

MAINE STATE LEGISLATURE

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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 14, 1983

Senate called to order by the President.

Prayer by Father Louis Berube of St. Philip's Catholic Church of Auburn.

FATHER BERUBE: Father in heaven, we gather in Your presence at the beginning of this new week.

We marvel at the beauty of Your creation and thank You for the blessings of this land, particularly for the freedoms we enjoy; we thank You for this unique State of Maine.

Mindful that You have made us dependent upon one another, we recall that Your Son, Jesus, told us that whoever would be greatest among us should be the servant of all.

We pray Father, send Your Spirit upon this Senate Body to help us constantly to treat one another with respect and an open mind.

In our life on earth, may justice and peace be our goal and heaven be our reward. Amen.

Reading of the Journal of Thursday, March 10, 1983.

**Papers From The House
Non-concurrent Matter**

BILL, An Act to Allocate Oil Company Overcharge Refunds in the Energy Resources Development Fund. (Submitted by the Office of Energy Resources pursuant to Joint Rule 24.) (S. P. 339) (L. D. 1014)

In the Senate, March 4, 1983 Referred to the Committee on Energy and Natural Resources and Ordered Printed.

Comes from the House, referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

On motion by Senator Pray of Penobscot, the Senate voted to Recede and Concur with the House.

Non-concurrent Matter

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)

In the House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-46)

In the Senate, March 9, 1983 Bill and Papers Indefinitely Postponed in non-concurrence.

Comes from the House, that Body Insisted, and Asked for a Committee of Conference.

On motion by Senator Carpenter of Aroostook, the Senate voted to Adhere.

(See Action Later Today.)

House Papers

BILL, An Act Exempting Interstate Domestic Flights from the Bottle Bill. (Submitted by the Department of Transportation pursuant to Joint Rule 24.) (H. P. 817) (L. D. 1057)

BILL, An Act to Amend the Maximum Fee for Applications and to Clarify the Basis for the Annual Assessment of Financial Institutions. (Submitted by the Department of Business Regulation pursuant to Joint Rule 24.) (H. P. 818) (L. D. 1058)

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

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

BILL, An Act Concerning Explanations for Referenda Questions which Appear on a Ballot. (H. P. 819) (L. D. 1059)

BILL, An Act to Promote Better Voter Participation and to Designate the Day of the State General Election a State Holiday. (H. P. 820) (L. D. 1060)

D. 1060)

Come from the House, referred to the Committee on Election Laws and Ordered Printed.

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

BILL, An Act to Create an Emergency Petroleum Reserve for the State. (Submitted by the Office of Energy Resources pursuant to Joint Rule 24.) (H. P. 821) (L. D. 1061)

Comes from the House, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Which was referred to the Committee on Energy and Natural Resources and Ordered Printed in concurrence.

BILL, An Act to Require the Registration of Off-road Motorized All-terrain Vehicles. (H. P. 822) (L. D. 1062)

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 Amend the Statutory Requirements Pertaining to Medicaid Copayments. (Submitted by the Department of Human Services pursuant to Joint Rule 24.) (Emergency) (H. P. 823) (L. D. 1063)

BILL, An Act to Regulate Smoking on Public Conveyances in the State of Maine. (H. P. 829) (L. D. 1067)

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

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

BILL, An Act to Allow Access to Financial Records of Public Assistance Recipients. (Submitted by the Department of Human Services pursuant to Joint Rule 24.) (H. P. 824) (L. D. 1064)

BILL, An Act to Require the Proceedings of Nonprofit Hospitals to be Open to the Public. (Submitted by the Department of Human Services pursuant to Joint Rule 24.) (H. P. 825) (L. D. 1065)

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

On motion by Senator Carpenter of Aroostook, referred to the Committee on Judiciary and Ordered Printed, in non-concurrence.

Sent down for concurrence.

BILL, An Act to Maximize the Availability of Certain Social Services by Providing for Income from Fees and Remove References to Federal Requirements which no Longer Exist. (Submitted by the Department of Human Services pursuant to Joint Rule 24.) (H. P. 828) (L. D. 1066)

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

On motion by Senator Carpenter of Aroostook, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed, in non-concurrence.

Sent down for concurrence.

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

Senator CARPENTER: Mr. President, with regard to L. D. 338, I move that the Senate Reconsider its action whereby it voted to Adhere, and hope that you all vote against me.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Aroostook, Senator Carpenter that the Senate Reconsider its action whereby 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), the Senate Adhered.

Will all those Senators in favor of the motion to Reconsider, please say "Yes".

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

A Viva Voce Vote was had.

The motion to Reconsider Failed.

BILL, An Act to Provide for Swifter Disposition of Drunk Driving Cases. (H. P. 830) (L. D. 1068)

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

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

BILL, An Act to Establish a Voluntary System of Shared-work Unemployment Compensation. (H. P. 831) (L. D. 1069)

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

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

BILL, An Act Concerning the Distribution of Table Wines. (H. P. 833) (L. D. 1070)

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

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

BILL, An Act to Provide for Uniform Fuel Costs for all Customer Classes of an Electric Utility. (Submitted by the Office of Public Advocate pursuant to Joint Rule 24.) (H. P. 834) (L. D. 1071)

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

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

BILL, An Act to Require the Wearing of Protective Headgear by All Motorcycle, Motor Driven Cycle and Moped Riders. (Submitted by the Department of Public Safety pursuant to Joint Rule 24.) (H. P. 836) (L. D. 1072)

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

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

BILL, An Act to Exempt Nursery Schools under the Sales Tax Laws. (H. P. 837) (L. D. 1073)

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

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

Senate Papers

BILL, An Act to Regulate Gymnastic Instructors (S. P. 381) (Presented by Senator PRAY of Penobscot)

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

Sent down for concurrence.

BILL, An Act to Increase Public Disclosure and Accountability with Respect to Review of Hospital Budgets, to Initiate a Prospective Payment System for Medicaid, to Analyze and Approve Appropriate Payor Differentials, and to Extend the Sunset Provisions of the Health Facilities Information Disclosure Act and for Other Purposes. (Emergency) (S. P. 382) (Presented by Senator TWITCHELL of Oxford.)

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

Sent down for concurrence.

(Off Record Remarks)

BILL, "An Act to Rejuvenate the Fishing Industry in Maine" (S. P. 383) (Presented by Senator BROWN of Washington.) (Cosponsors: Representative RANDALL of East Machias, Representative VOSE of Eastport and Representative CONNERS of Franklin)

Which was referred to the Committee on Marine Resources and Ordered Printed.

Sent down for concurrence.

BILL, "An Act to Establish a Directional Sign on Interstate 95 at the End of the Piscataqua River Bridge indicating York and Ogunquit Exit." (S. P. 384) (Presented by Senator HICHENS of York) (Cosponsor: Representative ROLDE of York)

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

Sent down for concurrence.

