

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

May 16, 1983 to June 24, 1983

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August 4, 1983

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STATE OF MAINE
One Hundred and Eleventh Legislature
First Regular Session
JOURNAL OF THE SENATE
Augusta, Maine
June 1, 1983
Senate called to order by the President.

Prayer by the Honorable Samuel W. Collins Jr. of Rockland.

Senator COLLINS: Today and in the days to come let us be people of conscience; not because conscience is infallible, but because conscience is the meeting place of God and man.

Let the horizon of our minds include all men and women; the great family here on earth with us; those who have gone before and left us the heritage of their memory and of their work; and those whose lives will be shaped by what we do or leave undone. Amen.

Reading of the Journal of yesterday.

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

BILL, "An Act to Amend the Foreclosure Laws." (H. P. 1153) (L. D. 1523)

(In Senate May 24, 1983, Passed to be Engrossed as Amended by Committee Amendment "A" (H-268) in concurrence.)

(Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-268) as Amended by House Amendment "A" (H-304) thereto in non-concurrence.)

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

It is a vote.

Non-concurrent Matter

BILL, "An Act to Provide for the Development of Centralized Coordinated Planning and Evaluation Process for State Alcohol and Drug Abuse Activities." (H. P. 1276) (L. D. 1692)

(In Senate May 26, 1983 Passed to be Engrossed in concurrence.)

(Comes from the House Passed to be Engrossed as Amended by House Amendment "A" (H-308) in non-concurrence.)

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

It is a vote.

**Committee Reports
House
Divided Report**

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

Reported that the same Ought Not to Pass. Signed:

Senators:

TWITCHELL of Oxford
TEAGUE of Somerset

Representatives:

McCOLLISTER of Canton
MASTERMAN of Milo
INGRAHAM of Houlton
DAY of Westbrook
BROWN of Bethel

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass.

Signed:

Senator:

WOOD of York

Representatives:

HIGGINS of Portland
ANDREWS of Portland
CASHMAN of Old Town
KANE of South Portland
KILCOYNE of Gardiner

Comes from the House, Bill and Accompanying Papers Indefinitely Postponed.

Which Reports were Read.

On motion by Senator Wood of York, the Minority Ought to Pass Report of the Committee was Accepted, in non-concurrence.

On motion by Senator Carpenter of Aroostook, the Senate voted to Reconsider its action whereby it Accepted the Minority Ought to Pass Report of the Committee.

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

Senator MINKOWSKY: I request a Division on the pending motion.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Accepting the Minority Ought to Pass Report, please rise in their places to be counted.

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

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: I request a Roll Call.

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

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

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

The pending question before the Senate is the Acceptance of the Minority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: Mr. President, Members of the Senate, I had not intended to debate this Bill today, but obviously the sand and gravel people would love to rub some salt in some wounds, so I will debate this measure.

We have a Department of Transportation; it's not a Department of Highway; it's not a Department of Airplanes; it's not a Department of Trucks; it's a Department of Transportation, and as such, it should deal with transportation issues. When the Committee on Taxation looked at this issue we thought that this should be included, since these vehicles, buses do ride on our highways and are part of what we would include under the Department of Transportation.

It is interesting that it was only a little over a month ago when the Department needed some funds and came before our Committee that was granted those funds because there was a need. There were some on the Committee that did not think that five cents was necessary that maybe we could with four or four and a half or whatever, but I thought, why don't we give them those funds because there are other issues they should be dealing with, such as this issue. I knew in giving those funds that they would have adequate funds to deal with the problems.

I think that the people that use our highways, and if you look at buses they are much more energy efficient, they use the roads much more sparingly than other vehicles, if you have ten cars versus one bus with ten people on it that the damage done is much less great, that it's only appropriate that those funds be used for those bus systems.

What does this Bill do? It doesn't require any appropriations. It simply sends out to the voters a Constitutional question asking whether highways funds should be used for this purpose. Not that they will be used, only should they be used for this purpose? If the voters, in their wisdom, decide that they should be used then the Governor would submit a budget with these funds in it, then the Committee on Transportation would look at that request and decide whether it was appropriate or not, and finally the full Legislature would vote on it.

So, if you vote for this measure today you are

not guaranteeing anything for users of our transit systems in this State. You are simply saying that the voters should decide whether it is appropriate that Highway Funds be used for this purpose.

The Federal Government does make available Highway Funds for this purpose. These funds have to be matched. We are eligible in this State to get about five million dollars in funds. Presently, there is nothing available to match those funds. So those five million funds will leave the State unless we come up with a vehicle to match those funds. This is one such vehicle; we could go to the General Fund; we could go to a number of other sources; but the Minority of the Committee thought it was appropriate, at least, to consider using Transportation Funds to fund a transportation issue.

Our Transit Districts in the State are very small, but they're a very important link, not only in our urban areas, but in our rural areas. We are a State with a large population of senior citizens. These people no longer drive and yet they have the same needs as those that do drive. They have to get to see their doctor, their dentists; they have to do shopping; they occasionally would like to get out for a little recreation; they're only link, in many cases, is public transportation. They use the highways in that way and they should reap the benefits of that gas tax that those vehicles are paying and the gas tax that they paid over the years when they were able to drive. So it seems to me to be an appropriate way of funding a worthwhile program.

If you think this is not worthy of the voters deciding on and this is the only way we can use these funds because it is dedicated in the Constitution. Then vote against it, but if you think it would be appropriate to ask the citizens of this State whether they want to see their Highway Funds used for this, then I would urge you to Accept the Minority Ought to Pass Report.

The PRESIDENT: Is the Senate ready for the question?

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Baldacci, Brown, Carpenter, Charrette, Clark, Diamond, Dutremble, Erwin, Gill, Hayes, Kany, Najarian, Pearson, Pray, Trafton, Wood, The President-Gerard P. Conley.

NAY—Bustin, Collins, Danton, Dow, Emerson, Hichens, McBreairty, Minkowsky, Perkins, Sewall, Teague, Twitchell, Usher, Violette.

