

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eleventh  
Legislature***

OF THE

STATE OF MAINE

**Volume II**

**FIRST REGULAR SESSION**

**May 16, 1983 to June 24, 1983**

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**August 4, 1983**

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STATE OF MAINE  
 One Hundred and Eleventh Legislature  
 First Regular Session  
 JOURNAL OF THE SENATE  
 Augusta, Maine  
 June 21, 1983  
 Senate called to order by the President.

Prayer by the Honorable Larry M. Brown of Washington.

Senator BROWN: Our Father in heaven to whom we all turn in times of trouble and stress we are grateful to You that we are alive, that we have liberty, freedom and the ability to pursue happiness.

We pray our Father that You would watch all of us this afternoon. Help all the Senators, here assembled, to use the very best of their judgment in doing what is right and best for the citizens of this State. In Jesus name. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

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

**Committee Report  
 Senate  
 Ought to Pass**

Senator KANY for the Committee on Energy and Natural Resources on BILL, "An Act to Assure Consideration of On-site Impacts of Major Developments Under the Site Location Law" (Emergency) (S. P. 630) (L. D. 1772) Reported that the same Ought to Pass.

Which Report was Read and Accepted. The Bill Read Once.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L.D. 1772 be given its Second Reading by Title Only?

It is a vote.

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

Sent down for concurrence.

**Communications**

The Following Communication:

**One Hundred and Eleventh Legislature  
 Committee on Election Laws**

The Honorable Gerard P. Conley  
 President of the Senate  
 State House  
 Augusta Maine 04333

Dear President Conley:

The Committee on Election Laws is pleased to report that it has completed all business placed before it by the First Regular Session of the 111th Legislature.

Total number of bills received	48
Unanimous reports	41
Leave to Withdraw	18
Ought Not to Pass	7
Ought to Pass	4
Ought to Pass as Amended	8
Ought to Pass in New Draft	4
Divided reports	6
Carry-over bills	1

Respectfully submitted,  
 S MICHAEL D. PEARSON  
 Senate Chairman

Which was Read and Ordered Placed on File.

The Following Communication:

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

June 20, 1983

The Honorable Gerard P. Conley  
 President of the Maine Senate  
 State House  
 Augusta, Maine 04333

Dear President Conley:

The Joint Standing Committee on State Government is pleased to report it has completed all business placed before it by the First Regular Session of the 111th Maine Legislature.

Total number of bills received	79
Unanimous reports	67
Ought to Pass	12
Ought to Pass as Amended	9
Ought to Pass in New Draft	16
Ought Not to Pass	3
Leave to Withdraw	26
Refer to another Committee	1
Divided reports	12

Sincerely,  
 S/PAUL E. VIOLETTE

Senate Chairman

Which was Read and Ordered Placed on File.

(Off Record Remarks)

**Committee Reports  
 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 Remove Moose River from the Maine Forestry District" (S. P. 239) (L. D. 681)

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

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

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

**Recess**

**After Recess**

The Senate called to order by the President.

**Orders of the Day  
 Unfinished Business  
 June 20, 1983**

The following matters in the consideration of which the Senate was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 25.

The PRESIDENT: The Chair would direct the Senate's attention to the first matter of Unfinished Business:

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

Tabled—June 16, 1983 by Senator PRAY of Penobscot.

Pending—Further Consideration.  
 (In Senate March 30, 1983 Passed to be Engrossed as Amended by Senate Amendment "A" (S-42).)

(In House June 15, 1983 Passed to be Engrossed as Amended by House Amendment "D" (H-392) in non-concurrence.)

On motion by Senator Collins of Knox the Senate voted to Recede from its action whereby LD 1318 was Passed to be Engrossed.

On further motion by Senator Collins of Knox the Senate voted to Recede from its action whereby it Adopted Senate Amendment "A".

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

Senator COLLINS: Mr. President, I now move that the Senate Indefinitely Postpone Senate Amendment "A".

The PRESIDENT: The Senator from Knox, Senator Collins moves that the Senate Indefinitely Postpone Senate Amendment "A".

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Knox, Senator Collins, that Senate Amendment "A" be Indefinitely Postponed, please rise in their places to be counted.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I am not at all sure what the strategy is of the opposition in this matter, but I would point out that Senate Amendment "A" is in conflict with the Bill in its present status and in most of the other statuses that it might come into, as I see it.

So I would like to understand the reason for opposing.