(Off Record Remarks)

**Committee Reports
House**

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 to Remove the 4% Ceiling on the Cost-of-Living Allowances for State Pensioners." (H. P. 249) (L. D. 299)

BILL, "An Act to Provide Income Tax Relief for Retired and Disabled Veterans; (H. P. 357) (L. D. 415)

Ought to Pass

The Committee on Agriculture on **BILL, "An Act Relating to the State Harness Racing Commission" (H. P. 439) (L. D. 532)** Reported that the same Ought to Pass.

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as amended by House Amendment "B" (H-58)

Which Report was Read and Accepted. The Bill Read Once. House Amendment "B" Read and Adopted in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

The Committee on Education on **BILL, "An Act Relating to Powers of the Board of Trustees of the Maine Maritime Academy and to Authorize Conferral of the Master of Science Degree in Maritime Management" (H. P. 541) (L. D. 734)** Reported that the same Ought to Pass.

Comes from the House, Report Read and Accepted and the Bill Passed to be Engrossed.

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

Ought to Pass — As Amended

The Committee on Education on **BILL, "An Act Regarding Courses and their Equivalency Offered at Various Units of the University of Maine." (H. P. 243) (L. D. 290)** Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-51).

Comes from the House, with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A". (H-51)

Which Report was Read.

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

Senator COLLINS: Mr. President, I would like to pose a question through the Chair with regard to this Report.

I'd like to inquire, to what extent this Bill would cause a taking away from the Board of Trustees of the University of Maine system of its management powers?

The PRESIDENT: The Senator from Knox, Senator Collins poses a question through the Chair to any Member of the Senate who may desire to respond.

The Chair recognizes the Senator from

Penobscot, Senator Hayes.

Senator HAYES: So far as I know, this does not affect the statutory powers, or privileges, or practices of the Board of Trustees.

What this Bill does is to provide that a commission will be established to work on the guidelines of providing course transfer and credit transfer between the units of the University of Maine System. This is already in process. This is not something new. The Chancellor's Office informed the Committee on Education that, in fact, the process was in place for doing this, that they have made every effort to do this. This Bill is simply to provide additional encouragement to the administration to see that that's carried out.

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

Senator COLLINS: Mr. President, bills of this type have been before our Bodies nearly every year that I can remember. On a bipartisan basis, the Legislature has uniformly rejected such bills as an interference with the management of the University by its Board of Trustees.

According to the answer just given by the Senator from Penobscot, Senator Hayes, there really isn't any need for this Bill, since its purpose is already being carried forward by the University System on its own initiative.

I would point out, however, that the Amendment attached to this Bill says in its very last line, "the trustees shall implement no later than." When we pass a directive like that, telling the trustees of the University System that they shall implement: how they number their courses, how they transfer their credits, how they adjust the interrelations between different campuses, I see in this Bill very definite evidence that the Legislature is attempting to take over the nitty gritty management of the University of Maine. I think that's wrong, and I, therefore, move that this Bill and all its accompanying papers be Indefinitely Postponed.

The PRESIDENT: The Senator from Knox, Senator Collins has moved that L. D. 290 and all its accompanying papers be Indefinitely Postponed.

The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Mr. President, Men and Women of the Senate, many of us in here are alumni of the University of Maine System, one college or another. Since this super university has been created, it seems to me that one of the most disgraceful things that has happened is, it's taken so very long to be able to transfer credits from one campus to another, whether it's at Fort Kent, Machias or Farmington, or the University of Southern Maine, at Orono, or wherever the campuses may be.

I really don't know how I'm going to vote on this measure yet, because I agree with the Senator from Knox, Senator Collins, that we should not interfere unduly with the Board of Trustees, but by the same token, if credits aren't being transferred from campus to campus by now, then something has got to be done pretty soon.

I want to pose this question to the Chairman of the Education Committee to make it clear in my own mind. Are there instances still where those credits are not transferred? If there are, are they very frequent? If there are, are they working on it, so that it will be a corrected situation very shortly?

The PRESIDENT: The Senator from Penobscot, Senator Pearson, has posed a question through the Chair to the Chairman of the Education Committee, who may respond, if he so desires.

The Chair recognizes the Senator from Penobscot, Senator Hayes.

Senator HAYES: Ladies and Gentlemen of the Maine Senate, in answer to Senator Pearson's question, the problem still persists. This is an ongoing problem. Each year the Legislature listens to a bill regarding transferability of cred-

its. Senator Collins is quite correct, this has appeared before. The problem each time is addressed in the following manner. The Chancellor of the University of Maine says they are working on it, and the problem is in the state of being resolved. Every year, however, the problem comes back; we must face it once again. During that time, there are numerous cases, as far as we can tell, and from the testimony given before our Committee, of students who find themselves caught up in the administrative and bureaucratic practices of the super university system. That's why the Bill is here, and that's why the Education Committee voted unanimously to urge Ought to Pass.

I hope the good Senator from Penobscot, Senator Pearson, will go along with that. Thank you.

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

Senator CLARK: Thank you, Mr. President. Men and Women of the Senate, L. D. 290 on our calendar today is a almost perennial issue before the Maine Legislature, but in this the 111th Maine Legislature, you see a unanimous Committee Report, and that my friends, is a first.

Indeed, the good Senator from Knox, Senator Collins is accurate, when he says that the Committee on Education has reviewed this issue many times in previous Legislatures. He is, also, accurate when he says, that in a bipartisan manner, the Committee has reported out this Bill in one fashion or another.

In the good old days, and I sometimes wonder whether they were good or whether they were that old, we use to have an Ought Not to Pass Report from the Joint Standing Committee on Education and in the 110th Maine Legislature, we had a vastly Majority Ought to Pass Report from that Committee.

The other Body has dealt with this issue in a very positive fashion, agreeing that this measure Ought to Pass in previous Legislatures. It is indeed the Maine Senate that has defeated this issue in previous Legislatures, and I would draw again to your attention that it is a unanimous Committee Report.

Indeed, my friends here in the Maine Senate, the issue is as alive and well as it ever was before. As a matter of fact, its been aggravated, in this extent, particularly, we have numbers of graduates of our seven satellite campuses across the State, and our super university system, who attempt to transfer their undergraduate degrees to the University of Maine, particularly at Orono or at Southern Maine, where Masters' Programs are available in their successive career choice or major area of study. They are finding, too frequently, that in fact their graduate degrees in the courses that prepared them for their Bachelor Degrees do not qualify for the Masters' Program.

The University has, in the past, and in the recent past, established and put in place and in practice some measures to address this issue, in response to the Legislature, if you will, incentive or maybe even kick in the right direction, that is the office of an ombudsman, who is solely responsible for addressing the issue of nontransferability of credits, as well as a hotline, which makes access to the ombudsman, and places focus and attention on the non-transferability of credits.

It's been a long time now since the concept and the structure of the Super University System has been in place in the State of Maine. I think it's appropriate that this 111th Maine Legislature address what has been, in fact, a break of trust with the establishment of the Super University System. That is, that credits are transferable between campuses, and that young people, or old people, or those of us who fall in between, will not lose time, energy, and even yes, salary, as we take courses and attempt to transfer them to programs which provide graduate degrees or that we transfer

them to provide elective background for relative major areas of study.

