

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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STATE OF MAINE
One Hundred and Eleventh Legislature
First Regular Session
JOURNAL OF THE SENATE
Augusta, Maine
June 7, 1983
Senate called to order by the President.

Prayer by the Reverend Herbert Reid of the Church of World Brotherhood of Fairfield.

REVEREND REID: Long may our land be bright with freedom's holy light, protect us by Thy might, great God, our King. Amen.

Reading of the Journal of yesterday.

Papers from the House Non-concurrent Matter

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

(In House, March 15, 1983 Passed to be Engrossed.)

(In House, March 23, 1983 Passed to be Enacted)

(In Senate, June 3, 1983, Passed to be Engrossed as Amended by Senate Amendment "A" (S-174) in non-concurrence.)

(Comes from the House, that Body Adhered.)

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

(See Action Later Today)

Non-concurrent Matter

BILL, "An Act to Provide Equal Access to Justice." (S. P. 570) (L. D. 1646)

(In Senate, May 23, 1983, Passed to be Engrossed.)

(Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-344) in non-concurrence.)

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

Senator TRAFTON: Mr. President, I move that this item be Tabled for 1 Legislative Day.

The PRESIDENT: The Senator from Androscoggin, Senator Trafton moves that L. D. 1646 Bill, "An Act to Provide Equal Access to Justice" be Tabled 1 Legislative Day.

Is this the pleasure of the Senate?

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

(Senate At Ease)

The Senate called to Order by the President.

On motion by Senator Pray of Penobscot the Senate voted to Reconsider its action whereby on BILL, "An Act Concerning Special Telecommunications Equipment for the Deaf, Hearing Impaired and Speech Impaired." (H. P. 913) (L. D. 1166) it Receded and Concurred with the House.

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

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 a Referendum to Abolish County Government and Authorize Reassignment of its Functions and Duties to Appropriate State and Municipal Departments and Agencies" (H. P. 635) (L. D. 786)

Leave to Withdraw

The following Leave to Withdraw report shall be placed in the legislative files without

further action pursuant to Rule 15 of the Joint Rules:

BILL, "An Act Concerning Criteria for Determining Need for Welfare" (H. P. 1012) (L. D. 1337)

Ought to Pass as Amended

The Committee on Appropriations and Financial Affairs on BILL, "An Act Relating to the Education of Dependent Children" (H. P. 879) (L. D. 1133) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-338)

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-338)

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-338) was Read and Adopted, in concurrence.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1133 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, in concurrence.

The Committee on Health and Institutional Services on BILL, "An Act to Recodify the Statutes Relating to Corrections and Mental Health and Mental Retardation" (H. P. 583) (L. D. 832) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-346)

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-346)

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-346) was Read and Adopted, in concurrence.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 832 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, in concurrence.

The Committee on Taxation on BILL, "An Act Relating to Ethanol Production in the State" (Emergency) (H. P. 1282) (L. D. 1699) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-337).

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-337).

Which Report was Read.

On motion by Senator Carpenter of Aroostook, Tabled until later in today's session, pending Acceptance of the Committee Report.

The Committee on Appropriations and Financial Affairs on BILL, "An Act to Provide for the Continued Operation of the Maine Occupational Information Coordinating Committee and Include an Economic Data-based System for Economic Development within the Committee's Designated Responsibilities" (H. P. 1093) (L. D. 1443) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-339)

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-339)

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-339) was Read and Adopted, in concurrence.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that

L. D. 1443 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, in concurrence.

Divided Report

The Majority of the Committee on Local and County Government on BILL, "An Act to Change the Positions of County Treasurer and Register of Deeds from Elected to Appointed" (H. P. 1052) (L. D. 1396)

Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Permit Appointment of Registers of Deeds and to Involve the County Budget Committee in Certain Proposed Appointments" (H. P. 1303) (L. D. 1727)

Signed:

Senators:

TWITCHELL of Oxford
SHUTE of Waldo
ERWIN of Oxford

Representatives:

CURTIS of Waldoboro
WENTWORTH of Wells
DAGGETT of Manchester
WALKER of Skowhegan
McHENRY of Madawaska
ROBERTS of Buxton
BROWN of Gorham
BOST of Orono
ROTONDI of Athens

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

Signed:

Representative:

INGRAHAM of Houlton

Comes from the House with the Majority Report Read and Accepted and the New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-345)

Which Reports were Read.

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

The Bill, in New Draft under New Title, Read Once.

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

The Bill, as amended, assigned for Second Reading later in today's session.

Senate

Leave to Withdraw

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

BILL, "An Act to Conduct a Maine Labor Training Study" (S. P. 352) (L. D. 1026)

Ought to Pass in New Draft

Senator BUSTIN for the Committee on Health and Institutional Services on BILL, "An Act to Limit Future Increases in the Cost of Hospital Care in Maine" (S. P. 446) (L. D. 1353) Reported that the same Ought to Pass in New Draft under same title (S. P. 608) (L. D. 1737)

Which Report was Read and Accepted.

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. 1737 be given its Second Reading by Title Only?

It is a vote.

Under Suspension of the Rules, the Bill was Read a Second Time.

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

Senator COLLINS: Mr. President, before we move to Engross this Bill take place, I want to observe that this is one of the most important bills of this session and I think it merits discussion. I have several questions about it and in discussing it with Members of the Committee, I

have agreed that I would wait until a later stage to raise those questions and to discuss them on the floor, but I did want, at this point, to make it clear that my acquiescence at this point does not indicate my complete assent to this Bill, and I will be raising serious questions to make a point. Thank you.

The Bill was 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 Adjust Certain Motor Vehicle Title Fees" (H. P. 1304) (L. D. 1732)

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

House — as Amended

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 Expenditures of Funds from the Mining Excise Tax Trust Fund (H. P. 502) (L. D. 652)

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

Enactors

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

An Act to Protect Employees from Reprisal who Report or Refuse to Commit Illegal Acts (H. P. 592) (L. D. 736)

An Act to Make Voting Places more Accessible to the Elderly and Handicapped (H. P. 728) (L. D. 937)

(See Action Later Today)

An Act to Authorize Court Appointed Receivers (H. P. 1165) (L. D. 1546)

An Act to Clarify the Decision-making Process within the Department of Environmental Protection (H. P. 1009) (L. D. 1334)

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

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 Address the State's Responsibility Under the Potato Industry's Long-Range Plan (H. P. 1170) (L. D. 1558)

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

An Act to Reform the School Finance Act (H. P. 1197) (L. D. 1588)

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

An Act to Create a Maine Sentencing Guidelines Commission (H. P. 1270) (L. D. 1684)

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

An Act Concerning the Calculation of Periods of Imprisonment (H. P. 1295) (L. D. 1716)

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

Senator COLLINS: In regards to L. D. 1716, I have some serious questions that perhaps only need to be a part of Legislative history. I'd appreciate a little more time to properly present these on the Record and if the matter could be Tabled until later in today's session, it would be helpful; if that is not the wish of others, I am prepared to go ahead.

On motion by Senator Carpenter of Aroostook, Tabled until later in today's session, pending Enactment.

Emergency

An Act Concerning the Stopping of Trucks at

Roadside Weighing Points. (H. P. 1094) (L. D. 1440)

Emergency

An Act to Amend Certain Motor Vehicle Laws. (H. P. 1272) (L. D. 1686)

These being emergency measures and having received the affirmative votes of 30 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.

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

Senator PRAY: Mr. President, I move Reconsideration whereby "An Act to Make Voting Places more Accessible to the Elderly and Handicapped" (H. P. 728) (L. D. 937) was Passed to be Enacted.

The PRESIDENT: The Senator from Penobscot, Senator Pray moves that the Senate Reconsider its action whereby L. D. 937 was Passed to be Enacted.

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

(Off Record Remarks)

Orders of the Day

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

BILL, "An Act to Amend the Law Relating to Tax Increment Financing" (H. P. 1039) (L. D. 1364)

Tabled — June 3, 1983 by Senator PRAY of Penobscot

Pending — Passage to be Engrossed
(In House June 1, 1983 Passed to be Engrossed)

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

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

BILL, "An Act to Prevent Unjust Enrichment by Retention of Surplus Upon Foreclosure of Municipalities and Sewer Districts" (S. P. 597) (L. D. 1719)

Tabled — June 3, 1983 by Senator PRAY of Penobscot

Pending — Passage to be Engrossed
The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President, Men and Women of the Senate, the Amendment has been in the Research Office, but their computers have been stalled and may be still stalled, but I hope it will be ready this afternoon, and I hope that someone will Table this until later in today's session.

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

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

Senate Reports — from the Committee on Agriculture on BILL, "An Act to Amend the Wood Measurement Law" (S. P. 457) (L. D. 1388)—Majority Report — Ought Not to Pass. — Minority Report — Ought to Pass as Amended by Committee Amendment "A" (S-173)

Tabled — June 6, 1983 by Senator PRAY of Penobscot

Pending — Acceptance of Either Report
The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Erwin.

Senator ERWIN: Mr. President, Ladies and Gentlemen of the Senate, I move the Minority Ought to Pass Report, as amended by Committee Amendment "A" (S-173) and request permission to speak.

The PRESIDENT: The Senator has the floor.
Senator ERWIN: The Wood Measurement

Bill, L. D. 1388 which you have before you this morning.

The PRESIDENT: The Chair would apologize and interrupt the Senator, but the corrected copies of the bills are not before the Senate at this time, and the Chair would appreciate it if the Senator would defer until later today.

(Senate At Ease)

The Senate called to Order by the President.

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

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

SENATE REPORTS — from the Committee on Agriculture on BILL, "An Act to Revise the Wood Measurement Law" (S. P. 390) (L. D. 1190)

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

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

— Four members report in Report "C" that the same Ought Not to Pass.

Tabled — June 6, 1983 by Senator PRAY of Penobscot

Pending — Acceptance of Any Report

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

The President laid before the Senate the fifth 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 6, 1983 by Senator WOOD of York

Pending — Reference

(Reference to the Committee on Taxation suggested.)

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

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

Senator WOOD: Mr. President and Members of the Senate, in looking over this Bill, it seems that the Plantation of The Forks can already do this, scholarships of this nature do meet a public purpose the same way that other towns raised funds for this purpose and that this Legislation is unnecessary, and I would move that this Legislation be Indefinitely Postponed.

On motion by Senator Wood of York, L. D. 1729 was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

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

Tabled — June 6, 1983 by Senator HAYES 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 the Senate voted to Suspend its Rules.

On motion by the same Senator, the Senate voted to Reconsider its action whereby L. D. 1131 was Passed to be Engrossed.

On further motion by the same Senator the Senate voted to Reconsider its action whereby it Adopted Committee Amendment "A".

On further motion by the same Senator the Senate voted to Reconsider its action whereby it Adopted House Amendment "C" to Committee Amendment "A".

The PRESIDENT: The Senator has the floor.

Senator HAYES: I offer Senate Amendment "A" (S-181) and move its Adoption.

The PRESIDENT: The Senator from Penobscot, Senator Hayes offers Senate Amendment "A" (S-181) and moves its Adoption.

Senate Amendment "A" (S-181) was Read.

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

Senator CLARK: Mr. President, I would pose a question to the Chair of the Joint Standing Committee on Education and that is will that good Gentleman, Senator Hayes of Penobscot share with the Members of this Body, as well as the other Members on the Committee of Education, the implications of Senate Amendment "A" to Committee Amendment "A" under filing number S-181?

The PRESIDENT: The Senator from Cumberland Senator Clark has posed a question through the Chair to the Senator from Penobscot, Senator Hayes, who may respond if he so desires.