ABSENT—Redmond, Shute.

A Roll Call was had.

17 Senators having voted in the affirmative and 14 Senators in the negative, with 2 Senators being absent, the Minority Ought to Pass Report of the Committee, was Accepted, in non-concurrence.

The Resolve Read Once and Assigned for Second Reading later in today's session.

**Senate
Ought to Pass as Amended**

Senator TWITCHELL for the Committee on Local and County Government on BILL, "An Act to Clarify the Law Concerning Certain Appeals from Planning Board Decisions" (Emergency) (S. P. 503) (L. D. 1519) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-165).

Which Report was Read and Accepted. The Bill Read Once. Committee Amendment "A" (S-165) was Read and Adopted. The Bill, as Amended, Assigned for Second Reading, later in today's session.

Senator CLARK for the Committee on Business Legislation on BILL, "An Act to Clarify State Authority Regarding Higher Education

Student Loan Secondary Markets" (S. P. 585) (L. D. 1702) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-166)

Which Report was Read and Accepted. The Bill Read Once. Committee Amendment "A" (S-166) was Read and Adopted. The Bill, as Amended, Assigned for Second Reading, later in today's session.

Ought to Pass in New Draft under New Title

Senator GILL for the Committee on Health and Institutional Services on BILL, "An Act to Improve Maine's Dental Health" (S. P. 372) (L. D. 1146) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Amend the Statutes Relating to Fluoridation" (S. P. 595) (L. D. 1717)

Which Report was Read and Accepted. The Bill in New Draft under New Title Read Once.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that LD 1717 be given its Second Reading by Title Only?

It is a vote.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on Business Legislation on BILL, "An Act to Provide Equitable Mental Health Insurance" (S. P. 349) (L. D. 1023)

Reported that the same Ought Not to Pass.

Signed:

Senators:

CHARETTE of Androscoggin
SEWALL of Lincoln

Representatives:

RACINE of Biddeford
TELOW of Lewiston
MacBRIDE of Presque Isle
CONARY of Oakland
POULIOT of Lewiston

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass in New Draft under same title (S. P. 596) (L. D. 1718)

Signed:

Senator:

CLARK of Cumberland

Representatives:

MARTIN of Van Buren
MURRAY of Bangor
PERKINS of Brooksville
STEVENS of Bangor
BRANNIGAN of Portland

Which Reports were Read.

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

Senator CHARETTE: I move the Majority Ought Not to Pass Report.

The PRESIDENT: The Senator from Androscoggin, Senator Charette moves that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you, Mr. President. Mr. President, Men and Women of the Senate, we have before us today the first, actually, of what we call the three mandated bills, and while it is not a top priority for me on this beautiful spring morning, to stand and debate the issue before us hoping that the prevailing motion will not pass. It's important that perhaps, ever so briefly, I share with you a little bit of Legislative history. In an earlier decade, in the seventies, it was fashionable and acceptable and it did take ten years to expand the coverage that is provided by Maine Health Insurers on an optional basis for the citizens of this State, and the Legislature acted on that; sometimes reluctantly; sometimes negatively; but eventually consistently and positively, providing optional coverage. Those were the days or the decade of optional coverage and

the Legislature took a baby step forward. It is now the decade of the eighties and that which was optionally covered by Maine Health Insurers is before us in a series of three bills, this being the first before this Body, on what is called "mandated coverage".

L.D. 1023 in the Minority Report Ought to Pass, and L.D. 1718 New Draft, is a Bill which has been contained in large measure from the original Bill; it has been contained to control costs; it has been contained to, in fact, embrace the concept that mandated coverage in the area of mental health is timely, is appropriate, and should be dealt with by the Legislature in more than a piecemeal fashion. More than the fashion which has been the history in the last four years, and that is, to put the issue out to study, the result of which was to mandate optional coverage.

Mental illness is currently discriminated against in the State of Maine that's not an item of which we can be most proud, because it's there and always has been and always will be. It's not something that we can set aside, or that we can any longer put behind bars, or shuttle off to institutions. Mental illness is here and it's appropriate and timely that this Bill, L.D. 1718, in New Draft be, also, here.

If you look at the New Draft, (and perhaps you'd like to) it provides that Health Insurance Policies in this State for groups will include coverage for mental health services, that's all it does. I'm sure that you, as I, have been the recipient of many letters from an organized campaign in opposition to this Bill; but interestingly enough those letters have been balanced by supporters of the Bill. I am proud to have been part of the coalition, if you will, of sponsors on this piece of legislation, which I guess is why it is before us before going to the other House.

It's no longer appropriate to shut aside or shuttle aside an issue of Health Insurance Coverage and exclude mental illness, because in the decade of the eighties when we have come of age, so to speak, mental illness is not separate and distinct from total health care. That's the basis and the philosophy that I would share with you this morning as I oppose the pending motion and support the New Draft of the Legislation.

I have long been of the opinion that mental health care should be part of the mainstream of health care and financed by a broader segment of the economy than just the tax sector, supported by the tax dollars of our State. Indeed, at the encouragement, if not the insistence of communities, State Mental Health authorities and Federal funding sources, those in the community mental health areas and the mental health areas and parents of mentally ill people and spouses of people who have experienced mental illness have formed a coalition and have successfully strived and experienced an expansion of their basis of funding in the past several years.

The basis of funding has always been State and Federal Tax dollars. State dollars are not expected to subsidize general health care, if people who have health insurance or who have sufficient resources to purchase that health care are able to do so. Neither for the same reason should tax dollars any more logically subsidize mental health illnesses, any more than, well let's say, private insurers would subsidize care of what is considered today under the insurers guise of total health care, those things which affect only the body, but not the mind and emotional disorders.

If mental health treatment is to be considered an intricate part of what we perceive to be general and total health care, indeed, mental health coverage as provided by our major health care insurers should be a full participant in the funding mechanisms which support the total health care system. It really is as simple as that.

