

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

INDEX

FOURTH CONFIRMATION SESSION

(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)

May 31, 1984

INDEX

FIFTH CONFIRMATION SESSION

(SECOND CONFIRMATION SESSION – SECOND REGULAR SESSION)

July 11, 1984

INDEX

THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

INDEX

February 29, 1984

STATE OF MAINE
One Hundred and Eleventh Legislature
Second Regular Session
JOURNAL OF THE SENATE
In Senate Chamber
Friday
March 2, 1984

Senate called to Order by the President.

Prayer by the Reverend Reginald Couture of the Union Congregational Church of Ellsworth.

REVEREND COUTURE: Let us pray. Eternal God, unto whom all creation owes its existence, who art the source of meaning, freedom and love, as Members of this Maine Senate, we stand reverently before Thee, grateful: for our State and our Nation, for our life in it, for our common endeavors in its progress.

One truth we have learned, O God, that things in this world seldom stay the same for long, each day brings new opportunities, new demands, new problems. Today, in this Session and hearings, O God, we are striving for meaningful lives for ourselves, our State and its people.

Grant to all of us patience to listen to new ideas, flexibility to be open to new approaches, sympathy for those who protest, grace to honor the decisions intended for our common good, freedom from past animosity and wisdom to know what to do and how to do it.

One thing we do recognize, O Lord, the constancy of Thy will and our never-changing purpose in life, so save us from wavering, we pray in Your name who changes not. Amen.

Reading of the Journal of Wednesday, February 29, 1984.

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill, "An Act to Amend Certain Sections of the Law Related to the Department of Labor" S. P. 731 L. D. 2017

In Senate February 27, 1984 PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-292).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-292) and House Amendment "A" (H-489) IN NON-CONCURRENCE.

The Senate RECEDED and CONCURRED with the House.

House Papers

Bill "An Act to Increase Capital and Surplus Requirements of Insurers in Order to Hold a Certificate of Authority to Write Insurance" H. P. 1615 L. D. 2137

Bill, "An Act to Prevent Deception in the Sale of Life Insurance" H. P. 1616 L. D. 2138

Come from the House referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.

Which were referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED, in concurrence.

Bill "An Act to Require New Residential and Commercial Buildings that Use Electricity as a Heat Source to Meet the State Energy Efficiency Building Performance Standards" H. P. 1617 L. D. 2139

Comes from the House referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, in concurrence.

Bill "An Act to Amend the Law Concerning Suspensions of Drivers' Licenses on Administrative Determination of Blood-alcohol Content" (Emergency) H. P. 1612 L. D. 2134

Comes from the House referred to the Committee on JUDICIARY and ORDERED PRINTED.

Which was referred to the Committee on

JUDICIARY and ORDERED PRINTED, in concurrence.

Bill "An Act to Require Downstream Public Notification of Release of Water Impoundments" H. P. 1613 L. D. 2135

Bill "An Act to Amend the Charter of the Passamaquoddy Water District" (Emergency) H. P. 1614 L. D. 2136

Come from the House referred to the Committee on PUBLIC UTILITIES and ORDERED PRINTED.

Which were referred to the Committee on PUBLIC UTILITIES and ORDERED PRINTED, in concurrence.

Resolve, Authorizing the Bureau of Public Lands to Convey the State's Title to Certain Land in Grand Falls to the Grand Falls Historical Society H. P. 1611 L. D. 2133

Committee on ENERGY AND NATURAL RESOURCES suggested.

Comes from the House referred to the Committee on STATE GOVERNMENT and ORDERED PRINTED.

Which was referred to the Committee on STATE GOVERNMENT and ORDERED PRINTED in concurrence.

COMMUNICATIONS

The Following Communication: H. P. 1619

STATE OF MAINE

House of Representatives

Speaker's Office

Augusta, Maine 04333

February 29, 1984

Hon. Edwin H. Pert

Clerk of the House

State House Station 2

Augusta, Maine 04333

Dear Clerk Pert:

This is to notify you that I have today appointed Richard W. Smith, of Woolwich, to serve as a member of the Commission on Governmental Ethics and Election Practices pursuant to my authority under Title 1, M.R.S.A., sub-section 1002.

Sincerely,

S/JOHN L. MARTIN

Speaker of the House

Comes from the House READ and ORDERED PLACE ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

The Following Communication (H. P. 1626)

STATE OF MAINE

HOUSE OF REPRESENTATIVES

MAJORITY OFFICE

Augusta, Maine 04333

February 28, 1984

Honorable Edwin H. Pert

Clerk of the House

State House

Augusta, Maine 04333

Dear Clerk Pert:

In accordance with 1 M.R.S.A., Section 1002, sub-section 1B, I have the honor of presenting to the House of Representatives the nomination of Jerome B. Goldsmith, 116 Hammond Street, Bangor, Maine, to the Commission on Governmental Ethics and Election Practices.

I feel Mr. Goldsmith will contribute a great deal to this Commission and respectfully ask the House to confirm this nomination.

Sincerely,

S/ELIZABETH H. MITCHELL

Majority Floor Leader

Comes from the House READ and ORDERED PLACE ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

The Following Communication (H. P. 1627)

STATE OF MAINE

HOUSE OF REPRESENTATIVES

HOUSE MINORITY OFFICE

Augusta, Maine 04333

Honorable Edwin H. Pert

Clerk of the House

State House

Augusta, ME 04333

Dear Clerk Pert:

In accordance with 1 MRSA Section 1002, sub-section 1-B, I have the honor of presenting to the House of Representatives the name of Robert Marden of Waterville for renomination to the Commission on Governmental Ethics and Election Practices.

The Commission has had the benefit of Mr. Marden's ability and experience these past two years, and I believe he will continue to serve in an outstanding manner. Therefore, I respectfully request that the House confirm this nomination.

Sincerely,

S/LINWOOD M. HIGGINS

Republican Floor

Leader

Comes from the House READ and ORDERED PLACE ON FILE.

Which was READ and ORDERED PLACED ON FILE, in concurrence.

The Following Communication

STATE OF MAINE

SENATE CHAMBER

Augusta, Maine

February 7, 1984

Dear Members of the Legislature:

Enclosed is a copy of the most recent report of Maine's Low-Level Radioactive Waste Siting Commission. The Commission previously reported to the Governor and the Legislature in June of 1982 and updated that report in December of 1982.

The findings and recommendations of the Commission are presented to you under the requirement of law for periodic report, (38 MRSA, Chapter 14-A, Subsection III) and because the Commission believes major policy decisions are most appropriately made by the Legislature. We hope you will approve of our findings and recommendations.

The Commission was formed by Maine Statute to recommend public policy for Maine under the federal mandate of the Low-Level Radioactive Waste Policy Act of 1980.

We had hoped to offer you both specific and final recommendations now, but national policy is in a state of flux. The Nuclear Regulatory Commission is investigating alternatives to shallow land burial facilities for low-level nuclear waste and the N.R.C. is in the process of developing amendments to its regulations which may be more appropriate for above ground engineered facilities. And those most involved in the low-level nuclear waste issue in Massachusetts and New York are considering recommending amending the existing Northeast Compact to make it more palatable to both to the large states and small volume states such as Maine.

Consequently, the Commission believes it is premature to make a final specific single recommendation which could exclude us from eligibility from a solution most desirable to most Maine citizens.

Please contact me or the other members of the Commission if you have any questions or if we can be of assistance to you or your constituents. More copies of either the entire report or only the recommendations which are contained on yellow pages are available.

Sincerely

S/SENATOR JUDY KANY

Chair, Low-Level

Waste Commission

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

COMMITTEE ON AGRICULTURE

111th Legislature

February 29, 1984

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Cheryl Kelly of St. Francis, as a Humane Society Representative of the Animal Welfare Board.

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

YEAS: Senators 3
Representatives 9

NAYS: 0

ABSENT: 1 (Rep. Mahany of Easton)

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Cheryl Kelly of St. Francis, as a Humane Society Representative of the Animal Welfare Board be confirmed.

Sincerely,
S/SENATOR EDGAR E. ERWIN
Senate Chair

S/REP. JOHN M. MICHAEL
House Chair

Which was READ and ORDERED PLACED ON FILE.