I hope that this Maine Legislature, and this Chamber particularly, will deal appropriately with the pending motion of Indefinite Postponement, and I would urge that we reject it. Thank you, Mr. President.

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

Senator COLLINS: Mr. President, I've listened to the good Senator from Cumberland, Senator Clark, speak on this issue through the years. I must admit that after hearing her speak for the first time on it, that I felt that there were some very good points made and that they ought to have consideration. It happened that shortly afterward I was thinking about this, there was a social occasion at my home, I've had three children in higher education in recent years, and some of their parents were with them. One of the parents said to me, you ought to do something about this! My daughter couldn't get her credit transferred for a certain course, from such a campus, which happened to be one of our smaller Maine campuses, to Orono which was of course, a bigger campus. I inquired about the course and I said, "what book did they use at your daughter's campus?" I was told and then I inquired from someone who had gone to Orono. What book did they use in Orono? They said, "It's the same book." I said, "Well, gee that seems as though they ought to be able to transfer that credit all right." I kept thinking about it, and then I asked another question. I asked the girl who went to the smaller campus, "how far did you go in this book in your course?" She said, "we went about halfway through the book." Then I inquired about how far they went in the course given at Orono with the same book. They said, "Well, we went all the way through the book."

That was a lesson to me the fact that one campus has the same course and the same book as another campus, does not necessarily mean, that the value that ought to be given to that course should be transferable in exactly the same fashion from one campus to another. Maybe it should be, and in some courses, probably it should be, but it seems to me that we ought to leave that decision in the hands of the faculty and the administrators that deal directly with the teaching of those courses, because the fact that you have numbers on a particular course, that seem to coincide does not necessarily mean that the content of that course, or the teaching of it, or the value of it, is exactly the same from one campus to another.

I don't think anyone who has visited all of our campuses in Maine, or has worked with the graduates of all of our campuses in Maine would say that every campus is the equivalent of every other campus in every course. If we would say that, then we ought to pass this Bill, but if we would not say that, if we see some distinction between campuses, and we certainly do, some campuses specialize in one thing and some in another, some have great excellence in the faculties in one department and not in another, if we are going to sit here in the Maine Legislature and make those decisions, we're going to be here an awful lot longer than we are now.

I say once more, that we create a Board of Trustees for our University System and we appoint to it men and women of high caliber, from both political parties, and we ought to entrust to them the duty of seeing that this sort of question is investigated and managed and treated at a management level, and not at the level at which we sit. Thank you, Mr. President.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, as it has been mentioned several times this "old chestnut" has been around here now, I think, ever since

I've been here, four terms, going on five terms in the Legislature.

As the good Senator from Penobscot, Senator Hayes, has already pointed out, each term the Bill comes up, Chancellors Office comes in says we're working on it, and each interim period between sessions, I have, probably six, eight to twelve constituents who go to the University of Maine at Presque Isle, University of Maine at Fort Kent, come in and tell me exactly the same story that Senator Collins was told at a social function at his home.

I've, also, done some investigating and I've also, found some of the same kinds of things that Senator Collins mentioned. However, I don't think that there is as great a concern as perhaps you would think on first blush, once you investigate a little further, and once you think about and analogize to other situations that take place in all of our lives, and especially in the academic field.

A couple of things I would point out: One, this is an amendment to a committee that is already established; Two, while the last sentence in the Amendment does say, "the recommendation shall be implemented," nothing says that they must come up with recommendations. If the committee, which has management people on it, decides that the present system is moving in the right direction, there's no mandate that I can see in the Bill anywhere that they even recommend any change. If they do recommend a change, then those recommendations shall be implemented. If you take the advice of the good Senator from Knox, Senator Collins, and you extend that to its natural conclusion, that means because I only went to page 440 of my torts book at the University of Maine Law School course on torts, and the good Senator from Androscoggin, Senator Trafton went to page 800, then I should not be certified to practice in the area of tort law in the State of Maine. I took courses in Psychology I at the University of Maine, Orono, in 1966, when there were many, many, different sections of that very same course. Some of us finished the book, some sections didn't go halfway through the book. We all were certified as having completed PY I.

So, if you take that argument and extend it out, that means that we are going to be here a great deal longer time, either that or the Board of Trustees of all the various schools in our State and our Nation are going to have to sit down and start to make those kinds of fine distinctions. If a course is called something, especially if they use the same book, then the credits should be transferable.

We have one University of Maine System. Let's keep that in mind. That system has been in place since 1969, fourteen years that they have been working on this problem, and we still have a real problem, especially if you're coming from some of the smaller, outlying branches and trying to transfer into the "big two", UMO or USM. You still have a real problem, and to my knowledge, not a great deal of progress has been made.

I urge you all, very strongly, to oppose the pending motion, and Accept the unanimous Ought to Pass, as amended, Report of the Committee.

The PRESIDENT: The Chair will Order a Division.

Will all those Senators in favor of the motion by the Senator from Knox, Senator Collins that L. D. 290 be Indefinitely Postponed, please rise in their places to be counted.

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

5 Senators having voted in the affirmative, and 24 Senators having voted in the negative, the motion to Indefinitely Postpone Failed.

The Ought to Pass, as amended, Report of the Committee Accepted, in concurrence.

The Bill Read Once. Committee Amendment "A" was Read and Adopted, in concurrence. The Bill as amended, Tomorrow Assigned for

Second Reading.

The Committee on Business Legislation on BILL, "An Act to Permit Real Estate Agents to be Considered Independent Contractors for Purposes of Workers' Compensation Insurance" (H. P. 572) (L. D. 720) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-52).

Comes from the House, with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-52).

Which Report was Read and Accepted, in concurrence. The Bill Read Once. Committee Amendment "A" was Read and Adopted, in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Marine Resources on BILL, "An Act to Increase the Sardine Inspection Tax." (H. P. 158) (L. D. 183) Reported that the same Ought to Pass in New Draft under same title (Emergency) (H. P. 869) (L. D. 1117)

Comes from the House, the Report Read and Accepted and the New Draft Passed to be Engrossed.

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

Ought to Pass in New Draft Under New Title

The Committee on Business Legislation on BILL, "An Act Relating to the Use of an Assumed Name by a Non-profit Corporation." (H. P. 299) (L. D. 358) Reported that the same Ought to Pass in New Draft under New Title BILL, "An Act Relating to the Use of Assumed Names by Corporations." (H. P. 870) (L. D. 1118)

Comes from the House, the Report Read and Accepted and the New Draft Passed to be Engrossed.

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

Divided Report

The Majority of the Committee on Legal Affairs on BILL, "An Act Regarding Franchise Practices in the Business of Beverage Distributors" (H. P. 579) (L. D. 727)

Reported that the same Ought Not to Pass.

Signed:

Senators:

CHARETTE of Androscoggin

SHUTE of Waldo

Representatives:

STOVER of West Bath

PERRY of Mexico

DILLENBACK of Cumberland

COX of Brewer

SWAZEY of Bucksport

STUDLEY of Berwick

McSWEENEY of Old Orchard Beach

COTE of Auburn

DUDLEY of Enfield

The Minority of the same committee on the same subject matter:

Reported that the same Ought to Pass.