The Chair recognizes the Senator from Penobscot, Senator Hayes.

Senator HAYES: In response to the good Senator from Cumberland, Senator Clark, the implications of this Amendment, first of all we're stripping off the amendments placed upon this in the House and what the intent of this Amendment is to do is to replace the requirements to hold a series of meetings with parents with a requirement to hold one meeting in case a child is preceived to be truant. It adds the requirement that teachers be paid extra if they have to meet with parents after school. This is an option of the School Administrator, however, and there's no fiscal note attached to it. It adds the requirement that parents be informed in writing of the consequences of not meeting with their child's teacher and the requirement that teachers receive a copy of the notice.

It continues the amendments that were placed upon this Bill in earlier time which take out the mandation that a fine of two hundred dollars or fifty hours of work be required in cases of truancy.

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

Senator CLARK: Mr. President, Men and Women of the Senate, while I've only had this morning, an opportunity to review the amendment as proposed by the Chair of the Committee on Education, the Senator from Penobscot, Senator Hayes. I guess I remain opposed to the loss of a mandated sentence, if you will, or the penalty and was sorely tempted to object to Suspension of the Rules as we proceeded backward this morning from a Bill which was reported out of the Committee on Education, on which I sat, with a unanimous Ought to Pass Report.

Only those parents of age four to age fourteen year old young people who are actually found to be primarily responsible for their child's truancy will face a penalty and that is in community service a fine. I agree that the amendment is an option and we'll have developed in a Truancy Act a labor issue, and that labor issue involves the mandation of a per diem rate for teachers who are involved or required to attend meetings with parents after school hours.

Now, all of you know that I am a classroom teacher and have been, however, on a somewhat part-time basis during these years of Legislative service; but there is a contract that many of us sign, as we return to our classrooms or as they are issued every year, and that is a caveat which includes in all of those duties which are associated with teaching in our State and here we have a mandation that should teachers be involved in meetings with parents after school hours but, indeed, they will be paid. I feel sure that many of you are saying, why would I object to that? Well, I object to that because I think teachers should be involved with these kinds of problems more

than on a casual basis and I know that there are teachers and lots of them, Members of the Senate, out there who are involved with parents and children and school administrators and supportive personnel whether they be paraprofessional or professional, particularly, when we're focusing on the issue of truancy. Truancy with particular keen focus on age four to fourteen and that is the major thrust of this measure.

While it would be nice if teachers would be recognized in a monetary fashion for their service after school hours, and I have no objection to teachers being included in the notice that they are expected to be involved in these meetings. I guess I do have problems because I believe it discourages the involvement of teachers in meetings with the parents of the truants, and the bottom line of all of this measure is to get those young people, four to fourteen, back to school. I don't honestly feel that a meeting with parents after school hours proposes a particular hardship to professional personnel in any of our public schools, or private schools for that matter. I guess that's why I am more than opposed, well, I guess opposed is enough to the attachment of this amendment.

I express my concern this morning along another vein in that the Committee Report was, in fact, unanimous but not all members of the Committee on Education have been involved in the redrafting or even apprised of the contents of this measure, the amendment before us. While I recognize that probably the dye has been cast, I would request, Mr. President, that a Division be given when the amendment, when the pending motion is before us.

Again, I would express my concern, and in fact, what we're doing here is not addressing the issue of truancy for the young people of our State in a particularly strong manner, you see, even though this issue was debated at length, last week I believe, it isn't often that you have guidance personnel, department personnel, administrative personnel, teaching personnel and yes, even parents, social workers and all those involved in the issue of truancy which is an emerging crisis within our schools, agreeing on one measure, and the fact that they agreed on this measure, as was before us in its fashion today and has been Tabled regularly for the last two or three days, it's a feat in and of itself; something had to be good in that original measure.

While I will bow to the will of the Chair of the Committee on Education and bow to the will of this Body, I would still repeat my opposition to the attachment of this amendment. Thank you, Mr. President.

The PRESIDENT: The Chair would have to pose the Indefinite Postponement of House Amendment "C" which we Reconsidered prior to adopting Senate Amendment "A".

Is it now the pleasure of the Senate that House Amendment "C" be Indefinitely Postponed?

It is a vote.

On motion by Senator Pray of Penobscot, Tabled until later in today's session, pending Adoption of Senate Amendment "A".

The President laid before the Senate the seventh tabled and specially assigned matter:

SENATE REPORTS — from the Committee on Health and Institutional Services on BILL, "An Act to License Home Health Care Services" (S. P. 527) (L. D. 1550) — Majority Report — Ought to Pass as Amended by Committee Amendment "A" (S-180) — Minority Report — Ought Not to Pass.

Tabled — June 6, 1983 by Senator PRAY of Penobscot

Pending — Acceptance of Either Report

On motion by Senator Carpenter of Aroostook, the Majority Ought to Pass Report of the Committee was Accepted.

The Bill Read Once.

Committee Amendment "A" (S-180) was Read and Adopted.

The Bill, as amended, assigned for Second Reading later in today's session.

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

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

On motion by Senator Pray of Penobscot, Recessed until 4 o'clock this afternoon.

Recess

After Recess

The Senate called to Order by the President.

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

Papers from the House Non-concurrent Matter

BILL, "An Act to Provide Equitable Mental Health Insurance." (S. P. 596) (L. D. 1718)

(In Senate, June 2, 1983, Passed to be Engrossed as Amended by Senate Amendment "A" (S-170).)

(Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "A" (S-170) and House Amendment "A" (H-342) in non-concurrence.)

The PRESIDENT: The Chair understands the Senator from Cumberland, Senator Clark moves that the Senate Recede and Concur with the House.

The Chair recognizes the Senator from Androscoggin, Senator Charette.

Senator CHARETTE: Thank you, Mr. President. I would hope you vote against the motion to Recede and Concur and 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 Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Thank you, Mr. President. Mr. President, Ladies and Gentlemen of the Senate, I find myself in a bit of quiry listening to the previous debate on this Bill and now looking at the House Amendment that by Receding and Concurring, we would eventually Adopt.

The question I guess through the Chair, perhaps to the Senator from Androscoggin, Senator Charette that I think that he would find this Bill more palatable if we'd Adopted or Receded and Concurred and Adopted House Amendment "A" and then if he still had objections to the total Bill that he would then move the Indefinite Postponement, at a later date.

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

Senator CHARETTE: I did read the amendment, I suppose the amendment doesn't apply to the earlier reasons to defeat this Bill. I will withdraw my motion and wait at a later date.

The PRESIDENT: The motion before the Senate, the Chair understands is the motion of the Senator from Cumberland, Senator Clark that the Senate Recede and Concur. The Chair is in error. The Chair understands that the Senator from Androscoggin, Senator Charette asked Leave of the Senate to withdraw his request for a Roll Call.

Is this the pleasure of the Senate?

It is a vote.

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

Non-concurrent Matter

BILL, "An Act to Require Interdepartmental Coordination of Social Services Planning." (H. P. 1255) (L. D. 1668)

(In Senate, May 23, 1983, Passed to be Engrossed in concurrence.)

(Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-347) 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 Concerning Confidential Records and State Certification of Educational Personnel." (S. P. 583) (L. D. 1691)

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

(Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-353) in non-concurrence.)

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

It is a vote.

Non-concurrent Matter

BILL, "An Act to Provide Workers' Compensation Coverage to Emergency Medical Services' Persons." (S. P. 563) (L. D. 1637)

(In Senate, May 31, 1983, Passed to be Engrossed as Amended by Committee Amendment "A" (S-160))

(Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (S-160) and House Amendment "A" (H-354) in non-concurrence.)

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

It is a vote.

Committee Reports House

Leave to Withdraw

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

BILL, "An Act to Provide a Sales Tax Exemption for Sales to Certain Humane Societies" (H. P. 433) (L. D. 515)

Ought to Pass in New Draft

The Committee on Energy and Natural Resources on BILL, "An Act Relating to the Identification and the Hazards of Exposure to Toxic and Hazardous Substances" (H. P. 549) (L. D. 770) Reported that the same Ought to Pass in New Draft under same title (H. P. 1306) (L. D. 1735)

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. 770 be given its Second Reading by Title Only?

It is a vote.

Under Suspension of the Rules, the Bill Read a Second Time.

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

Senator KANY: Mr. President and Members of the Senate, I offer Senate Amendment "A" (S-182) and move its Adoption.

The PRESIDENT: The Senator from Kennebec, Senator Kany offers Senate Amendment "A" (S-182) and moves its Adoption.

Senate Amendment "A" (S-182) was Read.

The PRESIDENT: The Chair recognizes the

Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I would ask the meaning of this amendment be explained as it seems to me that it takes out a portion of the Bill that is highly desirable to keep in.

The PRESIDENT: The Senator from Knox, Senator Collins poses a question through the Chair to the good Senator from Kennebec, Senator Kany who may respond if she so desires.

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Thank you, Mr. President. Mr. President and Members of the Senate, this amendment deletes a paragraph which really is inconsistent with the Administrative Procedures Act. This particular inconsistency was pointed out to me by a member of the Attorney General's Office after our Bill from our unanimously approved Committee Bill was reported out of our Committee. Therefore, I'm offering this amendment so that our well refined and well developed Administrative Procedures Act can prevail in the rule-making proceedings.

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

Senator COLLINS: Mr. President, the section in which this amendment would delete from the Bill is very brief and it simply says "that the director should make a written record with any rule making procedure under this section, which shall include his findings and the basis for those findings, the findings shall be supported by substantial evidence in the Record."

It is quite true that this is not the requirement of every rule making procedure, but it is also the fact that this particular measure which I think is a very valuable measure because it relates to identifying hazards of exposure to toxic and hazardous substances, particularly, I think this section of the Bill is related to things that might cause cancer. This is a highly technical area. The sort of material that is presented to the rule-making Body is scientific in nature; it's precise; it needs a very careful weighing and consideration by highly qualified people. It seems to me that anything this important deserves a written record and that it deserves substantial evidence to support it before it is Adopted.

It is suggested by my colleague from Kennebec, Senator Kany that this is not generally required and in our State level requirements for rule-making this is frequently true. But it is also the case that at the Federal level and we take many of these administrative procedure rules from the Federal level that a substantial evidence requirement is the case in scope of review and that there are written records. It's my judgment and it was the judgment apparently of the unanimous Committee Report that that kind of standard ought to prevail in this particular situation.

I think we should move very carefully before we wipe out the necessity of a written record and the requirement of substantial evidence because the matter concerned here is the type of thing that requires great precision and care. It isn't as easily adjusted or as easily understood as some of our social service regulations, for example.

I think this Bill ought to stand as it was reported from the Committee and I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Mr. President and Members of the Senate, as Senator Collins is an attorney, and I'm sure he's well acquainted with rule making procedures which are not proceedings which that little language kind of attempts to make it. It is not an adjudicatory proceeding at all; it is a rule-making proceeding. As Senator Collins is well aware any one could appeal to the Superior Court if the very specific portions of the Law are not implemented properly

under rule-making. Let us go with the consistency of our law in our very well developed Administrative Procedures Act, and I certainly hope that we do adopt the suggestion of the Attorney General's Office. It is a very reasonable one.

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

Senator PRAY: Mr. President and Ladies and Gentlemen of the Senate, as I read L. D. 1737 and the section is applied with Senate Amendment "A", I become a little confused. Of course I've been a little confused ever since the Administrative Procedures Act was passed, to start with.