On motion by Senator PRAY of Penobscot the Committee on AGRICULTURE'S recommendation that the nomination of Cheryl Kelly be Confirmed was Tabled until later in today's session, pending Confirmation.

The Following Communication:
COMMITTEE ON AGRICULTURE
111th Legislature

February 29, 1984

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Harold W. Higgins of Belfast, as a Humane Society Representative of the Animal Welfare Board.

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

YEAS: Senators 3
Representatives 9

NAYS: 0

ABSENT: 1 (Rep. Mahany of Easton)

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Harold W. Higgins of Belfast, as a Humane Society Representative of the Animal Welfare Board be confirmed.

Sincerely,
S/SENATOR EDGAR E. ERWIN
Senate Chair
S/REP. JOHN M. MICHAEL
House Chair

Which was READ and ORDERED PLACED ON FILE.

On motion by Senator PRAY of Penobscot the Committee on AGRICULTURE'S recommendation that the nomination of Harold W. Higgins be Confirmed was Tabled until later in today's session, pending Confirmation.

The Following Communication:

COMMITTEE ON AGRICULTURE
111th Legislature

February 29, 1984

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Lawrence J. Keddy of South Windham, as a Humane Society Representative of the Animal Welfare Board.

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

YEAS: Senators 2
Representatives 9

NAYS: 0

ABSTAIN: 1 (Senator Hichens of York)

ABSENT: 1 (Rep. Mahany of Easton)

Eleven members of the Committee having voted in the affirmative and zero in the negative, with one abstaining, it was the vote of the Committee that the nomination of Lawrence J. Keddy of South Windham, as a Humane Society Representative of the Animal Welfare Board be confirmed.

Sincerely,
S/SENATOR EDGAR E. ERWIN
Senate Chair

S/REP. JOHN M. MICHAEL
House Chair

Which was READ and ORDERED PLACED ON FILE.

On motion by Senator PRAY of Penobscot the Committee on AGRICULTURE'S recommendation that the nomination of Lawrence J. Keddy be Confirmed was Tabled until later in today's session, pending Confirmation.

The Following Communication:
COMMITTEE ON AGRICULTURE
111th Legislature

February 29, 1984

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Sandra K. Brennan of Houlton, as a Humane Society Representative of the Animal Welfare Board.

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

YEAS: Senators 3
Representatives 9

NAYS: 0

ABSENT: 1 (Rep. Mahany of Easton)

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Sandra K. Brennan of Houlton, as a Humane Society Representative of the Animal Welfare Board be confirmed.

Sincerely,
S/SENATOR EDGAR E. ERWIN
Senate Chair

S/REP. JOHN M. MICHAEL
House Chair

Which was READ and ORDERED PLACED ON FILE.

On motion by Senator PRAY of Penobscot the Committee on AGRICULTURE'S recommendation that the nomination of Sandra K.

Brennan be Confirmed was Tabled until later in today's session, pending Confirmation.

The Following Communication:
COMMITTEE ON AGRICULTURE
111th Legislature

February 29, 1984

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Raynor I. Crosman of Corinna as an Agriculture Representative of the Animal Welfare Board.

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

YEAS: Senators 3
Representatives 9

NAYS: 0

ABSENT: 1 (Rep. Mahany of Easton)

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Raynor I. Crosman of Corinna, as an Agriculture Representative of the Animal Welfare Board be confirmed.

Sincerely,
S/SENATOR EDGAR E. ERWIN
Senate Chair

S/REP. JOHN M. MICHAEL
House Chair

Which was READ and ORDERED PLACED ON FILE.

On motion by Senator PRAY of Penobscot the Committee on AGRICULTURE'S recommendation that the nomination of Raynor I. Crosman be Confirmed was Tabled until later in today's session, pending Confirmation.

The Following Communication:
COMMITTEE ON AGRICULTURE
111th Legislature

February 29, 1984

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Donald Buzzell of Fryeburg, as an Agriculture Representative of the Animal Welfare Board.

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

YEAS: Senators 3
Representatives 9

NAYS: 0

ABSENT: 1 (Rep. Mahany of Easton)

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Donald Buzzell of Fryeburg as an Agriculture Representative of the Animal Welfare Board be confirmed.

Sincerely,
S/SENATOR EDGAR E. ERWIN
Senate Chair

S/REP. JOHN M. MICHAEL
House Chair

Which was READ and ORDERED PLACED ON FILE.

On motion by Senator PRAY of Penobscot

the Committee on AGRICULTURE'S recommendation that the nomination of Donald Buzzell be Confirmed was Tabled until later in today's session, pending Confirmation.

The Following Communication:
COMMITTEE ON AGRICULTURE
111th Legislature

February 29, 1984

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

Dear President Conley:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Jesse Harriman, Jr. of Richmond as an Agriculture Representative of the Animal Welfare Board.

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

YEAS: Senators 3
Representatives 9

NAYS: 0

ABSENT: 1 (Rep. Mahany of Easton)

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Jesse Harriman, Jr. of Richmond, as an Agriculture Representative of the Animal Welfare Board be confirmed.

Sincerely,
S/ SENATOR EDGAR E. ERWIN
Senate Chair
S/ REP. JOHN M. MICHAEL
House Chair

Which was READ and ORDERED PLACED ON FILE.

On motion by Senator PRAY of Penobscot the Committee on AGRICULTURE'S recommendation that the nomination of Jesse Harriman, Jr., be Confirmed was Tabled until later in today's session, pending Confirmation.

The Following Communication:
COMMITTEE ON AGRICULTURE
111th Legislature

February 29, 1984

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

Dear President Conley:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Bradford Tait of North Whitefield, as an Agriculture Representative of the Animal Welfare Board.

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

YEAS: Senators 3
Representatives 9

NAYS: 0

ABSENT: 1 (Rep. Mahany of Easton)

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Bradford Tait of North Whitefield, as an Agriculture Representative of the Animal Welfare Board be confirmed.

Sincerely,
S/ SENATOR EDGAR E. ERWIN
Senate Chair
S/ REP. JOHN M. MICHAEL
House Chair

Which was READ and ORDERED PLACED

ON FILE.

On motion by Senator PRAY of Penobscot the Committee on AGRICULTURE'S recommendation that the nomination of Bradford Tait be Confirmed was Tabled until later in today's session, pending Confirmation.

The Following Communication:
COMMITTEE ON AGRICULTURE
111th Legislature

February 29, 1984

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

Dear President Conley:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Agriculture has had under consideration the nomination of Russell Pinfold, D.V.M. of Brunswick as the Veterinarian Representative of the Animal Welfare Board.

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

YEAS: Senators 3
Representatives 9

NAYS: 0

ABSENT: 1 (Rep. Mahany of Easton)

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Russell Pinfold, D.V.M. of Brunswick as the Veterinarian Representative of the Animal Welfare Board be confirmed.

Sincerely,
S/ SENATOR EDGAR E. ERWIN
Senate Chair
S/ REP. JOHN M. MICHAEL
House Chair

Which was READ and ORDERED PLACED ON FILE.

On motion by Senator PRAY of Penobscot the Committee on AGRICULTURE'S recommendation that the nomination of Russell Pinfold D.V.M be Confirmed was Tabled until later in today's session, pending Confirmation.

The Following Communication:
COMMITTEE ON STATE GOVERNMENT
111th Legislature

March 1, 1984

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

Dear President Conley:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on State Government has had under consideration the nomination of Kathleen A. Boland of Hallowell as the Executive Director of the Maine State Housing Authority.

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

YEAS: Senators 2
Representatives 8

NAYS: Senators 0

Representatives 0

ABSENT: Sen. Violette of Aroostook, Rep. Holloway of Edgecomb, Rep. Lebowitz of Bangor.

Ten members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Kathleen A. Boland as Executive Director of the Maine State Housing Authority be confirmed.

Sincerely,
S/DAN A. GWADOSKY
House Chairman

Which was READ and ORDERED PLACED ON FILE.

On motion by Senator PRAY of Penobscot the Committee on STATE GOVERNMENT'S recommendation that the nomination of Kathleen A. Boland be Confirmed was Tabled until later in today's session, pending Confirmation.

