

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 30, 1983
Senate called to order by the President.

Prayer by Reverend Robert Hargreaves of St. Marks Episcopal Church of Augusta.

REVEREND HARGREAVES: Let us pray! O God, the source of all wisdom and authority, Your ways are just and Your Law is truth.

We lift up to You the Members of this Senate, guide and support them we pray that in all their deliberations they may promote the well-being of all the people of this State, and so serve You, for the kingdom and the power and the glory are all Yours, now and forever. Amen.

Reading of the Journal of yesterday.

Papers From the House House Papers

BILL, "An Act to Authorize the Public Advocate to Intervene in Workers' Compensation Rate Filings." (H. P. 1000) (L. D. 1308)

Reference to Committee on Labor suggested.

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

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

BILL, "An Act to Remove any Statutory Reference Mandating Teachers to take 6 Credit Hours for Recertification." (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.) (H. P. 1005) (L. D. 1313)

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.

(Senate at Ease)

The Senate called to Order by the President.

BILL, "An Act Concerning Absentee Voting by Armed Services Members." (H. P. 990) (L. D. 1300)

BILL, "An Act to Clarify Proposed Constitutional and Statewide Referenda Questions which Appear on State Ballots." (H. P. 991) (L. D. 1301)

Comes 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.

On motion by Senator Carpenter of Aroostook, Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

BILL, "An Act to Provide a Uniform Excise Tax on Watercraft." (H. P. 1041) (L. D. 1343)

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

Sent down forthwith for concurrence.

BILL, "An Act to Prohibit the State from Charging Fees to the General Public for Access to Public Lands." (H. P. 992) (L. D. 1302)

BILL, "An Act to Amend the Maine Coastal Protection Fund." (H. P. 993) (L. D. 1303)

RESOLVE, Authorizing the State to Convey its Interest in the Public Lots in the Town of Great Pond to the Inhabitants of Great Pond. (H. P. 994) (L. D. 1304)

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

Which were referred to the Committee on Energy and Natural Resources and Ordered

Printed in concurrence.

BILL, "An Act to Prohibit Smelting on Morrill Pond in Somerset County." (H. P. 995) (L. D. 1305)

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 Concerning Confidentiality of Information." (H. P. 998) (L. D. 1306)

BILL, "An Act Concerning Grandparents' Visitation Rights." (H. P. 999) (L. D. 1307)

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

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

BILL, "An Act to Amend the Municipal Employees Collective Bargaining Law to Make Manpower Issues a Mandatory Subject of Bargaining." (H. P. 1001) (L. D. 1309)

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 Establish Municipalities as Agents for Utilities within their Jurisdictions for the Purpose of Charges Assessed for Use of Railroad Crossings." (H. P. 1002) (L. D. 1310)

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 Restrict Reimbursement of Mileage to Boards and Commissions to no More than that received by State Employees." (H. P. 1003) (L. D. 1311)

BILL, "An Act to Establish Standards of Conduct for Employees of the Maine Guarantee Authority." (H. P. 1004) (L. D. 1312)

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

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

Senate Papers

BILL, "An Act to Amend the Wood Measurement Law." (S. P. 457) (Presented by Senator ERWIN of Oxford) (Cosponsors: Senator PRAY of Penobscot, Representative MOHOLAND of Princeton and Representative KELLEHER of Bangor.)

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

Sent down for concurrence.

BILL, "An Act to Change the Method of Financing County Services in the Unorganized Territory." (S. P. 458) (Presented by Senator McBREAIRTY of Aroostook) (Cosponsors: Senator EMERSON of Penobscot, Representative DEXTER of Kingfield and Representative VOSE of Eastport)

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

Sent down for concurrence.

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

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 Concerning Access Roads to Great Ponds and Lakes." (H. P. 885) (L. D. 865)

BILL, "An Act to Permit Inhabitants of Unorganized Territories to Vote in School Administrative Districts." (H. P. 726) (L. D. 935)

Ought to Pass

The Committee on Business Legislation on BILL, "An Act Relating to Unreasonable or Unjust Rent in Mobile Home Parks." (H. P. 340) (L. D. 399) 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.

The Committee on Public Utilities on BILL, "An Act to Transfer Residual Jurisdiction of the Public Utilities Commission Over Municipal Transit Districts to the Department of Transportation." (H. P. 745) (L. D. 957) 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.

The Committee on Public Utilities on BILL, "An Act to Amend the Act Restricting Rate Increase Proposals by Public Utilities." (H. P. 748) (L. D. 960) 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.

The Committee on Public Utilities on BILL, "An Act to Require the Public Utilities Commission to Expediently Process Consumer Complaints." (H. P. 749) (L. D. 961) 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.

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

Senator BALDACCI: Mr. President and Members of the Senate, in regard to LD 961, I just want you to be aware that this is probably one of the best Bills to come from the Committee on Public Utilities, because it allows consumers to be put on the same level as some of the big utilities when they have consumer complaints. So if people in your area are concerned about things that are going on with a particular utility and they file a complaint that they have to have it processed within nine months. Thank you, Mr. President.

The Ought to Pass Report of the Committee was Accepted, in concurrence. The Bill Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Education on BILL, "An Act to Permit Persons Under 18 years of age who pass the Test for General Educational Development to Receive a High School Equivalency Certificate at that Time." (H. P. 540) (L. D. 693) Reported that the same Ought to Pass in New Draft under same title (H. P. 1022) (L. D. 1323)

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.

The Committee on State Government on RESOLVE, Authorizing the State Director of Public Improvements to Convey a Right-of-way Across the Elizabeth Levinson Center in Bangor (H. P. 645) (L. D. 809) Reported that the same Ought to Pass in New Draft under same title (H. P. 1018) (L. D. 1315)

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.

The Committee on State Government on RESOLVE, Authorizing the Conveyance of a Certain Unused Building and Land Owned by the State to the Town of Wells for \$10,000 (H. P. 282) (L. D. 342) Reported that the same Ought to Pass in New Draft under same title (H. P. 1024) (L. D. 1325)

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 Judiciary on BILL, "An Act to Provide for Mandatory Jail Sentences for Repeat Offenders who Commit Certain Crimes on or to a Person 60 Years of Age or Older." (H. P. 225) (L. D. 273) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Provide for Consideration of the Age of the Victim in Sentencing Criminal Offenders." (H. P. 1027) (L. D. 1328)

Comes from the House with 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.

The Committee on Business Legislation on BILL, "An Act Relating to Attorneys Searching Titles to Real Estate under the Banking Code." (H. P. 298) (L. D. 357) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act Relating to Attorneys Searching and Certifying Title to Real Estate" (H. P. 969) (L. D. 1225)

Comes from the House with the Report Read and Accepted and the New Draft Passed to be Engrossed as amended by House Amendment "A" (H-86)

Which Report was Read and Accepted in concurrence. The Bill, in New Draft under New Title, Read Once. House Amendment "A" (H-86) Read and Adopted, in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Fisheries and Wildlife on BILL, "An Act to Prohibit Shooting within 100 Yards of any Dwelling During Hunting Season." (H. P. 167) (L. D. 198)

Reported that the same Ought Not to Pass. Signed:

Sensors:

USHER of Cumberland
DOW of Kennebec
REDMOND of Somerset

Representatives:

MacEACHERN of Lincoln
ERWIN of Rumford
PAUL of Sanford
CLARK of Millinocket
JACQUES of Waterville
KELLY of Camden
RODERICK of Oxford

The Minority of the same Committee on the same subject matter Reported that the same

Ought to Pass as Amended by Committee Amendment "A" (H-90)

Signed:

Representatives:

CONNERS of Franklin
GREENLAW of Standish
SMITH of Island Falls

Come from the House, the Minority Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-90).

Which Reports were Read.

The PRESIDENT: Is it now the pleasure of the Senate to Accept the Majority Ought Not to Pass Report of the Committee?

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I move the Majority Report.

The PRESIDENT: That is the question before the Senate?

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President, I move Acceptance of the Minority Report.

The PRESIDENT: The question before the Senate is the Acceptance of the Majority Ought Not to Pass Report.

The Senator has the floor.

Senator TRAFTON: I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Thank you, Mr. President. Ladies and Gentlemen of the Senate, I would urge you to Not Accept the Majority Ought to Pass Report and instead, Accept the Minority Report.

