

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

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FOURTH CONFIRMATION SESSION

(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)

May 31, 1984

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FIFTH CONFIRMATION SESSION

(SECOND CONFIRMATION SESSION – SECOND REGULAR SESSION)

July 11, 1984

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THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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STATE OF MAINE
One Hundred and Eleventh Legislature
Second Regular Session
JOURNAL OF THE SENATE
In Senate Chamber
Thursday
March 29, 1984
Senate called to Order by the President.

Prayer by the Reverend A. Raymond Smith of the St. Barnabas Episcopal Church of Augusta

REVEREND SMITH: Good morning. In God we trust. Almighty God, You have given us this good land for our heritage. We humbly beseech You that we may always prove ourselves a people mindful of Your favor and glad to do Your will.

Bless our land with honorable industry, sound learning and pure manners. Save us from violence, discord and confusion, from pride and arrogance and from every evil way. Defend our liberties, and fashion into one united people the multitudes brought here by the many kindreds and tongues. Endow the spirit of wisdom in those to whom in Your name we entrust the authority of government, especially the Senate, now assembled, that there may be justice and peace at home, that through obedience to Your law, we may show forth Your praise among the nations of the earth.

In the time of prosperity, fill our hearts with thankfulness, and in the day of trouble allow not our trust in You to fail. Always which we ask through Him who came among us as one who serves Jesus Christ, our Lord, Amen.

Reading of the Journal of Tuesday, March 27, 1984.

OFF RECORD REMARKS

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Provide for Repayment of Interest Charges Incurred on Federal Advances to the Unemployment Compensation Fund" S. P. 861 L. D. 2338

In Senate March 22, 1984 PASSED TO BE ENGROSSED

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-590) in NON CONCURRENCE

THE PRESIDENT: Is it now the pleasure of the Senate to RECEDE and CONCUR with the House?

It is a vote.

Non-concurrent Matter

Bill "An Act to Require State Agencies Authorized to Expend Proceeds of Bonds Approved by the Electorate to Report the Status of the Bonds to the Legislature Prior to the Date of Deauthorization as Provided in the Constitution of Maine" S. P. 819 L. D. 2199

In Senate March 22, 1984 PASSED TO BE ENGROSSED

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-588) 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 Concerning Hazardous Materials Control" H. P. 1666 L. D. 2198

In Senate March 16, 1984 PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-515)

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-515) AND HOUSE AMENDMENT "B" (H-578) 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

Resolve, Designating a Mountain in Andover North Surplus Township as Gradys Mountain" S. P. 828 L. D. 2214

In Senate March 22, 1984 PASSED TO BE ENGROSSED

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-596) 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 Providing for Change of Venue in Criminal Cases" S. P. 658 L. D. 1848

In Senate March 27, 1984 PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-334)

Comes from the House FAILING PASSAGE TO BE ENGROSSED in NON CONCURRENCE

On motion by Senator TRAFTON of Androscoggin the Senate ADHERED

Non-concurrent Matter

Bill "An Act to Provide Limitations on Fishing by Weirs, Purse and Stop Seines and to Provide Notice for the Location of Weirs and their Maintenance" (Emergency) H. P. 1516 L. D. 1991

In Senate March 22, 1984 the Minority Ought Not To Pass Report READ and ACCEPTED in NON CONCURRENCE

Comes from the House the Majority Ought To Pass as Amended Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-527) AS AMENDED BY HOUSE AMENDMENT "A" (H-542) AND HOUSE AMENDMENT "B" (H-585) thereto in NON CONCURRENCE

On motion by Senator PRAY of Penobscot, TABLED until later in today's session pending FURTHER CONSIDERATION.

Non-concurrent Matter

Bill "An Act Relating to Changes in the Composition and Functioning of the Harness Racing Commission" S. P. 801 L. D. 2149

In Senate March 19, 1984 PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-318) AND SENATE AMENDMENT "A" (S-323)

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-318) AS AMENDED BY HOUSE AMENDMENT "A" (H-600) thereto AND SENATE AMENDMENT "A" (S-323) 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 Maine Lemon Law to Include Vehicles Such as Tractor Trailers" H. P. 1490 L. D. 1965

In House March 20, 1984 the Minority Ought To Pass report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-558)

In Senate March 27, 1984 the Majority Ought Not To Pass Report READ and ACCEPTED in NON CONCURRENCE

Comes from the House that Body INSISTED On motion by Senator CLARK of Cumberland, the Senate ADHERED

The President requested the Sergeant-at-Arms to escort the Senator from Aroostook, Senator CARPENTER, to the Rostrum to assume the duties of President Pro-Tem.

The Sergeant-at-Arms escorted the Senator from Aroostook, Senator CARPENTER to the Rostrum where he served as President

Pro-Tem.

