatim, kick it out of the bond issue if we do not think that it is the right thing to do, but I think that once you start putting a bond issue for this, a bond issue for that, and you allow people to go down the line, seriatim, then I am afraid that you are going to see the demise of many, many well worthwhile projects that are going to help make this State one of the most progressive states, that it is coming to be.

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

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, I am not going to belabor this issue, but I want to make two points. First, I want to re-emphasize what the other good Senator from Aroostook, Senator Violette has already pointed out and that is that if they are similar projects in different locations that they would still be allowed under this Bill.

I agree with the good Senator that this is a poorly written piece of Legislation, if the intent of the Legislation is what the title would imply.

What are similar projects? Similar projects, I would hold out to you are whatever the Legislature decides happens to be similar in any given Legislative term.

I would address my other remarks to the remarks of the good minority floorleader, Senator Collins, in that I would object to his alluding that the Legislature had somehow deceived the people in recent bond issues. We had somehow "pulled the wool over their eyes" and fooled them. I think that the good Senator from Knox and many of his colleagues were in this Chamber, as I have been in the last few years, we voted for those bond issues, we voted to put them out, and I would be glad to go take a look at the roll calls and see who voted for and who voted against those bond issues.

We are not deceiving the people. I do not think that the good Senator from Knox, and persons who feel as he does, give the people the credit which they deserve. They understand

the issues very, very clearly. The issues that were combined in the last bond issue were economic development issues, they were and I quote, "similar projects in different locations."

Mr. President, has a Roll Call been asked for? The PRESIDENT Pro Tem: The Chair would answer in the negative.

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

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

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

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate, I have listened very intently to the remarks made by the good Senator, our President, Senator Conley from Cumberland, and I can assure you that over the years that I have been here, along with Senator Conley I have also been a staunch advocate of industrial development in the State of Maine.

But, I think that these multi-headed bond issues that the voters faced in the last election are outrageous. During the last campaign regardless of what the administrations intent is, or what the Legislative intent is, the people want the choice to vote on individual items. The resentment is very severe for multi-headed politically motivated bond issues. That is all that these things amount to. If you want this part of the Bill, you vote for this part, if you want this part, you'll have to take in the rest of it.

I was here, also, during the segment of time when we had the organization of the University of Maine. I, also, voted for the bond issue as a legislator in the last session to be sent to the people pertaining to BIW.

I had my reservations, just like I am expressing them to you this morning about that particular bond issue. Yes, the people in the State of Maine did vote for economic development as we were in a very serious situation insofar as jobs were concerned.

The Constitutional issues raised by outside organizations were very prevalent and very meaningful, as far as, I was concerned.

We just can't continue bonding the State of Maine to the point of oblivion especially with the high rates of interest that we are paying at the present time.

Yes, I do believe that the people are very smart out there, and they can be even smarter if we allow them individual items that we sent to them as bond issues.

I do not concur with the rationale expressed by proponents of this piece of Legislation, and until I hear differently or more constructively as to why we are doing it, compared to the rhetoric that I have heard here this morning, I am not going to support it.

The PRESIDENT Pro Tem: The pending motion before the Senate is the motion by the Senator from Cumberland, Senator Conley, that LD 338 be Indefinitely Postponed.

A Yes vote will be in favor of Indefinitely Postponing LD 338.

A No vote will be opposed. The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

YEA—Baldacci, Brown, Bustin, Carpenter, Charette, Clark, Danton, Diamond, Dutremble, Kany, Najarian, Pearson, Pray, Trafton, Usher, Violette, Wood, The President—Gerard P. Conley.

NAY—Collins, Dow, Emerson, Erwin, Hayes, Hichens, McBreairty, Minkowsky, Perkins, Sewall, Shute, Teague, Twitchell.

ABSENT—Gill, Redmond.

A Roll Call was had.

18 Senators having voted in the affirmative and 13 Senators in the negative, with 2 Senators being absent, the motion to Indefinitely Postpone LD 338 with all its accompanying papers, in non-concurrence, Prevailed.

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

Senator CARPENTER: Mr. President, having voted on the prevailing side, I now move we Reconsider our action whereby we Indefinitely Postponed LD 338 and would ask that you vote against me.

The PRESIDENT Pro Tem: The Chair will Order a Division.

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

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

8 Senators having voted in the affirmative, and 17 Senators having voted in the negative, the motion to Reconsider Failed.

Sent down for concurrence.