This Bill, if we look at it, just simply changes from one hundred feet to one hundred yards, the distance away from a house that people will hunt. I don't see that's terribly unreasonable. I notice the Amendment that has been added to the bill, says, "an individual living in the dwelling or a guest of that individual is exempt" so it doesn't seem unreasonable that this should be a restriction placed upon hunting.

We've got people in my area that's very concerned during the hunting season when the folks come out and start shooting close to their house.

I would urge you to Accept the Minority Report.

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

Senator TRAFTON: Mr. President and Members of the Senate, I think it is very little to ask for hunters to refrain from discharging firearms within a hundred yards of a residence.

Let me say that a constituent of mine who lives within one mile of my residence had a horse shot this fall. It's a situation where much of Maine residential development is in strips along country roads. A hunter can come through a very thickly forested area, not knowing that a residence is along the road, discharge a firearm at something that moves find that he has shot some domestic animal or farm animal rather than a deer.

It seem to me that this kind of occurrence happens too often and that if we pass this L. D. with the Amendment as described by the good Senator from Washington, Senator Brown, this will be a deterrence and hunters will think twice about discharging firearms within the proximity of a residential area.

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

Senator USHER: Mr. President and Members of the Senate: It is true that Senator Trafton from Androscoggin had a constituent who lost his horse from misfortune.

We consider this probably a local problem, a local ordinance problem, many communities have already adopted a local ordinance that discharging firearms is prohibited. This will lead to enormous problems, if it is passed, that

we can't even control now. Locally, we don't know if it was a vendetta or a major mistake that he did lose that horse in the area.

We just don't see any way that we could enforce this throughout the State. There are so many people that hunt within a hundred yards of properties. We don't want to prohibit the landowners by having their neighbors' problems put upon them. We mostly all agreed to send the local problems back to the town and hope that they pass an ordinance to resolve the problem.

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

Senator DOW: As you'll note, my name is on the Majority Ought Not to Pass Report.

There are a couple other things I think I ought to mention before we vote. In the Amendment it says, "hunting season" with no definition, hunting season, of course, you can hunt some things all year long. It has "dwellings" which could be anything, no definition of a dwelling which could be a camp for bird hunting or duck hunting. To my knowledge, there has never been a conviction on the hundred feet as it is now. It's unnecessary and it can be taken care of as a local ordinance and not a state wide bill.

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

Senator TRAFTON: Mr. President, I'm concerned that the Members of the Committee who have voted out the Majority Ought Not to Pass Report, say that this question can be answered by a local ordinance.

As we all know, most hunters do not check with the local town offices as to what town has what kind of hunting ordinance before they go into the field to hunt. Hunters travel throughout the State of Maine hunting often in towns that they do not reside in and they may not be familiar with the town ordinances.

I think our State Statutes set public standards and it is public standard that would come into recognition, people would come to respect this on a state wide basis. It would not be different from town-to-town. This standard would be more easily understood. It would be a deterrent, as I indicated before, for hunters from hunting close to residential areas, and I think that is the issue today. Are we to set a state wide standard? One that is more easily understood and respected state wide. Thank you.

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

Senator HAYES: I have some constituents from Veazie who have experienced similar problems of bullets zipping by their homes and embedding in their houses. I think there is certain rights to privacy enjoyed by most citizens of this State. I think, no citizen should be expected to have a hunter closer than three hundred feet from their property.

I would urge you to take the Minority Report.

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

Senator DIAMOND: Mr. President, Men and Women of the Senate: I didn't realize that this Bill was even before the good Committee, nor did I realize it would be on the calendar today.

I would like to point out that in my area, my own land, in fact, is a very popular hunting area; within a hundred feet is where my children play; within a hundred feet is where our garden is. If you take that one hundred yards, you go beyond the tree line and beyond that tree line, I think you'll find, and I wouldn't mind, that that hunting might take place.

What bothers me is my own children, and I have neighbors that follow the same geographical route along the road on which I live. It seems to me that those of us who support hunters and fishermen, it is not asking too much to have them go three hundred feet away from my house and my children.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Accepting the Majority Ought Not to Pass Report of the Committee, please rise in their places to be counted.

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

13 Senators having voted in the affirmative, and 18 Senators having voted in the negative, the motion to Accept the Majority Ought Not to Pass Report of the Committee, Failed.

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

The Bill Read Once.

Committee Amendment "A" (H-90) was Read.

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

Senator PRAY: Mr. President and Ladies and Gentlemen of the Senate, listening to the arguments that were heard in reference to the reasons for not to vote for the Ought to Pass Report, I become a little bit concerned about the consistency of the Senate. While we all desire to protect and preserve individual property rights, if the concerns is the fact of an individual's horse perhaps having been shot by some careless hunter or the concerns of the loved ones, and soforth. We now have an Amendment before us that not only says, the individual property owner, but any of his guests would be exempt from this one hundred yard provision in the law. To me, at least, to my own concern would be that if that is the underlined concern, the safety of those loved ones, would we want somewhere in the State of Maine, for example, say up in my Senatorial District where you might have an individual who lives out in the rural areas what use to be a town, such as Ellitsville, which is now unorganized territory, but has a number of property owners. Somebody in that area, perhaps runs sporting camps and owns a hundred acres of land or ten acres of land and he has eight or nine people on that land hunting, but his dwelling may be within a hundred yards of yours, would you want him to allow his guests to go out there and discharge firearms?

The Amendment that we now have before us would allow that to take place. The safety question then becomes rather self-evident that we may be back in the same situation which we presently have.

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

Senator HICHENS: Mr. President, in reply to the good Senator, who has just risen and voiced his opinions.

I have been a farmer for a long time and there have been cases where we've had woodchuck or other predators, who have come onto our land within three hundred feet of the house, and if we didn't have the opportunity to shoot them, we've be losing a lot of our produce.

I think this Amendment is very important. I don't know as far as the guests are concerned, but in my instance, I couldn't hit a barn door if I shot at one; but if my guest was there and was a good shot, he could do the shooting for me. I think this Amendment is very important and that it should be left on.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, I don't have any particularly strong feelings one way or the other about this Bill, but I would point out, and I don't think this is the intent of the supporters of this Bill. I think that if you look at Committee Amendment "A" it takes out all requirements for persons discharging firearms on their own property. It says, "This subsection shall not apply to a person." This whole subsection, so, I think, the situation that Senator Diamond raised, if my property line were within five feet of his property line, of his house, I could stand there and fire a weapon. The whole thing

doesn't apply, so perhaps the supporters of this measure would want to think about tabling this issue for one day, because if we Adopt the Committee Amendment, then we are going to have a backup to re-amend it, to add a Senate Amendment to it, as I understand the procedure. I'm not sure that we are getting exactly what the supporters want.

Committee Amendment "A" was Adopted, in concurrence.

The Bill, as amended, Tomorrow Assigned for Second Reading.

Senate

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 Create a Party Permit for Deer Hunting." (S. P. 303) (L. D. 917)

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 Provide for a Property Tax Exemption for Fraternities." (S. P. 344) (L. D. 1018)

BILL, "An Act to Permit Maine People to Purchase Live Bait from New Hampshire Waters for Use in Maine Waters." (S. P. 305) (L. D. 919)

Ought to Pass — As Amended

Senator DOW for the Committee on Aging, Retirement and Veterans on BILL, "An Act to Equalize Health Insurance Benefits for Retired State Employees." (S. P. 323) (L. D. 968) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-41).

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

Divided Report

The Majority of the Committee on Transportation on BILL, "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government (Highway 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; Revising Certain Truck Size and Weight Laws; Clarifying Certain Motor Vehicle Laws and Providing for Improved Administration." (Emergency) (S. P. 365) (L. D. 1120) Reported that the same Ought to Pass in New Draft (Emergency) (S. P. 454) (L. D. 1351)

Signed:

Sensors:

DIAMOND of Cumberland
DANTON of York
EMERSON of Penobscot

Representatives:

CAHILL of Woolwich
MOHOLLAND of Princeton
REEVES of Pittston
NADEAU of Lewiston
CARROLL of Limerick
CALLAHAN of Mechanic Falls
THERIAULT of Fort Kent

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

Signed:

Representatives:

STROUT of Corinth
McPHERSON of Eliot

Which Reports were 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 the amended version of L. D. 1120, I was just looking this over this morning, and of course, I

think that there are a couple areas of clarification, I'd be grateful for insofar as the Chairman of the Transportation Committee is concerned.