The Following Communication:
11-County SDA

100 Hospital Street, State House, Station #55
Augusta, Maine 04333

Stephen R. Crockett, Chairman

Private Industry Council

George R. Ezzy, Director

11-County SDA

Enclosed is the proposed Job Training Plan for the 11-County SDA. As required by Section 105 of the Act, we are sending this Plan out for your review and comment.

The 11-County SDA Private Industry Council will be meeting on March 22, 1984, to review this Plan and any comments received. Final submission of the Plan to the State will occur on April 6, 1984.

If you have any comments on the Plan or recommendations you would like to make to the Private Industry Council, please submit them in writing to Paul Cyr, Planner/Manager, 11-County SDA, 100 Hospital Street, State House Station #55, Augusta, Maine 04333 by March 19, 1984.

Which was READ and with accompanying papers ORDERED PLACED ON FILE.

(Off Record Remarks)

SENATE PAPERS

Bill "An Act to Replace the Regional Refuse Disposal District Enabling Act" (Emergency)
S. P. 809 L. D. 2155

Presented by Senator PRAY of Penobscot.

Cosponsors: Representative KELLEHER of Bangor, Senator PERKINS of Hancock, Representative HALL of Sangerville.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Resolve, Authorizing the Exchange of Certain Public Reserved Lands.

S. P. 810

Presented by Senator PRAY of Penobscot.

Cosponsor: Representative MASTERMAN of Milo.

Submitted by the Department of Conservation pursuant to Joint Rule 24.

Which were referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

Bill "An Act to Clarify and Make Consistent the Rules of Construction Regarding Gender used in the Maine Revised Statutes Annotated" (Emergency) S. P. 808 L. D. 2159

Presented by Senator PRAY of Penobscot.

Cosponsors: Senator COLLINS of Knox, Representative E. MITCHELL of Vassalboro, Representative L. HIGGINS of Scarborough.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.

Committee on JUDICIARY suggested.

On motion by Senator PRAY of Penobscot under suspension of the Rules, the Bill READ TWICE and PASSED TO BE ENGROSSED without reference to Committee, and ORDERED PRINTED.

Sent down forthwith for concurrence.

Bill "An Act to Allow the Department of Transportation to Assume Responsibility for 100% of the Maintenance and Operation Costs of the Carleton Bridge Between Bath and Woolwich and to Allocate and Appropriate the

Funds Necessary to Assume this Additional Responsibility" (Emergency) S. P. 811 L. D. 2160

Presented by Senator DANTON of York.

Cosponsors: Representative MELENDY of Rockland, Representative CAHILL of Woolwich, Representative KANE of S. Portland.

Submitted by the Department of Transportation pursuant to Joint Rule 24.

Which was referred to the Committee on TRANSPORTATION and ORDERED PRINTED. Sent down for concurrence.

COMMITTEE REPORTS

House Ought to Pass

The Committee on EDUCATION on Bill "An Act to Amend the Statutes Relating to the Approval of Correspondence Schools and Trade and Technical Schools" H. P. 1564 L. D. 2073 Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Ought to Pass As Amended

The Committee on TAXATION on Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory. H. P. 1442 L. D. 1887

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-488).

Comes from the House, with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-488).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

Senate

Leave to Withdraw

The following LEAVE TO WITHDRAW report shall be placed in the Legislative Files without further action pursuant to Rule 15 of the Joint Rules:

Bill, "An Act Concerning Examinations for Licensed Practical Nurses." S. P. 739 L. D. 2042

Ought to Pass

Senator DOW for the Committee on FISHERIES AND WILDLIFE on Bill "An Act Concerning Municipal Snowmobile Registration" S. P. 687 L. D. 1894

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

SECOND READERS

The Committee on BILLS IN THE SECOND READING reported the following:

House

Bill "An Act to Amend the Charter of the Van Buren Water District" (Emergency) H. P. 1563 L. D. 2065

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

House As Amended

Bill "An Act to Fund Rape Crisis Centers" H. P. 1535 L. D. 2020 (C "A" H-485)

Bill "An Act to Appropriate Funds for the Governor's Commission on the Status of Education in Maine" (Emergency) H. P. 1518 L. D. 1999 (C "A" H-484)

Bill "An Act to Change the Name of Coho

Salmon to Pacific Salmon" H. P. 1484 L. D. 1947 (H "A" H-487 to C "A" H-478)

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

Bill "An Act Concerning the Use or Disposition of Fort Gorges in Casco Bay" H. P. 1520 L. D. 2002 (C "A" H-481)

Which was READ A SECOND TIME.

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

SENATOR TWITCHELL: Thank you, Mr. President. I present Senate Amendment "B" Filing Number S-294 to H. P. 520 and moves its Adoption.

THE PRESIDENT: The Senator from Oxford, Senator Twitchell offers Senate Amendment "B" (S-294) was READ and ADOPTED.

The Bill was PASSED TO BE ENGROSSED as Amended, in non-concurrence.

Sent down for concurrence.

ENACTORS

The Committee on ENGROSSED BILLS reported as truly and strictly engrossed the following:

AN ACT to Establish the Boundary Between the Town of Burnham in the County of Waldo and the Town of Clinton in the County of Kennebec and Between the Town of Burnham in the County of Waldo and the Town of Pittsfield in the County of Somerset. H. P. 1389 L. D. 1814

AN ACT to Clarify Return to Work Provisions Under the Workers' Compensation Law. H. P. 1402 L. D. 1824

AN ACT Concerning Repeal of Commercial Fishing for Atlantic Salmon in the St. Croix River. S. P. 686 L. D. 1893

AN ACT to Clarify the Procedures to Appeal a Decision of the Workers' Compensation Division. S. P. 661 L. D. 1851 (C "A" S-289)

AN ACT to Clarify That Notaries Public who do not Maintain a Seal of Office may Take Acknowledgments. H. P. 1395 L. D. 1818 (H "A" H-467)

Which were PASSED TO BE ENACTED and having been signed by the President, were presented by the Secretary to the Governor for his approval.

Emergency

AN ACT to Include the Chief Executive Officer of the Finance Authority of Maine as an Ex Officio Corporator of the Maine Development Foundation. H. P. 1497 L. D. 1972 (H "A" H-470)

This being an emergency measure and having received the affirmative vote of 27 Members of the Senate, with No Senators having voted in negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

AN ACT to Authorize the Public Utilities Commission to Return to Firm Customers the Profits from Sales of Gas to Interruptible Users. H. P. 1578 L. D. 2088

This being an emergency measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

AN ACT Defining Rehabilitation of Existing Building Projects under the Municipal Securities Approval Program. S. P. 776 L. D. 2094

On motion by Senator PRAY of Penobscot, TABLED for 1 Legislative Day, pending ENACTMENT.

ORDERS OF THE DAY

The President laid before the Senate: Bill, "An Act to Amend the Charter of the Van Buren Light and Power District." H. P. 1562 L. D. 2064

Tabled—February 29, 1984 by Senator PRAY of Penobscot.

Pending—Acceptance of the Ought to Pass Report.

(In House February 28, 1984 the Bill PASSED TO BE ENGROSSED.)

(In Senate February 29, 1984, the Report READ)

Which Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

The Bill TOMORROW ASSIGNED FOR SECOND READING.

On motion by Senator PRAY of Penobscot. RECESSED until 11 o'clock this morning.

AFTER RECESS

The Senate called to order by the President.

On motion by Senator PRAY of Penobscot the Senate RECONSIDERED its action of February 29, 1984 whereby it PASSED TO BE ENGROSSED:

Bill, "An Act to Amend the Cessation of Employment Law." H. P. 1450 L. D. 1902 (C "A" H-482)

(In Senate February 29, 1984 PASSED TO BE ENGROSSED AS AMENDED By Committee Amendment "A" (H-482) in concurrence.)

On further motion by the same Senator, the Senate SUSPENDED THE RULES.

On further motion by the same Senator, the Senate RECONSIDERED its action whereby it ADOPTED Committee Amendment "A" (H-482).

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

SENATOR DUTREMBLE: Mr. President, I present Senate Amendment "A" to Committee Amendment "A" and move its Adoption.