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

Senator CARPENTER: I request permission of the Senate to withdraw my request for a Division.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter requests Leave of the Senate to Withdraw his motion for a Division. Is this the pleasure of the Senate?

It is a vote.

On motion by Senator Collins of Knox, Senate Amendment "A" was Indefinitely Postponed.

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

Senator COLLINS: Mr. President, I now move that the Senate proceed with the Reading of House Amendment "D".

House Amendment "D" was Read.

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

Senator COLLINS: Mr. President, I now offer Senate Amendment "A" under filing number S-215.

The PRESIDENT: The Senator from Knox, Senator Collins offers Senate Amendment "A" to House Amendment "D" and moves its Adoption.

Senate Amendment "A" (S-215) to House Amendment "D" was Read.

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

Senator VIOLETTE: I request a Division.

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

Senator COLLINS: The purpose of Senate Amendment "A" to House Amendment "D" is very simple. This Bill has travelled a long road since we saw it last. It has had the benefit of an Attorney General's opinion, opinions from Washington, very excellent work on the part of the Committee on State Government in many respects, and I agree with some of the provisions of the Bill. Obviously there is one position that I do not agree with and that I seek to remedy by offering this Amendment that would remove from the Bill that portion that permits the active solicitation of political funds by State employees. Recognizing that this has been rather fully debated in the past, and I am sure discussed in caucuses I rest my case.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Adoption of Senate Amendment "A" to House Amendment "D", please rise in their places to be counted.

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

9 Senators having voted in the affirmative, and 19 Senators having voted in the negative, the Adoption of Senate Amendment "A" to House Amendment "D" Failed.

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

Senator DANTON: Mr. President, I offer Senate Amendment "B" to House Amendment "D" to L. D. 1318 under filing number S-216 and move it Adoption.

The PRESIDENT: The Senator from York, Senator Danton offers Senate Amendment "B" to House Amendment "D" and moves its

Adoption.

Senate Amendment "B" (S-216) to House Amendment "D" was Read.

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

Senator COLLINS: I would like to ask for a Roll Call on the Adoption of this Amendment and I would, also, like to ask the good Senator from York, Senator Danton, if he might explain the purpose of his amendment.

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

Senator DANTON: Mr. President and Members of the Senate, what this amendment does it allows certain State employees—what Amendment "D" does is it allows certain State employees to run for non-partisan, partisan elective office.

My amendment would allow even a larger scope, and it has in Chapter 59 where I have taken and put in "E", "G", "H", and "I".

"E" allows for officers and employees of the Senate and House of Representatives of the Legislature to run in partisan elections;

"G" allows for employees working in the Governor's office and the Blaine Mansion;

"H" allows for officers and employees of the unorganized territories schools system, and teachers and principals of the school systems in State vocational schools and state institutions, and

"I" allows for deputies and assistants, staff attorneys, research assistants and the secretary to the Attorney General of the Attorney General's Department.

All it does is it just broadens the scope of those who may participate in partisan elections.

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

Senator COLLINS: Mr. President I wonder if this would, if this amendment is adopted, and if the Bill were to pass would permit the Commissioner of Man Power Affairs or the Commissioner of Transportation to run for the State Senate or for the Office of Governor?

The PRESIDENT: The Senator from York, Senator Collins has posed a question through the Chair to the good Senator from York, Senator Danton who may respond if he so desires. The Senator has the floor.

Senator DANTON: Mr. President, Members of the Senate, as I understand it, where those two Departments receive many Federal funds, many Federal dollars that upon their announcement for any office they would have to resign from their office.

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

Senator KANY: Mr. President and Members of the Senate, in addition, I would like to point out to Senator Collins that anyone within the Executive Branch would really be precluded from running for the Legislative Branch because of the conflict between those two.

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

Senator GILL: Mr. President, I would like to pose a question through the Chair, Mr. President, I would like to know if this Bill were passed would any law enforcement person, State policeman, warden, (in plain clothes) be allowed to solicit from the general public for contributions?

The PRESIDENT: The Senator from Cumberland, Senator Gill 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 Aroostook, Senator Violette.

Senator VIOLETTE: Mr. President, and Members of the Senate, as I understand it State Police are covered under the State Solicitations Act and would not be allowed to solicit for political reasons.

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

Senator COLLINS: Mr. President, I am

pleased to hear the answer by the Senator from Aroostook, Senator Violette, although I do not think that that is what the statute says, I think it would be sound State policy and the fact that he has stated it as Chairman of the Committee may help an Attorney General in the future to advise law enforcement people not to go out soliciting funds.