Second Readers House

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

BILL, "An Act to Restrict the Open Season on Partridge." (H. P. 765) (L. D. 965)

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

House — As Amended

BILL, "An Act to Amend the Definition of Earnable Compensation." (H. P. 370) (L. D. 453)

BILL, "An Act to Allow the Commissioner of Educational and Cultural Services to Charge a Fee for Private Industrial Fire Brigade Training." (H. P. 519) (L. D. 644)

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

Senate — As Amended

BILL, "An Act Concerning Fees Charged by Sheriffs and Deputies for Service of Certain Documents." (S. P. 117) (L. D. 295)

BILL, "An Act to Amend the Banking Code Regarding the Trust Powers of Thrift Institutions." (S. P. 105) (L. D. 237)

Which were Read a Second Time and Passed to be Engrossed, as Amended. Sent down for concurrence.

The President Pro-Tem would ask the Sergeant-at-Arms to escort the Senator from Cumberland, Senator Conley to the Rostrum where he may assume his duties as President.

The Sergeant-at-Arms escorted the Senator from Cumberland, Senator Conley to the Rostrum where he assumed his duties as President.

The Sergeant-at-Arms escorted the Senator from Penobscot, Senator Pray to his seat on the floor of the Senate.

The PRESIDENT: The Chair wishes to express its thanks to the good Senator from Penobscot, Senator Pray for serving as President Pro-Tem and congratulate him on the outstanding job that he has done. (Applause, the Members rising.)

(Off Record Remarks)

Orders of the Day

The President laid before the Senate, the Tabled and Specially assigned matter:

BILL, "An Act to Undedicate Funds Received from Public Reserved Lands." (S. P. 297) (L. D. 951)

Tabled—March 8, 1983 by Senator PRAY of Penobscot.

Pending—The Motion of Senator PRAY of Penobscot to Reconsider Motion to Adhere.

(In Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.)

(In House, referred to the Committee on Energy and Natural Resources in non-concurrence.)

(In Senate, Adhered.)

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

Senator CARPENTER: I would urge the Senate to Reconsider the motion to Adhere.

The PRESIDENT: Is it the pleasure of the Senate to Reconsider its action whereby it Adhered on this Bill?

The Chair recognizes the Senator from Aroostook, Senator McBreairty.

Senator McBREAIRTY: Mr. President and Honorable Members of the Senate, I would hope that we did not Reconsider, this Bill deals strictly with funds from our dedicated lands, and I believe, I strongly feel that it should go to Appropriations instead, therefore, I would hope that you would not Reconsider.

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

Senator PRAY: Mr. President and Ladies and Gentlemen of the Senate, having discussed this Bill with the chairmen of the various committees, the Committee on Appropriations and Financial Affairs, and the Committee on Energy and Natural Resources, for that reason I have made the motion to Reconsider whereby we Adhered and that it went to the Appropriations Committee.

I would hope that we would Reconsider and then send it to the Committee on Energy and Natural Resources.

The PRESIDENT: The Chair will Order a Division.

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

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

21 Senators having voted in the affirmative, and 7 Senators having voted in the negative, the motion to Reconsider, Prevalled.

(Senate at Ease)

Senate called to order by the President.

On motion by the Senator from Aroostook, Senator Carpenter, the Senate voted to Recede and Concur with the House.

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

Senator TWITCHELL: Mr. President, is the Senate in possession of LD 331?

The PRESIDENT: The Chair would answer in the affirmative. The Bill, "An Act to Require Liquor Price Equity at Certain Border Area Liquor Stores." H. P. 271 L. D. 331 having been held.

On motion by Senator Twitchell of Oxford, the Senate voted to Reconsider its actions whereby LD 331 and all accompanying papers, was Indefinitely Postponed.

The PRESIDENT: The Senator has the floor. Senator TWITCHELL: Mr. President, I move the Ought to Pass Report, and I would like to speak briefly to my motion.

The PRESIDENT: The Senator has the floor. Senator TWITCHELL: Thank you, Mr. President, and Members of the Senate. I am new at this so you're going to have to bear with me.

I would like to express my feelings pertaining to this Bill. This is my Bill, I cosponsored this Bill, and I represent one of the towns in this Bill, which is Fryeburg. I want you to know how impressed I was yesterday, in the manner in which this Bill was killed. I have walked the Halls of this House for nearly twelve years, and I thought that I was pretty sharp and smooth, but I found out yesterday that I have a lot to learn. Those who know me, know that I speak very seldom; number one, I'm not a good

speaker, and number two, I will only speak when it is something that's very important to me.