THE PRESIDENT: The Senator from York, Senator Dutremble presents Senate Amendment "A" to Committee Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-295) to Committee Amendment "A" (H-482) was READ and ADOPTED.

Committee Amendment "A" (H-482) as Amended by Senate Amendment "A" (S-295) thereto was ADOPTED, in non-concurrence.

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:

PAPERS FROM THE HOUSE

Pursuant to the Statutes

The Committee on AUDIT AND PROGRAM REVIEW pursuant to the Maine Revised Statutes Annotated, Title 3, Chapter 23, ask leave to submit its findings and to report that the accompanying Bill "An Act to Increase Legislative Oversight of the Fiscal Affairs of the Department of Inland Fisheries and Wildlife" (Emergency) (H. P. 1628) (L. D. 2143) be referred to the Joint Standing Committee on AUDIT AND PROGRAM REVIEW for public hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED. Under Suspension of the Rules, the Bill READ TWICE and PASSED TO BE ENGROSSED without reference to a Committee and ORDERED PRINTED pursuant to Joint Rule 18.

Which Report was READ and ACCEPTED in concurrence.

Under Suspension of the Rules, the Bill READ ONCE without reference to Committee.

On motion by Senator PRAY of Penobscot, ASSIGNED FOR SECOND READING later in today's session.

House Papers

Bill "An Act to Extend the Deadlines for the Filing of the Sardine Processing Waste-water Study" (Emergency) H. P. 1633 L. D. 2156
Committee on MARINE RESOURCES suggested.

Comes from the House under suspension of the rules the Bill READ TWICE and PASSED TO BE ENGROSSED without reference to a Committee and ORDERED PRINTED.

Under Suspension of the Rules the Bill READ TWICE and PASSED TO BE ENGROSSED without reference to a Committee and ORDERED PRINTED, in concurrence.

Sent forthwith to the Engraving Department.

Bill "An Act to Place Seven Affiliated Boards Within the Department of Business, Occupational and Professional Regulation" H. P. 1620 L. D. 2144

Bill "An Act to Separate Seven Affiliated Boards from the Department of Business, Occupational and Professional Regulation" H. P. 1621 L. D. 2145

Come from the House referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED.

Which were referred to the Committee on BUSINESS LEGISLATION and ORDERED PRINTED, in concurrence.

Bill "An Act to Amend the Criminal Extradition Act" H. P. 1622 L. D. 2146

Comes from the House referred to the Committee on JUDICIARY and ORDERED PRINTED.

Which was referred to the Committee on JUDICIARY and ORDERED PRINTED, in concurrence.

Resolution, Proposing an Amendment to the Constitution of Maine to Provide that, Beginning with the Property Tax Year 1984, All Watercraft as Defined by the Legislature shall be Exempt from Taxation as Personal Property, Provided That Certain Watercraft as Defined by the Legislature shall be Subject to an Excise Tax to be Collected and Retained by the Municipalities. H. P. 1623 L. D. 2147

Bill "An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1984-85" (Emergency) H. P. 1624 L. D. 2148

Come from the House referred to the Committee on TAXATION and ORDERED PRINTED.

Which were referred to the Committee on TAXATION and ORDERED PRINTED, in concurrence.

COMMITTEE REPORTS**House****Ought to Pass in New Draft under New Title**

The Committee on LOCAL AND COUNTY GOVERNMENT on Bill "An Act to Authorize a Self-liquidating Bond Issue for York County to Construct an Addition to the York County Jail" (Emergency). H. P. 1509 L. D. 1984

Reported the same Ought to Pass in New Draft under New Title: Bill "An Act Authorizing York County to Spend Surplus Funds for an Addition to the York County Jail" (Emergency) H. P. 1639 L. D. 2161

Comes from the House with the Report READ and ACCEPTED and the Bill, in NEW DRAFT under NEW TITLE, PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED, in concurrence.

The Bill, in NEW DRAFT under NEW TITLE, READ ONCE.

The Bill, in NEW DRAFT under NEW TITLE, TOMORROW ASSIGNED FOR SECOND READING.

ORDERS OF THE DAY

The President laid before the Senate:

The Joint Standing Committee on AGRICULTURE'S recommendation that the nomination of Cheryl Kelly be Confirmed.

Tabled earlier in today's session on motion by Senator PRAY of Penobscot.

Pending—Confirmation.

THE PRESIDENT: The Joint Standing Committee on AGRICULTURE has recommended that the nomination of Cheryl Kelly be confirmed.

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

Is the Senate ready for the question?

The Chair recognizes the Senator from Oxford, Senator Erwin.

SENATOR ERWIN: Mr. President, Ladies and Gentlemen of the Senate, we have a number of confirmations for your consideration today. I would like to briefly discuss, if I may, a little background on this Board since it is a new one.

Last year we had a bill that was presented by the Senator from York, Senator Wood. It was not considered at the time of the hearing a real good bill, but at the hearing it was brought out that we did have serious difficulties within this section.

Under the very capable leadership of Senator Wood, he was able to get the different groups involved to work together and come up with a real good piece of Legislation. This established a nine (9) member board: four (4) members from the Humane Societies, four (4) members from the agricultural group, and one (1) veterinarian. Many of the people and organizations that opposed the original piece of legislation, (there is no draft) are heavily in favor and endorse the final draft, and this includes our Farm Bureau and Grange society.

I would hope that the vote of the Senate, this morning, on these confirmations would reflect your desire to extend your wishes to this new Board that they can do their job thoroughly and well. I thank you.

THE PRESIDENT: Is the Senate ready for the question?

The Chair restated the question.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—None.

NAY—Brown, Bustin, Charette, Clark, Collins, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gill, Hayes, Hichens, Kany, McBreairty, Minkowsky, Najarian, Pearson, Pray, Shute, Teague, Trafton, Twitchell, Usher, Wood, The President—Gerard P. Conley.

ABSENT—Baldacci, Carpenter, Perkins, Redmond, Sewall, Violette.

No Senators having voted in the affirmative and 27 Senators having voted in the negative, with 6 Senators being absent, and None being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be ACCEPTED.

The nomination of Harold W. Higgins was Confirmed.

The President laid before the Senate:

The Joint Standing Committee on AGRICULTURE'S recommendation that the nomination of Lawrence J. Keddy be Confirmed.

Tabled earlier in today's session on motion by Senator PRAY of Penobscot.

Pending—Confirmation.

THE PRESIDENT: The Joint Standing Committee on AGRICULTURE has recommended that the nomination of Lawrence Keddy be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—None.

NAY—Brown, Bustin, Charette, Clark, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gill, Hayes, Kany, McBreairty, Minkowsky, Najarian, Pearson, Pray, Shute, Teague, Trafton, Twitchell, Usher, Wood, The President—Gerard P. Conley.

ABSENT—Baldacci, Carpenter, Collins, Hichens, Perkins, Redmond, Sewall, Violette.

No Senators having voted in the affirmative and 25 Senators having voted in the negative, with 8 Senators being absent, and None being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be ACCEPTED.

The nomination of Lawrence J. Keddy was Confirmed.

The President laid before the Senate:

The Joint Standing Committee on AGRICULTURE'S recommendation that the nomination of Sandra K. Brennan be Confirmed.

Tabled earlier in today's session on motion by Senator PRAY of Penobscot.

Pending—Confirmation.

THE PRESIDENT: The Joint Standing Committee on AGRICULTURE has recommended that the nomination of Sandra K. Brennan be confirmed.

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—None.

NAY—Brown, Bustin, Charette, Clark, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gill, Hayes, Kany, McBreairty, Minkowsky, Najarian, Pearson, Pray, Shute, Teague, Trafton, Twitchell, Usher, Wood, The President—Gerard P. Conley.

ABSENT—Baldacci, Carpenter, Collins, Hichens, Perkins, Redmond, Sewall, Violette.

No Senators having voted in the affirmative and 25 Senators having voted in the negative, with 8 Senators being absent, and None being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be ACCEPTED.

The nomination of Sandra K. Brennan was Confirmed.

The President laid before the Senate:

The Joint Standing Committee on AGRICULTURE'S recommendation that the nomination of Raynor I. Crosman be Confirmed.