I want to just say one final word before this Roll Call vote is taken, assuming that it is ordered, this Bill creates two classes of State employees and the amendment now under consideration will greatly broaden the class from the previous condition of the Bill.

I think that it is important for us to keep in mind that this is a criminal statute that we are creating, and has a criminal penalty in it. We are saying to the State of Maine and to our State employees that part of the State employment force is guilty of a crime if they do certain things, and the rest of the State employment force is not guilty of a crime if they do exactly the same things. It is the strangest kind of a criminal statutes that I have ever seen in my nine years here. It is really strange. It is a very strange way to create criminal law and I wonder if we really realize what we are doing.

The second dichotomy that we are creating here is a division of State employees into those who are under the Federal Hatch Act and those who are not under the Federal Hatch Act. The result is that sometimes within the same room, and the same bureau there will be State employees whose funding comes largely from the Federal government who are not able to do any of the things or many of the things that are provided here as permissive, whereas the person at the next desk can do those very same things, of course, the principal among all these things is political fund raising, but there are other things as well, having to do with campaigning, running for office and so on.

Now this dichotomy can become a great problem to this State not only in terms of employee morale because there will be sheep and goats in the same pasture, but also in terms of State financial jeopardy because if a State employee who is under the Federal Hatch Act because of Federal funding sources becomes confused and does some of the things that are prohibited by Federal law, but permitted by State law, then the State of Maine under Federal law may well become liable to pay a penalty to the Federal government consisting of two years salary of the employee that makes the mistake.

If I were running the man power affairs of this State under such circumstances I would feel it necessary to employ someone as a compliance officer to educate and monitor our people so that they didn't make mistakes as to whether they were sheep or goats. Because if they make the mistake not only must they pay in penalties that have to do with their job, but the State must pay the Federal government that two years salary. I think that that is a serious problem and one that we ought not to take lightly regardless of what party is in power. Thank you, Mr. President.

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

Senator VIOLETTE: Mr. President, first of all I wish to apologize. The information that I had given to the Membership was incorrect relative to the matters dealing with State enforcement personnel they presently can't solicit after this Legislation is passed they will be able to solicit with respect to political officers.

Relative to the other matter that the Senator from Knox Senator Collins has raised, the U.S. Merit Board of Review would have to notify the State that there is an employee violating the Hatch Act. Once it has notified the State, the State has thirty days to inform that person that he is violating the Hatch Act. If he, and to allow him to withdraw from that partisan activity. If he doesn't that is his decision, he will then lose his position. Thank you.

The PRESIDENT: The Chair recognizes the

Senator from Kennebec, Senator Kany.

Senator KANY: Mr. President and Members of the Senate, I don't know which are the sheep and which are the goats as far as Senator Collins of Knox in his reference to State versus Federally paid employees, but I would like to point out that there are a smaller percentage of Federal employees at the State level each year, as our Federal funding is cut so drastically. So fewer and fewer would thus fall under, as far as, the percentage.

I would like to say, and I am not a sponsor, I don't serve on the Committee, but I feel very strongly about this measure in that I do believe that what we are trying to do here in the State of Maine, if we pass this Legislation, is to allow more and more of our adult population to participate more fully in their Democracy. I would hope that we would encourage that and I would then hope that the Federal government would follow suit and change their law so that their employees could do the same.

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

Senator CLARK: Mr. President, Men and Women of the Senate, I stand this afternoon in support of adoption of the amendment that has been offered by the Senator from York, Senator Danton. As a co-sponsor of the original L.D. I must confess that the current posture of this Bill and its new form doesn't resemble in much detail the original bill.

I have co-sponsored a measure dealing with the political rights of State employees for two terms now.

House "D" which was attached in the other Body, as I understand it precludes an awful lot of folks who currently enjoy the full participation of the political spectrum and I think that the amendment as offered by Senator Danton of York under filing S-216 remedies that. While I feel sure that there was no intent on behalf of the other Body to take current rights away from employees that already have them, I think that we should remedy that situation and adopt the amendment before us this afternoon. Thank you, Mr. President.

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

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

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

The pending question before the Senate is the Adoption of Senate Amendment "B" to House Amendment "D".

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

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, Erwin, Hayes, Kany, Minkowsky, Najarian, Pearson, Pray, Shute, Twitchell, Usher, Violette, Wood, The President-Gerard P. Conley.

NAY—Collins, Emerson, Gill, Hichens, McBreairty, Perkins, Sewall, Teague.

