

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 6, 1983
 Senate called to order by the President.

Prayer by Reverend Richard E. Wrentzel of the East Auburn Baptist Church of Auburn.

REVEREND WRENTZEL: Let us pray! O God I thank you that we live in a Nation that still recognizes its dependence upon You. That we can begin this Legislative Day by calling on the Name of our Sovereign God. Your Word tells us that "blessed is the Nation whose God is the Lord".

I bring before You this day each individual Member of this governing Body. You have instructed us to pray for those who are in authority over us.

Since You have established Government, each one present here is here by Your divine plan. Help them to see that not only there is an honor to their position but, also, awesome responsibility in governing the people of this State. Grant them wisdom from You this day. Show them what is right according to divine standard and then give them the courage to stand for the right, even when that stand may not be popular, for some day we must all give an account unto You for the deeds done in the body, whether they be good or bad.

Bless this session with Your divine presence, I pray, in the Name of our Lord and Saviour, Jesus Christ. Amen.

Reading of the Journal of Friday, June 3, 1983.

(Off Record Remarks)

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

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

(In Senate June 1, 1983. Passed to be Engrossed as Amended by House Amendment "A" (H-308) in concurrence.)

(Comes from the House Passed to be Engrossed as Amended by House Amendment "A" (H-308) and House Amendment "B" (H-324) in non-concurrence.)

The PRESIDENT: Is it the pleasure of the Senate to Recede and Concur with the House? It is a vote.

**Order
 Joint Order**

The Following Joint Order: (H. P. 1297)

Ordered, the Senate concurring, that the Joint Rules be amended by repealing and replacing Joint Rule 21 as follows:

21. Committee Fiscal Impact Statements. Every bill or resolve affecting revenue or appropriations, which has a committee recommendation other than "Ought Not to Pass" or "Leave to Withdraw," shall include a fiscal impact statement. This statement shall be incorporated in the bill before it is reported out of committee. The Office of Legislative Finance shall have sole responsibility for preparing these fiscal notes.

; and be it further Ordered that the Joint Rules be amended by adding a new Joint Rule 21-A to read:

21-A. Committee judicial impact statements. Every bill or resolve affecting the Judicial Department, which has a recommendation other than "Ought Not to Pass" or "Leave to Withdraw," shall include a judicial impact statement. The statement shall be incorporated in the bill before it is reported out of committee. The Office of Legislative Finance shall have the sole responsibility for preparing

those judicial impact statements.

Comes from the House, Read and Passed as Amended by House Amendment "A" (H-321). Which was Read.

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

Communications

The Following Communication:

State of Maine

One Hundred and Eleventh Legislature

Committee on Public Utilities

June 3, 1983

The Honorable Gerard Conley

President of the Senate

State House

Augusta, Maine

Dear President Conley:

The Committee on Public Utilities is pleased to report that it has completed all business placed before it by the first regular Session of the 111th Legislature.

Total number of Bills received: — 71

Unanimous Reports: — 68

Leave to Withdraw — 19

Ought Not to Pass — 6

Ought to Pass — 13

Ought to Pass as Amended — 23

Ought to Pass in New Draft — 6

Re-referred — 1

Divided Reports: — 2

Carried over to next Session — 1

Respectfully submitted,

S/JOHN E. BALDACCI

Senate Chairman

Which was Read and Ordered Placed on File.

(Off Record Remarks)

The Following Communication: (S. P. 607)

111th Maine Legislature

June 3, 1983

Honorable Kenneth Hayes

Honorable Stephanie Locke

Chairs

Joint Standing Committee on Education

State House

Augusta, Maine 04333

Dear Chairs Hayes and Locke:

Pleased be advised that Governor Joseph E. Brennan today nominated Robert J. Dunfey of Cape Elizabeth for appointment to the University of Maine Board of Trustees.

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

Sincerely,

S/GERARD P. CONLEY

President of the Senate

S/JOHN L. MARTIN

Speaker of the House

Which was Read and referred to the Committee on Education.

Sent down for concurrence.

The Following Communication:

State of Maine

House of Representatives

Augusta 04333

June 3, 1983

Honorable Joy J. O'Brien

Secretary of the Senate

111th Legislature

Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to adhere to its action whereby it accepted the Majority "Ought Not to Pass" Report of the Committee on Agriculture on Bill "An Act to Provide for Consumer Representation before the Maine Milk Commission" (Emergency) (H. P. 1137) (L. D. 1499)

Sincerely,

S/EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

Committee Reports

House

Ought Not to Pass

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

BILL, "An Act to Provide for State Service Payments to Municipalities in which State owned Buildings are Located" (H. P. 1085) (L. D. 1442)

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 Require Dismissal of State Employees Responsible for Abuse or Neglect of Patients, Clients or Students" (Emergency) (H. P. 1286) (L. D. 1704)

BILL, "An Act to Increase the Tax Exemption on Church Parsonages" (H. P. 356) (L. D. 414)

Ought to Pass

The Committee on Appropriations and Financial Affairs on BILL, "An Act to Increase Funding Allocation for the Bureau of Air Quality Control for Fiscal Year 1983" (Emergency) (H. P. 1258) (L. D. 1679) 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.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1679 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, in concurrence.

Ought to Pass in New Draft

The Committee on Appropriations and Financial Affairs on BILL, "An Act to Authorize the Department of Human Services to Operate a Grant Diversion Program for Recipients of Aid to Families with Dependent Children" (Emergency) (H. P. 977) (L. D. 1278) Reported that the same Ought to Pass in New Draft under same title (Emergency) (H. P. 1301) (L. D. 1725)

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.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1725 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, in concurrence.

The Committee on Energy and Natural Resources on BILL, "An Act to Amend the Authority of the Department of Environmental Protection to Identify Hazardous Waste" (H. P. 264) (L. D. 324) Reported that the same Ought to Pass in New Draft under same title (H. P. 1302) (L. D. 1726)

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.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1726 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, in concurrence.

Ought to Pass in New Draft Under New Title

The Committee on Agriculture on BILL, "An Act to Create a Maine Potato Dealers' Licensing Board" (H. P. 1206) (L. D. 1605) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Amend the Maine Potato Dealer Licensing Law" (H. P. 1298) (L. D. 1723)

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 and Accepted in concurrence. The Bill, in New Draft under New Draft Read Once.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1723 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, in concurrence.

Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Regulate Smoking on Public Conveyances in the State of Maine" (H. P. 829) (L. D. 1067) have had the same under consideration, and ask leave to report: that they are unable to agree.

Representative REEVES of Pittston

Representative MANNING of Portland

Representative PINES of Limestone

Committee on part of House

Senator DANTON of York

Senator BALDACCI of Penobscot

Senator GILL of Cumberland

Committee on part of Senate

Comes from the House with the Report Read and Accepted.

Which was Read and Accepted, in concurrence.

Senate**Ought to Pass as Amended**

Senator BALDACCI for the Committee on Public Utilities on BILL, "An Act Relating to Emergency Planning for the Area Around Nuclear Power Plants" (S. P. 547) (L. D. 1598) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-175).

Which Report was Read and Accepted. The Bill Read Once. Committee Amendment "A" (S-175) was Read and Adopted.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1598 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, as amended.

Sent down for concurrence.

Ought to Pass in New Draft Under New Title

Senator DIAMOND for the Committee on Transportation on BILL, "An Act to Require Baffles in any Interstate Tank Carrier of Hazardous Waste Shipments" (S. P. 262) (L. D. 807) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act Relating to Transportation of Hazardous Material and Waste" (S. P. 604) (L. D. 1731)

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 L. D. 1731 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 Agriculture on BILL, "An Act to Amend the Wood Measurement Law" (S. P. 457) (L. D. 1388)

Reported that the same Ought Not to Pass.

Signed:

Senator:

WOOD of York

Representatives:

McCOLLISTER of Canton

LOCKE of Sebec

STOVER of West Bath

PARENT of Benton

ANDERSON of Stockholm

MICHAEL of Auburn

SMITH of Island Falls

CROUSE of Washburn

SHERBURNE of Dexter

The Minority of the same Committee on the same subject matter.

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-173)

Signed:

Sensors:

ERWIN of Oxford

HICHENS of York

Which Reports were Read.

On motion by Senator Pray of Penobscot, Tabled for 1 Legislative Day, pending Acceptance of Either Committee Report.

Divided Report

Seven members of the Committee on Agriculture on BILL, "An Act to Revise the Wood Measurement Law" (S. P. 390) (L. D. 1190)

Reported in Report "A" that the same Ought to Pass in New Draft under same title (S. P. 605) (L. D. 1733)

Signed:

Senator:

WOOD of York

Representatives:

LOCKE of Sebec

STOVER of West Bath

PARENT of Benton

CROUSE of Washburn

MICHAEL of Auburn

SMITH of Island Falls

One member of the same Committee on the same subject matter.

Reported in Report "B" that the same Ought to Pass in New Draft under same title (S. P. 606) (L. D. 1734)

Signed:

Representative:

McCOLLISTER of Canton

Four members of the same Committee on the same subject matter.

Reported in Report "C" that the same Ought Not to Pass.

Signed:

Sensors:

ERWIN of Oxford

HICHENS of York

Representatives:

SHERBURNE of Dexter

ANDERSON of Stockholm

Which Reports were Read.

On motion by Senator Pray of Penobscot, Tabled for 1 Legislative Day, pending Acceptance of any Committee Report.

Second Readers**Senate**

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

BILL, "An Act to Limit Payments to Health Care Institutions which Engage Persons to Defeat the Organization of Collective Bargaining Units" (S. P. 602) (L. D. 1728)

Which was Read a Second Time

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

Senator DANTON: Mr. President, for the Committee on Bills in their Second Reading, I offer Senate Amendment "A" (S-176) to L. D. 1728 and move its Adoption.

Senate Amendment "A" (S-176) was Read

and Adopted.

The Bill was Passed to be Engrossed, as amended.

Sent down for concurrence.

Enactors

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

An Act to Establish Time Limits for the Eminent Domain Procedures for Sanitary and Sewer Districts. (H. P. 1186) (L. D. 1582)

An Act to Modify Certain Rules of the Road to Conform with the Uniform Vehicle Code. (H. P. 811) (L. D. 1051)

An Act to Revise Certain Sections of the Probate Code. (H. P. 1256) (L. D. 1669)

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

An Act to Amend the Investment Provisions and Certain Related Sections of the Maine Insurance Code. (S. P. 589) (L. D. 1707)

An Act Relating to Motor Vehicle Inspection Stickers. (H. P. 49) (L. D. 54)

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 Citizen Participation in the Decision to Construct any Nuclear Power Plant. (S. P. 513) (L. D. 1537)

On motion by Senator Brown of Washington, placed on the Special Appropriations Table, pending Enactment.