I do not stand before you and attempt to de-

clude you that there are not some inherent costs in this piece of Legislation, but the philosophy of holistic health care is timely. It is being embraced by the entire mental health and what is called "traditional health care community." It is appropriate that this Legislature deal with it. I am not that optimistic that I think that this is going to reach Final Enactment Stage without a struggle. If indeed it survives acceptance of the reports in either Chamber, but I can't help but think that it is an issue whose time has come.

I would ask you, this morning, to defeat the pending motion so that we may accept the Ought to Pass, in New Draft, Report that is reflected in the Minority Report, indeed and I am proud to refer to it, a small Minority Report, small by only a few numbers. Thank you, Mr. President.

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

Senator CHARETTE: Thank you, Mr. President, Women and Men of the Senate, you have heard an eloquent speech here, represent the Minority. I will try to do my best representing the Majority on this issue.

Although I agree with the proponents of L.D. 1718, in New Draft, equitable mental health insurance is a very serious problem in Maine. However, I do not believe that L.D. 1718 is a solution to that problem. This Bill mandates a special benefit must be included in all health insurance policies. Employers will have to purchase this benefit if they wish to provide health benefits for their employees. If we enact L.D. 1718 we will create more problems than we will solve. The costs to employers of providing this health insurance benefit will increase substantially. Blue Cross/Blue Shield of Maine estimates the total costs to all their subscribers will be 7.1 million dollars. In the past few years most employers have been receiving premium increases for health insurance of 20% and 30%. These spiralling costs have occurred with no increase in benefits. To now require the same policyholders to bear an additional increase in costs for mandatory mental health coverage seems to be particularly burdensome.

An employer has a choice of accepting the high costs, opting to self-insure or deciding not to offer any benefit package at all. It does not make sense for the State to force this decision on our employers. Through them we insure that most Maine citizens have access to quality health care. We should not risk losing these health benefits for our people due to the unacceptable high costs of mandatory benefits. Most insurance companies who do business in Maine offer coverage for mental health already.

I would support this Bill if it were optional but not mandated. If a company decides to buy this kind of coverage, it's readily available to them. The choice of benefits should remain with management and their employees. The selection of benefits should remain with management and their employees. This selection of benefits should not be imposed upon them by the State.

In correspondence provided the Committee by Blue Cross and Blue Shield; mental health as a base to the State contribution, only, the State alone would be five hundred and sixty thousand dollars and in employees contributions it would be two hundred and twenty-one thousand dollars. We're talking only now of only one group insurance. Blue Cross and Blue Shield presently serves half of the group insurance in the State of Maine.

As I've pointed out and perhaps I'll give you some breakdowns here for individuals, through companies having group insurance, this would amount to 1.5 million; family policies 5.3 million; other two hundred and eight thousand dollars, for a total of seven million one hundred and fifty-four thousand dollars.

I believe in this One Hundred and Eleventh we have mandated enough, and I think it's

time we make things a little bit more optional. Thank you.

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

Senator GILL: Men and Women of the Senate, this particular Bill has been talked about by Senator Clark, particularly, as she went through the historical part of it. I want to carry back a little further than she did. Way back in the nineteen forties when a lot of inpatient hospital problems were not covered by insurance and the only way people were allowed to have coverage was if they paid for it themselves. If they went into a hospital and required a service, they would have to pay out-of-pocket for that service. Through the years because of the need for particular services being performed and the fact that people just didn't have the in-pocket money, not only Blue Cross was developed to take care of that cash flow, but other insurance companies came on the scene and provided insurance coverage for many things.

As time goes on we learn that there are many problems that should be insured and it's a growth that's taking place, it's a realization that has taken place. The risk is spread, insurance is just that, it's spreading the risk through a great number of people. At this point in time, those people who have problems with mental health coverage, there are optional plans available and the State does contribute quite a bit to the treatment of mental illness. What we're trying to do here is spread the costs among a lot of people so a few aren't taking care of it; namely, the State and those who are really suffering from the problem.

It is just a natural progression of things the insurance business is that. As the needs are more than they are met by insurance coverage. As we look at this, it's just that natural growth in looking at the whole picture. I think it's necessary now. There are many people who are in need of those services and this is the way to handle it at the least cost to the number of people, so I think that we should look at this Bill and pass it.

The PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: Thank you, Mr. President and Members of the Senate, I'd like to address only one aspect of this Bill and that is its impact on small business.

After all, over 60% of our businesses in the State of Maine have four or fewer employees. I happen to own one of those businesses myself and I'd like to explain to you why I'm against this mandating of benefits. In my business where we insure under the Long-Shoremen's whole deal which sometimes is more stringent than what we have to do in the State. I like to provide of course in a small business I don't have to provide any cover at all—understand you don't have to do it, and we're talking about 60% of Maine business, we don't have to offer any benefits whatsoever—but I want to, of course, for my employees. Therefore, I want to take care of them in the places where I believe they would be hurt the most. I want to be able to carry high liability. I want to be able to carry extra coverage for them should they lose their position, and I have to hire someone else in that time.

The minute you mandate the mental health coverage for my three employees, who probably should have their mental health checked for working for me, but once you mandate that kind of a benefit, you're suddenly saying, "out of the money that I've saved for my insurance, you must pay for this benefit, you must pay for that. So, the things that I would like to have I'm not going to be able to afford to, because I'm going to be paying the coverage for mandated programs for mental health. Therefore, it's going to come out of the benefits, that I'd like to be securing for those people. So if they are injured, I've got higher medical coverage for them, I have better benefits for them. That's

the idea of the whole thing. This way, I've no choice because I have just so much for my profit structure to pay for insurance and when it is mandated to go to other programs I can't provide the best coverage for my employees. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Androscoggin, Senator Charette to Accept the Majority Ought Not to Pass Report of the Committee, please rise in their places to be counted.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Charette. Senator CHARETTE: I request a Roll Call.

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

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

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

The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Charette that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

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

Senator DIAMOND: Mr. President, Ladies and Gentlemen of the Senate, I'd like to pose a question, if I could, through the Chair.