I read the Bill and I find the language that is there is something, to me, sounds good and I think the Committee on Energy and Natural Resources did a good job of putting the Bill together and adding into that the statement or the paragraph that we're talking about. One of the problems with the Committee Amendment, it doesn't tell you what is being taken out and I'd like to quote the section of Law I believe this applies to and it is L. D. 1735 on page 4, "The director shall make a written record of any rule-making proceedings under this section which shall include his specific findings and the basis of those findings. The findings shall be supported by substantial evidence in the Record."

We have attempted over the past several sessions and in this session, as well, to address the identification of hazardous materials and hazardous waste, toxic waste. We have a bill that addresses that, that was sponsored by the Senator from Kennebec, Senator Kany which now sits on the Unassigned Table to address in another area of that concern. It's an area of growing concern to this State, and I think this section of the law as reported out by the Committee only adds in some small way a greater record and a greater recognition of the concerns and the proceedings that would take place in dealing with these toxic and hazardous materials.

I would hope that we would not Adopt the Amendment that would take out this section.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Kany. The Chair would remind the Senator when addressing the Senate to address the Senate through the Chair.

Senator KANY: Thank you very much, Mr. President and Members of the Senate, I'm certain that Senator Pray is well aware of what life was like in the State agencies prior to our fine Administrative Procedures Act. I'm very proud to have spent many, many hours and years in the refinement of the development of that; prior to that we had no good rule-making procedures; we had no assurance that individuals would have an opportunity for public hearing. All rules did not have to be kept at the Secretary of State's Office and so on. We had very casual rule-making; we have developed a fine law, and I am pleased that we have done that.

Senator Pray has been most laudatory in his praise of the Energy and Natural Resources Committee and its work, and I appreciate that praise.

I would hope that he, also, would have some faith in the Attorney General's Office and their recommendation, and I urge you to go along with this Amendment.

The PRESIDENT: A Division has been requested. Will all those Senators in favor of the Adoption of Senate Amendment "A", please rise in their places to be counted.

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

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I request a Roll Call.

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

nators 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 Knox, Senator Collins.

Senator COLLINS: Mr. President, the Senator from Kennebec, Senator Kany has suggested to us, I think a couple times, that this is a recommendation from the Attorney General's Office. I question whether it is really a recommendation or whether it is simply an observation that this provision is not generally found in rule-making provisions and that it is not the usual thing in rule-making under the Administrative Procedure Act.

Once again I would ask the Senate to pay particular attention to the nature of the subject matter that is involved in this particular rule-making. This is not the same as making rules about babysitters or nursing homes. This is a highly technical subject. It deals with toxic and hazardous substances; it talks about lethal doses of five hundred kilograms and milligrams, a lot of scientific terms that are not familiar to many of us, amine inhalation, lethal concentration in air of not more than two thousand parts per million by volume, and so forth, and so on. These are the types of things that need precise records, substantial records, so that if errors are made we know where to place the fault and that if appeals are taken to the courts, we have a continuing record of what was presented, frequently very expensive presentation by scientists from out of state, from large companies, from universities, from State Government. What they have offered is too important to be left without a substantial record, a written record. I urge you to think carefully about that and to vote "No" on the pending motion.

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

Senator KANY: Mr. President and Members of the Senate, the Administrative Procedures Act was amended in 1981 to require that at the time of adoption of any rule the agency shall adopt a written statement explaining the factual and policy basis for the rule. There is the basis for your appeal, Senator, and I urge you to go along with what was an actual recommendation from the Attorney General's Office.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Kany that the Senate adopt Senate Amendment "A".

A Yes vote will be in favor of the Adoption of Senate Amendment "A".

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Baldacci, Bustin, Carpenter, Charrette, Clark, Diamond, Dow, Dutremble, Erwin, Hayes, Kany, Najarian, Pearson, Trafton, Viollette, Wood, The President Gerard P. Conley.

NAY—Brown, Collins, Danton, Emerson, Gill, Hichens, Minkowsky, Perkins, Pray, Redmond, Sewall, Shute, Teague, Twitchell, Usher.

ABSENT—McBreairty

A Roll Call was had.

17 Senators having voted in the affirmative and 15 Senators in the negative, with 1 Senator being absent, the motion to Adopt Senate Amendment "A" in non-concurrence, Pre-vailed.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on Election Laws on BILL, "An Act Relating to Referendum Campaign Reports and Finances" (H. P. 11) (L. D. 7)

Reported that the same Ought to Pass.

Signed:

Sensors:

PEARSON of Penobscot
USHER of Cumberland

Representatives:

STEVENSON of Unity
MARTIN of Brunswick
HANDY of Lewiston
NADEAU of Lewiston
PARADIS of Augusta
MICHAUD of East Millinocket

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

Signed:

Sensor:

REDMOND of Somerset

Representatives:

ROBERTS of Buxton
SHERBURNE of Dexter
CAHILL of Woolwich
WENTWORTH of Wells

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

Which Reports were Read.

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

Senator PEARSON: Mr. President, I move the Minority Ought Not to Pass Report.

The PRESIDENT: The Senator from Penobscot, Senator Pearson moves that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

Is this the pleasure of the Senate?

The Senator has the floor.

Senator PEARSON: I'd like to explain. This particular Bill was a Bill that said that you couldn't contribute any more money to a referendum campaign as an individual or a corporation, than you can an individual who is running for office.

I originally signed this out Ought Not to Pass because I believed it to be unconstitutional and unworkable. I was persuaded to sign the Ought to Pass Report in order for the sponsor and Members of the other Body, so they could ask for a solemn occasion from the Justice of the Law Court. That opinion has been rendered and it is unconstitutional and, consequently, I recommend that you vote Ought Not to Pass.

On motion by Senator Pearson of Penobscot, the Ought Not to Pass Report of the Committee was Accepted.

Divided Report

The Majority of the Committee on Transportation on BILL, "An Act to Amend the Motor Vehicle Salvage Laws of the State" (H. P. 910) (L. D. 1189)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-318)

Signed:

Sensors:

DANTON of York
DIAMOND of Cumberland

Representatives:

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

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

Signed:

Sensor:

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 Bill Passed to be Engrossed as Amended by Committee

Amendment "A" (H-318) and House Amendment "A" (H-355)

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

The Bill read Once.

Committee Amendment "A" (H-318) was Read and Adopted, in concurrence. House Amendment "A" (H-355) was Read and Adopted in concurrence.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1189 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, in concurrence.

Second Readers

House — as Amended

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

BILL, "An Act to Permit Appointment of Registers of Deeds and to Involve the County Budget Committee in Certain Proposed Appointments" (H. P. 1303) (L. D. 1727)

Which was Read a Second Time.

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

Senator BALDACCI: Mr. President, I'd like to speak to this particular Bill before it's Passed to be Engrossed.

The PRESIDENT: The Senator has the floor.

Senator BALDACCI: Thank you, Mr. President. The original Bill was an act to change the positions of County Treasurer and Register of the Deeds from elected to appointed and to give that power to the County Commissioners.

The New Draft allows the County Commissioners or the people to initiate a referendum to have those positions appointed rather than elected. We had, in my county the last time around, an election to have the County Treasurer appointed and it was defeated very handily by the people. I think that this Bill is just another attempt to wing it at this particular County Treasurer or at the Register of Deeds. I think that the process for those two positions are very adequate and I would just like to see us Indefinitely Postpone this.

Mr. President, I would like to Indefinitely Postpone L. D. 1727, and ask for a Division.

The PRESIDENT: The Senator from Penobscot, Senator Baldacci moves that L. D. 1727, Bill, "An Act to Permit Appointment of Registers of Deeds and to Involve the County Budget Committee in Certain Proposed Appointments" (H. P. 1303) (L. D. 1727) be Indefinitely Postponed.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Mr. President, I want to make sure that I understand this, the original said that they could be appointed by the County Commissioners. The present Bill says that it could be put out to referendum. I see a nod from the Senator from Oxford, Senator Twitchell that I am correct, and I want to sort of reiterate what Senator Baldacci said. These things are strange sometimes because as he indicated to you, the previous Senator from Penobscot who served in here from the Newport area, Senator Cummings became the Treasurer of Penobscot County, and if you know her at all, you'd like her and one of her characteristics is extreme honesty and she got into the job and she said it is not worth what they are paying me. She recommended that the job be done away with, and so we put an item on the ballot in Penobscot County to do

away with the job and the people kept it, and all she did was to come in once a week to sign some rosters, some bills and that was the extent of the job and it paid quite a bit of money for what she was doing.

One of the reasons for that happening at the time was that the Bangor Daily News didn't do its job either and fell down and when the results of the election came in they wrote an editorial about how disgusting it was that the people hadn't done the good thing they were suppose to do when they weren't informed by the news of what was going on.

I think that Senator Baldacci is correct. It's really not a place for a referendum because I think it either ought to be done by Legislation and make it appointive or not.

The PRESIDENT: Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Baldacci to Indefinitely Postpone L. D. 1727, please rise in their places to be counted.

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

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

Senator BALDACCI: A Roll Call, Mr. President, is the question in order?

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Mr. President, I'd like to pose a question through the Chair to the Chairman of the Committee on County and Local Government. As I understand the Bill it calls for the County Budget Committee to be involved in this process, and I would like to know what the County Budget Committee is? Is that us? Or is that some other agency that's set up in this Bill?

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

On motion by Senator Pray of Penobscot, Tabled, pending the motion by the Senator from Penobscot, Senator Baldacci.

Senate — as Amended

BILL, "An Act to License Home Health Care Services" (S. P. 527) (L. D. 1550)

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

Sent down for concurrence.

Enactors

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

An Act Amending and Expanding the Home Winterization Program Statute. (H. P. 1281) (L. D. 1698)

On motion by Senator Pray of Penobscot, Tabled for 1 Legislative Day, pending Enactment.

Emergency

An Act to Make Additional Allocations from the Public Utilities Commission Regulatory Fund for the Fiscal Years Ending June 30, 1984, and June 30, 1985. (S. P. 433) (L. D. 1345)

This being an emergency measure and having received the affirmative votes of 32 Members of the Senate, with No Senators having voted in the negative, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Order

Joint Order

On motion by Senator BUSTIN of Kennebec, the following Joint Order: (S. P. 610)

ORDERED, the House concurring, that BILL, "An Act to Streamline Information Processing by Income Supplementation and Social Service Programs," Senate Paper 533, Legisla-

tive Document 1564, be recalled from the legislative files to the Senate.

Which was Read.

The PRESIDENT: The Chair would advise the Senate that this Joint Order requires for its Passage, in accordance with Joint Rule #4, the affirmative vote of two-thirds of those Senators present and voting.

The Chair will order a Division.

Will all those Senators in favor of this Joint Order receiving Passage, please rise in their places to be counted.

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

31 Senators having voted in the affirmative, and 1 Senator having voted in the negative, and 31 being more than two-thirds, of the Membership present and voting the Joint Order was Passed.

Sent down forthwith for concurrence.

Committee Reports

Senate

Ought Not to Pass

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 15 of the Joint Rules: BILL, "An Act to Revise Laws Concerning Commercial Whitewater Rafting" (S. P. 478) (L. D. 1453)

Ought to Pass as Amended

Senator WOOD for the Committee on Agriculture on BILL, "An Act to Provide for the Return and Disposal of Pesticide Containers" (S. P. 501) (L. D. 1513) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-184).

Which Report was Read and Accepted.

The Bill Read Once.

Committee Amendment "A" (S-184) was Read and Adopted.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1513 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.

