

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 23, 1983

Senate called to order by the President.

Prayer by Father Thomas J. Joyce of St. Mary's Catholic Church of Augusta.

FATHER JOYCE: O God, we humbly ask Your blessing on all gathered here this morning. We pray for Your divine guidance and strength as we place ourselves in the presence of You, our creator, and never forgetting Your past blessings; we thank You for all of them.

We pray, in petition, that You'll watch over all in authority, that our State may always enjoy freedom, security and peace. We pray, today, with confidence and trust, protect us always, make us always aware of our dependence on You, and may all of our works begin with You and through You, be happily ended. Amen.

Reading of the Journal of yesterday.

**Order
Joint Resolution**

On motion by Senator PRAY of Penobscot the following Joint Resolution: (S. P. 634) (Cosponsor: Speaker Martin of Eagle Lake) 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, which has received all but final approval by the licensing board, to allow the plant 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 license amendment 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 Senate, 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 Penobscot, Senator Pray.

Senator PRAY: Mr. President, Ladies and Gentlemen of the Senate, for those of you who were here through the late hours of last evening's session and look at this morning's calendar and see this item and think it looks a little familiar, it is. It's the one I was waiting for and I was a little surprised last night when the other one appeared on the calendar.

This is a corrected version where on page two, the first paragraph is the addition to the resolution and it corrects a statement in reference to the application of a license before the NRC. This one is in its proper form. The other one which is in the other Body will be dealt with in an appropriate manner to allow this one here which is properly stated and addresses the issue more accurately.

I would hope that we would pass this one as we had the one last evening. Thank you, Mr. President.

Which was Adopted.

Sent down for concurrence.

**Orders of the Day
Unfinished Business
July 23, 1983**

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

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

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

Tabled — June 22, 1983 by Senator PRAY of Penobscot

Pending — Further Consideration

(In House, June 22, 1983, Passed to be Engrossed as Amended by House Amendment "A" (H-411) as Amended by House Amendment "B" (H-426) thereto in non-concurrence.)

(In Senate, June 22, 1983, Senate Receded and Concurred Subsequently, Reconsidered)

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

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

Communication
The Following Communication:
State of Maine
One Hundred and Eleventh Legislature
Local and County Government
June 24, 1983

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

The Committee on Local and County Government is pleased to report that it has completed all business placed before it by the first regular session of the 111th Legislature.

Total number of bills received:	78
Unanimous reports:	77
Leave to Withdraw	15
Ought Not to Pass	6
Ought to Pass	34
Ought to Pass as Amended	9
Ought to Pass in New Draft	14
Re-referred	1
Divided reports:	1

Respectfully submitted,
S/R. DONALD TWITCHELL
Senate Chairman

Which was Read.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, I would just draw your attention to supplement number one, the Communication from the Local and County Government Committee. I think that the Committee members and especially the Chair, Senator Don Twitchell is to be commended. When you look at the number of bills they received and the number of bills they kicked out with no action; they felt unnecessary, and especially the number of Divided Reports, dissension within the Committee at the bottom. I think that the Committee is to be congratulated on this effort.

Which was Ordered Placed on File.

(Off Record Remarks)

Ordered of the Day

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

BILL, "An Act to Provide for Reapportionment of County Commissioner Districts. (H. P. 689) (L. D. 869), Tabled earlier in today's session on motion by Senator Pray of Penobscot, pending Further Consideration.

On motion by Senator Pray of Penobscot, the Senate voted to Recede from its action whereby L. D. 869 was Passed to be Engrossed.

On further motion by the same Senator, the Senate voted to Recede from its action whereby it Adopted House Amendment "A" (H-411). House Amendment "B" (H-426) to House Amendment "A" (H-411) was Read.

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

The PRESIDENT: The Senator has the floor. Senator PRAY: I offer Senate Amendment "A" (S-257) to House Amendment "A" and move its Adoption.

The PRESIDENT: The Senator from Penobscot, Senator Pray offers Senate Amendment

"A" to House Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-257) to House Amendment "A" was Read.

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

Senator PRAY: Thank you, Mr. President, Mr. President, Ladies and Gentlemen of the Senate, first of all I appreciate your patience through the parliamentary procedure we have just gone through and I wish to inform you as to the intent of the amendment that is now pending the Adoption and the action that we have taken.

The House Amendment "B" which we Indefinitely Postponed provided that the Legislature would have the opportunity to Adopt the plan that was recommended by the Reapportionment Commission in reference to County Commissioners' Districts or that it would also have the option of Adopting its own plan, if it saw fit. Where this amendment differs from the House Amendment is in reference to the fact that it stated, House Amendment sponsored by the House Minority Leader stated: "that equal amounts of money would be appropriated for the two Major Political Parties for the purpose of the Apportionment." I believe that we have already had this issue addressed by the State Attorney General and an opinion was asked him as to whether or not if equal amounts, exact equal amounts was required under the Constitution. In his response, he stated that it was not required either by Constitution or by statute. I think to restrict either political party or to restrict reapportionment in such a way that both sides had to spend equal amounts of money, does not do the reapportionment requirements, the justice that is necessary.

I would hope that we would Adopt this Senate Amendment at this time which would allow the flexibility of the Reapportionment Commission to meet the demands that will be placed upon them.

Senate Amendment "A" to House Amendment "A" was Adopted.

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

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

Sent down for concurrence.

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

An Act to Stabilize Maine Potato Prices (H. P. 1271) (L. D. 1685)

Tabled — June 15, 1983 by Senator PRAY of Penobscot

Pending — Enactment (Roll Call Ordered)

(In Senate June 9, 1983 Passed to be Engrossed as Amended by Committee Amendment "A" (H-377) in concurrence)

(In House June 14, 1983 Passed to be Enacted)

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

Senator PRAY: I move the pending question.

The PRESIDENT: The pending question before the Senate is Enactment. A Roll Call has been ordered.

The Chair recognizes the Senator from Aroostook, Senator McBreaity.

Senator McBREAITY: Mr. President and Honorable Members of the Senate, I reluctantly rise in opposition to the Enactment of this Bill. I'm sure that the sponsors and the proponents of this Bill feel that it may help the potato farmers of the State of Maine.

I believe that I have more experience in producing potatoes and handling and shipping potatoes than any other member of the Maine Legislature. I produced potatoes for thirty years: I bought off the street and loaded and handled potatoes for ten of that thirty, along with my own.

I have serious problems with this Bill because it doesn't cover any other state but Maine. It creates a Board that will set the price every morning. As I pointed out awhile ago, we already have a potato report that comes out twice a day giving the prices of potatoes in the markets all over the nation. I don't see how this Board can use anything else but this report. If they make a mistake and they set the price too low that will probably be the price even though it could have gone higher. If they make a mistake and set the price high, people will either have to sit back and do absolutely no business, even though they want to, or pay a thousand dollars fine per load, if they ship under the price.

I have a news clipping here that was put on my desk by the Maine Canadian Legislative Advisory Office upstairs. It says, "Plans to create a Marketing Board for Eastern and Central Canada was put on hold last month by the National Farm Product Marketing Council. The Council was unable to resolve differences among provinces on how prices for farmers would be set while the proposed agency was being set up. Prince Edward Island balked at a proposal accepted by New Brunswick, Nova Scotia and Quebec and Ontario." Evidently, in Canada they're trying to set this up for the whole Canadian Provinces which might work. In Maine, we're just setting it up for the State of Maine and we'd be setting our price and letting everybody know what they would have to bid to be under it.

This Bill does not cover process growers who deliver potatoes for the State's processing plants. It does cover processors who ship out of State. This Bill doesn't cover handlers of russet type potatoes; it doesn't cover seed, or seed handlers. There is a large percentage of the potatoes that will be handled in Maine left out; a lot of percentage of the farmers will be left out which will put a high license fee on the remaining people.

The fee in this Bill is going to go from seventy-five dollars to five hundred. I'm sure it is going to require they say about eighty thousand dollars. I'm sure that many of the bigger farmers under this Bill will hit the five hundred dollar license fee with no more being in it than there will be.

This Bill as drafted, would require anyone who has a few rows of potatoes and want to put them in a bag and sell them beside the road to be licensed. I know that there was something read in the Record yesterday or the day before that says this is going to be fixed, but it isn't fixed now and legally when this Bill becomes Law, they will have to be licensed or they will be breaking the Law. With that, I will, I guess there has been a Roll Call asked for. Thank you very much.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, this Bill that originated among the farmers in Aroostook County, starting about the third or fourth day of April this year; those of you who may remember what happened, the price of potatoes was about three dollars a barrel, if you were lucky, around about the thirtieth of March. Then about the first or second of April, it went absolutely bunkers — right through the roof and it ended up about eight dollars a barrel, about forty-eight hours later. We stopped and took a look at what was going on or what had been going on prior to this and we found that there were forces at work and forces of evil if you will, at work in our industry.

I can't stand here and compete with the good Senator from Aroostook, Senator McBreaity in terms of years of experience of growing potatoes, never have been involved in the business of buying potatoes. I grew up on a farm and I farmed for about fifteen years with my father in quasi-partnership and I know how the business works. I know what hap-

pened all winter.

The good Senator from Aroostook talks about the potato report which comes out each day which tells what the price of potatoes is or should be. That's true, it does. It's called the John Boyles' Federal and State Market News Service. For three weeks before the first of April this year, John Boyles was saying, "Maine, yea ain't getting enough for your potatoes. Maine, Prince Edward Island is about three dollars a hundred weight ahead of you. Maine, New York is about three dollars a hundred weight ahead of you." We kept saying to the dealers, "look at it, it's right there! We should be getting more!" The dealers were saying, "We're offering three dollars, take it or leave it!" That's what happens!

This Bill, exactly as the good Senator from Aroostook says, we'll take the information that is gathered from the market place, from the John Boyles' Report, not picked out of the air, not pulled out of somebody's imagination. We will take the market factors and say, "Maine farmers, here's what you should be getting for your potatoes." It is, in my opinion, one of the best and most important bills that I have seen in this Legislature in nine years, as far as, the Aroostook County potato farmer is concerned. It prevents the nickle and dime and play the Frenchman in the Valley versus the Wasps in Southern Aroostook against each other game. It goes on day in and day out. I see it; I'm involved in it; I hear it; it happens — make no mistake about it. There was no excuse whatsoever. Over the past five years I can name to you ten or twelve instances when the market simply should have been stronger, and you've got a bunch of people up there who are farmers; who are disorganized; they don't know where to turn; they look at this Federal/State Market News Report and they say, "that's it, it should be more." They say to the dealer when the dealer calls or when they call him, "you really ought to give me more; the report says that Prince Edward Island or New York or Connecticut is getting more for their potatoes. That's what I'm offering, take it or leave it!" That's the way it works.

The good Senator from Aroostook says there will be a large number of potatoes left out; all potatoes going to the processors. That's exactly right. Unless you're selling off the street which is not that common, almost all potatoes going to the processors are covered by contract. Price is determined by contract a year in advance. They make their own contract; we don't want to interfere with that. We stayed right away from that.