Signed:

Representative:

HANDY of Lewiston

Senator:

DANTON of York Abstained

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

Which Reports were Read.

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

Senator PRAY: Thank you, Mr. President. Mr. President, Ladies and Gentlemen of the Senate, as the Senator from Penobscot I have had several inquiries from constituents, in the past, in relationship to the purchasing of wines from distributors, throughout the State.

In one particular situation the present law which allows franchisers and distributors to handle various areas of the State basically a monopoly that the customer relationship is not all that is desirable to various individuals.

In one situation that I am personally aware of, through another store owner, who did not get along with the distributor out of the Bangor area, decided to seek somewhere else in the State, at their own expense, to pick up the items that they needed.

It would be my understanding under existing law, and looking at this proposal that is before us it would allow the retailer, the individual who has the store, to go anywhere he would want to in the State to purchase those beverages, which he can not pick up in his own district, otherwise, accept through the distributor which has the franchise in his area.

I guess that I would like to pose a question through the Chair to somebody from the Legal Affairs Committee, if in reality this is true?

Second question would be, is there any other course of action that that retailer could take, if they just could not get along with the wholesaler, the distributor, within their district?

The PRESIDENT: The Senator from Penobscot, Senator Pray poses a question through the Chair to any member of the Joint Standing Committee on Legal Affairs who may respond if they so desire.

The Chair recognizes the Senator from Androscoggin, Senator Charette.

Senator CHARETTE: In answer to my good friend Senator Pray from Penobscot, Yes, it was discussed as far as the Committee on franchise and the districts that the good Senator was talking about and having to buy within your own boundaries of those franchise districts, however, there is another course for a retailer to take, that would be asking permission from the Liquor Commission if they could do such purchases outside of their own district.

I believe that the question or the one that had a problem, I believe, has probably already been granted permission to be able to buy his wine outside of that district. I hope that this answers his question.

The reasoning of the Committee in a twelve to one vote was that we felt that it was very important to leave the bottle law today, as it is. If the distributor in Lewiston, today posts the price for a sale starting the first of this month, anyone in Portland could come down to Lewiston and buy thousands and thousands of cases of beer, bring them to Portland and then the distributor in Portland would be forced to pick up these empties in his own district and in addition have to pay two cents or seven cents extra. So this would be a inconvenience and a great loss to the distributor of another district.

As I explained, yes, the other recourse is that for any one with any particular problem they can apply in writing to the Liquor Commission and in most cases they have been granted permission to cross districts. Thank you.

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

Senator PRAY: Mr. President and Ladies and Gentlemen of the Senate, probably many of you have not had this type of problem in your district. Usually people are very happy with their distributors and complaints usually are something that do not come to the scale and magnitude of which they came to me.

It is true there has been one permission slip granted by the Commission to allow one individual to purchase outside of their franchise area, but it almost took an Act of Congress to do it. As a matter of fact, the individual who had the retail license was not able to get it. They had to call myself up and it took several meetings with the bureau of Alcoholic Beverages to finally get this permission slip, after the retailer themselves had expressed their dissatisfaction with the franchise that was in the area, of which they were purchasing.

I just don't think that, that is the way that bureaucracy should be working. Though I know that the constituent is rather happy today that this permission was finally granted. The thing is that it took him several months to finally achieve that permit.

So I guess that I am going to let this proposal go and not fight for it today, but I hope that somewhere underlining this would be a message to the Alcoholic Beverage Commission that the monopoly that has been granted to these franchises by the Legislature is clearly that. It is a monopoly.

The law was written to allow those various wholesalers, retailers a course of action. I would hope that in the future the Alcoholic Beverage Commission, the Bureau of Liquor Control would exercise its statutory rights and grant these permissions more often, when there is a clear case of an inability of the wholesaler to satisfy the retailer which he has been granted the monopoly to.

The Majority Ought Not to Pass Report of the Committee Accepted in concurrence.

Senate Leave to Withdraw

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

BILL, "An Act Reducing the Experience Period for Receiving a Grade V Sewage Treatment Operator's License." (S. P. 251) (L. D. 797)

BILL, "An Act Concerning the Provision of Services to Families with Runaway Juveniles." (S. P. 40) (L. D. 98)

BILL, "An Act to Prohibit Unfair Competition from the State in Video Productions." (S. P. 165) (L. D. 520)

Ought to Pass

Senator HICHENS for the Committee on State Government on BILL, "An Act to Expand the Scope of the State Salary Commission to include Members of the Judiciary, Constitutional and Legislative Officers." (S. P. 225) (L. D. 662) Reported that the same Ought to Pass.

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

Senator CHARETTE for the Committee on Legal Affairs on BILL, "An Act Concerning the Hours during which an Agency Liquor Store may be Open." (S. P. 256) (L. D. 801) 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 Under New Title

Senator CHARETTE for the Committee on Legal Affairs on BILL, "An Act to Increase the Permissible State Discount to State Agency Stores to 12% Under the Alcoholic Beverages Statutes." (S. P. 229) (L. D. 673) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act Concerning Sales Prices of Spirituous and Vinous Liquors, Except Table Wine, Sold by State Agency Liquor Stores" (S. P. 385) (L. D. 1165)

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

Divided Report

The Majority of the Committee on Taxation on

BILL, "An Act to Provide an Income Tax Checkoff for Voluntary Support of Nongame Wildlife Management" (S. P. 122) (L. D. 298)

Reported that the same Ought to Pass in New Draft under same Title (S. P. 380) (L. D. 1151)

Signed:
Senators:

TEAGUE of Somerset
TWITCHELL of Oxford
WOOD of York

Representatives:

ANDREWS of Portland
BROWN of Bethel
CASHMAN of Old Town
DAY of Westbrook
HIGGINS of Portland
INGRAHAM of Houlton
KANE of South Portland
MASTERMAN of Milo
MCCOLLISTER of Canton

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

Signed:

Representative:

KILCOYNE of Gardiner

Which Reports were Read.

On motion by Senator Wood of York the Majority Ought To Pass, in New Draft, Report was Accepted.

The Bill, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

Second Readers House

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

BILL, "An Act to Expand the Authority of Probate Judges to Appoint Temporary Guardians." (H. P. 325) (L. D. 384)

BILL, "An Act Concerning Court Procedures Dealing with Notice in Liability Cases." (H. P. 402) (L. D. 485)

BILL, "An Act to Authorize a July 1st to June 30th Fiscal Year for Counties." (H. P. 560) (L. D. 710)

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

Senate

BILL, "An Act to Amend the Provisions of the Medical Eye Care Program." (S. P. 376) (L. D. 1123)

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

Sent down for concurrence.