An Act Concerning the Rate of Return on Investment Factor Under the Railroad Excise Tax. (H. P. 1288) (L. D. 1708)

On motion by Senator Brown of Washington, placed on the Special Appropriations Table, pending Enactment.

An Act to Establish a Job Development Training Fund Within the State Development Office. (H. P. 1294) (L. D. 1715)

On motion by Senator Brown of Washington, placed on the Special Appropriations Table, pending Enactment.

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

Senator PEARSON: Mr. President, Men and Women of the Senate, there have been various Indian Bills that have been placed on the Unassigned Table and until, I think it was Friday, I did not understand exactly why this was being done. I do understand that now. What has happened is with the Indian Land Claims Settlement Act, one of the provisions in it is, of course, that if anything is done to alter it, it must have the approval of both the State and the Tribe, and the mechanism to do that of having both of them approve it to become Law is being ironed out. In the meantime, these bills are being put on the Unassigned Table until that is completed.

An Act to Extend the Time for Acquiring those Areas which have been Designated Potential Passamaquoddy Indian Territory. (H. P. 1291) (L. D. 1712)

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

An Act Relating to Penobscot Nation Trust Land Designation. (S. P. 593) (L. D. 1713)

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

Emergency

An Act to Extend the Time for County Commissioners to Apportion County Taxes. (S. P. 510) (L. D. 1536)

Emergency

An Act to Define Connection under the Liquor Laws. (S. P. 557) (L. D. 1623)

Emergency

An Act Concerning Volunteer Marine Patrol Officers. (S. P. 558) (L. D. 1624)

Emergency

An Act to Permit Expedited Processing of Petitions for A Certificate of Public Convenience and Necessity. (H. P. 1253) (L. D. 1666)

These being emergency measures and having received the affirmative votes of 29 members of the Senate, with No Senators having voted in the negative, were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

An Act Relating to Joint Custody. (H. P. 1243) (L. D. 1657)

On motion by Senator Brown of Washington, 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:

HOUSE REPORTS — from 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)

Majority Report — Ought Not to Pass

Minority Report — Ought to Pass in New Draft under same title (H. P. 1293) (L. D. 1714)

Tabled — June 2, 1983 by Senator PRAY of Penobscot

Pending — Motion of Senator CHARETTE of Androscoggin to Accept Majority Ought Not to Pass Report.

(In House June 1, 1983, the Majority Ought Not to Pass Report Read and Accepted.)

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

Senator CLARK: Mr. President, I would hope this morning that the Senate would not Accept the pending motion of Ought Not to Pass, but would in fact, defeat the pending motion so that we may address in positive fashion, the Ought to Pass Report, which is embodied in L. D. 1714, which is the New Draft of L. D. 775.

Six members of the Joint Standing Committee on Business Legislation believed that L. D. 1714 is a sound approach to reducing the long-term social and economic costs to our society of alcohol and drug dependency. At a time when the citizens of the State of Maine are spending one hundred and thirteen million dollars annually on health care for treatment of alcoholism, it does seem reasonable to us, and I hope to the majority of the members of this Chamber that we should take action to reduce those health care costs, as well as, to insure easier access to treatment and counseling for all insurance clients in the State of Maine.

I would refer you to L. D. 1714 and its Statement of Fact, if you need to familiarize yourself with the New Draft Report of the Committee. 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, I would hope that you would vote with the Majority Report of Ought Not to Pass.

I'd like to point out that in the One Hundred and Tenth Legislature we did pass a special law for a premium tax to deal with the prevention, treatment, education and research of alcoholism. I'd like to point out that in 1982, one million, eight hundred and forty-nine thousand dollars was raised with this premium tax, and now just a year later, we want to amend a health insurance so that alcohol and drug abuse be part of the base insurance.

I'd like to point out, also, that this year Congress is considering a tax gap on employee health benefits. If your benefit package exceeds eight hundred dollars a year, you will incur a tax. Therefore, employers will attempt to keep the benefit package under the eight hundred dollars ceiling to avoid the tax. State mandate benefits push employers over the

ceiling. It will also have a ridged affect on the composition of the benefit package which employers can offer. In order for the employee and his or her employer to choose the best benefit package for their needs, I urge you to vote with the Majority Report of Ought Not to Pass.

I'd like to point out, also, that the costs incurred here to the State of their employers group the State contribution will be a hundred, ninety-seven dollars and the employee contribution will be fifty-two thousand dollars. An added cost to all other group insurance including the State group would be 2.5 million to this State.

I would urge you to vote for this motion.

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

Senator BUSTIN: Mr. President, Men and Women of the Senate, just like to answer one of the things the good Senator from Androscoggin, Senator Charette said, and that is referring to the premium tax, the Alcohol Tax that was a premium, not a tax if you remember correctly, for one thing.

For another thing, that raises almost six million dollars in two years. In this State we have a seven hundred million dollar problem, a seven hundred million dollar problem. What we do because of other funding that goes into alcoholism treatment, prevention, research and education, we spend six million each year, approximately six million each year, on the problem on a seven hundred million dollar problem.

I ask for a Division when the vote is taken and we need to defeat this motion so that we can Pass the Minority Report. Thank you.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Charette.

Senator CHARETTE: I would ask for 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 PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate, in the last Session of Legislature we discussed the premium tax, and I still think we refer to as a tax no matter how they try to break it down.

The one thing that became very clear that that was suppose to be allegedly the panacea to solve this seven hundred million dollar problem we have in the State of Maine. Or at least a very favorable beginning. This has not been the case, at least according to my findings. I've brought out in the past when we were discussing AA along with the President of the Senate the last Session of Legislature that might have been the way that we should have gone. But, allegedly the forces to be says, we can increase the premium tax and find other mechanisms to solve this very serious problem in Maine. If, Maine has created this problem by selling its booze, at again approximately a 75% markup and this problem is proliferating in the State of Maine then, basically, we should take the revenues derived from the sales of alcoholic beverages in the State of Maine and plow it directly into this major problem. We should not have to go out to the outside and ask for additional assistance through premiums in insurance rates to address this particular problem. If we created it by the sale of booze then let's remedy it by taking all that money that goes into the General Fund and plow it back in to help the people in the State of Maine

who have this problem.

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

Senator BUSTIN: Mr. President, Ladies and Gentlemen of the Senate, the Senator from Androscoggin, Senator Minkowsky is correct and incorrect in both instances.

One, we did not say that this was going to be a panacea to solve the alcoholism problem in the State of Maine. We did, in fact, say it was a good start and it is a good start. Just let me say this, alcoholism is the second highest disease in the Nation, the second highest disease. I am a daughter of an alcoholic. Under the statistics, if you will look at them, I have a 50% to 60% chance of becoming an alcoholic myself. Now, because of what went on in my family and because I happen to consider myself a fairly intelligent human being, I could put those things together not knowing what the statistics are and take every precaution that I would not become that — every precaution.

Other families have a predisposition to heart disease, to diabetes, to arthritis, to any number of diseases that strikes the people of this Nation. They are covered under a basic health policy and if it is a group policy, I share in that risk, I share in your predisposition. You do not share in mine. You are asking me to make sure that I, my children, and my grandchildren buy a rider under a basic health policy for the second highest disease in the Nation to be covered under a group insurance. That's what I want you to consider when you're taking your vote on this issue. Thank you.

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

Senator CLARK: Mr. President, I would share with you and with the members of this Body the experience of one of the major employers, Fraser Paper Company, relative to their experience in Aroostook County with Blue Cross and Blue Shield. For, and I have to add there are some crossovers here with alcoholism and mental health and many of the arguments that we used last week on the Equitable Mental Health Bill are still as applicable to the Bill before us L. D. 1714 as they were to that measure. This is from Robert Vickers, the Executive Director. "Just a short letter to let you know about the experience in Aroostook County with Fraser Paper Company and Blue Cross and Blue Shield. For the past two years there has been a Blue Cross/Blue Shield Alcoholism Mental Health rider with Fraser Paper Company which was the first in the State of Maine. When agreeing to set up this rider there was a three-way agreement between the Aroostook Mental Health Center, Fraser Paper Company and Blue Cross that research would be done on the cost effectiveness of this rider. Blue Cross research staff in conversation with both of us and Fraser Paper have indicated that there has been a reduction in the medical surgical utilization during the period of two years when the rider for alcoholism and mental health have been in effect. Unfortunately, they have failed to hold up their end of the deal and do the study that would be necessary to clearly link one with the other.

I do feel, however, that evidence from other studies would support this reduction and the fact that the timing of the reduction came during the same period of the implementation of the alcoholism and mental health rider does cause me to believe there is a casual, more than a casual, or causal relationship.

The Fraser experience has been a very positive one for all involved, and I think demonstrates that if Legislation before you, at the present time, passes to other employers, those other employers will have similar experience and the insurance industry will not need significant rate increases. There are in the Fraser experience twelve hundred employees and their families, probably increasing that number close to five thousand people." Mr. Vickers

goes on to suggest that if we need further information to support the statistics that he has shared with us and the Committee, that he would be glad to supply them.

I would suggest that the panacea to which the Gentleman from Androscoggin, Senator Minkowsky would purport in the revenue enhancer, that this previous Legislature, the One Hundred and Tenth passed to address the prevention, education, treatment and rehabilitation of drug and alcoholic abusers does not in any way relate directly to L. D. 1714, in New Draft, because this addresses the issue of what has been for the past six years or eight years, I fail to remember it's been that long, when this Legislature mandated that private carriers in our State provide optional riders for alcoholism and drug dependency treatment in other than residency in our major hospital sites across the State.

If you look at the Statement of Fact in L. D. 1714, you can see that the Minority Report, six members of the Business Legislation Committee addressed this in a similar fashion as we did the Equitable Mental Health Bill and that is to provide for a four year sunset, and that the reporting experience of the insurance carries, segregated, if you will, their insurance experience under this measure, so that this Legislation can truly, in fact, address the issue which is suggested that there will be skyrocketing increased rates.

I have a rather expansive preparation or speech that I prepared to address the issue of rates, but I think I'll set that aside for another day, knowing, there will be another day, or at least hoping there will be, should we reject the pending motion. Thank you, Mr. President.

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 Not to Pass Report.

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

A No vote will be opposed.

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

ROLL CALL

YEA—Charette, Collins, Hichens, Minkowsky, Redmond, Sewall, Shute, Teague.