Tabled earlier in today's session on motion by Senator PRAY of Penobscot.

Pending—Confirmation.

THE PRESIDENT: The Joint Standing Committee on AGRICULTURE has recommended that the nomination of Raynor I. Crosman be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on AGRICULTURE be overridden: In accordance with 3 M.R.S.A., Chapter 6, section 151

and with Joint Rule 38 of the 111th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—None.

NAY—Brown, Bustin, Charette, Clark, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gill, Hayes, Hichens, Kany, McBreaity, Minkowsky, Najarian, Pearson, Pray, Shute, Teague, Trafton, Twitchell, Usher, Wood, The President—Gerard P. Conley.

ABSENT—Baldacci, Carpenter, Collins, Perkins, Redmond, Sewall, Violette.

No Senators having voted in the affirmative and 26 Senators having voted in the negative, with 7 Senators being absent, and None being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be ACCEPTED.

The nomination of Raynor I. Crosman was Confirmed.

The President laid before the Senate:

The Joint Standing Committee on AGRICULTURE'S recommendation that the nomination of Donald Buzzel be Confirmed.

Tabled earlier in today's session on motion by Senator PRAY of Penobscot.

Pending—Confirmation.

THE PRESIDENT: The Joint Standing Committee on AGRICULTURE has recommended that the nomination of Donald Buzzel be confirmed.

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—None.

NAY—Brown, Bustin, Charette, Clark, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gill, Hayes, Hichens, Kany, McBreaity, Minkowsky, Najarian, Pearson, Pray, Shute, Teague, Trafton, Twitchell, Usher, Wood, The President—Gerard P. Conley.

ABSENT—Baldacci, Carpenter, Collins, Perkins, Redmond, Sewall, Violette.

No Senators having voted in the affirmative and 26 Senators having voted in the negative, with 7 Senators being absent, and None being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be ACCEPTED.

The nomination of Donald Buzzell was Confirmed.

The President laid before the Senate:

The Joint Standing Committee on AGRICULTURE'S recommendation that the nomination of Jesse Harriman, Jr. be Confirmed.

Tabled earlier in today's session on motion by Senator PRAY of Penobscot.

Pending—Confirmation.

THE PRESIDENT: The Joint Standing Committee on AGRICULTURE has recommended that the nomination of Jesse Harriman, Jr. be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on AGRICULTURE be overridden: In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 111th Legislature, the vote will be taken by the yeas and nays. A

vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—None.

NAY—Brown, Bustin, Charette, Clark, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gill, Hayes, Hichens, Kany, McBreaity, Minkowsky, Najarian, Pearson, Pray, Shute, Teague, Trafton, Twitchell, Usher, Wood, The President—Gerard P. Conley.

ABSENT—Baldacci, Carpenter, Collins, Perkins, Redmond, Sewall, Violette.

No Senators having voted in the affirmative and 26 Senators having voted in the negative, with 7 Senators being absent, and None being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be ACCEPTED.

The nomination of Jesse Harriman, Jr. was Confirmed.

The President laid before the Senate:

The Joint Standing Committee on AGRICULTURE'S recommendation that the nomination of Bradford Tait be Confirmed.

Tabled earlier in today's session on motion by Senator PRAY of Penobscot.

Pending—Confirmation.

THE PRESIDENT: The Joint Standing Committee on AGRICULTURE has recommended that the nomination of Bradford Tait be confirmed.

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—None.

NAY—Brown, Bustin, Charette, Clark, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gill, Hayes, Hichens, Kany, McBreaity, Minkowsky, Najarian, Pearson, Pray, Shute, Teague, Trafton, Twitchell, Usher, Wood, The President—Gerard P. Conley.

ABSENT—Baldacci, Carpenter, Collins, Perkins, Redmond, Sewall, Violette.

No Senators having voted in the affirmative and 26 Senators having voted in the negative, with 7 Senators being absent, and None being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be ACCEPTED.

The nomination of Bradford Tait was Confirmed.

The President laid before the Senate:

The Joint Standing Committee on STATE GOVERNMENT'S recommendation that the nomination of Kathaleen A. Boland be Confirmed.

Tabled earlier in today's session on motion by Senator PRAY of Penobscot.

Pending—Confirmation.

THE PRESIDENT: The Joint Standing Committee on STATE GOVERNMENT has recommended that the nomination of Kathaleen A. Boland be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on STATE GOVERNMENT be overridden: In accordance with 3 M.R.S.A., Chapter 6, section 151 and with Joint Rule 38 of the 111th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding

the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—None.

NAY—Brown, Bustin, Charette, Clark, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gill, Hayes, Hichens, Kany, McBreaity, Minkowsky, Najarian, Pearson, Pray, Shute, Teague, Trafton, Twitchell, Usher, Wood, The President—Gerard P. Conley.

ABSENT—Baldacci, Carpenter, Collins, Perkins, Redmond, Sewall, Violette.

No Senators having voted in the affirmative and 26 Senators having voted in the negative, with 7 Senators being absent, and None being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be ACCEPTED.

The nomination of Kathaleen A. Boland was Confirmed.

On motion by Senator PRAY of Penobscot RECESSED until the sound of the Bell.

RECESS

AFTER RECESS

The Senate called to order by the President.

Out of order and under suspension of the rules, the Senate voted to consider the following:

SECOND READER

The Committee on BILLS IN THE SECOND READING reported the following:

Bill "An Act to Increase Legislative Oversight of the Fiscal Affairs of the Department of Inland Fisheries and Wildlife" (Emergency). H. P. 1628 L. D. 2143

Which was READ A SECOND TIME.

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

SENATOR USHER: Mr. President, I offer Senate Amendment "A" (S-296).

THE PRESIDENT: The Senator from Cumberland, Senator Usher presents Senate Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-296) was READ.

THE PRESIDENT: The Senator has the floor.

SENATOR USHER: Thank you, Mr. President. Mr. President and Members of the Senate, the purpose of this Amendment is to try to save jobs, it is aimed at saving jobs, and I look for your support.

There are ten (10) people who start their layoff today: there will be six (6) biologists, and four (4) hatchery people who play a vital part in the Fish and Game Department. The Department is charged with protecting a resource and these people play a very important part in protecting the resource.

A few weeks ago there was a memo sent out by the Executive Branch to layoff twenty-five (25) people and make additional cuts in the Department.

The Committee has looked at this almost everyday this week. We have in the past two (2) weeks looked over and gone over and agreed with some of the cuts, as a matter of fact all the money raising cuts we agreed with. The people involved on the layoff some of those positions took care of themselves. People did move, people got jobs in different locations and we are down to ten (10) people which the Committee agreed on saving to protect the resources.

We are keeping the hatcheries open, the rearing station very important, the proposal was to close the Strong and Machias offices we have retained these two (2) offices to remain open for a year. The Warden Pilots will be demoted down to a warden, it is a demotion because of a cut in pay. We will lose the five (5) clerk typists, and a store-house position, plus the mileage will be cut by ten (10%) percent.

What we are asking for today is to retain these ten (10) people who play a very impor-

tant part in the whole operation.

There were so many meetings on it that I can't keep you up-to-date on all of the meetings that we had, meetings with the Governor, and we are deeply concerned with what is going on. We feel that this is the only avenue that we have left and this is typical of the Legislature acting on the twelfth hour, I won't say the eleventh hour this is it.

I hope that we can get a unanimous support from this Chamber this afternoon and send it to the other Chamber and look for their support, also. I ask for your support this afternoon.

Senate Amendment "A" (S-296) was ADOPTED.

On motion by Senator MINKOWSKY of Androscoggin the Senate RECONSIDERED its action whereby it ADOPTED Senate Amendment "A" (S-296).

THE PRESIDENT: The Senator has the floor. SENATOR MINKOWSKY: Thank you, Mr. President, Members of the Senate, chairing a similar committee to the chairman of the Inland Fisheries and Wildlife, myself being on the Marine Resources Committee, I can understand fully the trials and tribulations that these people are going through, especially the biologists, and the people in game management.

What I am asking this afternoon, number one, does the people involved in this decision, on this amendment, have reasonable assurance that the Governor will sign the Bill? For if not we are just wasting our time.