I would like to bring up some of our debate that we had yesterday on the Senate Floor. I have a very dear friend of mine, and he signed the Bill out, Ought to Pass. He gets up and makes a beautiful speech that he's sick and tired of listening to the words of "the Kittery store." He mentioned that several times; he's sick and tired of it. Then he rambles on and he says why don't we make this fair for everybody? Everybody should have a reduction in the price of liquor! Why don't we do it for everybody? Then he comes up with the tune of somewhere between loss of revenue — and somewhere's between ten or twelve million dollars. Well that, especially ten or twelve million dollars, that brought tears to my eyes, because that had nothing to do with my Bill. My Bill is for three stores, my Bill has no fiscal note, and he wasn't even talking on my Bill.

Next, in the act, was a very dear friend of mine, and he gets up and he would like to have us pass this Bill today, because he wants to offer an amendment. Well, that was beautiful! I think that he should have put the Bill in himself, if he felt that great about it, instead of trying to amend mine.

Then the third partner in this, gave a beautiful speech. He was against my Bill. He thought that it was a bad Bill. He's always been against my Bills. Wonderful speech! In fact, his speech was so heartwarming, yesterday, that I forgot to turn in his county budget.

Then the fourth member of this act, wonderful man, a very dear friend of mine. He wants to know what the motion, what would be a good motion to kill this Bill? So, he asked another dear friend of mine, if the motion would be in order to Indefinitely Postpone this Bill and All Accompanying Papers? My other dear friend said, that he thought that was a beautiful motion. I'll be short. He made the motion and before I knew what had happened to me, the hammer went down, and my Bill was dead.

Now, the manner in which this Bill was killed was so impressive to me, that I only hope that I can remember the steps, so I can use it myself sometime.

Getting back to the Bill. I live in Norway. Norway does not have a liquor store nor do we have an agency store. I live about forty minutes from Fryeburg, and Fryeburg does not have an agency store, to my knowledge, nor do they have a liquor store, so, what do we do? We all go to North Conway, which is just across the line from Fryeburg. What do you guess is right across the line from Fryeburg to North Conway? A beautiful shopping mall! Just like the South Portland or Auburn Mall, beautiful! You know how that mall got there? Because we helped put it there! We, in this Body and the other Body, helped put that mall there, because every time we need money, we raised the price to cigarettes; we all go to New Hampshire and buy our cigarettes. When we need more money, we'll raise the price of beer, wine, and liquor; we all can go to New Hampshire and buy our beer, wine, and liquor. This nice mall has all this, cigarettes, beer, wine, and liquor.

Third, we passed a "Bottle Bill", and that's a wonderful Bill and I voted for it. I'm all in favor of it, but New Hampshire does not have a "Bottle Bill" so we all go down to New Hampshire and we buy our soft drinks, our can drinks, much cheaper, four dollars, four dollars cheaper a case than us, so we all go there to buy that.

Now, I'm on the Taxation Committee and we may have a Bill in Taxation to raise the sales tax one more cent. That would make it six cents, and guess what? New Hampshire has no sales tax! So what we are doing, we are driving our people from the State of Maine, across the border to this beautiful mall, and they are buying their cigarettes, their beer, wine, and li-

quor, and no sales tax.

My wife tells me five times a week, and probably more, you look out after everybody else, Donald, and when she uses Donald, I know she's mad at me! Why don't you look after us? She tells me that constantly! Why don't you look after us once in awhile? You take care of everybody else! Well, why don't we, in here and in the other Body, look out after us to people of the State of Maine? Why chase all our business across the line, and they do all their shopping and buying in New Hampshire? I think that we should look out after our own people.

Mr. President, I would like a Roll Call.

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

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, at risk of offending my very good friend, the Senator from Oxford, and further risk of driving into New Hampshire, I would hope that you would vote against the pending motion, and let's put this Bill back where it belongs.

Has a Roll Call been requested, Mr. President?

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Mr. President, Ladies and Gentlemen of the Senate, I would hope that you would support the good Senator from Oxford, Senator Twitchell. Good friend number five yesterday, in terms in making that Indefinite Postponement motion, and I would urge that you would support the good Senator.

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

Senator BUSTIN: Mr. President and Members of the Senate, I resisted speaking yesterday, but I can't resist speaking today.

The good Senator, Senator Twitchell is a very, very dear friend of mine; in fact I've invited him to a dinner party at my house next week. I really hate going against a very good and dear friend of mine, but I have to in this instance.

I'm sorry that Senator Brown feels that he made a mistake yesterday, because had he not made that motion, I would have. I was very pleased to see it done.

So I would urge you to vote against the passing of the pending motion, because I feel very strongly about alcoholism and how it is treated in this State, and how it is funded. I should be standing up here urging you to vote with Senator Twitchell I can't do that! I should be asking you to do that, because I was the prime mover of that "Alcohol Premium Bill." The more liquor that is sold in this State, the more money I get to treat alcoholism.