If you look at L. D. 1120, the original draft, there was an area in there on page 14, under Highway and Bridge Improvement, under Personal Services to the tune of \$14,958,000 for '83 and '84, and subsequently the same thing for '84 and '85.

One of the concerns that was raised was not only the amount of money allocated for Highway and Bridge Improvement under Personal Services, but was this a mechanism to take into consideration the number of State employees we have in the Department of Transportation who are fully Federally funded to matriculate them in as full-time State employees? That's number one. That was a concern that had been raised by others and, of course, I realize that the Federal funds have been curtailed to a great degree regardless of a sixty-seven million dollars we will receive subsequently for the Highway Bridge Improvement Fund.

The second part comes in the area of the trucks lengths. I think the standard lengths in the State of Maine now is about fifty-five feet, and we are going to increase this to sixty feet. I'm wondering if those rolling boxed cars on the State of Maine will create more hazards on the road than they have in the past? This is quite a controversial area, at least, for the past seventeen years, to the best of my recollection.

If the good Senator might give me the rationale on behalf of the Committee, as to why they would increase the length five feet extra? I really consider it a safety problem, insofar, as people utilizing the highways in the State of Maine.

Our major concern was with the personnel increases. Are we taking Federally funded employees and transferring into full-time employees? I realize there is a surplus of engineers in the Department of Transportation. I just want to be sure that if that is the intent and purpose, so I can vote accordingly on the Bill.

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

Senator DANTON: Mr. President and Members of the Senate, first I'd like to tell you that working on a Highway Budget for me was really and truly a new experience. One that I had never witnessed before. Two, I can honestly tell you five consecutive terms in the Maine Senate, I perhaps never attended a Transportation Committee Hearing.

I'd, also, like to tell you that in the past four or five weeks, the two other Senators in this Body, Senator Diamond, Senator Emerson and myself, really put a lot of work into this budget.

Let's talk about the Department, if you will. The last real funding that they got was in 1971 and they got a two cent a gallon tax increase. From that point on, even though gasoline may have soar from, what was then, thirty-six cents a gallon for high-test up to a dollar fifty-five, a dollar sixty. The Department of Transportation never saw a dime. At that particular time, they had approximately thirty-eight hundred employees; they're now down to around twenty-two or twenty-three hundred employees.

The rest of State Government's expenditures have gone up 185%; the Department of Transportation increased only 55% and the rate of inflation over that same period of time was 125%. If we are going to talk about austerity, if we are going to talk about taking a Department that had plenty of money and stop their growth and reduce their size, I think we've done that in the Department of Transportation.

I have a summary of what the Bill does. If you would like to bear with me just for a minute, I'd like to give you that summary.

The Committee on Transportation has spend many hours carefully reviewing L. D. 1120, which is L. D. 1351 now, as prepared by the administration. They have considered a

number of suggested modifications to this Bill, including amendments by Representative Martin of Eagle Lake and Representative Higgins from Scarborough. We have, also, carefully reviewed extensive testimony prepared by Commissioner Campbell and his staff, in regard to the proposed highway program for the next biennium in L. D. 1351.

The Committee has now reported out the Bill and the summary is as follows: The total highway funds required, and this is what we reported out, to finance the program equals 240.3 million dollars. This is 62.8 million more than has been estimated to be available from existing taxes during the biennium. The amount requested in the original Bill, which was L. D. 1120 and is now L. D. 1351, has been reduced by the Transportation Committee in a net amount of 3.5 million. The major cuts include: reductions in the highway maintenance programs of two million dollars; in bridge maintenance of a million dollars; and in collector road improvements of one million dollars; other adjustments were made in the State Police; Motor Vehicle Division; Highway Administration; and State Claim Board Accounts. To the correct errors and restore omissions from the original budget resulting in the net reduction of approximately three and a half million dollars.

The proposed highway program as represented in L. D. 1351 includes funds for programs the Transportation Committee considers essential for a good road program. It provides 6.3 million dollars to complete the State's commitment for the State-Aid Program. It provides 23.2 million dollars for the local road block grant program, that's going back to cities and towns. The new Bill will even give them more, it will be closer to thirty million. I'm sure other Senators will speak on that. This will continue the important program at the same level as in 1983.

I don't want you to consider this as something that's going to be a tax relief in your communities, but in a sense it will be because it will help communities throughout the State of Maine to take care of their roads, their streets and their sidewalks, that have gotten in bad shape. I know in my own community, as I walk around, and I do walk every morning for my health, I sometimes wonder how our forefathers could afford to go throughout the city and put down brick sidewalks, and we have taken those brick sidewalks and put pavement to destroy the beauty that they once had. I think the cities and towns need this money, and they need as much money as we possibly can give them.

It provides ten million dollars which will be used together with a proposed bond issue to match available Federal Highway Funds, for the important Highway and Bridge Improvement Programs.

The new Federal Highway Act passed in December, 1982, has substantially increased the amount the Federal funds available to the State of Maine for highway and bridge improvements. These State funds will match about a hundred thirty-two million of Federal funds available to the State.

It will allow the improvements of over three hundred eighty-four miles of Federal-Aid and State highways in the reconstruction or rehabilitation of fifty-six bridges throughout the State. It provides nine million dollars for the collector road program. These funds will improve approximately one hundred and eighty-five miles of rural non-federal State-Aid roads. It provides sufficient funds to pave approximately twelve hundred miles of roads under the Department's maintenance resurfacing of the so-called "skinny-mix program," where they go and pave to restore roads, so they won't wash away.

In total, the proposed program will meet the State's responsibilities to local communities, and allow the improvement of over seventeen

hundred and fifty miles of roads and fifty-six bridges throughout the State.

It, also, provides for continuing essential current services: of the State Police; Motor Vehicle Division; the Department of Transportation including Administration and Planning; Debt service, which is 26.9 million for the biennium, highway maintenance; bridge maintenance; and traffic services.

The other part of the Bill revises truck weights, and weight laws to conform to new Federal Legislation, which we have to do. We have absolutely no choice with the new Surface Act that has been passed in the Congress. Specifically, it does amend the State Law to allow the operation of double-bottom trucks, and they will only be allowed on the turnpike. That's the only place they can use them, and then to get off the turnpike at only half a mile on each side of those roads in urban areas, and two miles in the rural areas. So they'll be able to get off and park and transfer into single boxes. That's a requirement that we have to meet to be able to get these dollars from the Federal Government.

The Bill, also, incorporates the recommendations of the Highway Costs Allocations Study Committee which establishes a permanent provision for those vehicles allowed weight tolerances when carrying special commodities defined in the law. For the first time, those allowed to carry extra weight will pay for this privilege. In the past, they haven't. They will pay now for that privilege to carry extra weight through a permit mechanism, and that will generate 1.1 million dollars in revenues.

The Bill, also, incorporates the provisions recommended by Representative Martin of Eagle Lake, and Representative Higgins from Scarborough and agreed to by the Department which allows certain specified large vehicles, three-axle trailers hauling three-axle semi-trailers, an opportunity to carry up to ninety thousand pounds, if, they obtain a special permit. This vehicle would also be allowed an additional permit for special commodity tolerances.

The Transportation Committee, also, voted to suggest to the Committee on Transportation that the reduced level of funding required our L. D. 1120, which is L. D. 1351 now, could be accomplished by adjusting the provisions of L. D. 1116, by increasing the motor fuel tax by four cents a gallon, by April 1, and a penny a gallon by January 1, 1984.

In reference to the question about some of the employees being funded by Federal dollars. I will have to apologize to the Senator for not having that answer available to him right now, but I will get it for him right after we get through with our morning session.

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

Senator MINKOWSKY: Mr. President, I appreciate the explanation by the good Senator from York, Senator Danton.

I think that particular question is extremely valid as during the past we've put on many employees in the Department of Transportation, fully funded with Federal dollars. We realize whole-heartedly that the curtailment of Federal funds does not warrant it that they shouldn't continue on, unless that money was available from the Federal Government.

My concern was primarily are we utilizing the gasoline tax, by increasing the five cents per gallon to pick up these employees which basically through attrition should have been eliminated. Now, over the years, maybe as long as Senator Danton can remember, as a Democrat I have been a proponent for an increase in the gasoline tax, even when leadership was opposed to it, even when administration was opposed to it. It was done on incremental basis to address needs at that particular time. Today, we are talking about a crash program to catch up, and I feel very apprehensive about this.