Under the four year sunset of this legislation, if a small business person, or any business person is mandated to have this mental health insurance for the next four years and that then becomes in place, what then happens at the termination of that four years?

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

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President, I would attempt to respond to the question as tendered by the Senator from Cumberland, Senator Diamond.

This measure, in New Draft, L.D. 1718 has indeed a four year sunset provision and the reason for that is incorporated in the testimony as reflected by two members of the Committee on Business Legislation who signed the Majority Ought Not to Pass Report in a 7-6 split of the Committee, and that is, the issue of costs and mandation. It is the consensus of all of those who were involved in the New Draft, as well as, the people who testified before and after, that the issue of costs is perhaps the most soft of the issues that were discussed and debated at multiple, multiple, multiple work sessions on this Bill. You see, it has always been the point of contention between mandation and optional issues that the costs factor is the overriding one that swings people on to an Ought Not or Ought to Pass Report. It is because we have the four year sunset that, number one, the issue of mandation would cease if the Legislature did not address it positively, so it again would be a Legislative issue in four years. It, also, provides a specific time period. If you look at the Statement of Fact, you'll also know that it's not only a mandation period of four years, but there is the requirement there that insurers who historically, traditionally, consistently, continually, and always wave the flag of traditional costs, additional costs of mandations, report their experience so that experience can be weighed and reviewed by the Legislature, because it is the experience in other states who have mandated equitable mental health coverage, that in fact the costs go up almost less than 10% of that which is

suggested.

You see, the issue is not today, whether we are going to have an optional coverage because those riders are already optional, by all the health care provided in the State. The issue is, "are we going to cease the discriminatory treatment of mental health coverage?" So, in order to contain the issue the Committee on Business Legislation mandated that benefits, mandated benefits would cease at the end of four years, if the experience was that extreme as suggested by the opponents to the measure. All of the proponents to the measure, and all of the studies, and all of the experience of the twelve states that have mandated coverage would suggest that our experience here in Maine, under mandated coverage for mental health would be considerably less costly than that which is contended by my good colleagues on the Committee on Business Legislation. That, in fact, the experience that would be reported by the health care insurers would support that contention.

I just think that it's appropriate here, and I would quote a statement by one father who had had mental health experience or mental health problems in his family, particularly poignant testimony before the Committee, and he said, "it's not the bad people doing things that hurts; it's the good people doing nothing." I think that it's the good people whose hearts are in the right direction, who have examined the issue and who look at it beyond the cost issue which is questionable.

Look at the redraft of the Bill which is contained with a four year sunset and a mandated, if you will, new concept that the insurers will be required to report their experience. Thus, justifying and/or supporting their contention that cost is a factor on which we should defeat equitable mental health coverage for citizens of our State.

I would urge that we do not support the pending motion in the Roll Call.

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

Senator CHARETTE: Thank you, Mr. President. Obviously, as Senator Clark mentioned, also, in her earlier statement is that this is only one of the other measures coming to this Body. Again, we still must consider the high-rising costs of health insurance, which I pointed out was anywhere from 20% to 30%, and now in addition, we're going to add health base insurance, dealing with mental health, who knows drug and alcohol abuse, and the next thing is going to be dental and we're going to go on and on.

I would just like to share a few lines here from one of my constituents, one of the larger businesses in Maine, "it is my feeling that Government intervention in matters like this can and will lead to improper and inefficient allocation of business resources. Every business has a finite amount of dollars available to pay for wages and benefits; it should be decided at the company level between management and employees how to allocate those given resources in accordance to the firm's ability to pay and the particular needs of its employees. While it is laudable to offer insurance coverage for alcohol mental health problems," he's addressing both problems here in this letter. "One realistically knows that money spent on increased insurance benefit levels at a time when those costs are rising much more rapidly than prices as a whole, means that there necessarily will be fewer resources in the pot for wage increases, or increases in other types of benefits," and that is the issue. Wage increases and other types of benefits, and I think the employer should have that choice.

The PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: Thank you, Mr. President and Members of the Senate, suppose you were looking at your employees and you decided that you had a little more money to spend on

health care this year and what they really wanted was dental health care; they wanted coverage for their dental problems and maybe for their families in that; but since you have other benefits mandated, you're going to have to pay for mental health and you couldn't give them the dental because there wasn't enough money.

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

Senator PEARSON: Mr. President, Men and Women of the Senate, I hope that everybody was listening to Senator Sewall, because I think that she made a very good point.

If your employees want dental care which seems to be the wave that's sweeping through business right now. Most everybody is bargaining for dental care, and you have "X" number of dollars to allocate towards health care benefits that probably, in many instances, preclude the ability of that particular business to do that. I just kind of wonder about this whole situation, because I do believe that the health care should be provided for everybody; but I do think that your level of benefits should be one that's bargained and that you sit down at the table and you deal with your employer, and if it is mental health care rider on your bill that you wish, then that's fine, but if it is dental then you should have that option too, and not be mandated.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Charette that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of Accepting the Majority Ought Not to Pass Report of the Committee.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Charette, Danton, Diamond, Dow, Emerson, Erwin, Hichens, McBreaity, Pearson, Sewall, Shute, Teague, Trafton, Twitchell, Usher, Violette.

NAY—Baldacci, Brown, Bustin, Carpenter, Clark, Collins, Dutremble, Gill, Hayes, Kany, Minkowsky, Najarian, Perkins, Pray, Wood, The President-Gerard P. Conley.

ABSENT—Redmond.

A Roll Call was had.

16 Senators having voted in the affirmative and 16 Senators in the negative, with 1 Senator being absent, the motion to Accept the Majority Ought Not to Pass Report of the Committee, Failed.

The PRESIDENT: Is it now the pleasure of the Senate to Accept the Minority Ought to Pass, in New Draft, Report of the Committee?

The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Accepting the Minority Ought to Pass, in New Draft, 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.

16 Senators having voted in the affirmative, and 16 Senators having voted in the negative, the motion to Accept the Minority Ought to Pass, in New Draft, Report of the Committee, Failed.

On motion by Senator Pray of Penobscot, Tabled until later in today's session, pending Further Consideration.

