

# 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 8, 1983  
Senate called to order by the President.

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

REVEREND HARGREAVES: Let us pray! O'God, the author of all that is. Grant that the people of this State may come to regard the work of Government as a vocation and ministry to which You call people through the votes of citizens.

We especially pray for the Members of this Senate now assembled. Grant that they may bring to their work brains that think and hearts that feel that they may have ideals, imagination, wisdom and courage, that they may never be enslaved by routine or convention or popular opinion, but ever be upheld by Your free spirit, through the grace of our Lord Jesus Christ. Amen.

Reading of the Journal of yesterday.

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

BILL, "An Act to Encourage Prompt Resolution of Public Employee Labor Disputes" (H. P. 1267) (L. D. 1678)

(In Senate May 25, 1983 Passed to be Engrossed in non-concurrence)

(Comes from the House, Failing of Passage to be Engrossed)

On motion by Senator Dutremble of York the Senate voted to Insist.

**Non-concurrent Matter**

BILL, "An Act to Establish a Commission to Review and Evaluate the University of Maine System." (S. P. 537) (L. D. 1566)

(In Senate, May 9, 1983, Passed to be Engrossed.)

(Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-335) 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**

**Ought to Pass as Amended**

The Committee on Energy and Natural Resources on BILL, "An Act to Provide for an Analysis of the Future of Maine's Forest Resources" (H. P. 460) (L. D. 562) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-351)

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-351) as Amended by House Amendment "A" (H-362) thereto.

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-351) was Read. House Amendment "A" (H-362) to Committee Amendment "A" was Read and Adopted, in concurrence. Committee Amendment "A" as amended by House Amendment "A" thereto was Adopted, in concurrence.

On motion by Senator Pray of Penobscot, assigned for Second Reading later in today's session.

**Committee of Conference**

The Committee of Conference\* on the disagreeing action of the two branches of the Legislature, on Bill "An Act Relating to Drinking in Public" (S. P. 420) (L. D. 1273) have had the same under consideration, and ask leave to report: that they are unable to agree.

Representative HOBBS of Saco

Representative MacEACHERN of Lincoln  
Representative BOTT of Orono  
Committee on part of House  
Senator CHARETTE of Androscoggin  
Senator CARPENTER of Arrostook  
Senator SHUTE of Waldo

Committee on part of Senate  
Comes from the House with the Report Read and Accepted.

Which Report was Read and Accepted in concurrence.

**Senate**

**Ought to Pass in New Draft Under New Title**

Senator KANY for the Committee on Energy and Natural Resources on BILL, "An Act to Require Legislative Approval of Regional Radioactive Waste Facilities" (S. P. 327) (L. D. 972) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Require Legislative Approval of Low-Level Radioactive Waste Facilities" (S. P. 609) (L. D. 1738)

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

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1738 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.

Send down for concurrence.

**Second Readers  
House — as Amended**

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

BILL, "An Act Relating to Ethanol Production in the State" (Emergency) (H. P. 1282) (L. D. 1699)

Which was Read a Second Time.

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

Senator WOOD: Mr. President, I offer Senate Amendment "A" (S-185) and move its Adoption.

The PRESIDENT: The Senator from York, Senator Wood offers Senate Amendment "A" (S-185) and moves its Adoption.

Senate Amendment "A" (S-185) was Read.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, I noticed in Senate Amendment "A" (S-185) the purpose is only to remove the emergency preamble and the emergency clause. I was, also, concerned about the appropriation, was that taken into consideration by the sponsor of this amendment to remove the appropriation?

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

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: Mr. President and Members of the Senate, this amendment does not deal with the price tag on the study. It is our understanding that that can be dealt with at a later date.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, basically, since the public hearing on this particular Bill will be held in July, I guess I have no objection to this particular amendment, but only to the price tag before it goes on the Appropriations Table. I guess there was sufficient debate yesterday, that in my estimation justified not having the taxpayers in the State of Maine pay the costs of this study. I think the taxpayers have a pretty good economic view of exactly what this is going to do.

It is interesting to note in the Lewiston paper this morning a lobbyist of the New Eng-

land Ethanol Company was quoted as saying that because of the concerns of health, benzene poses a health problem that New England Ethanol has decided to use a substitute material. I checked with the Department of Environmental Protection this morning and very interestingly enough they had a verbal request yesterday from the E. C. Jordan Company to change their request from using benzene, which is as I pointed out very clearly a carcinogen, use something called cyclohexane. I don't know what the properties of cyclohexane are no more than I know what the properties of benzene are. The thing is, I think we've better be pretty clear before we proceed in allowing anything further to this particular company or corporation, insofar as exactly will the Department of Environmental Protection honor the request? My point very simply is, if they don't honor the request and this whole project goes down the tube, then it's no use to even have this money set aside for this alleged study that will show the feasibility if they should be given additional grant of 1.75 million dollars in addition to two other grants they have.

The point I want to make very clearly, yesterday, on the floor of the Senate was not so much the benzene problem that I foresee, but let me, for the Record, reemphasize I have received some telephone calls on this last night and my major concerns with this Bill or with this study are the following:

This project is not economically feasible; it's based on what the Federal Government is willing to spend on the project. Now that's not free enterprise.