One particular part of the original Bill, and I'm just trying to get it setup with the New Draft before us this morning, is of great concern to me and to the rural areas of my Senatorial District. Under the so-called, "skinny-mix program," paving program. We have five million eight hundred thousand dollars lined up for it, for '83 and '84, and subsequently, five million eight hundred thousand dollars for '84 and '85.

In addition to that we are all concerned, those who have rural areas, with the local road assistance, and the amount was quite adequate, eleven million six hundred thousand dollars for '83 and '84, and again eleven million six hundred thousand dollars in the original draft for '84 and '85, which gives you a grand total of sixteen million eight hundred thousand dollars for each year of the biennium. What we are saying in essence is, we are looking to assist our communities to upgrade their roads, because they are not in a position to do this with their own local tax base.

I do not want to see the proliferation of the Department of Transportation. To go back to my original statement, by using Personal Services to the tune of fourteen million nine hundred fifty-eight thousand dollars. When you put that against what we are trying to do for our maintenance program and our assistance program, we're putting more emphasis on personnel in the Department of Transportation versus what we are looking for out in the field, insofar as tangible road improvement and assistance to our communities. This is absolutely incorrect, and I think this particular part of the problem should be addressed very adequately by the Commission.

The truck length has been a biennial problem in this particular Legislature, and it is going to continue, but I still maintain one thing regardless of what the Federal Government does with its double bottoms, or whatever they want to refer them as being, maintaining them on the paved interstate highways is fine according to Federal legislation, but when we get these trucks in excess of fifty-five feet on these secondary roads in the State of Maine, you'd better be prepared to pay that much more money, because they're going to tear those roads apart with the problems we're having in the State of Maine with the seasons of the year; we have very, very heavy frost seasons and very wet seasons.

The major problem basically is not to increase the truck length, unless this was designed as a compromise for those people who are opposed to the increase in the Gasoline Tax to pay the excess, because they are getting a compromise of five feet extra in the length of their box, which I don't feel is in the interest of the people of the State of Maine.

I'll certainly be very glad Senator to wait for you to give me very specific figures as to how many people were Federally funded employees that now come under this particular program here and will be picked up by allegedly the taxpayers, or the gasoline, or the users of vehicles in the State of Maine. I think there's some very serious inequities and I hope we can address these before that Bill is Finally Enacted.

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

Senator DANTON: Mr. President, I'm sorry I didn't answer the good Senator's one question on trucks.

True that we did increase the weight on trucks, but also in order to carry that weight, they have to go from five axles to six axles, and they have to adjust the wheels, and our engineers have told us that by adjusting the wheels to carry that load, they'll be less damaging than the weights that the five-axle trucks presently carry. I just wanted to explain that to the Members of the Senate.

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

Senator DIAMOND: Mr. President, Men and Women of the Senate, there are several ques-

tions that were opposed, and I think answered very accurately by the good Chairman of the Transportation Committee, Senator Danton. The last series of questions seemed to reiterate or even raise some new concerns which I just want to touch upon if I could, and be happy to answer any further questions that the good Senator may have.

First off if you look at the 6.3 million dollars. This is a promise that we made as a Legislature last year and the year before that we would send that back to towns. I am talking now about the question that Senator Minkowsky raised about how much money we're going to be talking about in terms of helping the communities? 6.3 is a given, we have to send that back, we promised that we would; 23.2 is the Block Grant Program, which maintains that assistance to the communities at the same level that we had in '83, and that is critical as well.

If you'd look down the other question, the other area he brought in, in terms of the skinny-mix or the paving program, this is, as the good Senator from York, Senator Danton pointed out very nicely, this is to cover twelve hundred miles, but there is one area that you must remember goes with that, and that is, this is an eight year cycle. This is based on an eight year cycle, so if we try to reduce that amount than we'd be causing, probably more expense next year and the year after, or whenever we decided to get back into what was considered to be normal, protective construction, or reconstruction of the roads.

If you add all those up again, you come up with the thirty plus million dollars that Senator Danton spoke about. The other area of concern which I want to just reiterate is the fact of adding employees to DOT, and one comment Senator Minkowsky mentioned was the surplus in engineers. That's an opinion that I've carried with me for a long time until this last session when we spent the last six weeks on going through this budget. I think you'll find that the old image of humongous amounts of engineers is no longer true. If you would like to examine that account in that line, you can do that and find that that's not the case. You will also find a reduction in personnel, throughout the DOT in the past two years in particular, has been considerable.

I would like to talk in more detail about any questions or any line in this budget, looking at LD 1351. Raise those questions and we should talk about them and be very specific but the general image which I'd like to dispel is number one, DOT is loaded with people, in general, and we're adding more on which is not true; and number two, the old concern about engineers, engineers, engineers, being in great amount of surplus in that department, that too, is not true. Generally speaking, let's dispel that and we can certainly verify that and you can too by looking at this budget and let's get down to some real specific questions as well we should, and let's talk about it. Thank you, Mr. President.

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

The Bill, in New Draft, Read Once.

Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed.

Sent down forthwith for concurrence.

Second Readers

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

House

BILL, "An Act to Include Water and Sewer Districts in the Local Government Energy Conservation Program." (H. P. 476) (L. D. 573)

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

BILL, "An Act to Establish Mandatory Minimum Fines for Unauthorized Taking of Agri-

cultural or Forestry Products." (H. P. 1017) (L. D. 1314)

BILL, "An Act to Change the Jurisdiction for Regulation of Schools of Barbering and Schools of Hairdressing and Beauty Culture." (H. P. 712) (L. D. 903)

BILL, "An Act to Clarify the Use of Vocational-technical Institutes' Facilities by Others." (H. P. 771) (L. D. 1001)

BILL, "An Act to Provide for the Negotiation of Seniority Provisions for Teachers." (Emergency) (H. P. 1043) (L. D. 1350)

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide that the State may Enact Property Tax Exemptions Relating to Watercraft Not Subject to Fifty Percent Reimbursement. (H. P. 1042) (L. D. 1349)

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

Sent forthwith to the Engrossing Department.

BILL, "An Act to Prohibit Hazing at Post-secondary Institutions." (H. P. 1023) (L. D. 1324)

Which was Read a Second Time.

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

Senator PRAY: Mr. President, in reference to L.D. 1324, having read this proposal yesterday, I had some concerns over reading the reference to the penalties. As an individual who a few years ago attended college and realized that hazing to some part is part of college life. I'm a little curious as to whether or not if those who heard the bill had much testimony on the reality of enforcing such a law? Then, the penalties that were tied with it, as to whether or not if the mild cases of hazing that may take place, despite the fact we pass a law against it, would really be something that would fit the crime that we now make?

My concern is the fact that in reading on page two of the Bill under the penalty section that individuals or students, or soforth could be dismissed or would be dismissed from that educational facility. Whether or not if the Committee members really felt that in all instances this was a penalty that fit the crime?

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

Senator HAYES: Ladies and Gentlemen of the Maine Senate, I'd like to just briefly address the questions raised by the good Senator from Penobscot, Senator Pray.

I'll say at the outset, this is a most difficult Bill for the Committee. We worked over the first draft of this Bill, we redrafted it and after a number of meetings and work sessions, we voted out a Bill with a Divided Report. Let me give you some rationale for this.

The problem of hazing in academic institutions is a very serious problem. We are not dealing with a situation where a person might be hassled or bothered. We're dealing with a potential problem of physical and mental impairment and abuse.

Many states have passed laws dealing with this question. The University of Maine Board of Trustees has a policy that is severer than the present policy we're outlining.

The reasons for such Legislation pertain to a number of experiences that colleges have had with their students and hazing. One of those problems I will relate to you, but only briefly. At one college fraternity boys going through the initiation process were asked to, in this case two young men, asked to get into a trunk of an automobile. There they were asked by their brothers to consume one pint of alcohol and a six-pack of beer before they could come out. As a result of this process, both of the boys suffered alcohol poisoning and one died in New York State, as a result of this, a law was passed to prohibit hazing.

We have had innumerable events that have occurred within the University of Maine System that I know of and I suspect in other institutions of higher education that were related to our Committee. Fortunately, we have not had a situation which any student has died.

The purpose of this, I guess, is for the State Legislature to go on Record as indicating their concern about this problem, and in this instance, to designate the reasonable authority, at the institutions of higher education, who would be required to establish a procedure for handling such a problem.

