

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 22, 1983
Senate called to order by the President.

Prayer by the Reverend Relland P. Clark of the North Windsor Baptist Church of North Windsor.

REVEREND CLARK: Shall we pray! Our Father, we're thankful this morning for the beautiful day which Thou hast given to us and for the opportunity that we have to serve Thee and to serve our fellow man.

We thank You, our Father, for this great country that we are privileged to be a part of and to be citizens of. We ask, our Father, that we may be men and women of courage and conviction. We ask, our Father, that as we look to Thee we pray that each one of these who are represented here today, would be men and women of courage and conviction, realizing that government in its truest form is of, for, and by the people that they represent.

We pray Thy blessing upon each and everyone today, and we ask that You would lead and guide, for we pray in the Name of Christ our Saviour. Amen.

Reading of the Journal of yesterday.

**Order
Joint Resolution**

On Motion by Senator CLARK of Cumberland (Cosponsor: Representative DILLENBACK of Cumberland) the following Joint Resolution: (S. P. 631)

**Joint Resolution in Honor of Cundy's
Harbor Camp Fire Girls**

WHEREAS, the statue of the Maine Lobsterman was created by the late William B. Kahill in honor of Maine fishermen and all those of our coastal fisheries who devote their lives to the sea; and

WHEREAS, in 1979, the Camp Fire Girls of Cundy's Harbor set out in celebration of the International Year of the Child to relocate this famous statue, built for the 1939 World's Fair, to an appropriate location in Washington, D. C.; and

WHEREAS, this small band of dedicated girls, led by Ruth Heiser with the support of Maine businesses, citizens and the aid of enabling legislation introduced by former Senator Edmund S. Muskie, achieved their goal after 4 years of dedicated effort; and

WHEREAS, this eloquent symbol of Maine, depicting a way of life that remains strong, vital and durable, now graces a small shaded park overlooking the waterfront of the Nation's capitol; and

WHEREAS, it is the first statue honoring a state to be so located at the Nation's capitol and a fitting tribute to the State and to all those who have taken part in the project; now, therefore, be it

RESOLVED: That, We the Members of the First Regular Session of the 111th Legislature of the great and sovereign State of Maine, now assembled, join in this special tribute to the goal, multiple-year effort and ultimate achievement of the Camp Fire Girls of Cundy's Harbor and to their hardworking and determined leader, Ruth Heiser, who have made this outstanding achievement possible; and be it further

RESOLVED: That suitable copies of this resolution be sent forthwith to these special girls and their leader in token of appreciation on behalf of the Legislature and the people of the State of Maine.

Which was Read.

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

Senator CLARK: Thank you, Mr. President. Mr. President, Men and Women of the Senate,

the Joint Resolution introduced and just adopted here this morning represents the culmination of the efforts of the Cundy's Harbor Camp Fire Girls, former U. S. Representative David Emery from Maine, former Secretary of State Edmund S. Muskie of Maine, former State Representative William Garsoe of Cumberland who represented Harpswell earlier, four years ago, and myself, and literally, hundreds and hundreds of hours on behalf of the leader of the Camp Fire Girls of Cundy's Harbor, Ruth Heiser, literally thousands of dollars donated by businesses and individuals from Maine and from outside of Maine.

On Wednesday last, June 15, 1983, on Park 5, Maine Avenue in Washington, D. C. the dedication of the Maine Lobsterman Monument occurred. On that occasion a man, Paul Henson of North Harpswell, Maine, wrote the following poem entitled:

DIRIGO

A man must move with oceans
And build with rock.
This is the interaction
That brought our founders
To speak their peace
With grip of hands.
This is what brings us back
To touch a colder, rougher corner of our nation;

To find reluctant heroes
Crouching at their work.
There with quiet wit
And persistent faith in justice
They have welded heart to spirit
To increase the strength of both.
Strip a man of plastic pretence
And the cunning snares of words
That clot the arteries of power
And he can cause a monument to rise,
A beacon for a waterfront.
Cynics find tough sledding up in Maine
When faced with dignity torn from rock.
Here's a sample of the mettle
That calls their bluff
For each of us to build on.

The ceremonies are over and all the dignitaries have left the park site along Maine Avenue in Washington, and now the Maine Lobsterman that statue that represents all of the integrity that is Maine, stands alone in Washington's muggy summer air reminding visitors that it honors all Maine fishermen who have devoted their lives to the sea. Thank you, Mr. President.

Which was Adopted.
Sent down for concurrence.

**Second Readers
House**

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

BILL, "An Act to Amend the Statutes Regarding Mental Health and Mental Retardation" (H. P. 1336) (L. D. 1776)

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.

BILL, "An Act to Amend the Statutes Regarding Corrections" (H. P. 1339) (L. D. 1779)

Which was Read a Second Time.

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

Orders of the Day

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

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 21, 1983 by Senator PRAY of Penobscot

Pending — Passage to be Engrossed
(In House March 29, 1983 Passed to be En-

grossed)

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

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

BILL, "An Act Creating a Maine Milk Pool" (H. P. 1323) (L. D. 1754)

Tabled — June 21, 1983 by Senator HICHENS of York

Pending — Motion of Senator ERWIN of Oxford to Recede and Concur with House

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

(In House June 21, 1983 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, distinguished members of the Senate, yesterday before this Bill was Tabled, at the request of the good Senator from Aroostook, Senator Carpenter, I moved to Recede and Concur with the House. Today, I would like to speak briefly to this motion.

You have on your desks a memo from the Commissioner of Agriculture showing the affect of House Amendment "A" to Senate Amendment "A" which will become part of this Bill if the present motion prevails. I think the memo makes the affect of this amendment quite clear.

Repeatedly in this debate, my good friend, the Senator from Aroostook, Senator Carpenter has pointed out the length to which we have gone to recognize the special problems in Northern Maine. From the outset, we have all recognized that these special problems which grow from remoteness are real. I don't think anyone has denied this. These problems have been made more difficult, it seems, because one of the dairies has gone to twenty-three dairy farmers from the Northern Maine zone, farmers who now sell on the Boston Market and promised them that if they'll work against this Bill, they can then sell their milk to that Maine dairy. This has proven to be in the words of the godfather, an offer they can't refuse. There's nothing illegal about this. Maybe, not even anything unethical but it has created a state of flux that has made this issue more difficult.

Yesterday, the Senator from Aroostook, Senator Carpenter said he did not like what others were doing with his county; but, there are several Senators from his county and many powerful and affective representatives, on top of that, the Northern Maine zone includes all of Washington County and the Northern parts of Penobscot. There are other Senators and Representatives from these areas.

Just look at the Bill before us as it comes from the House. It is amended by Senate Amendment "A" offered and passed on the motion of the able Majority Leader, the Senator from Northern Penobscot, Senator Pray. In the other Body, Senator Pray's amendment has been amended by House Amendment "A" which was sponsored by the good Representative from Eastport, in Washington County, Representative Harry Vose.

So it is the Northern Maine Legislators who are struggling to solve this problem and as your Chairman of the Agricultural Committee, I am satisfied with their collective efforts. Under this Bill, as it comes from the other Body, Northern Maine dairy farmers who sell on the Boston Market receives full benefits and protection, and farmers privileged to sell their milk on the Maine Market from these three counties must pay into the pool but at a reduced rate, a rate which reflects their special costs and risks. This is a fair solution; it reflects the collective efforts of those Northern Maine Legislators who wants to see this Bill passed.

I urge you to vote to Recede and Concur. I, along with a number of other people, have put a lot of time and effort in trying to present a good bill to you, a bill that needs passage. I request your consideration on this. Thank you.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, first of all I'd like to thank my friend Senator Erwin from Oxford, not only for his remarks, not only for the kind consideration that he has given to Northern Maine; Aroostook, Washington and Northern Penobscot. There has been a lot of effort put into this Bill. I guess I do now understand what the affect of this amendment will be on my dairy farmers. I, also, learned of the efforts of one dairy in Northern Maine to swing some votes around perhaps by less than up front arguing and I was not very happy with that. I had no part of that. I told the persons involved last night, after the vote that I was no longer involved in an effort to kill this Bill. I would not work to kill this Bill, but that I was going to take a look at the amendment. I still don't like the Bill and I will be voting against it this morning, but I would just really like to stand here and thank both the Senator from York, Senator Wood, the Senator from Oxford, Senator Erwin and all the others who have put a tremendous amount of effort into this issue, an issue that I've been intimately involved with as far as the whole milk issue now for the last several years, it's something that I feel very strongly about and I just want to offer my thanks to them.

Thank you.

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

Senator PERKINS: I would ask for the Yeas and Nays.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACC: Mr. President and Members of the Senate, I have an amendment that I'd like to offer on this particular L. D. It's now being printed by Legislative Research and it isn't properly before us. I would hope that we would take the motions of Recede and Concur up separately as I was discussing with the Majority Leader the parliamentary procedures, so that we could take up those motions separately and that we would have the amendment properly before us.

The amendment that I am proposing would be an amendment that would correct the inequity in the Bill that now allows Maine Market producers to receive a payment from the pool without paying into the pool and that's being printed by Legislative Research.

I hope that somebody would Table this until later in today's session, so that we would have that amendment properly before us.

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

Senator BUSTIN: Before that, if somebody is going to make that Tabling motion, before they do that, I would like to just explain to you why I think that this Bill should be acted on now.

In many states the Legislature is referred to as the general court; it's an old fashion phrase but in many ways, it accurately describes what we're doing here. We, the people's elected representatives, are in many ways the court of last resort. This year the majority of Maine's dairy farmers are here asking for justice — simple justice. The State has created a special benefit, a benefit to help Maine dairy farmers. This benefit was created with the Maine Milk Commission in the 1940's, and yet, this benefit has been denied to the majority of Maine dairy farmers from the 1940's to the present time. This benefit has been refused them because they have been denied the ability to sell on the Maine Market which is a fancy way of saying

that the Maine dairies can get all the milk they need from somebody else.

The majority of Maine dairy farmers are here presenting their case to us in the best tradition of representative democracy. They have come to say to us, you, the Maine Government, the sovereign, has created a benefit that goes only to the minority, and worse than that this Government has left the decisions, about who receives this benefit to the men who run our Maine dairies. These men are not required to make the decision about who receives this benefit on the basis of need, seniority, or in any other rational basis. These men can decide who gets this Government created benefit on any basis they choose.

In the past, farmers have been taken off the Maine Market because they belong to a co-op and refuse to quit. Maine farmers have been taken off the Maine Market because they were unable to convince their Legislator to vote to keep the Maine Milk Commission. Just this year, twenty-two dairy farmers in Aroostook County who have always been denied access to the Maine Market have been told that in return for refusing to support this Bill that Benjie Grant will now buy their milk, and by so doing, share this Government created benefit with them.

Dairy farmers from all over the State have come to us with a simple message, they say, "our milk is the same, our taxes are the same, our food costs are the same, our desire to provide for our families is the same. Why should you create a special benefit and then allow that benefit to be the exclusive privilege of a minority of farmers. A special benefit which can run from six thousand to ten thousand dollars per farm per year. Surely, fair people when confronted with this problem will demand that it be solved.

Men and Women of the Senate, I ask you to forget, for a moment, all the months of lobbying, all the telephone calls, all the charges and counter-charges, all the pressure, to forget it all, and recognize that right now, we now are the judges. Ask yourself today what is really right? If one of us was to put a bill in this Senate to create a benefit for two hundred Maine citizens in some particular business and to leave eight hundred similar people out and have that benefit run into thousands and thousands of dollars a year, and then have the Governor decide, all by himself without any standards which two hundred Maine citizens will receive this benefit. Is there anyone in this Senate that can honestly say they would vote for such a bill? If you must honestly answer the question "no" then ask yourself, how can we justify the continuation of a system that gives just such a power to the men who run Maine dairies? Men who have been elected by no one and who are not accountable to any constituency.

I recognize that this is not an easy issue. We would all prefer to have Maine farmers come to us as a united group and ask for our help. It would be much easier. We have all heard that lobbyist against this Bill say it's a bad Bill because it divides Maine's dairy farmers, but I say to them, it is the gross inequities in the present system that has pitted Maine dairy farmers against each other. I believe we must enact this Bill today because, if I may paraphrase one of the great United States President's pictured on these Senate walls, "an industry divided against itself cannot stand the financial trials of the 1980's." This is a democracy. We do not seek unity by demanding that the majority remain silent in the face of injustice. Harmony is achieved only by treating all fairly. This Bill does nothing more. Surely, this Senate can do nothing less. I urge you to defeat the Tabling motion and vote on this Bill now.

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

Senator DANTON: Mr. President and Members of the Senate, some of you may think it a

little strange that I am opposed to the Milk Pool Bill, since I have actively worked to do away with the Maine Milk Commission. This issue is a little different. This issue has to do with taking money out of a farmers' pocket after he has worked for it, and we're not talking about taking just a little money; we're talking about taking thousands of dollars from these farmers. There just seems to be something wrong about what is going on here with this Bill.

If we want to do away with the Maine Milk Commission, then let's do away with it. If these two hundred and fifty or so farmers get too much money for their milk, then let's lower the price, and lower the price so the consumer can benefit from it. Let's not do everything by the backdoor by saying as it does in the House Amendment, "that this Bill is a reapportionment of Economic Benefit Created by Regulation." This economic benefit these farmers have is by selling a good product and they sell it in accordance with the Milk Commission Law which has now been approved by the voters of this State.

I have heard the arguments that it is unjust and inequitable for one farmer to get one price and the second farmer to get something else. I don't buy it! If there were differences created solely because of State Law, then we should do something, but that is not a problem here. Here, there are differences in Federal Law and State Law and these two hundred and fifty odd farmers are not responsible for those differences. Evidently, the supporters of this Bill don't want to help out all dairy farmers; they only want to hurt a minority by reducing their income 5% to 7%. Does anyone, in fact, know how much money the losing farmer will lose, and how much money the winners will gain? How much time, effort and money will go into achieving this reapportionment?

Now, this Bill is suppose to be about correcting inequities created by law. So, why is it that about two hundred farmers who sell to Hood — Portland, do not have to pay anything into the pool but they get to take a full share of money out of the pool? These farmers are under the economically beneficial Maine Law. They and Hood are competing with the other Maine Market farmers and Maine Market dairies. Why are we enacting a Law that creates the inequity of making a farmer who sells to Houlton Farm Dairy give money to a farmer in Southern Maine who produces a hundred fifty thousand to two hundred thousand pounds of milk each month? This Southern Maine farmer is going to take six thousand to ten thousand dollars away from these Maine Market farmers. Why?

The other major flaw with this Bill is that it takes the Maine Market farmers price to the Federal market without giving any of the benefits of the Federal market. Milk is basically a high volume low margin industry, even the Commissioner of Agriculture says that, but for the Maine Market, it has been low of volume and higher margin.

Under this Bill, Maine Market farmers will not be able to do anything above production, but their margin is lowered, so where is the equity? I just can't buy this Bill. No one is talking about specifics. We've just been talking about platitudes and generalities but for the poor unfortunate few, those two hundred and fifty farmers, putting them back to the prices they got in 1980 is pretty specific.

Let me just summarize by posing several questions to those who support this Legislation and perhaps they may be able to convince me.

The first question: At 1983 prices and Federal Order Utilization Rates, how much money do the various farmers lose under this Bill?

Another question: As it stands today, how much money do the Hood — Portland farmers take out of the pool?

Finally, how is this all going to work? When

will the farmers get their pool payments and who is going to make those payments?

Now, historically, as a State Senator I have always voted to do away with the Maine Milk Commission. The farmers in my district have never supported me for election or reelection and truthfully speaking, I don't think they're going to support me if I choose to run again but when I sit down and talk to farmers, and shake their hand and feel those callouses and they were wearing nothing but working clothes and have that weather-beaten look about them, you know they're hard-working people. All of them.

If we're going to do something, let's do something and let's be fair about it. I just can't understand how this is a fair Bill; perhaps some speakers that are going to get up might be able to answer some of the questions that I've raised, if they can, fine, but up to this point in time, they haven't convinced me.

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

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: Mr. President and Members of the Senate, I'll try to respond to some of the questions, but before I do that, I'd like to go over some of the points that the good Senator from York, Senator Danton raised.

When he talks about the poor unfortunate few, I think there's another side to that coin. There is the poor unfortunate many. The poor unfortunate many for years have shipped on the Boston Market and because they shipped on the Boston Market and because we had State regulation, they allowed the rich fortunate few farmers to make more money. These poor unfortunate many, also, have calloused hands and that weathered look, and they work just as hard and their milk is just as good, and they pay the same amount of taxes, and they pay the same feed bills. They pay everything, but on the other end, on the receiving end there is a difference and that's not a difference that they created; it was a difference we created. It's not a difference they can solve; it's a difference we can solve.

Let us not forget — I am extremely aware of minority rights, but I, also, know about majority rule. There are a poor unfortunate many in this State that have worked hard and now deserve to share in that pool. So don't lose sight of those people, and I don't think that the good Senator would imply that these farmers are any less diligent in their work, any less industrious, any less good citizens. I don't even think that he would imply that their milk wasn't as good, it is just that they happen to be caught up in the system that we imposed. The other farmers in this State benefit not because they work harder, not because their milk is better simply because they have the benefit of being on our regulatory system and being able to buy surplus from that Boston Market when needed.

We can't have all of the farmers in Maine on one market I don't think that either side wants that, because if that occurs then no one will be making money in the business. As long as you can't have all of the farmers on one market, you have to have a two market system, and when government imposes that two market system I think it is incumbent on government to make sure that that system is fair. That is what we are talking about here. We are talking about sharing that system, sharing that pool and making that system fair. So keep that in mind.

Most systems of milk in this country have a pool. It is not a new concept, it is not a radical concept, you'll find it in most of the states of this great land of ours, and it seems that it is about time that Maine did this.

I don't think that this issue has anything to do with the Maine Milk Commission, because I,

like the good Senator from York, have also voted against the Maine Milk Commission, but I really didn't vote against it because of the consumers. I voted against it because I didn't think that it was in the best interest of all farmers, because of this dual system. I think now that the voters have decided to keep the Maine Milk System, we have to insure that the system is fair to all farmers.

Those people that saw the ad's last November, I don't remember any little sub-title that says, "keep Maine farms, i.e. Maine Market farms." When you saw people exiting the polls and you said why did you vote for the Maine Milk Commission? They said because I want to keep Maine Farms. They didn't say well I just want to keep some Maine farms. I think that they wanted to keep all Maine farms and they were under the assumption that that was going to be done.

I think that that is why a number of people who ship on the Boston Market who had opposed the Maine Milk Commission this time around supported it was because they thought that finally there was going to be some equity and fairness in the issue.

So I would urge you today to look hard at this issue. The Committee on Agriculture has spent numerous hours on this issue. Numerous work sessions. The good Senator from Oxford, Senator Erwin deserves our commendation for the way that he ran those hearings, let both sides give their best arguments, put off votes so that we could read more amendments, study the issue. It was in our Committee a long time, and when that vote was taken I think that it was a true vote. People understood the issue and felt comfortable with it.

I realize that it is late but let's look at this issue from a fairness angle and remember that we are here to do what is right for the people of the State of Maine. I don't think that it is right to allow a system that benefits very few to the detriment of the very many of this State.

Now as far as the so-called "Hood Problem" we can't answer you what Hood received today, because the Bill does not take affect today. There are some of us on the Committee who were extremely concerned about the Hood issue. We have received assurances that that issue was based solely on utilization rate and there will be changes between now and when the Bill takes affect so that that utilization rate will be different and they will be paying into the system. I can assure you that if that is not the case, in January you will probably see some legislation to change it.

But I think that the Hood amendment has some other problems to it, because you can't pass an amendment that deals with just one dairy. You might have an instance of a small dairy losing a major contract and putting in jeopardy a number of farmers that we don't want to see put in. Although on the surface that that amendment might seem appropriate, I don't think it will really solve the problem. So we can't give you an answer on what the Hood farmers would pay today, or what they would receive today. That will be in the final analysis, but I am assured that the Hood utilization rate will be much higher next year and they will be paying in.

I think that there are other people here that want to answer the other question, but I would just ask you to keep one thing in mind when you vote. Think about: all those farmers with those calloused hands and weathered faces; all those farmers who pay taxes; all those farmers who are up much earlier every day than we are; all of those farmers who come in much later every day than we do. Think about all of them, just not the few.

The PRESIDENT: Is the Senate ready for the question?

On motion by Senator Baldacci of Penobscot, the Senate voted to Recede.

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

Senator BALDACCI: Mr. President I move this item be Tabled until later in today's session.

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

Senator BUSTIN: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Tabling L. D. 1754 until later in today's session, please rise in their places to be counted.

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

11 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion to Table until later in today's session, Failed.

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

Senator WOOD: I move we Concur with the House.

The PRESIDENT: The Senator from York, Senator Wood moves that the Senate Concur with the House.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: A Roll Call, please.

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 Concur with the House.