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

ABSENT—McBreairty.

A Roll Call was had.

8 Senators having voted in the affirmative and 24 Senators in the negative, with 1 Senator being absent, the motion to Accept the Majority Ought Not to Pass Report, Failed.

The Minority Ought to Pass Report was Accepted, in non-concurrence.

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

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

Recess

After Recess

The Senate called to Order by the President.

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

Orders of the Day

The President laid before the Senate the Tabled for a Time Certain: 10:00 a.m. in the morning matter:

SENATE REPORTS—from the Committee on Labor on BILL, "An Act to Increase the Minimum Wage" (H. P. 884) (L. D. 1138)

Majority Report—Ought Not to Pass.
Minority Report—Ought to Pass as Amended by Committee Amendment "A" (H-262)
Tabled—June 2, 1983 by Senator Pray of Penobscot.

Pending—Acceptance of Either Report.
(In House, June 1, 1983, the Minority Report Read and Accepted, and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-262))

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

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

The PRESIDENT: The Senator from York, Senator Dutremble, moves that the Senate Accept the Majority Ought Not to Pass Report.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate: I would hope that this morning we would not Accept the Ought Not to Pass Report. I don't think that anyone needs stand here and tell any of us what's involved in this Bill. This is the Minimum Wage Bill; this is a so-named, so-called, "lousy six dollar a week bill" which has been the subject of some great controversy and great consternation I'm sure to all of us, which we all received phone calls and telegrams, probably on both sides of the issue.

The issue is very clear, whether or not the State of Maine will increase its minimum wage effective January of next year from three dollars and thirty-five cents an hour, to three dollars and fifty cents an hour for those people who are working in the lowest paid jobs in our society.

I think that there's all kinds of equity that stands behind this Bill. I would hope this morning that the Senate would stand and be counted with the people of Maine, who actually work for a living, and work at some very difficult jobs at some very low wages, and reject the pending motion so that we can get to the Acceptance of the Minority Ought to Pass Report. Thank you.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: I, like many others, received a number of phone calls, mostly from constituents, and I'd like to say on the Record, I'm very grateful for the input I had from these people.

I found it very interesting yesterday to read the article in the Maine Sunday Telegram drawing an analogy between the three thirty-five per hour of a lady here in Augusta who works in a laundry vs. a lady in Lewiston who works for three dollars and fifty cents per hour. The lady in Augusta, also, being on food stamps; the lady in Lewiston getting three fifty an hour not eligible for food stamps. The lifestyles of both of these people which were very, very difficult. I thought that was one of the fairer appraisals that I've seen in a long time.

Many of you, like myself, possibly have received a letter from the Maine Poultry Federation and the Maine Poultry Federation, I think, is representing very, very few poultry houses here in the State of Maine, but expressed very clearly what the catastrophic affect would be on them should we go to the three dollar and fifty cents minimum wage.

One point I'd like to express from the Maine Poultry Federation a letter, "ACTON currently employs about six hundred fifty persons counting the contract families, family farms who raise chickens for ACTON. The weekly payroll is about one hundred fifty thousand dollars, forcing ACTON to pay a higher minimum wage than his competitors will not put any more money in his employees' pockets because the money just isn't there. At best,

ACTON will drop part-time employees, most of them youth, and this seemed to be an area we're really concerned with, who are currently at the minimum wage level.

Rather than increase its wage scales, ACTON will move more of its egg processing operations to Maryland where the work is done under contract by none other than the former owner of Decoster Egg Farms. Who's surely having a last laugh at the law which was intended to get him out."

I don't want to see Maine deteriorate beyond the point where, if I understand it correctly, the statistics are that Maine has an unemployment rate of 10%.

It was interesting to note in the House last week that a comparison was made with the McDonald Corporation where it was stated by the titular head of the House that they had an 80% or 85% tax write-off if they employ these people under the minimum wage or at the minimum wage. (I'm sorry) That they could, in essence would, be paying them about a dollar per hour. Maybe that analogy is correct under the Federal law to a degree insofar as the McDonald Corporation is concerned. I don't think that necessarily applies to all Maine small businesses, and this is my major concern is what is happening to the bulk of the small businesses in the State of Maine.

The other analogy that was interesting, and maybe Senator Carpenter spoke along the six dollars was prior to taxes being deducted, but the other argument was it will mean a net income to the average wage earner of four dollars and thirty cents; put into another perspective two gallons of milk. I guess it all depends what grade of milk you want to purchase here in Maine according to the latest bills we have before us.

Another concern that I think about is if the Appropriations Committee is correct with the huge deficit they project, are we facing a major tax increase in the State of Maine which will, in essence, wipe out this four dollars and thirty cents or two gallons of milk? That question, yet, has to be resolved, I'm sure. Many of the small Democratic, and I emphasize "Democratic" business people in my area and in my Senatorial District spoke to me along the lines of what a catastrophic affect it would have upon them, insofar as this domino affect. By that they simply clarified by saying, if they went to the three dollars and fifty cents per hour, not including the other fringe benefits, the end result would mean those employees who had been there a year or two years would also be asking for a larger increase in their salary as a differential from the six months employee to the one year employee. His evaluation was very simple. Yes, I can pass this on to my customers, but the end result is, I'm going to lose some of those customers because my type of business is in direct competition with many people who get out of our VTI's that can do this job and are certified and do it at a lesser cost than I as an operating business can do it as.

When you look at the rank and file person in the State of Maine, and I come from that particular humble background and I'm very proud to say it, and I still stay in that particular background, even through my Legislative career, because I'm not falling in a category of being elite primadonna that has all sorts of wealth, by no means. It can be very, very detrimental if Maine's economy is off to the degree that most economists says that it is at the present time.

I'm totally unsure exactly what my final vote will be on this issue, at Enactment, and I want to make that point very clearly, stated here on the Record this morning. It's a difficult situation because you are really concerned for the welfare of the people in the State of Maine but if State government through its bureaucratic mandating, boondoggling that's going on at the present time it absorbs the amount of money these people are going to make. Then I'm starting to question exactly, is it really worthwhile?

This morning, for the Record, I'm going to stand by Senator Dutremble on this issue, but I can assure you that much more debate and consideration will go into this before this Bill is Finally Enacted.

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

Senator NAJARIAN: Mr. President, Men and Women of the Senate, I've had a few thoughts about this minimum wage that I'd like to share with you, for what they're worth.

We're talking about a fifteen cent an hour increase which amounts to little more than 4.5%. The first increase these people will have had in three years. In those three years food costs have gone up, fuel costs have gone up considerably more than that; telephone rates have increased; electrical rates have increased; rents have increased, and yet, these are all things that these people need to live on, and yet they're still at this three dollars and thirty-five cents an hour.

The Legislature, in the past few years, has been very understanding and has recognized the need for people to keep up with inflation. I'd just like to remind you of some of the things the Legislature has done. We increased the boarding home rates 10% in 1982; 5% in 1983, and the Appropriations Committee is again going to recommend that they be increased 5% in the next two years, 5% each year.

Nursing home costs we have allowed to increase 10% over the last several years; they've averaged that kind of increase and now they're running about a 6 or 7% increase. We've granted increases to State employees over each of the past three years which far exceeds 4.5% that's proposed here for the minimum wage. We've increased the percent for inflation for retirees; in fact, this year we said we'd guarantee them 4%, even if inflation stayed at zero. We've raised AFDC recipients, 5% the last two years; again, going to recommend a similar increase the next two years. We've been very sympathetic to the banking industry. When they came in here and purportedly said that they were losing money on their credit cards and we said that they could charge every holder up to twelve dollars a year for the issuance of a credit card.

We can hear all kinds of excuses why these people getting the minimum wage, shouldn't have it. One is, it's going to hurt Maine's competitive position with the rest of the states. Well, according to the article in yesterday's newspaper, the Department of Labor says that only 6% Nationwide, only 6% of the employees are paid the minimum wage as compared to 20% in this State, so I don't think that argument holds much weight.

Secondly, we're going to go south to "dear old Dixie," the land of the bollweevil where the laws are medieval, as Tom says. Well, they've already gone South and they won't stay in the South long either because they'll go to the ends of the earth to save a dollar and they're doing that now, they're going to Taiwan, Philippines, and Korea for cheap labor and that's not the kind of industry that this State needs because the taxpayers of Maine are subsidizing the minimum wage with AFDC, with food stamps, with welfare, with general assistance. That's not the kind of employer I think we want in this State and if they come in, we're just going to be subsidizing and increase the costs of the taxpayers. I don't see how that we can even pretend that these people are employed, in the sense of employment is suppose to be a job that provides a livelihood, because they're not really employed and we'd probably better off if we raised the minimum wage to the extent that some of them lost their jobs so we'd have the true unemployment picture and we'd be getting a lot more money from the Federal Government for job training and to create jobs.

According to the paper yesterday, they're about seventy thousand to a hundred thousand people, in Maine, who receive the min-

imum wage. Now forty to fifty thousand of those apparently are in the restaurant and motel business whose wages are subsidized by tips, so the employer is not even, in a lot of these cases, even paying three dollars and thirty-five cents an hour. Some others, I don't know what number in agriculture and they're exempt; thirteen thousand are in the retail trade; five thousand and two hundred in non-hospital medical services. Well, there's no excuse for operators of nursing homes and non-hospital medical services to be paying the minimum wage because we've allowed them at least a 10% increase over their operating costs each year for the last several years. So, they could have upped the wages of these people.

One final point is, again, we're subsidizing particularly the retail trade, and I guess what really bothers me is that we know up here so many of these employers who are millionaires or close to it, and are paying these people minimum wage. I don't have to name their names, you see them every day. We get letters from them. I just think that's a crying shame; and I think the women of this Senate should be particularly concerned because over half of the people that are in minimum wage are women, single women, living alone, trying to raise a family. All of you who supported the Equal Rights Amendment, I should think, would be way out front on this issue.

I think that we should no longer allow and this is only fifteen cents and I realize it's not all that great; it will mean twelve dollars more a month; one month of which will go to the banks for their credit card and you can be sure they're getting 18% interest anyway, because these people can't afford to pay their bills in thirty days, I don't think that we should allow these people to be exploited any longer by employers whose social conscience is non-existent. Thank you.

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

Senator KANY: Mr. President and Members of the Senate, I wish I could vote for this Bill. I'd really like to, but most of my friends are people who have supported me and are strongly in favor of it and sincerely believe it to be a good idea, labor, and women's organizations, particularly, I've generally been mutually supportive of them. I realize fully that many people only receive an increase in their wages in the State of Maine when the minimum wage is increased.