Divided Report

The Majority of the Committee on Judiciary on BILL, "An Act to Prevent Unjust Enrichment by Retention by Surplus Upon Foreclosure of Municipalities and Sewer Districts" (S. P. 485) (L. D. 1479)

Reported that the same Ought Not to Pass.

Signed:

Senator:

COLLINS of Knox

Representatives:

FOSTER of Ellsworth

SOULE of Westport

LIVESAY of Brunswick

DRINKWATER of Belfast

REEVES of Newport

HAYDEN of Durham

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass in New Draft under same title (S. P. 597) (L. D. 1719)

Signed:

Sensors:

VIOLETTE of Aroostook

TRAFTON of Androscoggin

Representatives:

JOYCE of Portland

HOBBS of Saco

BENOIT of South Portland

CARRIER of Westbrook

Which Reports were Read.

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

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

The PRESIDENT: The Senator from Androscoggin, Senator Trafton moves the Senate Accepts the Minority Ought to Pass, in New Draft, Report of the Committee.

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

Enactors

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

An Act to Amend the Licensing Provisions of the Maine Insurance Code and to Require Filing Fees for Fraternal Benefit Organizations. (H. P. 1242) (L. D. 1654)

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

An Act to Insure State Enforcement of Equal Opportunity in State-supported Educational Programs. (H. P. 1241) (L. D. 1653)

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

Orders of the Day

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

BILL, "An Act to Amend Various Provisions of the Maine Criminal Code" (H. P. 1035) (L. D. 1360)

Tabled—May 27, 1983 by Senator CARPENTER of Aroostook.

Pending—Motion of Senator NAJARIAN of Cumberland to Reconsider Passage to be Engrossed.

(In House May 23, 1983, Passed to be Engrossed as Amended by Committee Amendment by Committee Amendment "A" (H-275).)

(In Senate May 23, 1983 Passed to be Engrossed as Amended by Committee Amendment "A" (H-275) in concurrence.)

On motion by Senator Trafton of Androscoggin, the Senate voted to Reconsider its action whereby LD 1360 was Passed to be Engrossed.

On motion by Senator Trafton of Androscoggin, the Senate voted to Reconsider its action whereby it Adopted Committee Amendment "A".

The PRESIDENT: The Senator has the floor. Senator TRAFTON: I offer Senate Amendment "A" (S-147) to Committee Amendment "A" and move its Adoption.

The PRESIDENT: The Senator from Andros-

coggin, Senator Trafton offers Senate Amendment "A" (S-147) to Committee Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-147) to Committee Amendment "A" was Read and Adopted.

Committee Amendment "A" as amended by Senate Amendment "A" thereto was Adopted, in non-concurrence.

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

Sent down for concurrence.

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

BILL, "An Act to Create Boothbay Region Waterfowl Sanctuary" (H. P. 713) (L. D. 904)

Tabled—May 27, 1983 by Senator PRAY of Penobscot.

Pending—Passage to be Engrossed.

(In House May 24, 1983 Passed to be Engrossed as Amended by Committee Amendment "A" (H-284).)

On motion by Senator Pray of Penobscot, Tabled until later in today's session.

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

SENATE REPORTS—from the Committee on Agriculture on BILL, "An Act to Improve the Functioning of the Maine Milk Commission" (S. P. 133) (L. D. 426)

Majority Report—Ought to Pass.

Minority Report—Ought Not to Pass.

Tabled—May 31, 1983 by Senator CARPENTER of Aroostook.

Pending—Acceptance of Either Report.

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

Senator ERWIN: Mr. President, Ladies and Gentlemen of the Senate, I move that this Bill and all its Accompanying Papers be Indefinitely Postponed. I request permission to speak.

The PRESIDENT: The Senator has the floor and may speak to his motion.

Senator ERWIN: I'm sure that each and every one of us in this Chamber are fully aware of the many, many problems that the Milk Commission and the milk industry has had over the years and still has. I don't consider myself an expert nor do I stand here, trying to present myself as an expert. So, I have to rely on people who I consider are.

When this Bill was heard the Governor's Office and the people from the Department of Agriculture spoke against this Bill. During all of my hearings these two groups spoke against the Bill. It has been brought out that there is a very good possibility this Bill has been put in to aid one dairy in the State of Maine and putting the whole Milk Commission and milk industry on, perhaps on even shakier ground than it is right now.

So the question that I have to decide, and you Ladies and Gentlemen of the Senate have to decide, is in our attempt to help one dairy, should we, perhaps, jeopardize the dairy industry in the State of Maine?

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, first of all, this is my Bill. Second of all, this is not put in to help one dairy in the State of Maine. I certainly understand why the people who have been working in the halls opposing the Bill would say that because that probably would make it a much more attractive issue to kill.

Presently, the Maine Milk Commission is mandated by statute to find the best theoretical cost, the lowest theoretical cost at which a Maine dairy can receive process and distribute milk. That's what I refer to as kind of a mushy formula of theory, makes it difficult not impossible, but difficult given the staffing of the Commission and other factors there is a large dairy interest in the State of Maine; not in the State actually, but operating from without,

operating within the State of Maine who has seen fit to keep the Maine Milk Commission tied up in court for some period of time. They were able to overthrow one Milk Commission hearing, price order, I'm sorry, about two years ago now and brought chaos to the milk market.

This Bill is an attempt to give the Milk Commission a formula with which it can work. It's an attempt to say, take these figures, take the lowest cost, the cost of the lowest four dairies in the State of Maine and use that as your basis from which to work. That is in all honesty what this Bill attempts to do.

The Milk Commission did survive a referendum last year, and I've heard it said in the hallway that, "no one in the State of Maine when they voted to save the Milk Commission, voted to raise the price of milk." I would accept that as a fairly strong presumption, but, when the people voted, I think knowingly, to keep an entity in existence with the sole and exclusive power of lowering or raising the price of milk. The raising of the price of milk had to have been a distinct possibility in the minds of the people when they voted.