A Yes vote will be in favor of Concurring with the House.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

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

Senator BALDACCI: Mr. President, Members of the Senate, I wanted an opportunity because of an amendment being typed by the Legislative Research to present it, I have heard one reference to that amendment that it wouldn't do any good and that we'll still have an opportunity in January to make those changes. I think that before this Bill becomes a Law, and before it becomes signed by the Governor for that purpose, I don't agree with the concept of doing it half done. I think that if we are going to present this Bill and we are going to pass this Bill that it ought to be in the form which is acceptable not just to get something through and come back later. We seem to be passing things and then saying well we can always come back later and make those changes. We seem to be carrying that on infinita.

All I would like is an opportunity, Mr. President and Members of the Senate, to be able to put this amendment on that Bill which would cure the inequities in the Bill as it has been presented because of that situation as the good Senator from York, Senator Danton has alluded to, and the good Senator from York, Senator Wood had discussed, and that is all I want that opportunity to do. This amendment would allow for that, it says; "payment from the pool to any Maine Market producer shall not exceed the payment paid into the pool by that Maine Market producers dealer on behalf of that producer less amounts to be deducted for promotion and administration pursuant to that sub-section."

Now that sounds pretty fair to me and it doesn't sound like anybody asking for anything or anybody trying to subvert any process. That amendment is being typed by Legislative Research. So I would ask you to vote against Concurring, have an opportunity to table this till later in today's session present the amend-

ment and pass the Bill, as amended.

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

Senator HAYES: Mr. President, I request to pair my vote with the Senator from Somerset, Senator Redmond, if Senator Redmond were here he would vote Yea, if I were voting I would vote Nay.

The PRESIDENT: The Senator from Penobscot, Senator Hayes requests permission to pair his vote with the Senator from Somerset, Senator Redmond, who if he were here he would vote Yea and the Senator from Penobscot, Senator Hayes would vote Nay.

Is it the pleasure of the Senate to grant this leave?

It is a vote.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Brown, Bustin, Charette, Clark, Collins, Dutremble, Emerson, Erwin, Gill, Kany, Najarian, Pray, Teague, Usher, Violette, Wood, The President Gerard P. Conley.

NAY—Baldacci, Carpenter, Danton, Diamond, Dow, McBreairty, Pearson, Perkins, Shute, Trafton, Twitchell.

ABSENT—Hichens, Minkowsky, Sewall.

A Roll Call was had.

17 Senators having voted in the affirmative, and 11 Senators in the negative, 2 Senators having paired their votes, and 3 Senators being absent, the motion to Concur with the House, Prevailed.

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

Senator CLARK: Mr. President, I move that we Reconsider our action whereby we recently voted to Concur with the other Body, and I would hope that the Members of this Chamber would vote against me.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Clark that the Senate Reconsider its action whereby it Concurred with the House, on L. D. 1754.

Will all those Senators in favor of Reconsideration, please say "Yes".

Will all those Senators opposed, please say "No".

A Viva Voce Vote being had the motion to Reconsider, Failed.

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

BILL, "An Act to Provide for Reapportionment of County Commissioner Districts" (H. P. 1307) (L. D. 1736)

Tabled — June 21, 1983 by Senator PRAY of Penobscot

Pending — Adoption of House Amendment "A" (H-411)

(In House June 21, 1983, Bill, An Act to Provide for Reapportionment of County Commission Districts (Emergency) (H. P. 689) (L. D. 869) Substituted for Committee Report; Subsequently Passed to be Engrossed as Amended by House Amendment "A" (H-411))

(In Senate June 21, 1983 Ought to Pass in New Draft (H. P. 1307) (L. D. 1736) Report from the Committee on Local and County Government Read and Accepted in non concurrence.)

On motion by Senator Pray of Penobscot, the Senate voted to Reconsider its action whereby L. D. 1736 was given its First Reading.

On motion by Senator Pray of Penobscot, the Senate voted to Reconsider its action whereby it Accepted the Ought to Pass in New Draft Report of the Committee.

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

Senator PRAY: Mr. President, I move that the

Bill be Substituted for the Report.

The PRESIDENT: The Senator from Penobscot, Senator Pray moves that the Bill be substituted for the Report.

Is this the pleasure of the Senate?

The motion Prevailed.

The Bill Read Once.

House Amendment "A" was Read.

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

Senator PRAY: Thank you, Mr. President. Mr. President and Ladies and Gentlemen of the Senate, this proposal that we now have before us will allow the existing Reapportionment Commission to reconvene to do the county commissioner districts. The basic language that is in House Amendment 411 is that which is presently in the Constitution, though on page 3 of the Bill it states on lines 26 through 28 that the Commission will report back to the Legislature no later than January 15, 1984. Then on the statement of fact it says; "that the Reapportionment Commission will meet in 1983 so that the county commissioner districts may be reapportioned in 1984." It is the intent of this amendment as worded that this will be done this summer, and if there is a Special Session later this summer or early this fall that this Reapportionment Commission will report back to that Session, with the new districts for the county commissioners. That will allow any individuals in a county district to know far in advance of the '84 elections as to what communities will be in what county commissioner's district.

The language in specific states the fact that it will be no later than January 15 with that language it is our understanding that prior to that date will be acceptable if the Legislature should convene. Thank you, Mr. President.

House Amendment "A" was Adopted, in concurrence.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1736 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.

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

On motion by Senator Pray of Penobscot Recessed until 11 o'clock this morning.

Recess

After Recess

The Senate called to Order by the President.

Senator Carpenter of Aroostook was granted unanimous consent to address the Senate, On the Record.

Senator CARPENTER: Mr. President, calling the Senate's attention to L. D. 1685, "An Act to Stabilize Maine Potato Prices" at some point, we're going to be taking this Bill off and hopefully Enacting it.

There has arisen a concern regarding the licensing of the first handlers of potatoes. It is not the intent of myself, as cosponsor, nor the Department of Agriculture that the roadside stand type of operation have to be licensed. I'm putting these remarks in the Record and I will be offering an amendment or an option to the Error's Bill, at a later date, through the good Senator from Androscoggin, Senator Trafton, it is not my intent, nor that of the Department of Agriculture who drafted the Bill that these people be included. This is not, will not be a

substantive change but we will offer it as a correction in the Error's Bill later on.

Senator McBreairty of Aroostook was granted unanimous consent to address the Senate, On the Record.

Senator McBREAIRTY: Mr. President and Honorable Members of the Senate, I guess I have a question as to what we're doing on this Bill right at the minute.

The PRESIDENT: The Chair would state that there is no bill before us at the present time.

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

Committee Reports

House

Leave to Withdraw

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

BILL, "An Act to Amend the Forest Fire Control Laws and Repeal the Maine Forestry District" (H. P. 529) (L. D. 637)

BILL, "An Act to Establish the Cost of the Maine Forestry District in Fiscal Year 1983-84" (Emergency) (H. P. 1121) (L. D. 1478)

Ought to Pass in New Draft

The Committee on Taxation on BILL, "An Act Relating to the Taxation of Certain Watercraft" (H. P. 1154) (L. D. 1524) Reported that the same Ought to Pass in New Draft under same title (H. P. 1343) (L. D. 1782)

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. 1782 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.

(Off Record Remarks)

Divided Report

The Majority of the Committee on Taxation on BILL, "An Act to Amend the Forest Fire Control Laws and Change the Method of Funding Forest Fire Control Services" (H. P. 528) (L. D. 636)

Reported that the same Ought to Pass in New Draft under same title (Emergency) (H. P. 1342) (L. D. 1781)

Signed:

Senators:

WOOD of York
TWITCHELL of Oxford
TEAGUE of Somerset

Representatives:

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

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

Signed:

Representative:

BROWN of Bethel

Comes from the House with the Majority Ought to Pass in New Draft 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, assigned for Second Reading later in today's session.

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

(In Senate June 21, 1983 Passed to be Engrossed as Amended by House Amendment "D" (H-392) as Amended by Senate Amendment "B" (S-216) thereto)

(Comes from the House Passed to be Engrossed as Amended by House Amendment "D" (H-392) as Amended by House Amendment "C" (H-413) thereto in non-concurrence.)

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

It is a vote.

Non-concurrent Matter

BILL, "An Act Relating to Involuntary Admission" (H. P. 1321) (L. D. 1756)

(In Senate June 15, 1983 Passed to be Engrossed as Amended by House Amendment "A" (H-398) in concurrence)

(Comes from the House Passed to be Engrossed as Amended by House Amendment "A" (H-398) as Amended by House Amendment "A" (H-415) thereto in non-concurrence.)

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

It is a vote.

Enactors

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

An Act to Appropriate Oil Company Overcharge Funds (H. P. 1334) (L. D. 1774)

An Act to Validate the Procedure for Selection of Members of the Maine Real Estate Commission (H. P. 1335) (L. D. 1775)

An Act to Permit an Air National Guard Officer to be Eligible to Serve as Deputy Adjutant General (H. P. 1338) (L. D. 1778)

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

Emergency

An Act to Assure Consideration of On-Site Impacts of Major Developments Under the Site Location Law (S. P. 630) (L. D. 1772)

Emergency

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 (H. P. 1333) (L. D. 1773)

These being emergency measures and having received the affirmative votes of 25 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.

Under Suspension of the Rules, on motion by Senator Pray of Penobscot, there being no objections, all items previously acted upon were sent forthwith.

On motion by Senator Pray of Penobscot, Recessed until 2:30 o'clock this afternoon.

Recess

After Recess

The Senate called to Order by the President.

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

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

BILL, "An Act to Establish County Budget Committees" (S. P. 592) (L. D. 1710)

(In Senate June 9, 1983 Passed to be Engrossed as amended by House Amendment "A" (H-329) as amended by House Amendment "A" (H-352) thereto and House Amendment "B" (H-330) in concurrence.)

(In House, June 15, 1983, Bill and Accompanying Papers Indefinitely Postponed.)

(In Senate, June 16, 1983, Passed to be Enacted in non-concurrence.)

(Comes from the House, Failed of Passage to be Engrossed in non-concurrence.)

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

Senator TWITCHELL: As you probably know, Mr. President I spent a lot of hours on this Bill and the Committee has spent numerous hours on this Bill, and it has been amended to death and so I move to Recede and Concur.

On motion by Senator Twitchell of Oxford the Senate voted to Recede and Concur with the House.

**Second Readers
House**

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

BILL, "An Act to Amend the Forest Fire Control Laws and Change the Method of Funding Forest Fire Control Services" (Emergency) (H. P. 1342) (L. D. 1781)

Which was Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreairty. Senator McBREAIRTY: Mr. President, I wish to offer, Senate Amendment "A" and move its Adoption.

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

Senate Amendment "A" (S-219) was Read and Adopted.

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

Senator WOOD: Mr. President, I move that we Reconsider our action whereby we Adopted this Amendment.

The PRESIDENT: The Senator from York, Senator Wood moves that the Senate Reconsider its action whereby it Adopted Senate Amendment "A".

The Chair recognizes the Senator from Aroostook, Senator McBreairty.

Senator McBREAIRTY: Mr. President and Honorable Members of the Senate, I hope that you don't Reconsider your action. This amendment does two things, it eliminates the nine cents extra tax on the taxable land in the unorganized territory and it eliminates the ten percent penalty for late payment of fire control taxes.

I served this past summer on the Fire Control Commission after extensive research the Commission could not find any reason to charge more per acre for forest fire control in the unorganized townships than in the organized.

We found that many organized towns don't have fire departments we found organized towns that do. We found that many of your land companies have fire control equipment in the unorganized that would put many many huge fire departments to shame as far as protecting from forest fires. They have personnel, they have skidders, they have bull-dozers. I could read you a list here two pages long that each one has.

The way that this Bill is drafted it will tax all taxable land in the unorganized territory nine cents per acre and will be assessed based on valuation. The end result will be that a person

with a sixty thousand dollar home in the unorganized territory will pay as much towards the nine cents as a large landowner will pay on one thousand acres of forest land.

I checked one large farming operation in my Senate District, in the unorganized territory, if this Bill passes as written, that one farm operation will pay as much towards this nine cents as a large landowner with ten thousand acres of forest land. I think that the way that this Bill is drafted is very unfair to the homeowners and taxpayers in the unorganized territory. I hope that you don't reconsider and I would ask for a Roll Call on Reconsideration.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: Mr. President and Members of the Senate, I would hope that we would Reconsider today, this is a very difficult issue. It has been a difficult issue for the Committee to work on. The report that you have before you is a 12 to 1 report and those 12 votes did not come very easy. We worked since January on this issue we've tried to resolve it. The good Senator from Aroostook, Senator McBreairty deserves a great amount of respect from this Senate, he deserves a great amount of respect from the people in his District, and from the people in the unorganized territory for bringing this issue before us and finally seeing it resolved. But the Committee feels that at this point in time there is a justification for differential. The first response justification differential based on the property tax, much the way that we pay our property tax for that first response, so should the unorganized pay that property tax for the first response.

The Committee is not wedded to that idea we have put language in the Bill that will insure that there is an adequate review of that first response: to see if it is, one justified; and to see if two what the level of it should be. I am of the opinion that in the next couple of years that you'll see that item removed from whatever we come up with.

The Committee on Performance Audit is presently reviewing this Bill or this Department and I think that next year you'll see some further changes.

So I would urge you today not to begin to unravel what it has taken a commission, and several Legislatures and finally this Legislature to finally resolve.

Yes I sympathize with the good Senator from Aroostook, Senator McBreairty. I wish that we could do it differently, but at this point this is the best that we have to offer. It is Constitutionally correct, it meets the problem and it begins to address the problems that he has so ably raised over the years. So I would urge you to Reconsider and go along with 12 Members of our Committee.

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

Senator McBREAIRTY: Mr. President and Honorable Members of the Senate, we came out of that Commission with two reports, the majority and minority reports and neither report made any differential between the taxes assessed for fire control in the unorganized or the organized, because as I stated a few minutes ago, we could find no reason for that being done. To give you an example: Connors on the Van Buren Road in Caribou is an unorganized territory and they contract with Caribou for fire control, just the other day Caribou went up there and put out a fire that would have been a forest fire if it hadn't been handled; Woodland which is organized contracts with Caribou, same protection; Westmanland that has been in the forest district contracts with Caribou; New Sweden contracts with Caribou; Perham contracts with Washburn; Sinclair, which is unorganized, has an excellent fire department; Guerette which is unorganized has an excellent fire department.

One of the reasons that we created the Commission was to try to come up with something that was fair. I don't think that it is fair for a homeowner or a farmer in the unorganized territory to pay as much toward fire control as somebody who owns forest lands thousands of acres.

I checked Carroll Kelley, farm operation, in Connor. He'll pay as much as a large landowner will on four thousand acres of land and this is not a fair tax the way that it is drafted. There is no reason to charge more in the unorganized. This Bill will require the unorganized to pay up to one quarter of one percent of their value for suppression of fires exactly as they will do in your town or mine. Thank you.

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

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

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

The pending question before the Senate is the motion by the Senator from York, Senator Wood to Reconsider Adoption of Senate Amendment "A".

A Yes vote will be in favor of Reconsideration.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

NAY—Brown, Collins, Danton, Emerson, Gill, Hichens, McBreairty, Minkowsky, Perkins, Pray, Sewall, Shute, Trafton, Usher, Violette.

ABSENT—Redmond, Teague.

Senator Danton of York was granted permission to change his vote from Nay to Yea.

Senator Pray of Penobscot was granted permission to change his vote from Nay to Yea.

A Roll Call was had.

18 Senators having voted in the affirmative, and 13 Senators in the negative, with 2 Senators being absent, the motion to Reconsider, Prevailed.

On motion by Senator Wood of York the Senate voted to Indefinitely Postpone Senate Amendment "A".

The Bill was Passed to be Engrossed, in concurrence.

Enactors

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

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

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

An Act Providing for Administrative Changes in Maine Tax Laws (H. P. 1054) (L. D. 1398)

On motion by Senator Usher of Cumberland the Senate voted to Reconsider its action whereby L. D. 1398 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 USHER: Mr. President, I offer Senate Amendment "A" under filing number S-218 and move its Adoption.

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

Senate Amendment "A" (S-218) to Committee Amendment "A" was Read.

The PRESIDENT: The Senator has the floor.

Senator USHER: Thank you, Mr. President. I

am offering Senate Amendment "A" under filing number S-218. The purpose of this amendment is to address the potentially adverse international affects of this Bill.

The Committee Amendment to propose a unitary tax concept which will apply worldwide. The Committee Amendment would have applied to companies not doing business in the United States. As you can see the other Body has attempted to address this problem through Adoption of House Amendment "A". The other Body realized that it is inappropriate for a State like Maine to tax the income of corporations who are not even required to pay the Federal Income Tax.

It does not amend the definition of the Committee Amendment which makes the substantive changes thus all corporations no matter how worldwide their operations and how remote their connections to Maine would still be taxed out of Augusta. My amendment addresses the problem of Maine corporation taxpayers who are affectively controlled by foreign corporations. These corporations with their international ties will simply be overwhelmed by the task of trying to apply this legislation to their worldwide operations.

It should be emphasized that the amendment will not affect the ability of the Bureau of Taxation to get those companies who attempt to hide their income from the Bureau of Taxation, and companies that engage in phony transactions with out-of-state affiliates in order to avoid paying Maine taxes would still feel the consequences of this bill. I strongly support that effort there is simply no excuse for Maine sitting back and letting corporations get away with such conduct. Senate Amendment "A" will not affect these efforts.

As you know many of my constituents are employed at S. D. Warren Division of Scott Paper Company and that Company happens to be owned by a Canadian corporation which will suffer under this Bill. While some of their competitors will see their taxes reduced Scott will probably see their taxes increase. This increase is not because Scott has been hiding income tax from the Maine tax collectors nor is this increase because Scott is making more money in Maine. No, this increase will occur solely because the Bill will tax Scotts investments in foreign countries, many of which have been quite profitable.

If you are going to raise the corporation tax on all corporations let's get with it and get back to taxing the corporations that are doing business in Maine. I urge your support for this amendment.

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

Senator WOOD: Mr. President, I rise to oppose this amendment because it really goes to the very heart of the issue. The knob of the problem in relation to foreign corporations was dealt with in the House Amendment. If a foreign corporation doesn't have to file a Federal Income Tax or even file an affidavit saying that they do not have to file a Federal Income Tax then they would not be covered under this unitary method. That very nicely deals with the problem that was raised by Fraser Paper and the others that have a legitimate reason not to file a Federal Income Tax Report, but if we pass this amendment and say that a corporation only has to be owned by twenty percent or more that is not a completely controlled foreign corporation, twenty percent or more is not a completely owned foreign corporation. Those corporations have to file a Federal Income Tax Report and that is the only basis by which the unitary method can be applied. If they file a Federal Tax Report they are liable for Federal Taxes in the United States and they are liable for taxes in Maine.

So I think that if we pass this amendment we do serious damage to the concept of the unitary method.

Again, and I would outline, if they have in-

vestments in other countries and those investments show up in their Federal form, (and show up in their Federal form) then it seems to be a legitimate exercise for this State to apportion those profits if they are attributable to Maine and only if. We are only going to be gaining for Maine what rightfully should be gained for Maine. We are not going to apportion profits that have no relationship to their operation in Maine.

So I would urge you not to support this amendment the foreign corporation issue was dealt with very nicely in the House Amendment. This amendment carries it to an extreme and will allow us to put at a disadvantage, those corporations that are not owned by twenty percent of foreign ownership.

So I would urge you, I would move that the Amendment be Indefinitely Postponed, and urge you to vote against this amendment.

The PRESIDENT: The Chair will order a Division.

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

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

17 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion to Indefinitely Postpone Senate Amendment "A", Prevailed.

Committee Amendment "A" was Adopted, in concurrence.

The Bill was passed to be Engrossed, in concurrence.

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

Senator Minkowsky of Androscoggin was granted unanimous consent to address the Senate, On the Record.

Senator MINKOWSKY: Mr. President and Members of the Senate, often times we refer to the citizens of the State of Maine as the little people. I think that it is of paramount importance this afternoon to express my point of view on behalf of some little people, of which I am one, a family in the city of Lewiston namely my wives family. Mr. and Mrs. Omer Canuel a traditionally hardworking french family that has built from the beginning, starting with nothing and working in the mills raised five children and was very proud of their meager beginnings and their great accomplishments.

My father-in-law passed away Monday, and it is not often that the little people in the State of Maine have a chance to be recognized and I felt that it was incumbent upon me to express to the Senate this afternoon how grateful I am to the Maine Senate on behalf of my mother-in-law and my three brothers-in-law and my sister-in-law the expression of sympathy and understanding that you expressed to my family during this bereavement.

I can assure this Body that when they received your tribute they were overwhelmed. They looked upon it as generosity and kindness that is not often expressed.

I was extremely pleased and proud when the tribute was brought to the funeral home, which I was not aware of, and presented to them. It gave me the complete satisfaction I knew of the humble attitude and compassion that this Body has for its members as well as the people of the State of Maine as a whole.

I want to express my grateful thanks to each and every member of this Body for your kindness and your consideration. Thank you, Mr. President.