I, personally, know a man who has worked at one facility for twenty-four years and the only time he's ever had a wage increase was when the minimum wage was increased by law, and that is most unfortunate.

In my opinion, this is simply not a good idea; unfortunately, we exist within our economy, within the National economy, and within the International economy, and the message that will go out to the Nation is a negative one and we in the area that I represent, and in many areas throughout the State of Maine, particularly north of the area that I represent, we have many empty plants; we have a large one in the Waterville area called Wyandotte Industries and certainly we do not need to entice an employer, such as the last one, who lead there and who did definitely exploit people of Maine and certainly those workers. But to send a message Nationally, that Maine prefers not to go out of its way for business, and particularly for entrepreneurs, is just bad business, in my opinion, and will not serve those people well who are unemployed. It will not serve those people at all well and it will not serve the minimum wage worker well. I believe that we should, instead, train our people to have more skills, spend more money on education and in that way, we can then entice and be a leader in that way in the Nation and that would be much more helpful.

Unfortunately, I'm not going to be able to vote for this, I wish I could; I sincerely wish I

could, but I just believe that realistically that it's not in the best interest of the people that I care very deeply about.

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

Senator CARPENTER: Mr. President, first of all I'd like to request that when the votes taken, it be taken by the Yeas and Nays.

Mr. President, I think one of the important things that, one of the things that I had to ask myself in this issue, was whether or not I would step down from this lofty perch in the Maine Senate and go to work for three thirty-five an hour. I found myself answering that question "No."

I did speak with the Senator from York, Senator Dutremble at the beginning of the session and he asked me where I thought I'd be in this issue. I said that I felt that I could not support an increase in minimum wage at this time. The more I thought about that answer the more I didn't really like myself very much for doing it. I'm going to tell you why, it relates directly to what the good Senator from Kennebec, Senator Kany just said.

Where I live up in Aroostook County, for years we've heard about cheap Maine labor come to Maine, industries, because Maine has cheap labor. Senator Najarian has already told you about the percentage of people in Maine making minimum wage as opposed to the rest of the country and that's a fact. We have had cheap labor in this country, and we've had the corporations move in and move out; move in and move out and move in and move out because they could get our work force for a lot less money.

In the last four years, I think we've seen, the last four to six years, I think we've seen an increased awareness by good corporations from outside of the State of Maine who have perhaps in the past tried to skip around the country, and pick and choose where the cheap labor forces are. I think we've seen a realization by the better corporations that Maine has something better to offer; that Maine in its work environment; in its living environment; in its work force, the quality of its work force; in the quality of its people and the quality of its life style, it has a lot more to offer; not just for the corporation but for the corporate officers and for everyone else who works for that company. I think we've seen some quality corporations come to Maine, and I think that that's a good positive sign. I don't want to be known, I don't want to be in the State that's known for cheap labor. I don't think that that's one of the things we should be bragging about. We should be proud about. You hear that we shouldn't go with the rest of the country. You can only go ahead of something when there is a contest going on. Are we in a contest with the Federal government on the minimum wage?

I would submit to you in the past four to six years there have been incremental increases in the minimum wage, up to three thirty-five an hour, and every time I have stood here or sat here or in the other Body and listened to debate on the minimum wage, one of the issues has always been, should we go ahead of the Federal government? We spent two to four years trying to catch up with the Federal government. The Federal government is doing nothing and will continue to do nothing about this whole issue as long as the present Administration is in office. Perhaps even another Administration would not do anything, nothing. I think that argument is completely moot because the Federal government is not doing anything.

What has been the price that your constituents have paid, the prices they have paid for the absolute basic essential staples of life over the past three years? The statistics that I have seen would indicate that the people making minimum wage, keep in mind the figures that the good Senator from Cumberland, Senator Najarian gave you, as far as boarding homes,

nursing homes, food stamps, AFDC, retirees, social security, where is the buying power of the person working minimum wage, 20% of our work force, according to her statistics? It's dropped about that same percentage. They fall behind about 20% while we sit here in State government and do our best to take care of all segments of society except this one.

Listen to the arguments against the minimum wage. Go read the Record. Every time minimum wage has been discussed on this Floor since I have been here, regardless of whether the economy was booming or busting, the argument is exactly the same. Our President tells us that the economy is about to turn around. In fact, is turning around Nationally. Maine tends to lag. If you believe that, if you really believe that then you believe in January our economy is going to be catching up; our economy is going to be starting to come on strong. That's when this Bill will go into effect. Ladies and Gentlemen, not now, not tomorrow, but January of 1984. Fifteen cents an hour! I heard debate the other day that said this wasn't enough. Well, I grant you perhaps it isn't enough, but you take what you can get. You take what you think you have a chance of Enacting. You don't push for five dollars an hour or ten dollars an hour, just to stand here and throw around rhetoric. You push for what you believe you can pass.

I was very pleased this morning, and I want on the Record, compliment the organization, one of what I think traditionally has been a fairly conservative organization here in the State, the Business and Professional Women's Club of the State of Maine had their State Convention this weekend, and they endorsed the Bill we have before us. Now, they're not exactly your radical, raving pro-union, Democratic organization. They endorsed the concept embodied in the Bill before us today, and I think that that is a very positive thing.

I listened to the remarks of the good Senator from Androscoggin, Senator Minkowsky about chickens. I received a mailgram this morning from probably the greatest consumer of chickens in this country, the McDonalds Corporation, don't buy Maine chickens, don't buy Maine eggs; don't buy Maine potatoes. They employ Maine people in a lot of their stores, and they're against minimum wage. I don't think anything needs to be said more about that.

I am concerned about the small business people; the momma and pappa stores. If they employ eighteen people, that's eighteen dollars a week. This Bill would cost them; if they employ four, that's twenty-four dollars a week, twenty-four dollars a week. Think about what we all get in here for an allowance to live on; our housing and living allowance here in Augusta. Think about that! Four people in a store per week; it's going to cost that store owner about half what we get for a living allowance per day in this session. It's going to cost a restaurateur eight cents an hour, eight cents an hour on the basic wage, if my calculator is working correctly this morning.

Mr. President, I don't see how we can stand here in good conscience and say that we can't support this Bill. I think the business people that have spoken to me have been very honest, very sincere and they have concerns. The biggest argument that they have put forth with me has been the standard of where will this put Maine? Where will this put Maine? What is this going to do to Maine in the eyes of the Nation?

I look down at the seal on the floor of the Maine Senate and it says "Dirigo", it means, "I Lead." Perhaps, just perhaps, we would give courage to the other states in this Nation, who are sitting on their hands, probably debating the same issue, but their concern, and the same argument is being used in their state; be they sunbelt states or be the northern frostbelt states. The same arguments are being used

about the economy, about where will it put us? If one state, if the State whose moto is "I Lead" takes that lead, just perhaps, we will either start something going in the other states or perhaps, I doubt it, but perhaps, we would force the Federal government to recognize that these peoples' buying power has dropped by 20-plus% since the last time they got a pay raise. Thank you, Mr. President.

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 Chair recognizes the Senator from York, Senator Danton.

Senator DANTON: Mr. President and Members of the Senate, it is with some reluctance that I rise today to speak in opposition to supporting this Bill.

First of all, I don't think this Bill goes quite far enough. I've heard some speeches here they've addressed many different subjects, but they really haven't said what this Senator and a Democrat and a good one I might add, would like to see it addressed. The Minimum Wage Law needs a long hard look. I've said that for years. I've told labor leaders that. We have exemptions in our Labor Laws. For farmers from Aroostook County, should they stay in this Bill? Maybe not, but I don't think this Bill addresses it. About food processors and sardine workers. Should they be in this Bill? Why shouldn't these people get every benefit from the Minimum Wage Law? I find it sort of strange that Pete Danton's eyes are the only eyes that see empty stores on main streets from Biddeford to Bangor. Why is it? Why? I'll tell you why, as a guy that was in the retail business for thirty some odd years. Now I'm fully retired and out of the ten years that I served in this Senate I never dared say one word, because anything that I would say, someone could point to me and say, "he's trying to feather his own nest, he's a businessman, he's a capitalist; he doesn't understand what the poor people know or what they need." Well, I think I do, having parents that came to this Country in 1902 immigrants that couldn't speak, read or write one word of English; born and brought up in a cold water flat district; I think I know what poor people are and where they come from and how tough it is. I don't need anyone in this Senate Chamber, or on this earth to tell me about poor people.

Young boys and girls, students, are looking for jobs. The summer job picture looks grim. I think some of you in this Senate Chamber must have read this, this morning. It looks grim because one, employers can't afford it any more, and I'm talking about the small employers. Do you think it's fair that whether you have a mom and pop grocery store, or a mom and pop restaurant, or a mom and pop haberdashery, or a mom and pop anything, everybody should come under one umbrella, three dollars and thirty-five cents, or three dollars and fifty cents? Don't you think that somewhere along the line there should be a little difference? That's why I'm against this Bill, because on our way to making the big guy pay, we're knocking the little guy out of business, thus empty main streets, empty stores, that's what the problem is.

Now many of you just do not understand the minimum wage structure of this State. I know you like to believe you do, but you do not. In this State here, if a restaurant does from zero dollars to three hundred, fifty thousand dollars, he comes in to the Federal bracket. From that point on the minimum wage doesn't change, now here's where Senator Danton differs from other Senators who have fought

this Bill. I feel that if a restaurant goes from three fifty to five hundred thousand, he's making a little bit more money, he should pay his employees a little bit more, and from five hundred to seven hundred and fifty thousand, he should pay his employees a little bit more, and from seven hundred and fifty thousand to million and upwards, there should be a little bit more for that employee. This gives an employee's incentive not have a kid walk into any business and he knows that he's going to get three thirty-five whether he works for Pete Danton in his one hundred capacity restaurant, or whether he goes to Valle's where they seat eighty-eight hundred; the price is the same. Why should it be the same? Why should women that work in small retail stores get three thirty-five an hour and as they get better in that job and they want to go work for Zayre's, still get three thirty-five an hour?

I'd like to have someone get up and explain it to me, and I'd like to have someone tell me if it's fair. I think not. We talk about subsidized by tips in restaurants. I'd like to tell the good Senator from Portland, Senator Najarian, you couldn't get a waiter or a waitress to work for three fifty an hour. They'd tell you to keep the job and shove it, like the song says. If they can't make five and upwards per hour, forget it, you don't have waitresses; or waiters. You're going into the self-service routine.