The second point I made yesterday, any business can be successful if the Federal Government provides enough direct subsidy. That's point two.

And three, the question here is how far do we go as a State in assisting a company to establish itself, especially when you have a Federal grant, the Maine Guarantee Authority grant and now this request 1.75 million dollars and in addition to that the thirty thousand dollar study?

I think we've gone too far on this entire thing, just on good faith, and I think it is about time we started being responsible in this Body, as well as the other Body, to get more specific facts and to know exactly which direction we're going in, even prior to making this authorization of a study for thirty thousand dollars.

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

Senator TRAFTON: Thank you Mr. President and Members of the Senate, it concerns me that the good Senator from Androscoggin, Senator Minkowsky continues to make misstatements regarding this Legislative Document.

First of all, this Legislative Document does not concern the basic question as to whether or not this particular project is economically viable. This is a Legislative Document concerning the study requested by the Governor's Office to answer some questions that have arisen within the Committee on Taxation as to whether or not a tax exemption is appropriate for ethanol production within the State of Maine.

The good Senator from Androscoggin, Senator Minkowsky talks about grants from the Federal Government and grants from the State to New England Ethanol Products a Maine corporation. There have been no grants; there have been guaranteed loans that have been provided to this corporation. That means that the corporation must pay back these loans. The only difference is, these loans are guaranteed by the Federal Government and the Maine Guarantee Authority, so that I thought that was clear yesterday in the debate, apparently, the good Senator from Androscoggin has not listened to my statements, has not analyzed the subject completely.

Again, the Department of Environmental Protection is charged by the Legislature to protect our air quality within the State and they continue to do so, and I'm sure that we have the confidence that they will do so in regards to this project.

I urge your support of this Legislative Document. I have confidence not only in the various Boards and Commissions of our State that this project will receive adequate review before actual installation, but I also have faith in our Appropriations Committee that they will fund this in the proper amount if at all, and if they see fit not to fund it, they will report back that there is no money available and perhaps another funding source can be found. Thank you.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, when I speak of economically feasible, I'm referring specifically to the price of oil in the United States at the present time, not including the ten cents increase in the gasoline tax in the State of Maine, but what is going on in the entire world, and with the OPEC Nations cutting their prices as quickly as they are doing, this project is not economically feasible. That was specifically what I was referring to. While prices were high, maybe two, or three, or four years back it appeared to be feasible at that time.

Yes, I might have referred to this as a grant but it is a guarantee, but if the guarantee does not materialize, that this company can't afford to pay for it, yes, will not the taxpayers of this State and through this Nation pick up the costs?

The PRESIDENT: Is the Senate ready for the Question?

Senate Amendment "A" (S-185) was Adopted, in non-concurrence.

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

Sent down for concurrence.

#### Senate

Bill, An Act to Amend the Wood Measurement Law (S. P. 457) (L. D. 1388)

Which was Read a Second Time.

On motion by Senator Pray of Penobscot, Tabled until later in today's session, pending Passage to be Engrossed.

#### Enactors

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

#### Bond Issue

An Act to Authorize Bond Issue in the Amount of \$24,600,000 for Highway and Bridge Improvements to Match Federal Funds and to Accelerate the Improvement of Town Way Bridges (S. P. 415) (L. D. 1262)

#### (Senate at Ease)

The Senate called to Order by the President.

On motion by Senator Danton of York, placed on the Special Highway Appropriations Table, pending Enactment.

#### Order of the Day

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

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

Tabled — June 7, 1983 by Senator PRAY of Penobscot

Pending — Enactment

(In House June 7, 1983 Passed to be Enacted)

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

The President laid before the Senate the se-

cond Tabled and specially assigned matter:

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 CLARK of Cumberland

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

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

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

The President laid before the Senate the third 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 7, 1983 by Senator PRAY of Penobscot

Pending — The Motion of Senator NAJARIAN of Cumberland to Adopt Senate Amendment "A" (S-183)

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

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

BILL, "An Act to Amend the Wood Measurement Law (S. P. 457) (L. D. 1388), Tabled earlier in today's session on motion by Senator Pray of Penobscot, pending Passage to be Engrossed.

The PRESIDENT: The Senator has the floor. Senator PRAY: I offer Senate Amendment "A" (S-190) and move its Adoption.

The PRESIDENT: The Senator from Penobscot, Senator Pray offers Senate Amendment "A" (S-190) and moves its Adoption.

Senate Amendment "A" (S-190) was Read.

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, yesterday during the debate on the wood measurement bills we heard a great deal of controversy dealing with butt scales. This amendment, basically, sunsets the utilization of that scale on October 14, 1985.

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

Senator WOOD: Mr. President, an inquiry, if I may.

The PRESIDENT: The Senator may state his inquiry.

Senator WOOD: Since this amendment was part of the bill that we defeated yesterday, is it properly before us?

The PRESIDENT: The Chair would answer in the affirmative by saying what is before the Senate is the Bill itself and therefore is subject to amendments.

Senate Amendment "A" (S-190) was Adopted, in non-concurrence.

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

Sent down for concurrence.

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

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 Committee Amendment "A" (H-213)

(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.)