Senator Carpenter of Aroostook 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.

(Off Record Remarks)

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

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:

Order

Joint Resolution

On motion by Senator PRAY of Penobscot (Cosponsor: Speaker MARTIN of Eagle Lake) the following Joint Resolution: (S. P. 632)

**Joint Resolution Requesting
Action to Prevent**

**Further Accumulation or Storage of Spent
Nuclear Fuel Within The State Beyond The
Amount Presently Licensed**

WHEREAS, the state's only nuclear power plant, Maine Yankee Atomic Power Company, has been using its temporary storage pool and facilities to store all the spent nuclear fuel it has generated since beginning operation; and

WHEREAS, that facility was originally designed and intended only for temporary storage prior to transferring spent fuel for reprocessing or permanent storage; and

WHEREAS, the company has filed an application with the Nuclear Regulatory Commission for a license amendment to allow it to continue to store on-site at its nuclear power facility all additional spent nuclear fuel that will be produced during the operational life of that plant; and

WHEREAS, that application requests permission to store approximately 8 times the amount of spent nuclear fuel for which the spent fuel storage area was originally designed, and proposes to use a storage technology, known as "pin compaction," that has never before been applied for or used; and

WHEREAS, though the purpose of that application is to insure continued economic operation of that nuclear power plant, the expansion plans demonstrate little regard or consideration for either a permanent storage solution or for the life, health, safety and welfare of the people of this State; and

WHEREAS, the State may be foreclosed from requiring the Nuclear Regulatory Commission to consider or provide for the consequences of this on-site storage beyond the date of the expiration of the company's operating license; and

WHEREAS, a decision by the Nuclear Regulatory Commission to approve the application may, at the least, result in significant limitations on or seriously aggravate the difficulties in finding a permanent storage solution; and

WHEREAS, the Federal Government, by the United States Nuclear Waste Policy Act of 1982, Public Law 97-425, has recently reaffirmed its primary responsibility for proper and permanent disposal of spent nuclear fuel and other high-level radioactive wastes in a safe, timely, reliable and economic manner, and has established a program for developing methods of managing and disposing of these wastes; and

WHEREAS, the foregoing constitutes a situation where there may be created a serious threat to the health, safety and welfare of the citizens of the State and a major disruption in the proper planning for an orderly and proper development of appropriate programs for methods of permanently managing and disposing of spent nuclear fuel; now, therefore, be it

RESOLVED: That We, the Members of the Senate and the House of Representatives of the

First Regular Session of the 111th Legislature, now assembled, most respectfully urge and request that the Governor, the Attorney General and all appropriate state agencies, take all possible actions to prohibit or prevent further accumulation or storage of spent nuclear fuel within the State beyond the amount presently licensed, and that:

1. The State, through the Attorney General, shall continue to vigorously prosecute the state's participation, before the Nuclear Regulatory Commission, in the current license amendment proceeding of Maine Yankee Atomic Power Company to expand its spent fuel storage capacity in Wiscasset, Maine;

2. The Governor shall inform the President of the United States, the President Pro Tempore of the United States, the Speaker of the House of Representatives, each member of the state's Congressional delegation and each member of the United States Nuclear Regulatory Commission, of the extreme concern and strong opposition of the citizens of this State to any further accumulation or storage of spent nuclear fuel within the State; and

3. The Governor and the Attorney General shall keep the Legislature informed on the actions they take to carry out the purposes of this resolution; and be it further

RESOLVED: That copies of this resolution be sent forthwith to the Honorable Joseph E. Brennan, the Honorable James E. Tierney and the appropriate state agencies as notice of this urgent request.

Which was Read.

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

Senator COLLINS: I would like to inquire whether this Resolution has any legal effect?

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 Penobscot, Senator Pray.

Senator PRAY: Mr. President, Ladies and Gentlemen of the Senate, I'd like to expand upon the question that the Senator from Knox, Senator Collins has asked as to whether or not this Joint Resolution has any legal ramifications in reference to the accumulation, storage of spent fuel rods or nuclear fuel within the State.

I think through the last few sessions of this Legislature, including this one, there has been several occasions which this Legislature has addressed its concern about the situation which is taking place presently at the Maine Yankee Facility, and beyond that the concerns in the entire nuclear spent fuel arena. We are all aware that the Nuclear Regulatory Commission has on a number of occasions and a number of court cases been granted the full authority in the nuclear regulatory field.

There are some concerns that the recent request and approval through the NRC for Maine Yankee to expand on its storage facility, in some degree, changes the intent or the belief that people in the State of Maine had as to the safety precautions of the spent fuel problem.

We have, over the past several years, seen a growing concern of people throughout this country and in this State as to what is going to be the solution to the spent nuclear fuel rods used at these facilities. Time and time again, I think the NRC has failed to address that concern and that problem. We have already passed one bill which responds to the United States Nuclear Waste Policy Act which allows the states an opportunity to have some input, basically a veto you may say, which could be overridden by the Congress of the United States in reference to where spent fuel rods will be stored.

My first concern is the fact that Maine is one of the few states in this country, and one of the few in the northeast that is being considered as a storage site for nuclear fuel facilities for

spent fuel rods. When I look at Maine's geographical, or geological configuration, I feel that there are very few areas in this State which would qualify. When I look at Maine's geographical location, geography and the political analysis of the State of Maine with a low population density and the fact that Congress has the final opportunity to override the decision of this State in this area, that Maine becomes an ideal State for the storage of fuel rods, not only at Maine Yankee which has been granted the opportunity to expand their present storage facility but it might, also, expand to the point that it be the storage facilities for other states as well.

I think that the people of this State have some great concerns about this. This resolve, for anybody who has had the opportunity to read it, basically reaffirms the statement, I think that it has been made time and time again by the people of this State, and this will make it an official act of the Legislature, Resolve, which basically says: "that we, the members of this Legislature are asking the Governor and the Attorney General to guarantee and to provide the additional protection in this area." It will be a statement by each and everyone of us that we feel that this is a grave matter that should receive the utmost attention by these individuals. The Governor and the Attorney General have a unique opportunity of representing the State of Maine before the Federal Government and perhaps, eventually, in a court of law. I think to reaffirm or to state clearly and accurately our concerns in this area is only a positive step for this Legislature to take.

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

Senator COLLINS: Mr. President, I thank the Senator from Penobscot, Senator Pray, for enlightening us about this Resolution. He, of course, is reflecting concerns that this Legislature has spoken of in the last three or four years in a number of different ways. Although usually, with statutory material that carried its message in a different way.

It seems to me that this is one more publicity vehicle and it has been my policy, although, certainly an ineffective one to resist publicity vehicles which do not really accomplish anything and which, in particular, would be better carried out by the person in question writing a personal letter to a Member of Congress. I think we're all quite aware that the answers to this problem rest primarily with the Congress and that we as individuals have every right to address our Members in the Congress or any other Members of the Congress, and I think we should, but I think that this particular vehicle is not affective, and I would ask for a Division on the motion.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Thank you, Mr. President. Mr. President, Ladies and Gentlemen of the Senate, I cannot totally agree with the comments of the good Senator across the aisle, the Senator from Knox, Senator Collins. I do think it is important and I would encourage each member of this Chamber to take the opportunity to express their point of view on their concerns in this matter to our Congressional Delegation. To the two members in the House and to the two United States Senators that we have on the other side of the aisle in Washington.

I think it is an important issue that would warrant our activity in this manner for each and everyone of us to sit down and express our concerns about the authority and the power that the Nuclear Regulatory Commission has in a very important area. I think we, also, should take the opportunity to address the inability of the NRC to move forward in a progressive manner with the spent fuel problem.

I encourage you each to do what the Senator from Knox has encouraged you to do, for us to write a letter, but I think we can, also, combine jointly here today express that similar point of view as a Body, not as just individual elected officials, but as a combined effort of all of us. I would think, and I would hope that the significance of the vote that will be taken, will show, overwhelmingly, that each and everyone of us are aware of that concern that our people in this State have in this area.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Adoption of this Joint Resolution, please rise in their places to be counted.

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

21 Senators having voted in the affirmative, and 5 Senators having voted in the negative, the motion to Adopt S. P. 632 a Joint Resolution, Prevailed.

Sent down for concurrence.

Orders of the Day

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

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

Tabled — June 22, 1983 by Senator PRAY of Penobscot

Pending — Passage to be Enacted

(In Senate June 22, 1983 Passed to be En-grossed as Amended by Senate Amendment "A" (S-210) as Amended by House Amendment "A" (H-410) thereto in concurrence)

(In House June 22, 1983 Passed to be Enacted)

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

Senator BALDACCII: Mr. President and Members of the Senate, there is a lot of concern on this particular Bill in my particular area and the redistribution of the revenues that the farmers in my particular area are going to be forced into a particular situation of pooling their so-called profits from being in the Maine Milk Commission. I've been assured by the Department that they're going to be reviewing the situation as they develop this Maine milk pool concept.

In talking with the gentlewoman, the Senator from Kennebec, Senator Bustin I've been assured that this is a concept that may not be fully ironed out but they were going to be reviewing it.

Mr. President, I had prepared to offer an amendment on this, but I am not going to from the assurances that I've gotten from the good Senator from Kennebec and the good Senator from Oxford, Senator Erwin.

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

Senator MINKOWSKY: Mr. President and Members of the Senate I, also, have quite a few concerned dairy farmers in my Senatorial District. They're concerned to the point that they'd like to have assurances also exactly where this Legislature is going and how it intends to get there and what the future holds?

This issue is of paramount importance to them and their future. They are not analyzing it strictly from the viewpoint of dollars and cents as we have witnessed in the amount of lobbying that has gone on this issue. To this extent, Mr. President and Members of the Senate, I think it is of significant value that those of us who are on one side of the aisle or the other, be on Record for the future.

I would ask for a Roll Call vote on this issue on its Final Enactment.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, probably the last

thing you want to hear about this afternoon is more milk; probably the last person you want to speak on the issue is me, but if you'll bear with me just a second, I've got a couple of things I want to say.

I started out my first set of remarks on this Bill, I said that I supported the concept of the milk pool as I believe it is something that had to come about in order to strengthen the Maine Milk Commission and sort of to add one of the finishing touches to the referendum of last fall; I still believe that. I still am not wild about this Bill. I think there are some potential flaws with the Bill, but I have fought the fight and I have lost.

I fought the fight to get into a position hopefully where there could be some real honest negotiating between the parties and a bill that more people could be happy with, could result from that.

Just very quickly, from the perceptive of my farmers, you know the anti's or the people against the Bill sort of got painted to be the bad guys in this whole crowd and you got to understand this is a little bit unique; it's not saying, "okay, Farmer Brown, we're not going to give you "X" number of dollars next year." It's flat out saying what you had last year, we're going to take some of that away from you. We've going to take that out of your pocket. I think any one of us would have been as resistant to that as any one of them have been. I commend them for their action.

My initial reaction of this whole issue was perhaps in retrospective the one I should have followed and that was to support the concept and try to make this Bill into something that was philosophically in line with my idea of the concept. I didn't do that; I stood the stand on the other side of the issue and opposed it, hoping to get into a brokerage situation which never came about.

When the vote is taken today, I will vote for Enactment of this Bill, not because I like the Bill, but because I think it does a couple of things. I think it does insure the continued operation of the Maine Milk Commission which I find beneficial for farmers I represent. I think this is in their long-term best interests, albeit with perhaps arguably a couple of bugs. I would hope that myself or the people that I've tried to speak for on the floor of this Senate, could be represented on, any further working with this concept from here on forward. That's the reason, I guess, one of the reasons why I'm going to go back now to where my basic instincts have been all along since I can't vote for a concept, I'll vote for the Bill we have in front of us and hope that any problems that do develop all of us can get together, all the farmers can get together in a united effort to make it work.

I commend both sides. I think there's been a tremendous amount of work put into this issue. I hope and pray that both sides and I'm looking at some of them as they sit in the back of this room, will now forget any bitterness, any acrimony, any distaste that they may have and will now actively work and I've been assured by at least some of those on the "winning side" if this is what will happen, will now actively work but only to make this Bill better but to make sure that Maine's milk industry continues to be strong and united. Thank you.

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

Senator BUSTIN: Thank you, Mr. President. Ladies and Gentlemen of the Senate, I just want to add to Senator Carpenter's remarks and give him my support in trying to attain the hopes that he has expressed.

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

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

counted.

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

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

Senator DOW: Mr. President, I wish permission to pair my vote with the gentleman from Somerset, Senator Redmond. If he were here, he would be voting Yea and I would be voting Nay.

The PRESIDENT: The Senator from Kennebec, Senator Dow, Requests Leave of the Senate to pair his vote with the gentleman from Somerset, Senator Redmond. If he were here, he would be voting Yea and the Senator from Kennebec, Senator Dow would be voting Nay.

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

It is a vote.

The pending question before the Senate is the Enactment of L. D. 1754.

A Yes vote will be in favor of the Enactment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Brown, Bustin, Carpenter, Charette, Clark, Collins, Dutremble, Emerson, Erwin, Gill, Kany, Najarian, Trafton, Twitchell, Violette, Wood, The President-Gerard P. Conley.

NAY—Baldacci, Danton, Diamond, Hayes, McBreairty, Minkowsky, Pearson, Pray, Shute, Usher.

ABSENT—Hichens, Perkins, Sewall, Teague.

A Roll Call was had.

17 Senators having voted in the affirmative and 10 Senators in the negative, with 2 Senators having paired their votes, and 4 Senators being Absent, the Bill was Passed to be Enacted.

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

Senator BUSTIN: Mr. President with regard to L. D. 1754, I move that the Senate Reconsider its action whereby it voted to Enact this Bill and hope that you all vote against me.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Bustin that the Senate Reconsider its action whereby L. D. 1754 was Passed to be Enacted.

Will all those Senators in favor of the motion of Reconsideration, please say "Yes".

Will all those Senator opposed, please say "No".

A Viva Voce Vote being had the motion to Reconsider, Failed.

The Bill having been signed by the President was by the Secretary presented to the Governor for his approval.

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

Papers from the House Joint Resolution

The Following Joint Resolution: (H. P. 1347)
Joint Resolution Memorializing the Honorable William F. Bolger, Postmaster General of the United States, and the Citizens Stamp Advisory Committee to Order the Issuance of A Special Stamp

Commemorating General Henry Knox
We, your Memorialists, the Senate and House of Representatives of the State of Maine in the First Regular Session of the One Hundred and Eleventh Legislature now assembled, most respectfully present and petition the Honorable William F. Bolger and the Citizens Stamp Advisory Committee, as follows:

WHEREAS, the American cause was in mortal danger in the winter of 1775-76; and the Americans had the British confined in Boston, with the Redcoats unaware of the artillery shortages existing within the rebel ranks; and

WHEREAS, America might have lost its fight for nationhood in its infancy if General Henry

Knox, a bookseller turned soldier, had not delivered the guns which allowed George Washington to strengthen his fledgling army and liberate Boston; and

WHEREAS, with the big guns from Fort Ticonderoga, General Washington could defend his own siege positions, command Boston and prevent the arrival of British supplies from the seas; and without them, the English would have massed enough men and equipment and sallied forth and crushed the revolution; and

WHEREAS, General Knox, a military amateur at that time, who had helped engineer the fortifications, came to General Washington with a plan to go after the guns captured from the British at forts on Lake Champlain; and

WHEREAS, facing seemingly impossible odds, General Knox, just 25 years old and with a new Colonel's commission, set out for New York on November 17, 1775, racing as best he could on horseback over frozen roads, reaching Fort Ticonderoga on December 5th; and

WHEREAS, General Knox selected 59 guns, captured the previous spring by Ethan Allen and Benedict Arnold, with a total weight of 120,000 pounds, which were loaded onto 3 boats; and

WHEREAS, the artillery and supplies were transferred to 42 sledges which were pulled by 80 teams of oxen, along crude roads, Indian trails, or no roads at all, through 3 feet of fresh loose powder; and General Knox and his men made no better than 2 miles a day, all at so great a strain that oxen and horses gave out and were abandoned, with men often pushing the sleds; and

WHEREAS, General Knox arrived at Washington's camp with an advance contingent on January 18th, and "the noble train of artillery," as he called it, was delivered on January 24, 1776, 47 days after leaving Fort Ticonderoga; and

WHEREAS, it is recognized that General Knox performed a monumental deed by hauling 60 tons of artillery and supplies from Fort Ticonderoga in New York, across the length of Massachusetts to Boston, in the dead of winter that numbed horses and oxen, and terrified men. When animals refused to struggle on, men pulled an impossible load; and when men hesitated, General Knox's own assurance and courage kept them going, and rallied the countryside to their aid; and

WHEREAS, with nothing but book-learning to guide him, General Knox aided in designing and building siege fortifications about Boston, with which George Washington was greatly pleased; and

WHEREAS, on March 2nd, General Knox's guns began shelling Boston, and on March 17th the British evacuated the city, a date still celebrated annually by Bostonians; and

WHEREAS, "the Tories were repelled; the rebels were relieved and the cradle of liberty was free;" and

WHEREAS, eventually, General Knox became chief of artillery for the Continental Army and one of General Washington's closest friends and trusted lieutenants and became active in most of the major battles of the revolution, in the course of which he proposed a laboratory and cannon factory at Springfield, Massachusetts, which became the army's nationally famous Springfield Armory; and

WHEREAS, General Knox showed a facility for artillery warfare which continually amazed his learned British opponents and French allies alike; and he designed a new gun carriage which enabled him to engage guns in greater number and mobility than Europeans had done; and

WHEREAS, it was General Knox who personally directed the transport of General Washington's troops across the Delaware on Christmas night, 1776, for which he was awarded the rank of Brigadier General; and

WHEREAS, General Knox was with Washington at Valley Forge and at Yorktown; he

organized a military academy for the new army and he was the first to embrace Washington in farewell at war's end; and

WHEREAS, this self-taught bookseller-soldier became a Major General and succeeded General Washington as Commander of the Army after the war; and

WHEREAS, General Knox became the country's first Secretary of War in President Washington's Cabinet on March 8, 1785, and later enjoyed success as a businessman on his estate in Thomaston, Maine; and

WHEREAS, Henry Knox represented young America. He was a self-made General, too unsophisticated to be cowed by the near impossible, and had that exquisite American capacity to do what couldn't be done, simply because it needed doing, and he knew that he could do it when few others would dare try; now, therefore, be it

RESOLVED: That We, your Memorialists, in recognition of this outstanding General and his record of accomplishments, recommend and urge that the Honorable William F. Bolger, Postmaster General of the United States and the Citizens Stamp Advisory Committee take appropriate action by ordering the issuance of a special stamp commemorating the two hundredth anniversary of General Henry Knox's appointment as our nation's first Secretary of War on March 8, 1785; and be it further

RESOLVED: That copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William F. Bolger, Postmaster General, and the Honorable Members of the Citizens Stamp Advisory Committee.

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

Joint Orders

The Following Joint Order: (H. P. 1349)

ORDERED, the Senate concurring, that the following specified matters be held over to the next special or regular session of the 111th Legislature:

Committee Bill
Election Laws — H. P. 1212; L. D. 1615.
Energy and Natural Resources — H. P. 314; L. D. 373
Judiciary — S. P. 597 — L. D. 1719
Labor — S. P. 267 — L. D. 812
Public Utilities — H. P. 1328 — L. D. 1765
Taxation — H. P. 360 — L. D. 418
Comes from the House, Read and Passed.
Which was Read and Passed in concurrence.

The Following Joint Order: (H. P. 1350)

ORDERED, the Senate concurring, that Bill "AN ACT to Validate the Procedure for Selection of Members of the Maine Real Estate Commission", H. P. 1335, L. D. 1775, be recalled from the Governor's desk to the House.

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

Enactors

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

An Act Relating to the Taxation of Certain Watercraft. (H. P. 1343) (L. D. 1782)

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 Pertaining to the Political Rights of State Employees. (S. P. 439) (L. D. 1318)

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

Senator COLLINS: Mr. President, I do not propose to redebate this issue. I simply would point out once more to the Senate we are about to pass apparently a law creating a criminal violation which will take one group of State Employees and make them criminal if

they do certain acts, whereas another group of State Employees who do exactly the same things will not be criminal.

I think this is an extremely dangerous precedent, a very bad statutory processing and the total affect of this effort will be in the long run to convert public servants into union servants.

I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, Ladies and Gentlemen of the Senate, I cannot allow the remarks of the Senator from Knox, Senator Collins to go unanswered.

I think that political rights of State Employees is not that controversial an issue, but it's been around for the number of terms that I have been here, and seemingly, it always comes to this Chamber where it fails to gather the mustard to be passed.

I think that the concerns of those of us who support this is in line with some of the comments that the Senator made. It is in the name of equity; in the name of a right for employees be that their work at the State or elsewhere to have some of the rights that private citizens have. I think this measure was well thought out; it has been well explained by the Chairman of the State Government Committee, the Senator from Aroostook, Senator Violette, on a number of occasions.