The other potatoes that are left out are the so-called "Idaho russet"; you know, so-called "baking potato." Those people get a premium today. They've got no problems in their markets. They market well; they market successfully. While we were getting three dollars a barrel for the so-called "round white potato" which is what this Bill is directed at. They were getting a substantial premium on theirs. He talked about the road-side growers. I made a statement in the Record, yesterday. This Bill won't even go into effect, believe me, until the last road-side stand is closed down for the year, and if there is a problem, we can rectify that problem.

The Maine Potato Council, the Maine Potato Commission had a public hearing in Presque Isle with three hundred farmers there. The support was in the order of 95% of the farmers. Now the dealers don't like this Bill a bit. The dealers don't like this Bill a bit because it takes their real power away. About 95% of the farmers said, and you know what their opinion was? It can't be any worse than the way it is now! It can't be any worse than the nickle, dime games that are played now!

The good Senator from Oxford, the Chairman of the Agriculture Committee, and myself, and most of the members of that Committee flew to Presque Isle. We said, we'll go to Presque

Isle; we'll go to the County and see what they think a second time. We heard, other than if you exclude all the people named Smith that testified who I guess they've just about balanced each other about three for and three against, more people testified for the Bill than against. I went around afterwards and talked with the people and the only argument that was used against this Bill up there, I want to tell you is, that we were going to price ourselves out of the market. When our competitors were selling for four dollars a barrel; this Board was going to set a price at eight dollars a barrel because that's what we wanted to get and we would price ourselves out of the market. You read the Bill; that can't happen! They have to take the market figures as they exist in the market place at that time.

I would really urge your support for this Bill; it's a good Bill; it was a unanimous Committee Report out of the Committee on Agriculture and a lot of work and a lot of time has gone into this Bill. In my going around my District; this is the Bill that the farmers really think can help them. Thank you.

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

Senator DIAMOND: Thank you, Mr. President and Members of the Senate, this is honestly the last thing that I thought I'd be talking about when I was elected to the Senate and I can make a statement that I believe I have the least experience of any Member of the Senate in growing potatoes. I almost apologize for standing, except, there are other potato growers in the State of Maine, other than Aroostook County, and I don't want for a minute to do anything to damage those farmers who worked hard and the Committee whose worked hard on this Bill, but I've been getting calls from North Yarmouth, Gorham, Cumberland, Yarmouth and these potato growers are worried about this Bill and don't like it. I don't know exactly what the difference between their potato growing and those in Aroostook County because as I say, I know little about potato growing. I guess, I would like to point out that they feel, people who have called me, at least, and one of them their leader who spoke most eloquently unfortunately he's passed on; he was planning on talking with many of you in much greater detail and experience than I can, but just recently, he did die and he would have wanted you to know, I think, as the other people have called, that people on this end of the State, or at least in this one particular district in the State, including Gorham, as I say, don't like the Bill; only because they're worried it is going to hurt their efforts to make a living. I think the thing they mentioned the most was the Board setting the price, the minimum price setting. They felt that it's not going to help, in fact, it may hurt the efforts they're doing down here. Now someone with a greater deal of experience can explain why they wouldn't be hurt and I'd have to rely on that, but all I can tell you at this point is, these people don't like this Bill, and I think someone has to stand and speak for them and say, there's another side to this. Thank you, Mr. President.

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

Senator McBREAIRTY: Mr. President and Honorable Members of the Senate, both handling and selling potatoes requires good judgment. This Bill has a provision in it that says, "no member or alternate of the Boards, nor any employee, or agent thereof may be held personally responsible either individually or jointly with others in any way whatsoever to any handler or to any person for errors in judgment, mistakes, or other acts either of commission or omission as such member alternate, or employee except for acts of dishonesty."

When I raised potatoes and sold them, I sure would have hated to have my financial future

based on somebody else's judgment who is stationed here in an office in Augusta; because there's too many factors enters into this potato situation. Now, I am well aware of the meeting that was held in Presque Isle where a good group of farmers indicated at that time that they were in favor of something of this sort. As Senator Carpenter from Aroostook stated, this Bill was started in April. There wasn't hardly any time prior to that meeting for the farmers to realize exactly what this Bill does.

I have a neighbor who's probably, two Blackstone's, they're not brothers; they're cousins, their fathers were brothers, before them, and farmed the same farm. Probably two of the best farmers in the State of Maine. They don't just raise potatoes! They farm; they raise cattle; they raise hay; they raise oats; they raise hogs; they farm, like farmers use to farm. They went to that meeting and they put their hand up in favor. They called me the other day and says, we've had time to think this over, and we don't want this bill.

I have another friend who raise four or five hundred acres of potatoes; one of the better farmers in the State of Maine, and he has called me in opposition to this Bill.

I feel very comfortable as a Senator who represents a lot of farmers voting against this. If it passes, maybe I'll be proven wrong, but I'm going to be more comfortable going home, being able to say, I voted against it; then I would, if I voted for it. Thank you.

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

Senator WOOD: Mr. President and Members of the Senate, as one of the Members of the Committee on Agriculture, I'd only like to share a few thoughts with you this morning.

Over the years, and I've served on that Committee going on seven years, we have had many issues revolving around potatoes and in most of those hearings debate has been hot and heavy. I can remember in one instance when I was Acting Chairman that I had to break up a fight and it was not a fight; it was a physical fight, between the farmers. This time, though on this Bill the farmers were united, and I think it's the first time in the history of my tenure on that Committee that the farmers that raise potatoes in Aroostook County were united on an issue. That was reason enough alone for me to vote for it but then when we heard the arguments, I became convinced that there was a problem and the problem was the price. The good Senator from Aroostook, Senator McBreaarty talks about the price, now it's the financial future of those farmers being controlled down here in Augusta by some bureaucrat. Who is controlling the financial future of those farmers right now? They're not in control of it! It's being controlled by those dealers who are dictating prices that they know should be higher. One only has to look at that list that comes out morning after morning, and you see other parts of the country getting a high price on their potatoes and when the Maine farmers say why can't we get it, they say, take what we give you, or leave it. Is that what we want to be potato farmers? I think not!

Just since we talked about the farmers yesterday, when we discussed the Maine Milk Commission, these farmers deserve a fair price for their product. That product is a hard product to raise; it takes time and energy, and I think that this is a good Bill.

I am surprised at the comments that there are farmers in the other parts of the State that are somewhat concerned because all during the hearing, we heard very few farmers in other parts. Some of the farmers in other parts were a little concerned; some did not see that having much affect on them, but by and large, the majority and a substantial majority of farmers that we talked to wanted the Bill, urged us to support it. We took the unusual step of going to Presque Isle. It's so seldom that we get out of these hallowed halls and go to

where the people are that really want this Legislation. We flew up to Presque Isle, and the people there wanted it; and the people that wrote to us wanted it, and the Committee, I think Senator Erwin can attest to this; unanimous reports on our Committee come hard and this one came, and it was a unanimous report. I would urge you in fairness to these farmers to vote "Yes" on this Bill and finally let them control their financial life and let it not be controlled in forces that sometimes don't have a lot of sympathy for those farmers.

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

Senator USHER: Thank you, Mr. President. Mr. President, I'd like to throw a couple of questions through the Chair to any member of the Committee, seeing that I do represent a couple of potato growers in my district, that's Claude Daigle Potato Farm and Chartier out of Standish. Also, I know the grower over at Cape Elizabeth who supplies Humpty Dumpty. Also, I like Senator Diamond from Cumberland, the only connection I have with potatoes is eating potato chips and french fries, probably.

The Bill states FOB prices of Presque Isle, and an increase in the fees, I wonder if that will adjust to the likens of the Northern Potato Growers because we are small potato growers in the Southern part of the State, and it specifies Aroostook County again. I don't want to jeopardize the southern people. Also, when they create this membership of the Potato Council is the only consideration going to be given to the Northern people? There are a lot of growers in our area, and also Central Maine.

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

Senator CARPENTER: Mr. President, the reference in the Bill to FOB. I think it's fifty pounds bag Presque Isle, two inch minimum which is larger than which the average U. S. number one is. It's simply a bench mark and there will be other prices recommended higher and lower for different parts of the State for different packages, different grades and sizes. That's just one bench mark that is going to be sort of the standard from which to go.

I'm sure, especially if we put it in the Record that's our intent or talk to the Board once they're brought on board, that different standards will be set for different parts of the State. Obviously, because you have a large differential in freight costs that will make a large speck in the price.

As far as the make-up of the Board, I'm glad the Senator from Cumberland brought that up, Senator Usher, that is a concern. I would point out that these prices that we're talking about are not going to be established by Augusta bureaucrats. They're going to be established by what's called first handlers of potatoes; people who deal in potatoes. All right. This Board is going to be made-up of those people, and they will be establishing the price, and certainly consideration will be given to people in the Southern part of the State, because for example, I think, the good Senator from Cumberland, Senator Gill has one of the larger potato farmers in the State in her District, Bob Anderson, and one of the better potato farmers in the State. So, there are a large number, also, over in the Fryburg area. There's a rather large grower, but as the good Senator from York pointed out, if you are one of five, six dealers, in Presque Isle and Caribou, you can get any farmer, or you can get a large number of farmers to do anything you want, because you control their life today. You control their life today!

I have had probably ten farmers, since that hearing, say to me, "Gee, Mike, I don't know about this Bill; I'm not so sure about this Bill." I said, "okay, fine, tell me why?" Well because the price is going to do this, going to do that and I said, "where did you hear that?" Well, that's what I was told by so and so." That's what's happening! That's why the thing may have

turned around. These people are being scared to absolute death by the dealers and every time these people have come to me I traced it back and where did it go? Right back to a dealer. That they were told that the price was going to be a minimum of a dollar a hundred weight higher than any place else in the country to establish a premium for Maine potatoes. That's bunk! That's absolute bunk! That couldn't be done under this Bill.

This Bill simply takes the market conditions as they exists and says take those market conditions into effect. It's not the intent of anybody to put these potatoes where they can't be sold. Also, it will have a significant affect, I believe, over the long haul of the quality of Maine potato. One, because it licenses the handlers and two, because it sets that two inch minimum standard FOB, Presque Isle, Maine. It sets a standard of quality higher than what is in existence today and we hear a lot of complaints I hear a lot of complaints from fellow Senators about the quality of Maine potatoes.

I hope that answers the questions, of the Senator from Cumberland, and I'll just say on the Record that if this Bill passes and this Board is created, he has somebody that he thinks, I think, probably ought to be somebody from Southern Maine because of that balance, because of that difference, I would certainly be glad to carry that person's name to the Commissioner and try to get that person taken into consideration. Thank you.

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

Senator McBREAIRTY: Mr. President and Honorable Members of the Senate, I'm going to speak briefly, once more.