(In Senate June 7, 1983 Reconsidered Adoption of Committee Amendment "A" (H-213). House Amendment "C" (H-264) (Indefinitely Postponed in non-concurrence.)

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

(Off Record Remarks)

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

Senator MINKOWSKY: Mr. President, is the Senate in possession of L. D. 1190?

The PRESIDENT: The Chair would answer in the affirmative the Bill, An Act to Revise the Wood Measurement Law (S. P. 390) (L. D. 1190) having been held at the request of the Senator.

Senator MINKOWSKY: Mr. President, I move that the Senate Reconsider its action whereby we Accepted Report "C", the Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky moves that the Senate Reconsiders its action whereby it Accepted Report "C", the Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: I would ask for a Division on Reconsideration.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Androscoggin, Senator Minkowsky that the Senate Reconsider its action whereby we Accepted 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.

12 Senators having voted in the affirmative, and 17 Senators having voted in the negative, the motion to Reconsider Acceptance of the Ought Not to Pass Report of the Committee, Failed.

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

On motion by Senator Carpenter of Aroostook, Recessed until 2:30 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 Health Care for Alcoholism and Drug Dependency Treatment." (H. P. 1293) (L. D. 1714)

(In Senate, June 6, 1983, Passed to be Engrossed in non-concurrence.)

(Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-358) in non-concurrence.)

On motion by Senator Carpenter of Aroostook, tabled until later in today's session, pending Further Consideration.

#### Orders

#### Joint Resolutions

The Following Joint Resolution: (H. P. 1308)

JOINT RESOLUTION AUTHORIZING THE UNIVERSITY OF MAINE IN COOPERATION WITH APPROPRIATE DEPARTMENTS AND AGENCIES OF STATE GOVERNMENT TO DEVELOP AN OFFICIAL ATLAS OF THE RESOURCES OF MAINE WHEREAS, No comprehensive Atlas of Maine has been published since 1891; and WHEREAS, thirty-six states have published atlases during the last decade; and WHEREAS, a comprehensive Atlas of Maine

would be useful to decision-makers and planners in business and government; to research scholars, teachers and students seeking understanding of relationships between human activities and the physical environment; and to persons and organizations concerned with the optimum economic and social development of the State; and

WHEREAS, the University of Maine and State Government engage in a wide variety of partnership activities for the benefit of Maine citizens; now, therefore, be it

RESOLVED: That the University of Maine be authorized and respectfully directed to develop, in cooperation with appropriate departments and agencies of the State Government, an official Atlas of the Resources of Maine; and be it further

RESOLVED: That the Atlas shall be developed jointly, without legislative funds, by the Center for Research and Advanced Study of the University of Southern Maine and the Land and Water Resources Center of the University of Maine at Orono, along with the participation of other university branches and state agencies; and be it further

RESOLVED: That, upon passage, suitable copies of this resolution be sent to the Honorable Governor Joseph E. Brennan, Chancellor Patrick McCarthy, University of Southern Maine President Dr. Robert Woodbury and University of Maine at Orono President Dr. Paul Silverman.

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

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

Senator COLLINS: Mr. President, I notice that this matter is to be not funded with legislative funds, I wonder if I might inquire where the funds are coming from?

The PRESIDENT: The Senator from Knox, Senator Collins 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 until later in today's session, pending Adoption.

The Following Joint Resolution: (H. P. 1309) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

**JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO SUPPORT LEGISLATION WHICH WILL ESTABLISH A NATIONAL OCEANS POLICY COMMISSION**

WHEREAS, We, your Memorialists, the Senate and the House of Representatives of the State of Maine in the 111th Legislature most respectfully present and petition the Congress of the United States, as follows:

WHEREAS, the United States Senate and the House of Representatives are currently considering bills to establish a National Oceans Policy Commission; and

WHEREAS, there is a current need to examine and monitor certain long-term ocean policy issues now facing the United States; and

WHEREAS, the importance of unimpaired navigation through, over and under the world oceans and the development of fisheries, oil, gas, ocean minerals and marine resources are of great concern to the Nation and the State of Maine; and

WHEREAS, the purpose of the "National Oceans Policies Commission Act" of 1983 is to establish a commission in order to review and evaluate current marine policy programs during this present period of fundamental transition, and to maintain and further United States leadership in the oceans for the 1980's and 1990's; and

WHEREAS, the commission shall represent the gubernatorial leadership of coastal states; and

WHEREAS, the Act will ensure progressive, cooperative and mutual ocean policy developments and interests with Canada, Mexico and other countries; and

WHEREAS, the Act is essential to protect the interests of the State of Maine and its 3,500 miles of coastal resources; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the 98th Congress of the United States support and enact the Act to establish a National Oceans Policy Commission to study and develop a national oceans policy encompassing both international and domestic marine issues; and be it further

RESOLVED: That a copy of this resolution, duly authenticated by the Secretary of State, be transmitted forthwith by the Secretary of State to the President of the Senate and the Speaker of the House of Representatives in the Congress of the United States and to each member of the Maine Congressional Delegation.

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

**Joint Order**

The Following Joint Order: (H. P. 1314) ORDERED, the Senate concurring, that AN ACT Making Adjusted Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1983, H. P. 810, L. D. 1050, be recalled from the legislative files to the House.