I don't think that this is a tool that's going to turn the State Employee into some vehicle of the unions or labor unions of the State or any other organizations. I think it is going to provide for them a collective opportunity, as we allow so many others, to come together for a common cause and a common good to their own purpose. That's exactly what this Bill provides for them that opportunity to partake in the political exercise that we allow so many others to do.

I think you, infer, that this in some way is going to provide corruption to the system is an inaccurate one. The safeguards are in the Bill. The opportunity is there for all to partake and to observe what's going to take place because of a result of this Bill.

Maine citizens should be given far more credit in their ability to understand the concerns of various political organizations, labor organizations, business organizations, right down the line, and I put my faith, not in the political unions but I put my faith in the people. This Legislation provides for them, those individuals who work for the State, an opportunity to partake in the political system.

The PRESIDENT: A Division has been requested.

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

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

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

(Off Record Remarks)

Emergency

An Act Relating to Involuntary Admission. (H. P. 1321) (L. D. 1756)

This being an emergency measure and having received the affirmative votes of 27 Members of the Senate, with No Senators having voted in the negative, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the fol-

lowing:

**Committee Reports
House
Ought Not to Pass**

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 15 of the Joint Rules: BILL, "An Act to Remove Cigarettes from Sales Tax Exemption and Increase State Revenue Sharing from 4% to 5% of Sales, Individual and Corporate Income Taxes" (H. P. 428) (L. D. 510)

Leave to Withdraw

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

BILL, "An Act to Increase Sales Tax Equity" (H. P. 989) (L. D. 1294)

BILL, "An Act to Impose a Severance Tax on Wood" (H. P. 1166) (L. D. 1557)

Enactor

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

Emergency

An Act to Amend the Forest Fire Control Laws and Change the Method of Funding Forest Fire Control Services. (H. P. 1342) (L. D. 1781)

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreairty. Senator McBREAIRTY: I'd like to ask for a Roll Call on this Bill.

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

Senator NAJARIAN: Mr. President would it be in order to move to put this on the Special Appropriations Table, pending the outcome of the Roll Call.

The PRESIDENT: The Chair would state that the Senator from Cumberland posed a question through the Chair. The Chair would answer in the affirmative that this Bill is permissible to be put on the Appropriation Table.

On motion by Senator Carpenter of Aroostook, placed on the Special Appropriations Table, pending a request for a Roll Call by the Senator from Aroostook, Senator McBreairty.

Orders of the Day

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

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 15, 1983 by Senator PRAY of Penobscot

Pending — Further Consideration

(In Senate June 8, 1983 Passed to be Engrossed as Amended by Committee Amendment "A" (S-183))

(In House June 15, 1983 Failed of Passage to be Engrossed in non-concurrence)

On motion by the Senator Pray of Penobscot, the Senate voted to Recede from its action whereby L. D. 1719 was Passed to be Engrossed.

On further motion by the same Senator, Recommitted to the Committee on Judiciary in non-concurrence.

Sent down for concurrence.

(Off Record Remarks)

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

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 22, 1983 by Senator PRAY of Penobscot

Pending — Passage to be Engrossed

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

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

Senator PRAY: Mr. President, I move that this Bill and all accompanying papers be Indefinitely Postponed.

The PRESIDENT: The Senator from Penobscot, Senator Pray moves that L. D. 1325 be Indefinitely Postponed.

The Chair recognizes the Senator from Aroostook, Senator McBreairty.

Senator McBREAIRTY: I would like a Roll Call, please.

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 Penobscot, Senator Pray that L. D. 1325 be Indefinitely Postponed.

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, Carpenter, Charrette, Clark, Danton, Diamond, Dow, Dutremble, Erwin, Hayes, Kany, Najarian, Pearson, Pray, Trafton, Twitchell, Usher, Violette, Wood, The President-Gerard P. Conley.

NAY—Collins, Emerson, Gill, McBreairty, Perkins, Shute, Teague.

ABSENT—Brown, Hichens, Minkowsky, Redmond, Sewall.

A Roll Call was had.

21 Senators having voted in the affirmative, and 7 Senators in the negative, and 5 Senators being absent the motion to Indefinitely Postpone L. D. 1325 in non-concurrence, Prevailed.

Sent down for concurrence.

Under Suspension of the Rules, on motion by Senator Pray of Penobscot, there being no objections all matter previously acted upon were sent forthwith.

On motion by Senator Pray of Penobscot, Recessed until 7:30 o'clock this evening.

Recess

After Recess

The Senate called to order by the President.

Senator Gill of Cumberland was granted unanimous consent to address the Senate, relative to SLS 273 An Expression of Legislative Sentiment recognizing: Frank and Dorothy Holden.

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

Senator GILL: Thank you, Mr. President. I'd like to add a little bit to this Legislative Sentiment. This is the mother and father of the staff that we have in Health and Institutional Committee, Chris Holden and her parents do live in Staffordshire, England. They are celebrating their fortieth Wedding Anniversary with a trip to Central Asia and they're going to the fabled city of Samarkand and we felt that we'd like to, on Chris' behalf, congratulate them on their fortieth Wedding Anniversary.

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

Orders

Joint Resolution

On motion of Senator CHARETTE of Androscoggin the following Joint Resolution: (S.

P. 633) (Cosponsors: Speaker MARTIN of Eagle Lake, Senator DUTREMBLE of York and Senator VIOLETTE of Aroostook)

Joint Resolution Recognizing June 24, 1983 as the Feast of Saint Jean-Baptiste

WHEREAS, Saint Jean-Baptiste is the patron saint of all French Canadians and their descendants the world over, as declared by Pope Pius X in 1908; and

WHEREAS, one-third of the population of the State of Maine is comprised of Franco-Americans; and

WHEREAS, the Franco-Americans have made many significant, far-reaching and important cultural, economic and civic contributions to enrich the lifestyle, heritage and culture of this State; and

WHEREAS, the Feast of Saint Jean-Baptiste is traditionally the day on which Franco-Americans have observed and celebrated their heritage; and

WHEREAS, the 111th Legislature in the First Regular Session has enacted, and the Governor has signed, an Act which will designate June 24th of each year, beginning in 1984, as Saint John-Baptiste day; now, therefore, be it

RESOLVED: That We, the Members of the First Regular Session of the 111th Legislature, now assembled, on behalf of the People of Maine, recognize June 24, 1983 as the Feast of Saint Jean-Baptiste and urge all citizens to join in this important observance and show of appreciation toward all Franco-Americans.

Which was Read and Adopted.

Sent down for concurrence.

Order of the Day

The President laid before the Senate:

BILL, "An Act to Amend the Statutes Regarding Mental Health and Mental Retardation" (H. P. 1336) (L. D. 1776)

Tabled — June 22, 1983 by Senator PRAY of Penobscot.

Pending — Passage to be Engrossed without reference to a committee.

(In House June 21, 1983 Passed to be Engrossed without reference to a committee and Ordered Printed.)

Which was Passed to be Engrossed without reference to a committee and Ordered Printed, in concurrence.

The President laid before the Senate:

BILL, "An Act to Amend the Statutes Regarding Corrections" (H. P. 1339) (L. D. 1779)

Tabled — June 22, 1983 by Senator CARPENTER of Aroostook

Pending — Passage to be Engrossed without reference to a Committee

(In House June 21, 1983 Passed to be Engrossed without reference to a committee and Ordered Printed.)

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

Senator DIAMOND: Mr. President, I offer Senate Amendment "A" (S-224) and move its Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Diamond offers Senate Amendment "A" (S-224) and moves its Adoption.

Senate Amendment "A" (S-224) was Read.

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

Senator DIAMOND: Mr. President and Members of the Senate, this is just to correct an error that appears in L. D. 1779, which was noticed by the Commission of Corrections, also, the Chairman of the Committee, the Senator from Kennebec, Senator Bustin. What it does, it changes the word "superintendent" to "commissioner" and that's the intent of the amendment and that's the intent of the amendment and that's exactly what it does. Thank you.

Senate Amendment "A" (S-224) was Adopted.

On motion by Senator Bustin of Kennebec, Tabled until later in today's session, pending

Passage to be Engrossed.

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

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

BILL, "An Act to Amend the Military Laws of the State of Maine" (H. P. 1337) (L. D. 1777)

(In Senate June 21, 1983 Passed to be Engrossed without reference to a committee in concurrence.)

(Comes from the House Passed to be Engrossed as Amended by House Amendment "B" (H-430) in non-concurrence.)

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

**Committee Reports
House
Divided Report**

The Majority of the Committee on Appropriations and Financial Affairs on BILL, "An Act Making Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) (H. P. 1029) (L. D. 1354)

Reported that the same Ought to Pass in New Draft under same title (H. P. 1345) (L. D. 1784)

Signed:

Senators:

NAJARIAN of Cumberland
BROWN of Washington

Representatives:

KELLEHER of Bangor
LISNIK of Presque Isle
CONNOLLY of Portland
CARTER of Winslow

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act Making Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1983, June 30, 1984, and June 30, 1985" (Emergency) (H. P. 1346) (L. D. 1785)

Signed:

Senator:

PERKINS of Hancock

Representatives:

SMITH of Mars Hill
ARMSTRONG of Wilton
BELL of Paris
MASTERTON of Cape Elizabeth

(Representatives: JALBERT of Lewiston
CHONKO of Topsham Abstained)

Comes from the House with the Majority Ought to Pass in New Draft (H. P. 1345) (L. D. 1784) Report Read and Accepted and the New Draft Passed to be Engrossed.

Which Reports were Read.

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

Senator NAJARIAN: Mr. President, I move that the Senate Accept the Majority Ought to Pass Report from the Committee on Appropriations and Financial Affairs.

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

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I request a Roll Call, Mr. President.

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

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

counted.

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

The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President, Ladies and Gentlemen of the Senate, I rise this evening to ask that you support not L. D. 1784, but L. D. 1785. Although I have great respect for my gentle chair, I do so in opposition to her motion because I feel this is a more moderate approach to a problem that is facing both the State workers as well as the State needy.

As many of you are aware and I'm sure with the hour as late as it is, I don't need to go on about what the Part II Budget is but here some months ago we passed a Part I Budget which included funding for all those items which were needed to keep the shop open. Thus, the Part II Budget finds itself in the posture of being for new and expanded projects, for this State of Maine, for the years of 1984 and '85.

In mid-March, the Appropriations Committee was informed by our Commissioner of Finance that there was going to be a shortfall in finances for this year, and thus, we could possibly face by mid or late June a shortage of some thirteen million dollars. At that time, in order not to impede the progress of the Committee because the Committee has been a very close and cordial working Committee, there were those of us in the minority who requested a financial total of monies available for which we would be spending or towards which we would be spending these funds. At that time of course it was impossible to get those, so we made mention that, if at all possible, we would like to stay in the spirit of compromise and the spirit of cooperation. We would like to help establish priorities which were to be in the Part II Budget.

This being done, we proceed along this area until this past week when things were totaled up and it appeared that through the totaling and funds available that the Part II, as we had worked on it was going to be some twelve million dollars short and these, I must remind you again, were new and expanded projects.

So, the choice became ours that either to vote Ought Not to Pass on this piece of Legislation, to submit a mere bare-bones budget or to submit a bare-bones budget with some of the human elements added to which most of us have some affinity. Ours, I'm happy to say, was the middle ground within these reports and we did do the bare-bones budget preserving all the jobs which would be lost through the loss of Federal funding and our intention was then to fund some of the things to a degree of which we found the economy of the State of Maine.

This being done, the report that is moved before you tonight is of a different note and though we have great respect for those who offered it, we feel that we are offering to you a more moderate approach, more within the means of the State and its economy now.

We did, also, put to one side or delay the implementation of many of the projects which were proposed in this budget to a time, we hope not too far distance, when our economy is on a more on an upturn, and thus, with this being in June that we would be back here in January and could address them at that time.

So, we lay before you tonight our proposal which we will fund with a five cent Excise Tax on cigarettes only. This will be the only tax that we ask and the only tax we ask to levy; it will be five cents; it will generate some 6.4 or 5 million dollars in the first year, and some 7 in the second year. This with the other funds we're happy to say would allow us in the second year to give a 1% increase in the revenue sharing for property tax relief to the towns. This we feel is something that none of us disagree on. We feel that we're all in accord on many of the programs we offer. I think our only difference is that of degrees and the degrees that face us along with the State Employees Contract

which we know is facing us soon, we felt called for a more moderate posture and a more moderate proposal.

We offer to you in the spirit of compromise and the spirit of humility, because we feel that it is more in keeping with what the economy of Maine is going at this rate. Therefore, with all due respect of my fellow Committee Members and my Chair, I offer this to you and suggest that it is a middle ground, it does address the needs of the people without causing a loss of jobs, and with this and knowing that we will be back in January, if not before, we can address these problems at that time, and hopefully, at a more upbeat in our economy.

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

Senator NAJARIAN: Mr. President and Members of the Senate, it's late at night and I know that most of you are familiar with the Majority Report but I would like to just give a little bit of background, again, and say that the Appropriations Committee worked as a unit on the Part II Budget for several months. We went over it once, voted on each item and by a majority vote, those items remained in the budget. After we went through that process, we went through it again together, trying to see if we couldn't reduce the amounts requested or recommended still further, and together, we reduced the Part II Budget by another one million dollars.

It was at that point, had we had sufficient funding then, had we had a surplus, I feel reasonably confident that my Committee would have reported out a Bill unanimous Ought to Pass. However, because of the shortfall in revenue and no surplus to work with, we had to wait for the Taxation Committee to recommend funding for our Part II Budget. It was at that point when the two parties parted ways because the Democrats were committed to at least the amounts that we had there and were not willing, we did not feel it would be appropriate to cut back any further than we had, of course the Republican Party's leadership felt otherwise.

The major difference, at this point, that the Democrats on the Appropriations Committee made to that Part II Budget was to restore some of the cuts that we had made together, and we added two million dollars for the University of Maine in Lewiston which was important to the Governor, and was important to many Democrats in this Legislature, and important to many of the citizens of Lewiston.

We, also, appropriated two million dollars for the University of Maine for existing campuses. That was the original request before our Committee from the Board of Trustees for the existing campuses, and we recommended appropriating that money to them, in addition to Lewiston.

On tourism, after we had gone through our budget a second time, we had nothing in there for tourism in the second year. We restored a hundred fifty thousand in each year; put in the tourism bill which was reported unanimously from the State Government Committee, combined with the three hundred and fifty thousand we had in the Part I Budget for tourism, making a total of five hundred thousand in each year.

The major differences in our budgets, actually, are in three areas. The University, economic development, and property tax relief.

The Minority Report takes out most of the Governor's initiative for economic development, except for the tourism, and they propose to do property tax relief through the revenue sharing formula, and our proposal does it, the million dollars less through a circuit breaker, formula taking care of those in the lower income brackets first. Secondly, five hundred thousand for service payments for State buildings in municipalities in lieu of a property tax.

Basically, I guess, Senator Perkins of Han-

cock County has mentioned several times the Maine economy, and I guess we feel as a Legislature, we have the responsibility to do something about that economy, and that's why the Governor has this Economic Development Program. We just don't sit back and let National events rule us. We, also, have two million in housing in each year which will stimulate our economy by creating eight hundred jobs at a minimum, bringing in thirty million dollars of out-of-state money at a minimum in each year the biennium which should help all those businesses that supply housing in State, should help young couples acquire a home who can't afford the higher interest rates. So, we have many, many initiatives in this Majority Budget which, we think, will stimulate revenues for the future of the State and improve the quality of life for many Maine citizens.

I hope that when the vote is taken that you all will support the Majority Report.

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

Senator GILL: Mr. President and Members of the Senate, I rise to oppose the Majority Report and would ask you to look more closely at the Minority Report.

In recent years the quality of life in the State of Maine has improved dramatically, but at the same time the costs of Government has grown so fast that it has become a great financial crisis for our State and for the Nation. Maine taxpayers can no longer afford these constant soaring increases; "enough is enough."

We can continue to give our Government a blank check or we can enact a system of restraint. As each of you know, I have already decided which course I believe State Government should choose. The day of the blank check where we just let Government fill in the numbers, must come to a close. Our Bill holds out more of the promise of assuring the future financial stability of Government than does the Majority Report. It will be up to this Legislature to make the final decision on this Bill. As a responsible and caring citizens, none of you wants to make a decision that might affect the quality of care that will be available to your families, your friends and your neighbors. Let me assure you, that a vote for this report, best serves and that's the Minority Report, best serves the interests of your constituents. It will not reduce the level of care back home. Instead, it will hold down the growth of Government cost which we all pay through State Taxes.

I might say, if those words sound familiar to you, they should. They come directly from our Chief Executive. When he spoke before the Joint Convention on Hospital Costs Containment on April 14th to the House and Senate, you all remember the standing ovation that he received when he said, "enough is enough". I paraphrased where he had included hospital, I inserted Government.

I'm here to tell you that I, for one, took him at his word. I worked diligently with my Committee, the Health and Institutional Committee, taking the Governor at his word and saying that we had to restrain costs. I, also, worked diligently on the budget with the Members of the Appropriations Committee and Republican Leadership, realizing the financial situation this State was in.

When we received our walking orders, and they were walking orders, from the Leadership from the other Body: "You go your way; we'll go ours." "You work on your budget; we'll work on ours." We did that. The Republicans did work out their budget and what we had developed allows for: reclassification; it replaces the losses of Federal funds; it allows for jobs in the social service areas; we have funded AFDC, not to the maximum level, but we have funded; we have funded boarding and foster care; we have funded the home inspections, the inspectors for boarding homes and foster care; we have put in eight hundred thousand dollars in the

first year for home-based health care, and in the second year, 1.3 million; we have increased SSI; we have increased the boarding home allowance; we have put money in for tourism not at the maximum dollars but we have put money into tourism, allow what our budget is; we have put in tax uniformity for individuals in small business, and in the second year, we intend to have that go back the communities in municipal revenue sharing; we have funded programs that were priority programs for the Maine Committee on Aging, the elderly service, the legal services, we did not fund it to the maximum which they asked, we funded it at twenty-five thousand dollars for each year; we funded adult day care; we funded enough money to clean up Buckfield and Winthrop; we took care of the physically disabled with programs. So, as you see, we worked our budget and we took into consideration all of the people who were truly in need, and we feel that our budget is a fair budget.

I would welcome the Democrats who sat in the Chamber when we heard the Joint Convention and rose to the Governor's words when he said, "enough is enough". I hope that you will move from your chairs and get up and vote affirmatively on the Minority Report, if we get a chance, when we say, "enough is enough".

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, it's late and it's warm, and people are tired, but I think it's important to know the process that was gone through to bring us to this point at 8:36 on the 22nd day of June.

We, as members of leadership, both parties agreed back a long time ago, when we passed the Part I Budget that we would stay out of the process as far as Part II, that we would not interfere, we would not dictate, try to dictate or try to influence Members of the Committee, but let that Committee start working on Part II, about four months ago; let them go through Part II; let them see which programs were needed; which positions were needed; which dollars were needed. We did that. They held hearings, and hearings, and hearings and they cut and they slashed and they adjusted, they took out and they put back in.

What they brought back to us was a package recommended by the Committee or tentatively recommended by the Committee and that was too great for State revenues. The Minority members of leadership in this Legislature said, "we think that they can cut some more; we want them to go back." The Majority Party leadership said, "fine, we'll let them go back; go back and cut more." The Appropriations Committee met again. This is now approximately two weeks ago and in even a decisive manner at that point were able to cut back the tourism package and that's about all. Came back the second or third time; I forget which it is now and said, "here's where we are at this point." We were still seriously over budget. We said, "okay, where does this leave us? Does this mean if we go with this that you, meaning the Minority Party, will join with us to raise the necessary revenue?" "No, we're not going to say that, we think that more can be cut." We said, "where?" They said, "We don't know". We said, "your people have already tried and came up with nothing." They said, "we realize that but we still think it can be done." That's when, what the good Senator from Cumberland, Senator Gill refers to as "walking orders" were laid out as an option. The options were laid out. If that's where we are, if that's all we can agree to and we've given every opportunity to find fat in this budget, then perhaps you ought to develop yours and we ought to develop ours. That's where the parties parted, if you will, with the Minority members going to draft what was called in the press one day, a bare-bones budget; the next day a bare-bones budget with a little meat on it and which has evolved into

the Minority Report which Senator Gill just described to you.

I think if you'll look at the Majority Report, the report of a majority of the Members of the Appropriations Committee, you will see a fair budget; it's a budget that responds directly to the needs of the State of Maine. It's a budget that takes into consideration the need, I believe, the pressing need for tax reform in this State and it addresses that need and it funds the budget. It funds the projects that we, as a group, has said we deemed to be worthy. I would hope that this evening we'll go on Record as supporting strong, positive programs for the State of Maine in the area of social services; in the area of housing; in the areas of economic development. Thank you.

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

Senator BROWN: Thank you, Mr. President, Ladies and Gentlemen, I would like just to piggy-back a bit on what the good Senator from Aroostook, Senator Carpenter has just said who has outlined it very adequately in terms of the process that has been followed with the Appropriations Committee and what is taking place.