Twice, I've seen the price set for potatoes in the State of Maine. Once, by the Federal Government during the support years and nearly every potato in Aroostook County was dumped in the field. I saw NFO, National Farmers Organization, I guess it was called, try setting the price. While they were holding their potatoes for higher prices, the people who were on their own, got rid of theirs and did much better.

One of the things that influence the price of potatoes in the State of Maine or any state in the Union, as much as anything is the Federal Stock-on-Hand Report which comes out several times during the year.

One of the greatest disasters we have had, price wise, in the State of Maine has been when that report was set much too high by bad judgment by somebody at the Federal level. We sold our potatoes cheap all year after the season was over, they rehid their figures and said, "sorry people, we made a terrible mistake. You didn't have nearly as many potatoes as we thought you had." And that was it!

Now this same thing could happen with this Board.

The PRESIDENT: Is the Senate ready for the question.

The pending question before the Senate is the Enactment of L. D. 1685.

A Yes vote will be in favor of 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, Dow, Emerson, Erwin, Hayes, Kany, Minkowsky, Najarian, Pearson, Pray, Teague, Trafton, Twitchell, Usher, Violette, Wood, The President—Gerard P. Conley.

NAY—Collins, Diamond, Dutremble, Gill, McBreairty, Perkins, Sewall, Shute.

ABSENT—Danton, Hichens, Redmond.

Senator Usher of Cumberland was granted permission to change his vote from Yea to Nay.

21 Senators having voted in the affirmative and 9 Senators in the negative, with 3 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.

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

An Act to Establish the Medical Radiation Health and Safety Act (H. P. 904) (L. D. 1183)

Tabled — June 16, 1983 by Senator PRAY of Penobscot

Pending — Enactment

(In Senate June 15, 1983 Passed to be Engrossed as Amended by Committee Amendment "A" (H-389) as Amended by Senate Amendment "A" (S-207) thereto)

(In House June 16, 1983 Passed to be Enacted)

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

Senator PRAY: I move the pending question.

Which 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.

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

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

Recess

After Recess

The Senate called to Order by the President.

The PRESIDENT: The Chair will appoint as conferees on the part of the Senate, on 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)

Senators: Violette of Aroostook
Clark of Cumberland
Pray of Penobscot

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

BILL, "An Act to Amend the Municipal General Assistance Reimbursement Law" (Emergency) (H. P. 881) (L. D. 1135)

Ought to Pass in New Draft

The Committee on Local and County Government on BILL, "An Act to Increase the Per Diem for County Commissioners Who Hire a Full-time County Administrator" (H. P. 1119) (L. D. 1476) Reported that the same Ought to Pass in New Draft under same title (H. P. 1351) (L. D. 1786).

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

Which Report was Read and Accepted, in concurrence.

The Bill in New Draft, Read Once.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1476 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.

Sent forthwith to the Engrossing Department.

Divided Report

The Majority of the Committee on Taxation on BILL, "An Act to Restructure the Personal and Corporate Income Tax System" (H. P. 1189) (L. D. 1585)

Reported that the same Ought to Pass in New Draft under New Title, Bill, An Act to Reform the Corporate Income Tax and to Adjust the Cigarette Tax (H. P. 1352) (L. D. 1787)

Signed:

Senators:

WOOD of York

Representatives:

HIGGINS of Portland

ANDREWS of Portland

CASHMAN of Old Town

KANE of South Portland

KILCOYNE of Gardiner

McCOLLISTER of Canton

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

Signed:

Senators:

TWITCHELL of Oxford

TEAGUE of Somerset

Representatives:

BROWN of Bethel

INGRAHAM of Houlton

MASTERMAN of Milo

DAY of Westbrook

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

Which Reports were Read.

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

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

The PRESIDENT: The Senator from York, Senator Wood moves that L. D. 1585 and all accompanying papers be Indefinitely Postponed.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President I would be interested in the reasons that the Chairman of the Taxation Committee might have for postponing this. I note that there are two reports. One of which he heads and I had heard some discussion about the possibility of this Bill being held over because of funding uncertainties. I would appreciate any light that he might give us on that.

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

The Chair recognizes the Senator from York, Senator Wood.

Senator WOOD: Mr. President and Members of the Senate I will be making a motion to hold over another bill which has to do with income tax conformity, but this bill is on the corporate tax which is already incorporated into the Part II Budget, and is no longer necessary.

On motion by Senator Wood of York the Senate voted to Indefinitely Postpone L. D. 1585 in concurrence.

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

Papers from the House

Non-concurrent Matter

JOINT RESOLUTION Requesting Action to Prevent Further Accumulation or Storage of Spent Nuclear Fuel Within the State Beyond the Amount Presently Licensed (S. P. 632)

(In Senate June 22, 1983 Read and Adopted.)

(Comes from the House, Indefinitely Postponed in non-concurrence.)

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

It is a vote.

House Papers

BILL, "An Act to Provide for the Use of Major Credit Cards at State Liquor Stores" (H. P. 1340) (L. D. 1780)

Reference to the Committee on Business Legislation suggested.

Comes from the House, Indefinitely Postponed.

The PRESIDENT: Is it now the pleasure of the Senate to Indefinitely Postpone L. D. 1780 in concurrence?

It is a vote.

BILL, "An Act to Amend the Time During which Municipal Caucuses may be Held." (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (H. P. 1348) (L. D. 1790)

Reference to the Committee on Election Laws suggested.

Comes from the House Passed to be Engrossed without reference to a committee.

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

Enactors

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

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

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

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

Comes from the House Failing of Passage to be Enacted.

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

Senator COLLINS: Mr. President if the pending action is Enactment, I would 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 Enactment of L. D. 1678.

A Yes vote will be in favor of 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, Charette, Diamond, Dutremble, Erwin, Hayes, Minkowsky, Najarian, Pearson, Pray, Trafton, Usher, Violette, Wood, The President-Gerard P. Conley.

NAY—Clark, Collins, Danton, Dow, Emerson, Gill, Hichens, Kany, McBreairty, Perkins, Sewall, Shute, Teague, Twitchell.

ABSENT—Carpenter, Redmond.

A Roll Call was had.

17 Senators having voted in the affirmative and 14 Senators in the negative, with 2 Senators being absent, the Bill was Passed to be Enacted and having been signed by the President.

Sent down for concurrence.

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

Communications

The Following Communication:

One Hundred and Eleventh Legislature Committee on Health and

Institutional Services

June 23, 1983

The Honorable Gerard P. Conley
President of the Senate
111th Legislature
Dear President Conley:

We are pleased to report that all business which was placed before the Committee on Health and Institutional Services during the first regular session of the 111th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	69
Unanimous reports	56
Ought to pass	2
Leave to Withdraw	28
Ought not to pass	1
Ought to pass as amended	13
Ought to pass in new draft	12
Divided reports	13

Respectfully submitted,
S/BEVERLY M. BUSTIN

Senate Chair

S/MERLE NELSON

House Chair

Which was Read and Ordered Placed on File.

(Off Record Remarks)

The Following Communication:

**State of Maine
Senate Chamber
President's Office
Augusta, Maine 04333**

June 24, 1983

Honorable Joy J. O'Brien
Secretary of the Senate

State House

Augusta, Maine 04333

Dear Madam Secretary:

I am pleased to authorize and direct you to serve on a full-time basis when the 111th Legislature is not in regular or special session, as provided in Section 22 of Title 3 of the Maine Revised Statutes Annotated.

Sincerely,
S/GERARD P. CONLEY
President of the Senate

Which was Read and Ordered Placed on File.

The Following Communication:

**State of Maine
Senate Chamber
President's Office
Augusta, Maine 04333**

June 24, 1983

Honorable Joy J. O'Brien
Secretary of the Senate

State House

Augusta, Maine 04333

Dear Madam Secretary:

I am pleased to authorize and direct Valerie Mitchell to serve on a full-time basis when the 111th Legislature is not in regular or special session, as provided in Section 22 of Title 3 of the Maine Revised Statutes Annotated.

Sincerely,
S/GERARD P. CONLEY
President of the Senate

Which was Read and Ordered Placed on File.

The Following Communication:

**State of Maine
House of Representatives
Augusta 04333**

June 23, 1983

Honorable Joy J. O'Brien
Secretary of the Senate

111th Legislature

Augusta, Maine 04333

Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on RESOLVE, Authorizing the Conveyance of a Certain Unused Build-

ing and Land Owned by the State to the Town of Wells for \$10,000 (H. P. 1024) (L. D. 1325)
Representative GWADOSKY of Fairfield
Representative ROLDE of York
Representative WENTWORTH of Wells

Sincerely,

S/EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

**Committee Reports
House**

Divided Report

The Majority of the Committee on Taxation on BILL, "An Act Providing for Conformity with the United States Internal Revenue Code" (H. P. 359) (L. D. 417)

Reported that the same Ought to Pass in New Draft under same title (H. P. 1353) (L. D. 1788)

Signed:

Senator:

WOOD of York

Representatives:

HIGGINS of Portland

ANDREWS of Portland

CASHMAN of Old Town

KANE of South Portland

KILCOYNE of Gardiner

McCOLLISTER of Canton

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass in New Draft under same title (H. P. 1354) (L. D. 1789)

Signed:

Senators:

TWITCHELL of Oxford

TEAGUE of Somerset

Representatives:

BROWN of Bethel

DAY of Westbrook

INGRAHAM of Houlton

MASTERMAN of Milo

Comes from the House with the Majority Ought to Pass in New Draft under same title (H. P. 1353) (L. D. 1788) Report Read and Accepted and the New Draft Passed to be Engrossed.

Which Reports were Read.

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

Senator WOOD: Mr. President, I move that L. D. 417 be Recommitted to the Committee on Taxation.

The PRESIDENT: The Senator from York, Senator Wood moves that L. D. 417 be Recommitted to the Committee on Taxation.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I believe that this is the Tax Uniformity Bill and the difference between the two drafts, as I understand it is nearly a million two hundred thousand dollars in expected costs.

It seems to me that this is an important Bill and recognizing the realities of the votes in this situation I would concur with the judgment of the Chairman of the Taxation Committee that it would be well to keep this Bill alive, that there may be a chance at a future time that a greater funding so that the small businessman in Maine, the individual and the sub-chapter "S" corporations, treated like a partnership, would have available the benefits of Federal Tax Law. Thank you, Mr. President.

On motion by Senator Wood of York, Recommitted to the Committee on Taxation, in non-concurrence.

Sent down for concurrence.

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

Communication

The Following Communication:

**State of Maine
One Hundred and Eleventh Legislature
Committee on Appropriations**

and Financial Affairs

June 23, 1983

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

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

Total number of bills received	92
Unanimous reports	85
Ought to Pass	9
Ought to Pass as Amended	18
Ought to Pass in New Draft	11
Ought Not to Pass	13
Leave to Withdraw	28
Referred to Another Committee	6
Divided Reports	3
Carried Over to 2nd Regular Session	4

Respectfully submitted,
S/MARY NAJARIAN
Senate Chairman

Which was Read and Ordered Placed on File.