Orders of the Day

The President laid before the Senate:

BILL, "An Act to Provide Equal Access to Justice" (S. P. 570) (L. D. 1646)

Tabled — June 7, 1983 by Senator PRAY of Penobscot

Pending — Further Consideration

(In Senate May 23, 1983 Passed to be Engrossed.)

(In House June 6, 1983 Passed to be Engrossed as Amended by House Amendment "A" (H-344) in non-concurrence)

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

It is a vote.

The President laid before the Senate:

HOUSE REPORT — from the Committee on Taxation on BILL, "An Act Relating to Ethanol Production in the State" (Emergency) (H. P. 1282) (L. D. 1699) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-337)

Tabled — June 7, 1983 by Senator CARPENTER of Aroostook

Pending — Acceptance of Committee Report

(In House June 6, 1983, Passed to be Engrossed as Amended by Committee Amendment "A" (H-337).

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

Senator MINKOWSKY: Mr. President and Members of the Senate, let me first state to the Members of the Senate, the Ethanol Plant is not more than three and one-tenth air miles from my home in the city of Lewiston.

Let me state, secondly, that I had very serious reservations about the Ethanol Plant when the program was brought up originally, when the Maine Guarantee Authority was asked to fund this particular plant. I did, subsequently, vote for the Maine Guarantee Authority and they in turn voted to allow this particular subsidy to be added on to the Federal subsidy.

The third phase to this particular concern is the tax write-off of 1.75 million dollars over a three year span of time at the expense of the taxpayers in the State of Maine.

Let me say, I don't think we need a study. Secondly, there is no economic feasibility in this project; it is based on what the Federal Government is willing to spend on it, and as you are aware, they're spending sixty-seven million dollars plus what the Maine Guarantee Authority is throwing into it, 5.5 million dollars. Any business that can be successful or any business can be successful if the Federal Government provides enough direct subsidy, and this is what it all boils down to, a direct subsidy from the Federal Government. It's not going to help Maine to any degree, not unless Maine itself was producing the corn to use in the Ethanol Program, but I can assure you it's going to help many other states who have large surpluses of corn and by the time you transport that to the State of Maine and convert it to ethanol, I don't believe it will be cost effective.

The question here this afternoon is how far do we go as a State? In my personal observation I think we've gone far enough. This particular piece before us this afternoon simply asks the taxpayers to expend another thirty thousand dollars to study what is already very obvious to all of us. It's not cost effective because the Federal Government is directly involved in funding to the tune of roughly sixty-nine or seventy million dollars. When you add insult to injury by now asking the taxpayers of the State of Maine to further subsidize this and pay for a study; it's not our responsibility.

If the entire thing is as good as they claim it to be, which if you look at the Statement of Fact produces three hundred jobs at its inception and a hundred guaranteed jobs in the long run, that subsidy that we're talking of 1.75 million dollars amounts to maybe a hundred seventeen thousand dollars per employee in general figures. I don't believe it is incumbent upon the people of the State of Maine to pick up this cost. The people who are directly involved in the Ethanol Program I think have gone a long ways to secure the amount of money that they have and I think it is incumbent upon those particular special or vested interests to produce a study that the State of Maine can rely upon should they proceed any further insofar as granting them 1.75 million dollars additional subsidy over the next four years.

I think we are going too far, too fast, and my basic argument originally before I voted for this particular program is if the Maine Guarantee Authority with all its faults, and I mentioned maybe forty-two to forty-five million dollars of defaulted loans, can raise this much money to allocate it to one particular pilot project that's subsidized by the Federal Government then why can't they raise 4.5 million dollars to help many of the small existing industries in the State of Maine to expand and increase the tax base as well as the job opportunities for the State of Maine?

I just cannot believe that this Legislature would further dip in to asking the taxpayers to raise a measly thirty thousand dollars to do this when this means additional loss of revenue to the State of Maine in this pilot program.

I'm not going to make a motion this afternoon on this particular Bill, but I just wanted the Record to be very clear exactly what my feelings are towards it at the present time.

The PRESIDENT: The Chair recognizes the

Senator from Penobscot, Senator Hayes.

Senator HAYES: Members of the Maine Senate, I'm frankly very pleased to find myself in agreement with Senator Minkowsky, the good Senator from Androscoggin.

I do share some reservations about this Bill. A Bill to study the feasibility of producing ethanol with a big tax break from the people of Maine. It's my judgment that this study, if it needs to be done at all, should be done by the private sector, by the entrepreneurs who are involved in this process.

There are several reservations I have about this project and these are not addressed in the study. There's a very interesting question of whether ethanol is, in fact, so much more costly than methanol to produce that there is no economic feasibility in the project to begin with.

There are the problems of transportation costs, of bringing grain from the mid-west to Maine and these costs are going to be awfully high. It is reasonably clear that without massive tax breaks, this particular project will not be economically supportable. There is no, or little exposure of the companies involved to the risks of this project and yet there's people in the State of Maine who are now sharing a very large risk in this project.

If this plant were to use sugar beets, we would all understand a little better the implications of this south seas bubble. I feel that we are now thinking about throwing good money after bad and I'm opposed to it.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, one more point which I think is of significant value and it's this. Presently there's an application pending before the Environmental Protection Agency. That application is addressing a very serious air quality standard because in the ethanol process benzene is used and from the general, and these are just general ideas that were projected to me, but benzene itself, when admitted into the atmosphere is a very serious carcinogen which could affect the health of people in my community, both Lewiston and Auburn, and surrounding areas, depending if there's an inversion in the air.

I just cannot in good conscience place a dollar value or a measly hundred jobs pertaining to the lives of the people, thousands of people that live in Lewiston/Auburn area. My feeling is this, when the Department of Environmental Protection comes forth with its approval or disapproval of this particular program, then I think I'd feel more comfortable knowing exactly what process is going to be used to produce ethanol and until that particular evaluation is rendered to this Legislature, I think it is absolutely foolish for us to, again, take thirty thousand dollars of taxpayers' money and try to fund this particular project.

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

Senator WOOD: Mr. President and Members of the Senate, I would only rise to defend the Taxation Committee's action on this particular Legislation. It was an unanimous report from the Committee suggesting that a study at this time would be appropriate.

Many of the members of the Committee had the same concerns and questions that have been raised today. We felt, somewhat, uncomfortable in voting on the Legislation before us and thought that since we were dealing with a large amount of taxpayers' dollars that it seemed appropriate to further analyze the issue and come up with something that we could feel comfortable recommending to the full Body to both the Bodies of this Legislature.

I would argue that it seems to me to be more appropriate for the State to raise the thirty thousand than for the industry to fund the study. I am, somewhat, suspect when indus-

tries' fund their own study, determining whether they should get a tax break or not, I would think that the Legislature would be somewhat suspect of a study of that nature. It seems to me that the issue of energy independence and the issue of economic developments are ones that have been with us in the seventies and will continue in the eighties. They are difficult issues for states to come to grips with and before states take a tax policy in this area, they have to be well thought out. I, for one, commend our Committee and the Legislature for slowing down, what I have seen over the years of granting tax breaks to business after business and now we're saying wait a minute. We really want to look at this issue and see if it makes economic sense and from that viewpoint, from the tax policy viewpoint it makes a lot of sense to study it.

Some of the issues that Senator Minkowsky has raised, could be put into amendments for further questions for the Committee to explore; some of the issues that Senator Hayes raises could, also, be offered as amendments for the Committee to explore. I think the Study Committee is open to suggestions and it seems to me the appropriate way to finally deal with this legislation in a meaningful way and I would urge you to support this Bill.

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

Senator TRAFTON: Mr. President and Members of the Senate, I rise in support of the unanimous report of the Committee on Taxation, today. I think that there have been some misleading statements issued here today. I don't think it's our issue before us now to discuss the merits of whether it's cost efficient to haul corn from the mid-west to an Ethanol Plant in Maine, and I can say Auburn, Maine because I think most of you are aware that that is the proposed location of the plant. I am as close to that site location as the good Senator from Androscoggin, Senator Minkowsky. I have full faith in the Department of Environmental Protection that it will enforce our air quality standards and, in fact, they have done a good job in our area in doing that.

I think that the issue before us currently is, can we answer some of the valid questions that have been raised, before the Committee on Taxation, regarding this proposed phased out exemption which would help the ethanol industry within the State of Maine?

A second question is, how can we best answer those questions so that the Members of the One Hundred and Eleventh Legislature can put faith in that study and feel that they are voting on full facts and not a biased report either from industry who support this Bill or industry who may not support this Bill.

I point out that thirty-four states in this Nation have, in fact, already passed state tax incentives designed to induce perspective ethanol producers to locate and construct facilities in their own states. This is not a new concept. Maine, in fact, is following the lead of many other states that have owned their own ethanol facilities within the states.

Legitimate questions were raised before the Committee on Taxation as to whether or not such a proposed exemption would provide a competitive advantage for some of the principles involved in the Ethanol Plant. I cannot answer those questions; I cannot answer that issue; members of the Taxation Committee could not answer those issues. This study proposes, not to rehash the studies that were done for the Maine Guarantee Authority on the proposed loan guarantees, and I will correct the good Senator from Androscoggin, Senator Minkowsky that these are not out-right grants from the Department of Energy and the Maine Guarantee Authority but simply guaranteed loans from these two agencies so that there's no direct State's subsidy other than the differential interest rates for those two agencies. I think the important thing is, how do we

answer these questions? This study is by an independent commission on which various representatives sit, representatives from industry, representatives from Government, and I think we frankly need these questions to be answered if we're going to make an intelligent decision over an issue that won't go away. I think that it is clear that this piece of legislation or this proposed piece of legislation for a phased out tax exemption will be back in January, and it may even be back after that.

I ask you to support the unanimous report of the Taxation Committee so that we can have these questions answered, once and for all and vote intelligently on this subject. Thank you.

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

Senator VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate, looking over this legislation this afternoon, I find some difficulty, quite frankly, in the State expending a substantial sum of money, I think thirty thousand dollars is a substantial sum of money, on a project to determine whether or not the New England Ethanol Products Corporation would be an economically feasible undertaking if it were not granted such an exemption which would amount to somewhere in the vicinity of one and three quarter to two million dollars over the next few years.

The United States Government has already guaranteed of this ninety million dollars project out of the estimated debt of seventy-four million dollars, the United States Government is guaranteeing 90% of that debt, sixty-six million dollars and the State of Maine is guaranteeing 6.7 million dollars. The principles involved have already invested approximately there to four million dollars, the three principles involved and they have been joined by some seventeen limited partners, a number of limited partners, to the tune of another seven-million dollars.

I find it, somewhat, amazing that all of this money, these guarantees and this priced money being underwritten by the First Boston Corporation, suddenly have found themselves in this position where they feel, after having invested this money, that this in their estimation, this exemption is absolutely necessary in order for their plan to operate successfully, financially. It simply amazes me to think that we are going to first of all, undertake to study this issue, to begin with when we have already been overly generous with respect to this particular project, the Legislature earlier in the session and the ION Committee on State Government enact of legislation to raise the ceiling which allowed the MGA after having studied the project and felt that it was a viable project aside from this exemption, that it was a viable project and followed through with the guarantee, the Federal Government did. I had some serious doubts about any kind of exemption for this plant and to think that I'm going to spend thirty thousand dollars, additional dollars from the General Fund I would gather, to determine whether or not if this company ought to have an exemption or not, I think it's a waste of money. I think we've been more than generous. These people evidently feel that this plant is a feasible operation, otherwise, they wouldn't have invested their money.