Comes from the House, Read and Passed. Which was Read.

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, this Joint Order that's before us at this time is the Allocation Act that failed to receive its two-thirds passage in the House a few weeks ago. This is, basically, the Allocation Act that will provide the funds for the towns throughout the State. Many of you may perhaps been receiving phone calls from rather worried town managers and town officials as to what's going to happen to the summer program. This proposal comes from the House with the agreement upon, two sides of the issue that feel that it is more important that this Order, that we pull this Bill back out and Enact it with its two-thirds requirement. Which was Passed, in concurrence.

On motion by Senator Carpenter of Aroostook, the Senate voted to remove from the Table:

BILL, "An Act to Provide Equitable Health Care for Alcoholism and Drug Dependency Treatment." (H. P. 1293) (L. D. 1714), Tabled earlier in today's session on motion by Senator Carpenter of Aroostook, pending Further Consideration.

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

**Committee Reports House**

**Ought to Pass in New Draft**

The Committee on Education on BILL, "An Act to Clarify the Education Laws" (Emergency) (H. P. 855) (L. D. 1105) Reported that the same Ought to Pass in New Draft under same title (Emergency) (H. P. 1310) (L. D. 1739)

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

Which Report was Read and Accepted in concurrence.

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

**Divided Report**

The Majority of the Committee on State Government on BILL, "An Act Relating to Major Policy-influencing Positions in Various State Agencies" (H. P. 1187) (L. D. 1583)

Reported that the same Ought to Pass in New Draft under same title (H. P. 1311) (L. D. 1740)

Signed:

Senators:

VIOLETTE of Aroostook  
BALDACCI of Penobscot  
HICHENS of York

Representatives:

SPROUL of Augusta  
COOPER of Windham  
LaPLANTE of Sabattus  
GWADOSKY of Fairfield  
DILLENBACK of Cumberland  
KETOVER of Portland  
LEBOWITZ of Bangor  
HOLLOWAY of Edgecomb  
PARADIS of Augusta

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

Signed:

Representative:

SALSURY of Bar Harbor

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

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

The Bill, in New Draft Read Once.

On motion by Senator Pray of Penobscot, Tomorrow Assigned for Second Reading.

**Second Readers House — as Amended**

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

BILL, "An Act to Provide for an Analysis of the Future of Maine's Forest Resources" (H. P. 460) (L. D. 562)

Which was Read a Second Time.

On motion by Senator Pray of Penobscot, Tabled until later in today's session, pending Passage to be Engrossed.

**Enactors**

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

An Act Relating to the Branding of Potatoes (S. P. 567) (L. D. 1642)

An Act to Amend the Potato Dealer Licensing Law (H. P. 1298) (L. D. 1723)

An Act to Amend the Authority of the Department of Environmental Protection to Identify Hazardous Waste (H. P. 1302) (L. D. 1726)

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 Amend the Statutes Relating to Flouridation (S. P. 595) (L. D. 1717)

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

Senator HICHENS: Mr. President, in reference to L. D. 1717, "An Act to Amend the Statutes Relating to Fluoridation," I would like to bring the Senate's attention to the fact that I believe that this is a backdoor approach to mandating fluoridation throughout the State which is opposed by a great many residents of the State. We have come to the point now where in various years they've tried many methods to force fluoridation upon our communities and this Bill here states that 50% of the people in a water district regardless of the size of the towns or the size of the cities can mandate fluoridation. Up to this time each town had their own right within the water district. I believe that has been the fair method to handle this, but now a city like Portland can overrule

other communities which are in the same district and can force fluoridation on all of those smaller communities. I think this is the wrong method to handle this situation. I think we're getting along very well with our present situation.

I make a motion that this Bill and all its Accompanying Papers be Indefinitely Postponed.

The PRESIDENT: The Senator from York, Senator HICHENS has moved that L. D. 1717 be Indefinitely Postponed and all its Accompanying Papers.

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 Kennebec, Senator BUSTIN.

Senator BUSTIN: I would just like to point out to the good Senator from York, Senator HICHENS that this Bill merely brings into line the referendum process for fluoridation referendum votes as we do with every other referendum question. It's a simple 51% majority.

I ask that you vote against the pending motion.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of the motion by the Senator from York, Senator HICHENS that L. D. 1717 be Indefinitely Postponed please rise in their places to be counted.

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

5 Senators having voted in the affirmative, and 19 Senators having voted in the negative, the motion to, Indefinitely Postpone L. D. 1717 and all its Accompanying Papers, Failed.

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

An Act to Amend the Department of Environmental Protection Statutes (H. P. 1105) (L. D. 1458)

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

#### Emergency

An Act to Increase Funding Allocation for the Bureau of Air Quality Control for Fiscal Year 1983 (H. P. 1258) (L. D. 1679)

#### Emergency

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

#### Emergency

An Act to Authorize the Department of Human Services to Operate a Grant Diversion Program for Recipients of Aid to Families with Dependent Children (H. P. 1301) (L. D. 1725)

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

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

#### Recalled from Legislative Files

BILL, "An Act to Streamline Information Processing by Income Supplementation and Social Service Programs" (S. P. 533) (L. D. 1564)

Recall pursuant to Joint Order (S. P. 610)

(In Senate May 23, 1983 the Leave to Withdraw report from the Committee on Health and Institutional Services placed in the legislative files pursuant to Joint Rule 15)

(In House May 23, 1983 the Leave to With-

draw report from the Committee on Health and Institutional Services placed in the legislative files pursuant to Joint Rule 15)

The PRESIDENT: Is it the pleasure of the Senate that L. D. 1564 be Recommended to the Joint Standing Committee on Health and Institutional Services in non-concurrence?