ABSENT—Dutremble, Redmond, Trafton.

A Roll Call was had.

22 Senators having voted in the affirmative, and 8 Senators in the negative, with 3 Senators being absent the motion to Adopt Senate Amendment "B" to House Amendment "D" Prevailed.

House Amendment "D" as amended by Senate Amendment "B" thereto was Adopted, in non-concurrence.

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

Sent down for concurrence.

The PRESIDENT: The Chair would direct the

Senate's attention to the second matter of Unfinished Business:

**RESOLVE**, Authorizing the Conveyance of a Certain Unused Building and Land Owned by the State to the Town of Wells for \$10,000 (H. P. 1024) (L. D. 1325)

Tabled—June 16, 1983 by Senator PRAY of Penobscot.

Pending—Passage to be Engrossed.

(In House March 29, 1983 Passed to be Engrossed)

On motion by Senator Pray of Penobscot, Tabled for 1 Legislative Day, pending Passage to be Engrossed.

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

#### Enactors

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

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

An Act to Revise the General Assistance Laws (S. P. 626) (L. D. 1764)

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 Affecting the Organization of the Department of Business Regulation (S. P. 541) (L. D. 1580)

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

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

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

#### Emergency

An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine (S. P. 622) (L. D. 1760)

#### Emergency

An Act to Delay the Effective Date of the Property Tax Exemption for Naturally Occurring Metallic Minerals (S. P. 629) (L. D. 1769)

#### Emergency

An Act to Conform the Meaning of Approved Training in the Employment Security Law to Federal Definitions (H. P. 1331) (L. D. 1771)

These being emergency measures and having received the affirmative votes of 28 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 considered the following:

#### Committee Reports

##### House

#### Ought to Pass in New Draft

The Committee on State Government on BILL, "An Act to Permit an Air National Guard Officer to be Eligible to Serve as Deputy Adjutant General" (H. P. 350) (L. D. 408) Reported that the same Ought to Pass in New Draft under same title (H. P. 1338) (L. D. 1778)

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. 1778 be given its Second Reading by Title Only?

It is a vote.

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

concurrence.

#### Ought to Pass in New Draft under New Title

The Committee on Appropriations and Financial Affairs on BILL, "An Act Making Additional Allocations for the Expenditures of State Government in Response to United States Emergency Jobs and Humanitarian Aid Program for the Fiscal Years Ending June 30, 1983, 1984, and 1985" (Emergency) (H. P. 1289) (L. D. 1709) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act Making Additional Allocations for the Expenditures of State Government in Response to United States Emergency Jobs and Humanitarian Aid Programs for the Fiscal Year Ending June 30, 1984" (Emergency) (H. P. 1333) (L. D. 1773)

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

Which Report was Read and Accepted in concurrence.

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

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L.D. 1773 be given its Second Reading by Title Only?

It is a vote.

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

The Committee on Appropriations and Financial Affairs on BILL, "An Act to Appropriate Sohio Oil Company Overcharge Funds to the Energy Resources Development Fund" (H. P. 1010) (L. D. 1335) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Appropriate Oil Company Overcharge Funds" (H. P. 1334) (L. D. 1774)

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

Which Report was Read and Accepted in concurrence.

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

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L.D. 1774 be given its Second Reading by Title Only?

It is a vote.

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

#### Committee Reports

##### House

#### Divided Report

The Majority of the Committee on Taxation on BILL, "An Act Providing for Administrative Changes in Maine Tax Laws" (H. P. 1054) (L. D. 1398)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-408)

Signed:

Senators:

WOOD of York  
TWITCHELL of Oxford  
TEAGUE of Somerset

Representatives:

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

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-409)

Signed:

Representatives:

BROWN of Bethel  
DAY of Westbrook

INGRAHAM of Houlton  
MASTERMAN of Milo

Comes from the House with the Majority Ought to Pass as Amended Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-408) as Amended by House Amendment "A" (H-412) thereto.

Which Reports were Read.

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

Senator WOOD: I would move that the Senate Accept the Majority Ought to Pass Report, as amended by Committee Amendment "A".

The PRESIDENT: The Senator from York, Senator Wood, moves that the Senate Accept the Majority Ought to Pass, as amended, Report of the Committee.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I note the title of this Bill as "Providing for Administrative Changes." I am not an authority on the Bill but I understand that it, also, includes an important change in the corporation of our multi-state corporations sometimes described as the unitary tax and I wonder if someone on the Committee would explain to us how that changes our present system of taxation.