Enactors

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

An Act to Amend the Maine Consumer Credit Code Regarding Refinancing Demand Loans Secured by Securities. (H. P. 166) (L. D. 197)

An Act Concerning Part-time Licenses under the Liquor Statutes. (H. P. 100) (L. D. 107)

An Act to Require any State Mandated School Program to Include the Necessary Funds for Implementation. (H. P. 383) (L. D. 466)

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

An Act to Provide a Statewide Office of School Volunteer Programs. (H. P. 386) (L. D. 469)

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

Emergency

An Act to Correct Certain Errors in the Maine Condominium Act. (H. P. 251) (L. D. 301)

This being an emergency measure and having received the affirmative vote of 29 members of the Senate, with No Senators having voted in the negative was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

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

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." (H. P. 568) (L. D. 663)

Tabled—March 10, 1983 by Senator KANY of Kennebec

Pending—Adoption of House Amendment "A" (H-48) to Committee Amendment "A" (H-41).

(In House, March 8, 1983, Passed to be Engrossed as Amended by Committee Amendment "A" (H-41) as Amended by House Amendment "A" (H-48) thereto.)

On motion by Senator Kany of Kennebec, House Amendment "A" was Adopted, in concurrence.

The PRESIDENT: The Senator has the floor.

Senator KANY: Thank you, I further present an amendment and move its Adoption.

The PRESIDENT: The Senator from Kennebec, Senator Kany presented an Amendment and moves its Adoption.

Senate Amendment "B" (S-22) Read.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, prior to the adoption of Senate Amendment "B" which I understand hails from the good Senator from Kennebec.

This adds two additional members to the Commission. We have presently on the Commission four, I repeat four public members. This will add two more public members, members of the Legislature, making it six, because it came to this Senate's attention rather clearly that all members were from one party affiliation. This will now say that we'll have six public members from the Legislature, three from the Senate and three from the House; two of which will be Democrats and one will be a Republican from the House, and one will be a Republican in the Senate.

Now my feeling is very clearly that four members of the Commission, at the present time being public elected members, we should not increase the capacity of the Low-level Waste Siting Commission.

A mistake was made apparently when the nominations did come up, in the name of equity and fair play, that we all ended up in the same party.

The greater concern, which I had discussed previously is not with increasing the membership by an additional two members of the opposite party, but by addressing the most serious inequity in this Legislation, or the original bill, and that simply denied a member from a generator, such as Maine Yankee, to participate on this particular board. Especially when you are asking this major generator to pay for the maintenance and reporting of this particular Commission.

Now this Commission, Ladies and Gentlemen of the Senate, is strictly a reporting Committee to the Governor and to the Legislature. We presently have on that Commission, as I have mentioned previously some very competent, capable people which I am very, very happy and very proud to serve with. The two representatives are from low-level generators both hospitals. They pay a rather small portion of the maintenance of this particular Commission.

In the name of equity and fair play, I am simply saying don't add additional members to the Commission, because this area had been brought out last week that there was a serious mistake made, but kill this Amendment and allow another amendment to be drafted to allow a representative of Maine Yankee to serve aboard the Commission.

Now I assure you, Ladies and Gentlemen of the Senate, that my intention is perfectly pure on this particular issue. I am not looking for a confrontation with Senator Kany, but I am

only opening dialogue to an inequity that has transpired. I would hope that the members of this Senate would Indefinitely Postpone Senator Kany's amendment and I so move, Mr. President.

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

Senator VIOLETTE: Mr. President and Ladies and Gentlemen of the Senate I just have a question. As I understand it, this Commission is presently operating or will be operating in the red, and I am wondering how much more cost will be added to the Commission, by the addition of two more members? And whether or not it be appropriate that, that be reflected in this Amendment with a fiscal note, or some kind of an indication of what it is going to cost for yet two more members on this board or Commission? Thank you.

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

Senator KANY: Mr. President, first of all the Amendment before you would increase from nine members to eleven members the number on this Low-level Radioactive Waste Siting Commission. Presently there are three Executive Branch members, there are two licensees, and four Legislators; two appointed by the President of the Senate and two appointed by the Speaker of the House.

This amendment would increase the Legislative representation and would call for, for the first time, a delineation of party. It would state then, that there would be two from the majority party in the House, and one from the minority party, and in the Senate the same.

Basically no one is paid other than the expenses of people travelling to and from meetings. It is really not that much of an increase in funding then, to have two more members. Since there is an allocation for the Commission within the Bill, itself, I would state that, that should be covered by the increase in membership.

It has been pointed out that for reasons that simply occurred that there were no minority members on the Commission, and when that was called to my attention, I certainly agreed that it made sense, certainly to have minority representation and they should be so represented. Consequently, I am delighted to present this Amendment, and I urge its passage.

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

Senator MINKOWSKY: Mr. President and Members of the Senate the question posed by Senator Violette from Aroostook has two phases to it. The additional cost for the two members is infinitesimal, it doesn't amount to anything at all.

The thirty-five hundred dollars that the Commission is presently in debt is based upon the assessment that we had when we had the Bill before us last session. We were charging them one dollar per cubic yard raising roughly fifteen thousand dollars.

I even had objections when that particular bill came before us, but since it didn't represent a large amount of cash to be assessed to the generators of low-level waste, and since I did not anticipate, in this particular Bill that this would proliferate to what we see before us today, I rescinded my rejection.

We are dealing with a different animal, altogether, today compared to the last session of the Legislature.

During the interim period of time, when this study Commission was in full force, we received an abundance of material from the Maine Geological Survey of which we now owe at least thirty-five hundred dollars, the Department of Health Engineering and the Department of Environmental Protection. Three excellent contributors to the Maine Low-level Waste Siting Commission to show us exactly the direction that we should be heading into. This is all in-house talents with no

more additional expense on the part of the generators or the taxpayers of the State of Maine.

If Senator Kany, as Chairman of our Commission, would answer one question for me I would be delighted to listen to her response.

She has projected two additional members from the Legislature to enhance the Commission to eleven members, and as I pointed out previously, there is no great need for these two additional members. What I would like Senator Kany to address to this Body today, is what is her objection to having somebody on the Commission from Maine Yankee Atomic Power Company?

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

Senator PRAY: Thank you, Mr. President. Mr. President, Ladies and Gentlemen of the Senate, I have sat here and listened to the points that the Senator from Androscoggin, Senator Minkowsky has raised in reference to who presently serves on the Commission.

There is one thing that I have attempted to find, but I can't anywhere in the statutes, is who makes the appointment of the users? Is there anything in the existing statute, whomever makes that appointment that would allow them to appoint somebody from either a utility, or from Maine Yankee, or CMP, or Bangor Hydro, or anybody that they may be?

It seems to me that somewhere there is an appointment process and for some reason whomever makes that appointment of those two other members chose not to make that appointment, perhaps, this could clarify the existing situation and the points that have been raised by the Senator from Androscoggin, if we knew how the two present members were appointed.

The PRESIDENT: The Senator from Penobscot, Senator Pray has posed a question through the Chair to any member of the Senate who may so desire to respond.

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Mr. President, and Members of the Senate, I am glad that Senator Pray asked that question, because it gives me an opportunity to point out that the appointment of the two licensees on the Commission were made by the Speaker of the House and the President of the Senate as is outlined in the Statute. That is how they were chosen.