It is a vote.

Sent down for concurrence.

#### Orders of the Day

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

JOINT RESOLUTION Authorizing the University of Maine in Cooperation with Appropriate Departments and Agencies of State Government to Develop an Official Atlas of the Resources of Maine (H. P. 1308), Tabled earlier in today's session on motion by Senator Pray of Penobscot, pending Adoption.

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

Senator HAYES: Mr. President, in response to an earlier question asking about the funding of this Resolution. The funding it is to be derived from solicitation of private and public sources by the University of Maine.

This particular Resolution was placed before us at the request of the Board of Trustees and it provides the legitimacy for the University of Maine to seek such funding. There's no fiscal note on this.

Which was Adopted, in concurrence.

Under Suspension of the Rules, there being no objections, all items previously acted upon were sent forthwith.

#### (Senate at Ease)

The Senate called to Order by the President.

On motion by Senator Danton of York, the Senate voted to remove from the Special Highway Appropriations Table:

AN ACT to Authorize Bond Issue in the Amount of \$24,600,000 for Highway and Bridge Improvements to Match Federal Funds and to Accelerate the Improvement of Town Way Bridges (S. P. 415) (L. D. 1262), Tabled earlier in today's session on motion by Senator Danton of York, pending Enactment.

On motion by Senator Danton of York, this being a Bond Authorization Act, and having received the affirmative votes of 27 Senators, with No Senators voting in the negative, and 27 Senators being more than two-thirds of the membership present and voting and having been signed by the President was by the Secretary presented to the Governor for his approval.

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

SENATE REPORTS—from the Committee on Energy and Natural Resources on BILL, "An Act to Include PCB's Within the Definition of Hazardous Wastes" (Emergency) (S. P. 568) (L. D. 1643)

Majority Report—Ought Not to Pass.

Minority Report—Ought to Pass.

Tabled—May 26, 1983 by Senator Pray of Penobscot.

Pending—Motion of Senator Kany to Accept Minority Ought to Pass Report.

The PRESIDENT: Senator Kany of Kennebec now requests Leave of the Senate to Withdraw her motion to Accept the Minority Ought to Pass Report.

Is it the pleasure of the Senate to Grant this Leave?

It is a vote.

On motion by Senator Kany of Kennebec the Majority Ought Not to Pass Report of the Committee was Accepted.

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

Senator KANY: Mr. President, thank you for allowing me to briefly speak On the Record.

I wanted to call the Senate's attention to the fact that the Board of Environmental Protection this noon adopted a rule which now declares that PCB's are hazardous waste; that was not true until this noon. Now that the BEP has taken that action, the rule will of course, under our Administrative Procedures Act be filed with the Secretary of State's Office and under our APA Law in five days then that rule will then go into effect.

I'd like to state to you that it is a good strong rule regarding PCB's and it does include PCB's contained within oil. It was amended as recently as this morning, the proposed rule. It does exclude one item, basically, transformers that are intact. "The PCB's contained within that oil are exempted but specifically the rule contains this language regarding those intact transformers. PCB's which are contained in a total enclosed manner and equipment, such as electrical transformers, capacitors and hydraulic systems are not subject to regulation under Title 38, Section 1301, provided that a contingency plan is submitted to and approved by the Department each year no later than September 1st for each location where PCB equipment is stored. This contingency plan shall include first annual record keeping and an inventory of all PCB items stored; and secondly, preventative and spill containment measurements that insure that these storage locations protect environmental and public health. This exclusion does not apply to leaking equipment. Equipment that is discarded or intended to be discarded nor to containers tanks or systems used to store, treat, or otherwise handle PCB or PCB's."

I do have copies of this rule and certainly if any member of the Senate has any questions, I certainly would be very happy to go over this rule with you. I would like to, also, state that the total intent of the Bill which had been before the Legislature really was that any lawmaker only has that avenue in which to assure that there will be public policy and that is the statutory avenue. Now that this rule has been adopted by the Board of Environmental Protection, the Bill which would have called for statutorily defining PCB's as hazardous waste is no longer necessary.

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

Senator BROWN: Thank you, Mr. President. I move that we Reconsider our action whereby we have Adopted the Majority Ought Not to Pass Report on L. D. 1643.

The PRESIDENT: The Senator from Washington, Senator BROWN, moves that the Senate Reconsider its action whereby it Accepted the Majority Ought Not to Pass Report on L. D. 1643.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Penobscot, Senator PRAY.

Senator PRAY: Mr. President, I yield to the the Senator from Washington.