I don't know, nor does anyone in this Chamber, or that hallway know what an Enactment of this Bill would do to the price of milk. Theory says that it might increase the price of milk, as high as, and I underline the words **as high as** eleven cents a gallon, cause a reduction in the price of low-fat, a corresponding amount. It might mean a two cent increase; it might mean a four cent increase; it might mean no increase.

I don't know, but this was an honest attempt that I committed myself to last year when I worked in the referendum committee to try to make the Commission, if it survived the referendum, work keep it out of court, as much as possible. There's no way in the world you can make any statute court-proof nor do we want to, people should always have the recourse to take their problems to the courts. But this is an attempt to make the mandate of the Milk Commission as clear and as firm as possible, and to get away from what I, again, refer to as the mushy formula of theory, which is in the law simply to encourage dairies to be more, and more, and more efficient. That's the reason for this Bill.

I would ask you to oppose the motion by the good Senator from Oxford, this morning Senator Erwin has studied the issue and the Commission has spent a great deal of time on the issue. There is a great deal of division. As the sponsor of the Bill, I felt that I had to stand here this morning and tell you that I didn't put this Bill in for to help or give an advantage to any one dairy, and I hope that no one votes here this morning against me, thinking it was put in for that reason. Thank you.

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

Senator HICHENS: Mr. President and Members of the Senate, I will support the motion by the good Senator from Oxford, Senator Erwin. I signed the Ought Not to Pass Report of the Committee.

As the good Senator from Aroostook has stated, the people from Maine, even though by a slight majority last year, supported retention of the Maine Milk Commission and then we had a great influx of bills presented to the Committee on Agriculture this year; more bills regarding milk and the Milk Commission then I've ever seen as a member of that Committee which has gone back over the past twelve years.

I do not think that the people when they voted that, felt that we should come out with all of these bills which might improve or strengthen the Milk Commission in the State. I've been upset because of all the bills that have come out: one a public advocate, this Bill we're discussing today; one on labelling and then the Milk Pool Bill and so forth. I think, as I expressed in the Committee several times, that

we should let the thing rest for a little while and see how things work out rather than stir up the waters after the vote was taken last November.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Oxford, Senator Erwin that L. D. 426 and all its Accompanying Papers be Indefinitely Postponed, please rise in their places to be counted.

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

22 Senators having voted in the affirmative, and 8 Senators having voted in the negative, the motion to Indefinitely Postpone L. D. 426, Prevailed.

Sent down for concurrence.

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

SENATE REPORTS—from the Committee on Legal Affairs on BILL, "An Act to Provide for Licensing of Bottle Clubs" (S. P. 509) (L. D. 1535)

Majority Report—Ought to Pass in New Draft under New Title, BILL, "An Act to Provide for Local Option Voting on Bottle Clubs" (S. P. 584) (L. D. 1694)

Minority Report—Ought to Pass as Amended by Committee Amendment "A" (S-155)

Tabled—May 31, 1983 by Senator CARPENTER of Aroostook.

Pending—The motion of Senator CHARRETTE of Androscoggin to Accept the Majority Report

(Roll Call Ordered)

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Charette that the Senate Accept the Majority Ought to Pass, in New Draft under New Title, Report of the Committee.

A Yes vote will be in favor of Accepting the Majority Ought to Pass, in New Draft under New Title, Report of the Committee.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Baldacci, Brown, Bustin, Carpenter, Charette, Clark, Danton, Dutremble, Erwin, McBreairey, Minkowsky, Najarian, Pearson, Perkins, Pray, Sewall, Trafton, Usher, Violette, Wood.

NAY—Collins, Dow, Emerson, Gill, Hayes, Hichens, Kany, Shute, Teague, Twitchell, The President—Gerard P. Conley.

ABSENT—Diamond, Redmond.

A Roll Call was had.

20 Senators having voted in the affirmative and 11 Senators in the negative, with 2 Senators being absent, the motion to Accept the Majority Ought to Pass, in New Draft under New Title, Report, Prevailed.

The Bill, in New Draft under New Title, Read Once and Assigned for Second Reading later in today's session.

(Off Record Remarks)

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

Senator BALDACCI: Thank you, Mr. President, Members of the Senate, just a note on yesterday's baseball game where the University of Maine, and I know that many of us feel the same way and I am probably speaking for most of the Members of the Senate, but where they beat Harvard four to three and have a berth in the NCAA play-offs. You know it is interesting to listen to the top twenty-five teams that were selected, Maine wasn't one of them three weeks ago. Now the University of Maine at Orono is going to be one of the top eight teams in the country, you know it sort of feels like the under-dog is coming through and I am

sure that all of us at one time or another have been under-dogs and it is so nice to see the State of Maine, and the University of Maine at Orono come through and we all wish them luck. Mr. President.

(Off Record Remarks)

Senate at Ease

The Senate called to order by the President.

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

(Off Record Remarks)

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

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

On motion by Senator Carpenter of Aroostook, Recessed until 4 o'clock this afternoon.

Recess

After Recess

The Senate called to order by the President.

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

Papers From the House Non-concurrent Matter

BILL, "An Act Concerning the Stopping of Trucks at Roadside Weighing Points" (H. P. 1094) (L. D. 1440)

(In Senate May 26, 1983, Passed to be Engrossed as Amended by Committee Amendment "A" (H-288) in concurrence.)

(Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-288) and House Amendment "B" (H-310) in non-concurrence.)

On motion by Senator Pray of Penobscot, Tabled until later in today's session, pending Further Consideration.

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:

RESOLVE, Concerning Retirement Allowance for Hester G. Brown and Ruth M. Hanna (H. P. 1162) (L. D. 1541)

Leave to Withdraw

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

BILL, "An Act to Provide a Veteran's Bonus to Viet Nam Veterans" (H. P. 1076)(L. D. 1423)

Ought to Pass as Amended

The Committee on Education on BILL, "An Act to Reform the School Finance Act" (H. P. 1197) (L. D. 1588) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-312)

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-312).

Which Report was Read and Accepted, in concurrence.

