

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 24, 1983
Senate called to order by the President.

Prayer by the Reverend Lynne Josselyn, District Superintendent of United Methodist Church of Maine Conferences of Portland.

REVEREND JOSSELYN: Let us pray! We're here again, God, recognizing You as the great Creator and calling on You to assist us in creating, in this place today, an atmosphere of concern and challenge, the openness to lecture and listen, and the insight of vision when voting.

O Spirit, flow through everyone, wake us up and move us into this new day. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

**Papers from the House
House Papers**

BILL, "An Act to Provide Advocacy Services to Residents of Children's Homes." (H. P. 970) (L. D. 1265)

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 Relating to Child Support." (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.) (H. P. 971) (L. D. 1266)

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 Repeal Certain Sales Tax Exemptions and Provide for Tax Reform." (H. P. 965) (L. D. 1246)

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.

BILL, "An Act to Provide a Discount for Maine Citizens Using the Maine Turnpike." (H. P. 966) (L. D. 1247)

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.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Permit Moneys Dedicated to the Highway Fund to be Used to Provide Operational Subsidies for Various Forms of Surface Passenger Transit. (H. P. 968) (L. D. 1248)

Comes from the House referred to the Committee on Transportation 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.

(Off Record Remarks)

The PRESIDENT: The Chair would interrupt the proceedings at this time. Today, we once again observe Agriculture Day in honor of all the farmers who have worked to make the agricultural industry so important to Maine's economy over the years. Even though some of us aren't from the rural areas of this great State, I think, we're well aware of how significantly Maine's farming industry contributes to

our everyday lives. I'm sure most of us have sampled the delicious items on display in the rotunda, which are very proud examples of what we mean when we say, "Maine Produces."

You will, also, find on your desk, potato chips, potatoes, compliments of the Maine Potato Commission; and apples, courtesy of the Maine Pomological Society. We thank them for this kind gesture.

At this point, the Chair is pleased to welcome today the reining, 1983, Agricultural Queens, Gail Elias from Benton is the Maine Egg Queen: She is a junior at Lawrence High School in Fairfield. The Senator from Somerset, Senator Tom Teague will escort Miss Elias to the front of the Chamber to accept the greetings of the Maine Senate. (Applause)

Lori Brown is from Appleton and is our Blueberry Queen. Lori is a student at Colby College in Waterville. The Senator from Waldo, Senator Shute, will escort Miss Brown to the front of the Chamber to also accept the greetings of the Maine Senate. (Applause)

Aimee Good from Monticello is the Maine Potato Queen. Aimee is a student at the University of Southern Maine. The Senator from Aroostook, Senator Mike Carpenter, will escort Miss Good to the front of the Chamber to accept the greetings of the Maine Senate. (Applause)

Cindy Larrabee is from Thorndike and is the State Grange Agricultural Queen. Cindy is a senior at School Administrative District #3. The Senator from Kennebec, Senator Dow, will escort Miss Larrabee to the front of the Chamber to accept the greetings of the Maine Senate. (Applause)

Anna Murphy from Ft. Fairfield is the Future Farmers of America; Maine Sweetheart. Anna is a freshman at the University of Maine in Presque Isle. The Senator from Aroostook, Senator Violette, will escort Miss Murphy to the front of the Chamber to accept the greetings of the Maine Senate. (Applause)

Patricia Fortin from Leeds is the Farm Bureau Queen. Patricia is a student at the University of Maine at Farmington. The Senator from Oxford, Chairman of the Agricultural Committee, Senator Erwin, will escort Miss Fortin to the rostrum, in order to make any remarks she would care to make to the Senate. (Applause)

PATRICIA FORTIN: Thank you. Hello, my name is Patricia Fortin, and I am Maine Farm Bureau Queen.

As a Farm Bureau Queen, I represent all types of farming throughout the State, as does the Maine Farm Bureau Association. We are here today in commendation of Maine agriculture, but we are also here to present the Legislature with a message of concern for the welfare of the Maine agricultural industry.