(Off Record Remarks)

Enactor

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

An Act to Provide for the Negotiation of Union Security Provisions. (S. P. 267) (L. D. 812)

Comes from the House, Bill and Accompanying Papers Recommended to the Committee on Labor.

On motion by Senator Pray of Penobscot, Recommended to the Committee on Labor, in concurrence.

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 Limit the Storage of Spent Fuel at Nuclear Reactor Facilities." (H. P. 314) (L. D. 373)

(Recalled from the Governor's Desk pursuant to Joint Order (H. P. 1249).)

(In House, May 12, 1983, Passed to be Enacted.)

(In Senate, May 12, 1983, Passed to be Enacted.)

(Comes from the House, Bill and Accompanying Papers Recommended to the Committee on Energy and Natural Resources in non-concurrence.)

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

It is a vote.

Non-concurrent Matter

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

(Recalled from the Governor's Desk pursuant to Joint Order (H. P. 1341))

(In House, June 10, 1983, Passed to be Enacted.)

(In Senate, June 10, 1983, Passed to be Enacted.)

Comes from the House, Bill and Accompanying Papers Recommended to the Committee on Taxation in non-concurrence.

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

It is a vote.

Communications

The Following Communication:

**One Hundred and Eleventh Legislature
Committee on Aging, Retirement
and Veterans**

The Honorable Gerard P. Conley

President of the Senate
State House
Augusta, Maine 04333

Dear President Conley:

The Committee on Aging, Retirement and Veterans is pleased to report that it has completed all business placed before it by the First Regular Session of the 111th Legislature.

Total number of bills received	29
Unanimous reports	26
Leave to Withdraw	10
Ought Not to Pass	2
Ought to Pass	8
Ought to Pass as Amended	3
Ought to Pass New Draft	2
Referred to another Committee	1
Divided Reports	2
Carry Over Bill	1

Respectfully submitted,
S/CHARLES G. DOW
Senate Chairman

Which was Read and Ordered Placed on File.

(Off Record Remarks)

The Following Communication:

**One Hundred and Eleventh Legislature
Committee on Taxation**

The Honorable Gerard P. Conley

President of the Senate
State House
Augusta, Maine

Dear Mr. President:

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

Total number of bills received	125
Unanimous reports	106
Ought to Pass	1
Ought to Pass as Amended	6
Ought to Pass in New Draft	11
Ought Not to Pass	9
Leave to Withdraw	79
Divided reports	17
Carry-over bills	2

Respectfully submitted,
S/FRANK P. WOOD
Senate Chairman

Which was Read and Ordered Placed on File.

(Off Record Remarks)

Orders of the Day

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

An Act to Establish a Sign on the Maine Turnpike to Guide Visitors to Norway, South Paris, and the Oxford Hills Region (H. P. 75) (L. D. 80)

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

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

An Act to Remove the Requirement that Farm Vehicles have a Fuel Use Decal (H. P. 427) (L. D. 509) (Emergency)

This being an emergency measure and having received the affirmative votes of 31 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.

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

An Act to Adjust Certain Motor Vehicle Title Fees (H. P. 1304) (L. D. 1832)

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

On motion by Senator Najarian of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act to Provide a Statewide Office of School Volunteer Programs (H. P. 386) (L. D. 469)

On motion by Senator Najarian of Cumberland the Senate voted to Suspend its Rules.

On further motion by the Senator, the Senate voted to Reconsider its action whereby L. D. 469 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor. Senator NAJARIAN: I now present Senate Amendment "A" to L. D. 469 under filing number S-228 and move its Adoption.

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

Senate Amendment "A" (S-228) was Read and Adopted.

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

Sent down for concurrence.

On motion by Senator Najarian of Cumberland the Senate voted to remove from the Special Appropriations Table:

RESOLVE, Directing the Department of Marine Resources to Erect a Fishway on the Orange River in Whiting, Washington County (H. P. 420) (L. D. 503)

On motion by Senator Najarian of Cumberland the Senate voted to Suspend its Rules.

On further motion by the Senator, the Senate voted to Reconsider its action whereby L. D. 503 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor. Senator NAJARIAN: I now present Senate Amendment "A" to L. D. 503 under filing number S-258 and move its Adoption.

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

Senate Amendment "A" (S-258) was Read and Adopted.

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

Sent down for concurrence.

On motion by Senator Najarian of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act to Promote Work-site High Blood Pressure Programs for Maine Workers (S. P. 284) (L. D. 872)

On motion by Senator Najarian of Cumberland the Senate voted to Suspend its Rules.

On further motion by the Senator, the Senate voted to Reconsider its action whereby L. D. 872 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor. Senator NAJARIAN: I now present Senate Amendment "A" to L. D. 872 under filing number S-230 and move its Adoption.

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

Senate Amendment "A" (S-230) was Read and Adopted.

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

Sent down for concurrence.

On motion by Senator Najarian of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act to Extend and Amend the Statute Entitled Purchase of Foodstuffs from Maine Concerns (H. P. 710) (L. D. 901)

On motion by Senator Najarian of Cumberland the Senate voted to Suspend its Rules.

On further motion by the Senator, the Senate voted to Reconsider its action whereby L. D. 901 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor. Senator NAJARIAN: I now present Senate Amendment "A" to L. D. 901 under filing number S-231 and move its Adoption.

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

Senate Amendment "A" (S-231) was Read and Adopted.

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

Sent down for concurrence.

On motion by Senator Najarian of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act Appropriating Funds for Independent Living Services for the Disabled (S. P. 316) (L. D. 952)

On motion by Senator Najarian of Cumberland the Senate voted to Suspend its Rules.

On further motion by the Senator, the Senate voted to Reconsider its action whereby L. D. 952 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor. Senator NAJARIAN: I now present Senate Amendment "A" to L. D. 952 under filing number S-232 and move its Adoption.

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

Senate Amendment "A" (S-232) was Read and Adopted.

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

Sent down for concurrence.

On motion by Senator Najarian of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act to Extend Consumers Freedom of Choice Regarding Insured Mental Health Services (H. P. 743) (L. D. 955)

On motion by Senator Najarian of Cumberland the Senate voted to Suspend its Rules.

On further motion by the Senator, the Senate voted to Reconsider its action whereby L. D. 955 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor. Senator NAJARIAN: I now present Senate Amendment "C" to L. D. 955 under filing number S-233 and move its Adoption.

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

Senate Amendment "A" (S-233) was Read and Adopted.

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

Sent down for concurrence.

On motion by Senator Najarian of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act to Address School Failure in Kindergarten and Early Elementary Grades (H. P. 1066) (L. D. 1404)

On motion by Senator Najarian of Cumberland the Senate voted to Suspend its Rules.

On further motion by the Senator, the Senate voted to Reconsider its action whereby L. D. 1404 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor. Senator NAJARIAN: I now present Senate Amendment "A" to L. D. 1404 under filing number S-238 and move its Adoption.

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

Senate Amendment "A" (S-238) was Read and Adopted.

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

Sent down for concurrence.

On motion by Senator Najarian of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act to Equitably Share the Cost of Police Training (H. P. 1075) (L. D. 1407)

On motion by Senator Najarian of Cumberland the Senate voted to Suspend its Rules.

On further motion by the Senator, the Senate voted to Reconsider its action whereby L. D. 1407 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor. Senator NAJARIAN: I now present Senate Amendment "A" to L. D. 1407 under filing number S-239 and move its Adoption.

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

Senate Amendment "A" (S-239) was Read and Adopted.

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

Sent down for concurrence.

On motion by Senator Najarian of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act Concerning State Assistance to Areas Affected by Non-English Speaking Immigrants and Refugees (S. P. 532) (L. D. 1555)

On motion by Senator Najarian of Cumberland the Senate voted to Suspend its Rules.

On further motion by the Senator, the Senate voted to Reconsider its action whereby L. D. 1555 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor. Senator NAJARIAN: I now present Senate Amendment "A" to L. D. 1555 under filing number S-242 and move its Adoption.

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

Senate Amendment "A" (S-242) was Read and Adopted.

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

Sent down for concurrence.

On motion by Senator Najarian of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act to Amend the Adult Protective Services Act (S. P. 536) (L. D. 1562)

On motion by Senator Najarian of Cumberland the Senate voted to Suspend its Rules.

On further motion by the Senator, the Senate voted to Reconsider its action whereby L. D. 1562 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor. Senator NAJARIAN: I now present Senate Amendment "B" to L. D. 1562 under filing number S-260 and move its Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Najarian offers Senate Amendment "B" and moves its Adoption.

Senate Amendment "B" (S-260) was Read and Adopted.

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

Sent down for concurrence.

On motion by Senator Najarian of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act to Rejuvenate the Fishing Industry in Maine (S. P. 575) (L. D. 1652)

On motion by Senator Najarian of Cumberland the Senate voted to Suspend its Rules.

On further motion by the Senator, the Senate voted to Reconsider its action whereby L. D. 1652 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor. Senator NAJARIAN: I now present Senate Amendment "A" to L. D. 1652 under filing number S-247 and move its Adoption.

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

Senate Amendment "A" (S-247) was Read and Adopted.

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

Sent down for concurrence.

On motion by Senator Najarian of Cumberland the Senate voted to remove from the Spe-

cial Appropriations Table:

An Act to Insure State Enforcement of Equal Opportunity in State-supported Educational Programs (H. P. 1241) (L. D. 1653)

On motion by Senator Najarian of Cumberland the Senate voted to Suspend its Rules.

On further motion by the Senator, the Senate voted to Reconsider its action whereby L. D. 1653 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor.

Senator NAJARIAN: I now present Senate Amendment "A" to L. D. 1653 under filing number S-248 and move its Adoption.

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

Senate Amendment "A" (S-248) was Read and Adopted.

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

Sent down for concurrence.

On motion by Senator Najarian of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act Concerning the Agricultural Use of Sludge (H. P. 1248) (L. D. 1662)

On motion by Senator Najarian of Cumberland the Senate voted to Suspend its Rules.

On further motion by the Senator, the Senate voted to Reconsider its action whereby L. D. 1662 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor. Senator NAJARIAN: I now present Senate Amendment "A" to L. D. 1662 under filing number S-249 and move its Adoption.

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

Senate Amendment "A" (S-249) was Read and Adopted.

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

Sent down for concurrence.

On motion by Senator Najarian of Cumberland the Senate voted to remove from the Special Appropriations Table:

RESOLVE to Establish a Maine Commission to Examine the Availability, Quality and Delivery of Services Provided to Children with Special Needs (H. P. 1251) (L. D. 1664)

On motion by Senator Najarian of Cumberland the Senate voted to Suspend its Rules.

On further motion by the Senator, the Senate voted to Reconsider its action whereby L. D. 1664 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor.

Senator NAJARIAN: I now present Senate Amendment "A" to L. D. 1664 under filing number S-250 and move its Adoption.

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

Senate Amendment "A" (S-250) was Read and Adopted.

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

Sent down for concurrence.