The penalties I would point out to you are not very severe. Ejection from the University for someone who is not associated with a campus, does not strike me as a very severe penalty. In the case of a student, administrator or faculty violator, this Bill would require the individual's suspension, expulsion, or other appropriate disciplinary action. There, hopefully, the penalty would fit the crime, and there would be some reasonableness in the kind of penalty that would be imposed.

In the case of an organization affiliated with the institution which authorizes hazing, recissional permission for that organization to operate on campus property or receive any other benefit for affiliation with the institution. I don't think those penalties are terribly severe.

I would point out to you that I have been for a long time been an advisor for one of the fraternities. I have a great deal of confidence and belief in fraternity systems and in university organizations, but I am convinced that this kind of Legislation is appropriate.

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

Senator CLARK: Thank you, Mr. President. Mr. President, Men and Women of the Chamber, I signed the very decided Minority Ought Not to Pass Report on this measurement and had made a conscious decision yesterday when the Majority Report was Accepted to perhaps, sometime, as this Bill proceeded through the Legislative process or maze as it is perceived by some people on the outside, to speak on the measure, and I'm most indebted to the good floorleader for setting this measure aside this morning.

It is with some trepidation that I stand and challenge, if you will however gently, the remarks of the good Senate Chair of the Joint Standing Committee on Education, for he is not only a tremendously competent Chair, he's very, very effective debator. I, too, listened and was present, despite my nonconsistent presence on the Committee on Education, to the hearing on this measure, because I also served on that same Committee during the immediately preceding Legislature and that same measure was presented at that time. The sponsor is an enthusiastic sponsor of this measure and resides in the other Chamber and has much commitment to this measure. That is, in some part, why I am reluctant or was even this time reluctant once again to sign out, as I did in the previous Legislature, an Ought Not to Pass Report.

I will share with you some of my reasons: Number one, the cases that were cited before this Legislature and the previous Legislature are not cases directly related to Maine students nor incidents on Maine's campuses.

Two, all Post-secondary Institutions in our State have more than adequate governing bodies which deal most effectively, from my perception, with the issue of hazing on their respective campuses. A case in point is a case on a campus within my Senate District, Bowdoin College. This year they had some less than honorable experiences with the enthusiastic reaction of some young men as they dealt with their initiation process and were promptly chastised, penalized, and punished, if you will, appropriately by the governing board of that college. As a matter of fact, at the request and

at the direction of the college, the National organization was brought into this disciplinary action, and all today is well.

The damage that occurred within that community and on that campus has been repaired. I can, with great confidence and pride even, assure you that that kind of behavior is not only not tolerated but probably will not happen again, at least for a few decades.

We all recognize the enthusiasm of youth and sometimes the lack of guidance and/or proper behavior that occurs, when in fact, the hazing process is experienced in various fraternal organizations on the campuses.

It is not a topic that goes unnoticed by the governing boards and administrators or even the security people on the various campuses.

I feel that the measure is in fact, as we say so glibly sometimes, unnecessary. As a matter of fact the redraft, while I did also participate in that process within Committee, is an improvement on the original LD: it is in fact a placebo, it is in fact literally unenforceable, it is not as strong as the edict from the governing boards of our various campuses, both public and private across this State.

The case cited by the good Senate Chair did not occur in the State of Maine, as did not the case cited by the most sincere testimony of the prime sponsor of this measure who also sits on the Committee on Education.

I perceive that the redraft LD 1324 is, in fact, a gesture of or even to paraphrase the good Senator from Penobscot, Senator Hayes, a statement of the intention or public policy of this State. I think that the public policy of this State is reflected in the manner in which the governing bodies of our Post-secondary Institutions effectively guide and/or discipline the kinds of behavioral incidents that are included under the term of hazing.

A sidelight during the public hearing really elicited my positive reaction and that was the case, a personal case cited by the person who experienced it of constant harassment on a campus in northern Maine, a VTI, by a young woman who was not of the usual and/or traditional college age, was a full at least 10 years older than her peers and was in what one might call a non-traditional meaning non-sex stereotyped major area. In fact, she was in sheet metal finishing and design. This bill does nothing to address her case, not one thing. That is the only incident that was related to us of experiences within the last fifteen years in the great State of Maine, and this Bill does nothing to address her case.

That young woman fortunately had the fortitude and the support, as well as the stamina, to process her experiences through the appropriate channels. Unfortunately, I must admit with little affect, but she did persevere and she did proudly graduate with honors and is a credit not only to her sex but an asset as an alumni of that institution.

If, in fact, it might have been able to incorporate that experience in this redraft I might have been encouraged or even, yes, I might have signed out Ought to Pass. But I have learned in this Chamber, particularly in this session, that if one does not enthusiastically and with sincere commitment support a measure one had better sign out on the negative side or else that report might indeed be overturned. That is a new experience for me in this Chamber and it is a new experience for me to, in fact, be debating against a member of my own party, but I do so, and I guess at this point, Mr. President, that I would move that LD 1324 be Indefinitely Postponed.

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

Senator HICHENS: Mr. President and Members of the Senate, I hope that you will vote against the motion which has just been made.

I would like to request the Secretary to read the Committee Report.

The Committee Report was Read.

The PRESIDENT: The Senator has the floor. Senator HICHENS: Mr. President, I did not hear all of the statements made by the good Senator from Penobscot, Senator Hayes, having had to leave the Chamber for a few minutes, but I fully support the statements that I am sure that he did make in support of this Bill, and after we heard a lengthy debate on this and a presentation of the lady who has been mentioned from up on one of the campuses in the northern part of the State, which I do feel is taken care of in this redraft I feel that we should pass this Bill.

I have been concerned for a great many years about hazing that takes place on many campuses. Fortunately, in the State of Maine we haven't had any tragedies, but an ounce of prevention is worth a pound of cure in my estimation, and I think, that passage of this Bill is an ounce of prevention.

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

Senator HAYES: If you'll indulge me for one final comment, I am almost afraid to oppose the good Senator from Cumberland, Senator Clark, who is both sincere and highly persuasive, but I would rise to give you two examples, and these happened in Maine. I would suggest to you that there are many more. In 1967, eight members of one fraternity of the University of Maine at Orono were admitted to Eastern Maine Medical Center. The reason for the admission is that they had blood in their urine induced either by unusually heavy exercises or by ingestion of some kind of food substance, that was hurting their system. This resulted during the initiation practices and was a part of their routine.

In 1979 one or more students were abducted, taken to Canada across the international border I believe this again occurred in the trunk of an automobile. They were left in Canada with no money, intoxicated, there they were apprehended by the Canadian police. It being virtually an international incident and it does pose a bit of a problem.

I just want to cite a couple of instances that would support my motion.

The PRESIDENT: The Chair will Order a Division.

Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Clark to Indefinitely Postpone LD 1324 please rise in their places to be counted.

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

8 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion to Indefinitely Postpone, Failed.

The Bill was Passed to be Engrossed, in concurrence.

House — As Amended

BILL, "An Act Relating to Motor Fuel Taxes." (H. P. 130) (L. D. 138)

BILL, "An Act Limiting Positions of Trust for Prisoners in Jail to those Prisoners Sentenced or Transferred to that Particular Jail." (H. P. 170) (L. D. 200)

BILL, "An Act to Expedite the Handling of Changes in Voter Registration." (H. P. 12) (L. D. 8)

BILL, "An Act to Create the Maine Lemon Law." (H. P. 665) (L. D. 848)

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

Senate

BILL, "An Act to Require Campaign Contributions to be Reported in the Lobbyist Disclosure Law." (S. P. 456) (L. D. 1352)

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

BILL, "An Act Pertaining to the Political Rights of State Employees." (S. P. 439) (L. D. 1318)

Which was Read a Second Time.

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

Senator VIOLETTE: Mr. President, I offer Senate Amendment (S-42) to LD 1318.

The PRESIDENT: The Senator from Aroostook, Senator Violette, offers Senate Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-42) was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Senator VIOLETTE: Mr. President and Members of the Senate, just briefly what this amendment does, through an error in putting through the New Draft on this particular piece of Legislation, is that it did not repeal that section of the statutes which would not have allowed, which does not allow, State employees to run for partisan office at both the local and county level. As a result if this amendment were not accepted there would be two statutes which would be incompatible. So it is for that reason that this Amendment is offered.

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

Senator COLLINS: Mr. President, I thank the Senator from Aroostook, for providing this clarification in our statutory scheme that we are working with here.