The concern of Maine farmers can best be summed up in a recent joke I heard. It is about the new 1983 model of the John Deere tractor on the market. "This new design is one without a steering wheel and without a seat. This tractor is for our farmers who have lost their butts and don't know which way to turn."

In Maine, we have experienced a dramatic decline in the poultry industry, problems in the potato industry, and recent threats to the Maine Milk Marketing Order and the list goes on.

So, yes, Maine farmers are losing their butts and this is endangering the two billion dollars of Maine agricultural revenue, which is directly related to many other agri-businesses.

The losses from Maine agriculture not only means losses in the Maine economy, but also in the fields of insurance companies, transportation, product processing plants, agri-supply companies and many other agricultural support industries.

When Maine's small farm families go under so do all of these other jobs. That is why it is important that legislators here today recognize that they're responsible for providing the farmers with a direction to turn. Through Leg

islative policy that supports agriculture, you people, here, can help the farming industry of Maine.

It is apparent that the agricultural industry is at a turning point. Maine agriculture needs your attentive Legislative support and concern.

As I bring this to a close, I would like to leave you with a final thought: The royalty here before you and all farm youth of Maine are the most important Maine agricultural product. We are the next generation of the farm family and would like an opportunity to provide our children with a prosperous life in agriculture. Thank you. (Applause)

The PRESIDENT: I wish to thank these queens for their attendance here today, and on behalf of the Maine Senate, I want to extend, not only our sincere thanks for visiting us here, but also, by helping to make Agriculture Day so enjoyable.

Communications

The Following Communication:

**State of Maine
One Hundred and Eleventh Legislature
Committee on Judiciary**
March 22, 1983

The Honorable Gerard P. Conley
President of the Senate of Maine
State House

Augusta, ME 04333

Dear President Conley:

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Judiciary has under consideration the nomination of John W. Benoit of Farmington as District Court Judge for District 12.

After public hearing and discussion on this nomination the Committee proceeded to vote on the nomination to recommend to the Senate of the 111th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the role with the following result:

YEAS: 3 Senators
9 Representatives

NAYS: 0 Senators
0 Representatives

ABSENT: 1 Representative (Rep. Soule)

Twelve members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of John W. Benoit, as District Court Judge of District 12, be affirmed.

Sincerely,

S/RICHARD L. TRAFTON

Senate Chairman

S/BARRY J. HOBBS

House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of John W. Benoit be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Judiciary be overridden: In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 111th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

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

Senator HICHENS: Thank you Mr. President, before the vote is taken today, I feel that I should say a few words.

First, I want to commend the Judiciary Committee for their unanimous support of Judge Benoit.

As I mentioned to the Committee the other day, I've known Mr. Benoit since he was eleven years old - grew up in my own town of Eliot. I've

known him as a member of the Attorney General's staff and read of him through the newsprint throughout the State.

I think a message should be sent out to the Judiciary throughout our State by the vote of the Committee, by our hopeful vote today, and I wish that the testimony that was given the other day could be sent to every judge in the State of Maine, so that they could know how people really feel about fair and strict judges throughout our State.

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

Senator BALDACCI: Mr. President, I would like to have a couple of questions addressed through the President to any Member that would like to answer them.

I'm not as cognizant of Judicial actions or conferences that take place within the Judiciary, but what sense does it make if the District Court Judge is so tough that no lawyers want to bring their clients to that particular court, and go to Superior Court, and that particular judge doesn't have any backlog at all?

We listened to Chief Justice McKusick tell us about the needs for extra space because of the backlogs in all the different courts.

That would be my first question. What sense does it make if one judge is going to be particularly tough, and lawyers with clients are not going to be able to bring that person to that particular court, but go to another court?

The other question I have is, if there is some sort of judicial standards that are supposed to be applied statewide, would it be fair to assume that wherever this particular judge practices, and where a judge practices at a similar court in Penobscot County, that it's possible that a juvenile would receive two different types of sentences? Is that fair? Thank you, Mr. President.