I don't think it's up to the State of Maine to follow the lead of other states. I think Maine does as it wishes; it has its own economy; its own environment and I think it ought to deal with that. I don't think it's necessary for us to do what other states are doing. I think that we have to look at our own situation.

Mr. President, I would request a Division and I quite frankly would appreciate it if you all would consider whether or not you think it's necessary for the State of Maine to spend thirty thousand dollars in order to conduct this study as to whether or not this company will be able to operate economically when we have already been more than generous and

where our principles have already invested money evidently; they've committed themselves without a one and three-quarter million dollar exemption. I think we should consider this before we vote to fund this study and I wish that you would consider this today and I wish that you would vote against this. Thank you.

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

Senator TEAGUE: I would hope that you would vote for it, this study. I hope that you will turn to page two of L. D. 1699 and just look at the five questions that we would ask.

"Would the New England Ethanol Project be economically feasible without an Excise Tax Exemption?"

The second one, "if a project is not feasible without an exemption what is the optimum level of the exemption?"

"Is an exemption unfair to competitors?"

"Which fund should bear the cost of the exemption, the General Fund or the Highway Fund?"

"Do the benefits of the State of allowing the exemption outweigh the loss of revenue?"

The answer to some of the questions and so forth. This Bill probably will end up with the Appropriations Table with the thirty thousand cost to it. It will take its chances with the rest of the bills that are on the back of your Appropriations Table at the present time.

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

Senator VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate, I simply find it incredible that the State of Maine is going to be the one to spend thirty thousand dollars to determine whether this plant ought to be built: when the Federal Government has already extended sixty-seven million dollars worth of guarantees; the State of Maine has already extended 6.7 million dollars worth of guarantees; when the principles have committed themselves to three or four million dollars; and the limited partners, evidently, have committed themselves to some seventeen million dollars. It's incredible to think that these people and that these Governments would have extended these guarantees and that the First Boston Corporation would be involved in this undertaking if they had answered these questions themselves. I simply cannot believe that they're going to build this plant without already knowing this information. There is nothing that ceases to amaze me, I just can't believe this. That a company is going to undertake a project of this magnitude and not know the answers to these questions. It's incredible! Ninety million dollars and they don't know the answers to these questions! It really is! I'm just wondering if we aren't being made fools of here. I simply cannot believe that ninety millions dollars is going to be spent on an Ethanol Plant in Maine and they don't know whether or not it is economically viable without this exemption.

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

Senator TRAFTON: Mr. President and Members of the Senate: I think that the good Senator from Aroostook, Senator Violette has mistaken the purpose of this study.

The purpose of this study is not to determine whether the plant or the project proposed for Auburn is economically viable. The purpose of this study is to simply intelligently inform the Legislature whether or not it is necessary for us to take action to provide a tax exemption which would encourage the distribution of the product of this plant. This is an area of study that has not been undertaken yet; it's an issue for the Legislature to decide.

I think it is important to understand the source of this Bill. This is not a New England Ethanol Products Bill. The source of this Bill was the Governor's Office. It is the Governor's Office that wanted these questions answered

for his own information and the information of the staff and the information of the Legislature.

I think that I would feel very uncomfortable taking any action on a tax exemption bill of this nature without having the facts before me and this is a study that will provide those facts. As to whether thirty thousand dollars is too much. Well, I know what the status of the Table is down on the second floor. The Appropriations Committee will have certainly a tough time finding any significant portion of the Part II budget. I understand that.

The important part of this Bill is not the thirty thousand dollar price tag; the important part of this is establishment of an independent commission to answer these questions. If there's not significant dollars left to fund this study. Well, then the State Planning Office with a minimal allocation or appropriation can do the best job that it is able, and I think rather than having a State Planning Office study within its own staff or a Committee study upstairs on the fourth floor in the Committee of Taxation this independent commission is important if we're going to answer the questions that we need answered.

I urge you to support the unanimous report of the Committee on Taxation. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Thank you, Mr. President. Ladies and Gentlemen: I too have some deep concerns about this specific issue and also, need some questions answered that this study might possibly reveal. I have some concerns when we offer tax exemptions for Pratt-Whitney, whoever we offer them for.

The question I have against them, maybe someone could possibly answer this is, would it be possible knowing the status of the Appropriations Committee the need to find funds, would it be possible if we were to amend this Bill so to remove the thirty thousand dollars altogether to conduct this study?

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

Senator HAYES: The more I listen to this discussion, I'm convinced that Senator Violette is correct, because this company doesn't understand its ability to make profit on this particular project having extended so much money and these banks having contributed so much money; it is incredible that they should come to us with this kind of question.

I would ask for a Roll Call on this.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Thank you, Mr. President, I rise to answer the question from the good Senator from Washington, Senator Brown.

Yes, I think the Bill could be amended to reduce the price tag for the study. There are other sources that could fund this study. I think the Chairman of the Taxation Committee indicated that to have the purest study that perhaps it's necessary to have it funded by State dollars so that there's no taint of bias or influence from the funding source. It would be my preference that rather than have this whole study commission go down in defeat today that we are given the opportunity to provide an amendment to simply remove the price tag. I would suggest that that could be done at a later time and, in fact, it could be done after the reference to the Appropriations Committee; if, in fact, no funds were available. Thank you.

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

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

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

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

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Baldacci, Brown, Bustin, Carpenter, Charette, Clark, Collins, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gill, Kany, Najarian, Pearson, Perkins, Pray, Shute, Teague, Trafton, Twitchell, Wood, The President Gerard P. Conley.

NAY—Hayes, Hichens, Minkowsky, Redmond, Sewall, Usher, Violette.

ABSENT—McBrearty.

A Roll Call was had.

25 Senators having voted in the affirmative and 7 Senators in the negative, with 1 Senator being absent, the motion to Accept the Ought to Pass, as amended, Report of the Committee in concurrence, Prevailed.

The Bill Read Once.

Committee Amendment "A" (H-337) was Read and Adopted, in concurrence.

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

The President laid before the Senate:

An Act Concerning the Calculation of Periods of Imprisonment. (H. P. 1295) (L. D. 1716)

Tabled—June 7, 1983 by Senator CARPENTER of Aroostook

Pending—Enactment

(In House June 6, 1983, Passed to be Enacted)

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

Senator COLLINS: Mr. President, I feel that it's important to make some observations about this Bill, some of which I report to the Senate because I've only discovered them over this past weekend.

The proper name for this Bill ought to be "no room at the inn." I think that we ought to face this Bill up front and recognize that our prisons, our correctional institutions, are overcrowded and becoming more so all the time, and we're not willing to spend the money to expand the spaces for incarceration; and because we're not willing to spend that money we're forced to adopt measures that let the prison population out sooner than was contemplated when they were sentenced by the courts. In general, this is a policy that, I think, defeats a lot of the principles and objectives of our criminal justice system. Perhaps it can be justified for the moment as an expedient, but, I think, that if we're going to do it, we ought to say it plainly to the people that we represent.

I was one of those members of the Judiciary Committee who voted in favor of this Bill and the split report, and I did so largely on the recommendation of Commissioner Allen who made a very careful and candid presentation to the Committee in one of our work sessions. The reason that I could go along with his presentation was that he said, and I have his memo in my hands, he said, "give each prisoner one extra day (that will make a total of three) that may be earned for the performance of 'important work by an inmate'" and then it has another two days extra, now that makes fifteen days a month altogether that you can have off in certain periods of your incarceration.

Before we adopted the Criminal Code it was seven days a month, that was in 1975. There was a trade off, of course, because we adopted definite sentences and did away with parole. What I have learned since I signed the Ought to Pass Report is that the experience in prison at Thomaston, where of course I am the State Senator, the experience is that more than 95% of

the inmates are awarded this two days work time. I think it is very clear that there isn't that much work available for those prisoners to do, so how do they get that award? Well, sometimes it's simply for keeping their cells neat. Sometimes it's simply for attending an AA meeting. Now, if that's important work, I think we are deceiving ourselves and perhaps we're deceiving the public. I find in the present legislation certain words that trouble me because in addition to the word "work" there are added words "or responsibilities" and more language about programs that are approved by the departments.

I want to make it clear that I'm not being critical of the present administration of the prison. They have their problems there; they have problems that are partly caused by Federal Court interpretations as how you must treat a prison population; by opinions of the Attorney General's Office, about how you must treat a prison population; but I felt so concerned about this that I requested a meeting with officials of the Department; they have been very accommodating and helpful. I think that their objective is to make this measure mean "work." I think that's their objective. Because that is their objective perhaps my protest is not as vigorous as it might otherwise be, because I recognize their very real problem. I said that I did not feel that I could support this unless I had very strong assurance that they meant "work" and not just Mickey Mouse and keep your cells neat.

I think that I may vote against this today as a symbol of my concern about this, but I do want to make it clear that I think that the Department is moving in the right direction toward more work programs, toward more bonafide work programs. If they do that, I will be applauding them and supporting their efforts, but I think that we ought to understand that this is forced upon us by an absence of space and unwillingness or perhaps an inability to find the money for additional space and that we need to express a Legislative concern and policy to our Administration that we want a work policy at our institutions and not simply a "keep it neat" policy. Thank you, Mr. President.

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

Senator PRAY: Thank you, Mr. President. Mr. President, Ladies and Gentlemen of the Senate, back several terms ago I had the distinction of serving on the Health and Institutional Service Committee and at that time there was a subcommittee dealing with correctional facilities of which we traveled around the State and looked at the State prison; we looked at several of the other facilities; the Windham facilities and so forth; we, also, evaluated and reviewed the county jails throughout the State. It became clear at that time that clearly there was a problem dealing with space in the State. I think that the present Administration in the last session alone, we addressed it in several areas, and there was money made available by the Legislature; we expanded the Charleston facility which had been opened the year before; the Charleston facility being a former Naval Air Station, I'm sorry, Air Force Radar Station. Of all people that should remember that, I should, after serving four years with radar in the Air Force, but they took that facility and changed it over into a minimal security facility. Last year alone we expanded that to provide more room at that facility.

I think that the Administration has addressed this concern in light of the revenues that are available that they have taken steps though they have been minor. They have taken steps in an attempt to address this problem. I would just remind the Senator from Knox, Senator Collins, that each and everyone of us have the opportunity and the ability to put various Legislative proposals for consideration before this Body to address these concerns.

The concerns that perhaps we should do something with expanding or perhaps refurbishing the east wing at Thomaston; or perhaps we should adopt or have more facilities.

We looked into the Kittery Navy Yard; it was our determination back then that it would not be feasible to refurbish and to open that up into a correctional facility.

I think the assessment is correct that we have not placed the emphasis there due to other priorities and other concerns that have been met. The alternative then must be that if we are not going to take the step of providing more facility to incarcerate people then we have to look at the intentions of those facilities to start with and those intentions are not just to incarcerate but, also, to rehabilitate. I think that part of the rehabilitation program is some form of calculation of rewarding a person for his adjustment back in the norms of society. Thus by doing that, perhaps, such as this measure then we provide opportunity or we provide the space that is needed to incarcerate those who need the rehabilitation and those who we need to put aside to protect society.

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

Senator TRAFTON: Thank you, Mr. President. Mr. President and Members of the Senate: I rise to support this Bill which is "an act to increase meritorious good time." I want to thank the good Senator from Knox, Senator Collins for pointing out that this is only a half step forward in addressing a thirty million dollar problem. There's no question that we have prison and institutional overcrowding within this State and this is not the total answer, but it's one measure to address the current overloads that we have, so that he is correct in characterizing this measure as an overcrowding Bill, one to minimize the overcrowding which currently exists, particularly, at Thomaston.