This causes me to focus, once again, on a question which was bothering me yesterday and this is purely a matter of technical inquiry because someday a court will have to interpret this material for us, assuming that it will pass as it seems likely to do.

By wiping out the prohibition against the running for the Legislature in effect, by adopting this amendment. Then I am still interested in getting into the Legislature history some statement and probably the proper time would be an Enactment stage, about what prohibition there is to support the statement of fact that passage of this Legislature will result in a prohibition against State employees running for the Legislature? Thank you, Mr. President.

Senate Amendment "A" was Adopted.

The Bill, as amended, 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 Require Participation in Good Faith in Fact Finding (S. P. 179) (L. D. 546)

An Act Substituting the Board of Overseers of the Bar as the Keeper of the Records of Members of the Bar in Place of Administrative Assistant to the Chief Justice (S. P. 147) (L. D. 438)

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 for Leaves of Absence for Employees Elected to the Legislature, Excluding Employees Covered under Provisions Dealing with Teachers (H. P. 349) (L. D. 597)

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

Senator DUTREMBLE: Mr. President on LD 597 I just want to make a clarification on a statement that was made last week concerning seniority and the question was asked whether or not a person who takes a leave of absence under this law would accrue seniority during this leave?

I want to clarify this statement, and make sure that there is no question about Legislative intent. A person doesn't and will not accrue seniority while he is away serving the Legislature, but will only maintain the seniority he already had when he was elected.

I just thought that I should clarify that so that there is no question of Legislative Intent in the future.

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

Senator COLLINS: I request a Division.

The PRESIDENT: A Division has been requested.

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

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

18 Senators having voted in the affirmative, and 10 Senators having voted in the negative, the Bill was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

An Act Relating to Payment by an Employer when a Physician's Certification of Illness is Required. (S. P. 240) (L. D. 682)

Comes from the House, Indefinitely Postponed.

On motion by Senator Pray of Penobscot, Tabled pending Enactment.

Orders of the Day

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

BILL, "An Act to Establish an Office of Foster Parent Advocate." (S. P. 445)

Tabled—March 29, 1983 by Senator CARPENTER of Aroostook.

Pending—Reference.

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

Sent down for concurrence.

Senator Hichens of York was granted unanimous consent to address the Senate, Off the Record.

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

Committee Reports

House

Ought to Pass

The Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1983 (Emergency) (H. P. 1047) (L. D. 1377) Reported that the same Ought to Pass pursuant to Joint Order (H. P. 159).

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

Which Report was Read and Accepted, in concurrence. The Resolve Read Once.

Under Suspension of the Rules, the Resolve Read a Second Time, and Passed to be Engrossed, in concurrence.

Sent forthwith to the Engrossing Department.

The Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1983 (Emergency) (H. P. 1045) (L. D. 1375) Reported that the same Ought to Pass pursuant to Joint Order (H. P. 159).

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

Which Report was Read and Accepted, in concurrence. The Resolve Read Once.

Under Suspension of the Rules, the Resolve Read a Second Time, and Passed to be Engrossed, in concurrence.

Sent forthwith to the Engrossing Department.

The Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1983 (Emergency) (H. P. 1044) (L. D. 1374) reported that

the same Ought to Pass pursuant to Joint Order (H. P. 159).

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

Which Report was Read and Accepted, in concurrence. The Resolve Read Once.

Under Suspension of the Rules, the Resolve Read a Second Time and Passed to be Engrossed, in concurrence.

Sent forthwith to the Engrossing Department.

(Senate at Ease)

The Senate called to order by the President.

Senator Collins of Knox 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.

On motion by Senator Carpenter of Aroostook, Recessed until the sound of the bell.

(Recess)

(After Recess)

The Senate called to order by the President.

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

Enactors

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

"An Act to Apportion the Maine Senate, House of Representatives and Congressional Districts. (H. P. 1020) (L. D. 1320)

The PRESIDENT: Pursuant to the Maine Constitution, Article 4, Part 1, Section 3, Paragraph 1, and Article 4, Part 2, Section 2, Paragraph 2 of the Maine Constitution, and pursuant to Title 21, M.R.S.A. 1571-A, Subsection 2, Paragraph 2, this Bill requires for its Passage the affirmative vote of two-thirds of the entire elected membership of the Senate.

All those in favor of the Passage of this Bill, please rise and remain standing until counted.

All those opposed, please rise and remain standing until counted.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreairety, Senator McBREAIRTY: I would like a Roll Call.

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

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

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

The pending question before the Senate is the Enactment of L. D. 1320.

A Yes vote will be in favor of the Enactment. A No vote will be opposed.

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

ROLL CALL

YEA—Baldacci, Brown, Bustin, Carpenter, Charette, Clark, Collins, Danton, Diamond, Dow, Dutremble, Erwin, Gill, Hayes, Minkowsky, Najarian, Pearson, Perkins, Pray, Redmond, Sewall, Shute, Trafton, Twitchell, Usher, Violette, Wood, The President Gerard P. Conley.

NAY—Emerson, Hichens, Kany, McBreairety, ABSENT—Teague.

A Roll Call was had.

28 Senators having voted in the affirmative and 4 Senators in the negative, with 1 Senator being absent, the Bill was Passed to be

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

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

Senator COLLINS: Mr. President and Members of the Senate, I want to express our appreciation to those Members of the Senate who served on the Reapportionment Commission. There is a great deal of work to that process, and I know that we can all appreciate the great number of hours that Senator Pray of Penobscot, Senator Clark of Cumberland, Senator Sewall of Lincoln and Senator Teague of Somerset devoted to that task.

I, also, want to express the appreciation of all of us to those Members of the other Body, and those members of the public who took part in that Commission.

I followed their work fairly closely as an interested monitor, and I think that they proceeded with determination to do a fair and equitable job, and that they followed very closely the rules that our Supreme Court and our statutes have provided for carrying out an equitable Reapportionment.

I suggest that we make this notation in our Record that we appreciate a well-done job.

(Off Record Remarks)

On motion by Senator Carpenter of Aroostook, Recess until 4 p.m. this afternoon.

Recess

After Recess

The Senate called to Order by the President.

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

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

Papers from the House

Non-concurrent Matter

RESOLVE, Authorizing Larry R. Coffren of Strong to bring Civil Action against the State of Maine. (H. P. 735) (L. D. 944)

In House March 25, 1983 Minority Ought to Pass Report Read and Accepted and the Bill Passed to be Engrossed as amended by House Amendment "A" (H-89).

In Senate March 28, 1983 Majority Ought Not to Pass Report Read and Accepted in non-concurrence.

Comes from the House, that Body having Adhered.

The PRESIDENT: Is it the pleasure of the Senate to Adhere?

It is a vote.

The President requested the Sergeant-at-Arms to escort the Senator from Oxford, Senator Erwin to the rostrum.

The PRESIDENT: On behalf of the Joint Standing Committee on Fisheries and Wildlife, they wish to present to you, Senator, this very beautiful boutonniere. We hope you'll live and wear it for the rest of your happy married life in bliss.

(Applause, the members rising.)

The Sergeant-at-Arms escorted the Senator from Oxford, Senator Erwin, to his seat on the Senate floor.

House Papers

BILL, "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government (Highway 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." (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (Emergency) (H. P. 1055) (L. D. 1378)

Reference to the Committee on Transportation suggested.

Comes from the House Passed to be Engrossed without reference to a Committee.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, L. D. 1378 be given its First Reading at this time without Reference to Committee?

It is a vote.

Under Suspension of the Rules, the Bill Read Twice.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, I thought I would speak on this measure before it ends up in the Engrossing Department, because I feel the remarks I want to make on this are relevant to, what has been expressed to me by my constituents, and what I expressed on the floor of the Democratic caucus this morning. I don't think my feelings have changed one iota, since that particular segment of time.

Number one, everybody apparently is in favor of adding an additional five cents to the gasoline tax to the users of the highways in the State of Maine, especially our general public.

I want just to make my position very clear that I am opposed to it. I think it is the wrong strategy, at the present time, regardless of how all encompassing this piece of legislation is. It reminds me of some of the bond issues the people of Maine have voted on in the past. Want one part of it, you take all of the other things together. This is not the proper way of running State Government, regardless of how good many of the items are in the Budget itself, and the end result is it is going to have a catastrophic affect, as the price of gasoline proliferates here in the State of Maine. Right now, the people are not saying too much about this, but when this is locked in cement, I emphasize the word "cement," you're not going to be able to retract exactly what was happening on this particular L. D.