The PRESIDENT: The Senator from Penobscot, Senator Baldacci, has posed questions through the Chair to any Member of the Joint Standing Committee on the Judiciary Committee who wish to respond.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: To answer Senator Baldacci's questions, there is a right in our District Court to remove any criminal action to the Superior Court. This is a right that is present in all of our District Courts, and it is true as Senator Baldacci mentions that there have been many attorneys who have removed criminal actions, from the District Court in Farmington to the Franklin County Superior Court.

This situation was addressed by the Governor's Counsel, David Flannigan, by Judge Benoit himself, and by the Judiciary Committee. It's a problem that will be addressed later in this session. There is a Bill that will be heard before the Joint Standing Committee on Judiciary which establishes a "Sentencing Guidelines Commission" to have an attempt to uniform sentencing policies among the various judges, so that there will be less of a need or purported need to remove a criminal case from a District Court to a Superior Court.

This basic right cannot be changed at this point and time, and it was the Judiciary Committee's feeling that this simple reason, or the fact, that some cases are being removed to Superior Court and there is a backlog in the Superior Court at the present time, should not be a reason to deny recommendation for a confirmation of Judge Benoit.

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

Senator ERWIN: Mr. President, Distinguished Members of the Senate, before I had made a recommendation and started working for the reappointment of Justice Benoit, I did my own little investigation.

What pleased me the most is the number of school teachers in his area that strongly, I use the word strongly, support him. Justice Benoit has managed to find time to go into the differ-

ent school systems and discuss the judicial process with the students in the schools. I think that perhaps more than any one judge he has worked with our youth, and I strongly recommend that you vote for his reappointment. Thank you.

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

Senator BALDACCI: Mr. President and Members of the Senate, I want to make it clear that I'm in no way questioning the integrity or the valor which the judge operates under.

It is no wonder he has time to go out to schools and to civic organizations, because there is no backlog in his court and he has the time to do those sort of things.

I was just wondering about over the whole State with this situation going on. Thank you, Mr. President.

The PRESIDENT: Is the Senate ready for the question?

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

YEA—The President, Gerard P. Conley

NAY—Baldacci, Brown, Bustin, Carpenter, Charette, Clark, Collins, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gill, Hayes, Hichens, Kany, McBreairey, Minkowsky, Najarian, Pearson, Perkins, Pray, Redmond, Sewall, Shute, Teague, Trafton, Twitchell, Usher, Viollette, Wood.

ABSENT—None

1 Senator having voted in the affirmative and 32 Senators in the negative, with No Senators being absent, and 1 being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted.

The nomination of John W. Benoit is confirmed.

The Secretary was directed to inform the Speaker of the House.

The Following Communication:

State of Maine

One Hundred and Eleventh Legislature Committee on Judiciary

March 22, 1983

The Honorable Gerard P. Conley
President of the Senate of Maine
State House

Augusta, ME 04333

Dear President Conley:

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Judiciary has under consideration the nomination of Bonnie D. Post of Owl's Head as a Member of the Maine Indian Tribal — State Commission.

After public hearing and discussion on this nomination the Committee proceeded to vote on the nomination to recommend to the Senate of the 111th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS: 3 Senators
8 Representatives

NAYS: 0 Senators
0 Representatives

ABSENT: 2 Representatives (Rep. Benoit, Rep. Soule)

Eleven members having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Bonnie D. Post, as a Member of the Maine Indian Tribal — State Commission, be affirmed.

Sincerely,
S/Richard L. Trafton
Senate Chairman
S/Barry J. Hobbins
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that

the nomination of Bonnie D. Post be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Judiciary be overridden: In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 111th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

YEA—None.

NEA—Baldacci, Brown, Bustin, Carpenter, Charette, Clark, Collins, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gill, Hayes, Hichens, Kany, McBreairey, Minkowsky, Najarian, Pearson, Perkins, Pray, Redmond, Sewall, Shute, Teague, Trafton, Twitchell, Usher, Viollette, Wood. The President — Gerard P. Conley.

ABSENT—None.

No Senators having voted in the affirmative and 33 Senators in the negative, with No Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted.