The Joint Standing Committee on Judiciary in recommending the Majority Report passage of this legislation rested its decision upon the statements, the very clear statements of Commissioner Allen, Commission of Corrections, that this meritorious good time was to be awarded on the basis of work, "meaningful work." I have, today, confirmed those statements with the Commissioner and with the Associated Commissioner, Mr. Sharp and the Commissioner himself, although he was in South Portland at the time, and both men repeated to me that meritorious good time, these three days and it's not a mandatory three days, if you look at the Bill in Section 6, I believe it reads, "up to three days will be awarded if an inmate works within the institution or outside the institution on various programs."

This is a measure that is needed to address the overcrowding. It's, also, a measure to encourage inmates to be productive within the institutions.

I believe that the Commissioner and the Department are very honest in their intentions to encourage the work opportunities within our institutions. There has been a shortage, there's no question, but they're working actively to expand those work opportunities, particularly, taking inmates out to State Parks for cleanup details, improving marketing programs for the crafts program within the prison at Thomaston. They will be promulgating rules and regulations pursuant to this Bill, if passed, very soon; and I have the word of the Department that these regulations will be very clear in spelling out the nature of the work necessary to qualify for this good time.

I urge your support of this measure as a very much needed measure to address our current prison situation. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Ladies and Gentlemen of the Senate, I rise as a former chair of the Select Committee on Corrections and while I share

with the good Senator from Knox his concerns for the overcrowding and for the relaxation of some of the more stringent rules we had within the institution, I, also, share with him and with the Chair of the Committee on Judiciary the concern that without these incentives and without some of these provisions that we will be unable to cope without large, large sums of money, to deal with construction and with other areas.

We have gone as far as we could, as the good Senator from Penobscot has related to you with regard to the Charleston prerelease area and, also, with the Stevens School right here in Hallowell which we've taken on as an expansion factor.

I am here to report to you that I covered the prison in Thomaston, itself, during the lock down period and find that the new warden has tried to find work areas for these prisoners but, because, as has been related to you that work is of limited value or limited magnitude.

One of the things that I have encouraged and I'm hopeful that with our limited resource we get encourages, the growth of food products within the prison and the prison supplying other areas of our State agencies. This has been done and it's a small example of what is being done this year. There will be growth of food and there has been an exchange process with one of the large canners in the area to take all of the foods that are grown this summer and those in turn will be exchanged with the prison and other states later in the year so that none of the food will go to waste and we'll be given credit for these. An expansion of these areas to find jobs for our prisoners, I think, are all to the advantage and help to address these areas. So work is trying, we're trying to find work which is meaningful to both the prisoner and to the State facility and the correctional facilities.

I would urge your support.

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

Senator COLLINS: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Enactment of L. D. 1716, please rise in their places to be counted.

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

25 Senators having voted in the affirmative, and 4 Senators having voted in the negative, the Bill was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

The President laid before the Senate:

An Act to Make Voting Places more Accessible to the Elderly and Handicapped. (H. P. 728) (L. D. 937)

Tabled—June 7, 1983 by Senator PRAY of Penobscot.

Pending—Motion of same Senator to Reconsider Passage to be Enacted.

(In House June 6, 1983, Passed to be Enacted)

On Motion by Senator Clark of Cumberland, Retabled 1 Legislative Day.

The President laid before the Senate:

BILL, "An Act to Amend the Law Relating to Tax Increment Financing" (H. P. 1039) (L. D. 1364)

Tabled—June 7, 1983 by Senator PRAY of Penobscot.

Pending—Passage to be Engrossed.

(In House June 1, 1983, Passed to be Engrossed.)

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

Senator WOOD: Mr. President and Members of the Senate, this Bill has been Tabled pending a decision by the Legislative Finance Office

on whether a fiscal note is appropriate and they have prepared some information that I would like to insert into the Record at this time.

"The specific fiscal impact of this Bill cannot be determined at this time; it appears that if and when a TIF District is formed the affect on State valuation would have an impact on State reimbursement for education, State reimbursement of general assistance expenditures, and county tax mil rate distribution among towns. However, the fiscal impact is not in terms of an out-right cost or appropriation, rather it is in the form of preventing a decrease in State subsidies than may otherwise occur if the State valuation rose in accordance with development under currently available funding mechanisms. Furthermore, any fiscal impact would only be temporary because once TIF district has served its purpose, repaid the municipal bond the facility would then again be rated at its full valuation, be it by allowing the State to eventually reduce its municipal subsidies.

The Bill was Passed to be Engrossed, in concurrence.

The President laid before the Senate:

BILL, "An Act to Prevent Unjust Enrichment by Retention of Surplus Upon Foreclosure of Municipalities and Sewer Districts" (S. P. 597) (L. D. 1719)

Tabled—June 7, 1983 by Senator PRAY of Penobscot.

Pending—Passage to be Engrossed.

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

Senator NAJARIAN: I offer Senate Amendment "A" (S-183) and move its Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Najarian offers Senate Amendment "A" (S-183) and moves its Adoption.

Senate Amendment "A" (S-183) was Read.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, this Amendment has just arrived, to my attention within the last half hour or so, and I observe that it is an extensive revision of the Bill itself. It certainly moves in the direction that I can appreciate and possibly support. It is such an important change in our handling of tax acquired property that I think it ought to be held over for at least a day, so that many of us could communicate with our municipal officials about their reaction to it. I have not had a chance to talk with my municipalities and I suspect that is true of most of us. I think that many of us were contacted by our municipalities about the original Bill. There was great concern over that from back home. This may be the answer, but I would hope that it might be Tabled for at least a day for further study.

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

Senator NAJARIAN: Mr. President and Members of the Senate, this Amendment addresses the original concern which Senator Collins had, and which we all shared about municipalities being prohibited from allowing elderly persons or families to remain in their homes when there was an outstanding tax liability that they owed to the town. We have addressed that in this Amendment but additionally, some other questions arose and we've been working very closely with representatives of the Maine Municipal Association who concur, who have agreed to everything that's in this Amendment.

The other thing that I'll just tell you that this Amendment does is that the original Bill required that all the proceeds beyond what was justly due, all the costs, the taxes or sewer bills or whatever that was justly due to the community would be returned to the property owner. Well, the Maine Municipal Association suggested and we agreed that it was a good idea to provide some incentive for the towns

when they sell this property to get the best price possible. We have required that 20%, the towns may retain 20% of the proceeds above and beyond the tax liability that's due them or the sewer bill as an incentive for the town to get the best possible price for the property; otherwise, they would just sell it for what they had coming to them; there would be no incentive to get more.

Secondly, in the case of the elderly person this would not necessarily apply to the heirs because of the redemption process and they could get a 100% beyond what they owed the town through that procedure.

The second thing that we addressed was that there's currently nothing in the State's statutes for the procedure that towns must follow when they put property that they foreclosed on up for sale. So we have adopted the provisions of the current real estate laws when conducting a sale following foreclosure so that there will be some uniformity and some public notice required and so forth and so on.

Those are the three changes that we've made in this Bill which have been agreed to by the Maine Municipal Association.

If you still want to Table it, it's fine with me but I won't be here tomorrow morning because my son is graduating from high school, so if it's going to be Tabled I'd appreciate it to be Tabled for more than just one day.

On motion by Senator Pray of Penobscot, Tabled for 1 Legislative Day, pending Adoption of Senate Amendment "A".

The President laid before the Senate:

SENATE REPORTS—from the Committee on Agriculture on BILL, "An Act to Amend the Wood Measurement Law" (S. P. 457) (L. D. 1388)—Majority Report—Ought Not to Pass.—Minority Report—Ought to Pass as Amended by Committee Amendment "A" (S-173).

Tabled—June 7, 1983 by Senator PRAY of Penobscot.

Pending—Motion of Senator ERWIN of Oxford to Accept Minority Ought to Pass as Amended Report.

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

Senator WOOD: Mr. President, I would urge the Senate not to Accept the Minority Ought to Pass Report. I think the Senator, Senator Erwin, should be commended for his effort, this Bill we have before us does go a certain distance in solving problems in wood measurement. I think the Majority of the Committee feel that it goes a certain way but we feel that there are other issues that the wood measurement issue is, indeed, a complex one and that it is time to resolve the whole issue and not to, it's like when you're being operated on if you have two things wrong with you it's time to fix those two things and not just fix one of them. Ten members of the Committee felt that there were other issues that could be resolved and I would urge you not to support the Minority Ought to Pass Report.

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

Senator ERWIN: Mr. President, Ladies and Gentlemen of the Senate, it is with some hesitation that I rise because unhappily I'm on the opposite side of the fence from a very close friend.

There's three bills wrapped up here in two. It started out, two bills, L. D. 1190 and L. D. 1388, and L. D. 1190 has been split.

The Wood Measurement Bill, L. D. 1388 which you have before you this afternoon evolved from a process of study and evaluation by the Department of Agriculture working together with its Wood Advisory Committee. L. D.'s 1733 and 34 which are basically Redrafts of L. D. 1190 has been supported by representatives of the Pine Tree Legal Assistance and the Maine Woodsmen Association and opposed in a large part by the Forest Product Industry and by the wood contractors.

L. D. 1388 is acceptable to a large part of the Forest Product Industry and opposed by the supporters of L. D. 1733 and 1734. At a hearing on L. D. 1388, it was favored by the Department of Agriculture and further supported by the Wood Advisory Committee. Let's take a close look at what L. D. 1388 does. It continues the present prohibition against conversion of weight scale to volumetric scale, for example, pounds to cords. It establishes butt measure as opposed to butt scale as a standard State measurement for the measurement of tree length wood. The difference between butt scale and butt measurement is that butt scale requires conversion of butt length tree measurement to a volume by use of volume tables. Some cutters have complained that they do not understand how these tables work and it is probably difficult to, and I'll get into that a little later.

The Committee Amendment knowing that there was a problem in this area therefore prohibits the use of butt scale after October 15th, 1985, and you will find the year 1985 as end date common in all three bills.

L. D. 1388 authorizes the state sealer of weights and measures to promulgate regulations governing the purchase of the weight scale wood on an oven dried basis. The present statute already authorizes promulgation of regulations for the purpose of green weight wood. L. D. 1388 authorizes the promulgation of regulations under the Administrative Procedure Act governing the linear measurement of wood including butt measure. It decriminalized violations of the Wood Measurement Law but sets in law very severe civil penalties, one thousand dollars for the first offense; two thousand dollars for each subsequent offense. L. D. 1388 is supported by most all parties in the wood business. It attempts to make some well thought out changes in our Wood Measurement Law, but it does not make radical changes which would work hardships on any segment of the wood business or cause disruption of the commerce.

On the other hand, both Committee Redrafts of L. D. 1190 both L. D. 1733 and L. D. 1734 will bring disruption in the wood business, particularly, in the buying and selling of wood. The most damaging and disrupting provisions of these Redrafts is in Section 2363A. I would ask you to look at that Section carefully and if you have any doubts about what I'm saying I'd like to discuss them with you. In considering the impact of Section 2363A, let us understand that the wood business is no different than any other business in one very important respect. Quantity control is essential to the manufacturer of products for competitive prices. In order to control the quality of wood being bought and sold, mills have found it necessary to reject defective wood while accepting other wood which meets their specifications. Obviously, a mill cannot be expected to buy wood which it cannot use. As an example, let us assume that one of us is a wood contractor. As a wood contractor, goes to a birch mill with five cords of birch design to be made into say, pop-sicles sticks, golf tees, clothespins or something similar. On that load, we may have several sticks that are not useable; or perhaps, only partially useable. We, of course, would not get paid for the entire five cords measure and would not expect to be. We would, perhaps, be paid for four and three quarters cords, representing the amount of useable wood sold.