We talked about helping banks out. Well, if we help banks out, make them pay. How do you make them pay? With a proposal that Senator Danton is bringing forward to this Senate today. This Bill, today, has a long ways to go my fellow Senators. We can take and vote against this proposal and we can take and get it back into a Committee and we can come up with a bill that, at least, if we want to lead the Country, we'll have the bill that our people will have incentive when they go to work for small operations they'll know if they get better in that small operation and go to a little larger one, they'll get a little bit more, and if they go to a larger one, they'll get still more and that's the way it should be, give them incentive, give our people incentive. This does nothing. Fifteen cents, six dollars a week; take the taxes away from it and when you talk about the small employer, only paying eighteen or twenty-four dollars, Senator Carpenter from Aroostook County, add a little percentage on taxes there. But that's not the issue. The issue here today is this a fair Bill? As far as I'm concerned it isn't, because it really doesn't help people enough, and the businesses that do more businesses in the State of Maine, they can afford to pay a little bit more.

I'm not in favor of driving any business out of the State of Maine, but on the other hand, I can't help but drive through cities and towns throughout this State and see empty stores and know that those stores are not there because they just couldn't hack it any more.

(Off Record Remarks)

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

Senator HAYES: Thank you, Mr. President. Members of the Maine Senate. It's most difficult to follow the persuasive Senator from York, the good Senator Danton, who appears to offer us a way to get off the hook.

I would like to share with you my reasons for signing out the Minority jacket. L. D. 1138 would raise the level of minimum wage in Maine from three thirty-five, to three fifty an hour. This Bill is not a banking bill, it's not a sand and gravel bill or a public utilities bill. This Bill is for the people of Maine who work and who do not have the time nor the money to hire well-paid lobbyist to help us in our voting decisions. These people are under represented, unrepresented by labor unions, or the Chamber of Commerce. These people are mostly the young, the old, and the women of

Maine. This is a peoples' bill. The people who earn about six thousand dollars a year, who constitute according to the Maine Department of Labor 20% of the Maine labor force. The same people who are now going to pay five cents more a gallon on gasoline; twelve dollars more to banks for each credit card; the people who support Bath Iron Works with their taxes and who will probably end up underwriting tax breaks for an Ethanol Plant. These are the same people who have experienced the cost of living increase of at least 15% since the present minimum wage was put into effect. Why shouldn't the poor in Maine receive a minimum wage increase of roughly 5%? Certainly they won't need the money to put fences around their swimming pools.

Opponents, such as the McDonald Corporation, who testified before the Labor Committee, against the minimum wage, offer the time worn arguments that jobs will be lost; companies will be forced to relocate; industrial development will be negatively impacted and in increasing minimum wage will force up all wages. We have heard these same arguments each time the minimum wage has come up since the 1930's.

How can we deny basic economic fairness to the poor when Maine newspapers carry a story of the chief executive of a Maine publicly regulated utility who has received an annual increase of fourteen thousand three hundred dollars, a modest increase of 8% in his salary this year. This fourteen thousand three hundred dollars will raise his yearly income to one hundred and ninety-five thousand. Why is giving so much to the privileged few more equitable than denying a pittance to the many? Why should one person be so socially rewarded for his labor at one hundred ninety-five thousand dollars a year while a hundred thousand barely makes six thousand? Perhaps what this Legislation should be addressing is how to restrict the conspicuous wealth through many of the few rather than how to dole out the bread to the poor.

The vested interests businesses, the banks, organized labor and other groups with economic resources actively shape the politics in Maine. The working poor, those on minimum wage do not have such representation. These people depend upon you, their elected representatives and if you fail them, they have no one else to turn to.

This Bill, I agree with Senator Danton, inadequately addresses the needs of the people, but it is at least some demonstration that this Legislature cares about Maine people. This is a peoples' issue. I urge your rejection of the present motion and the support of the Minority Report for this L. D.

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

Senator DUTREMBLE: Mr. President and Members of the Senate, I will not give you a fire and brimstone speech today, but I will, hopefully, try and speak to you practically and with a little bit of common sense.

We live in a land of opportunity; we've heard that said time and time again in the past. Unfortunately, that opportunity means something different to different people. Obviously, there are people making a lot more money than others. I think it is important that we remember it is the Legislature and Congress who must protect the people at the low income level. I think it is important for us to remember that as Legislators that we also have to protect people at the low income level. This is not a political issue; this is not a labor versus business issue; this is not a Democrat versus Republican issue. It's a basic issue that everyone has to earn a fair living.

The question we have here today is, will you be earning a fair living, or will you be working at all, if we pass this Bill? That's the question we have to ask ourselves; it's a simple question of economy. We've had in the last two or three

months indications at the National level that the economy may be in an upswing. After four or five years of being in a recession and depression. I'm going to ask you, what are we going to do in the State of Maine? Are we going to set Maine aside and have our own little recovery? Maybe two, three, four years down the road, or are we going to be part of the National upswing that's going on right now, the National level. We don't know if that's going to continue. If it does, then next year we can come back here and say, "yes, it has continued" or "yes, the people should get a raise." It's a question of economy. There are five major areas of occupation in the State of Maine: agriculture is exempt from the minimum wage; fishing industry is exempt from the minimum wage; most of tourism is exempt from the minimum wage, which leaves us the people in lumber industries and other manufacturing industries, and our economy in the State of Maine is directly tied to those major industries.

All the other people who work in the State of Maine, work in the service area; those are the service jobs. Most of those jobs would not be here if it wasn't for our major industries and our economy is tied directly to that. When we have unemployment at a paper industry or we have unemployment in the Pepperall in Biddeford or at Marenmonth or at the Saco Tannery which was just shut down. For every job that's lost there or for every person that is laid off it affects four people some place else. We're talking about the small businesses then, because if the people in the major industries are not working than they are not buying the services; they are not buying the products at the smaller businesses. It is a vicious cycle that we've gone through for the last four or five years. The cycle of major industry laying off; people do not buy enough in the small service job areas and they in turn are laying off people. At the National level right now they're turning that around. I tell you that if we raise the minimum wage right here, we're going to send a shock wave through the business climate of this State, it's going to take us years to recover from.

Let me tell you what I think is going to happen if we pass this Bill, and believe me, you're hearing that from a person who's voted for the minimum wage in the past, and our good friends who are speaking on the outside of this will say that they've heard the same arguments for the last twenty, thirty years. Well, the same holds true for them too; they've been saying the same thing for the last twenty, thirty years, also. I think it's time we take a serious look, like the good Senator from York has said, Senator Danton, take a serious look at this whole structure and see exactly where we are going to go. If we pass this Bill right now, this minimum wage, I think we're going to have layoffs. I don't know how many jobs are going to be lost by this but I know that at our hearings the business people came down and said that there would be layoffs. I have no reason to question these people, or call them liars. Do you? I've had Democratic businessmen in this Legislature who have told me that if this Bill passes they will have to layoff people. Are they liars? I don't think so. Why can't we believe these people? If they're not laid off, these businesses are going to have to raise their prices. That money is going to have to be made up some place. Either through layoffs or higher prices. If they have higher prices, the same people that you're trying to help are the people who are going to suffer the most by this, the people at the low income who will have to pay these higher prices and let's not forget the senior citizens who have to pay these higher prices, too.

I was a little concerned this morning asking myself, am I right on this thing or not? Then, something that Senator Najarian from Cumberland said this morning convinced me that I was, incredible. She said that maybe we should raise the wage by fifteen cents and then the

people can be laid off, and go on unemployment, and then we could collect more on job training. That's incredible! I just can't believe that. It seems to me if you go on unemployment at that low you're talking about sixty, seventy dollars a week which is a lot less than one hundred thirty-five dollars that these people are making.

The business climate of this State right now is at question. We have one of the highest unemployment in the Nation; certainly the highest workers' compensation premiums in New England, one of the highest in the country. The Unemployment Insurance Program is in trouble and right now we're trying to have the highest minimum wage level in the Nation, and I seriously question what that's going to do to our business climate.

The last thing, I'd like to say before I end here is that the fifteen cents an hour that we're talking about translates to four dollars and thirty-eight cents by the figures that we've heard here this morning. We have to ask ourselves whether that four dollars and thirty-eight cents is worth the thousands of jobs that could be lost if we pass this Bill. If somebody comes up to you and says sure, some people are getting four dollars and thirty-eight cents more an hour but I've lost my job because of it. What do you tell that person? I agree wholeheartedly with Senator Danton that we should study the minimum wage structure in the State of Maine. I've also prepared amendments to do that, and I think that we should kill this Bill now and then look the next year.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Seeing that we're pretty close to cast a vote on this emotional issue. I think I owe it to the people of Maine and to my constituents for a little bit of explanation of why I'm going to vote against this Bill.

I have no problem in the areas where I'm involved in hiring people or working with other people with the minimum wage because as it has been very well stated here, it's a crying shame to see us debate here that the minimum wage isn't enough. We know that. Everyone knows that the minimum wage isn't enough for anyone to make a living. That is beside the point. The only reason I'm going to vote against this Bill is because many of my constituents have approached me and, I think, I find it makes sense the services that they are involved in rendering to the people of Maine here are very, competitive and if we go and mandate any amount for them to pay their people, they feel that it makes room for those who have a more elastic conscience that take this help and they pay them on Friday out of pocket, whatever they feel they ought to pay them, or if you're in the city of Portland or if you're in a more urban area, you call it, "pay them under the table" so there's nothing left, there's no record left. These are the people who will be hiring those minimum wage people. They're the ones we will have to encourage to give the business to. I don't think that I want to encourage that kind, because when they get caught, then they're out of state and then they're back under another name or something like that.

If you're in the woods business, you have that type of contractor that has the little wrinkled checkbook in his pocket, in his shirt pocket and the terminology there is that, "you pay them on the stump." They put their foot on the stump and they lean there and write a check and that's it, that's the bookkeeping that they use. Now, I would hate to see us go backwards and do anything that would encourage this type of employment. I think Senator Danton pointed it out very well, and I think Senator Dutremble has and there's no question in my mind, and I feel very free to vote against that and I love my people, I love everybody in my district and I'm doing it for them.

(Off Record Remarks)

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

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

The President then retired from the Senate Chamber.

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

Senator NAJARIAN: Mr. President, Men and Women of the Senate, I feel that I must speak again because it wasn't my intent to lock people in who were voting against the minimum wage, even more thoroughly.