The nomination of Bonnie D. Post is confirmed.

The Secretary was directed to inform the Speaker of the House.

Senate Papers

BILL, "An Act to Promote the Wise Use and Management of Maine's Outstanding River Resources. (S. P. 427) (Presented by Senator KANY of Kennebec) (Cosponsors: Representative MITCHELL of Vassalboro, Representative DIAMOND of Bangor and Representative DAVIS of Monmouth)

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

Sent down for concurrence.

BILL, "An Act to Amend the Laws Relating to Fees for Nonresident Concealed Weapons Permit. (Submitted by the Department of Public Safety pursuant to Joint Rule 24.) (S. P. 428) (Presented by Senator CHARETTE of Androscoggin) (Cosponsors: Representative NELSON of Portland, Representative GWADOSKY of Fairfield and Representative MURPHY of Kennebunk.)

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

(See Action Later Today)

RESOLVE, Authorizing the Department of Marine Resources to Sell the Research Vessel Challenge and to Convert the Fishing Vessel Jubilee. (Submitted by the Department of Marine Resources pursuant to Joint Rule 24.) (S. P. 429) (Presented by Senator BROWN of Washington) (Cosponsors: Senator MINKOWSKY of Androscoggin, Senator COLLINS of Knox 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 Provide a Property Tax Exemption for Widows of Disabled Veterans. (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.) (Emergency) (S. P. 430) (Presented by Senator DOW of Kennebec.)

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

Sent down for concurrence.

Joint Resolution

On Motion by Senator WOOD of York, the fol-

lowing Joint Resolution: (S. P. 431) (Cosponsors: Sen. ERWIN of Oxford, Rep. MICHAEL of Auburn and Rep. ROLDE of York)

JOINT RESOLUTION RELATING

TO CONSERVATION OF MAINE FARMLAND

WHEREAS, agricultural land is essential for agricultural production; and

WHEREAS, Maine agriculture is a major contributor to the economy of this State and the region, both directly and through its advantages to other industry; and

WHEREAS, agricultural activities preserve natural resources, as well as the Maine landscape, foster the values of independence, integrity and self-reliance which spring from agricultural communities and promote economic self-sufficiency; and

WHEREAS, such lands constitute a limited and finite portion of Maine's land base, and continue to be threatened with conversion to nonagricultural uses; now, therefore, be it

RESOLVED: That We, the Members of the 111th Legislature, now assembled in the First Regular Session, consider the state's farmland to be a unique and irreplaceable resource, whose conservation is essential to present and future sustained agricultural activities, and yields significant benefit to the people of the State; and be it further

RESOLVED: That the Members hereby consider it the policy of this State to encourage the efforts of both public agencies and private organizations to protect and maintain open agricultural land within Maine for present and future use. Toward this end, the members endorse the voluntary transfer of rights and interest in agricultural lands through agreements between farmland owners and private land conservation agencies; and further declare their support for activities which will strengthen Maine's agricultural economy and thereby also aid in the conservation of farmland; and be it further

RESOLVED: That the Members take this opportunity to encourage federal, state and local cooperation in this effort to conserve Maine's farmland; and be it further

RESOLVED: That suitable copies of this resolution be sent forthwith to the Department of Agriculture, Food and Rural Resources.

Which was Read and Adopted.

(See Action Later Today).

**Committee Reports
House**

Ought Not to Pass

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

BILL, "An Act to Provide an Additional Retirement Fund for Public School Coaches." (H. P. 569) (L. D. 717)

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 a Division of Records Management Services within the Department of Finance and Administration." (H. P. 351) (L. D. 409).

BILL, "An Act Concerning Continuing Education for Physicians." (H. P. 470) (L. D. 570)

BILL, "An Act to Clarify the Spousal Leaving Provision of the Employment Security Law." (H. P. 612) (L. D. 760)

BILL, "An Act to Promote the Training of Psychologists through the Cooperative Education Support Program." (H. P. 792) (L. D. 1083)

BILL, "An Act Concerning Salaries Paid to Aroostook County Commissioners." (H. P. 507) (L. D. 605)

Ought to Pass

The Committee on Marine Resources on Resolve, Directing the Department of Marine Resources to Erect a Fishway on the Orange River

in Whiting, Washington County (H. P. 420) (L. D. 503) Reported that the same Ought to Pass.