The President then retired from the Senate Chamber

COMMITTEE REPORTS

House

Ought to Pass

The Committee on JUDICIARY ON Bill "An Act to Repeal a Statute which has been Declared Unconstitutional" H. P. 1698 L. D. 2252 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 PRESIDENT PRO-TEM: Is it now the pleasure of the Senate that under suspension of the rules this Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED in concurrence.

The Committee on LOCAL AND COUNTY GOVERNMENT on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1984 (Emergency) H. P. 1797 L. D. 2372

Reported that the same Ought to Pass pursuant to Joint Order (H. P. 1572)

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

Which Report was READ and ACCEPTED, in concurrence.

The Resolve READ ONCE.

THE PRESIDENT PRO-TEM: Is it now the pleasure of the Senate that under suspension of the rules this Resolve be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules, the Resolve READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

Ought to Pass As Amended

The Joint Select Committee on ALCOHOLISM SERVICES on Bill "An Act to Provide Medicaid Reimbursement for Substance Abuse Services" H. P. 1667 L. D. 2207

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-595).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-595) was READ and ADOPTED, in concurrence.

THE PRESIDENT PRO-TEM: Is it now the pleasure of the Senate that under suspension of the rules this Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules the BILL READ A SECOND TIME and PASSED TO BE ENGROSSED as Amended, in concurrence.

The Joint Select Committee on ALCOHOLISM SERVICES on Bill "An Act Making Allocations Related to the Alcoholism Prevention, Education, Treatment and Research Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1985" (Emergency) H. P. 1668 L. D. 2208

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-594).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-594).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-594) was READ and ADOPTED, in concurrence.

On motion by Senator PRAY of Penobscot the Bill as AMENDED ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

The Joint Select Committee on ALCOHOLISM SERVICES on Bill "An Act to Increase the Fee for the Alcohol Education Program Conducted by the Department of Human Services" H. P. 1658 L. D. 2188

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-593).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-593) was READ and ADOPTED, in concurrence.

On motion by Senator PRAY of Penobscot the Bill as AMENDED ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

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

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-584).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-584).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-584) was READ and ADOPTED, in concurrence.

THE PRESIDENT PRO-TEM: Is it the pleasure of the Senate that under suspension of the rules this Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules, the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED as Amended in concurrence.

The Committee on BUSINESS LEGISLATION on Bill "An Act to Amend the Licensing of Dental Radiographers" H. P. 1691 L. D. 2246

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-583).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-583).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-583) was READ and ADOPTED, in concurrence.

THE PRESIDENT PRO-TEM: Is it the pleasure of the Senate that under suspension of the rules this bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED as Amended in concurrence.

The Committee on HEALTH AND INSTITUTIONAL SERVICES on Bill "An Act to Require Prisoners on Work Release to Pay for the Cost of Their board in a Correctional Facility" H. P. 1657 L. D. 2187

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-580).

Comes from the House, with the Report

READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-580).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-580) was READ and ADOPTED, in concurrence.

THE PRESIDENT PRO-TEM: Is it the pleasure of the Senate that under suspension of the rules this Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules the bill READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

The Committee on MARINE RESOURCES on Bill "An Act Concerning Striped Bass" H. P. 1693 L. D. 2248

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-579).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-579).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-579) was READ and ADOPTED, in concurrence.

THE PRESIDENT PRO-TEM: Is it the pleasure of the Senate that under suspension of the rules this Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED as Amended, in concurrence.

The Committee on JUDICIARY on Bill "An Act to Amend Provisions Relating to Violation of Probation or Parole" H. P. 1659 L. D. 2189

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-575).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-575).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-575) was READ and ADOPTED, in concurrence.

THE PRESIDENT PRO-TEM: Is it the pleasure of the Senate that under suspension of the rules this Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED as Amended, in concurrence.

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Amend the Statutes Relating to Handicapping Conditions Under the Human Services Law" H. P. 1589 L. D. 2099

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-565).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-565) AND HOUSE AMENDMENT "A" (H-576).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-565) was READ and ADOPTED, in concurrence.

House Amendment "A" (H-576) was READ and ADOPTED, in concurrence.

THE PRESIDENT PRO-TEM: Is it the pleasure of the Senate that under suspension of the rules this Bill be given its Second Reading at this time by title Only?

It is a vote.

Under suspension of the rules the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED as Amended, in concurrence.

The Committee on EDUCATION on Bill "An Act to Provide a Corporate Tax Credit for Donations of technological Equipment to Educational Institutions" H. P. 1653 L. D. 2178

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-592).

Comes from the House, Ruled NOT PROPERLY BEFORE THE BODY pursuant to Joint Rule 37.