Fourteen cents is a substantial amount of money, but when you couple this with the five cents of the Federal level, regardless of what the pay-back to the State of Maine is, this whole thing is, in my estimation, not in the interest of the people in the State of Maine.

Another part which I was opposed to which is part of this thing here, and maybe that's not the proper term to use "thing" has a double-bottom provision which is enacted by the Federal Government, but also increases the truck lengths in the State of Maine to sixty feet. If you think it is tough enough now, at the present time, to go pass some of these floating boxcars, find out how the people will talk about this in the future.

One thing that became very clear, and maybe it is not the fault of the Department of Transportation, or its present Commissioner, or its prior Commissioner, maybe it's been the fault of the Administrations going back to when Jim Longley was Governor, up to the time that Joe Brennan did not want to address the gasoline tax increase but raised a lot of fees. I don't see anybody trying to take back all the fees that we increased over the past. We just seem to be adding on additional burdens to the taxpayers, and users of our highways in the State of Maine.

The people of Maine, in my estimation, have asked for an austerity program, not a program which is suppose to bail out the Department of Transportation over a short span of time, because of what has been the policies of the past not to address the critical conditions of the roads, or the needs of the various communities. I have many small communities in my Senatorial District that I know that are in dire

need, but that need has been in existence since 1977, and every time we had a bill before us to address an increase in the gasoline tax, it's always put aside. Now is that good sense? It isn't in my estimation. Now, all of a sudden, we find a document before us because allegedly the price of gasoline is low; cars are becoming more efficient, and now we are facing a crash program to address what we have not done over a long span of time.

Ladies and Gentlemen of the Senate, this particular document is going to come back and haunt us in the future. You can mark my words. When this really sets in to the taxpayers of this State, exactly what is materializing here today, you can be sure that they will retaliate some possible way.

There was a recent poll taken on television and the question just generally was, "do you favor an increase in the gas tax?" I think the vote went somewhere seven to one, they did not favor increasing the gas tax.

My own personal poll, in my own Senatorial District, thirty-five hundred questionnaires were mailed out to constituents. I had received a reply of about four hundred seventy-one total, of which in excess of three hundred thirty-seven says no to an increase in the Gasoline Tax.

I just want the Record to be very clear this afternoon that I'm voting in behalf of the people of the State of Maine, the people in my Senatorial District, and opposed to this particular move in the gas tax.

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

Senator WOOD: Mr. President, I rise simply to clarify some of the statements that have been made by the previous speaker and set the Record straight as far as the Senator from District 3 and why he has sponsored this Bill and will vote for it proudly, today.

We have in this State a highway system, we have funded that highway system based on users' fees ever since the inception of the highway program. We feel so strongly about users' fees in this State that we got them with the Constitutional requirement that whatever we raise through the gas tax must be spent on the roads. I think that that is an extraordinary step for any state to take and says something about how dear we hold use of fee concept.

Over the last few years we've gotten away from that user fee by increasing registrations, and in fact the Administration's position this year which is to further increase the registrations on automobiles by one dollar.

The Taxation Committee, and I think rightly so, decided that enough was enough. That we had "Mickey Moused" Registration Fees over the years and it was time to stop that. We reduced the registration fees by one dollar back to twenty. I don't think the good Senator from Androscoggin, would want to fund the highway by increasing that fee to a dollar. So, I would point out to him that we have, in fact, kept the users' fees down in this respect.

Secondly, over the years the Highway Department has been funded indirectly through the property tax, because the very vehicles in our town that repair those roads have to pay a tax every time they gas that truck up. This year, we have taken the step of exempting municipalities from paying a gas tax. That exemption will mean 2.8 million dollars will stay in the communities and not travel to Augusta. That 2.8 million dollars might not reduce our property tax, but it will have a stabilizing affect over our property tax. I would argue that it would bring some equity to those property owners in our towns that are being doubly taxed, one through the gas tax, and then two, through the property tax, through the municipalities; so we've taken that bold step.

I think that we have tried to put together a package that makes sense tax-wise to fund the necessary programs to keep our highways up to snuff.

We live in a State where we are at the end of the transportation link; our highways are crucial. Those of us in York County enjoy good roads, but as we travel north, we realize the roads are much more important to the northern part of the State. We want those roads to be maintained in the same level that we in York County enjoy; but we have to pay the piper. I think we have been suffering from an austerity program in the past, and I am convinced the voters do not want an austerity program now. They want some action. They want a highway program they can be proud of and they're willing to pay for it.

We did not levy this tax because we like to levy taxes, we did not levy the tax because gas is low, we levied the tax, because it was the correct thing to do.

I know the polls have been taken and people don't like to pay taxes, but they don't like to pay increased registration fees. The only poll that I'm concerned about is the one two years from now in November, and I think that I'll hopefully be returning, if I choose to run, because I think this package is sellable to the people of Maine.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, let me make the Record perfectly clear that I, also, oppose increasing fees of various natures as we have done in the past, in which to get the necessary revenues to run the various facets of the Department of Transportation included the Department of Public Safety, and all the ancillary programs along those lines.

The correct thing to do, or the correct thing to have done, is to have addressed this at increments in the past, so you wouldn't be facing this major dilemma today, and that is just what is happening right now is a crash program to take all these things into consideration, in the name of complete restoration of the highway system of the State of Maine.

I'm sure as Senator Wood has said, "I'll be returning here in two years, also." Maybe we will have two different points of view as to how the people will respond to this. I can assure you that it's not in the interest of the people of the State of Maine at the present time to go along these lines.

The programs that are outlined naturally are beneficial, but the question remains in order to get these pay-backs to the community, which will assist the communities, allegedly, to a degree the good Senator brings out. What will be the continuity of this particular program? Are we saying, "for this biennium the communities will receive this money?" But don't forget, today we're locking in cement, the fourteen cents per gallon on the gasoline tax. What will the next biennium hold for the 112th Legislature, the 113th, the 114th? That's my major concern with this thing. It sounds all good, at the present time. If you're willing to take these benefits that we're giving out to you now, fine. Don't forget, you are permanently locking into place the gasoline tax increase and that is absolutely incorrect and wrong, and not in the interest of the people of the State of Maine, no matter what the good Senator from York thinks about the issue.

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

Senator WOOD: Mr. President, only to clarify one point. As far as the exemption that we are granting communities that will remain in effect, until the Legislature changes it, as far as the other programs, yes, those can be changed; but the exemption does not go back on the books in two years. The exemption is off!

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

Senator DIAMOND: Mr. President, Men and Women of the Senate, I will be brief and I know this discussion has gone on probably long

enough, except that the good Senator from Androscoggin, Senator Minkowsky has stood there before us and made some pretty general "bad guy" statements. It's not easy for anyone to propose a gas tax or any other tax. It is much easier to jump on the band wagon and say, I'm opposed to taxes; I think we all probably are. We have to be responsible.

Rather than talk in generalities, as the good Senator has done, I would suggest, in fact I would ask that he or anyone else who has questions about the lines. The lines in that Budget, and there are several of them, thirty, thirty-five, tell us where we shouldn't appropriate that amount of money. Tell us where we've appropriated too much. Our Committee cut 3.6 million dollars. The first time in a long time that the Committee on Transportation has done so.

If we've over appropriated or we've not looked at this carefully, then please show that. To stand back and simply make general statements regarding our work as a Committee and our votes, which we all will cast as we so desire, today, is really not the point, and it's easy to do that.

I ask that the good Senator come at us and tell us exactly where we should lower these costs, so we can find ten million dollars to lower it just one penny; or we can find twenty million dollars to lower it two pennies.

I think the Committee on Taxation has done an admirable job, and the Committee on Transportation has, as well. I now look forward to the vote. Thank you, Mr. President.

Under Suspension of the Rules, the Bill was Passed to be Engrossed, without Reference to Committee, and Ordered Printed, in concurrence.

Sent forthwith to the Engrossing Department.