The Bill Read Once.

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

The Bill, as amended, Tomorrow Assigned

for Second Reading.

Ought to Pass in New Draft under New Title

The Committee on Energy and Natural Resources on BILL, "An Act to Ban Clear Cutting Within the Allagash Wilderness Waterway" (H. P. 312) (L. D. 371) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Identify Areas Requiring Further Protection Within the Allagash Wilderness Waterway" (H. P. 1296) (L. D. 1720)

Comes from the House with the Report Read and Accepted and the New Draft under New Title Passed to be Engrossed.

Which Report was Read.

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

Senator PRAY: Mr. President, Ladies and Gentlemen of the Senate, just quickly looking over 1720 I have some concerns that I would like to express at this time.

As the Chairman of the Legislative Council, we had a Council meeting today and one of the orders of that business was to consider the study order for the various committees.

There is a procedure that has been established in the past, by which various committees that want to study a subject matter can come before the Council for approval of that study. If the Council votes against a study it then can introduce an order to the Legislature to allow that committee to study that subject matter.

LD 1720, a redraft of LD 371 which was originally, "An Act to Prohibit Clear Cutting in the Allagash Wilderness Waterway" is now LD 1720 a study by the Joint Standing Committee on Energy and Natural Resources to study timber harvesting within the Allagash Waterway. I believe that that circumvents the normal procedure which we have of assigning a study to a committee, and if that is the intent of this Bill it would be my intention unless other evidence is presented to move the Indefinite Postponement of it.

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

Senator KANY: Mr. President and Members of the Senate, certainly it is not the intent of our Committee to circumvent any process and with your approval of our study, I am certain that we would be happy to entertain such a motion, in fact, I'd be even pleased to make that motion myself if you have indeed approved out study.

The PRESIDENT: The Senator will address the Chair when she is making her remarks.

Senator KANY: Surely, Mr. President. I move Indefinite Postponement of this Bill.

On motion by Senator Kany of Kennebec LD 1720 was Indefinitely Postponed, in non-concurrence.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Taxation on, BILL, "An Act to Amend the Law Relating to Tax Increment Financing" (H. P. 1039) (L. D. 1364)

Reported that the same Ought to Pass.

Signed:

Senators:

TWITCHELL of Oxford
TEAGUE of Somerset

Representatives:

CASHMAN of Old Town
DAY of Westbrook
BROWN of Bethel
INGRAHAM of Houlton
MASTERMAN of Milo

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

Signed:

Senator:

WOOD of York

Representatives:

HIGGINS of Portland

ANDREWS of Portland
KILCOYNE of Gardiner
KANE of South Portland
McCOLLISTER of Canton

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

Which Reports were Read.

On motion by Senator Twitchell of Oxford the Majority Ought to Pass Report of the Committee was Accepted, in concurrence.

The Bill Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Business Legislation on BILL, "An Act to Provide Equitable Health Care for Alcoholism and Drug Dependency Treatment" (H. P. 623) (L. D. 775)

Reported that the same Ought Not to Pass.

Signed:

Senators:

CHARETTE of Androscoggin
SEWALL of Lincoln

Representatives:

TELOW of Lewiston
POULIOT of Lewiston
CONARY of Oakland
MacBRIDE of Presque Isle
RACINE of Biddeford

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass in New Draft under same title (H. P. 1293) (L. D. 1714)

Signed:

Senator:

CLARK of Cumberland

Representatives:

BRANNIGAN of Portland
PERKINS of Brooksville
MARTIN of Van Buren
MURRAY of Bangor
STEVENS of Bangor

Comes from the House with the Majority Report Read and Accepted.

Which Reports were Read.

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

Senator CHARETTE: Mr. President, I move that the Senate Accept the Majority Ought Not to Pass Report.

The PRESIDENT: The Senator from Androscoggin, Senator Charette moves that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

On motion by Senator Carpenter of Aroostook, Tabled for 1 Legislative Day, pending the motion by the Senator from Androscoggin, Senator Charette.

Divided Report

The Majority of the Committee on Agriculture on BILL, "An Act to Address the State's Responsibility Under the Potato Industry's Long-Range Plan" (H. P. 1170) (L. D. 1558)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-305)

Signed:

Senators:

ERWIN of Oxford
WOOD of York
HICHENS of York

Representatives:

LOCKE of Sebec
PARENT of Benton
STOVER of West Bath
ANDERSON of Stockholm
CROUSE of Washburn
MICHAEL of Auburn
SHERBURNE of Dexter
SMITH of Island Falls

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

Signed:

Representative:

McCOLLISTER of Canton

Comes from the House with the Majority Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-305)

Which Reports were Read and the Majority Ought to Pass, as amended, Report of the Committee was Accepted, in concurrence.

The Bill Read Once.

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

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

Divided Report

The Majority of the Committee on Judiciary on BILL, "An Act Relating to Meritorious Good Time" (H. P. 978) (L. D. 1279)

Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act Concerning the Calculation of Periods of Imprisonment" (H. P. 1295) (L. D. 1716)

Signed:

Senators:

TRAFTON of Androscoggin
VIOLETTE of Aroostook
COLLINS of Knox

Representatives:

LIVESAY of Brunswick
JOYCE of Portland
SOULE of Westport
HOBBINS of Saco
BENOIT of South Portland
DRINKWATER of Belfast
FOSTER of Ellsworth
HAYDEN of Durham

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

Signed:

Representatives:

CARRIER of Westbrook
REEVES of Newport

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

Which Reports were Read.

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

Senator TRAFTON: Mr. President, I move that the Senate Accept the Majority Ought to Pass Report.

The PRESIDENT: The Senator from Androscoggin, Senator Trafton, moves that the Senate Accept the Majority Ought to Pass in New Draft under New Title Report of the Committee.

The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Mr. President, I would like to request a Roll Call on this and, also, ask one question of anybody who cares to answer.

Does this mean good time off for any crime committed?