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

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

The Committee on Education on BILL, "An Act to Amend Special Education Statutes Related to Complaint Procedures." (H. P. 520) (L. D. 645) Reported that the same Ought to Pass.

Comes from the House with the 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.

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 to Provide that the Director of the Maine State Housing Authority shall be a Nonvoting Commissioner of the State Authority." (S. P. 22) (L. D. 23)

Ought to Pass

Senator HAYES for the Committee on Education on BILL, "An Act to Amend the Statutes Relating to Coordination Services for Preschool Handicapped Children." (S. P. 221) (L. D. 658) Reported that the same Ought to Pass.

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

Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on

BILL, "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1984, and June 30, 1985." (Emergency) (S. P. 115) (L. D. 281)

Reported that the same Ought to Pass in New Draft under same title (S. P. 423) (L. D. 1285)

Signed:

Senators:

NAJARIAN of Cumberland
BROWN of Washington

Representatives:

CARTER of Winslow
KELLEHER of Bangor
CHONKO of Topsham
LISNIK of Presque Isle
CONNOLLY of Portland

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

Signed:

Senator:

PERKINS of Hancock

Representatives:

SMITH of Mars Hill
BELL of Paris
ARMSTRONG of Wilton
MASTERTON of Cape Elizabeth

Abstained:

Representative:

JALBERT of Lewiston

Which Reports were Read.

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

Senator NAJARIAN: Mr. President, I move that the Senate Accept the Majority Ought to Pass Report, and I would like to speak briefly to my motion.

The PRESIDENT: The Senator has the floor.

Senator NAJARIAN: Mr. President, Men and

Women of the Senate, I'd like to have this Bill Tabled, after I explain a little bit about what's in the Bill, in order to give all of you more time to look it over and perhaps have more specific questions about it tomorrow.

This Bill is a Committee redraft of the budget bill that was submitted to the Legislature by the Governor in about mid-January or late January. It authorizes spending for all the services presently provided by State Government for the next two years beginning July 1st.

The shorthand name for this document is Part I. Part II is the Appropriations Act which funds new and expanded programs.

These two funding packages have traditionally been kept separate and distinct. There are important reasons for this:

Part I is essential;

Part II is optional;

Part I is noncontroversial and nonpartisan;

Part II is controversial and traditionally a partisan document.

Separating Part I Current Services avoids confusion, promotes accountability, and protects innocent people who are dependant upon stability and continuity in their State Government from falling victims to partisan disputes.

The Committee on Appropriations held public hearings on the Governor's proposed budget every afternoon, and Friday morning, for nearly three full weeks. We then met in work sessions twice a day - morning and afternoon on this budget document for two more weeks. We have devoted as much time or more to this document than has ever been spent on it in my six years on the Committee, and according to the Committee's staff. The difference is that we have devoted our attention exclusively to the Part I Budget and not interrupted it with hearings on LD's or taking Wednesday afternoons off as was done in the past.

The House Chairman and I knew that revenues would be tight the next two years because of indexing. We thought it would be important to complete the work on this document and get it up here before you as early as possible, so that you would all know just what revenues would be available for new programs proposed by the Governor and proposed by yourselves in LD's.

To accommodate retroactive indexing the Governor was forced to reduce the current services in his proposed budget by approximately thirty million dollars and all of these cuts he proposed to be funded in his Part II.

The Committee using his Part II proposed document, went through that and extracting from his Part II all of those programs which should have been Part I Current Services programs, that amounted to about thirty million dollars, which are now in this new redrafted document.

There was additional seven million or so that we approved in the Supplemental Act that came through here a month or so ago. That contained space for thirty more prisoners at Charleston in order to free up some of the overcrowding at the Maine State Prison. It contained nineteen nurses for the Bangor Mental Health Institution so that they could maintain their accreditation, and these two items had to be continued funding for the next two years.