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

Senator BROWN: Thank you, Mr. President. Ladies and Gentlemen of the Senate: I'd like to speak just briefly to this issue before it's passed by. This particular Bill on PCB's (poly chlorinated biphenyl's), is a particular issue of concern to me and I'm very pleased with the action that's been taken today by the Department of Environmental Protection. The reason being that the town of Meddybemps which is in Washington County just recently went through a very trying time and it's still going through a very trying time concerning this particular hazardous waste. We had a gravel pit that was recently purchased by the town of Woodland and gravel was taken out of that pit and used to pave about a half mile of roadway; it was found that the area was highly contaminated with PCB's and since that time blood tests have

been taken on all the road crew; all of the wells in the area had to be tested; there's been over two hundred samples of soil from the area and it could still be a very great problem to a lot of the people in the area. So, I'm extremely pleased that the Department of Environmental Protection has chosen to place PCB's or poly chlorinated biphenyls on the list of hazardous waste. Thank you, Mr. President.

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

Senator REDMOND: May I pose a question through the Chair to the good Senator from Waterville, regarding the item we're working on?

My question is where old crankcase oil is included in hazardous waste that if PCB is found in it. If old crankcase oil is transported and it has not been found that it contains some hazardous wastes will old crankcase oil be considered old crankcase oil? Or will it be considered as hazardous waste?

The PRESIDENT: The Senator from Somerset, Senator Redmond has posed a question through the Chair to the Senator from Kennebec, Senator Kany who may respond if she so desires.

Senator KANY: Thank you, Mr. President. Senator Redmond's question had to do with the crankcase oil itself. If that crankcase oil contains any PCB's whatsoever, it will be considered hazardous waste.

I would, also, like to point out to the good Senator from Somerset and to others in the Chamber who are interested that this Legislature passed law now regulating waste oil and that waste oil will be regulated and cleanup of any spills from waste oil which often contains some very hazardous substances will be able to be cleaned up and responded to by our Maine Hazardous Waste Fund.

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, I have for the past couple of weeks been involved in a PCB spill up in the Greenville, Moosehead Lake area of when a log truck due to adverse conditions hooked on to a telephone and power line which crossed Route 15 and pulled down one transformer which then erupted in the road upon impact and the five or six gallons of oil that was spilled out of the transformer which had PCB's in it then caused some local concern. Having followed the action by the Department of Transportation, the Department of Environmental Protection and CMP whose transformer it was, I have some concerns as to the existence of transformers which date, I believe, to 1967 which have PCB's in it, and if I understood the Senator from Kennebec, Senator Kany correctly that these transformers will from this point on due to the regulation require labeling of PCB's. If that is in fact true, then, I see no need for the Bill; if not, then I would like to make sure that those transformers are going to be labeled so that when they do, due to some accident or incident get spilled, then people are put in danger that they then know that there are chemicals there. The situation that happened that I referred to, those individuals who first appeared upon the scene from the Department of Transportation had no idea that there was hazardous material or chemicals involved in the oil spill. When CMP arrived at the scene they appeared so in protective garb: boots, gloves and so forth. The Department of Transportation personnel were not protected as those were from CMP so I would hope that out of this rule change that these transformers will be labeled and that, also, from the lesson that perhaps is learned from this spill that DOT will clean up its own act and provide its personnel with the protection that it's going to need whenever they may deal with this type of situation in the future.

The PRESIDENT: Senator Brown of Washington now requests Leave of the Senate to

Withdraw his motion to Reconsider whereby the Senate Accepted the Majority Ought Not to Pass Report.

Is it the pleasure of the Senate to Grant this Leave?

It is a vote.

Sent down for concurrence.

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

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

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

Pending—Passage to be Engrossed.

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

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

It is a vote.

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

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)

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

Pending—Motion by Senator BALDACCI of Penobscot to Indefinitely Postpone Bill and Accompanying Papers (Roll Call Ordered)

(In House June 6, 1983, Passed to be Engrossed as Amended by House Amendment "A" (H-345))

The PRESIDENT: A Roll Call has been ordered.

The pending question before the Senate is the motion by the Senator from Penobscot, Senator Baldacci that this Bill be Indefinitely Postponed and all its Accompanying Papers.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA—Baldacci, Bustin, Danton, Diamond, Dow, Dutremble, Gill, Hichens, Minkowsky, Perkins, Pray, Redmond, Sewall, Wood, The President Gerard P. Conley.

NAY—Brown, Carpenter, Charette, Clark, Collins, Erwin, Kany, Najarian, Shute, Trafton, Twitchell, Usher, Violette.

ABSENT—Emerson, Hayes McBairty, Pearson, Teague.

Senator Clark of Cumberland was granted permission to change her vote from Nay to Yea.

A Roll Call was had.

16 Senators having voted in the affirmative and 12 Senators in the negative, with 5 Senators being absent, the motion to Indefinitely Postpone L. D. 1727 in non-concurrence, Pre-vailed.

Sent down for concurrence.

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

BILL, "An Act to Provide for an Analysis of the Future of Maine's Forest Resources" (H. P. 460) (L. D. 562), Tabled earlier in today's session on motion by Senator Pray of Penobscot, pending Passage to be Engrossed.

On motion by Senator Wood of York the Senate voted to Reconsider its action whereby it Adopted Committee Amendment "A" as amended by House Amendment "A" thereto.