The PRESIDENT: The Senator from Knox, Senator Collins has posed a question through the Chair to any member of the Taxation Committee 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 Bill does include clarifying language to clarify the scope of the unitary or combined reporting method; it is not a unitary tax, it is simply a method of apportioning what is appropriately within the jurisdiction of the State to collect.

There has been some question in the past whether Maine being a UDITPA State has the ability to levy this or use this method, most all UDITPA states with the exception of Maine have used this method. We have used it in the past in several instances; in fact, there is a court case that is in Washington County where this authority has been further clarified and it's simply clarifying language to allow the State to use combined reporting or the unitary method in apportioning multi-national corporate tax.

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

Senator COLLINS: Mr. President, I'm going to ask for a Division on the Adoption of the Committee Report. I was reading earlier in the day a report from the state of Minnesota which adopted this technique in 1981 and in the report, the Governor of that state, Governor Perpich is asking his Legislature to repeal that method because he finds that it is driving industries out of his state.

I would be interested in two further answers if they should be available from the Committee on Taxation: One is whether or not this Bill has been amended so as to take care of the problems of the Fraser Paper Company? The other is, how much increase or decrease in revenue may we expect from the adoption of this unitary tax technique?

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

The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: Members of the Senate, in answer to the Senator from Knox, Senator Collins' question, the first question, I think, that he asked was the increase or decrease in the amount of revenue that the State of Maine would receive. I would like to say that we do not know at this time. We know that when Massachusetts, Vermont and New Hampshire put in the unitary process that they were net

gainers.

As far as his other question, I think, was on the Fraser Paper Company. House Amendment "A" (H-412) takes care of the Fraser Paper Company and takes care of all the international subsidiaries of any national company.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: 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 Wood that the Senate Accept the Majority Ought to Pass, as amended, Report of the Committee.

A Yes vote will be in favor of Accepting the Majority 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—Baldacci, Brown, Bustin, Carpenter, Charette, Clark, Danton, Diamond, Dow, Erwin, Hayes, Minkowsky, Najarian, Pearson, Pray, Teague, Twitchell, Violette, Wood, The President-Gerard P. Conley.

NAY—Collins, Emerson, Gill, Hichens, Kany, McBrearty, Perkins, Sewall, Shute, Usher.

ABSENT—Dutremble, Redmond, Trafton.

A Roll Call was had.

20 Senators having voted in the affirmative and 10 Senators in the negative, with 3 Senators being absent, the motion to Accept the Majority Ought to Pass, as amended, Report of the Committee, Prevailed.

The Bill Read Once.

Committee Amendment "A" was Read.

House Amendment "A" to Committee Amendment "A" Read and Adopted, in concurrence.

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

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L.D. 1398 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.

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

#### Papers From the House House Papers

BILL, "An Act to Amend the Military Laws of the State of Maine." (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (H. P. 1337) (L. D. 1777)

Committee on Aging, Retirement and Veterans suggested.

Comes from the House, Passed to be Engrossed Without Reference to a Committee, and Ordered Printed.

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

Senator DOW: Under Suspension of the Rules, I move that we give this LD its First Reading at this time without Reference to Committee.

The PRESIDENT: The Senator from Kennebec, Senator Dow, moves that Under Suspension of the Rules that LD 1777 be given its

First Reading at this time without Reference to Committee.

Is this the pleasure of the Senate?

It is a vote.

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

BILL, "An Act to Validate the Procedure for Selection of Members of the Maine Real Estate Commission." (Submitted by the Department of Business Regulation pursuant to Joint Rule 24) (H. P. 1335) (L. D. 1775)

Committee on Business Legislation suggested.

Comes from the House, Passed to be Engrossed Without Reference to a Committee.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L.D. 1775 be given its First Reading at this time without Reference to Committee?

It is a vote.

Under suspension of the Rules, the Bill Read Twice, and Passed to be Engrossed without Reference to Committee, and Ordered Printed, in concurrence.

BILL, "An Act to Amend the Statutes Regarding Mental Health and Mental Retardation." (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (H. P. 1336) (L. D. 1776)

Committee on Health and Institutional Services suggested.

Comes from the House, Passed to be Engrossed Without Reference to a Committee, and Ordered Printed.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, L.D. 1776, be given its First Reading at this time without Reference to Committee?

It is a vote.

Under Suspension of the Rules, the Bill Read Once and Tomorrow Assigned for Second Reading.