Additionally, the Committee has restored full funding for General Purpose Aid to the schools at the level recommended by the Commissioner and the State Board of Education. That was about seventeen million more than was in the Governor's original budget. Additionally, we had changed the subsidy index for Leeway, lowering it from 1.1 million per one hundred forty dollars per pupil, to 1 mill and one hundred forty-five dollars for each pupil.

In summary, this LD includes all current services and it's entirely funded with existing revenues. It is a balanced budget. We have an

estimated surplus of 1.2 million at the end of 1984 fiscal year, and estimated to have about 17 million at the end of fiscal year, 1985, or 18 million over the two years.

If this Legislature did nothing more than enact this Bill - government would hum along for the next two years essentially as it has for the last two years. To be sure, people would be no better off — but they would be no worse off.

The Republicans on our Committee worked very hard, along with the rest of us, and as they signed out the jacket Ought Not to Pass confessed that they had no problems with any particular item in this document. Their concern is what's going to happen with all the proposals that the Governor's making and Legislators with only 1.1 million left in the first year, and 17 in the second year?

Well, this week came across my desk, I'm sure you all got it too - don't know if you have had time to look at it, this publication from the Council of State Government. It has excerpts from thirty nine Governors on their State of the State message. Some twenty-five Governors were calling, talked about revenue short-falls and twenty-one called for tax increases.

California faces a 1.5 billion deficit by June 30th; Connecticut's, Governor O'Neil said the current deficit was projected at 46 million dollars; Delaware, at a 28 million dollar short-fall; Illinois, Governor Thompson said they needed 650 million to pay bills by July; Kansas 34.5 million and spending cuts to balance the '83 budget; 900 million deficit in Michigan; Nevada, 64 million short-fall; New Hampshire, Governor Sununu said his foremost problem was solving the deficit; New Mexico, a deficit of 115 million; New York, largest budget deficit in the State's history; Oklahoma had a failure of revenues for the first time in its history; Governor Thornbird of Pennsylvania needs 350 million dollars and it's including a 4% or 5% severance tax increase; Utah, 26.5 million short, and on, and on, and on.

So relatively speaking Maine is in a good financial situation in that we do have a balanced budget.

This Bill is not really that much earlier than it has come out in the past. In 1979, I think, the Bill was out of the Committee on April 18th, which is just two weeks from now. In 1981, around the first week or so of May. We did not enact the Part II until June 5th in '79 and June 3rd in 1981. Those are always done; we never know what the Legislature is going to do on those Bills until the last week or sometimes the final hours of the Legislature.

I want to point out one more thing. Probably 95% or more of this budget cannot be changed; either for legal reasons or for political and humanitarian reasons. The Legislature would just not alter those things, and out of this 742 million projected to be spent in 1984, 650 million of that is spent in just six categories:

330 million for education:—240 million for elementary and secondary education, 90 million for the University and for the VTIs, and they all claim they're under funded — the VTIs and the University. They are going to have raise tuition significantly this year, even with what they are getting;

The Department of Human Services is 135 million and you know what that includes—mandatory payments that we have to make to the nursing homes, to AFDC, to hospitals, to child welfare, etc;

Mental Health and Mental Retardation, 65 million — that's for Pineland, for Augusta Mental Health, and Bangor, etc;

Corrections, 27 million;

Teachers Retirement, 57 million,
Debt Service, 33 million.

That's the majority of the budget. That doesn't even talk about the funding for the Legislature, for the Attorney General, for District Attorneys, for the Judicial Branch, etc. etc.

There's not much room in here for us to play around with, at the end of the session, if we

want to cut back.

I'd just say that the Committee still has a lot of work left, we have over thirty bills, it is going to take us two more weeks.

We have the Part II which is the biggest Part II, I have ever seen, it will probably take us three weeks of hearings on that, so we are not going to know until the middle of May what the Legislature is going to do on any of these things.

I don't think that there is any reason to hold up final Enactment of this Bill with two-thirds vote of both branches.