Secondly, last week when I spoke on this issue all I was focusing on at the time was a report that was presented to us by an ad hoc committee that the Commissioner had appointed. In discussion in the halls for the past few days it surfaced that within two or three weeks they will have resolved this particular situation. I have not received an answer to this and this is just sheer speculation.

My other concern we were talking of twenty-five (25) employees, today we are talking about ten (10) that means that there is fifteen (15) people either being transferred somewhere else, or through attrition, or through retirement, or something has been materializing. My concern is for those people, also. What happens to them? Are they going to matriculate back to the Department by July? Or are they fully terminated with the Department? And have accepted positions in some other department in State government? These are some key questions, I think, should be answered so everybody could be on the same level of understanding of what is going on.

For if we don't my final question is this: if the Audit and Program Review Committee and the Committee on Inland Fisheries and Wildlife find so much incompetence in the Department and the administration of that particular Department then it is incumbent upon them this afternoon to tell us on the floor of this Senate that that Department is not functioning properly, that those people in administration should be replaced. I hope number one that you people will address that.

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

SENATOR NAJARIAN: Mr. President and Members of the Senate, I feel really obligated to say something for the five (5) clerk typists that are losing their jobs. I said that if anybody, you know that if there was a need for replacing any of these people it ought to be the five (5) clerk typists. There are five (5) regional offices there is only one (1) clerk typist in each regional office and now there will be nobody to answer the telephone, nobody to write up the wardens reports and the wardens are going to have to do that themselves. I think that that is a very efficient move, but you know, generally on one is concerned about the females that lose their jobs.

From all my phone calls I guess I was pretty

much convinced that the hatcheries ought to stay open and those employees that are concerned with the hatcheries, but the Commissioner said that the biologist were doing (at thirty thousand cost to the General Fund) were doing work that college work studies students could do and I haven't heard any information to the contrary on that, and yet those positions are being restored.

Further of all of you who heard that speech at the Chamber of Commerce the other night this is absolutely Legislative meddling in the Executive Branch.

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

SENATOR PEARSON: Mr. President and Men and Women of the Senate, a biologist in this State that works for the Fisheries and Wildlife Department has a degree, at least, a Bachelors Degree and many of them Masters Degrees, as a matter of fact in my Senate District I have one that has his Doctorate. They deal with the lakes and ponds and streams of this State and the animals of this State in their area, they have become experts in their area. They know in my area Pushaw Lake, Cold Stream Pond, Eskutassiss, and all the other lakes and ponds that are in my area, they have spent years learning about the uniqueness about that lake, those ponds, those streams and those rivers, and the forage that is available for the animals that inhabit the area, they know where the deer yards are they know all of the things that are technical that need to be known by a biologist.

For the love of me I can not understand how anybody can say that a work study student could do that job just as well. Number one a work study student can only work so many hours in any given year and earn so much money. So you would have one working for awhile and then you'd have to replace them. They would probably be in their freshman, sophomore, junior year of college. They would be constantly rotated in and out of that area. It is just not practical and it is beyond me why the Commissioner would say that he could replace that level of experience and intelligence with a work study student.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBrearity.

SENATOR MCBREAIRTY: Mr. President and Honorable Members of the Senate, yesterday we had Doctor Colter come before the Audit Committee, he is I think a former head of the Fisheries and Wildlife Department at the University of Maine and probably one of the greatest authorities on fisheries and wildlife issues in the Country. He left us a little bit of information, and I am going to use that information now. The heading of it is: "The Value of Fish and Wildlife to the Maine Economy." It says: "people engage in hunting and fishing and other wildlife related activities in 1980", now that is in 1980 it is more now, "spent at least \$120,000,000. in Maine.

An idea of the importance of the fish and wildlife resource to Maine's economy can be gained from studying the values of several other well known Maine products." He listed, "potatoes bring \$95,000,000.; Blueberries \$19,000,000.; Dairy \$106,000,000.; Poultry and Eggs \$118,000,000.; Apples \$16,000,000." It goes on to say: "Commercial Fisheries, Lobsters \$51,000,000.; Claims \$7,000,000.; Herring \$3,000,000.; Scallops \$7,000,000.; Flounder \$7,000,000.; Haddock \$5,000,000.; and all sea food amounts to \$101,000,000."

So this means that our inland fisheries and wildlife industry is probably second in Maine in adding to the economy. Now the Department of Inland Fisheries and Wildlife annual operating budget is approximately \$10,000,000. Now only \$4,000,000. come from residents license fees, the remainder is from nonresident and federal grants. This means that Maine's citizens are only investing \$4,000,000. to perpetuate a resources that in 1980 resulted in expenditures of \$120,000,000. in Maine.

Now for years the license fees of Maine's sportsmen have paid for search and rescue. Presently the Commissioner estimates that we are spending between three hundred and four hundred thousand dollars of Fisheries and Wildlife money carrying out and enforcing environmental laws in the State of Maine. So I think that it is about time we realize the importance of this industry, and faced up to our responsibility and funded it so that we can keep these important people on. Thank you.

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

SENATOR MINKOWSKY: Mr. President and Members of the Senate, since the other batteries of questions I asked especially about the Governor vetoing this Bill have not been answered I have to assume that the possibility is there that he will veto it, and the fifteen (15) employees are gone forever in other departments, but I wish that somebody would be up front to say exactly what they are.

But I call your attention to the Audit and Program Review Committee's report of agencies in 1983 just one particular point. At the base of page 80 it says: "Legislation recently enacted which raises license fees effective January 1, 1984 is projected to provide the Department with approximately 1.7 million dollars over the biennium, however a quick analysis shows that if the Department expenditures remain constant this amount will serve only to provide a breaking point. It will not allow for a cost of living increase, nor replacement of existing equipment, the addition of staff, nor build back an adequate cash reserve for cash flow purposes. Therefore," and this is the point I want to stress this afternoon, "Therefore the current fiscal situation will remain unresolved and worsen unless the Department cuts back on services and staff." Cuts back on services and staff from their own recommendation. "Obtain another license fee increase or receive alternate sources of revenue."

Now I have no objection with the amendment this afternoon, I intend to vote for it, but I think that you people had better be up front to say exactly let's not band-aid this Department, let's face up to the problem and resolve it for them so that these people can get back to a normal lifestyle.

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

SENATOR DIAMOND: Thank you, Mr. President. Ladies and Gentlemen of the Senate, the gentlemen Senator from Androscoggin has raised two or three or four questions some of which no one could answer, others of which can be answered.

Number one, I do not know how the Governor is going to react to this. I don't know if he will sign it or not, that is not our decision right at this moment that is his. We have to decide if we want this amendment on, if we want this bill passed.

The question that the good Senator just asked on services and staff, and on alternate funding source is quite clear and it has been quite clear for the last two or three weeks but many people have been saying that indeed there needed to be changes in the Department. Like any department, the Department of Inland Fisheries and Wildlife is not unique if it were it would be a perfect pure situation where it would never need to be reviewed, nor would any changes need to be made.

Now the Audit and Program Review Committee did some real good things. We feel that way and so does almost everyone else who has read the report. We have changed somethings down there. We've condensed their management source from eleven (11) positions to five (5), and we have cleaned up a lot of the things that any department is apt to accumulate over the years. We have had good cooperation from that Department in making these changes and recommendations.

The alternate financing source that we make that we suggest have been several, we made cuts. If you read on in the Bill L. D. 2077 you'll see some cuts that we have recommended. We have, also, eliminated other positions to be moved or eliminated. We have done just what this report says we have done and we are very proud of it.

This amendment before us now deals with a very specific problem and that is gutting or taking away from the real resource protection that this Department has claimed and in charge of making. That is our roll and I think that that is why many of you have said to me and other people why you feel that this probably should happen at this time, especially where it is the twelfth hour, as the Senator from Cumberland, Senator Usher has said. So the Audit report is tight and we feel very good about it. We have made some changes in management and we have suggested ways of saving money. We think that this amendment is very appropriate that came from the Committee on Inland Fisheries and Wildlife.

So if there are any other questions regarding the Audit Report I would be very pleased to answer them. Thank you, Mr. President.