I would, also, like to point out that Maine Yankee has been invited, specifically sent an agenda for each meeting and invited to participate, a couple times specifically asked to be on our agenda. I have asked them if there was anybody that they thought that the Commission should hear from and we did take them up on all of their suggestions. We have heard actual presentations from them twice in the last year including at our last meeting.

So we are certainly going out of our way to get information from them, as well as, from anyone else that we can.

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

Senator MINKOWSKY: When we are dealing, Mr. President, and Members of the Senate, when we are dealing with the word "fairness" which was articulated very clearly last week by two members of the Appropriations Committee and when we are compelling one particular generator who pays 94% or 95% of the costs and since this is just a reporting Commission, I do not see what the objection is to the good Senator's amendment being killed and having her draft another amendment to allow them to serve aboard the Commission?

Yes, they have been invited, and yes they did participate. But I think in the name of "Fairness" that their input would have been more significant amongst deliberations before that Commission, instead of just being called upon to set in the audience, to address their

concerns.

I would move for the Indefinite Postponement of this Amendment, Mr. President.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Androscoggin, Senator Minkowsky that Senate Amendment "B" be Indefinitely Postponed, please rise in their places to be counted.

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

9 Senators having voted in the affirmative, and 19 Senators having voted in the negative, the motion to Indefinitely Postpone Senate Amendment "B" Failed.

Senate Amendment "B" was Adopted.

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

Senator MINKOWSKY: Mr. President, I had gone through the process last week of opening this Bill up to the point for an amendment, and I believe in courtesy, and I think prior to, I allowed the courtesy to Senator Kany to offer her amendment first, since she had Tabled it, through an error, as I can see, she buttoned up House Amendment "A" H-48. Am I correct in that assessment? Or is it still open for amendments, Mr. President?

(Senate at Ease)

The Senate called to order by the President.

The PRESIDENT: Would the good Senator please kindly restate his question, I couldn't quite hear.

Senator MINKOWSKY: Is this Bill open for further amendments?

The PRESIDENT: Yes, it is.

Senator MINKOWSKY: Mr. President and Members of the Senate, I have, also, an amendment to offer this particular Bill, because it's going to be very clear that a strong conviction that something must be done, is apparent of many bad measures. As we researched this one a little more clearly, we realized that it is a bad measure.

The Commission, in my estimation, does not need the amount of revenue that it has requested. If you look at the Bill, L. D. 663, on page 4, you notice two amounts, eighteen thousand five hundred dollars for this year, and seventy five thousand dollars for '83 and '84.

Now bear in mind, as I pointed out to you last week, this money does not come from the State. It comes from the generators. This is a far cry compared to the fifteen thousand dollars that we put in previously to study this particular issue.

This particular amount of money is excessive, because regardless of the additional people that the DEP will hire to study this, this study is an effort in futility. We are deviating from the intent and purpose of the Congressional Act that mandated this particular Commission. If you look at other states, they did not go to their generators, there was an appropriation from the General Fund. This appropriation, we are telling these people what they already know and what they already have been doing for several years, and apparently, this is just a backdoor approach, and I don't like to use the term "harassment" but I'm almost inclined to see part of this coming up, at the present time. Not by the lay members of the Commission, but by the public members of the Commission, and I resent it. I don't think, as Democrats we believe in industrial expansion in the State of Maine that we have to continue debilitating the people who are providing that

particular energy to us, and this is what it amounts to.

Over the weekend, I received a few calls relative to this thing. One person called me from Portland yesterday to call my attention to an article that appeared in the Maine Sunday Telegram. I got it this morning, and this dispels some of the myths that the only people that cause cancer in the State of Maine are the people that generate electricity by the use of nuclear power. This is in the Maine Sunday Telegram, March 13, 1983, and the article's headline, "Chemicals Seen As Cancer Culprit."

"If U. S. statistics are correct, almost 95 percent of all cancers are caused by chemicals in the environment, a University of Florida researcher says.

Five percent are caused by physical means such as radiation, and less than 1 percent are caused by external viruses." You're welcome to read that article, also.

This morning in the mail as Chairman of Marine Resources, I got another publication, and this is a weekly newsletter.

"Hardscrabble River Clam Pathology Report—Cancer of the reproductive tract has been evident in 25% of the soft-shell clams examined in the Hardscrabble River in Dennysville and in 2% of the clams sampled in each of 2 control areas several miles from the Hardscrabble River. Both males and females were affected; of the 48 total infected clams, 29% had almost total destruction of the gonadal tissue."

Are we simply trying to place the onus upon one particular company to pay this exorbitant cost, or can not we be fair and equitable by facing up front exactly; let's stick to the issue itself.

If you further look at this particular document, on page 3, under "notifications," subsection 2109, "not less than twenty-four hours in advance of transporting any shipment of low-level waste over any public way, the person transferring the shipment shall notify the Chief of the Maine State Police, of the shipment, its contents, destination, route, and such information as the Department of Public Safety may require." Failure to make that notification shall be a Class "D." I repeat, a Class "D" crime.

If this is not harassment, then what is? These people have gone through the process of voluntary reporting, ever since they've been in existence. Are we to assume, with a Class "D" crime against them, that we should not, also, amend that section of the Bill to cover the transportation of all chlorine gas, propane gas, gasoline, industrial toxic-chemicals, and fine these people the same way as the Class "D" crime? This is going far, way too far, I think it is about time we face up to our responsibilities, regardless of party affiliation, as to what we are doing here in the State of Maine.

Mr. President, the Amendment I offer this morning, simply reduces the fee from ten dollars per cubic yard to five dollars per cubic yard, to the thirty-eight thousand dollars, still assessing the major low-level waste processor in the State of Maine. The hospitals, their amount doesn't amount to a hill of beans. Let us be fair when we start comparing Maine with other parts of this Nation, that we have less than 2% of the low-level waste, and it has been handled expeditiously, to South Carolina, until this mandate came down from Congress, which we are addressing at the present time.

Mr. President, I offer Senate Amendment (S-21) to L. D. 663 and move its Adoption.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, presents Senate Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-21) Read.

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

Senator KANY: Mr. President and Members of the Senate, I move Indefinite Postponement of this Amendment and ask to speak to it.

The PRESIDENT: The Senator has the floor.

Senator KANY: Thank you. First of all, I'd like to say that the funding that we are talking about is to fund an entire subchapter in our statutes regarding low-level radioactive waste. It's not just for a Commission and the work of the Commission, but it's really for a larger purpose, in fact, the purpose of the sub-chapter says, "it is the purpose of this sub-chapter to establish a program for the safe management of low-level waste, and to provide capacity for its disposal either within this State, or in regional facilities."

Senator Minkowsky's Amendment would cut in half from approximately seventy thousand or so, to thirty-five thousand the amount available within a period of a year for this huge task, I really urge you to postpone, Indefinitely Postpone the Amendment.