BILL, "An Act to Amend the Statutes Regarding Corrections." (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (H. P. 1339) (L. D. 1779)

Committee on Health and Institutional Services suggested.

Comes from the House, Passed to be Engrossed Without Reference to a Committee, and Ordered Printed.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, L.D. 1779 be given its First Reading at this time without Reference to Committee?

It is a vote.

Under Suspension of the Rules, the Bill Read Once and Tomorrow Assigned for Second Reading.

#### Communication

The Following Communication:

#### One Hundred and Eleventh Legislature Committee on Education

June 21, 1983

The Honorable Gerard P. Conley

President of the Senate of Maine

State House

Augusta, Maine 04333

Dear President Conley:

In accordance with 3 M.R.S.A., Chapter 6, Section 151 and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Robert J. Dunfey to the Board of Trustees of the University of Maine.

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

YEAS: Senators 2

Representatives 9

NAYS: Senators 1

Representatives 0

ABSENT: Representative Crouse of Washburn Eleven members of the Committee having voted in the affirmative and one in the negative with one being absent, it was the vote of the Committee that the nomination of Robert J. Dunfey to the Board of Trustees of the University of Maine be confirmed.

Sincerely,

S/KENNETH P. HAYES

Senate Chair

S/STEPHANIE LOCKE

House Chair

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Education has recommended that the nomination of Robert J. Dunfey be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Education be overridden: In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 111th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA—None.

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

ABSENT—Dutremble, Hichens, Redmond, Trafton.

No Senators having voted in the affirmative and 29 Senators in the negative, with 4 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted.

The nomination of Robert J. Dunfey is confirmed.

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

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 Creating a Maine Milk Pool" (H. P. 1323) (L. D. 1754)

(In Senate June 15, 1983 Passed to be Engrossed as Amended by Senate Amendment "A" (S-210))

(Comes from the House Passed to be Engrossed as Amended by Senate Amendment "A" (S-210) as Amended by House Amendment "A" (H-410) thereto in non-concurrence)

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

Senator ERWIN: Mr. President, I move the Senate Recede and Concur.

The PRESIDENT: The Senator from Oxford, Senator Erwin moves that the Senate Recede and Concur with the House.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate: I'm not going to stand here and belabor the issue but I would ask that somebody would give me the courtesy of Tabling this until tomorrow. If you look at House filing 410 this is the third amendment that has been attached or attempted to be att-

ached to this Bill, all three of which deal with my county, my county is the killing ground, excuse me my county, Washington County and part of Penobscot County have been the killing ground to make or break this Bill. This is the third amendment, which is different than the second amendment, which is different from the first amendment, dealing with the same area, and I don't know what the amendment does. I have talked to the lobby. One side of the lobby says it does something; the other side of the lobby says it doesn't do something.

I would ask that somebody give me the courtesy to Table this until tomorrow til I can figure out what it does.

On motion by Senator Hichens of York, Tabled for 1 legislative Day, pending the motion by the Senator from Oxford, Senator Erwin.

#### **Joint Order**

The following Joint Order: (H. P. 1341)

ORDERED, the Senate concurring, that BILL, "An Act to Amend the Law Relating to Tax Increment Financing," (H. P. 1039) (L. D. 1364) be recalled from the Governor's desk to the House.

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

#### **Committee Report**

##### **House**

##### **Ought to Pass in New Draft**

The Committee on Local and County Government on BILL, "An Act to Provide for Reapportionment of County Commissioner Districts" (H. P. 689) (L. D. 869) Reported that the same Ought to Pass in New Draft under same title (Emergency) (H. P. 1307) (L. D. 1736)

Comes from the House, the Report Read and Accepted, and the New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-411).

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

House Amendment "A" (H-411) was Read.

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

#### **Enactor**

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

##### **Constitutional Amendment**

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

The PRESIDENT: The Chair would inform the Senate that this is a Constitutional Resolution and requires a two-third's vote.

Is the Senate ready for the question?

This is a Constitutional Resolution and in order for its passage it requires the affirmative vote of two-thirds of those Senators present and voting.

Will all those Senators in favor of Passage of this Resolution, please rise and remain standing until counted.

Will all those Senators opposed, please rise and remain standing until counted.

28 Senators having voted in the affirmative and 1 Senator having voted in the negative, and 28 being more than the required two-thirds vote the Resolution was Finally Passed and having been signed by the President was by the Secretary presented to the Secretary of State.

(Off Record Remarks)

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