I knew that when I brought up the point that to call these people unemployed, employed and to say that we might be better off if some of them were actually unemployed so that we could attract more Federal money and more job training, I realize the harshness of that but in a sense I believe it's true, in the sense we could train people for jobs, high technology and so forth, which would bring in the kind of industry we want that would pay them the living wage that they wouldn't have to rely on Government and on charity in order to survive.

Senator Dutremble talked about the prices going up in the stores because of this and that they wouldn't be able and that would hurt these people that received an increase in the minimum wage. Well, what I read in yesterday's paper these people aren't shopping in the same stores we shop in. They trade clothes among their neighbors; they buy at thrift shops, and so forth, Goodwill, and so forth, so the clothing prices increasing would not affect the type of people we're talking about here on the minimum wage.

Senator Danton said that he didn't know anybody, any waitress that would work for three thirty-five but I do. I know that my daughter did and there's plenty of people. My son just started work this summer in a factory and he gets eight dollars an hour; no experience, no nothing, but he's working eight dollars an hour. I think these industries can do it, and as far as ma and pa goes, I know the pa that lives around the corner and runs a little store where I live goes to Florida every year, and not all of these ma and pa outfits are as hard up as we're lead to believe in here.

I understand too that fifteen cents an hour is nothing and there's a lot of inequities in the minimum wage law and I grant that, but this is all the Committee on Labor reported out: it's all that we have to deal with and a little bit more is better than nothing. These people are even, after nine years this woman in the paper yesterday wouldn't ask her employer for an increase because she's afraid she'd lose her job.

So I just reiterate again, it's up to this Body to help these people. Nobody else can. The employers won't. If the minimum wage isn't raised for another five years, these people will still be getting three dollars and thirty-five cents an hour.

I hope you will reconsider and vote to support this Bill.

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

Senator CONLEY: Mr. President and Members of the Senate, I don't speak as the presiding officer; I speak as the Senator from District 9 from Portland which is well represented by every class of citizen.

I'd like to read you what the Declaration of Policy is in the State Statute with respect to minimum wage, under chapter 26, section 661, "It is declared public policy of the State of Maine that workers employed in any occupation should receive wages sufficient to provide adequate maintenance and to protect their health and to be fairly commensurate with the value of the services rendered."

Whoever said that the minimum wage was fair, Senator Danton? Whoever said it was fair? I listened with great intent as the good Senator from York spoke about his mom and dad being immigrants, coming from the old country and what a tremendous job they did. There wasn't an immigrant that didn't arrive in this country but had to pull themselves up by their boot straps to get where they finally got in their lives.

I like to look back, my folks weren't from the old country; they were born in this country in 1898, both of them; both died, deceased as most of you all know, but I remember they raised five kids, six, I should say, I always somehow or another forget women, I had a sister. But they did a job and we know what the pay was back in those years and it wasn't an easy time to raise six children. My dad was one of the lucky ones. He ended up working for the Government, the Postal Service. They weren't overly paid in those days, not like they are today. They weren't pensioned off. My dad wasn't pensioned off like they are today. For a loaf of bread, the family made it in those days; they had a hundred pound sack of flour sitting in the pantry. I often wonder how many pantries have a sack of flour today!

These are not the old times. We're living in an era, as the good Senator from Penobscot, Senators Hayes pointed out, where one gentleman gets an 8% increase in his salary, fourteen thousand dollars a year and if you compare what his increase was, I can lay it doughnuts to dollars the lowest guy on the echelon, the bottom line of a ladder, what we're talking about today doesn't even receive fourteen thousand dollars a year.

I happened to notice that one of our great paper companies in this State is presently engaged in, unfortunately, a strike down in Cumberland Mills. What is the negotiation that is presently going on? Well, the company is offering 5% in one year; 6% in another; 11% over a two-year period, which boils down to approximately two dollars an hour. Two dollars an hour, sixteen dollars a day, eighty bucks a week, carry it right down the line.

You know, I'm one of the fortunate ones in this Chamber. I really have no formal education; I don't have any degrees; I'm not self-employed. I'm fortunate in the fact, in a sense, that I had a problem and I got out of town and went where, it's like Horace Greenley said, that I stopped in Chicago and somehow or another I got too bad for Chicago and then came back to Portland, but somehow or another I landed a job at the railroad while I was there. Then when I got back into Portland I started collecting railroad unemployment because my bride at the time was expecting her second child and that was a legitimate excuse or legitimate reason to be able to collect unemployment. The first man they hired within the railroad, Portland Terminal; they had to take somebody off the unemployment roll and they grabbed Gerry Conley, and I thank God to this day, because there's no way in the world I could raise twelve kids on whatever the minimum wage was in those days, but it's three thirty-five an hour today; honestly, I mean I've worked, I'd hate to tell you the jobs I've held in the last twenty years that I've been in this Chamber. Aside from being here, aside from being on the City Council, aside from working nights, aside from being a bail commissioner, aside from working as a part-time Director of an Alcoholic Rehab. Unit. I can go on, and on, and on. But I mean, this is what people have to do.

Now, what do you do with the young women and 50% of marriages today are in a splitsville as we hear it. They refer to it. The wife is off with her two children, three children collects AFDC some, some have a little more, perhaps formal education and can get out there into the work place. It's a Hell of a nice work place to be in at three thirty-five an hour. Some have to work two jobs; they have babysitters coming

in. Where is it going to end? There's no way they can make ends meet. Some have said, let the Federal Government set the minimum wage. It took the Federal Government a hundred years to recognize that there was a Civil War and it ended and that the Blacks were free, but the only thing Congress is good for is adjusting their salaries while they're still in session, or going out on speaking engagements and accepting all kinds of honorariums. If we waited for the Federal Government, my God, the crime rate in this State would go up exceedingly rapidly.

The CPI, the Cost of Living Index, since 1981 has risen 13%. Let's see what we've done. What have we done for State employees in this Statehouse over the last couple years? I guarantee if you go back and you check the Record from the day our present Governor took office up to today and they are fact finding, mediation or whatever, fact finding, I guess, you'll find that if they haven't received at least a 25 to a 35% increase since the day he's taken office, I'll eat my hat.

What do they do with public employees on the municipal level? Have they gone without any type of significant increase in the last three years? Somehow or another we get confused and we say it's okay to ratify anything with respect to salaries to public employees because the taxpayers are going to pay it. The taxpayers are going to pay it. Whose going to pay this 15 cents an hour? Who?! You and I and everyone else who walks the streets of Maine. Everyone, those who come in; those who leave. We just have to adjust prices a wee bit. Just a wee bit and this is not a fair Bill. It's no fairer than the original minimum wage bill that was passed. This doesn't even provide the bone for the soup.

Sometimes I wonder, we as Democrats, why we ever hold State conventions! Why we ever approve of so-called party planks, even this doesn't address to party plank, but it's at least an attempt to address it.

I had the good fortune the other night to be on a program, my good friend and colleague, the Senator from Knox, Senator Collins. The question was put, well, what happened to the Republican Party? What happened to them in the last two years? I know the good Senator tried to address the question the best that he could, and I couldn't let it go by because I had to respond and I said the problem with the Republican Party over the last two years, the last four, the last eight, they just aren't for anything, they're for nothing! What do they propose? They're good at stopping things; they're always good in opposing things. I mean the last eight years in this Chamber would spell that out. Now, today, I wonder. What do the Democrats in this Senate stand for? What do they stand for? A study! A study! Let it go on for another year, or let it go on for seven more years with Mr. Reagan and company. I suggest to all of you here, Republican and Democrat alike, that this is a moral issue and if you have kids, if you have feelings and if you can look down to the lowest rung of the ladder, you'll vote for this Bill today.

(Off Record Remarks)

Senator Gill of Cumberland was granted unanimous consent to address the Senate, On the Record.

Senator GILL: Thank you, Mr. President. Mr. President and Members of the Senate, I'm pretty well aware that most of you have watched the television or read the newspaper about the feats of Joan Benoit from Cape Elizabeth. I'm very proud that she comes from one of my constituencies and that she did so well for us in the State of Maine. I know she resides out of the State now, but we in Cape Elizabeth and the State of Maine are very happy to have her home today and we really do honor her.

As you do remember, she did run twenty-six miles in the Boston Marathon and she shattered the world's women's marathon mark during the eighty-seventh running of that marathon.

Again, welcome home Joan and it's nice to have you here.

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

Senator DIAMOND: Mr. President, Men and Women of the Senate, we just heard a rather elegant speech. Which would like to have you believe that if you vote in the opposite direction to the previous speaker that; number one you don't have kids; number two, you don't have feelings; number three, you're not Democrat.

We all have issues that we agonize over; those of you who are veterans know it happens at least once a session, those of you who are freshmen, have probably already experienced it, and this is one for me.

In years passed and currently, I feel very proud about my concern and ability to represent the working people of this State, and also, proud to be able to blend that feeling and caring in a proper way with a good sound employment practices. Now this is not a labor union bill, because labor union workers, thank goodness, don't make three thirty-five an hour, and they don't make three fifty an hour, they make a lot more than that, and that's the way it should be. If you want to compare labor records. I've checked some of you in here and I've checked myself and those of you who are voting against this Bill, take it back to the One Hundred and Tenth, I spent 95% of my time the whole year of 1981 working on Workers' Comp. packages and I'll compare that with anybody else. I go back to the One Hundred and Nineth and I see a Minimum Wage Bill, L. D. 43, put the minimum wage to four dollars an hour. I voted for that and some of you in here voted for that. I take it back to the One Hundred and Eighth, L. D. 1403, another Minimum Wage Bill. I voted for that and so did many of you. So, don't lay rhetoric on us that says if we don't vote for this, for whatever reason we may have, that we have no feelings. We don't like kids or we're not Democrats.

The question on this Bill is would it help or hurt? Would it help those we're trying to help or would it hurt them? That's the question. You know back in more rational times and the Committee studied this, held hearings on it and work sessions, lead by the good Senator from York, Senator Dutremble, the Report came out 11-2 Ought Not to Pass. Eleven to two Ladies and Gentlemen, under more rational times, and then came the pressure and the rhetoric and all the things that you hear and those reasons become blurred, and the logic became blurred. Either you believe this is going to help people or you believe it's going to hurt them. Now if you believe it's going to hurt people in any way, you're not going to vote for it. If you think it's going to have in any way a negative impact on any person's job or any business, small or large, then you're not going to vote for it. Anything that's not going to hurt anybody, it has no negative impact; it's not going to bother business at all; it has no chance of laying off anyone, then why is it only fifteen cents? Why isn't it four dollars where it should be in the One Hundred and Nineth? Because we know, if it is going to hurt someone it's either going to be cognitive or affective, and if it is cognitive that means real jobs, real dollars, real positions will be lost. If it is affective, that means it's going to send out a signal, a negative signal, and we don't trust that.