Then to comment just briefly, if I may, on what the good Senator from Cumberland, Senator Gill has just stated and especially, her play on words about "enough is enough". You know, we're in this predicament we are right now in terms of the shortage on revenue because of three basic reasons:

One, is the tax indexing, which we're living with. Another are the Federal cuts that's come from Washington, and of course, all of us know that the Corporate Income Tax is down.

The Majority Report from the Appropriations Committee is a very responsible Committee Report. There are adequate provisions made, (adequate provisions made) for the handicapped, the elderly, the poor, and she talks about a middle ground, the good Senator from Hancock, Senator Perkins, talks about the middle ground that we see in the Minority Report. The middle ground I thought was reached when the entire Committee tried to arrive at that middle ground when we did cut that additional million dollars as a full Committee.

The good Senator from Cumberland, Senator Gill, also, talks about the quality of care and ladies and gentlemen there would be some quality of care lost, I can assure you, if this Minority Report were accepted; it certainly would be lessened. She talks about the AFDC and the fact that 2½%, 2½% is an adequate increase for those people that have to survive on the AFDC payments. She talks about foster care; she talks about any number of areas, and I wish too that you would examine both of those reports, and I think you'll find that the Majority Report from the Appropriations Committee is completely responsible. It's one that been cut, and cut, and cut in trying to keep in line with the revenues that we can expect from various segments of the State.

I would urge you to please support the Majority Report. Thank you.

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

Senator COLLINS: Mr. President and Members of the Senate, we have to make difficult choices at the end of every session; many of us have lived with it before, and it looks as though this year, we are moving toward making choices that will cause this particular Legislature to go down in history as the most taxing Legislature that we have known.

We have already enacted this year two major tax increases. The five cent gasoline tax and the surcharge on the personal income tax to offset the indexing retroactivity. Now, we are being asked to come up with two more taxes, plus a program which will accentuate the selling of booze in our State, bringing in more money from that source.

When we make decisions in political life, the easy thing is to say, "yes let's do it; let's vote for all these things that people ask us for." Probably the next easiest thing is to just say "no, I won't do anything." In between there comes an experience of setting priorities that is always difficult and reasonable people will differ on how to do it and what path to take and that's what we're doing here tonight. We're differing in our political philosophy with respect to where money can best be used. Can it best be used by extracting it from corporations, from the businesses that supply the jobs for our people and redistributing that money among a variety of good causes, or can we best use that same money by permitting our businesses to employ it in business; to provide jobs; to buy new capital equipment; to spend the money for consumer goods or whatever may be the case? Economists have been telling us for the last four years that the greatest problem that we have in the 1980's is capital formation that we need to be able to plow back in to business and industry money that will renew our plant, our physical plant, our tools, our means of production, so that we can continue to expand our gross National product and to provide jobs for our people. When we take away additional money from business as a State, we interfere with that process; we make it more difficult to produce those jobs, we discourage those who might think of coming here to provide more jobs.

I listened intently to debate in the other Body about comparisons with other New England states. The State of Maine has to remember that: we are at the end of the line geographically; we're at the end of the transportation line; we're at the climate line where it costs more to keep warm; to produce the energy that we must have; to keep warm; to keep our workers warm; to keep the machinery humming. So, if we are to not always be one of the poorest states in the Nation, we have to look ahead toward keeping a business climate that will attract industry and business and that will not drive away the good industry and business that we already have. So, there's a difference in philosophy between the parties that comes out tonight in this debate. On the one hand, take more away from business, to give it out to all kinds of good causes; give it out to a University of Maine in Lewiston that all the educators say we don't need; give it out to more housing; we need more housing, yes, but there are other ways of providing housing and one is to provide jobs so the people can put the fruits of their jobs into payments to banks that lend them money to build and to buy those houses.

We don't have to do everything through the public sector. The public sector can stimulate private industry and should at times, and we have provided for that. Last year and the year before we've plowed money into that purpose. How much more should we continue to plow into housing purposes? We had to confront that decision in Republican ranks when we tailored our own budget, and we decided that we thought it was wiser in the first year of the biennium to put our money into home-based health care to some degree, not as much as we would like to, but we made a choice in that respect, and to reserve our housing effort for the second year of the biennium, when we could see that revenues would be more favorable as predicted by the Executive Branch of Government.

When we put out budget together, we produced a document that is different in degree in most respects. We both came in with a cigarette tax, and I suppose that's the easiest tax because it's a voluntary tax; no one has to smoke if they don't choose to. If they're smoking three packs a day, it's pretty easy to cut back to two packs or to one pack, we would be a lot better off as a society if we do cut back in our smoking. Should we raise revenues by encouraging the sale of booze? Should we raise

taxes by discouraging business? What do we achieve by it in net result? That's the big question we've all had to think about and reasonable people will differ.

The Republican position is one that I am very happy to espouse tonight. I'm sometimes known as a compromiser; I have never said the Republicans are all right and the Democrats are all wrong. We both have our faults; we both have to give ground to each other. I think in the process we produce a better product in the long haul. In this process we have tried to be fair to those elements of our society that are most in need, the elderly; those people needing home-based health care that keeps them out of nursing homes and by the same token, keeps down State Medicaid costs and that sort of thing.

I ask you, tonight, to vote no on the pending motion. We point out that the Republican program gives back out of the roughly thirteen million in new revenue that our tax would produce that it gives back nearly ten million in the form: one of revenue sharing which hopefully will reduce property tax outlays; and second, in the tax uniformity provisions that affect all of our citizens and avoid that very unpleasant prospect of having a State of Maine internal revenue service apart from the Federal service on which we have had so much piggy-backing in service through the years.

I urge you to think what this means to our total economy in the State and to adopt this moderate course and to vote against the Majority Report Budget document.

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

Senator NAJARIAN: Mr. President and Members of the Senate, I'd just like to reiterate again that this Legislature would not be in the position that it's in tonight had we not had ten million cut backs in Federal funds that this budget is replacing and had we not had indexing, and the people who voted for indexing said the Legislature should raise these taxes up front to fund Government programs, and that's exactly what we're doing tonight. I have no problems whatsoever raising a tax against a corporation whose taxable income is two hundred and fifty thousand or more, in order to fund programs for the elderly, poor, legal services, for AFDC, who even at a 5% will only be five dollars a month; for putting people in the Human Services Department so that they can go out to those boarding homes where people are being drugged all day long because there's no social activities for them and nothing to do. Not all of our boarding homes but there are too many like that I think the State has the responsibility to go in there and either close those down or provide social workers and some activity for the people in those boarding homes.

I went through our budget and showed where the Republicans did not fund, page after page of critical areas, absolutely unfunded. The Workers' Compensation Commission, unfunded the first year, funded at half the amount that the Committee recommended and then only for half a year. In agriculture nothing for the marketing program; Conservation, we have a marketing program for our wood products and for the fishing industry there's a marketing program.

We want to get this State moving, we don't want to be like Reaganomics. The Federal Government cut back on taxes is for businesses and what happened? They didn't reinvested in jobs, in plants; instead, we had ten or twelve million unemployment and that's about where we are today. So, that's not the way to go.

We've had Republican leadership for how many, a hundred and fifty years, practically, and Maine has been at the bottom of the forty-eight or fifty states and now we're finally thirty-eight, and we're moving in the direction, and you can't move a State if you just stay the

same; just the status quo. That's the Republican position that you call moderate, that I call stagnation. I'm glad we broke ranks, frankly. I think we have an exciting budget; it still was more, we cut, we could do more, there's more ways that can be done. AFDC needs more; all the elderly need more, but I think our proposal is a moderate proposal. I just think it's real exciting and I think we're funding it in a responsible manner and ask for your support.

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

Senator WOOD: Members of the Senate, I rise not to talk about the appropriations part, the spending part, but about the taxing part because that's something that as the Chairman of Taxation, I've had some involvement in.

The good Senator from Knox, Senator Collins talks about this being the most taxing session and for those of us on the Committee, its been taxing in more ways than one, I can assure you. He talks about the various taxes that we've passed and I'd like to review them.

The Income Surcharge Tax was passed, a bill that was sponsored by a Republican, it was an emergency measure that required two-thirds vote, both Branches. It was voted on by both Democrats and Republicans, so it cannot be cast as strictly a Democratic proposal.

The Gas Tax, a 12 to 1 report from our Committee and if memory serves me correct, no opposition in the Senate or a very modest opposition in the Senate, went through again near unanimously, so again, not a tax that can be tagged as a Democratic Tax.

Now, the Cigarette Tax, both proposals have it in it. Again, a bipartisan tax not a Democratic or a Republican Tax.

Then we get to the Corporate Tax, and I'm pleased to see that this is the tax that divides us because I think this is the tax that most needs reforming and changing in the way that we have provided for in this L. D.

One only has to look at the revenues that have been generated from the Corporate Tax to see that we are in serious trouble. In 1976, we generated thirty-four million dollars or 5.7 of the total revenue from the Bureau of Taxation from the Corporate Tax. In that same year, we generated some fifty-two million in Income Tax. Last year, we generated a whopping thirty-seven million dollars on Corporate Tax, and two hundred ten million dollars on the Personal Property Tax. I think it's obvious when you look at thirty seven million dollars on corporations all over this State versus two hundred ten million dollars on our people. Which tax needs reforming?

The Corporate Tax revenues are off even this year, and there would be some that would say, it's the economy, but that's not the full story. The tax cuts in Washington; the tax cuts put through by President Reagan have certainly had their trickle down and they have come home to roost on the states. The states are losing billions and billions of dollars and we can't afford huge deficits to fund that loss. We're tied to a balance budget in Maine. President Reagan has no balanced budget in Washington. Those deficits just crank into the budget, but the billions and billions of dollars that the corporations no longer pay come home to roost on the states. What have the states had to do? Eleven states have raised the Income or Sales Tax or both. Ten states have increased their Sales Tax or Excise Tax on cigarettes. Nineteen states have hiked their Alcoholic Beverages Tax. Seventeen states have speed up various collection of taxes. One only has to look through the magazines that pass our desks each day to realize what other states are coping with.

So, while President Reagan cuts the taxes of corporations and cuts Federal dollars that impact on us, he then talks about the new federalism. Frankly, I find the new federalism fairly hollow, because at the same time he's talking about new federalism, he's taking away

our ability to pay for those things that Mainers want.

So it is time for us to look at that Corporate Tax, and what have we done? We have changed the brackets in our tax; we now will be making a change, people who have twenty-five thousand dollars in taxable income, a business will now pay 3.5%, a reduction of 1.4%. Those businesses will see a reduction in taxes. The little businesses that are the backbone of this State will finally have some tax relief. Tax relief that they cannot get from Washington because they do not have high powered tax accountants that know all the loopholes. The small mom and pops stores that we hear about all the time will finally get some tax relief and even Moma Baldacci will get a little, hopefully.

If we go from those between twenty-five thousand and seventy-five thousand, they will go to 7.93 or a 1% increase; from seventy-five thousand to two hundred and fifty thousand 8.33 or 1.4% increase, and finally for those over two hundred and fifty thousand 8.93 or 2% increase. This is a progressive Corporate Tax; not a static Corporate Tax.

Anyway, let me point out to you that 80% of the businesses that file the Corporate Tax in Maine will have their taxes lessened. Is that so terrible — to lessen the tax of 80% of those that are filing? And 90.45 of those filing will see no change, it will be lessened or no change at all. So, we're talking about less than 10% seeing this tax. What have we given that 10% over the years? The good Senator from Knox, Senator Collins talks about it is the businesses that have been giving, and giving, and giving to share with the rest of us. Well, I would point out that it's a two way street. I have seen my share of corporations on the next floor in Taxation and they've been getting. We had a bill in to remove the Sales Tax exemption on new and used equipment. It cost the State twenty million dollars a year, but it's important for a capital formation and we killed that bill in Committee. We gave them that twenty million. Who pays for that twenty million? The rest of the people that pay Sales Tax. The rest of our constituents. Give that break to business so they can form their capital in this State: BIW, Pratt Whitney, the twelve dollar credit card. I don't think businesses have done badly by this Legislature and previous Legislatures. What we have given to business has cost our taxpayers, have cost those taxpayers that have seen increases from fifty-two million to two hundred ten million in their Personal Income Tax, and I think it is only fair now that we say the corporations of this State have to pay their fair share.

So, if this Appropriations Act had not come out I think you would have seen certain Members of Taxation put this Bill out any ways, and we would have reduced taxes in some other fashion because we feel strongly that the corporations should be good public citizens, just like our constituents and they should want to pay for the services of this State.

The only argument becomes one of will businesses vacate the premises? Or, will they put up a sign that says, "don't come to Maine." Various states have raised their Corporate Tax; various studies have been done of the tax structure. Taxes rank very low on location. The Tax Policy of this State as long as it's in the mainstream has very little affect on where a business locates. I would challenge any one to produce figures that show where a Corporate Tax of the nature that we're talking about today has discouraged business. I hope that two or three years from now, if this Bill passes, that we will come here and take a tally and see how many businesses have left this State and see how many businesses said that they're not coming to Maine because of this. I think you will find that the answer, the final tally will be zero. Business locate for various reasons least of which is the Tax Policy of the State. In fact,

very frankly to tell you what they care about more is the Personal Income Tax because if it's too high their executives don't want to locate here, but as far as the Corporate Tax that's not as high up on their listing as Tax Policies, and we've done nothing to the Personal Corporate Tax.

Finally, this question of business climate has come up again and again. I'm almost tempted but I hope that the, we have the Fish and Game Report on the news at night; we have the weather report, and I'm hoping some day to see a business climate report. Frankly, I can't understand what you're talking about when you talk about business climate.

When the Committee on Taxation passed as their study that they want to study the business climate and its relationship to taxes, and we took that before the Legislative Council, all of the Democrats on the Legislative Council voted for that study to find out what business climate was all about and all the Republicans voted against it. So I guess I've got to wait to see what they're talking about as far as business climate.

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

Senator VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate, just a few of my own thoughts in this regard.

The Senator from Cumberland, Senator Gill has spoken about, I guess, my party spending enormous amounts of money and being the cause or the fact or as the result of our present situation by saying, "enough is enough" and what has been going on for a number of years must stop. Or there must be some moderation in that regard. Yet, it seems to me that ever since, at least until this Legislature, since I've been here in the Maine Legislature, since the One Hundred and Seventh, her party controlled this Chamber. Certainly, her party could have dealt with such growth in State Government in another fashion or if she feels that it was not in moderation, could have certainly attempted to have dealt in that fashion. It's incredible, this evening, that the difference between Part I and Part II, when you add them up, one is bare-bones at one billion five hundred and sixty nine million and one is fat at one billion five hundred and eighty-nine million. Twenty million dollars out of one and a half billion dollars is fat! You know, it's just incredible! One eight hundredths difference in this budget is fat. That's the entire difference here! Bare-bones to fat! You know, the argument is just so shallow that it just has no base.

The Senator from Knox, Senator Collins speaks about a new kind of economic thinking sweeping across the land and that we here in Maine perhaps, ought to try to take it upon ourselves to include some of this economic planning and thinking within our own State. I guess I would look to Washington as the best example of this new trend in economics. I look to Washington, D. C. and if the State of Maine right now was running a deficit somewhat akin to what the Federal Government is somewhere around 20%; this budget would be short three hundred million dollars for the next two years. We would have increased spending; increased unemployment; increased the deficit. That's a very interesting kind of economics. It's a good thing in Maine we can't run our Government that way.

I think this package that has been put together by the Members of Appropriations and Taxation; this particular report we are discussing now provides for a mix. I'm not particularly pleased with some of the areas that have been funded. I think there's an over-emphasis in some areas of the Part II Budget; nonetheless, I'm going to vote for this budget this evening because I don't think it's a difference between a budget of one that only provides the guts of Government and one that provides all kinds of luxuries at all, because really the difference is infinitesimal. I think on

that basis, I think for those reasons I'm going to vote for this budget today. I think that the arguments that have been presented by the other party are the same that have been presented year, after year, after year and really, they don't have very much basis.

I hope you're going to vote in favor of this Committee Report this evening.

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

Senator TEAGUE: I have a question for either the Chairman of Appropriations or the Chairman of Taxation. On page 97, I see where the holder of Retail Credit Cards will be allowed in liquor stores. We heard that bill has an increase of somewhere around two million dollars. On the next page, page 98 is the increase on Cigarette Tax and in the Majority Report, it's from eight mills per cigarette up to ten mills per cigarette. In the Minority Report its from 8 mills to 10½ mills and this Bill, if you went to say from four cents a pack in the Majority Report to five cents a pack in the Minority Report.

The part that really bothers me is the sub-part 3 and that's on page 99 and that's on the Corporate Income Tax the bill that we heard on Corporate Income Tax, we had the three steps but so far, I've not heard anybody mention what the cost would be say for the corporations that would be paying less money, and we've added a new bracket of all those paying two hundred and fifty thousand dollars or more. I'd like to hear some figures say from you the Taxation Chairman or the Appropriations Chairman. The only place that I can get the total figures from this package is on page 100 and it says, "Part F on line 11 about thirteen million in the first year and fifteen million in the second year.

The PRESIDENT: The Senator from Somerset, Senator Teague, has posed a question to any Member of the Taxation Committee or the Appropriations 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, in regards to the Corporate Tax the four brackets are as I'd outlined and the revenue that will be generated from that is roughly 7.1 million dollars this year.

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

Senator TEAGUE: Could I ask the good Chairman, the Chairman of the Taxation Committee, Senator Wood to break down those figures for me the 7.1 to the individuals in twenty-five thousand or less and seventy-five thousand and each step I'd like to know is the two hundred and fifty thousand or more?

The PRESIDENT: The Senator from Somerset, Senator Teague has posed another question to the good Senator from York, Senator Wood who may respond if he so desires.

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: The Chair is willing; the desk is unwilling to yield the information at hand. I will get that information immediately.

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

Senator HAYES: Mr. President and Members of the Maine State Senate, I wish to speak to one item in the Part II Majority Budget that I consider to be a serious concern, and that is the proposed Lewiston Campus.

There was a time when this Legislature in all its limited wisdom had some misgivings about the proposed Lewiston Campus. The Education Committee even had the audacity to argue that there was substantive educational issues and that this Bill should be reviewed on its merits by the Legislative Committee charged with this responsibility. The Chancellor of the University of Maine was once even heard to say, "if the University were to be given two million dollars, the Lewiston Campus would not

be a priority." This was a brave but brief cry in the wilderness.

The Appropriations Committee initially even raised questions about this issue and to their present embarrassment voted to leave Lewiston out of the Part II Budget, but they have now seen the error of their ways, or at least the Members of the Majority Party. During this period of unenlightenment, some Legislators asked non-relevant and even irrelevant questions such as, "do we have any actual information on student needs for higher education in the Lewiston/Auburn area? Do we have any actual information on the costs of running a campus in Lewiston, of the salaries or the operating costs or the supplies or all the other kinds of things that go into running a university? Or, why must a campus in Lewiston be located at Peck's Department Store? Or even this question, should higher education in Maine be expanded at this time?"

One person with far more understanding and concern than this Legislature, our Governor, had the courage to believe that this was an issue of social justice that had to be addressed.

Subsequently, our understanding and our opposition to this issue diminished and more of us now feel that having some basic planning for higher education in Maine is probably not only unimportant but contrary to the long-term interest of Maine people. We have been told that the Lewiston Campus will not impose budget restraints, on the other units and the University units at Orono, Portland, Farmington, Machais, Augusta, Fort Kent and Presque Isle and for that we thank you.

We have been told a Lewiston Campus will not need all the presidents, vice-presidents, deans, assistant deans and chair-persons that adorn every other unit of the University of Maine and every good citizen and taxpayer in this State thanks you.

We have been told that placing a campus at Lewiston will be good for all of higher education in Maine and result in strong citizens and Legislative support in the future and those who supported Jim Longley, Olympia Snowe and Billy Cohen in past elections thank you.

We have been told the State owes Lewiston some social justice and that more people from this area will attend higher education and those who complete high school in Lewiston applaud this opportunity to attend the University of Maine and they thank you.

It is a rare opportunity to see what appeared to be so weak a case become so widely embraced by the representatives of the people. You may be surprised that my constituents are not meeting by evening candlelight to applaud the intellectual awareness, that sponsors of this Bill have provided at the State House and who were so convincingly provided all the State's awareness to the representatives of the people. Good citizens everywhere give thanks to our political leaders for their foresight.

My opposition to this Bill has, unfortunately, been based on some simple but erroneous assumptions; such as, there are educational merits that should be reviewed when we discuss the expanding of higher education in Maine, and that this Bill requires some basic information on educational need, the costs and the impacts for such action.

I hope that my fellow Legislators will understand and accept this Bill is one of simple justice; which unlike the minimum wage should pass; which unlike the bank credit cards, does not provide a gift to the banks; which unlike the Ethanol Bills, it's not a gift to large business; and which unlike the tax on gasoline is not a burden to auto drivers. This Bill provides a long-term opportunity for Maine Taxpayers to contribute to social justice in Lewiston and we should be grateful for this opportunity. This Bill will provide a long-term item for Legislative agendas during future Legislatures and the calendar has been pretty light this session. I'm sure that members of the Legislature are

thankful for that.