As recently as last December, it looked as if we might be able to have a very positive regional compact on this topic. One that really Maine people would have benefited so much from. It would have meant, at that time, looked as if it were possible, to have a compact in which very small generating states, like Maine, which actually generates less than 1% of the northeast's low-level radio-active waste, would never have to host a regional facility. Well, we had a majority of the negotiators, working together, actually approve that.

The agreement in December was to take that back to their home states and see what the Governors and Legislatures back there, thought about it. Well, the Governors didn't really like that, they found that that would be too difficult to bring to their Legislatures, generally. They felt it would be too difficult a compact to sell, particularly, the larger generating states.

Consequently, we ended up with a compact that could be brought to the individual states that really did not eliminate the possibility that a state like Maine, or any other state generating a very small amount of radioactive waste, might actually have to host a regional facility. In talking to a lot of people throughout the State, they didn't seem to like that idea too much. Where there is still an option for us to join such a regional compact, obviously, it is incumbent on us to look very closely at those options. We really have until June 30, 1984, to decide if we want to be one of the initial states joining the Northeast Regional Compact. Certainly, we want to examine very closely what the alternatives are to us.

Within the last year while that nine member Commission had been meeting, we heard from all possible sources, as I mentioned earlier, Maine Yankee; we heard from the Sierra Club; we brought people in from the Nuclear Regulatory Commission and people from all over the country, incinerator designers, people who are managing and operating low-level radioactive waste facilities now; Penn Nuclear, other companies, and so on. Generally, that didn't cost us very much.

We did have some expenses, partially because statutorily, for instance, we had required our State Geologist to do some reporting to us. But the expenses that we did have over the last year, actually were primarily subsidized by the departments. Items that they had not budgeted for. The Department of Environmental Protection, for instance, really let staff time and a lot of their time and they are obviously under funded for what we expect of them. They certainly cannot provide a lot of technical assistance in many areas, to communities, and so on. Particularly, when we've been taking their time, of their employees for this, and not really paying for it so it just seems logical, perhaps, to have the generators pay for this study that certainly should be done, if we all want to make a reasonable decision on what to do, as we are required to make that decision under the Federal Law.

I certainly hope that you will go along with Indefinite Postponement of this Amendment.

Right now, probably we are ready for studies. Studies of the type in which you would look at a small facility. One either to be had here in Maine or one in which, let us say, the upper New England states could share in. When you get to real cost studies, they cost a little bit of money, and we just can't expect to have those offered to us free. Also, if we are going to examine the geology more closely, that costs money and this seems like the most reasonable way to pay for it. Particularly, as was mentioned the other day, that with 92%, at least, of the volume of our low-level radioactive waste coming from Maine Yankee, and 50% of the generated electricity from that facility going to out-of-state customers, certainly they should be able to pay for their share of the benefits that they receive from that facility.

So, once again, I urge Indefinite Postponement of this Amendment.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, it just occurred to me, an analogy between what we are doing to a regulated company in the private-sector of business versus what I can foresee might be happening to our hospitals in the State of Maine, if we set up this cost-containment board. We might be doing the same thing to them, in the long-run, by simply addressing, after the State gets involved in their business, that they'll use more of their money in which to make further studies.

It's a bad proposal. It's a dangerous proposal. These people have done a yeoman's job, and to reiterate that point that Senator Kany brought out again, half is owned by out-of-state. Yes, but we are reaping the benefits from the largest taxpayer in the State of Maine to these various communities through their plant or through their transmission lines. I don't hear the Senator complaining about that amount of money coming into the State of Maine.

Safe management, no one's opposed to safe management. They're all in full concurrence. We are all concerned for the health, welfare and safety of the people of the State of Maine.

The major concern still lies in the fact that we have viable agencies in State Government that have done a yeoman's job. As the Senator stated herself very clearly, we brought in many people from many different areas, who provided an abundance of information at no charge to the Commission. At the present time with all the information we have out there, there is no viable solution. This is just a waste of the ratepayers' money to conduct an ongoing study which eventually will be resolved from a political point of view and not from a technological point of view.

If I felt that more substantial, constructive, sound, logical, intelligent information could be derived to this Commission by assessing them this seventy-five thousand dollars, I would have no objections. The information is at its peak, at the present time, it's just a political maneuvering as to where you will place it. If you look over that Maine Geological Survey, it outlined pretty clearly where the safe areas were within the State of Maine to handle less than 2% of this waste.

We are beating, and beating, and beating a company, who is providing a very useful service, and this is not a way of circumventing the other two referendum questions. We have public hearings, where we invited the public to come in, and I attended those public hearings and there was participation. The maximum amount of people we had at any public hearing were twenty-two. Twenty-two people, but I can assure you these were not the people that were representing the general public or the concerns for low-level waste.

In the name of "fairness", I'm going a long ways by even amending it down to five dollars

per cubic yard, because I look at this as really an atrocious gimmick to pilfer money in a name of a study. Do as we do in other states if it's that important as an emergency measure, let's put on the emergency preamble and let the State of Maine fund a portion of this.

You know, all the remarks the good Senator made about the input and the study and the people we had really emphasizes very clearly to me why we should have a representative on that Commission from Maine Yankee.

Mr. President, I would move the Adoption of my Amendment and ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Kennebec, Senator Kany that Senate Amendment "A" be Indefinitely Postponed, please rise in their places to be counted.

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

16 Senators having voted in the affirmative, and 11 Senators having voted in the negative, the motion to Indefinitely Postpone Senate Amendment "A" Prevailed.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, since I earlier discussed another problem with the section of the Bill which was the notification under subsection 2109, where I felt basically, this was a matter that should have been addressed by the Judiciary Committee because it's a Class "D" crime, and I brought in those other examples of the health, welfare and safety of the people of Maine by the transporting of chlorine, propane, gasoline and industrial toxic-chemicals, it would only seem right and proper, at the present time, that this Bill be Tabled so another amendment can be offered to this particular piece of Legislation.

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

Senator CARPENTER: There has been no tabling motion?

The PRESIDENT: That is correct.

Committee Amendment "A" (H-41) as amended by House Amendment "A" and Senate Amendment "B" (S-22) thereto was Adopted, in non-concurrence.

The Bill, as amended, Passed to be Enrolled, in non-concurrence.

Sent down for concurrence.

The President laid before the Senate, the second, Tabled and specially assigned matter.

SENATE REPORT—from the Committee on Education

BILL, "An Act to Increase Reimbursement for Professional Credits for Teachers." (Emergency) (S. P. 141) (L. D. 433)

Majority Report Ought to Pass in New Draft under same title (S. P. 361) (L. D. 1074)

Minority Report Ought Not to Pass.

Tabled—March 10, 1983 by Senator PRAY of Penobscot

Pending—The Motion of Senator HAYES of Penobscot to Accept the Majority Ought to Pass Report.

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

Senator COLLINS: Mr. President, I'd like to pose a question through the Chair.

I wonder to what extent this Bill will remove from collective bargaining an element of teacher compensation?

The PRESIDENT: The Senator from Knox, Senator Collins has posed a question through the Chair to any member of the Senate who may respond if they so desire.