Under today's procedure we would receive a scale slip showing four and three quarters cords and would use that scale slip to pay a trucker for trucking the wood, the land owner from which we purchased the standing trees, and the cutter for cutting the wood; and hopefully, we'd have some small amount leftover to cover our overhead and profit.

This has been the historic practice which has been well accepted by most people over the years. Under L. D. 1723 and L. D. 1724 things would change. Under these Drafts no longer

would the net amount of four and three quarter cords be the basis upon which the truckers and the cutters would be paid. Instead, we as contractors would be compelled to pay those people on the gross amount of five cords and swallow the difference between the gross and the net. This, of course, is economically unfeasible.

Furthermore, it is unjust to ask the contractor or small businessman, like many of the people in Maine, to absorb the entire difference between the gross and the net, a difference that's always been spread around in the whole economic system.

The implications of L. D. 1733 and L. D. 1734 for quality control are enormous. For the contractor and ultimately for the manufacturer; for the cutting crew whose cutting those birch trees there would be no incentive to separate the poorer quality trees into the pulp pile while saving out the good sticks to go to the birch mill. Normally, probably we'll have everything going into the birch pile because the cutter gets paid more for that wood. Efforts to control quality will be futile because incentives to achieve quality control for some participants in the economic chain of production will be destroyed. Attempts by contractors and loggers to get quality control back would be expensive and require such steps as hiring people specifically assigned to supervise preparation of the wood to cover these costs a decrease in the cutter's rate of pay will probably be required. Something that I think that most cutters would resent and rightly so.

When we were having our hearing on both of these bills, there was a gentleman there named, I believe his name was Dwain Birmingham. As I was sponsor of the second bill presented, I was seated in the audience and happened to be in the same row as Mr. Birmingham. He was neither for nor against, he was given permission to speak from his seat. One of the things he brought out quite strongly and as he spoke I watched his face and I believed him, "if nothing else happen in these bills that there must be a sunset on butt scale."

As I worked with the Committee on the work sessions one of the things that all of us are trying to do is to come up with a better bill, I endeavored to try and get to the bottom of just what the problems were in butt scale and was there a good way of correcting them. Many of you, I'm sure, are not aware of just what I'm talking about by butt scale. It is a method of scaling wood and when they measure the butt end, they call it a stem or a log or a tree, there's been tables worked out that requires a mathematician to do so, because of the variations and variables that are in these tables. Not only do the species cause a difference; the locality in which that particular table is designed for, whether it is in a valley, on a hill, there's many different things that are worked into these formulas. I can thoroughly understand why a person out cutting wood can be confused by this and wonder, did I just get paid for the cords in which I cut.

I repeat to you that all three bills are doing what really needs to be done and that's put a sunset on the butt scale. I would ask support of this Bill. Thank you.

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

Senator WOOD: Mr. President and Members of the Senate, I would like to respond to some of the remarks of the good Senator from Oxford on this issue.

I would agree that all three bills deal with the butt scale issue and to give you some idea of the complexity of that issue, I had distributed on your desks an affidavit that was filed in a suit in the State in which Great Northern is trying to justify their butt scale, and I would urge all of you to look at these figures, take them home, get out your pocket calculator and see if you can determine who is right and who is wrong in this issue. This is what a wood's

worker has to contend with under the butt scale issue, and so the good Senator is correct; all three bills deal with this issue, but the issue is greater than butt scale.

This Bill that we have before us and the other two bills were worked on by the same weights and measures committee in the Department of Agriculture and all three bills at one time got favorable responses from those committees.

Presently, it's not only Pine Tree Legal, and at this point I'm not sure what they're involved in in this issue at all but the Department of Labor you all have a memo from Bill Malloy supporting our Bill, I chatted with the Commissioner of Agriculture this morning and he said that at this point they had taken no position on the redraft and so the Department has not taken a position on this Bill. The crucial element, the good Senator is correct, a majority of the forest industry is in favor of this Bill, but the key element that is not in favor, are workers that work in the woods. I have got countless letters here, from people who have worked in the woods, ten, twenty, thirty, and forty years. They all say the same thing, we no longer know what we're getting paid for what we do. We can work in the woods all day long and working in the woods is hard work; I don't think many of us here would want to do that kind of work, and they say, at the end of the day because of the way that weights and measures can be manipulated, we don't know what we're getting for pay.

One of the first departments that is ever created in a state is weights and measures because we all need some kind of verifiable standard from which to operate; that a quart of milk is a quart of milk in Van Buren, it's the same amount that you'd buy in Biddeford, or that a barrel of potatoes, or a bushel of potatoes in Aroostook County is the same as in York County, or a bushel of apples in one area of the State is the same as another state; a pound is a pound. You need some kind of verifiable standard. If you do not have that there is no way for the State to come in and determine whether something is wrong or right. What Mr. Malloy says in his statement is that over the years the complaints that they have had, they have not been able to go in because there was no verifiable standard.

Although there will now be a standard in terms of butt scale there are not the other standards necessary to come in and determine who is right and who is wrong. There can still be conversions so that you can cut it in terms of cords but be paid in terms of pounds, or board feet and a worker has no way of knowing how that conversion works out. Or you can bring a load out that you were told to cut and all of a sudden you have certain deductions made for work. You have no control over what you are told to cut, and yet you are penalized and a cord does not become a cord because they make certain deductions.

So I think that the Erwin Bill, Senator Erwin's bill goes some distance but there is a better bill before us, the bill that goes the complete distance.

I would urge you to defeat the pending motion so that we can accept the other bill. I think that this is not a labor issue it is simply a weights and measures issue. It has become a labor issue because the industry has been able to manipulate weights and measures into a labor issue.

If you get paid five dollars an hour and you work sixty minutes and you get five dollars. The company doesn't say well in our company an hour is eighty minutes or an hour is forty minutes.

We have to have some unifiable, verifiable, uniform, understandable weights and measures and they are simply not in this bill.

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

Senator ERWIN: Ladies and Gentlemen of

the Senate, being slightly hard of hearing I am not sure whether my good friend said that this example you have here on Great Northern stationary addressed to him was an example of how they arrived at the tables, because it is not. In verifying this with Mr. House what it is it is formulas that the State weights and measures people use in working out their formulas for spot checking whether the tables that have been made to use in butt scale are accurate and have been truly worked out on a fair and just basis.

While I am up I notice a second article that was distributed, testimony from William R. Malloy now if you read the heading it is a little bit confusing to me, it comes out in support of L. D. 1190, but don't stop at the heading continue and read on down through the whole article and you'll find that Mr. Malloy is worried about butt scale and gives examples of why. I don't think that if you called him up and asked him, that he would say that he supported only one of these three bills, because they are all three eliminating the one thing that he wants to see eliminated and that is butt scale.

I would suggest if you doubt my word that you read the article yourself.

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

Senator HICHENS: Mr. President and Members of the Senate I would urge you to support the motion of the good Senator from Oxford, Senator Erwin, we have worked on this Bill, he has done a lot more work than I have, but I think his explanation has been excellent and I'm not going to add to that explanation. I would ask you to consider the fact that we have members of our Legislature engaged in the woods' business and they are all in favor of this Bill; those who have talked with me. We've had a lot of lobbyists on the other side. It disturbed me a little bit the statement made by the good Senator from York, Senator Wood when he said that although this was a Department Bill supported by the Agriculture Department that all of a sudden they have taken no stand on the redrafts. That disturbs me because I think this is the third or fourth issue that we've had that they have done the same thing; come out in favor of something or against something and then when it comes down to the final draft they take no stand whatsoever.

I certainly hope this afternoon that you will support the motion of the good Senator and pass this Bill.

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

Senator REDMOND: Members of the Senate, seeing that I am the only bonafide wood processor in the Senate, I would like to point out the problem that I have with both of these bills. They're almost identical. You take on L. D. 1734 on Page 5, Section A and I will quote "In the sale of wood involving payment for services no deductions relating to merchantability or quality factors shall be taken from the total measure of properly prepared wood. The measurement deductions which are prohibited include those based on grading, soundness, or other merchantability factors."

The Committee on the wood measurements studied this issue last summer and the overwhelming consensus of that Committee was that we didn't need any bill at all. The existing system is working quite well. When you consider approximately five million cords. I can't tell the exact amount, but it's right around five million cords of pulp wood cut in this State in a year. I see in one of the pieces of literature we have here from the Department of Labor that twenty-seven complaints have been filed. You have to consider that even those twenty-seven weren't all found justified. I think this is a record.

This law would impose some unrealistic restrictions in the production of quality wood products and under this language, any large or

small processor cannot make any deductions based upon insufficient quality and poor grade. That's the problem.

In my mill, quality control is the most important component of production. Without it the quality of production would be impossible to maintain. Then you're out of business and the jobs are lost. It would probably give me more time to spend in the Senate, but I don't think this is what we're looking for.

Ladies and Gentlemen, I just urge that someone make a motion to kill both of those bills.

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

Senator WOOD: Mr. President and Members of the Senate, I know the hour is late, many people would rather be doing other things than here, but this Bill has been in our Committee a long time and those people that have worked on both bills, I think, feel very strongly about it and would like the opportunity to address the issues and so I beg your indulgence to bear with me awhile longer.

I would point out that there is nothing in either bill that prevents a mill or a contractor to worry about quality; it says "properly prepared." If the mill sets out some standards that they only want, five inch butt ends, whatever, whatever the standards they are or only birch or whatever, if anything else comes in that does not meet that standard, then they can make the deductions. They do not have to accept it. It was not properly prepared. If they tell the workers in the woods to not cut certain trees and he cuts those trees, then they can make the deduction because it was not properly prepared. If they say to a worker to cut the trees that are marked with a red dot and he cuts those trees that is when they do not make deductions because the worker has no control over what he cuts. He is told what to cut. If the contractor cannot market those woods, then he has some options. He has to look for another market; he has to be a little more selective in what he says to be cut. It's like any other business. If the potato business isn't good, you don't pass your losses on to the workers. You might do that in terms of their wages, but you don't do it in terms of weights and measures, and that's what this is all about. So there can be quality standards in both bills.

I would point out that Commissioner Malloy had the opportunity of choosing which bill he supported. There were two L. D.'s heard that day. He chose L. D. 1190 and I presume that he supports that in its entirety which has many of these provisions in it.

As far as the Department of Agriculture when they initially opposed the Bill they had some problems with the discriminatory, discrimination clause that I had and the trouble damages. Once I removed those clauses then their opposition was lessened, and so I would argue that it would be foolhardy for us to say that no one can ever change their mind up here, and the Department of Agriculture when changes are made obviously have to rethink their position, and they did rethink their position at this point they've chosen to take no position.

I would, also, point out to you the Majority Report on the next bill was worked out with the industry, that we negotiated with members of the industry and at one point we thought that we had reached agreement, after we had compromised on many positions and those compromises were not easy because in many cases they went against the workers, but I was willing to make those compromises. Then at the last minute, at the eleventh hour, the company said, "No". I could have backed off and said, well, I'm going with my original bill and push it, but I said "No", you've made some good suggestions, even though you've reneged, I'm willing to pursue it. I went even one step further. I removed other things they disliked.