Finally, the Lewiston Campus issue will provide a real test of whether the trustees have the integrity and strength of purpose to weigh the value of two million dollars for Lewiston against the long-term interests of higher education in Maine. Perhaps the trustees will, also, discount the need for basic planning, costs estimates and evaluations of future impacts in favor of social justice. Surely, we cannot expect them to act otherwise. Thank you.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, back in 1967, while I was a member of the other Body when they felt it was of paramount importance at that time to create a new University of Maine System, I reluctantly went along with it. The University of Maine System, at that time, was designed allegedly in the name of austerity and that particular system would be more cost affective and would serve higher education to a greater degree.

Ladies and gentlemen, that was a ploy and we've been living with that particular ploy ever since. That particular institution has proliferated, and yet, that hungry institution is still clamoring for more money. It shall never be satisfied.

Lewiston has been a community that has been abandoned, neglected, simply because, maybe in the past, we never had the courage of our convictions as a Democratic community to stand up for what we believe is right and proper in the interests of our constituency. Yes, we have been, and I hope shall not continue to be, a swing delegation to meet the needs of Northern Maine, Eastern Maine and Southern Maine. We are going to maintain a new particular philosophy.

We have, what I consider in my community, the highest caliber of workmanship producing quality products, yet, the wage is extremely low. Our educational system in Lewiston is not quite as bad as it has been projected by some. I looked at the honor roll yesterday that appeared in our Lewiston Daily Sun and of our total high school complement, I say a good 33% were first and second honors and that speaks very highly for my community. Unfortunately, the wage scale being low as it is, our people cannot afford, the greatest majority cannot afford to send their children on to higher education. So, we basically, have been banded to go to Southern Maine, to go to campus in Augusta, or if we happen to fall in the middle-income bracket we might be able to send our children to an elite group, up in Orono, who seems to be the controlling factor, even with that Board of Trustees.

The Peck's Building, in my estimation, is a very adequate facility. That particular facility had been researched, if I understand it correctly, by the Engineering Department of the University of Maine, and said it was structurally sound and could be used for expanded programs. Let me make one point clear, just because I come from a French community, don't think we don't understand and know the needs of higher education. We are tired of the out migration of Maine youth to other New England States and to other points throughout the United States. We do not want Maine to become a rest area for just senior citizens. We want to utilize our skill and talent that we have and these young men and women want to remain in Maine, and in my estimation, the University of Maine, Lewiston is a very positive, a very dynamic and a very progressive step, and regardless of how fast and how large the University of Maine decides to grow, believe me, we can cope with it, and we will. We pay a great portion of the taxes in the State of Maine and get very little in return, and ladies and gentlemen of the Senate, we are turning about and saying, if you're going to mandate, as we

have been doing right along in this session, then we want our fair share.

To be very frank with you this evening, I was not in favor, regardless of the diligent work that has been done by the Appropriations Committee and the Taxation Committee, because all during this session, I've stressed one particular point, and that is very simply, the people of Maine have asked for an austerity program and not for taxation, and I'm not particularly keen for the Democratic Proposal the Majority Report or the Republican Proposal the Minority Report, because it still represents taxes.

Much has been said this evening about Washington, D.C. and the Reagan Administration, and I'll tell you very frankly, they yes, maybe they did curtail ten million dollars in this biennium, but they gave Maine two years lead time in which to cut back the proliferation of this bureaucratic system, and we did not adhere to it. Don't forget, when those proposals went through in Washington, with a Democratic Congress, so we have no one to blame but ourselves for not taking the bull by the horns and maintain this austerity program in Maine.

One final point, and this was brought up earlier, my position on this document this evening is not contingent whether or not the University of Lewiston flies. I would like to point out to the good Senator from Penobscot, Senator Hayes, as well as, my other very dear friends from Penobscot, who had been spear-heading of this particular area against the campus in Lewiston, that Lewiston up front was willing to raise a substantial amount of money to genuinely prove our concern, our interests in this particular program. If you look at the document very closely, and I think it's important for the Record, that number one, the project must receive approval of the Board of Trustees, the University of Maine. I will say one thing about that, in the future and being a former member of the Education Committee, no longer will I just listen to the Committee Report, and rubber stamp any more of these trustees for the University of Maine. That's predicated upon the outcome of this particular L. D. tonight, and no more will they be centralized in the Aroostook County, and Penobscot County, or Cumberland County area; there'll be a better distribution.

Number two, another safeguard. The bonds to be issued by the city of Lewiston must be approved by the voters. If they're not approved, the program is dead, so why all the hullabaloo regarding this particular thing? We, in good faith are saying up front, "our voters will vote on this and make a decision." Yet, all these ploys are thrown out; all this subterfuge and deception to destroy what we feel is of significant value.

Number three, the building must be publicly owned and the city shall lease such building to the University at one dollar a year. Isn't that indicative of good faith?

Finally, ownership of the building shall be transferred to the University, after all bond payments have been made.

Four genuine safeguards which we as a community do not even have to do because every other community that's expanded its facilities in the State of Maine has not gone through this particular criteria. In jest, it was said, "the Legislature has been a Legislature of taxing, taxing, taxing and the second term we're spending, spending, spending." This was said by Members of the Legislature, but apparently, Members of the Legislature are not listening that clearly to the other Body out there known as our constituents who are saying the very, very same thing and they're adding one more word to it between taxing, spending, the third is "mandating."

I was determined that I would not vote for either one of these two packages tonight because I believe there's been too many questionable terms and financial ploys that

have been implemented. We find ourselves in a dilemma of only going by what the bureaucratic system says, and what the administration does, and we find ourselves maybe rubber stamping many of these things. I have very serious reservations if that's the area we should be going in, but again, with the economic conditions as they are, I hope you people are correct in your assessment that either the Majority Report is the proper answer to solving some of the problems we have in the State of Maine, or the Minority Report is.

I can assure you my vote on this Bill tonight, and let me make this point very clear, it is not contingent upon the outcome of the University of Maine, Lewiston. We'll survive one way or the other; I assure you of that much. My concern is for the people of the State of Maine who must pay these additional taxes. I think the good gentlemen from Knox brought out very clearly exactly what we've gone through since the beginning of January of this year and where we are this evening.

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

Senator BALDACCI: Thank you, Mr. President. Members of the Senate, as a freshman Senator down here in Augusta and the first time that I've been exposed to the Appropriations Committee and Taxation Committee, I want to say that I thought that from all that was flying around that I thought that the Appropriations Committee and the Taxation Committee did an excellent job. I think that the proposals that were brought forth and the programs that were being discussed were very worthy of State attention.

There is one thing that does bother me and I'm not going to try to stop it, but there's just one thing that I want to point out and to be on the Record as suggesting to the Board of Trustees, realizing that the University of Lewiston has to receive that okay and has to receive the vote of the people in Lewiston, it's of a great concern to a lot of people to make sure that a good policy is set, and I am very honored to be serving here with the good Senator from Penobscot, Senator Hayes. I was very impressed with the points that he brought out because I think that they are very relevant and he could say them much better than myself.

The proposal is that something has to be done in Lewiston and I think that being the second largest city in the State of Maine, something should be done. I would like to see the Board of Trustees and the people in the Lewiston area consider tying the University of Farmington, and the University of Augusta, and the University of Lewiston all into the University of Central Maine. Why do you want to setup separate administrations, and bureaucracies, and chairpersons, and presidents to run a separate unit? That isn't good sense, as the good Senator from Androscoggin points out about bureaucracy and spending, and spending, and spending. Something like that would make sense. I think the people in the Lewiston area need that. They need that sign out there that somebody does think they've got quality and they want to see that their children are upgraded and they have a potential for going beyond high school into college. I think that's needed and it should be there and I'm not fighting that but I'm just fighting sense. When in my own area they're cutting out dorms and they're closing cafeterias and they're relocating because they haven't got the student population, for them, to see all of a sudden that we're building another campus, it doesn't make sense to the people, sometimes. They don't see the wisdom that's here in Augusta, sometimes and they can spot these things and to develop a program and correct the deficiencies that are out there. I would just like to see the Board of Trustees and the University react a proposal setting up the University of Central Maine in its good wisdom that it does have.

I want to conclude by saying that I was very

impressed with the priorities that were established by the Appropriation Committee in its program spending. I don't think there's very much difference between the Republican package and the Democratic package, and it's not all that I can live with but I'm not going to vote against it. I think the Taxation Committee has come up with some pretty good measures and I think that's what the difference may be between Democrats and Republicans, on the basic issue of Corporate Taxes. Thank you, Mr. President.

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

Senator NAJARIAN: Mr. President and Members of the Senate, I would just like to make one statement to correct the Record on something that Senator Hayes said that the Democrats on the Appropriations Committee were now embarrassed because we had taken at one point the University of Maine Budget, appropriation out of the budget and that's not an accurate representation. The University funding for the campus at Lewiston came out of the budget with five Republican votes and two dissident Democrats. We've always had six Democrats supporting the University of Maine at Lewiston.

The PRESIDENT: A Roll Call has been ordered.

The pending question before the Senate is the motion by the Senator from Cumberland, Senator Najarian that the Senate Accept the Majority Ought to Pass, in New Draft, Report of the Committee.

A Yes vote will be in favor of Accepting the Majority Ought to Pass, in New Draft, 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, Dutremble, Erwin, Hayes, Kany, Minkowsky, Najarian, Pearson, Pray, Trafton, Twitchell, Usher, Violette, Wood, The President-Gerard P. Conley.

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

ABSENT—Redmond, Sewall.

A Roll Call was had.

23 Senators having voted in the affirmative and 8 Senators in the negative, with 2 Senators being absent, the motion to Accept the Majority Ought to Pass, in New Draft, Report of the Committee, Prevailed.

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. 1784 be given its Second Reading by Title Only?

It is a vote.

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

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

Senator COLLINS: I offer Senate Amendment "C" (S-225) and move its Adoption.

The PRESIDENT: The Senator from Knox, Senator Collins offers Senate Amendment "C" (S-225) and moves its Adoption.

Senate Amendment "C" (S-225) was Read.

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

Senator PEARSON: Mr. President, Men and Women of the Senate, earlier in this week I had an amendment which I believed was identical to this amendment. I did not know that this amendment was being introduced by Senator Collins of Knox until it hit my desk just now.

I understand that the remarks of the good Senator from Penobscot, Senator Hayes and Senator Baldacci and I want to say to the members of the Senate that I concur. For a long time and I guess I was the only one, at the

time when this Bill was presented before the Appropriations Committee to object to the creation of the University of Maine at Lewiston. I brought out what I thought were some pertinent facts at the time. I still believe that they are. I fear as somebody who loves the University of Maine System that it will be further neglected with the delusion of another campus. There are people who make arguments on the other side. Mr. President!

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

Senator PEARSON: Mr. President, I will appeal to you, I am on the wrong amendment, I thought this was Senate Amendment "C" that we're on and it's "D" that I'm speaking to. Should I continue?

(Off Record Remarks)

Senator PEARSON: I felt then and I still continue to feel and fear the delusion of the monies from the State of Maine to the University System.

The other side of the argument is that if you have more people involved in a direct interest in the University System, that probably it will get better attention. I don't know if that's true; I certainly hope that it is.

I have been told through the years that the Lewiston delegation has always supported the University of Maine, and if that is true, and I trust that it is, they deserve a lot of credit.

I'd like to, also, say while I'm on my feet that if the Board of Trustees, in their wisdom, decide that Lewiston should have a campus with all the apparatus that goes with it I think it is incumbent upon this Legislature not to require the city of Lewiston to have to pay for that building. They shouldn't have to do it any more than anybody else. So, consequently, as we get through this Bill I am going to be voting for the budget with all the misgivings I have about the campus at Lewiston and hope that the best will come of it.

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

Senator COLLINS: Mr. President, Senate Amendment "C" has to do with the largest single item in the Bill that is before us. It's on page 25 of the Bill in case anyone wants to take a look at it. That item appropriates in the second year of the biennium fund which it says: "are for property tax relief, concerning a circuit breaker with Legislation to be introduced sometime next winter."

I'm not willing to vote for that kind of pig in a poke, I may, or may not want to support some Legislation in the nature of a circuit breaker when the time comes. I studied circuit breakers in company with the then Senator from Cumberland, Senator Merrill and others back in 1976 in the Tax Policy Committee circuit breakers were before the One Hundred and Seventh Legislature, and One Hundred and Eighth Legislature, and they certainly deserve a look.

I think it is just plain poor Legislative policy to stick in a five million dollar item and say we're going to appropriate money for it. We'll write it up sometime between now and next winter and we'll introduce it then but we want your approval on it now. We have a general rule in this Legislature that we don't vote on bills until we have a printed copy of the bills in front of us. It seems to me that violates that rule in a very flagrant way. I recognize that I do not command any votes to support that kind of a policy but when you stick a piece of paper in front of us and say, "There is a bill going to be written next winter, presented next winter, but you must vote on it now to the tune of five million dollars." I think we're getting way out of our bailiwick and that's the purpose of this amendment is to remove that item from the budget.

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

Senator NAJARIAN: Mr. President and

Members of the Senate, it's our expectation that this Circuit Breaker Property Tax Relief will be developed on the program we now have for the elderly which has been very successful. I must say, I'm a little surprised that the good Senator from Knox, Senator Collins is so critical of this procedure when his own budget has a similar provision for the Tax Conformity Law. They merely appropriate 1.2 million dollars on proposed Legislation to be introduced at some later time. This is no different.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, I think if you look on page 25 of the budget document, which is L. D. 1784, you'll see that this Bill, this appropriation allocation is simply a recognition that we need to do something in the area of Property Tax Relief, recognition by the Democrats in this Legislature that that is not only necessary but desirable and that, at this point in time, it is the consensus of the Majority Party Caucus that the circuit breaker is something that should be looked at.

I would remind the good Senator from Knox, Senator Collins that one Legislature does not and cannot bind any other Legislature. If at some point in the future, next year we decide that circuit breakers are not the appropriate way to go; and that in fact that there should be an increase in revenue sharing or any other form of Property Tax Relief; or, in fact, no Property Tax Relief at all, that is the prerogative of that Legislature. So, you're not voting for any kind of a pig in a poke.

Mr. President, I'd ask for a Division on the motion.

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

Senator NAJARIAN: I move that this amendment be Indefinitely Postponed.

The PRESIDENT: The Senator from Cumberland, Senator Najarian moves that Senate Amendment "C" be Indefinitely Postponed.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I request a Roll Call.

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

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

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

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, Ladies and Gentlemen of the Senate, the motion that is presently before us is the opportunity to reflect a belief that those of us, at least, the Majority Party has adopted is the fact that we feel that this Legislature has the opportunity to set aside, to provide funding in the second year of the biennium, with money that will be available for Property Tax Relief to the people of this State. I think it is more than a pig in a poke; it's a pledge to the people of this State, that this party is serious about providing for them that opportunity. To vote for this amendment, removes five million dollars from this budget for the people of the State of Maine next year in some form of Property Tax Relief. That's the question that's before us at this time in accepting or rejecting this amendment.

To accept the amendment as is offered by the Senator from Knox, Senator Collins is to not answer a call that I have heard and I'm sure that many of you have heard in the last campaign of people who want some assistance upon Property Tax. Property Tax is basically upon a necessity and that is in a home, and I think that despite the income of various individuals that live throughout each and every one of our districts that to properly address

this issue is the opportunity at this time in providing the votes against this amendment, so that we can set aside that money for the people of this State in this State in a form of reasonable tax relief.

The PRESIDENT: A Roll Call has been ordered.

The pending question before the Senate is the motion by the Senator from Cumberland, Senator Najarian that Senate Amendment "C" be Indefinitely Postponed.

A Ye vote will be in favor of the Indefinite Postponement of Senate Amendment "C".

A Not 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, Hayes, Kany, Najarian, Pearson, Pray, Trafton, Twitchell, Usher, Violette, Wood, The President—Gerard P. Conley.

NAY—Collins, Emerson, Gill, Hichens, McBreairey, Perkins, Shute, Teague.

ABSENT—Minkowsky, Redmond, Sewall.

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 Indefinitely Postpone Senate Amendment "C", Prevailed.

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

Senator COLLINS: I offer Senate Amendment "D" (S-227) and move its Adoption.

The PRESIDENT: The Senator from Knox, Senator Collins offers Senate Amendment "D" (S-227) and moves its Adoption.

Senate Amendment "D" (S-227) was Read.

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

Senator NAJARIAN: Mr. President, I move that this amendment be Indefinitely Postponed.

The PRESIDENT: The Senator from Cumberland, Senator Najarian moves that this amendment be Indefinitely Postponed.

The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Mr. President, Men and Women of the Senate, I hope that you'll remember the remarks that I made when we were discussing Senate Amendment "C" and now we're on "D", I was wondering if I could talk about "C"?

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

Senator COLLINS: I request a Roll Call.

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

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

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

The Chair recognizes the Senator from Androscoggin, Senator Charette.

Senator CHARETTE: Thank you, Mr. President, I would hope that you move in favor of the motion to Indefinitely Postpone this amendment, and I need not continue discussion on this issue, I think it's been well covered in the first part of the session of this budget which probably has gone close to an hour now, but I'd like just to remind us that and we've talked about this, and its been mentioned tonight, this part of the budget has its checks and balances, and those have been well explained tonight. I would hope, based on the trustee study, based on the referendum question from the citizens of Lewiston and based on a public owned building at one dollar, and one dollar bond retirement, I would hope that you vote for the motion to Indefinitely Postpone this amendment.

The PRESIDENT: The Chair recognizes the

Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate, I must say with due respect to the good Senator, Senator Collins from Knox, that I have the highest regard for him, but I am really disappointed that he would offer such an amendment.

I think maybe for the Record, it would be incumbent upon Senator Collins to give, at least, the Lewiston or the Androscoggin delegation some rationale as to why he would want to introduce this particular amendment?

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

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I think I can answer that in one sentence. Senator Hayes of Penobscot and Senator Pearson of Penobscot have really laid out the reasons, better than I could, as to why this really has no place in the budget.

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

Senator HAYES: Mr. President and Members of the Maine State Senate, I speak only briefly to this, I think you understand my position fairly clear at this point.

What we should be talking about is not necessarily the right of a community to own a campus of the University of Maine, but we should be discussing the fact that people in this State, regardless of where they live, have adequate educational opportunities for higher education. This does not necessarily mean that we should locate or expand into a particular city. It may well be the establishment of a permanent residential site is, in effect, not good policy today. We might be thinking of alternative ways to do this. Certainly the location of a campus in the Peck Building raises serious issues if we indeed think in terms of a long-term like a hundred years. We're not talking about a one year or a two year project. We're talking about a commitment of the people of Maine for a very long-term. The siting of a campus in Peck's Department Store strikes me as one of the worse policy proposals I have heard.

Now, if we wish to develop a University location in the Lewiston area, I'm not even committed to that; but if there is a need for adequate educational opportunities then I suggest to you that we should look at a number of sites. The siting for a long-term rich and successful campus. The establishment of a second-rate community college in Lewiston will do no one honor. We should be talking about educational opportunities to our people. In York County, in Somerset, in Androscoggin and in other places. The tying of higher education to a single community strikes me as a very bad policy.

I secondly would like to suggest to you that the costs of two million dollars strikes me as a very low figure, indeed. Indeed, if we start with the assumption of fifteen hundred students, located in a four year facility at Lewiston, the costs for faculty, professionally and classified employees could be expected to be in the first year, if they're given an average salary at roughly four million seven hundred thousand dollars, the operating costs could be computed at about a 1.25 million dollars, and surely you don't expect that the citizens of Lewiston are going to want to carry this 3.1 million bond with interests for twenty years. Within one year or two years they'll be back before us asking that we should absorb this, and indeed, if there is a need for educational opportunities in the Lewiston area, the State should bear the burden. This city should not be asked to carry higher education. This is not the function of a municipality; this is a function of the State, and the State should carry this burden. This is a hokey financing proposal. It is a proposal

which has no research and no basis.

Frankly, I think, it is one item in this budget that stands out like a sore thumb. In all honesty, we should defeat it; we should be glad to get rid of it, we should hide it, put it away, and take a look at whether or not the educational opportunities of higher education are being adequately provided for people of this State Statewide. Why are we only thinking of one area? Our problem, I suspect, is much greater than that.

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

Senator PEARSON: Mr. President, Men and Women of the Senate, I think that Senator Hayes last few remarks about the financing of this University as far as the city of Lewiston is concerned are right on target. I want to tell the people of the city of Lewiston the delegation from the city of Lewiston that if this proposal is adopted by the Board of Trustees, you have every right to come back to the Legislature and ask the Legislature to finance those buildings just like they do everywhere else in the State, because that is a function of the State. It is the function of the State to run the University System. It costs money; it costs a lot of money, but nevertheless, I do not believe sincerely in my heart, that Lewiston should have to pay for that building if it is adopted.