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

On further motion by the same Senator House Amendment "A" to Committee Amendment "A" was Indefinitely Postponed in non-concurrence.

The PRESIDENT: The Senator has the floor.

Senator WOOD: Mr. President, I offer Senate Amendment "A" (S-194) and move its Adoption.

The PRESIDENT: The Senator from York, Senator Wood, offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption.

Senate Amendment "A" (S-194) to Committee Amendment "A" was Read and Adopted.

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

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

Sent down for concurrence.

The President laid before the Senate:

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

Tabled—June 8, 1983 by Senator Pray of Penobscot.

Pending—Enactment.

(In House, June 7, 1983, Passed to be Enacted).

On motion by Senator Violette of Aroostook, the Senate voted to Suspend the Rules.

On further motion by the same Senator, the Senate voted to Reconsider its action whereby L. D. 1698 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".

The PRESIDENT: The Senator has the floor.

Senator VIOLETTE: I offer Senate Amendment "A" (S-192) to Committee Amendment "A" and move its Adoption.

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

Senate Amendment "A" (S-192) to Committee Amendment "A" was Read and Adopted.

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

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

Sent down for concurrence.

The President laid before the Senate:

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

Tabled—June 8, 1983 by Senator Carpenter of Aroostook.

Pending—Motion of Senator Pray of Penobscot to Reconsider Passage to be Enacted. (In House June 6, 1983, Passed to be Enacted).

On motion by Senator Carpenter of Aroostook, Retabled for 1 Legislative Day.

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 8, 1983 by Senator Pray of Penobscot.

Pending—Adoption of Senate Amendment "A" (S-183).

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

Senator COLLINS: Mr. President, since we discussed this yesterday afternoon I've been able to talk with some town managers and one selectman in my district about the affect of this Bill and the amendment on the taxation requirements in those acquired property.

I accept the general theme of the Bill to prevent unjust enrichment; that is not my problem. I accept the provision that the Senator from Cumberland, Senator Najarian has put forth in this proposed amendment that would permit people to remain in their homes and not have their property sold out from under them. I think that that, is a good provision.

The problem that I have with the Bill and the amendment is that it places all property in the same category. I'm not sure this is easily remedied but I think it can be remedied and commercial and wood lot and other non-residential property has and needs a much different treatment, I think, in tax acquired property handling.

The affect of this Bill even with the amendment on my community and three of the communities that I have been able to sample, thus far is that it will require forced sale of tax acquired property either to outsiders who may bid it in at unfair prices or it may be necessary in the alternative for the municipality to in effect buy that property, keep enough to cover the taxes, expenses, plus 20% and pay the rest over to the person who was the owner at the time that the municipality acquired the title by the tax process.

In my community if we have to go out and I recognize this is prospective; this isn't going to descend on anybody all at once; it may be a couple of years away before this bombshell hits. If my community has to go out and raise an extra quarter million dollars which is about the figure we projected in my community to buy tax acquired properties, other than residences, it's going to boost our tax rate and I think quite unnecessarily. Most communities make some effort now to dispose of their tax acquired properties when that's the prudent thing to do.

I'm afraid that we're making the assumption that our municipal officers, that are in charge of this matter now, and don't know what they're doing; that they don't know how to manage this kind of property and what we're saying to them is we're forcing you to get into the real estate business and buy or sell tax acquired property whether you want to or not.

Apart from this general policy problem, I have a number of technical problems. I'm sure that the good Senator from Cumberland, Senator Najarian, may wish to respond to my observations and if so, I would then like to pose some questions because there's going to be a great deal of technical inquiry about this, if it should pass. Thank you.

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

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

Senator COLLINS: Mr. President, I believe that the next move in this matter would be Engrossment?

The PRESIDENT: The Chair would answer in the affirmative.

Senator COLLINS: I would request that there be a Roll Call on the issue of Engrossment, and Mr. President, I would like to raise a couple of questions about the meaning of the Bill.

The Bill in its Statement of Fact, (I'm speaking now to the amendment that we just adopted) speaks of the municipality of retaining 20% of the surplus or damages. It depends on how this is done, what the numbers would be. Damages refers to the total value of a property that is for sale acquired by the town. For example, let's say it is a ten thousand dollar item, 20% would be two thousand dollars. On the other hand, if it is 20% on surplus, there may be an accumulation of taxes of, let's say five hundred dollars and expenses and interests and so on be another five hundred dollars so that would leave, let's say nine thousand dollars, and 20% of that would be eighteen hundred dollars, something like that. I'm not clear whether we proceed in both manners or one manner.

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

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President and Members of the Senate, we drafted this

amendment to take care of Senator Collins' concerns on allowing people to stay in their homes. He had a concern about business people; not paying their taxes in order that they can invest their money and earn more money from their investment than they could, if they then, the town, would fine them for not paying their taxes. We addressed that with the 20%.

I talked this Bill over with Senator Collins several times. He agrees with me and every time this Bill comes up he raises a new issue.

On the commercial business property MMA wanted to exempt commercial and business property. I can see, no reason to treat businesses unjust just because they happen to be businesses. I think their proceeds ought to be returned to them, too.