Research is showing us, Senator Dutremble referred to it, that hundreds, maybe more than hundreds will be laid off because of this Bill and that's chance. If just one person in my district or in this State is laid off because of this

Bill just one, not hundreds, then I say it's not worth it and I don't go to that person and look them in the eye and say, "I know you lost one hundred and thirty-eight dollars, a hundred thirty-four dollars a week, but we just gave real dollars, four dollars and thirty-eight cents to a lot of other people. It doesn't help he or she and their family.

The question is not a labor question; the question is not Democrat, Republican; the question is not feelings and no feelings. My word! We heard the Senator from Aroostook, Senator Carpenter whip off and say what's twenty-four dollars a week if you have four employees! Obviously, in his good intentions, he doesn't understand, it's not twenty-four dollars a week. There's a ripple impact there. You have Workers' Comp; you have FICA; you have unemployment; there's all kinds of things. If you want to talk about the cognitive problems we might have.

The question remains, and I think it is pretty clear, will it help or will it hurt? I'm afeared it's going to hurt, and I'm not willing to take that chance and send that lady or that man home, because of fifteen cents. Now, we're going to pay a price if this will pass we're going to pay a price, one way or the other. If you want to go back and make it worthwhile, go back to the One Hundred and Nineth, let's do it, but don't dangle my constituents and chance their losing their position because of fifteen cents. Thank you, Mr. President.

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

Senator HAYES: I speak only to a couple of issue that the good Senator from Cumberland, Senator Diamond.

He says that if one person is laid off from this action, that it would not be worth it. I ask what if twenty thousand are helped?

Let me, also, raise this issue, too. There's an assumption about some sort of cognitive, affective and rational components in the Labor Committee's decision to vote this out, 11-2, Ought Not to Pass. What makes the good Senator feel that the Labor Committee acted with such great rationality on this issue?

The PRESIDENT Pro-Tem: The Senator from Penobscot, Senator Hayes has posed a question to any Senator who cares to respond.

The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Mr. President and Members of the Senate, I have not known the Labor Committee not to act rational all year.

I just want to say a few final words before we vote on this thing. Whether or not this fifteen cents really means anything. Senator Conley from Cumberland gave us a great deal of autobiography, I just thought that I want to say a few words about the city of Biddeford and what happened with business and the business climate there.

I can remember in the early sixties and during negotiations with a major company, I think it was close to a thousand employees, if not more, the question was a nickel; not fifteen cents, but a nickel and nobody would budge and after the last offer, nobody would budge over a nickel and that company just closed their doors overnight and left a thousand people without a job. That was for a nickel, not fifteen cents.

We're not professional economists here, nobody is and if all we had to do to improve the economy of this country was to raise the minimum wage, it would have been done a long long time ago, but that's not what it takes to improve the economy of this Nation and of the State.

I would hope that when we take a vote today that we vote rationally and not according and with all the screaming that we've heard today. Thank you.

The PRESIDENT Pro-Tem: The pending question before the Senate is the motion by the

Senator from York, Senator Dutremble 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.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Brown, Clark, Collins, Danton, Diamond, Dow, Dutremble, Emerson, Gill, Hichens, Kany, Minkowsky, Perkins, Redmond, Sewall, Teague, Trafton, Twitchell.

NAY—Baldacci, Bustin, Carpenter, Charette, Erwin, Hayes, Najarian, Pearson, Pray, Shute, Usher, Violette, Wood, The President Gerard P. Conley.

ABSENT—McBreairty.

A Roll Call was had.

18 Senators having voted in the affirmative and 14 Senators in the negative, with 1 Senator being absent, the motion to Accept the Majority Ought Not to Pass Report, in non-concurrence. Prevalled.

On motion by Senator Conley of Cumberland, Sent down forthwith for concurrence.

The President Pro-Tem laid before the Senate the second Tabled and specially assigned matter.

BILL, "An Act to Authorize the Plantation of The Forks to Award Educational Scholarships" (Emergency) (H. P. 1300) (L. D. 1729)

Tabled — June 3, 1983 by Senator PRAY of Penobscot

Pending — Reference

Reference to the Committee on Taxation suggested.

(In House June 2, 1983, Passed to be Engrossed without Reference to a Committee.)

On motion by Senator Wood of York, Retabled for 1 Legislative Day.

The President Pro-Tem laid before the Senate the third Tabled and specially assigned matter.

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

Tabled — June 3, 1983 by Senator PRAY of Penobscot

Pending — Enactment

(In Senate May 25, 1983 Passed to be Engrossed as Amended by Committee Amendment "A" (H-213) and House Amendment "C" (H-264) in concurrence)

(In House June 1, 1983 Passed to be Enacted)

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

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

Committee Reports Committee of Conference

The Committee of Conference* on the disagreeing action of the two branches of the Legislature, on Resolution, Proposing an Amendment to the Constitution of Maine to Provide that Senators shall serve Four-Year Terms Commencing in 1986 (S. P. 62) (L. D. 168) have had the same under consideration, and ask leave to report that they are unable to agree.

Paul E. Violette

Walter W. Hichens

John E. Baldacci

Committee on part of Senate

Dan A. Gwadlosky

Edward C. Kelleher

Donald A. Strout

Committee on part of House

Which Report was Read and Accepted.

Sent down for concurrence.

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

Senator Carpenter of Aroostook was gran-

ted unanimous consent to address the Senate, On the Record.

Senator CARPENTER: Mr. President, given the emotion of the last previous debate I thought that I would just; it may be an appropriate time to share with all of you a different kind of emotion that I felt over the weekend and I address my remarks sort of at the Senator from Penobscot, Senator Hayes, but more generally to all of the people in the Chamber and if any of you, I can't imagine how you would have, but if any of you happened not to be glued to your television sets over this weekend and watch a group of hillbilly hicks from Maine, out in Omaha, Nebraska competing with one of the top eight baseball teams in the entire country playing against the likes of Stanford University, Alabama, Arizona State, Michigan and just a phenomenal third consecutive trip to the College World Series.

One thing that struck me as I was watching the game, I guess it was Saturday night, the first game, one thing that struck me when Michigan's players came to the plate they would list their height, weight and year, and their hometown and I think they only spotted one or perhaps two who were from the great state of Michigan; but when the Maine kids came to the plate they were from out of the way places like Bangor, Maine; or Orono, Maine; or Danville, Maine; or Hebron, Maine; or Oxford, Maine; or Portland, Maine and they were eliminated last night as probably most of you knew by Arizona State, 7 to 0 and they're on their way home to be home I guess 9:40 tonight.

Dr. John Winkin of the University of Maine and the University of Maine at Orono System, baseball system, and the players went to the College World Series for the third consecutive time and were just absolutely outstanding representatives of the State of Maine, I think that we should all be just extremely proud of this group of young men and the whole facility up there at Orono that backs them so well. When you talk about major athletic contests in this country in any sport, I tell you, you don't think of Maine except in baseball and Maine has once again proven that it is a nationally ranked and nationally recognized baseball program of which we all can be very proud.

On motion by Senator Carpenter of Aroostook, Recessed until 4 p.m. 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 Appropriating Funds for Independent Living Services for the Disabled." (S. P. 316) (L. D. 952)

(In Senate May 26, 1983 Passed to be Engrossed as Amended by Committee Amendment "A" (S-150))

(Comes from the House Passed to be Engrossed as Amended by Committee Amendment "A" (S-150) as Amended by House Amendment "A" (H-336) 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 Effect Changes in the Statutes of Various Occupational and Professional Licensing Boards." (S. P. 562) (L. D. 1625)

(In Senate May 27, 1983 Passed to be Engrossed as Amended by Committee Amend-

ment "A" (S-156))

(Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (S-156) as Amended by House Amendment "A" (H-334) thereto in non-concurrence.)

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

It is a vote.

Order

Joint Resolution

The Following Joint Resolution: (H. P. 1305)
Joint Resolution in Memoriam To The Late Honorable Robert Francis Kennedy

WHEREAS, it was Tennyson who wrote, "...come my friends, 'tis not too late to seek a newer world"; and

WHEREAS, the late Senator Robert Francis Kennedy of New York and former Attorney General of the United States vigorously carried that shimmering banner; and

WHEREAS, friends came forth to the ring of this voice and stood firmly by countless numbers across the land in testament to his tireless efforts, "...to make gentle the life of the world"; and

WHEREAS, he was a man of strong conviction about what was right and moved forward to see that right was carried out, thereby establishing a high moral standard and "an honorable profession" for those in political life; and

WHEREAS, his courage, humanity and ability to inspire and command the loyalties of able men lives on in the hearts of all who were privileged to know him; now, therefore, be it

RESOLVED: That We the Members of the Senate and House of Representatives of the 111th Legislature of the great and sovereign State of Maine pause from the duties of this First Regular Session to honor this man who is so endeared to the people of Maine and to pay this special tribute to Robert Francis Kennedy and his family on this the 6th day of June, 1983, which marks the 15th anniversary of his tragic death; and be it further

RESOLVED: That a suitable copy of these sentiments be prepared and presented to Mrs. Ethel Kennedy and the family, in remembrance and with deepest sympathy from those of us who share this great loss.

Comes from the House, Read and Adopted. Which was Read and Adopted, in concurrence.

Committee Reports House

Divided Report

The Majority of the Committee on Taxation on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Municipal Property Tax Loss Reimbursement Formula, to Change the Penalty for the Withdrawal of Land from Current Use Valuation and to Require a Two-thirds Vote for the Expenditure of Funds from the Mining Excise Tax Trust Fund (H. P. 502) (L. D. 652)

Reported the same Ought to Pass as Amended by Committee Amendment "A" (H-317)

Signed:

Sensors:

TWITCHELL of Oxford
TEAGUE of Somerset

Representatives:

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

The Minority of the same Committee on the same subject matter.

Reported the same Ought Not to Pass.

Signed:

Senator:

WOOD of York

Representatives:

HIGGINS of Portland
ANDREWS of Portland

Comes from the House with the Majority Report Read and Accepted and the Resolve Passed to be Engrossed as Amended by Committee Amendment "A" (H-317) as Amended by House Amendment "A" (H-131) thereto.

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 Resolve Read Once.

Committee Amendment "A" was Read.

House Amendment to Committee Amendment was Read and Adopted, in concurrence.

Committee Amendment "A" as amended by House Amendment "A" thereto was Adopted, in concurrence.