Thank you very much.

On motion by Senator Pray of Penobscot, Tabled for 1 Legislative Day, pending the motion by the Senator from Cumberland, Senator Najarian.

There being no objection under suspension of the rules, S. P. 431, A Joint Resolution Relating to Conservation of Maine Farmland was sent down forthwith for concurrence.

On motion by Senator Pray of Penobscot the Senate voted to Reconsider its action of earlier in today's session whereby:

BILL, "An Act to Amend the Laws Relating to Fees for Nonresident Concealed Weapons Permit." (S. P. 428) was referred to the Committee on Judiciary.

The PRESIDENT: The Senator has the floor.

Senator PRAY: Thank you, Mr. President. Mr. President and Ladies and Gentlemen of the Senate, after a conference between the Judiciary Chairman and the Legal Affairs Chairman, it was determined that this Bill properly belongs in the Joint Standing Committee on Legal Affairs and I thus move so.

On motion by Senator Pray of Penobscot referred to the Committee on Legal Affairs and Ordered Printed.

Sent down for concurrence.

Enactors

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

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)

An Act to Amend the Soil and Water Conservation Districts' Law. (H. P. 530) (L. D. 683)

An Act to Permit Compensation to be Paid to Beekeepers for Damage Done by Bears. (H. P. 914) (L. D. 1167)

An Act Pertaining to the Licensing of Guides. (H. P. 897) (L. D. 1149)

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 Concerning Special Telecommunications Equipment for the Deaf, Hearing Impaired and Speech Impaired (H. P. 913) (L. D. 1166)

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

An Act Concerning the Hours during which an Agency Liquor Store may be Open. (S. P. 256) (L. D. 801)

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

Senator HICHENS: I move that LD 801 and all of its accompanying papers be Indefinitely Postponed, and would like to speak on my motion.

The PRESIDENT: The Senator has the floor.

Senator HICHENS: Mr. President and Members of the Senate, here we have a Bill concerning the hours during which an agency liquor store may be open. At the present time they are open from nine o'clock throughout the day. This Bill allows them to be open at six o'clock in the morning granting three more hours in the

day in which people may obtain liquor.

We have the strictest operating under the influence law, in our State, which is in evidence throughout the Nation, and yet, we are advocating that people have more time to buy liquor.

When they have more time to buy liquor that means there is more liquor sold. That means that there are more problems that people are going to be driving under the influence.

I think that it is about time that we started strengthening the laws regarding the sale of liquor instead of opening those sales one way and another. We have had other bills before us, about having liquor at the bowling alleys, about having liquor at taverns. All giving the people more chance to obtain the very item from which they are going to be prosecuted with if they should happen to be caught driving while under the influence.

I think that this is another Bill which is just opening up liquor sales and is causing more problems throughout our State. So, I would ask you to support me in Indefinite Postponement of this Bill.

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

Senator PRAY: I request that the Secretary Read the Committee Report.

The Committee Report was Read.

The PRESIDENT: The Senator has the floor.

Senator PRAY: Mr. President and Ladies and Gentlemen of the Senate, one of the reasons I stand on this Bill, is because I am the sponsor of the Bill, which always gives an individual a good reason to stand up and fight for it.

I concur with a number of the remarks that the Senator from York, Senator Hichens has made in reference to strengthening the liquor laws and the fact that we are continuously addressing the problems of alcoholism and so forth. I think that if I throw my record out on the table to be considered along with many other members of this Chamber, you'll find that I have been there voting each and every time for those laws.

I have sponsored several proposed pieces of legislation in the past, which would have increased penalties for the purchasing of alcohol by minors. I supported the Governor's proposal last year on the drunk driving law. It is my intention to support the Governor's proposal this year in reference to minors and youngsters drinking and driving.

I think though that, that may in part address some of the problems that we continuously concern ourselves with in dealing with those who abuse alcohol, we are at this time addressing an issue which in one small part deals with a very minute groups of agency stores throughout the State.