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

SENATOR PRAY: Thank you, Mr. President. Mr. President and Ladies and Gentlemen of the Senate, I apologize to the Senator from Androscoggin, Senator Minkowsky, I had intended to respond to some of his comments earlier but he got up again before I had a chance to get up.

Ladies and Gentlemen of the Senate and Mr. President, in reference to what the Governor will do if this Bill reaches his desk is something that we could all speculate on for a great deal of time. Until he actually has it and is given the option to consider the entire Bill and as to whether or not this one provision of the Bill would deter him from signing it is something that only he will make, I think once that Bill reaches him.

I do not think that we should weigh our decision on a piece of legislation that is pending before us based on what we feel may happen down the road. We have to make a decision as to what we feel is the proper thing for the Legislative Body to do.

In reference to the Senator's concerns about what has happened since the report of the, I believe, twenty-five (25) or twenty-eight (28) positions, I think that originally there were twenty-eight (28) positions of which twenty-five (25) of the positions were filled. So we are talking about twenty-five (25) individuals. Probably they will tie into the remarks that the Senator from Cumberland, Senator Najarian when she made reference to the clerks. First of all she referred to them automatically as Secretaries, and first of all she referred to them as being female and I am not sure that that is true. I don't think that all of our wardens are male, but in reference to whether or not these positions are of a particular gender I am not sure.

I think that there is some concern about if the Fisheries and Wildlife Department is in financial concern that an establishment of priorities must take place. In that establishment of priorities I believe that it is the concerns of some of those, and the good Senator from Cumberland, Senator Usher has attempted to express it in the amendment that we are considering, is to establish the priorities that the biologists and the hatcheries at this stage are more important considering the financial condition of the Department. It is not to say that those other positions are not important, it is not to say that they are not valuable to that Department, but with the financial considerations or the steps that have to be taken I have to commend the Senator from Cumberland, Senator Usher in the proposal that he has now presented for our consideration.

There is a publication that is put out by the

State along with a number of others, it is the annual report of Maine State Government. I would suggest that if any of you have an opportunity that you look up the various departments of State government, that includes the Executive Branch, the Legislative and Judiciary and goes through the various commissions and boards and departments. In there it gives you a basic breakdown of each department. Stating its purpose, its organization and programs that it implements.

I just would like to take a moment of your time on this late Friday afternoon to read you the purpose of the Fisheries and Wildlife Department. And I quote: "PURPOSE: The Department of Inland Fisheries and Wildlife was established to ensure that all species of wildlife and water resources in the State of Maine are maintained in perpetuated for their intrinsic and ecological values, for their economic contribution and for their recreational, scientific and educational use by the people of the State of Maine." It continues, that is the first sentence.

If that is the purpose and the charge of that Department, then, I think that these positions that we are addressing today are of paramount importance. I believe that the Legislative action is to express its concerns for the preservation of our resources which has great economic and ecological advantages to the State. These particular positions while it would be nice to have a clerk filing the reports for the various wardens throughout the State, I think that it is far more important that we have the educationally qualified individuals to protect the resources itself. That is of paramount importance and for that reason it would be my intention of supporting this amendment without concern of what may happen on the second floor. Thank you, Mr. President.

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

SENATOR KANY: Mr. President and Members of the Senate, I am sure that we all agree on the importance of the Department and the work that it does and the people who attempt to provide those services to the people of Maine. I have not been directly involved, as many of you have, in dealing with this very difficult subject. I am surprised to see, or perhaps surprised not to see either in the amendment or in the bill itself any reference to the retirement provisions which have been alluded to by so many throughout the State. I guess that it was my understanding just from talking with all of you and people in the halls that there was a great deal of interest in changing the extremely liberal retirement provisions which have been in our statutes for so long. I am wondering why either this amendment with its attempt to deal with the very important personnel policy or the Bill, itself, does not deal with the retirement provisions. Secondly, I am wondering if in the personnel cost if someone present, who knows much more about this than I, could please illuminate for me the percentage of personnel costs in that Department which can be attributable to the very liberal retirement plan?

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

The Chair recognizes the Senator from Penobscot, Senator Pearson.

SENATOR PEARSON: Thank you, Mr. President, Men and Women of the Senate, with regards to the retirement provision. I would like to remind the Senator from Kennebec and all other Senators here today, that the charge of our Committee was to review this Department as an individual department. The subject of twenty (20) year retirement did occur. We thought at the time that we were doing this, over the course of the last year, that that subject might be beyond the purview of this particular Committee. Especially recently when it

became apparent to us, known to all of us, the Committee on Aging, Veterans and Retirement had a bill dealing with that very subject matter.

Twenty (20) year retirement affects not only the warden force of this State, but also State Police, Marine Sea and Shore Enforcement Officials, it also affects Prison Wardens and Prison Guards and encompassed a lot more than we in our narrow field could address.

I am not opposed to that suggestion, but thought that it was more proper for the Committee on Aging, Veterans and Retirement to address that question than it was for us.

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

SENATOR DOW: Mr. President and Ladies and Gentlemen of the Senate just a couple of comments on the bill that is in aging for retirement. We had a study this summer on it, it is still in the Committee. We have been waiting for sometime, for some figures from the Governor's Office dealing with correction. That is a separate issue it will be dealt with in a separate bill.

Another question by the Senator from Androscoggin on the funding. This bill is not the total answer to the funding of the Fish and Wildlife Department. We are trying now and everybody on that Committee was concerned about everyone that got a pink slip. We are trying now to take care of this problem. The Committee is meeting everyday we are having a bill come out, we hope that will take care of the long range funding. Also, this bill gives us the line-item budget request that we have needed for a long time. I hope down the road two years from now, and four years from now we do not still have this same fight over, and over again. Thank you.

Senate Amendment "A" (S-296) was ADOPTED.

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

SENATOR NAJARIAN: Mr. President, I offer Senate Amendment "B" (S-297) and move its Adoption.

Senate Amendment "B" (S-297) was READ.

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

SENATOR NAJARIAN: Mr. President and Members of the Senate, this Amendment deletes section two from the Bill which said, the language which read, "The General Fund shall reimburse the Department in full for search and rescue operations." The reason I am offering the amendment to repeal that, take out that section is because it is open-ended number one. In the past we have been obligated to pay for search and rescue of non-sports people as I understand it. Since there is another bill coming out from the Performance Audit Committee addressing other areas of the Fish and Wildlife Department and since this is not an emergency I ask for your support in adopting this measure.

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

SENATOR PRAY: Mr. President and Members of the Senate, I have no opposition to the Amendment being offered by the good Senator from Cumberland, Senator Najarian, but since it deals with repealing the section in the Bill I just want everybody to clearly understand what the existing law now states and that is under Title 12, subsection 7035, paragraph 4, sub-paragraph B, "The expense of the Department in search and rescue efforts shall be paid from the General Fund."

Senate Amendment "B" (S-297) was ADOPTED.

The Bill was PASSED TO BE ENGROSSED, as Amended, in non-concurrence.

Sent down forthwith for concurrence.

Out of order and under suspension of the rules, the Senate voted to consider the following:

SENATE PAPERS

Bill, "An Act to Provide Set-Back Requirements for Disposal by a Property Owner on His Property of Septage from His Residence. S. P. 813

Presented by Senator KANY of Kennebec.

Cosponsors: Representative DAGGETT of Manchester, Representative MITCHELL of Vassalboro, Representative CONARY of Oakland.

Approved for introduction by the Legislative Council pursuant to Joint Rule 26.

Committee on ENERGY AND NATURAL RESOURCES suggested.

Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

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.

(Off Record Remarks)

On motion by Senator PRAY of Penobscot RECESSED until the sound of the Bell.

RECESS

AFTER RECESS

The Senate called to order by the President.

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

On motion by Senator PRAY of Penobscot, RECESSED until the sound of the Bell.

RECESS

AFTER RECESS

The Senate called to order by the President.

Out of order and under suspension of the rules, the Senate voted to consider the following:

ENACTORS

The Committee on ENGROSSED BILLS reported as truly and strictly engrossed the following:

Emergency

AN ACT to Extend the Deadlines for the Filing of the Sardine Processing Wastewater Study. H. P. 1633 L. D. 2156.