On motion by Senator Najarian of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act to Assure Public Awareness of Nuclear Civil Protection Plans for Maine (H. P. 1266) (L. D. 1677)

On motion by Senator Najarian of Cumberland the Senate voted to Suspend its Rules.

On further motion by the Senator, the Senate voted to Reconsider its action whereby L. D. 1677 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor. Senator NAJARIAN: I now present Senate Amendment "B" to L. D. 1677 under filing number S-251 and move its Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Najarian offers Senate Amendment "B" and moves its Adoption.

Senate Amendment "B" (S-251) was Read and Adopted.

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

On motion by Senator Najarian of Cumberland the Senate voted to remove from the Special Appropriations Table:

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

On motion by Senator Najarian of Cumberland the Senate voted to Suspend its Rules.

On further motion by the Senator, the Senate voted to Reconsider its action whereby L. D. 1684 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor. Senator NAJARIAN: I now present Senate Amendment "A" to L. D. 1684 under filing number S-252 and move its Adoption.

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

Senate Amendment "A" (S-252) was Read and Adopted.

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

Sent down for concurrence.

On motion by Senator Najarian of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act to Provide Equitable Health Care for Alcoholism and Drug Dependency Treatment (H. P. 1293) (L. D. 1714)

On motion by Senator Najarian of Cumberland the Senate voted to Suspend its Rules.

On further motion by the Senator, the Senate voted to Reconsider its action whereby L. D. 1714 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor.

Senator NAJARIAN: I now present Senate Amendment "A" to L. D. 1714 under filing number S-253 and move its Adoption.

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

Senate Amendment "A" (S-253) was Read and Adopted.

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

Sent down for concurrence.

On motion by Senator Najarian of Cumberland the Senate voted to remove from the Special Appropriations Table:

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

On motion by Senator Najarian of Cumberland the Senate voted to Suspend its Rules.

On further motion by the Senator, the Senate voted to Reconsider its action whereby L. D. 1718 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor. Senator NAJARIAN: I now present Senate Amendment "B" to L. D. 1718 under filing number S-254 and move its Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Najarian offers Senate Amendment "B" and moves its Adoption.

Senate Amendment "A" (S-254) was Read and Adopted.

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

Sent down for concurrence.

On motion by Senator Najarian of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act to Establish the Maine Environmental Protection Fund (H. P. 1327) (L. D. 1762)

On motion by Senator Najarian of Cumberland the Senate voted to Suspend its Rules.

On further motion by the Senator, the Senate voted to Reconsider its action whereby L. D. 1762 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor.

Senator NAJARIAN: I now present Senate

Amendment "A" to L. D. 1762 under filing number S-255 and move its Adoption.

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

Senate Amendment "A" (S-255) was Read and Adopted.

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

Sent down for concurrence.

On motion by Senator Najarian of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act to Change the Treatment of Certain Sales under the Sales Tax Law (S. P. 627) (L. D. 1766)

On motion by Senator Najarian of Cumberland the Senate voted to Suspend its Rules.

On further motion by the Senator, the Senate voted to Reconsider its action whereby L. D. 1766 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor. Senator NAJARIAN: I now present Senate Amendment "B" to L. D. 1766 under filing number S-259 and move its Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Najarian offers Senate Amendment "B" and moves its Adoption.

Senate Amendment "B" (S-259) was Read and Adopted.

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

Sent down for concurrence.

On motion by Senator Najarian of Cumberland the Senate voted to remove from the Special Appropriations Table:

RESOLVE, Approving the 1983 Draft and Arrangement of the Constitution of Maine Made by the Chief Justice of the Supreme Judicial Court and Providing for its Publication and Distribution (S. P. 180) (L. D. 547)

On motion by Senator Najarian of Cumberland the Senate voted to Suspend its Rules.

On further motion by the Senator, the Senate voted to Reconsider its action whereby L. D. 547 was Passed to be Engrossed.

On further motion by the same Senator, the Senate voted to further Suspend its Rules.

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 NAJARIAN: Mr. President, I present Senate Amendment "A" to Committee Amendment "A" under filing number S-229 and move its Adoption.

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

Senate Amendment "A" (S-229) to Committee Amendment "A" was Read and Adopted.

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

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

Sent down for concurrence.

On motion by Senator Najarian of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act Relating to the Education of Dependent Children (H. P. 879) (L. D. 1133)

On motion by Senator Najarian of Cumberland the Senate voted to Suspend its Rules.

On further motion by the Senator, the Senate voted to Reconsider its action whereby L. D. 1133 was Passed to be Engrossed.

On further motion by the same Senator, the Senate voted to further Suspend its Rules.

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 NAJARIAN: Mr. President, I present

Senate Amendment "A" to Committee Amendment "A" under filing number S-234 and move its Adoption.

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

Senate Amendment "A" (S-234) to Committee Amendment "A" was Read and Adopted.

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

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

Sent down for concurrence.

On motion by Senator Najarian of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act to Provide an Income Tax Checkoff for Voluntary Support of Nongame Wildlife Management (S. P. 380) (L. D. 1151)

On motion by Senator Najarian of Cumberland the Senate voted to Suspend its Rules.

On further motion by the Senator, the Senate voted to Reconsider its action whereby L. D. 1151 was Passed to be Engrossed.

On further motion by the same Senator the Senate voted to further Suspend its Rules.

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

The PRESIDENT: The Senator has the floor. Senator NAJARIAN: Mr. President, I present Senate Amendment "A" to House Amendment "A" under filing number S-235 and move its Adoption.

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

Senate Amendment "A" (S-235) to House Amendment "A" was Read and Adopted.

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

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

Sent down for concurrence.

On motion by Senator Najarian of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act to Reform the Workers' Compensation System (H. P. 1019) (L. D. 1322)

On motion by Senator Najarian of Cumberland the Senate voted to Suspend its Rules.

On further motion by the Senator, the Senate voted to Reconsider its action whereby L. D. 1322 was Passed to be Engrossed.

On further motion by the same Senator, the Senate voted to further Suspend its Rules.

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

The PRESIDENT: The Senator has the floor. Senator NAJARIAN: Mr. President, I present Senate Amendment "A" to Committee Amendment "B" under filing number S-237 and move its Adoption.

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

Senate Amendment "A" (S-237) to Committee Amendment "B" was Read and Adopted.

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

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

Sent down for concurrence.

On motion by Senator Najarian of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act to Require the Department of Human Services to Conduct Demonstrations of Adult

Day Care and Other Services through Long-term Care Facilities (S. P. 499) (L. D. 1511)

On motion by Senator Najarian of Cumberland the Senate voted to Suspend its Rules.

On further motion by the Senator, the Senate voted to Reconsider its action whereby L. D. 1511 was Passed to be Engrossed.

On further motion by the same Senator the Senate voted to further Suspend its Rules.

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 NAJARIAN: Mr. President, I present Senate Amendment "A" to Committee Amendment "A" under filing number S-241 and move its Adoption.

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

Senate Amendment "A" (S-241) to Committee Amendment "A" was Read and Adopted.

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

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

Sent down for concurrence.

On motion by Senator Najarian of Cumberland the Senate voted to remove from the Special Appropriations Table:

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

On motion by Senator Najarian of Cumberland the Senate voted to Suspend its Rules.

On further motion by the Senator, the Senate voted to Reconsider its action whereby L. D. 1566 was Passed to be Engrossed.

On further motion by the same Senator the Senate voted to further Suspend its Rules.

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

The PRESIDENT: The Senator has the floor. Senator NAJARIAN: Mr. President, I present Senate Amendment "A" to House Amendment "A" under filing number S-244 and move its Adoption.

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

Senate Amendment "A" (S-244) to House Amendment "A" was Read and Adopted.

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

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

Sent down for concurrence.

On motion by Senator Najarian of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act to Protect the Public from Unsafe Pesticide Use (S. P. 553) (L. D. 1602)

On motion by Senator Najarian of Cumberland the Senate voted to Suspend its Rules.

On further motion by the Senator, the Senate voted to Reconsider its action whereby L. D. 1602 was Passed to be Engrossed.

On further motion by the same Senator the Senate voted to further Suspend its Rules.

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

The PRESIDENT: The Senator has the floor. Senator NAJARIAN: Mr. President, I present Senate Amendment "A" to House Amendment "A" under filing number S-245 and move its Adoption.

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

Senate Amendment "A" (S-245) to House Amendment "A" was Read and Adopted.

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

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

Sent down for concurrence.

On motion by Senator Najarian of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act to Provide Immediate Authorization and Funding to Clean Up Hazardous Waste Dump at Buckfield (S. P. 571) (L. D. 1649) (Emergency)

On motion by Senator Najarian of Cumberland the Senate voted to Suspend its Rules.

On further motion by the Senator, the Senate voted to Reconsider its action whereby L. D. 1649 was Passed to be Engrossed.

On further motion by the same Senator, the Senate voted to further Suspend its Rules.

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 NAJARIAN: Mr. President, I present Senate Amendment "A" to Committee Amendment "A" under filing number S-246 and move its Adoption.

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

Senate Amendment "A" (S-246) to Committee Amendment "A" was Read and Adopted.

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

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

Sent down for concurrence.

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

An Act Relating to the Identification and the Hazards of Exposure to Toxic and Hazardous Substances (H. P. 1306) (L. D. 1735)

Tabled—June 10, 1983 by Senator PRAY of Penobscot.

Pending—Enactment.

(In Senate June 7, 1983 Passed to be Engrossed as Amended by Senate Amendment "A" (S-182))

(In House June 10, 1983 Passed to be Enacted)

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

Senator PRAY: I move the pending question. Which was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

An Act to Increase Funding Allocation for the Bureau of Oil and Hazardous Materials Control for Fiscal Year 1983 (H. P. 1317) (L. D. 1746)

Tabled—June 15, 1983 by Senator PRAY of Penobscot.

Pending—Enactment.

(In Senate June 10, 1983 Passed to be Engrossed)

(In House June 15, 1983 Passed to be Enacted)

This being an emergency measure and having received the affirmative voted of 24 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.

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

An Act to Regulate Commercial Whitewater Rafting (S. P. 625) (L. D. 1763)

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

Pending—Enactment.

(In Senate June 15, 1983 Passed to be Engrossed)

(In House June 16, 1983 Passed to be Enacted)

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

Senator USHER: Before we move on to Enactment in this legislation, I'd like to make a few comments for the Record.

The Maine Commercial Whitewater Rafting Study Commission was established by the One Hundred and Tenth Legislature to study the Commercial Whitewater Rafting on the Penobscot and the Kennebec Rivers. That Commission found rapid growth in the Commercial Whitewater Rafting Industry and a need to propose recreational use limits on each river. As a result of the study, a report of the Legislative Proposal, a Commission was organized. On the result of the Commission, there were two reports and we agreed on river management objectives and establishment of whitewater rafting funds to fund river recreational activities. There was a general agreement on licensing requirement and safety requirements. There were two reports on this, and they did differ but only to certain uses of the river, which was allegation of the river use.