While I'm on my feet, as an educator myself, as a person who has taught high school for fifteen years, I do want to say to the Lewiston delegation that you have a municipal obligation, however, for your other education. I do not say that with any malice, I hope that you will take this well and use it to increase the educational opportunities for your youngsters. They are the most precious commodity you have in Lewiston; they are the most precious commodity that we have in this entire State. There are one hundred and twenty school systems in this State right now who have high schools, operate high school themselves. When you look at the funding, Lewiston is a hundred and sixteenth, according to the Department of Education.

I hope that you can, with this University and with the momentum that you feel that you have going, make a better educational system for your kindergarten kids, and your first graders, and your second graders, all of those really important years, so that you will have a product at the end of the tunnel that will want to go to a University and will be equipped to go to a University, and perhaps, a University in Lewiston. They're awfully important and you really can't afford to be a hundred and sixteenth out of a hundred and twenty.

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

Senator BROWN: Thank you, Mr. President. Mr. President, Ladies and Gentlemen of the Senate, I've been, somewhat, disappointed the last few minutes with the two good Senators from Penobscot and I'd just like to respond briefly to those.

Initially, when the good Senator Hayes from Penobscot spoke on this issue, I was thinking almost of it's like eating an apple and finding a worm that was bitten in two—dealing with that. You know the two good Senators from Penobscot are not the only people here that might be experts in the realm of education.

I was thinking, also, of the President of the University of Maine at Fort Kent. Earlier in this session when he was meeting with a number of the Senators from Aroostook County in which I was in attendance, Dr. Spath, and I remember asking Dr. Spath, I was very much opposed to this concept of the University of Maine at Lewiston, and I remember asking him about his position on this particular issue and saying that on one hand if you want to be very protective of our local branches of the University that we would probably not support the University of Maine at Lewiston. From an educational point of

view, when we look at the statistics that are available from the city of Lewiston. There is no way in the world that we cannot support that particular branch and for us to assume in this Chamber and place all kind of constraints upon the University Board of Trustees, I think it is very much improper at this point. There's many of us here that have attended in city or in town Universities and that Peck Building can certainly be just as desirable of a location for a University as the ones that exists at Orono, the ones that exist at Machias and it could probably be just as appropriate for that particular location of the University as any other location that could be chosen.

I think for us to be making these strong statements in response to the good Senator from Knox in allowing these to continue, I think, is not proper at this time. Thank you, Mr. President.

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

Senator VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate, I spoke yesterday in caucus about the concern that I had and a feeling that I had for this Legislation. There were those who initially I felt that well, Senator Violette, he's from the Saint John Valley and there's the University of Maine at Fort Kent in his district, so he's going to want to protect his own territory and he's going to want to keep his own school and vote against other schools. Well, I thought about it, and I guess I could have nit-picked a little bit about the location and the store and the financing and all of this stuff. That's what I call that, I just call it a lot of nit-picking.

I went up home and I asked people what they thought. I have a real sincere caring about the French people in this State, and I've expressed that concern on the floor of this Senate an innumerable number of times; whether it's on appointments; whether it's on fiscal matters and other matters, because I've felt there's been a real uncaring attitude in this State about my people and it's just not my people in the sense of the people that I represent in Northern Aroostook, the Saint John Valley and in the greater area of Northern Aroostook but in other areas of this State. I've always felt that there's been an uncaring attitude on the part of the Legislature and on the part of the Executive Branch, be it this Executive or a whole line of Executives on the second floor in the not too distant past.

So, I went up home and I asked people what they thought. I guess one would have expected those people to have said, "well, we want to keep our own." When they wanted to close our school in Northern Aroostook, those people went to that school in Fort Kent when those trustees came up there, by the hundreds, by the thousands, and they told those trustees that they wanted their school. They told them why they wanted their school; because they wanted that institution to remain there in order to assist in the perpetuation of their culture, because if there is nothing that an institution of higher education does in an area it assists in the cultural endeavors of that area.

In addition to that there was a history related to that school. People from the Valley went to that school because by enlarge they couldn't go anywhere else and they sure as heck couldn't afford to go to the wasps schools for the ten and twelve grand a year because first they didn't want them there. They said to Paul Violette, when I asked them *Mais qu'est-ce qu'on donne pas du monde de Lewiston dans les écoles*. Well, who knows what I'm saying here, but the people in Lewiston know what I'm saying and a lot of other people know what I'm saying. They have an identity to their own people, and it's my feeling that there's nothing that an institution of higher learning can do to promote, and there's a lot that those communities are doing now to promote their own cultural identity. It would seem that there are

those people here that feel that that is a bad idea; besides allowing for the access to education there's always been a feeling in Franco-American communities, for some reason that they feel that they are lower sometimes and that they shouldn't go outside the community. They want to remain within their own community or that they would rather go to an institution in their own community amongst their own people, so to speak. Who attends the University of Maine at Fort Kent in Northern Aroostook County? By and large it is overwhelmingly people from that area, and if that institution were not there by and large the majority of those people from that area would not go to college. Maybe, it's going to take a few people away from, maybe two or three from Fort Kent; maybe a few from Machias; maybe some from Augusta; I can understand the concerns of the representatives, particularly in this area, might have with respect to the campus at Augusta. I can't understand what the concern is, I went to the University of Maine at Orono, I don't think this is going to detract from the educational opportunities being offered at that school. I think that that is a very different kind of institution, in a sense. The people want to specialize, particularly in an area, a particular area, they will continue to go to the University of Maine at Orono, just as they do for some specialties; they go to Fort Kent, Machias, and the like, and I'm sure they'll develop their own specialties.

I think there is a whole host of reasons, why we should defeat this amendment. I simply cannot understand the logic of this amendment. I look at this amendment and I sit here with a number of my fellow Senators who happen to share the same concerns that I do, and we're sitting here and we're saying, it's the same thing that they've been doing years when it comes to areas that the French people live in. That's what it is; two million bucks out of 1.5 billion dollars and what if it's going to be 4.5 next year to operate a school for a thousand or fifteen hundred. Don't those people deserve that right? To go to an institution in the second largest city in this State, an institution that is going to reflect the concerns of those people. I think it is high time that they had that educational opportunity and I think it is a disservice to the State of Maine for people to offer this amendment. I hope that we are going to soundly defeat this amendment because I think it only speaks of the kind of thinking that has pervaded this Senate in the past number of years. I think it's time for a little reawakening and some shedding of some light. Thank you, Mr. President.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Thank you, Mr. President. Mr. President, Ladies and Gentlemen of the Senate, we've heard some debate on both sides of the issue and seemingly time and time again it comes back focused upon some opposition from the County of Penobscot. As one of those Senators who went to the Appropriations hearing and spoke with some concerns about the University at Lewiston and the fact of the impact that it would have upon the University System, at that time, I had some concerns as to the way this measure was coming in to the Appropriations Table, the Appropriations Committee, and the fact that I believed the Education Committee should address the Educational policies of the State. I expressed those concerns to the Appropriations Committee. I sat down with the Androscoggin delegation when they came to me with an opportunity to explain their feelings and I have talked with a number of people on this issue and expressed a concern of the entire University System. That is, I, as an individual who is a product of the University System, who wants to see a strong system statewide and I emphasize statewide. A

strong System which provides for the children of this State; those who are going to provide us with the leadership in the future, the educational opportunities that so many of us have enjoyed.

I happened to have been an individual who commuted a great distance over a number of years, but that was my choice. It was made easier by the fact that I had the G. I. Bill to help me. There's a lot of people today, despite the fact they may give a few years of their life to the service that do not have the G. I. Bill any more to help them go through. If it hadn't been for something like that, probably I, myself, would not have been able to complete that educational opportunity at that time in the time period of which I did.

I can appreciate, representing the geographic area that I do that is removed from any center, Orono, itself, University of Maine at Orono being the closest facility which, at that time, was over a hundred miles away. I've even seen people who lived closer that could not make it because of the distance.

When we talk about the University, the University Campus at Lewiston, I think many people envision what we see at other institutions and we're not talking about that; we're not talking about a campus that you imagine of the gymnasiums and dormitories, cafeterias. I think the city of Lewiston has come up with an excellent idea to provide for its citizens and have approached the State and asked for their assistance. I think they should be commended for that. They're asking for an opportunity to provide for the basic educational opportunities to their children and I think they should be commended for that.

My concerns about this and about the educational policies has been addressed by the Appropriations Committee and that is asking those who are responsible for that policy of the University System, the Board of Trustees to study and to approve to make the recommendation for approval. If they, trying to carry out the charge of their duties as trustee members, I think that they will in that essence, weigh the consequences to the other campuses and to the entire System.

As the good Senator from Penobscot, Senator Pearson has stated that when they make their recommendation that if it is a favorable motion then, of course, he himself would support it. I support the concept and the idea and I support it now. I support this Chamber going on the Record in this budget of establishing the funds, the money and the opportunity for this part of the State of Maine to have educational opportunities that major population areas of the other parts of this State have. I think it is a positive step; it is a positive step for this State and of both political parties to support it. This is not a political measure; this is good, sound, basic common sense of providing to our future generations an opportunity that each and everyone of us want to see our own children have. Thank you, Mr. President.

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

Senator COLLINS: I request a Roll Call.

The PRESIDENT: A Roll Call has been ordered.

The pending question before the Senate is the motion by the Senator from Cumberland, Senator Najarian, that Senate Amendment "D" be Indefinitely Postponed.

A Yes vote will be in favor of the motion to Indefinitely Postpone Senate Amendment "D".

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Brown, Bustin, Carpenter, Charette, Clark, Danton, Diamond, Dow, Dutremble, Erwin, Kany, Minkowsky, Najarian, Pearson, Pray, Trafton, Twitchell, Usher, Violette, Wood, The President-Gerard P. Conley.

NAY—Baldacci, Collins, Emerson, Gill, Hayes,

Hichens, McBreairty, Perkins, Shute, Teague.

ABSENT—Redmond, Sewall.

A Roll Call was had.

21 Senators having voted in the affirmative and 10 Senators in the negative, with 2 Senators being absent, the motion to Indefinitely Postpone Senate Amendment "D", Prevailed.

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

Senator VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate, very briefly and it was absolutely my intention to speak to this matter. I intended to introduce an amendment relative to the payments to municipalities. This amendment would have excluded the five hundred thousand dollars which would have been used for payment to municipalities in lieu of taxes. This is a concept which I'm very much opposed; it is my feeling that this is a beginning and that there will be substantial enlargement of this concept and an inclusion of other areas, such as non-profit organizations and the like, over the next years. It's not my intention to offer this amendment today. I'm somewhat displeased at my own action in this regard, but it will absolutely be my intention to try as best as I can to see to it, come next year, when this money is appropriated for that it is deappropriated. Thank you.

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

Senator PEARSON: Mr. President, Men and Women of the Senate, on the same subject in this particular Budget that provision that calls for five hundred thousand dollars to give to municipalities in lieu of taxes for State owned buildings, does not include university buildings, VTI buildings or Maine Maritime Academy buildings, and I think that that's an inequity.

If you are to say that Augusta should have money, because there are a lot of State buildings here; it is just as fair to say that Orono should have money because there are a lot of State buildings there.

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

Senator NAJARIAN: Mr. President, Members of the Senate, this proposal to set aside five hundred thousand for payment to municipalities in service fees was a proposal in the Part II Budget by the Governor and that proposal was in his budget because this was supported by the Maine Municipal Association and his Blaine House Conference on Business.

Be rationale. There are thirty-seven states currently that have some kind of payments to municipalities for State owned buildings and they're different formulas among these states for doing that. Sixteen have payments based on property evaluation; eight states share service costs; some have flat-rate payments, etc. But Maine, and Maine has chosen to distribute this money on a formula based on square footage of State owned buildings and that's because, I believe the State of Maine owns 10% of all of the total State evaluation of both tax and tax exempted property. The formula is devised so that it would be pro-rated based on 10% of the floor space of municipal buildings in that town. Over two hundred towns would receive some payment from this five hundred thousand dollars contrary to popular belief, not all the State owned buildings are in Augusta. For example, Thomaston has the State Prison; Presque Isle has a Regional of Human Services Office and there are these facilities all across the State, buildings of the Department of Transportation, etc., these require fire, police protection, snow removal, road maintenance, water and sewer lines, refuse disposal, and so forth, and the local citizens of those towns pay for those services through their Property Tax; however, the facility serves a much larger region. Sometimes, the State population; sometimes the whole region; however, only the people who live in those particular towns are paying for those services. For that

reason, it's an equitable thing to do.

On the question that Senator Pearson raised on the University. The reason the University is not covered is because they're not State owned buildings. Those buildings are owned by the University Board of Trustees; but, the University of Maine of Presque Isle pays fourteen hundred dollars to the town of Presque Isle for the President's home which is not on the campus;

Farmington pays thirty-eight hundred dollars in fire protection and ambulance service, and eighteen thousand to the city of Farmington that which is one-third of the cost of amortizing the sewer line;

Machias receives four hundred and fifty from the University there for ambulance service; and

Gorham receives seven thousand dollars for fire protection from the University there, and five hundred for ambulance service;

The University of Southern Maine pays nothing to the city of Portland; however, I understand that they are now currently negotiating;

Orono pays one hundred and fifteen thousand for fire protection to the town of Orono, sixteen thousand for solid waste disposal and pursuant to an arrangement with Old Town contributes twenty-six thousand to Old Town for the costs of educating the children of Orono faculty members who live in tax exempt University property. So I believe that the University is doing more than its fair share as compared to the State of Maine.

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

Senator KANY: Mr. President and Members of the Senate, I, too, am not too pleased with this particular provision and I'd just like to make two very brief comments.

One is that if the Capitol Complex, if the State House is not welcomed here in the city of Augusta unless it pays taxes than we certainly would welcome it in Waterville which, also, would be quite convenient for you all.

Secondly, I believe, I personally would rather see us get into a State policy in which we did not do so much leasing from private landlords throughout the State and thereby, pay Property Taxes as well as sometimes substantial profits such as we do throughout the city of Augusta and in many other communities in the State.

I, too, agree with Senator Violette of Aroostook in that, I certainly do not intend this to be a precedent.

Which Report was Passed to be Engrossed, in concurrence.

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

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

Senator PRAY: Mr. President, Ladies and Gentlemen of the Senate: I just want to pause for this moment after the action we have just taken and commend all members of this Chamber in the debate that has taken place. I think that it is commendable upon each and every member who partook in the debate and expressed their points of view as I think it carried out the tradition of this Senate in expressing and carrying out in a notable fashion a presentation of various positions on ideas of Government. It's a true reflection of a democracy at work, though, sides have not won all the issues that they're happy with and the proposal is not yet over, the debate, itself, was carried out in a commendable fashion. Thank you, Mr. President.

Enactor

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

An Act to Validate the Procedure for Selection of Members of the Maine Real Estate

Commission. (H. P. 1335) (L. D. 1775)

(In House, Passed to be Enacted on June 22, 1983)

(In Senate, Passed to be Enacted on June 22, 1983)

(Recalled from Governor's Desk pursuant to Joint Order—House Paper 1350)

The PRESIDENT: The Chair would advise the Senate that this Bill requires for its Passage, in accordance with Section 8, Part 1, Article 5 of the Constitution, the affirmative vote of two-thirds of those Senators present and voting.

The Chair will order a Division.

Will all those Senators in favor of Passage to be Enacted, please rise in their places to be counted.

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

31 Senators having voted in the affirmative, and No Senators having voted in the negative, and 31 being more than two-thirds of the Membership present and voting, L. D. 1775 was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

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

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)

(In Senate June 22, 1983, Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.)

(Comes from the House, House Insisted and Asked for Committee of Conference.)

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

Senator HICHENS: I move the Senate Insist and Join in a Committee of Conference.

The PRESIDENT: The Senator from York, Senator Hichens moves that the Senate Insist and Join in a Committee of Conference.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President and Members of the Senate, for sixteen years I have been a Member of the Citizens Advisory Committee for the blind and visually impaired; for ten years I have been a member of the Citizens Advisory Committee for the deaf and hearing impaired.

Today, those Joint Committees held special meetings and I was invited to a banquet tonight which I felt that I should attend having been a member of those committees for these several years, and while I was gone to that banquet which I discovered was held in my honor, in my honor alone, which I received this plaque which reads: The Maine Department of Human Services honors Senator Walter W. Hichens for his many years of dedicated service to Maine's citizens who are handicapped. Signed by: Michael R. Petit, Commissioner, and C. Owen Pollard, Director of Bureau of Rehabilitation, June 22, 1983.

I felt very honored, indeed, and when I came back to the Senate, I found out that while I was gone intentionally or unintentionally this Bill which had been on the Table for so long and has been Retabled day after day and it was Retabled this morning for later in today's session, was brought up without debate; it was defeated along Party lines. Unanimously defeated by all Democrat Members of this Senate, including two Members of the State Government Committee who had voted in favor of the Bill when it was in Committee.

I do not understand the reasons why these two members changed their vote nor why all of the other Democrat Members went along with them. I feel it is a blatant disregard for the town of Wells which is in my district. To turn down their offer for ten thousand dollars for the discarded building once owned by the State and used by the Maine State Police which has stood deteriorating for almost ten years and no one seemed to want it. The State had even been offered to purchase that property by private enterprises and refused it and then when the town showed interest, suddenly from the Executive Department we were told that several agencies were interested in it.

The Department Heads, all denied that they had any interest in that building, and yet, the Bill stayed on the Table. It was taken off the table today and defeated. I should think the people in the town of Wells should feel very hurt, indeed, that this request of theirs to purchase this building and use it and put it to good use as Police Headquarters was denied by this Senate.

I hope that you will go along with the House and let them Join in a Committee of Conference that this Bill may be ironed out and that these people may have due respect that is afforded to them.

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

Senator PRAY: Mr. President, Ladies and Gentlemen of the Senate: I want to truly, truly apologize to the Senator from York, Senator Hichens.

I have such a hard time keeping track of the twenty-three Democrats that I can't keep track of the ten Republicans as to when they're running in and out of the Chamber or going elsewhere around the State for speaking engagements or whatever else they may have.

Mr. President, I request leave of the Senate to withdraw my request for a Division on the motion of the Senator from York, Senator Hichens to Insist and Ask for a Committee of Conference.

The PRESIDENT: Senator Pray of Penobscot now requests Leave of the Senate to Withdraw his motion for a Division.

Is it the pleasure of the Senate to grant this leave?

It is a vote.

On motion by Senator Hichens of York the Senate voted to Insist and Join in a Committee of Conference.

Non-concurrent Matter

BILL, "An Act to Provide for Reapportionment of County Commissioner Districts" (H. P. 689) (L. D. 869)

(In Senate June 22, 1983 Passed to be Engrossed as Amended by House Amendment "A" (H-411) in concurrence.)

(Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-411) as Amended by House Amendment "B" (H-426) thereto in non-concurrence)

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

It is a vote.

(See Action Later Today.)

**Committee Reports
House**

Ought to Pass in New Draft Under New Title

The Committee on Taxation on BILL, "An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1983-84" (Emergency) (H. P. 617) (L. D. 765) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act Relating to Services of a Municipal Character in the Unorganized Territory" (Emergency) (H. P. 1344) (L. D. 1783)

Comes from the House with the Report Read and Accepted and the New Draft Passed to be Engrossed as Amended by House Amendment

"A" (H-429)

Which Report was Read and Accepted in concurrence.

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

House Amendment "A" (H-429) was Read.

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

Senator McBREAIREY: Mr. President and Honorable Members of the Senate, I think I'd be real remiss if I didn't speak briefly on this amendment.

Back in 1969 I think it was, we created the Maine Land Use Regulation Commission. The purpose and scope of the Commission was that: "the Legislature finds that it is desirable to extend principal sound planning, zoning and subdivision controls of the unorganized and deorganized townships of the State."

Unorganized and deorganized areas are described as: "unorganized and deorganized areas shall include all areas located within the jurisdiction of the State of Maine except areas located within organized cities and townships and Indian Reservations." It did not include organized townships and I don't know why that it included plantations, but I assume the reason is many people who were involved in passage of the Legislation didn't realize that plantations were municipalities and just as capable of looking after their business as your town or mine, but they were included.

For ten years, LURC was funded from the General Fund without any question. There's absolutely no provisions in LURC statutes to fund LURC from Property Tax because LURC does protect the public's interests. The biggest portion of their work is for the people of the State of Maine. It's not for plantations or even the unorganized territory.

About five years ago when the cost component was passed somebody decided that this was a great place to collect the funding for LURC in the cost component. There has been a great question as to whether that funding was legal because the service was not being provided only for the people of the unorganized; it was provided for the people of the State of Maine including forty-five or fifty towns and plantations, the islands off the coast of Maine, the public lands, the Allagash Waterway.

I have a news clipping that indicates that LURC was in on shore land zoning for South Portland last summer.

In the New Rivers Bill, LURC is going to carry out the functions of the Rivers Bill in the unorganized, indeed, DEP is going to carry it out, in the organized there's no provision for DEP to collect from the Property Tax of anybody.