When the Department of Conservation had

some problems with the bills, we could have said, "no, we don't want to talk to you any more." but we didn't. When the Speaker of the House suggested that we hold up the bills so that he could work on an amendment. We could have said, "no, fight that battle on the floor." But we did not, because we tried to be responsive. Every time we've tried to be responsive, the opposition has become more entrenched and it's taken those opportunities to further lobby to defeat this Bill. So, I'm a little weary of the talk of compromise at this point.

Yes, the Committee on Wood Measurement met last summer; in fact, there was one member of that Committee here yesterday lobbying for my Bill, saying it was a good Bill. We've had contractors here lobbying for my Bill, saying, it's a good Bill, and we've had wood workers here, saying it's a good Bill.

The present system is not working well. There's one dispute and it's been in court for a year and a half. The wood workers when they passed the original bill thought that they had everything solved. Now the industry is saying it doesn't even cover woodworkers. The present system is not working. The Bill that we are voting on now takes one step in the direction of solving this problem; but I contend that there are two or three more steps we should take, so that everyone in this State knows when they work, that they get paid for a measurement that they can understand. When you buy a gallon of gas you know what you're buying; when you buy a quart of milk, you know what you're buying; when you work by an hour, you know how long the hour is; it is only fair in this industry. Why should they be any different? It's only fair in this one industry that they be treated like the rest of us. That there is a measurement; that's verifiable, that it is understandable and that it is fair.

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

Senator PRAY: Thank you, Mr. President. Mr. President and Ladies and Gentlemen, as the Senator from Penobscot, I rise with some concern out of the debate that I have heard because I think that it's rather clear and evident by my past voting record as to where I stand in concerns for the fairness of the logging industry and the operation of those who do the actual work and do the cutting of wood.

I have some concerns and I think that the Senator from York, Senator Wood has raised some of the same concerns that I have about the equitableness and the fairness to the loggers, to the workers, to those who do the actual logging in the woods. I, also, have some concerns that we pass Legislation which in all essence is going to be a move in the right direction. A move to take care of the problems as we see them arise in this industry.

I have had concerns that if any of the proposals that are here pending and there really is three of them or I guess perhaps four, three proposals, this and the next item that's on the calendar. They all address this problem in a different manner to some degree. I think that my position is kind of based upon the fact that I think that there's some inequities in the existing enforcement of statutes that are already on the books. I believe that the proposal that we have before us at this time as explained by the Senator from Oxford, Senator Erwin is a step in that direction which will take care of some of the problems that we have.

I think that if we had the proper enforcement of the existing statutes and regulations or adjustments in those regulations that we could take care of some of the problems that there are there.

I have some concerns that if we reject this proposal and Adopt the next item that there will be an adjustment that will not benefit the individual who does the cutting because there can be an adjustment in the wages or there can be an adjustment upon the price for the wood. I don't think that the logging industry is going

to pay the consequence of any Legislation that would adversely affect them. They'll find a way to pass it on.

I think it's, also, important that we do have a measurement that is understandable, but that doesn't mean that we can take everything and interpret that same way. When you go to a filling station and you want a certain octane, you can't be sure which octane you're getting, but the Bureau of Weights and Measure can stop in at any station and they have a test where they can read the octane. Now, I'm inspected each year by them and they give me an octane reading. I don't understand how that works; I don't know if the Bureau of Weights and Measures is giving me just a line. I don't understand how the formula works, but I have a certain amount of trust and faith that the intent of the Legislation and the mandate that they go out and do this testing is to guarantee the general public that they're receiving their fair share, their dollars' worth of what they're paying for. I think that the formula we had distributed to us, although I'm no calculus major or anything like that, I think, it's a formula that's been worked out on a scientific basis to do and clearly determine what measurements would be fair and equitable; although, the question may always go on. I think it will continue no matter what is passed in any industry and in this instant we address the wood industry as to whether or not if the individual who is out there doing the work is being fairly treated by his employer. That problem will continue. I think that this Bill that we have at this time is a step to taking care of that problem in some small way.

I would hope that we would follow the lead of the Senator from Oxford, Senator Erwin and Accept the 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 guess my concern is, also, with the people who cut the wood. I guess they are of paramount importance, otherwise, it would be of no value to anybody else.

I was given a copy of a scale survey and some of the facts in there were rather disturbing. One of the questions is this: Were you ever underscaled? Forty people said "yes." That is absolutely amazing. One said "no." Nine didn't know.

The second question, if yes, how frequently? Twenty-eight of that forty said "very frequently"; nine said "sometimes"; two said "rarely". If "yes" was it butt scale? Eighteen said "yes". On weight scale, twenty-three responded; log scale fifteen responded; stick scale ten responded. I'm only bringing this up for one reason; I'm confused; it's all a devil regarding what is a fair, equitable way of addressing the individuals who are out there cutting wood.

The other evening I had an opportunity to speak to one of my constituents whose name is James Mason who lives in the town of Wales, Maine who has been an operator for about twenty years. Mr. Mason and I spent about forty-five minutes on the telephone relevant to this issue and being the ethical, honest constructive person that Mr. Mason is, he tried to relate to me as a small hauler and contractor who hires woodcutters the problems he encountered. He expressed his reservations with the paper mills but on the other hand he says partially it's my fault. I said in what respect, Mr. Mason? He says because there are times that I have delivered materials to them which would not be of top quality and they have detected this; and subsequently, they've called it to my attention, and the load I had was cut down accordingly. He further stated, I was given an option, either take the entire load away or accept the price. He said, since I realized that some of the wood in there was not of

the quality to be utilized in that particular mill, I decided to take the price. He says, you must remember over all during the many thousands of cords of wood I haul that in the long run equity and fair play does exist.

This afternoon we have been given two very sound, logical, constructive evaluations of that very critical issue. Usually, I can make a decision rather rapidly on one of these bills, but this afternoon, after reading part of that survey as to what category it falls in, correlating this with Mr. Mason's point of view that the rules are there laid down by the paper industry that if you abide by the rules you'll have no problem.

I just don't know how many people do not abide by the rules who haul to the paper mills but I assume there must be some.

Another part of that particular survey, in the past three years have they ever been paid weight scale? Thirty-nine responded "yes," ten responded "no" and a term came across; one says eyeball, he indicates one. If nothing else Ladies and Gentlemen of the Senate, we are going to receive one tremendous education into the terminology of the wood and paper industry.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Oxford, Senator Erwin to Accept the Minority Ought to Pass Report of the Committee, please rise in their places to be counted.

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

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: I request a Roll Call.

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

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

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

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

Senator REDMOND: Mr. President, I wish permission to pair my vote with the gentlelady from Cumberland, Senator Najarian. If she were here, she would be voting Yea and I would be voting Nay.

The PRESIDENT: The Senator from Somerset, Senator Redmond, requests Leave of the Senate to pair his vote with the gentlelady from Cumberland, Senator Najarian. If she were here, she would be voting Yea and the Senator from Somerset, Senator Redmond would be voting Nay.

The pending question before the Senate is the motion by the Senator from Oxford, Senator Erwin that the Senate Accept the Minority Ought to Pass, as amended, Report of the Committee.

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Charette, Danton, Emerson, Erwin, Gill, Hichens, Perkins, Pray, Sewall, Shute, Teague, Trafton, Usher, Violette.

NAY—Baldacci, Brown, Bustin, Carpenter, Clark, Diamond, Dutremble, Hayes, Kany, Minkowsky, Pearson, Twitchell, Wood, The President Gerard P. Conley.

ABSENT—Collins, Dow, McBreairey.

A Roll Call was had.

14 Senators having voted in the affirmative and 14 Senators in the negative, with 2 Senators having paired their votes, with 3 Senators being absent, the motion to Accept the Minority Ought to Pass Report of the Committee,

Failed.

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

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: I request a Roll Call.

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

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

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

The pending question before the Senate is acceptance of the Majority Ought Not to Pass Report of the Committee.

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Baldacci, Brown, Bustin, Carpenter, Clark, Diamond, Dutremble, Hayes, Kany, Minkowsky, Pearson, Twitchell, Wood, The President Gerard P. Conley.

NAY—Charette, Danton, Emerson, Erwin, Gill, Hichens, Perkins, Pray, Redmond, Sewall, Shute, Teague, Trafton, Usher, Violette.

ABSENT—Collins, Dow, McBreairey, Najarian.

A Roll Call was had.

14 Senators having voted in the affirmative and 15 Senators in the negative, with 4 Senators being absent, the motion to Accept the Majority Ought Not to Pass Report of the Committee, Failed.

The Bill substituted for the Committee Report and Accepted.

The Bill Read Once and Tomorrow Assigned for Second Reading.

The President laid before the Senate:

SENATE REPORTS — from the Committee on Agriculture on BILL, "An Act to Revise the Wood Measurement Law" (S. P. 390) (L. D. 1190)

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

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

Four members reported in Report "C" that the same Ought Not to Pass.

Tabled — June 7, 1983 by Senator PRAY of Penobscot

Pending — Acceptance of any Report.

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

Senator HICHENS: I move that we Accept the Ought Not to Pass Report of the Committee.

The PRESIDENT: The Chair would inquire of the Senator which Ought Not to Pass Report?

Senator HICHENS: Report "C" Ought Not to Pass.

The PRESIDENT: The Senator from York, Senator Hichens moves that the Senate Accept Report "C" the Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: Mr. President, I would hope that we would not Accept the Ought Not to Pass Report. I don't think there's anything unusual about having two bills before us and at some point reaching a decision further on down the road. I think there was a lot of issues raised and I would hope that both bills today could stay alive so I'd hope that people would oppose the Ought Not to Pass Report and I'd

ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from York, Senator Hichens to Accept Report "C" the Ought Not to Pass Report of the Committee, please rise in their places to be counted.

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

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: I request a Roll Call.

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

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

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

The pending question before the Senate is the motion by the Senator from York, Senator Hichens that the Senate Accept Report "C", the Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of Accepting Report "C".

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Charette, Danton, Emerson, Erwin, Gill, Hichens, Minkowsky, Perkins, Pray, Redmond, Sewall, Shute, Teague, Usher, Violette.

NAY—Baldacci, Brown, Bustin, Carpenter, Clark, Diamond, Dutremble, Hayes, Kany, Pearson, Trafton, Twitchell, Wood, The President Gerard P. Conley.

ABSENT—Collins, Dow, McBreairey, Najarian.

A Roll Call was had.

15 Senators having voted in the affirmative and 14 Senators in the negative, with 4 Senators being absent, the motion to Accept Report "C" the Ought Not to Pass Report of the Committee, Prevailed.

Sent down for concurrence.

The President laid before the Senate:

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

Tabled — June 7, 1983 by Senator PRAY of Penobscot

Pending — Adoption of Senate Amendment "A" (S-181) to Committee Amendment "A" (H-213)

(In Senate May 25, 1983 Passed to be En-grossed 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)

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

Senator HAYES: Mr. President, I request Leave to Withdraw the motion to Adopt Senate Amendment "A" (S-181).

The PRESIDENT: The Senator from Penobscot, Senator Pray asked Leave of the Senate to Adopt Senate Amendment "A".

Is this the pleasure of the Senate?

It is a vote.

The Senator has the floor.

Senator HAYES: Mr. President, I request Leave to Withdraw Senate Amendment "A".

The PRESIDENT: The Senator from Penobscot, Senator Hayes asked Leave of the Senate to Withdraw Senate Amendment "A".

Is this the pleasure of the Senate?

Is is a vote.

On motion by Senator Pray of Penobscot, Tabled for 1 Legislative Day, pending Adoption of Committee Amendment "A".

(Off Record Remarks)

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