The Commission met on nine different occasions. Last summer, starting in July and ending up in January and out of these nine meetings there were three public hearings; one in Caratunk; one in Greenville; and one in Milinocket; in addition, rafting trips were taken to look into the industries problems and to study the problems first hand. Members of the Commission in addition to four Legislators including the Director of the Bureau of Public Lands Herb Hartment and the Chief Warden of the Department of Inland Fisheries and Wildlife, former Executive Director of Sportsman's Alliance of Maine and three members of the public; one was a gentleman from Bangor and two members of the Whitewater Industry.

The Whitewater Rafting was introduced in Maine on the Kennebec and Penobscot and Dead Rivers almost immediately after the log drives ended in the 1970's. The popularity of rafting experienced a tremendous increase of rafters and they discovered the beauty of the whitewater excitement on these rivers. Most generally the rafting in Maine is done between the months of May and October. Some people prefer to raft on weekdays and, also enjoy the reduced rates. The cost of the rafting differs, they range from fifteen to thirty dollars for half days or thirty to seventy dollars for one day trips. Also, weekend trips are available in which includes a hiking trip. Wet suit rentals are available for an additional cost and they vary between five and ten dollars.

My own personal experience with the safety aspect of the industry is most acceptable. Explanation of safety procedures is explained before each trip in full detail and when getting aboard the rafters, a secure feeling is with you. It's a strong team method for the guide continuously assuring you of the different moves for a trip down river. The Kennebec with the release of the Harris Dam which is at The Forks, really is an exciting trip as you watch the water leave the dam area. The trip is between thirteen and fourteen miles and it's almost equal mileage on the Penobscot.

One of the most unusual rafting experiences in all Eastern America is rafting down Ripogonus Gorge. There is a steep trail leading to the point and they have to lower the raft over a hundred foot drop and you have to climb down a rock stairway. This is part of the excitement.

The Commission dug into this very deeply with the assistance of the two Legislative assistants that we had, which were very, very helpful in all the issues that we discussed and then the study report was made available to the Legislature and then it was referred to a General Joint Select Committee headed up by Senator Pearson we started having many, many more meetings with the Joint Select Committee comprised of Energy and Natural Resource members, and members of the Fisheries and Wildlife Committee, also.

The Bill did not impose a three year moratorium which was requested by a certain part of the group; it established some allocations. The allocations for the Kennebec River on Saturday will be eight hundred passengers. The river is capable of handling eight hundred people for that day. There is no water outlet on Sunday, so there will be no rafting on the Kennebec on Sunday. There is weekday rafting on the Kennebec and we put a maximum of one thousand on weekdays on the Kennebec. The Penobscot, the established figure is five hundred and sixty, that is, everyday on the Penobscot, the water runs freely on the Penobscot and there is no discouragement there.

A head tax was put on the passengers; they call it Passenger User Fee for a dollar per person. An Advisory Committee was established for three years to oversee any of the problems that we have put into effect, possibly, a brand new Commission and the commission will have six members on it and this will be terminated after a three year period.

I would hope that the Senate would go along with the final stages of this Bill. I think it is a good piece of legislation. Everybody worked very hard on it. I know that Senator Pearson put a lot of hours on it and a lot of research. I'm looking for your support.

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

Senator PRAY: Thank you, Mr. President. Mr. President, Ladies and Gentlemen of the Senate, I'd like to commend the Joint Select Committee on Whitewater Rafting for putting together what I consider a rather good piece of Legislation. I'd like to commend the Senate Chairman of that Committee, Senator Pearson from Penobscot, Senator Usher from Cumberland and Senator McBreairsty from Aroostook, on behalf of this Chamber for the hours of service that they put in, in looking at a growing activity, a growing commercial activity in this State. Due to my summer occupation, as we're halfway through the summer here now, I am reminded, of having the opportunity to see this business grow over the years, from 1975, when one company first came into the State and started running the Penobscot River, to see it grow to now where it's close to two dozen companies; see it grow from around maybe at the best around a hundred people the first year to where now it's into the thousands and possibly into the tens of thousands.

It is a good piece of legislation because it recognizes a commercial entity such as this on a limited resource and a multi-use concept that our rivers we have in the State of Maine, that there is a need, a sincere need to provide a protection for that resource for all the people of this State.

While I say that this is a good piece of legislation, I want it to be clearly understood, at least, from my perspective that this is not a perfect piece of legislation, that this is going to need adjustment as the industry continues to grow and as people in this country with a growing desire that I have seen reflected over the past few years attempt to return to a natural kind of concept, getting back into the wilderness.

When whitewater rafting first started it was a wilderness experience; one or two rafters would go down ten or twelve miles of rapids and today, when you can see fifty or sixty rafts, at least from my perspective, it loses some of the wilderness experience and takes on more

of a Cony Island aspect.

I think that the Members of this Body accepting this report today are taking a positive step forward for the State of Maine and for this industry. It is an important industry for the commercial and economic growth of a number of regions of this State which had seen the decline of industries and other supporting industries within their communities. The rafting industry has revitalized their areas of the State and provided an opportunity of employment for many, many people.

This one individual and I'm sure many others over the near future and into the next decade will be watching this industry; its growth and its affect upon the resource that we have. Thank you, Mr. President.

This being an emergency measure and having received the affirmative votes of 24 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.

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

An Act to Establish Funding for Programs of Preventive Intervention and Family Support (H. P. 1268) (L. D. 1682)

Tabled—June 2, 1983 by Senator Pray of Penobscot.

Pending—Enactment.

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

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

On motion by Senator Najarian of Cumberland the Senate voted to Suspend its Rules.

On further motion by Senator Najarian of Cumberland the Senate voted to Reconsider its action whereby L. D. 1682 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor.

Senator NAJARIAN: I offer Senate Amendment "A" (S-261) and move its Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Najarian, offers Senate Amendment "A" (S-261) and moves its Adoption.

Senate Amendment "A" (S-261) was Read and Adopted.

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

Sent down for concurrence.

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

Paper from the House House Paper

BILL, "An Act to Revise the Markup Percentage for Maine Produced Products Under the Liquor Laws" (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (H. P. 1355) (L. D. 1791)

Reference to the Committee on Legal Affairs suggested.

Comes from the House, Passed to be Engrossed without reference to a Committee.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, L. D. 1791 be given its First Reading at this time without Reference to Committee?

The Chair recognizes the Senator from Waldo, Senator SHUTE.

Senator SHUTE: Mr. President, this sounds like a bill we had in Legal Affairs this year. Would somebody on the Leadership explain it? It doesn't seem to be printed yet.

The PRESIDENT: The Senator from Waldo, Senator Shute, poses a question through the Chair to any Member of the Senate who may respond if he so desires.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, in answer to the question by the good Senator from Waldo,

Senator Shute, it is very similar to a bill which the Legal Affairs Committee has heard; it was L. D. 1432.

After the meeting of Leadership in evaluating the recommendations of the Appropriations Committee which have recommended that this Ought to Pass with revised figures, it had to be rewritten, so basically it was a new draft and it was just as simple to let a new bill in. The Legislative Council then met, let the new bill and the new draft form come through the Council instead of backing this Bill up and rewriting the entire document all over again.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, L. D. 1791 be given its First Reading at this time without Reference to Committee?

It is a vote.

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

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

Enactor

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

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

Which 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:

Papers from the House Non-concurrent Matter

BILL, "An Act Relating to Services of a Municipal Character in the Unorganized Territory" (Emergency) (H. P. 1344) (L. D. 1783)

(In House June 22, 1983 Passed to be Engrossed as Amended by House Amendment "A" (H-429))

(In Senate June 22, 1983 Passed to be Engrossed in non-concurrence.)

(Comes from the House, that Body Adhered.)

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

Senator WOOD: I would move that the Senate Recede and Concur with the House.

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

The Chair recognizes the Senator from Aroostook, Senator McBreairsty.

Senator McBREAIRTY: Mr. President and Honorable Members of the Senate, standing up here and trying to defend the people who live in the unorganized territory and plantations makes me feel like the Maytag repairman, sometimes I feel very lonely.

I have some facts regarding this Bill that I have worked long and hard to compile, and I believe I should share those facts with the Members of this Body.

Contrary to what many believe, the unorganized territory does not all belong to the big, bad paper companies. Nearly half the property in the unorganized territory belongs to many people from all walks of life. A large percentage of the people who live in the unorganized townships are elderly and poor.

The Bill before us, L. D. 1783, is the so-called "Cost Component Bill." In 1978, after the repeal of the Uniform Property Tax the courts ruled that we could legally tax the properties of the unorganized territory for the actual costs of the services we provide the unorganized, no more and no less. The Law reads "the Municipal Costs Component means a cost of funding services in the unorganized territory tax district which would not be borne by the State if the unorganized territory tax district

were a municipality." In other words, the unorganized territory is a tax district and it's entitled to the same consideration, representation, protection and Constitutional rights as your town and mine.

The officials who are responsible for the protection and welfare of the people who live in the unorganized tax district are the county commissioners and we, the members of the Maine Legislature.

The money is collected by the L. D. before us; goes into a non-lapsing dedicated, educational and services fund for the unorganized territory. At the end of each fiscal year, monies are suppose to be transferred from this fund, to pay for the actual costs of the services provided.

About three and a half years ago, I started looking into how the unorganized fund was being handled. I was shocked to find that both the counties and the State were ripping off the taxpayers in the unorganized territory to the tune of hundreds and thousands of dollars. I found that the officials in government that should be serving and protecting the people in the unorganized territory were taking unfair advantage of a minority group of Maine's citizens who are unable to protect themselves.

During the past three years, I have provided the Taxation Committee and many others, documented proof that what I have just said is true. I have provided the Taxation Committee proof that in 1979 and '80 a hundred and seventy-eight thousand dollars fire control, two hundred and thirty-eight thousand for general assistance and a hundred fifty thousand for State Police was transferred from the Unorganized Fund to the General Fund over and above the actual costs of the services provided. I have provided the Taxation Committee proof that in 1981, one million nine thousand dollars for fire control, and five thousand dollars for general assistance was transferred from the account to the General Fund over and above the actual costs of the services. I have provided the Taxation Committee with proof that over the past five years over one half million dollars interest from the Unorganized Educational Trust Fund has been transferred into the General Fund without one penny of the half million going to educate the kids in the unorganized territory as was intended by the people who setup the Trust Fund many years ago.

I'm greatly disappointed that the other Body is insisting that part of LURC's budget come from the Educational Trust Fund belonging to the organized municipalities. LURC was created in 1969 to protect the public's interests in the unorganized territory; at that time for some unknown reason, plantations were put under LURC's jurisdiction. No doubt the Legislature which created LURC intended the LURC would be funded from the General Fund. If this was not true the LURC statutes would have provided for a Property Tax. For ten years, LURC was funded from the General Fund.