**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 Concerning the Season for Raccoon Hunting." (H. P. 698) (L. D. 887)

BILL, "An Act Concerning the Deer Hunting Season." (H. P. 953) (L. D. 1234)

BILL, "An Act to Allow Voter Registration and Party Enrollment on the Same Form." (H. P. 198) (L. D. 242)

BILL, "An Act to Establish a Commission on Maine's Energy Future." (H. P. 857) (L. D. 1107)

BILL, "An Act Relating to Renewable Energy Systems' Tax Credits." (H. P. 52) (L. D. 57)

BILL, "An Act to Permit the Interstate Commerce Exemption on Sales Tax to Apply to Persons who Lease Vehicles Which Are Placed in Interstate Commerce." (H. P. 188) (L. D. 230)

BILL, "An Act to Increase the Veterans' Property Tax Exemption by \$1,000." (H. P. 640) (L. D. 791)

BILL, "An Act Relating to Municipal Tax Liens for Nonpayment of Taxes." (H. P. 708) (L. D. 897)

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

Communications

The Following Communication:

State of Maine

**One Hundred and Eleventh Legislature
Committee on State Government**

March 29, 1983

The Honorable Gerard P. Conley
President of the Maine Senate
State House
Augusta, Maine 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 State Government has had under consideration the nomination of Colonel Allan H. Weeks, Jr. as Chief of the Maine State Police.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion 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:	Senators	3
	Representatives	10
NAYS:	Senators	0
	Representatives	0

ABSENT:

13 members of the Committee having voted in the affirmative and 0 in the negative, it was the vote of the Committee that the nomination of Colonel Allan H. Weeks, Jr. as Chief of the Maine State Police be confirmed.

Sincerely,

/s/ PAUL E. VIOLETTE

Senate Chairman

/s/ DAN A. GWADOSKY

House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on State Government has recommended that the nomination of Colonel Allan H. Weeks, Jr. be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on State Government 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.

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

ABSENT—Teague.

No Senators having voted in the affirmative and 32 Senators in the negative, with 1 Senator 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 Colonel Allan H. Weeks, Jr. is confirmed.

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

On motion by Senator Pray of Penobscot, Recessed until the sound of the Bell.

Recess

After Recess

The Senate called to order by the President.

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

Enactors

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

Emergency

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government (Highway 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 (H. P. 1055) (L. D. 1378)

This being an emergency measure and having received the affirmative votes of 28 Members of the Senate, with 3 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.

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

**Committee Reports
House
Ought to Pass**

The Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Waldo County for the Year 1983 (Emergency) (H. P. 1046) (L.D. 1376) Reported that the same Ought to Pass pursuant to Joint Order (H. P. 159).

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-105).

Which Report was Read and Accepted, in concurrence.

The Resolve Read Once.

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

Under Suspension of the Rules, the Resolve Read a Second Time and Passed to be Engrossed, as amended, in concurrence.

Sent forthwith to the Engrossing Department.

Enactor

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

Emergency

"An Act to Provide a Uniform Excise Tax on Watercraft." (H. P. 1041) (L. D. 1343)

This being an emergency measure and having received the affirmative votes of 31 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.

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

**Committee Reports
House
Ought to Pass**

The Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1983 (Emergency) (H. P. 1060) (L. D. 1383) Reported that the same Ought to Pass pursuant to Joint Order (H. P. 159).

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

Which Report was Read and Accepted, in concurrence. The Resolve Read Once.

Under Suspension of the Rules, the Resolve Read a Second Time and Passed to be Engrossed, in concurrence.

Sent forthwith to the Engrossing Department.

The Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1983 (Emergency) (H. P. 1059) (L. D. 1382) Reported that the same Ought to Pass pursuant to Joint Order (H. P. 159).

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

Which Report was Read and Accepted, in concurrence.

The Resolve Read Once.

Under Suspension of the Rules, the Resolve Read a Second Time and Passed to be Engrossed, in concurrence.

Sent forthwith to the Engrossing Department.

The Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1983 (Emergency) (H. P. 1061) (L. D. 1384) Reported that the same Ought to Pass pursuant to Joint Order (H. P. 159).

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

Which Report was Read and Accepted, in concurrence. The Resolve Read Once.

Under Suspension of the Rules, the Resolve Read a Second Time and Passed to be Engrossed, in concurrence.

Sent forthwith to the Engrossing Department.

The Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1983 (Emergency) (H. P. 1058) (L. D. 1381) Reported that the same Ought to Pass pursuant to Joint Order (H. P. 159).

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

Which Report was Read and Accepted, in concurrence. The Resolve Read Once.

Under Suspension of the Rules, the Resolve Read a Second Time and Passed to be Engrossed, in concurrence.

Sent forthwith to the Engrossing Department.

The Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1983 (Emergency) (H. P. 1056) (L. D. 1379) Reported that the same Ought to Pass pursuant to Joint Order (H. P. 159).

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

Which Report was Read and Accepted, in concurrence. The Resolve Read Once.

Under Suspension of the Rules, the Resolve Read a Second Time and Passed to be Engrossed, in concurrence.

Sent forthwith to the Engrossing Department.

The Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Cumberland County for the Year 1983 (Emergency) (H. P. 1057) (L. D. 1380) Reported that the same Ought to Pass pursuant to Joint Order (H. P. 159).

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

Which Report was Read and Accepted, in concurrence. The Resolve Read Once.

Under Suspension of the Rules, the Resolve Read a Second Time and Passed to be Engrossed, in concurrence.

Sent forthwith to the Engrossing Department.

Enactor

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

Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1983 (H. P. 1025) (L. D. 1326)

This being an emergency measure and having received the affirmative votes of 31 Members of the Senate with No Senators having voted in the negative, was Finally Passed and having been signed by the President, was

by the Secretary presented to the Governor for his approval.

Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1983 (H. P. 1044) (L. D. 1374)

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

Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1983 (H. P. 1045) (L. D. 1375)

This being an emergency measure and having received the affirmative votes of 30 Members of the Senate with No Senators having voted in the negative, was Finally Passed and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1983 (H. P. 1047) (L. D. 1377)

This being an emergency measure and having received the affirmative votes of 31 Members of the Senate, with No Senators having voted in the negative, was finally Passed and having been signed by the President, was by the Secretary presented to the Governor for his approval.

(Senate at Ease)

The Senate called to order by the President.

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

Committee Report

House

Divided Report

The Majority Report of the Committee on Taxation on BILL, "An Act Adjusting Certain Motor Vehicle Registration Fees, Increasing Motor Fuel Taxes and Establishing a Special Fuel Tax Suppliers Law" (Emergency) (H. P. 868)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-97).

Signed:

Senators:

TWITCHELL of Oxford
TEAGUE of Somerset
WOOD of York

Representatives:

ANDREWS of Portland
CASHMAN of Old Town
DAY of Westbrook
INGRAHAM of Houlton
KANE of South Portland
KILCOYNE of Gardiner
HIGGINS of 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.

Representative:

BROWN of Bethel

Comes from the House, Indefinitely Postponed.

Which Reports were Read.

On motion by Senator Pray of Penobscot, Indefinitely Postponed, along with all accompanying papers, in concurrence.

Out of Order and Under Suspension of the

Rules, the Senate voted to consider the following:

Papers From the House

Non-concurrent Matter

BILL, "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government (Highway 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; Revising Certain Truck Size and Weight Laws; Clarifying Certain Motor Vehicle Laws and Providing for Improved Administration." (Emergency) (S. P. 365) (L. D. 1120)

In Senate, March 30, 1983, Majority Ought to Pass in New Draft Under Same Title (S. P. 454) (L. D. 1351) Report of the Committee on Transportation Read and Accepted and the New Draft Passed to be Engrossed.

Comes from the House, the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

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

(Senate at Ease)

The Senate called to order by the President.

On motion by Senator Pray of Penobscot, Recessed until the sound of the bell.

Recess

After Recess

The Senate called to order by the President.

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

Committee Report

House

Ought to Pass

The Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1983 (Emergency) (H. P. 1063) (L. D. 1386) Reported that the same Ought to Pass pursuant to Joint Order (H. P. 159).

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

Which Report was Read and Accepted, in concurrence. The Resolve Read Once.

Under Suspension of the Rules, the Resolve Read a Second Time and Passed to be Engrossed, in concurrence.

Sent forthwith to the Engrossing Department.

Enactor

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

Emergency

An Act Making Additional Appropriations, Authorizations and Allocations Relating to Federal Block Grants for the Expenditures of State Government for the Fiscal Year Ending June 30, 1983 (S. P. 432) (L. D. 1295)

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

On motion by Senator Carpenter of Aroostook, Adjourned in memory of the Honorable Roy Bither, until 9 o'clock tomorrow morning.