The PRESIDENT: The Senator from York, Senator Dutremble has posed a question through the Chair to any Member of the Judiciary Committee who may respond if they so desire.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: To answer the good Senator's question, No, this Bill does not provide an across the board good time for any person who commits a crime. I think the Bill properly states that this is an increased amount of meritorious good time. This is not a parole bill. This is a bill which provides an incentive for people within our correctional facilities to participate in programs within the institutions to conform to standards of behavior and work programs.

In fact this Bill is an important tool and it stems from the Governor's Office and from the Department of Corrections as an attempt to address a major problem that we now face in our State, and that is one of overcrowding within our Correctional Facilities. This Bill,

although it does not serve as a parole bill, it does have the affect of decreasing overcrowding within our Correctional Institutions.

I think that it is an important tool and as I said it rewards those inmates who conform to behavioral standards. I strongly urge Members of the Senate to support this Bill today. Thank you.

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

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

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

The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Trafton to Accept the Majority Ought to Pass, in New Draft under New Title Report of the Committee.

A Yes vote will be in favor of Accepting the Majority Ought to Pass Report.

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, Emerson, Erwin, Gill, Hayes, McBreairty, Najarian, Pearson, Perkins, Pray, Sewall, Trafton, Usher, Violette, Wood, The President-Gerard P. Conley.

NAY—Dutremble, Hichens, Minkowsky, Shute, Twitchell.

ABSENT—Kany, Redmond, Teague.

A Roll Call was had.

25 Senators having voted in the affirmative and 5 Senators in the negative, with 3 Senators being absent, the motion to Accept the Majority Ought to Pass in New Draft under New Title Report, in concurrence, Prevailed.

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

Divided Report

The Majority of the Committee on Taxation on BILL, "An Act to Permit any Municipality with a License Ordinance to Deny a License to any Corporation, Company, Firm or Individual who is Delinquent in Paying any Personal Tax" (H. P. 939) (L. D. 1222)

Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Permit any Municipality with a License Ordinance to Deny a License to any Person who is Delinquent in Paying Personal Property Taxes" (Emergency) (H. P. 1291) (L. D. 1711)

Signed:

Senators:

WOOD of York
TEAGUE of Somerset

Representatives:

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

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

Signed:

Senator:

TWITCHELL of Oxford

Representative:

McCOLLISTER of Canton

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

Which Reports were Read.

The PRESIDENT: The Chair recognizes the

Senator from York, Senator Wood.

Senator WOOD: Mr. President, I move that the Senate Accept the Majority Ought to Pass Report.

The PRESIDENT: The Senator from York, Senator Wood moves that the Senate Accept the Majority Ought to Pass in New Draft under New Title Report of the Committee.

The Chair recognizes the Senator from Oxford, Senator Twitchell.

Senator TWITCHELL: I move we Accept the Ought Not to Pass Report.

The PRESIDENT: The Chair would announce to the Senate that the motion before the Senate is the motion by the Senator from York, Senator Wood, that the Senate Accept the Majority Ought to Pass Report of the Committee.

Senator TWITCHELL: I ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Accepting the Majority Ought to Pass in New Draft under New Title 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.

17 Senators having voted in the affirmative, and 12 Senators having voted in the negative, the motion to Accept the Majority Ought to Pass, in New Draft under New Title, Report of the Committee in concurrence, Prevailed.

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

Second Readers

House

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

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

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

Senate

BILL, "An Act to Provide for Local Option Voting on Bottle Clubs" (S. P. 584) (L. D. 1694)

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

Sent down for concurrence.

Senate — As Amended

BILL, "An Act to Clarify the Law Concerning Certain Appeals from Planning Board Decisions" (Emergency) (S. P. 503) (L. D. 1519)

BILL, "An Act to Clarify State Authority Regarding Higher Education Student Loan Secondary Markets" (Emergency) (S. P. 585) (L. D. 1702)

Which were Read a Second Time and Passed to be Engrossed, as amended.

Sent down for concurrence.

Enactor

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

An Act to Revise the Truancy Laws. (H. P. 877) (L. D. 1131)

On motion by Senator Pray of Penobscot, Tabled for 2 Legislative Days, pending Enactment.

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

Committee Reports

Senate

Ought to Pass as Amended

Senator NAJARIAN for the Committee on Appropriations and Financial Affairs on BILL, "An Act to Make Additional Allocations from the Public Utilities Commission Regulatory Fund, for the Fiscal Years Ending June 30,

1984, and June 30, 1985" (Emergency) (S. P. 433) (L. D. 1345) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-167)

Which Report was Read and Accepted.

The Bill Read Once.

Committee Amendment "A" (S-167) was Read and Adopted.

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

Senate at Ease

The Senate called to order by the President.

Orders of the Day

The President laid before the Senate:

SENATE REPORTS—from the Committee on Business Legislation on BILL, "An Act to Provide Equitable Mental Health Insurance" (S. P. 349) (L. D. 1023)

Majority Report—Ought Not to Pass.

Minority Report—Ought to Pass in New Draft under same title (S. P. 596) (L. D. 1718)

Tabled—June 1, 1983 by Senator PRAY of Penobscot.

Pending—Further Consideration.

(In Senate June 1, 1983, motion to accept the Majority Report failed. Subsequently, motion to accept the Minority Report failed.)

On motion by Senator Pray of Penobscot, Retabled for 1 Legislative Day.

The President laid before the Senate:

BILL, "An Act to Create Boothbay Region Waterfowl Sanctuary" (H. P. 713) (L. D. 904)

Tabled—June 1, 1983 by Senator PRAY of Penobscot.

Pending—Passage to be Engrossed.

(In House May 24, 1983 Passed to be Engrossed as Amended by Committee Amendment "A" (H-284))

On motion by Senator Pray of Penobscot, Retabled.

On motion by Senator Pray of Penobscot the Senate voted to remove from the Table:

BILL, "An Act Concerning the Stopping of Trucks at Roadside Weighing Points" (H. P. 1094) (L. D. 1440) Tabled earlier in today's session, on motion by Senator Pray of Penobscot, pending Further Consideration.

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

It is a vote.

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