Presently a number of these stores sell more than just liquor in the remote areas of which they serve. They can sell beer, they can sell wine from 6 a.m. in the morning to midnight.

This law would allow those stores, who are usually in remote areas of the State, very rural areas of the State with great distances to travel, some of them deal in the rather rural areas of the State where there is a tourist trade, or people going into the unorganized territories and so forth. Many of these individuals leave either to work or get back from work at odd hours of the day. The proposal here is not to try to attempt to increase the problem of alcoholism or the burden that is being placed upon the people of this State to pay for alcoholism, it is only to say that if that store is open then that store can sell the products and goods that it has.

Like I said, in these few instances it is those few agency stores which, also, handle liquor. I just reiterate the fact that they can sell the wines and the beers, but they could not sell the liquors before nine o'clock in the morning.

I would request a Division on the motion.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from York, Senator Hichens that LD 801 be Indefinitely Postponed, please rise in their places to be counted.

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

10 Senators having voted in the affirmative, and 20 Senators having voted in the negative, the motion to Indefinitely Postpone LD 801, Failed.

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

An Act Regarding Courses and their Equivalency Offered at Various Units of the University of Maine. (H. P. 243) (L. D. 290)

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

Senator COLLINS: Mr. President, with regard to LD 290, I request a Division.

The PRESIDENT: A Division has been requested.

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

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

26 Senators having voted in the affirmative, and 5 Senators having voted in the negative, LD 290 was Passed to be Enacted, and having been signed by the President was by the Secretary presented to the Governor for his approval.

An Act to Require Discount Liquor Prices Throughout the Senate. (H. P. 271) (L. D. 331)

On motion by Senator Pray of Penobscot, Indefinitely Postponed, in non-concurrence.

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

Senator PRAY: Mr. President, having voted on the prevailing side I move reconsideration and I would urge everyone to vote against the motion.

The PRESIDENT: The pending motion before the Senate is the motion by the Senator from Penobscot, Senator Pray that the Senate Reconsider its action whereby it Indefinitely Postponed LD 331.

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

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

A Viva Voce Vote being had, the motion to Reconsider does not Prevail.

Sent down for concurrence.

Emergency

An Act to Authorize a Self-Liquidating Bond Issue for Lincoln County for Renovation of and Addition to the Lincoln County Jail and Public Safety Facility. (H. P. 488) (L. D. 585)

This being an emergency measure and having received the affirmative votes of 32 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.

Emergency

An Act to Establish the Cost of the 1983 Spruce Budworm Suppression Project. (S. P. 386) (L. D. 1169)

On motion by Senator Najarian of Cumberland, Tabled for 1 Legislative Day, pending Enactment.

Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1983 (H. P. 942) (L. D. 1211)

This being an emergency measure and having received the affirmative vote of 32 members of the Senate, with No Senators hav-

ing voted in the negative, was Finally Passed, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

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

BILL, "An Act to Provide Authority to the Department of Labor to Receive and Expend Federal Funds Pursuant to the Federal Job Training Partnership Act." (Submitted by the Department of Labor pursuant to Joint Rule 24.) (Emergency) (H. P. 958) (L. D. 1239)

Tabled—March 23, 1983 by Senator CARPENTER of Aroostook

Pending—Reference

(In House March 17, 1983 Referred to the Committee on Labor and Ordered Printed)

On motion by Senator Carpenter of Aroostook referred to the Joint Select Committee on Job Training and Ordered Printed in non-concurrence.

Sent down for concurrence.

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

Senator BALDACCI: Mr. President and Members of the Senate, we had a bill on the Enactment stage today, An Act to Require Discount Liquor Prices Throughout the State."

I just want to make a comment about it, in regards to it, I want the Senate to understand that I was very sincere and I believe that my fellow Senator Twitchell was very sincere about the inequities and the unfairness and the out right discrimination in this particular area.

I think that those issues that were raised will be very helpful in the future in this session on similar type issues and has not wasted the Senate's time or the House's time.

Thank you, Mr. President.

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

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

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

On motion by Senator Carpenter of Aroostook, Adjourned until 12 noon tomorrow.