Portland just had a sale the other day; they had outstanding taxes of a hundred thousand dollars and costs and they got a hundred and sixty thousand on the sale, sixty thousand dollars excess. There were only three homes in that and the three homeowners didn't get back the excess proceeds and each one should have gotten around two or three thousand dollars in return if this Bill had been in place today or last week. There was about fifty thousand dollars that businesses or somebody should have gotten back and didn't and won't for two more years, because this is a prospective Bill and the lien process takes a year and then there's another eighteen months or so after that, so it's going to be a couple of years.

The MMA wants to study this; they still can study it; there's nobody stopping them; we'll have another session next year; if there is any technical problems which I doubt, I've had three lawyers working on this one Bill and everybody feels very comfortable with it, but if there's still any problems, there's plenty of time before this is going to affect any municipalities. Municipalities would probably like this. You know, to keep things the way they are; to keep the status quo because they're making, they're making money at somebody else's expense. I think this Legislature has a duty to protect the private citizen from unjust practices of our municipalities; and therefore, I hope that (if he made a motion for Indefinite Postponement), I hope you will support the Bill on Engrossment. Thank you.

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

Senator COLLINS: Mr. President, I would be perfectly happy to wait if the answers are not readily available but I'm asking serious questions that lawyers and judges are going to have to deal with in years ahead if this becomes law.

The previous one is apparently not answerable at the moment.

My next question is, if the municipality acquires a title because of the for sale provision or if it acquires title simply by the lien foreclosure provision? Can it then charge rent on that property or does that constitute taking a possession away from the previous owner and occupier?

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

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President and Members of the Senate, I overlooked answering Senator Collins' first question in regard to the damages. Yes, when the town does not choose to sell the property but chooses to keep it for their own use then 20% can still be retained out of whatever the property is worth. The other question, I'm not sure what the answer is. I'm sure that I can have it by the time this Bill comes back for Enactment.

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

Senator COLLINS: I have several more questions but I'm not going to try to present them all. I will present them privately to the Senator

and hope that there may be answers, if that matter proceeds that far. I do want to just give the nature of this final question. It indicates here that the money, the unjust enrichment money apparently it isn't clear to my good colleague, the Senator from Cumberland, Senator Najarian, but I agree with her about unjust enrichment. The part that I disagree with her about, is the forced sale aspect and how that's carried out. The Bill says that the unjust enrichment money, the surplus or the damages or whatever you want to call it is to be paid to the party that was the owner at the time that the municipality acquired title. Frequently, in my experience that party is gone; that party is dead; that party has moved away and not been heard from; that party is a corporation which has gone into bankruptcy. The bankruptcy courts have finished up with it. The corporation has been dissolved. There are all kinds of problems of where do you find the right person to pay it to? Those questions I do not find answered in the Bill, and I think this is going to create a great deal of confusion and question in times ahead.

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

Senator NAJARIAN: Mr. President and Members of the Senate, we discussed this particular problem. What would happen is the money would be held in escrow or it would escheat to the State, if the owner didn't turn up within a certain period of time. We planned, this question arose after the amendment was already in Research, and I believe I'd even signed it, so we planned to put an amendment on the House so that the property would escheat to the town rather than to the State. I didn't want to delay this amendment in here any more and have Research go through the whole thing again, so we planned to put an amendment on, so that the town would get the property if the owner cannot be found.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Thank you, Mr. President. Mr. President, and Members of the Senate: I rise as Chairman of the Judiciary Committee that heard this Bill and I'd simply like to point out that the issues and questions raised by the good Senator from Knox, Senator Collins are relatively minor issues that I think can be addressed in a private meeting between the good Senator and the sponsor and the co-sponsors of this Bill, and I urge you to support this piece of legislation and before this Bill comes back for Final Enactment, I think these questions can be answered to everybody's satisfaction, so I urge you to support Passage of this Bill at this point in time. 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 Passage to be Engrossed on L. D. 1719.

A Yes vote will be in favor of Engrossment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA—Baldacci, Brown, Bustin, Carpenter, Charette, Clark, Danton, Diamond, Dow, Du Tremble, Erwin, Hichens, Kany, Najarian, Pray, Trafton, Usher, Violette, Wood, The President Gerard P. Conley.

NAY—Collins, Gill, Minkowsky, Perkins, Redmond, Sewall, Shute, Twitchell.

ABSENT—Emerson, Hayes, McBrearty, Pearson, Teague.

A Roll Call was had.



20 Senators having voted in the affirmative and 8 Senators in the negative with 5 Senators being absent, the Bill was Passed to be En-grossed as amended.

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 8, 1983 by Senator PRAY of Penobscot.

Pending—Adoption of Committee Amend-ment "A" (H-213).

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

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

(In Senate June 7, 1983, Reconsidered Adoption of Committee Amendment "A" (H-213). House Amendment "C" (H-264) Inde-finitely Postponed in non-concurrence.)

On motion by Senator Pray of Penobscot, Re-tabled for 1 Legislative Day.

There being no objections all matters pre-viously acted upon were sent forthwith.

(Off Record Remarks)

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

Senator Pray of Penobscot was granted un-animous consent to address the Senate, Off the Record.

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