My complaint to Senator Wood and the Taxation Committee on the funding of LURC has not been because plantations and towns have been getting a free service. My complaint has been that without any change in the LURC statutes most of the funding for LURC has been changed to the Property Tax of a few of the people LURC serves.

We recently amended the Indexing Bill so that non-residents would be treated fairly, Constitutionally. The courts over turned a truck bill passed by this Legislature because it discriminated against non-resident truckers. We just passed a bill that takes money from dairymen who sell on the Maine Market and gives it to dairymen who sell on the Boston Market, so that all Maine dairymen would be treated equally. If more of us were serving the people who live in the unorganized territory, as we should be, it would be much easier to get

them equal protection.

This Bill we have before us does not correct the past financial abuses that have been imposed on the people of the unorganized territory. This Bill, as written, discriminates against plantations and towns, organized after 1973 by charging them a fee for a service imposed on them and controlled by all the people of Maine.

Some progress has been made in correcting some of the problems I have mentioned. Much more needs to be done before we can say that the taxpayers in the unorganized territory has been treated equally.

If any of you wish documented proof that what I have said is true, I can provide you with the documents. Thank you.

I'd like a Roll Call on this Bill.

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

Senator WOOD: Mr. President and Members of the Senate, I'll be extremely brief since we debated this Bill before.

I, too, would agree with the good Senator from Aroostook, Senator McBreairty, there have been past errors in the way that this fund has been appropriated. I would not say that they were intentional; that there were forces of evil in State Government, I think it was just a new approach to funding. There had to be some bugs ironed out of that process and during that process, there were some mistakes made. Our Committee on Taxation has over the years tried every session to make some progress towards changing this problem and this year, we have made several strides. The County Government Bill, dealing with this area that the good Senator sponsored has been passed. There have been other bills that have been passed that would deal with this. We have now dealt with the forestry district problem in a way that will begin to address a major part of the component and I think we'll go to a real solving of this problem.

Some of the arguments that the good Senator makes, we have tried to address and unfortunately, he does not like the solutions, but they are solutions to problems that he raised. When you raise a problem, you have to expect a solution whether you like it or not.

Finally, I would point out that there's a case pending on this very issue in the courts and it has been the prerogative of our Committee in the past to take a very hesitant look when there is a case pending and not to try to prejudice the court one way or the other, and because of that case, we were extremely slow in making some changes. If that case had not been around, you might have seen other changes. Once that case is resolved, I think other issues will be resolved, and I hope that you will vote for this Bill. 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, that the Senate Recede and Concur with the House.

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Brown, Bustin, Charette, Clark, Dow, Dutremble, Erwin, Hayes, Kany, Najarian, Pray, Teague, Trafton, Twitchell, Wood, The President Gerard P. Conley.

NAY—Collins, Diamond, Emerson, Gill, Hichens, McBreairty, Minkowsky, Pearson, Perkins, Sewall, Shute, Usher, Violette.

ABSENT—Baldacci, Carpenter, Danton, Redmond.

A Roll Call was had.

16 Senators having voted in the affirmative and 13 Senators in the negative and 4 Senators being absent, the motion to Recede and Concur with the House, Prevailed.

On motion by Senator Najarian of Cumberland, the Senate voted to remove from the Special Appropriations Table:

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Extend the Tenure for Sheriffs from Two Years to Four Years (S. P. 111) (L. D. 263)

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

An Act Concerning Local Leeway Under the School Finance Law (S. P. 264) (L. D. 773)

An Act to Provide for a Reduced Fee for Lobster Fishing Licenses for Persons 70 Years of Age and Older (H. P. 662) (L. D. 825)

On motion by Senator Najarian of Cumberland the Bills were Indefinitely Postponed, in non-concurrence.

Sent down for concurrence.

On motion by Senator Najarian of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act to Equalize Health Insurance Benefits for Retired State Employees (S. P. 323) (L. D. 968)

An Act Making Appropriations and Allocations for the Expenditures of State Government to Insure that Maine Courts are Accessible to the Handicapped (H. P. 753) (L. D. 984)

An Act to Clarify the Use of Vocational-technical Institutes' Facilities by Others (H. P. 771) (L. D. 1001)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Restrict the Period of Retroactivity of Taxation Legislation to no more than One Year (H. P. 849) (L. D. 1099)

On motion by Senator Najarian of Cumberland, the Bills were Indefinitely Postponed, in non-concurrence.

Sent down for concurrence.

On motion by Senator Najarian of Cumberland, the Senate voted to remove from the Special Appropriations Table:

An Act to Amend the Provisions of the Medical Eye Care Program (S. P. 376) (L. D. 1123)

An Act to Expand the Tourism Promotion Program (S. P. 451) (L. D. 1372)

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

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

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

On motion by Senator Najarian of Cumberland, the Bills were Indefinitely Postponed, in non-concurrence.

Sent down for concurrence.

On motion by Senator Najarian of Cumberland, the Senate voted to remove from the Special Appropriations Table:

An Act to Appropriate Funds for the Removal of Certain Hazardous Waste from the McKin Site in Gray, Maine (S. P. 614) (L. D. 1750)

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

Senator PRAY: Mr. President, in reference to L. D. 1750, An Act to Appropriate Funds for the Removal of Certain Hazardous Waste from the McKin Site in Gray, Maine, I move that this Bill be Recommended to the Joint Standing Committee on Energy and Natural Resources.

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

Senator DIAMOND: Thank you, Mr. President. Just very briefly, Members of the Senate, the idea of Recommitting this Bill is simply to protect the citizens of Gray. We have been told for the seventh time that there will be money available this summer to do that cleanup and this simply allows that if that does not come through that the money will be made available because this Bill will be reactivated whenever we meet again. Thank you, Mr. President.

On motion by Senator Pray of Penobscot, Re-committed to the Committee on Energy and Natural Resources, in non-concurrence.

Sent down for concurrence.

(Senate At Ease)

The Senate called to order by the President.

On motion by Senator Najarian of Cumberland, the Senate voted to remove from the Special Appropriations Table:

An Act to Provide Funds to an Elderly Legal Services Program (H. P. 373) (L. D. 456)

An Act to Create a Fund to Encourage Local Soil and Water Conservation Projects (S. P. 197) (L. D. 619)

An Act to Increase the Fees and Expenses for Medical Examiners (S. P. 254) (L. D. 799)

An Act to Reinstate the Large Print Book Program at the Maine State Library (S. P. 296) (L. D. 911)

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

On motion by Senator Najarian of Cumberland, the Senate voted to remove from the Special Appropriations Table:

RESOLVE, Appropriating \$15,000 for Maine Poison Control Center (H. P. 376) (L. D. 459)

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

On motion by Senator Najarian of Cumberland, the Senate voted to remove from the Special Appropriations Table:

RESOLVE, Authorizing and Directing the Commissioner of Agriculture, Food and Rural Resources to Promote Regional and International Cooperation in the Development of Agricultural Programs Designed to Encourage Greater Food Production, Marketing and Food Self-Sufficiency Among the States of Northern New England and Quebec and the Maritimes (S. P. 324) (L. D. 969)

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

On motion by Senator Najarian of Cumberland, the Senate voted to remove from the Special Appropriations Table:

An Act to Amend the Laws Relating to Transportation on Cutting of Christmas Trees (H. P. 851) (L. D. 1101)

An Act to Complete the Statewide Coordination System for Preschool Handicapped Children (H. P. 873) (L. D. 1127)

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

On motion by Senator Najarian of Cumberland, the Senate voted to remove from the Special Appropriations Table:

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

The PRESIDENT: The pending question before the Senate is the motion to Recede and Concur with the House.

To Recede and Concur would be the same as Enactment.

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

On motion by Senator Najarian of Cumberland, the Senate voted to remove from the Special Appropriations Table:

An Act to Provide Advocacy Services to Residents of Children's Homes (H. P. 970) (L. D. 1265)

An Act Concerning Compensation for Witnesses (H. P. 1021) (L. D. 1344)

An Act to Promote the Development of Human Resources in Rural Areas of Maine (S. P. 441) (L. D. 1348)

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

On motion by Senator Najarian of Cumberland, the Senate voted to remove from the Special Appropriations Table:

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide that the State may Enact Property Tax Exemptions Relating to Watercraft not Subject to Fifty Percent Reimbursement (H. P. 1042) (L. D. 1349)

The PRESIDENT: This being a Constitutional Amendment under Section 4, article 10 of the Maine Constitution it requires for its Final Passage the affirmative vote of two-thirds of those Members present and voting.

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

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

27 Senators having voted in the affirmative and No Senators having voted in the negative, and 27 being more than the required two-thirds vote the Resolution was Finally Passed and having been signed by the President, was by the Secretary presented to the Secretary of State.

On motion by Senator Najarian of Cumberland the Senate voted to remove from the Special Appropriations Table:

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

An Act to Provide Continued Funding for the Determination of Ground Water Quality in the State's Sand and Gravel Aquifers (H. P. 1113) (L. D. 1471)

An Act to Authorize the Department of Environmental Protection to Continue to Provide Technical Assistance to Municipalities and Other Quasi-municipal Entities Regarding Solid Waste Management (H. P. 1114) (L. D. 1472)

An Act to Provide a Sales Tax Exemption for Certain Church Affiliated Residential Homes (H. P. 1128) (L. D. 1483)

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

On motion by Senator Najarian of Cumberland, the Senate voted to remove from the Special Appropriations Table:

An Act to Provide for the Return and Proper Disposal of Pesticide Containers (S. P. 501) (L. D. 1513)

An Act to Provide for Citizen Participation in the Decision to Conduct any Nuclear Power Plant (S. P. 513) (L. D. 1537)

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

On motion by Senator Najarian of Cumberland, the Senate voted to remove from the Spe-

cial Appropriations Table:

An Act to Create the Maine Conservation Corps (S. P. 496) (L. D. 1510) (Emergency)

This being an emergency measure and having received the affirmative votes of 24 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.

On motion by Senator Najarian of Cumberland, the Senate voted to remove from the Special Appropriations Table:

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

An Act to Create a Forest Resource Assessment and Marketing Program (H. P. 1171) (L. D. 1559)

An Act to Increase the Compensation for Substitute Teachers (S. P. 538) (L. D. 1568)

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

On motion by Senator Najarian of Cumberland, the Senate voted to remove from the Special Appropriations Table:

An Act to Protect the Integrity of the Unemployment Compensation Fund (Emergency) (H. P. 1174) (L. D. 1561)

This being an emergency measure and having received the affirmative votes of 26 Members of the Senate, with 1 Senator 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.