Because of the reason that perhaps, what's been done is Unconstitutional; somebody got the idea if they charged the plantations and towns that come under LURC for this service that they didn't request, in most cases don't need, that it probably would make it Constitutional. I think it would be leaning the other way, because your town and mine does not have land use planning and zoning forced upon us with no say in the matter whatsoever, and this is what's been happening to the towns and plantations.

The Bill, as it was written authorized the Land Use Regulation Commission to send a bill to these towns and plantations. A few hours ago the Director of LURC was over here and he was really upset and pretty frantic because he didn't cherish the job of sending a bill to these plantations and towns, so he asked the Bill to be amended.

This amendment that was put on in the House will require the Treasurer of State to take the funding for these plantations from their Educational School Trust Fund. Their trust fund came to 1.4 million dollars and this was a trust fund setup by our forefathers for the education of the children in these plantations. The interest from that money has been going to their education.

Now, we've just passed a bill to create a new campus for the University of Maine in Lewiston at a cost of two million dollars and right off, we're suggesting with this amendment that we take the peddling little sum of interest that goes to these little small plantations; some of them have seven, to ten, to twenty-five people in them to provide a service that they don't need or can adequately provide for themselves if we'd only turn them loose and give them the chance. I've been in many of those plantations. I represent many of them, and believe me, many of them have done a much better job looking after their environment than our towns and many of our cities. I have no fear of allowing them to do their own thing.

I'm going to move Indefinite Postponement of this Bill and if that takes place, we'll offer another. Thank you.

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

Senator PEARSON: Mr. President, Men and Women of the Senate, I support Senator McBreairty and his attempt to kill this particular amendment and place his amendment on and I would hope that everybody else would, also.

The PRESIDENT: The Chair would like to state as to whether or not the good Senator from Aroostook moved the Indefinite Postponement of the Bill and all its Accompanying Papers or just the amendment?

Senator McBREAIRTY: Just the amendment.

The PRESIDENT: Just the House Amendment.

The Senator from Aroostook, Senator McBreairty has moved the Indefinite Postponement of House Amendment "A".

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: Mr. President and Members of the Senate, although I share some of the sentiments of the good Senator from Aroostook, Senator McBreairty, the issue that he raised before the Committee on whether it was proper for LURC to function under the Municipal Cost Component Bill. We resolved that by making LURC bill these towns. We solved his problem; unfortunately, to his frame of mind, we did not solve it the way he wanted to; but we solved it in a Constitutionally correct manner. Thirteen Members of the Committee agreed that that was the way to go because Senator McBreairty had made a good point and we agreed with it. We just disagreed with his method because his method was simply to let these towns out; that is a policy question that is not in the purview of the Committee on Taxation. We do not write Environmental Legislation. There is another committee that writes that. We write Tax Policy and so when we're thrown that issue from a Tax Policy point of view, the ways to correct that issue is to charge those towns. That agreement had been worked out with the Members of the Committee, and the Governor's Office, and the Department of Conservation and there was total agreement on that.

This morning, much to my shock and dismay, the head of LURC came over here and started lobbying. Lobbying, I think, without the permission of the Executive Branch of the State; without the knowledge of the Executive Branch to change something around. I, frankly, was very insulted that he did that. From my point of view, it did not matter whether the towns paid this or we took it from another dedicated fund. We still solved the problem correctly, Constitutionally. So, I have no qualms if you Indefinitely Postpone this amendment, but I would say, the problem has to be resolved; it has to be resolved from the Constitutionally correct way and it is not in the purview of our Committee to simply allow these towns out.

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

Senator PEARSON: Mr. President, Men and Women of the Senate, I am sorry that Senator Wood and I are on opposite sides of this particular amendment and the motion of Senator McBreairty.

I'm, also, further sorry that he feels that the people who run departments should not lobby when it comes to the interest of their particular departments and I remember when the late Governor Longley was here that all of us thought that it was too bad that he wouldn't allow the Department Heads to say the things that they thought were best for their department.

What happens under the Bill that is proposed without any amendment is this: Each one of those townships, municipalities, or whatever they are will be billed a fairly large amount of money a year and it will cause them to want to get out of LURC, just as they tried to get out of the Forestry District because they were, they felt, unfairly charged. So, what you will have is I think, an attempt, sometimes an illogical one to organize just because of a price tag and that's not a rational policy, in my opinion, so it was amended. Amended in the other Body; the amendment takes from a fund that it should not take from; was not dedicated to. Our forefathers didn't want it to go to and so that's why, I think, Senator McBreairty is right and we don't often agree.

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

Senator WOOD: Mr. President and Members of the Senate, I did not mean to imply that I object to lobbying by Department Heads, but this Bill, the Governor's Office and that Department was well represented at the hearing, we negotiated an agreement; we had many work sessions on it, and, I think, that that Department was aware of what was going on and worked on that settlement. What I resent, is when a settlement is reached, one member of that agreement, circumvents that agreement and that's what I resent. Not the lobbying from a Department Head; I have no objections in most instances where it is proper.

Secondly, the issue of whether this is an appropriate fund or not; it has been ruled recently in the last two or three years that this fund can be used for other purposes other than education. It is a sizeable amount of money in this fund; the interests alone, I think, last year was something around a hundred and eleven thousand dollars. I had the same reservations that the Senator from Penobscot had and I said this fund was established in 1824 for education. I feel a little uncomfortable in 1983 changing what was done in 1824, and I was assured from the research that the court, that there's been an advisory opinion that these funds can and are used for other purposes other than education.

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

Senator McBREAIRTY: Mr. President and Honorable Members of the Senate, forcing organized townships to accept planning and land use regulations from a planning board in Augusta without any say, whatever, I believe, and then charging them for it, is just as Unconstitutional as what's been going on. Your town and mine are not forced under these conditions. I've had several bills in here that would let these municipalities out from under, once they adopted a land use plan of their own as protective as LURC's. Now, that's more than your town and mine has to do because many of our towns don't have any land use planning.

Without land use planning, we have several laws that we have to comply with; it's pretty good protection now. We have the Site Location and Development Law; we have the Great Ponds Law; we have the Small Hydroelectric Generated Facility Law; we have the Coastal Wet Lands Law; we have the Minimum Lot Size; Mandatory Shore Lands Zoning; Solid Waste Management; Septic Requirements; Water Dis-

charged Permits, and some other kind of storage permit, Oil Terminal Licensing; Oil Tanks Storage Permits; Air Admission Permits and Licensing; Prevention of Significant Deterioration Program; Hazardous Waste Management Act. We have the Subdivision Law; we have Stream Alteration; we have the Plumbing Code. Now, any of our towns have to meet all of these laws and regulations, whether we be under LURC or whether we be under our own planning.

I don't think that these small towns some of them with not more than a dozen people will tear their town apart very fast, if we in some way, either pay for this out of the General Fund or let them out from under if they adopt regulations. I hope you will, Indefinitely Postpone this amendment.

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

Senator WOOD: Mr. President and Members of the Senate, I would point out to the good Senator and I think he is aware of it. On the bills that would allow these municipalities to get out, his bills, if he would look at the Roll Call, he would find that I supported him in those efforts. I voted to let those towns out, because I was aware of the problem from a taxation perspective, and if we'd let those towns out of taxation, taxation wouldn't have had to grabble with the issue.

But the issue that was before us was not an environmental issue; it was a taxation issue. The good Senator told us that it was inappropriate to take money from the General Fund to pay for these LURC services. He told us it was inappropriate and now he's saying that it's all right; that is not the issue; it is not proper to take these funds — zoning is something that comes out of the Property Tax, wherever you're located, and LURC duties in the unorganized come under the unorganized component which is the Property Tax. Outside of that, in those forty towns, it should not come out of the General Fund. Once you take it out of the General Fund you've raised the very legal issues that the Senator has been telling us all along. So you have to find some other way to fund those forty or so towns, that are not in the organized but yet under LURC, and it seemed appropriate to our Committee that they be funded the way every other town funds zoning, irregardless of who forces the zoning on them. That was not an issue for us. That is a policy question that this Legislature decided and once you decide that it seemed to us to make sense that it be on the Property Tax where every other town pays for their zoning, where the unorganized pays for their zoning.

I am somewhat surprised now that the good Senator wants it to come out of the General Fund. We have another way of doing it. There were basically three choices before the Committee: We could leave the present law the way it was and risk the Constitutional test and we felt uncomfortable with that; We could find a dedicated account and take care of the problem which this amendment addresses; We could charge the towns which the unanimous agreement of the Committee to do; or fourth we could let them all out. The Committee decided repeatedly that that was totally inappropriate for the Committee on Taxation to recommend letting these towns out because that is not a taxation issue.

The PRESIDENT: Is the Senate ready for the question? The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Aroostook, Senator McBreairty to Indefinitely Postpone House Amendment "A". 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 13 Senators having voted in the negative, the motion to Indefinitely Postpone House Amendment "A", Failed.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreairey. Senator McBREAIREY: I was going to ask for a Roll Call, but I guess I'm too late.

The PRESIDENT: The Chair has announced the vote.

On motion by Senator Pray of Penobscot, the Senate voted to Reconsider its action whereby on BILL, "An Act to Provide for Reapportionment of County Commissioner Districts," (H. P. 689) (L. D. 869) it voted to Recede and Concur with the House.

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

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

Senator COLLINS: Parliamentary inquiry, Mr. President. Has the Senate Adopted House Amendment "A"?

The PRESIDENT: The Chair would answer in the negative.

Is it now the pleasure of the Senate to Adopt House Amendment "A"?

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I request a Roll Call.

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

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

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

The Chair recognizes the Senator from Aroostook, Senator McBreairey.

Senator McBREAIREY: Mr. President and Honorable Members of the Senate, I'm going to be very brief this time.

I hope you all realize when you vote to adopt this amendment, you're voting to allow the Treasurer of State to take the interest money from the School Trust Fund that was set up many years ago and pay for a service that these people did not require; it's being forced on them, they have absolutely no say in the matter.

My problem in the past has been that this service has not been provided from the General Fund, but has been provided from the Property Tax from the unorganized territories. I have an opinion that indicates that providing that service from the Property Tax the unorganized territory was illegal. Thank you.

The PRESIDENT: The pending question before the Senate is the Adoption of House Amendment "A".

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Clark, Dutremble, Najarian, Teague, Trafton, Wood, The President Gerard P. Conley.

NAY—Baldacci, Brown, Bustin, Carpenter, Charette, Collins, Danton, Diamond, Dow, Emerson, Erwin, Gill, Hayes, Hichens, Kany, McBreairey, Minkowsky, Pearson, Perkins, Pray, Shute, Twitchell, Usher, Violette.

ABSENT—Redmond, Sewall.

A Roll Call was had.

7 Senators having voted in the affirmative and 24 Senators in the negative, with 2 Senators being absent, the Adoption of House Amendment "A" Failed, in non-concurrence.

The PRESIDENT: Is it now the pleasure of the Senate that Under Suspension of the Rules that this Bill be given its Second Reading at this time by Title Only?

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: May this Bill be Assigned for Second Reading Tomorrow morning.

The PRESIDENT: The Senator from Knox, Senator Collins moves that this Bill be given Second Reading the next Legislative Day.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, would it be proper to move that Rules be Suspended for the purpose of giving this Bill its Second Reading this evening at this time?

The PRESIDENT: The Chair would answer in the affirmative.

Senator PRAY: Mr. President, I so move.

The PRESIDENT: The Senator from Penobscot has made a motion out of Order having debated this motion.

On motion by Senator Pray of Penobscot, Tabled until later in today's session, pending Assignment for Second Reading.

Orders of the Day

On motion by Senator Bustin of Kennebec, the Senate voted to remove from the Table:

BILL, "An Act to Amend the Statutes Regarding Corrections" (H. P. 1339) (L. D. 1779), Tabled earlier in today's session on motion by Senator Bustin of Kennebec, pending Passage to be Engrossed.

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

Senator BUSTIN: I offer Senate Amendment "C" (S-226) and move its Adoption.

The PRESIDENT: The Senator from Kennebec, Senator Bustin offers Senate Amendment "C" and moves its Adoption.

Senate Amendment "C" (S-226) was Read and Adopted.

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

Sent down for concurrence.

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

BILL, "An Act Relating to Services of a Municipal Character in the Unorganized Territory" (H. P. 1344) (L. D. 1783) Tabled earlier in today's session, on motion by Senator Pray of Penobscot, pending Assignment for Second Reading.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1783 be given its Second Reading by Title Only?

It is a vote.

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

The Chair recognizes the Senator from Aroostook, Senator McBreairey.

Senator McBREAIREY: I offer Senate Amendment "A" and move its Adoption.

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

Senate Amendment "A" (S-223) was Read.

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

Senator WOOD: Mr. President and Members of the Senate, I have two questions that I would like to ask on this amendment of anyone who might care to answer.

One is, how will this amendment affect those forty or so towns that we've discussed? Where will the funds come from? If it is true that they will come from the General Fund, what does that do to the argument the good Senator from Aroostook raised, Senator McBreairey, saying that because they came from the General Fund that the LURC Appropriations were probably unconstitutional to the cost component?

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

Senator McBREAIREY: Mr. President and Honorable Members of the Senate, this amendment will not require the plantations and towns, organized towns to pay for the services they are receiving from LURC.

I realize there's a question as to the Consti-

tutionality of what we've been doing but we've been doing it for several years. I seriously question the Constitutionality of taking a few municipalities in the State of Maine force land used regulations and zoning on them by a zoning and planning board in Augusta, who holds public hearings completely outside of their area and then send them a bill. I believe that we, as a Legislature, will be in more trouble if we start sending bills to these plantations and towns, than we are now.

I'd hope we Adopt this amendment, our problems can be resolved some other way in the near future. Thank you.

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

Senator WOOD: Mr. President and Members of the Senate, I'm somewhat intrigued by the arguments of the good Senator from Aroostook raises because over the years when we said, "well, we've had this bill over and over again, let's keep passing it the way it is. We might have some problems with it but let's keep passing it." The good Senator has objected every time and said there was serious Constitutional questions that had to be resolved and now was the time to resolve them. He's come to our hearings repeatedly and I admired him for it and admired the diligence in which he went after this component and he raised those issues repeatedly on LURC and said it was unconstitutional and we should change it. It was not fair the way it was, and tonight, tonight to my surprise it's all right the way it is; let's let it be; let's not change it.

The Committee met in good faith; we worked long and hard on this issue; we tried to resolve it in a way that was Constitutional. We resolved it in a way that was Constitutional, not violating the policy questions that were appropriate to another committee. The way that we solved it was not to the liking of Senator McBreairey. I'm sorry for that; I wish there was another way but we knew that this was the Constitutionally correct way and now the Senator says, "regardless of whether it's Constitutional, it's going to hurt these towns so let's just go along with the way business is as usual."

The very argument that he has used repeatedly on this Bill is let's stop doing it as business as usual; let's start doing it the right way. We tried to do that and now he likes business as usual.

Mr. President, I move that this amendment be Indefinitely Postponed.

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

Senator McBREAIREY: Mr. President and Honorable Members of the Senate, if you people here tonight, feel that it would be proper and Constitutional to have a State agency in Augusta do your Land Use Planning and Zoning without even ever holding a meeting, or a hearing within the borders of your towns and sending you a bill for it, if you think that's proper and Constitutional, you want to vote to Indefinitely Postpone this amendment; because that's what being done to forty-five or fifty towns and plantations in this State that do belong to the State of Maine and have the same Constitutional rights as the rest of us.

I have neighboring towns that's more capable than my town to look after themselves, that's being regulated and zoned by the Land Use Regulation Commission. When they want to rezone, I've had towns that held town meetings; voted in opposition to rezoning; they were happy with the zoning they had. They would hold a meeting in Bangor, Augusta or Portland and rezone them then they had to go along with it. If you'd like that for your town; you think it is proper, why should we continue to do it for these towns. If you wouldn't like this for your town, we should pass this amendment and handle it some other way.

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

Senator WOOD: Mr. President, when the vote

is taken, I would request a Roll Call. All I would say to the good Senator from Aroostook, Senator McBreairty is that those issues how zoning is done, where the meetings are held are not the issue here. It is how that is to be funded. Zoning is appropriately a fund that comes out of your Property Tax base. If there are problems with the way zoning is being done, where the meetings are being held, those issues should be resolved by the Committee on Energy and Natural Resources. Those are policy questions.

In terms of what is Constitutionally correct and where it is appropriate for zoning to be funded, historically, it comes out of the Property Tax and that is what this Committee decided in terms of tax policy.

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

Senator PEARSON: Mr. President, Men and Women of the Senate, I come at this Bill from a different angle than Senator McBreairty. I hope you will vote for his amendment. What it does, it creates an administrative, extremely difficult administrative situation for the Land Use Regulation Commission. At one time or another everybody hates LURC, but I think that almost everybody realizes that it's necessary. What you're asking them to do is to serve as a bill collector and you will probably put them into a position of charging these towns a thousand dollars or whatever it is the bill will come to. They will be inclined to want to get out of LURC in some instances for, that very reason and that's not good policy. For that reason, I think, that Senator McBreairty is correct.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreairty. Senator McBREAIRTY: Has a Roll Call been asked?

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 Senate Amendment "A" be Indefinitely Postponed.

A Yes vote will be in a favor of Indefinite Postponement of Senate Amendment "A".

A No vote will be opposed.

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

ROLL CALL

YEA—Baldacci, Brown, Bustin, Carpenter, Charette, Clark, Collins, Danton, Dow, Dutremble, Erwin, Hayes, Hichens, Najarian, Pray, Teague, Trafton, Twitchell, Usher, Violette, Wood, The President Gerard P. Conley.

NAY—Diamond, Emerson, Gill, Kany, McBreairty, Minkowsky, Pearson, Perkins, Shute.

ABSENT—Redmond, Sewall.

Senator Collins of Knox was granted permission to change his vote from Yea to Nay.

Senator Carpenter of Aroostook was granted permission to change his vote from Yea to Nay.

Senator Hichens of York was granted permission to change his vote from Yea to Nay.

Senator Violette of Aroostook was granted permission to change his vote from Yea to Nay.

(Off Record Remarks)

Senator Hayes of Penobscot was granted permission to change his vote from Yea to Nay.

A Roll Call was had.

17 Senators having voted in the affirmative and 14 Senators in the negative, with 2 Senators being absent, the motion to Indefinitely Postpone Senate Amendment "A", Prevailed.

The Bill was Passed to be Engrossed in

non-concurrence.

Sent down for concurrence.

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

Committee Reports

House

Committee of Conference

The Committee of Conference* on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Encourage Prompt Resolution of Public Employee Labor Disputes" (H. P. 1267) (L. D. 1678) have had the same under consideration, and ask leave to report: that the House recede from its action whereby it failed to pass the bill to be engrossed; Indefinitely Postpone House Amendment "A" (H-333); Read and Adopt Conference Committee Amendment "A" (H-427) submitted herewith; and pass the bill to be engrossed as amended by Conference Committee Amendment "A" (H-427) that the Senate recede from passage to be engrossed; Read and Adopt Conference Committee Amendment "A" (H-427); and pass the bill to be engrossed as amended by Conference Committee Amendment "A" (H-427) in concurrence.

Signed on the part of the House:

DIAMOND of Bangor
MOHOLLAND of Princeton
CAHILL of Woolwich

On the part of the Senate:

DUTREMBLE of York
HAYES of Penobscot
DOW of Kennebec

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

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

Senator COLLINS: I request a Roll Call and urge the Senate to vote against the Acceptance of the Report.

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

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

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

The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Mr. President and Members of the Senate, you can believe that at 11:20 I will be very brief and I will mean it.

This is the Binding Arbitration Bill and it includes all public employees.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is Acceptance of the Committee of Conference Report.

A Yes vote will be in favor of Accepting the Committee of Conference Report.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Baldacci, Brown, Bustin, Carpenter, Charette, Danton, Diamond, Dow, Dutremble, Erwin, Hayes, Minkowsky, Najarian, Pearson, Pray, Trafton, Usher, Violette, Wood, The President Gerard P. Conley.

NAY—Clark, Collins, Emerson, Gill, Hichens, Kany, McBreairty, Perkins, Shute, Teague, Twitchell.

ABSENT—Redmond, Sewall.

A Roll Call was had.

20 Senators having voted in the affirmative and 11 Senators in the negative, with 2 Senators being absent, the motion to Accept the Committee of Conference Report, Prevailed.

Enactors

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

An Act Making Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1984, and June 30, 1985 (H. P. 1345) (L. D. 1784)

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

Senator COLLINS: I request a Roll Call.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those 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 Enactment of L. D. 1784.

A Yes vote will be in favor of the Enactment.

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

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

ABSENT—Redmond, Sewall.

A Roll Call was had.

23 Senators having voted in the affirmative and 8 Senators in the negative, with 2 Senators being absent, the Bill was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

(Senate at Ease)

The Senate called to Order by the President.

On motion by Senator Pray of Penobscot, Adjourned until 11 o'clock tomorrow morning.