The reason, the whole reason, that we put that Bill in the way it was, the "Alcohol Premium Bill", is because the less liquor consumed in this State, supposedly, the less problem you have, the less money you need. That's the reason it was done that way. I still stand by that. I think it's a good reasoning, and that we should continue that. The more liquor we sell in this State, the more problem we are going to have, and the more money we are going to have to fund it. For that reason, I would like you to oppose this motion.

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

Senator HAYES: Mr. President, Ladies and Gentlemen of the Maine Senate, Senator Twitchell has delivered a very delightful talk to us, but the issues remain the same. The issue really relates to whether or not the State of Maine is going to reduce the price of alcohol in its State stores, and thereby, encourage the further consumption of alcohol in this State.

My feeling is that the State of Maine really should not encourage additional problems of

drinking and substance abuse, and I oppose this.

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

Senator VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate, very briefly, I understand—my objections are still as strong today, as they were yesterday, but, as a courtesy to another Senator, I have allowed and did not object to the motion to Reconsider, to my friend, Senator Twitchell. I would do so again in the future. I must only say that my objections are as strong today as they were yesterday. So, I would hope that you would vote against the pending motion. Thank you.

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

Senator DANTON: Mr. President, we've had a lot of discussion on this Bill for two days, and rightfully so, at least the good Senator, got up, spoke his piece; I've really been waiting six terms to hear him make a nice speech like he did and I'm proud of him.

Let's just talk about Senator Danton from York County and "the Kittery store" just for one minute. Once and for all.

Many years ago, somehow, some way it was thought up that we needed a discount store, to take and combat the flow of liquor that was going to New Hampshire, and it was estimated at that time, that the flow was about two to three million gallons a year, that was bought in New Hampshire by Maine residents.

Now, as the good Senator stated, they go there on Sundays, because the stores are open; They go there, because there's no sales' tax; they go there and buy their beverages because there's no bottle bill. Incidentally, let me tell you, Governor Sununu had a statement in the paper the other day that if a bottle bill goes on his desk, they'll veto it. So we know that we are talking about millions of dollars, perhaps, that that State realizes being in the middle between Maine and Massachusetts. You know, I would like to introduce a Bill to invade New Hampshire, really, so we could take it over. They're the biggest pain in the neck that we have!

Let's get back to "the Kittery store" You know, we often hear about "the Kittery store," and in York County, you have a discount liquor store. It's kinda difficult for me, as a member of the Legal Affairs Committee, that when a Bill comes in for Norway, Fryeburg, Paris, Bangor, Millinocket, wherever it may be, not to vote for a discount store. How can I say no, when I've got one just thirty miles away? Let me tell you this, it really doesn't make any difference whether they have it there or not, except for stemming the flow of three million gallons to New Hampshire, because I could always go to New Hampshire.

If I ever needed any large quantities of liquor, which was very, very seldom, unless one of my six sisters was getting married, and they're all married; I'm working on my nieces now. I didn't have to buy any large quantities of liquor, but that is the reason why I voted Ought to Pass on the Senator's Bill.

Tomorrow, or the next day, if I'm at the Legal Affairs Committee, and the Bill comes in, again, I will have to vote, Ought to Pass, on a discount liquor store, because I don't feel it's right that we should be criticized in York County for having a discount store that was put there to stem the flow of three million gallons of booze that use to be bought in New Hampshire.

So Senator, I want you to know, that I perhaps said ten or twelve million dollars yesterday, and I did some fast figuring just now; its only seven or eight million dollars that it will cost the State.

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

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

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

The pending question before the Senate is, the motion by the Senator from Oxford, Senator Twitchell that the Senate Accept the Minority Ought to Pass, as amended, Report of the Committee?

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Baldacci, Brown, Charette, Clark, Danton, Dow, Dutremble, Erwin, Kany, Minikowsky, Perkins, Pray, Sewall, Trafton, Twitchell, Usher, Wood.

NAY—Bustin, Carpenter, Collins, Diamond, Emerson, Hayes, Hichens, McBreairty, Najarian, Pearson, Shute, Teague, Violette, The President—Gerard P. Conley.

ABSENT—Gill, Redmond.

A Roll Call was had.

17 Senators having voted in the affirmative and 14 Senators in the negative, with 2 Senators being absent, the motion to Accept the Minority Ought to Pass, as amended, Report of the Committee, in non-concurrence, Prevailed.

The Bill Read Once.

Committee Amendment "A" was Read and Adopted, in non-concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

On motion by Senator Carpenter of Aroostook, Adjourned until 9 o'clock tomorrow morning.