On motion by Senator Najarian of Cumberland, the Senate voted to remove from the Special Appropriations Table:

An Act to Remove the Bureau of Alcoholic Beverages from Under the Department of Finance and Administration (S. P. 539) (L. D. 1574)

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

An Act to Provide a Comprehensive Marketing Program for Maine Agricultural Products (S. P. 545) (L. D. 1590)

An Act Appropriating Money for Research and Development of Appropriate Turbine Technology (H. P. 1230) (L. D. 1633)

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

On motion by Senator Najarian of Cumberland the Senate voted to remove from the Special Appropriations Table:

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

An Act to Encourage Competition in Workers' Compensation Insurance Rates (H. P. 1238) (L. D. 1647)

An Act Relating to the Position of Counsel for the Maine Human Rights Commission (H. P. 1287) (L. D. 1705)

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

On motion by Senator Najarian of Cumberland, the Senate voted to remove from the Special Appropriations Table:

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

An Act to Create a Maine Commission on Excellence in Education (Emergency) (H. P. 1279) (L. D. 1696)

These being emergency measures and having received the affirmative vote of 24

Members of the Senate, with 1 Senator 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.

On motion by Senator Najarian of Cumberland, the Senate voted to remove from the Special Appropriations Table:

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

The PRESIDENT: The Chair wishes to be excused from voting on this particular matter.

Is it the pleasure to grant this leave?

It is a vote.

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

On motion by Senator Najarian of Cumberland, the Senate voted to remove from the Special Appropriations Table:

An Act to Limit Future Increases in the Cost of Hospital Care in Maine (S. P. 608) (L. D. 1737)

An Act Relating to the Financing of Services in the Unorganized Territory (S. P. 611) (L. D. 1743)

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

On motion by Senator Najarian of Cumberland, the Senate voted to remove from the Special Appropriations Table:

An Act to Create the Finance Authority of Maine (Emergency) (S. P. 612) (L. D. 1747)

An Act to Establish a Program to Abate, Clean up and Mitigate Threats to Public Health and the Environment from Uncontrolled Hazardous Substance Sites (Emergency) (S. P. 617) (L. D. 1751)

These being emergency measures and having received the affirmative votes of 22 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.

On motion by Senator Najarian of Cumberland, the Senate voted to remove from the Special Appropriations Table:

An Act to Enact a Program of Assistance to the Severely Physically Disabled to Enable them to Work (Emergency) (S. P. 391) (L. D. 1191)

This being an emergency measure and having received the affirmative vote of 24 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.

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

BILL, "An Act to Amend the Time During which Municipal Caucuses may be Held" (H. P. 1348) (L. D. 1790)

Tabled earlier in today's session on motion by Senator Pray of Penobscot, pending Reference.

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

Senator PEARSON: Mr. President, Men and Women of the Senate, first of all, Mr. President, I move the Indefinite Postponement of this Bill and all of its Accompanying Papers, and I would speak to my motion.

The PRESIDENT: The Senator has the floor. Senator PEARSON: Mr. President, Men and Women of the Senate, awhile ago we Enacted a piece of legislation that allowed the Democratic Party to hold their caucuses no later

than the first Sunday in March. Now, at the very last hour, the very last Bill in the Legislature, L. D. 1790, offered by the erstwhile Chairman of the Democratic Party in Maine, Representative Hobbins of Saco. He is seeking to repeal this particular measure because of pressure that he has felt from the Democratic National Committee in Washington. The strangers have to teach us their ways. They're telling us that they know what's good for us and are attempting to force us to have caucuses when they want them, when they want us to have them.

Awhile ago, and I became aware of this piece of legislation just yesterday afternoon, I put on my teacher's hat and went to look in the United States Constitution, and in the United States Constitution which is really a very simple document to read, there's mention of only one or two elections and the power of the Federal Government to enforce when and how we have them. Amendment ten of the United States Constitution, and for the benefit of the Democratic National Committee who might want to read this that's one of the Bills of Rights, says that "all of the powers that are not part of the Federal Government are reserved for the states," and one of those powers is for us to determine when we're going to have elections for our caucuses.

But even beyond that little bit of bitterness that I have because of their position, I'd like to point out to you that we have had, in the State of Maine, for a long, long time in both political parties, the grand ole party and the Democratic Party elections in the early part or the late part of winter in this State.

The first one, our research has indicated, occurred around the year 1860. That would have been the year that Hannibal Hamlin from Bangor was Abraham Lincoln's Vice-president. Since that time, we have had a tradition of having early town meetings, town meetings which are often used to find candidates to run for the Maine Legislature. We've had caucuses early.

Now Iowa and New Hampshire have been given special exemption to have early caucuses, because Iowa has had early caucuses since 1972, and New Hampshire since 1952. We've had them, for the most part since 1860.

It's important for us to have an early caucus. All of you know, who are Democrats, what the last Presidential Caucuses did in this State. Caucuses that normally attracted in my community, twenty-five or thirty people, all of a sudden attracted five hundred. In the middle of our caucus in walked Ethel Kennedy. She would never have been in Maine for an event like that had we not had early primary caucuses. It's important that the candidates that are running for National office come to Maine to learn about our State.

A couple of weeks ago at the University of Maine at Fort Kent, John Glenn came to give the commencement address, and of course do a little politicking. Ernest Hollings is going to be in this State. Former Vice-president Walter Mondale has come to this State. They all believe that we're going to have an early caucus and that's why they're here. It not only brings them here and gives us National attention but it brings the National Press here. So, why shouldn't we want it? Why should New Hampshire be the only one, and Iowa, to be in the National spotlight?

I really am disappointed that Representative Hobbins of Saco felt so much pressure that he introduced this Bill, and I hope that you will defeat it. I ask for a Division, Mr. President.

The PRESIDENT: The Senator from Penobscot, Senator Pearson, moves that this Bill and all of its Accompanying Papers be Indefinitely Postponed.

A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Pearson, to Indefinitely Postpone L. D. 1790, 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 No Senators having voted in the negative, the motion to Indefinitely Postpone L. D. 1790, in non-concurrence, Prevailed.

Sent down for concurrence.

On motion by Senator Najarian of Cumberland, the Senate voted to remove from the Special Appropriations Table:

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

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

On motion by Senator Najarian of Cumberland, the Senate voted to remove from the Special Appropriations Table:

An Act to Improve Access to Small Claim Court (H. P. 480) (L. D. 577)

On motion by Senator Najarian of Cumberland, the Senate voted to Suspend its Rules.

On further motion by the Senator, the Senate voted to Reconsider its action whereby L. D. 577 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor.

Senator NAJARIAN: I now present Senate Amendment "A" to L. D. 577 under filing number S-262 and move its Adoption.

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

Senate Amendment "A" (S-262) was Read and Adopted.

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

Sent down for concurrence.

On motion by Senator Najarian of Cumberland, the Senate voted to remove from the Special Appropriations Table:

An Act to Provide Cost-of-Living Adjustments to Retired State Employees, Teachers and Beneficiaries (H. P. 1142) (L. D. 1507)

On motion by Senator Najarian of Cumberland, the Senate voted to Suspend its Rules.

On further motion by the Senator, the Senate voted to Reconsider its action whereby L. D. 1507 was Passed to be Engrossed.

On further motion by the same Senator, the Senate voted to further Suspend its Rules.

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

The PRESIDENT: The Senator has the floor.

Senator NAJARIAN: Mr. President, I present Senate Amendment "A" to House Amendment "A" under filing number S-265 and move its Adoption.

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

Senate Amendment "A" (S-265) to House Amendment "A" was Read.

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

Senator DIAMOND: I'd pose a question through the Chair to the gentlelady from Cumberland, Senator Najarian.

There seems to be no fiscal note on this, I am just wondering if that was left off or was that in the Part II for the 4% funding?

The PRESIDENT: The Senator from Cumberland, Senator Diamond, has posed a question through the Chair to the good Senator from Cumberland, Senator Najarian, who may respond if she so desires.

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President, the 4% increase for State Retirees has been budgeted for the next biennium in the Part I Budget.

Senate Amendment "A" to House Amendment "A" was Adopted.

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

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

Sent down for concurrence.

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

(Senate At Ease)

The Senate called to order by the President.

On motion by Senator Najarian of Cumberland, the Senate voted to remove from the Special Appropriations Table:

An Act to Establish a Special Acquisitions Fund at the State Library (S. P. 573) (L. D. 1651)

On motion by Senator Najarian of Cumberland, the Senate voted to Suspend its Rules.

On further motion by the same Senator, the Senate voted to Reconsider its action whereby L. D. 1651 was Passed to be Engrossed.

On further motion by the same Senator, the Senate voted to further Suspend its Rules.

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

The PRESIDENT: The Senator has the floor.

Senator NAJARIAN: Mr. President, I present Senate Amendment "A" to Senate Amendment "A" under filing number S-263 and move its Adoption.

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

Senate Amendment "A" (S-263) to Senate Amendment "A" was Read and Adopted.

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

Sent down for concurrence.

On motion by Senator Najarian of Cumberland, the Senate voted to remove from the Special Appropriations Table:

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

On motion by Senator Najarian of Cumberland, the Senate voted to Suspend its Rules.

On further motion by the same Senator, the Senate voted to Reconsider its action whereby L. D. 1699 was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor.

Senator NAJARIAN: I now present Senate Amendment "B" to L. D. 1699 under filing number S-264 and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Najarian, offers Senate Amendment "B" and moves its Adoption.

Senate Amendment "B" (S-264) was Read.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, I am totally amazed whereas at least the Appropriations Committee had seen that this particular thing is not feasible and practical to spend thirty thousand dollars of the taxpayers money, yet the leadership took it upon itself to have the Department of Energy Resources find fifteen thousand dollars. I didn't realize that the Department of Energy Resources had that much fat that they could come up with a fifteen thousand dollar appropriation.

I guess that it is about time that the Department of Energy Resources be somewhat investigated by the Committee on Audit and Program Review if they are able to raise this kind of money in which to conduct a feasibility study, again to rip off the taxpayers to the tune of 1.75 million dollars.

When the vote is taken on this particular issue, Mr. President, I maybe will stand alone. I don't particularly care but I think that a Di-

vision is of paramount importance after this particular amendment is adopted.

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

Senator TRAFTON: Thank you Mr. President. Mr. President and Members of the Senate, let me try to make it clear that this Bill, now does not appropriate any new money. This is simply a direction to the Office of Energy Resources that it should shift its priorities to answer some questions that need to be answered.

As we have debated here in this Body there are questions that need to be answered before any action is taken on this particular proposal. The Office of Energy Resources has indicated that this amount of money is necessary to address these questions. It has staff willing to address these questions.

I think that it is not too much to ask this Legislature to direct the Office not to appropriate new money but to simply direct the Office to address that particular problem so that we can have the information before us in the next Legislative Session. Thank you.

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

Senator MINKOWSKY: Mr. President, just one final thought, I think it is more than just directing the Office, if the good Senator from Androscoggin and the city of Auburn, reads it very closely it says, "the Office of Energy Resources shall "shall" allocate up to fifteen thousand dollars from existing resources for this evaluation."

Senate Amendment "B" was Adopted.

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

Sent down for concurrence.

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

On motion by Senator Najarian of Cumberland, the Senate voted to remove from the Special Appropriations Table:

An Act to Control Hazardous Air Pollutants (H. P. 1080) (L. D. 1426)

Which 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 9 o'clock tomorrow morning.