The Chair recognizes the Senator from Penobscot, Senator Hayes.

Senator HAYES: Ladies and Gentlemen of the Maine Senate, the present law which was enacted in 1967, had the effect of providing a compensation level of one hundred dollars per six credit hours completed by teachers within

a two year period.

The present law and this Bill require teachers seeking reimbursement to get approval for courses taken from the superintendent. Teachers, as you may know, are required by law to take a minimum of six credit hours for recertification every five years. This Bill reimburses teachers for courses that they are required by law to take.

Two hundred and fifty-four teachers in Maine are not covered by collective bargaining agreements. These teachers are mostly in rural or on off-shore island communities. These teachers must rely on State law, for the amount of their course reimbursement, although local school boards can offer to pay more than the legal minimum.

The minimum amount of course reimbursement will change under this Bill as to the actual tuition rate at the University of Maine changes, without the need for Legislative action to accomplish the change. The actual costs for tuition, for tuition only, of six credit hours of University of Maine at Orono's graduate tuition rate is three hundred and twenty-four dollars.

This Bill increases the minimum amount of reimbursement from one hundred dollars per six credit hours, to three hundred and twenty-four dollars per six credit hours.

The question has been asked, how does this Bill affect, if at all, the question of collective bargaining in the State of Maine? The point is that according to the laws of the State of Maine, there is a minimum reimbursement for teachers who take courses to upgrade their certification. The level of that funding is one hundred dollars per six hours. This Bill would simply bring the rate of reimbursement up to a figure approaching that of the present cost of attending such courses at the University of Maine at Orono. It in no way affects, otherwise, the bargaining relationship between teachers and school management. A contract can be made for an additional sum of money. The question in the contract is ordinarily not the cost, but it is the number of hours that will be taken, or given to a teacher in the school system.

The answer to Senator Collins' question is that this simply upgrades present State Law, it does not affect collective bargaining, insofar, the Committee feels, it is not an issue.

The Majority Ought to Pass, in New Draft, Report of the Committee was Accepted.

The Bill, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

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

Senator CARPENTER: Mr. President, is the Senate in possession of L. D. 951?

The PRESIDENT: The Chair would answer in the affirmative, the BILL, "An Act to Undedicate Funds Received from Public Reserved Lands." (S. P. 297) (L. D. 951) having been held at the request of the Senator.

On motion by Senator Carpenter of Aroostook, the Senate voted to Reconsider its action whereby it Indefinitely Postponed L. D. 951 and all its accompanying papers.

The PRESIDENT: The Senator has the floor.

Senator CARPENTER: Mr. President, as it is I believe, the wishes of the sponsors and all other parties concerned trying to kill this Bill off, I would now move that the Senate Adhere.

On motion by Senator Carpenter of Aroostook, the Senate voted to Adhere.

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 Override the Federal Preemption of State Authority to Regulate Alternative Mortgage Transactions." (Submitted by the De-

partment of Business Regulation pursuant to Joint Rule 24.) (Emergency) (H. P. 790) (L. D. 1082)

BILL, "An Act to Amend Provisions of the Maine Insurance Code Relating to Tender Offers and to Unfair Trade Practices." (Submitted by the Department of Business Regulation pursuant to Joint Rule 24.) (H. P. 838) (L. D. 1088)

BILL, "An Act to Amend the Licensing Provisions of the Maine Insurance Code and to Require Filing Fees for Fraternal Benefit Organizations." (Submitted by the Department of Business Regulation pursuant to Joint Rule 24.) (H. P. 839) (L. D. 1089)

BILL, "An Act to Set Limits on Deposits of Returnable Containers." (H. P. 840) (L. D. 1090)

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

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

BILL, "An Act to Insure State Enforcement of Equal Opportunity in State-supported Educational Programs." (H. P. 841) (L. D. 1091)

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

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

BILL, "An Act to Promote the Training of Psychologists through the Cooperative Education Support Program." (Submitted by the Department of Mental Health and Mental Retardation pursuant to Joint Rule 24.) (H. P. 792) (L. D. 1083)

Reference to the Committee on Health and Institutional Services suggested.

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

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

BILL, "An Act to Encourage Public Access to Shoreland." (H. P. 842) (L. D. 1092)

Comes from the House referred to the Committee on Energy and Natural Resources and Ordered Printed.

Which was referred to the Committee on Energy and Natural Resources and Ordered Printed, in concurrence.

BILL, "An Act to Allow Independent Psychologists to Conduct Mental Examinations of Persons Accused of Crime." (Submitted by the Department of Mental Health and Mental Retardation pursuant to Joint Rule 24.) (H. P. 843) (L. D. 1093)

BILL, "An Act to Amend Certain Aspects of Post-conviction Review." (H. P. 844) (L. D. 1094)

BILL, "An Act to Amend the Interception of Wire and Oral Communications Law." (H. P. 845) (L. D. 1095)

Come 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.

BILL, "An Act to Amend the Adult Protective Services Act." (Submitted by the Department of Human Services pursuant to Joint Rule 24.) (H. P. 826) (L. D. 1084)

Reference to the Committee on Health and Institutional Services suggested.

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

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

BILL, "An Act to Amend the Child and Fam-

ily Services and Child Protection Act." (Submitted by the Department of Human Services pursuant to Joint Rule 24.) (H. P. 827) (L. D. 1085)

Reference to the Committee on Health and Institutional Services suggested.

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

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

BILL, "An Act Regarding Benefits under the Workers' Compensation Law." (H. P. 846) (L. D. 1096)

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

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

BILL, "An Act to Amend the Requirements and Adjust the Fees for the Licensing, Inspection and Permitting of Fireworks Displays and the Storage and Transportation of Explosives and Flammable Liquids." (Submitted by the Department of Public Safety pursuant to Joint Rule 24.) (H. P. 832) (L. D. 1086)

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

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

BILL, "An Act Eliminating the Responsibility of the State Planning Office to Prepare an Annual Housing Report." (Submitted by the State Planning Office pursuant to Joint Rule 24.) (H. P. 847) (L. D. 1097)

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.

BILL, "An Act to Clarify Determination of Membership on the Board of Trustees of the Maine State Retirement System." (H. P. 848) (L. D. 1098)

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

On motion by Senator Hayes of Penobscot, Tabled for 1 Legislative Day, pending Reference.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Restrict the Period of Retroactivity of Taxation Legislation to no more than One Year. (H. P. 849) (L. D. 1099)

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

On motion by Senator Pray of Penobscot referred to the Committee on Taxation and Ordered Printed, in non-concurrence.

Sent down for concurrence.

BILL, "An Act Concerning Right-of-way for Emergency Vehicles." (Submitted by the Department of Public Safety pursuant to Joint Rule 24.) (H. P. 850) (L. D. 1100)

BILL, "An Act to Permit the Use of State Funds for Rail Rehabilitation Projects and Townway Crossing Improvements." (Submitted by the Department of Transportation pursuant to Joint Rule 24.) (H. P. 835) (L. D. 1087)

Come 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.

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