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

Divided Report

The Majority of the Committee on Transportation on BILL, "An Act to Adjust Certain Motor Vehicle Title Fees" (H. P. 930) (L. D. 1209)

Reported that the same Ought to Pass in New Draft under same title (H. P. 1304) (L. D. 1732)

Signed:

Senator:

DANTON of York

Representatives:

CARROLL of Limerick
STROUT of Corinth
THERIAULT of Fort Kent
REEVES of Pittston
CALLAHAN of Mechanic Falls
MOHOLLAND of Princeton
NADEAU of Lewiston

The Minority of the same Committee on the same subject matter.

Reported that the same Ought Not to Pass.

Signed:

Sensors:

DIAMOND of Cumberland
EMERSON of Penobscot

Representatives:

CAHILL of Woolwich
MACOMBER of South Portland
McPHERSON of Eliot

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 Danton.

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

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

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate, I think it's incumbent upon somebody to give us an explanation as to the rationale of why we should increase fees by one dollar if I go by the Statement of Fact. Primarily, this money will be utilized to support six people the first year and eight people the second year. I never thought it was a mechanism we could assess the taxpayers in the State of Maine to pay a title fee to put on fourteen more employees. I think it would be better rationale than that insofar as this particular piece of Legislation is concerned.

As I mentioned previously, all I'm observing this time in this Legislative session is mandating this, mandating that and making that bureaucratic system fatter than ever. It is getting to the point; I'm getting fed up with it and I think the people in the State of Maine who are paying these additional fees in costs or taxes,

whether we want to refer to them, I feel almost identically as I do.

I certainly would appreciate if somebody from the Transportation Committee could justify how they can increase this fee for titles.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky has posed a question through the Chair to any Member of the Committee on Transportation who may respond if they so desire.

The Chair recognizes the Senator from York, Senator Danton.

Senator DANTON: Mr. President and Members of the Senate, the Senator from Androscoggin has asked a very valid question and certainly is entitled to an answer to his question.

Back in '75 or '76 we passed what was known and is known as the Title Law. Ever since we passed that Title Law for our automobiles to have proper titles so that they wouldn't be able to steal them and sell them on us. That division of the Motor Vehicle Department has been under-manned consequently, anyone who has had the good fortune in the last three, four, five, six years to buy an automobile or even a used car, knows that they just can't get a title for five or six months or at least four months at the outside that Department has come to the Legislature time and time again since we passed the Title Law asking for additional personnel to take up and step up that process so that people can get their titles.

You know titles are a very important thing to someone with an automobile today. We all know that automobiles cost an awful lot of money and we should get our titles as soon as possible. The only possible way that they can expedite the titles is to take and have more personnel there. Now, a title costs you today six dollars. What this is asking for is to increase it by one dollar and make it seven dollars in order to expedite us getting our titles for our automobiles.

I know and the good Senator is correct that we shouldn't be increasing fees and coming back, but you know, this Department of the Motor Vehicle Division was never properly manned; it was never properly funded; other Legislatures have not looked to funding it; they have just set it aside and we're into this problem today and that's why this Bill is before you and that's why I support it. I hope that answers the good Senator.

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

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

When we came up with the Title Law, other than the fact to take care of peoples whose cars are being stolen and ripped off and have a proper title to the vehicle itself. They got involved in a computerization system and at that particular segment of time with the cost of the computer and putting everything on these disc, computer disc, it was made very clear that this was cut down the costs of that particular operation immensely and there would actually be a surplus to the point where it could be utilized in other areas of State Government.

Now, six or seven years later we find they're in the same dilemma that these same people are waiting four to six months to get their title for their vehicles. Now is this efficiency in State Government, or the Department of the Secretary of State, or the Motor Vehicle Division? Or is it just a continuation of the proliferation of the bureaucratic system where inefficiency seems to be the byword?

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

Senator DANTON: Mr. President and Members of the Senate, for those of us that were here and can remember the Title Law just

happened to come on us very quickly. At that time the presiding officer of this Chamber who was Kenneth McCloud had his car stolen, luckily that the car did not have too much gasoline in it and they picked it up on the Maine Turnpike with "President of the Senate" plates. Thus this Bill of titles came along and at that particular time, they never took and funded that Division of Motor Vehicles properly. I know, because I've asked questions in committee and in fact I've got many complaints like perhaps many of you have from automobile dealers and financial institutions that want to take and get these titles where they properly should be. Now, we have an opportunity for this one dollar to do the job, give a person a title to their automobile in a proper length of time. Now, I don't think five or six months is the proper time that someone should wait for a title and that's why I ask you to accept this. We're talking about a dollar. I know it's a lot of money; I'm not taking it very lightly but I'm sure, those of you that are here today, and I want you to remember this in the event they should come to you in the future and ask you for more money, they don't deserve it. This should take care of it; this should expedite the title work and I would hope that you would support my motion, thank you.

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

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

**Senate
Ought to Pass as Amended**

Senator KANY for the Committee on Energy and Natural Resources on BILL, "An Act to Provide Immediate Authorization and Funding to Clean-up Hazardous Waste Dump at Buckfield" (S. P. 571) (L. D. 1649 Reported that same Ought to Pass as Amended by Committee Amendment "A" (S-177)

Which Report was Read and Accepted.

The Bill Read Once.

Committee Amendment "A" (S-177) was Read and Adopted.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1649 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, as amended.

Sent down for concurrence.

Senator NAJARIAN for the Committee on Appropriations and Financial Affairs on BILL, "An Act to Enact a Program of Assistance to the Severely Physically Disabled to Enable them to Work" (Emergency) (S. P. 391) (L. D. 1191) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-178).

Which Report was Read and Accepted.

The Bill Read Once.

Committee Amendment "A" (S-178) was Read and Adopted.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1191 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, as amended.

Sent down for concurrence.

**Second Readers
House**

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

BILL, "An Act to Provide Equitable Health Care for Alcoholism and Drug Dependency

Treatment" (H. P. 623) (L. D. 775)

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

Sent down for concurrence.

Enactors

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

An Act to Clarify and Make Corrections in the Inland Fisheries and Wildlife Laws. (S. P. 548) (L. D. 1599)

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

Emergency

An Act Establishing a Commission to Study the Issue of the Custody of Children in Domestic Relations Cases. (H. P. 1244) (L. D. 1658)

Comes from the House, Indefinitely Postponed.

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

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

Order

On motion by Senator PRAY of Penobscot, the following Senate Order:

ORDERED, that the Senate Rules be amended by adding a new Senate Rule 23-A to read:

23-A. A roll call may be requested while the result of a division is being announced.

Which was Read and Passed.

Committee Reports

Senate

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 Establish a State Administrative Program of General Assistance" (S. P. 274) (L. D. 841)

BILL, "An Act to Improve the Administration of the General Assistance Program" (S. P. 275) (L. D. 842)

Divided Report

The Majority of the Committee on Transportation on BILL, "An Act to Permit the Use of Modulating Headlights on Motorcycles" (S. P. 519) (L. D. 1540).

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-179)

Signed:

Sensors:

DANTON of York
DIAMOND of Cumberland
EMERSON of Penobscot

Representatives:

NADEAU of Lewiston
CARROLL of Limerick
CAHILL of Woolwich
THERIAULT of Fort Kent
MACOMBER of South Portland
McPHERSON of Eliot
REEVES of Pittston
CALLAHAN of Mechanic Falls

The Minority of the same Committee on the same subject matter.

Reported that the same Ought Not to Pass.

Signed:

Representatives:

STROUT of Corinth
MOHOLLAND of Princeton

Which Reports were Read and the Majority Ought to Pass Report of the Committee was Accepted.

The Bill Read Once.

Committee Amendment "A" (S-179) was Read and Adopted.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1540 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, as amended.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Health and Institutional Services on BILL, "An Act to License Home Health Care Services" (S. P. 527) (L. D. 1550).

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-180)

Signed:

Senators:

BUSTIN of Kennebec
GILL of Cumberland

Representatives:

MANNING of Portland
BRODEUR of Auburn
PINES of Limestone
CARROLL of Gray
WEBSTER of Farmington
RICHARD of Madison
MAYBURY of Brewer
NELSON of Portland
SEAVEY of Kennebunkport

The Minority of the same Committee on the same subject matter.

Reported that the same Ought Not to Pass.

Signed:

Senator:

CARPENTER of Aroostook

(Representative MELENDY of Rockland Abstained)

Which Reports were Read.

On motion by Senator PRAY of Penobscot, Tabled for 1 Legislative Day, pending Acceptance of Either Committee Report.

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:

Communication

The Following Communication:

State of Maine

**One Hundred and Eleventh Legislature
Committee on Fisheries and Wildlife**

June 6, 1983

The Honorable Gerard P. Conley

President of the Senate

State House

Augusta, Maine 04333

Dear President Conley:

In accordance with 3 M.R.S.A., Chapter 6, Section 151 with the Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Fisheries and Wildlife has had under consideration the nomination of Francis D. Dunn for reappointment as a member of the Advisory Council of Inland Fisheries and Wildlife.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS:	Senators	2
	Representatives	7
NAYS:	Senators	0
	Representatives	1
ABSENT:	Sen. Redmond, Somerset;	
	Rep. Jacques, Waterville;	
	Rep. Kelly, Camden	3

9 members of the Committee having voted in the affirmative and 1 in the negative, it was the vote of the Committee that the nomination of Francis D. Dunn as a member of the Advisory

Council of Inland Fisheries and Wildlife be confirmed.

Sincerely,
/S/ RONALD E. USHER
Senate Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Fisheries and Wildlife has recommended that the nomination of Francis D. Dunn be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Fisheries and Wildlife 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, Danton, Diamond, Dow, Du-tremble, Emerson, Erwin, Gill, Hayes, Hichens, Kany, Minkowsky, Najarian, Pearson, Perkins, Pray, Redmond, Sewall, Shute, Teague, Trafton, Twitchell, Usher, Violette, Wood, The President Gerard P. Conley.

ABSENT—Collins, McBreairty.

No Senators having voted in the affirmative and 31 Senators in the negative, with 2 Senators being absent, and None being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted.

The nomination of Francis D. Dunn is confirmed.

The Secretary was directed to inform the Speaker of 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 considered the following:

Enactor

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

Emergency

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

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 Passed to be En-acted, and having been signed by the President, was by the Secretary presented to the Govern-
or for his approval.

An Act to Recodify the State Military Laws. (H. P. 1199) (L. D. 1593)

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

(Off Record Remarks)

On motion by Senator Pray of Penobscot, Adjourned until 9 o'clock tomorrow morning.