This being an emergency measure and having received the affirmative vote of 26 Members of the Senate, with No Senators having voted in negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary 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 to Increase Legislative Oversight of the Fiscal Affairs of the Department of Inland Fisheries and Wildlife. H. P. 1628 L. D. 2143.

In Senate March 2, 1984 PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-296) and SENATE AMENDMENT "B" (S-297)

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-297) and HOUSE AMENDMENT "B" (H-494) IN NON-CONCURRENCE.

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

SENATOR USHER: Mr. President, I move the Senate ADHERE.

THE PRESIDENT: The Senator from Cumberland, Senator USHER, now moves that the Senate ADHERE.

The Chair recognizes the Senator from Aroostook, Senator McBreairty.

SENATOR McBREAIRTY: Mr. President, I move that the Senate Recede and Concur and I

ask for a Roll Call.

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

Will all those Senators in favor of a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen a roll call is ordered.

The Chair recognizes the Senator from Cumberland, Senator DIAMOND.

SENATOR DIAMOND: Thank you, Mr. President. Men and Women of the Senate, there are a lot of people in here, I think, who agree with the Senator from Aroostook, Senator McBreairty, that we are concerned about everyone and have a lot of compassion for what's happening. I think, also, it is also a real sense of realism and the final line is really not here, the final line is with the Governor.

I think everyone here who has been called by their constituents asking them to do all they can to save the Department or help the Department and especially take care of positions and jobs, I think everyone in this Senate wants to do just that. In order to do just that, I think we have to, to be in fact, as real as we can possibly be. And reality says to me, at least and maybe a few other, that there is a possibility of this Bill being passed and being signed. We can't certainly predict that but we can certainly hope for that. It looks like realism would dictate that ten people and the original presentation we had sent down to the other Body is probably the one to go with. Saying that I would, also, agree basically with Senator McBreairty from Aroostook that we do have a concern for everyone.

The Committee on Inland Fisheries and Wildlife in this Bill passes has a line-item budget authority. They can take that line-item budget authority and go to work on it Monday, or as soon as the Governor signs it, and deal with not only those positions we are not going to fund today or seal today, but other ones as well. So, even though, we're not all totally satisfied with this it seems like it's the best possible shot and also, resting on the fact that the Committee on Inland Fisheries and Wildlife still has a lot of work to do and can now do it. Thank you Mr. President.

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

SENATOR McBREAIRTY: Mr. President and Honorable Members of the Senate, I think that it makes real sense to keep the people on, get our line-item budget and then layoff the people we feel we don't need, rather than lay them off and then try to hire them back. This is what this amendment that was put on in the House will do.

Now, I don't agree that we need all these people, but I think we do need some of what's going to be laid off here if we don't accept this amendment. I think it's a shame to lay them off and then try to hire them back. I think it would be a real disruption and I'd hope that you would Recede and Concur. Thank you.

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

SENATOR PRAY: Thank you, Mr. President. Mr. President and Ladies and Gentlemen of the Senate, as the good Senator from Cumberland, Senator Diamond, has already commented and I'd like to just, also, stress to the point that each and everyone of us in this Chamber are concerned about all of these individuals. The action, the position that I am about to take is not one that will guarantee that the Department will continue to operate with a full contingency of staff-people.

I stated earlier today the concern of establishing a priority in a tight fiscal situation. Usually, it would be somebody like the Senator from Aroostook, Senator McBreairty, talking fiscal responsibility and the Democrats talking about the concerns for the individuals.

I have a concern for each of those remaining 15 people, but my concern has been alleviated by the fact that I understand that there is other employment for them within the State in other unfilled positions. That these people, I believe there may be a couple who are not covered, but out of the 15 remaining individuals, they have been taken care of by other positions in other agencies in other departments. It is with that understanding that I am now willing to support the position that the Senate took earlier today to take care of those who protect that resource, from my opinion who are the most valuable in protecting that resource and those who have the expertise in the biological and those who are raising that resource at the hatchery. So for that reason in the hopes that this bill will become law that I am going to oppose the motion to Recede and Concur.

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

SENATOR PEARSON: Mr. President, Mr. President, Men and Women of the Senate, I've been wrestling with myself for the last half hour or so trying to figure out what I ought to do. I've been around for a long, long time, (eight or nine years now) and I've seen almost every parliamentary maneuver that could be ever thought of, and I have to ask myself the question of what's the best thing for my District and, of course, my State?

Sometimes, bills are amended to kill them with kindness. Sometimes bills are amended so that you put so much weight on them that they sink. I think, although I cannot be sure, that if we were to Recede and Concur the bill might be in a position of having too much weight. I want, I think everyone of those jobs are extremely important and I want them all, but I don't think I can have them all. I fear with the limited amount of knowledge that I have, that if I were to vote to Recede and Concur, and the Bill eventually ended up on the second floor for the signature down there, that it would be so heavy that it would be vetoed. Then I fear that we would not override. So, consequently, although I feel very, very bad about it, a half a loaf is better than none at all.

THE PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is a motion of the Senator from Aroostook, Senator McBreairty, that the Senate RECEDE and CONCUR with the House.

A Yes vote will be in favor of Receded and Concurring.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

ROLL CALL

YEA—Collins, Emerson, Gill, Hichens, McBreairty, Shute, Twitchell, Wood.

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

ABSENT—Baldacci, Carpenter, Perkins, Redmond, Sewall, Teague.

A Roll Call was had.

8 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 6 Senators being absent, the motion to RECEDE and CONCUR with the House FAILED.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator COLLINS.

SENATOR COLLINS: Mr. President, since the effort to follow the ideas expressed by the Senator from Aroostook, Senator McBreairty, have not succeeded, I would urge the Senate now to follow the motion to ADHERE and 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 the members present and voting.

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

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

SENATE AT EASE

The Senate called or order by the President.

THE PRESIDENT: The pending question before is the motion of the Senator from Cumberland, Senator Usher, that the Senate ADHERE.

A Yes vote will be in favor of ADHERING.

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, Collins, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gill, Hayes, Kany, McBreairty, Minkowsky, Najarian, Pearson, Pray, Shute, Trafton, Twitchell, Usher, Violette, Wood, The President-Gerard P. Conley.

NAY—Hichens.

ABSENT—Baldacci, Carpenter, Perkins, Redmond, Sewall, Teague.

A Roll Call was had.

26 Senators having voted in the affirmative and 1 Senator having voted in the negative, with 6 Senators being absent the motion to ADHERE, PREVAILED.

Sent down forthwith for concurrence.

On motion by Senator PRAY of Penobscot RECESSED until the sound of the bell.

RECESS

AFTER RECESS

The Senate called to order by the President.

Out of order and under suspension of the rules, the Senate voted to consider the following:

ENACTORS

The Committee on ENGROSSED BILLS reported as truly and strictly engrossed the following:

Emergency

AN ACT to Increase Legislative Oversight of the Fiscal Affairs of the Department of Inland Fisheries and Wildlife. H. P. 1628 L. D. 2143 (S. "A" S-296 and S "B" S-297)

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

SENATOR PEARSON: Mr. President, Men and Women of the Senate, not everybody is satisfied here today, but at least all of the hatchery personnel, and Fisheries and Wildlife biologists will be able to keep their jobs, and therefore, I am pleased that we could do at least this much. Mr. President, I would request that when the vote is taken, it be taken by the yeas and nays.

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 a roll call, please rise and remain standing until counted.

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

The pending question before the Senate is Passage to be Enacted.

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—Brown, Bustin, Charette, Clark, Collins, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gill, Hayes, Kany, McBreairty, Minkowsky, Najarian, Pearson, Pray, Shute, Trafton, Twitchell, Usher, Violette, Wood, The President-Gerard P. Conley.

NAY—Hichens.

ABSENT—Baldacci, Carpenter, Perkins, Redmond, Sewall, Teague.

A Roll Call was had.

This being an emergency measure and hav-

ing received the affirmative vote 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 presented by the Secretary to the Governor for his approval.

On motion by Senator PRAY of Penobscot, ADJOURNED until Monday, March 5, 1984 at 10 o'clock in the morning.