Which Report was READ

On motion by Senator CONLEY of Cumberland TABLED until later in today's session, pending ACCEPTANCE OF THE COMMITTEE REPORT

Ought to Pass in New Draft

The Committee on AUDIT AND PROGRAM REVIEW on Bill "An Act to Create the Maine Uniform Accounting and Auditing Practices Act for Community Agencies" H. P. 1471 L. D. 1929

Reported that the same Ought to Pass in New Draft under same title H. P. 1798 L. D. 2375

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

THE PRESIDENT PRO-TEM: Is it the pleasure of the Senate that under suspension of the rules this Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules the Bill in NEW DRAFT READ A SECOND TIME and PASSED TO BE ENGROSSED in concurrence.

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Clarify the Timber-Harvesting Provisions of the Allagash Wilderness Waterway Statutes" H. P. 1576 L. D. 2086

Reported that the same Ought to Pass in New Draft under same title H. P. 1793 L. D. 2368

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

THE PRESIDENT PRO-TEM: Is it the pleasure of the Senate that under suspension of the rules this Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules the Bill in NEW DRAFT READ A SECOND TIME and PASSED TO BE ENGROSSED in concurrence

The Committee on ELECTION LAWS on Bill "An Act to Allow State Party Committees to Establish the Time for Electing their Officers" H. P. 1537 L. D. 2022

Reported that the same Ought to Pass in New Draft under same title H. P. 1784 L. D. 2350

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

THE PRESIDENT PRO-TEM: Is it the pleasure of the Senate that under suspension of the rules this Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules the Bill in NEW DRAFT READ A SECOND TIME and PASSED TO BE ENGROSSED in concurrence.

The Committee on AUDIT AND PROGRAM REVIEW on Bill "An Act to Provide Policy and

Guidelines for Creation and Operation of Boards and Commissions" H. P. 1476 L. D. 1931

Reported that the same Ought to Pass in New Draft under same title H. P. 1780 L. D. 2345

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

THE PRESIDENT PRO-TEM: Is it the pleasure of the Senate that under suspension of the rules this Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules the Bill in NEW DRAFT READ A SECOND TIME and PASSED TO BE ENGROSSED in concurrence.

The Committee on BUSINESS LEGISLATION on Bill "An Act Amending the Charter of the Telephone Workers Credit Union of Maine" H. P. 1603 L. D. 2128

Reported that the same Ought to Pass in New Draft under same title H. P. 1779 L. D. 2344

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

THE PRESIDENT PRO-TEM: Is it the pleasure of the Senate that under suspension of the rules this Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules the Bill in NEW DRAFT READ A SECOND TIME and PASSED TO BE ENGROSSED in concurrence.

The Committee on LABOR on Bill "An Act to Provide for Financial Solvency in the Unemployment Compensation Fund" H. P. 1577 L. D. 2087

Reported that the same Ought to Pass in New Draft under same title H. P. 1773 L. D. 2341

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

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

THE PRESIDENT PRO-TEM: Is it the pleasure of the Senate that under suspension of the rules this Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules the Bill in NEW DRAFT READ A SECOND TIME and PASSED TO BE ENGROSSED in concurrence.

The Committee on EDUCATION on Bill "An Act to Revise the School Finance Act" H. P. 1275 L. D. 1688

Reported that the same Ought to Pass in New Draft under same title H. P. 1765 L. D. 2327

Comes from the House, the Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-586).

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

House Amendment "A" (H-586) was READ and ADOPTED, in concurrence.

THE PRESIDENT PRO-TEM: Is it the pleasure of the Senate that under suspension of the rules this Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules the Bill in NEW DRAFT AS AMENDED READ A SECOND TIME and PASSED TO BE ENGROSSED in concurrence.

Ought to Pass in New Draft Under New Title

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Prohibit the

State from Charging Fees to the General Public for Access to Public Lands" H. P. 992 L. D. 1302

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Require the Bureau of Public Lands to Report Annually to the Legislature on the Existence of Barriers to and Fees for Public Access to Public Reserved Lands" H. P. 1794 L. D. 2369

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 PRESIDENT PRO-TEM: Is it the pleasure of the Senate that under suspension of the rules this Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules the Bill in NEW DRAFT under NEW TITLE, READ A SECOND TIME and PASSED TO BE ENGROSSED in concurrence.

The Committee on HEALTH AND INSTITUTIONAL SERVICES on Bill "An Act to Provide for Licensure of birthing Centers" H. P. 1560 L. D. 2062

Reported the same Ought to Pass in New Draft under New Title Resolve, Directing the Department of Human Services to Prepare Draft Regulations on the Licensing of Birthing Centers (Emergency) H. P. 1788 L. D. 2361

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

Which Report was READ and ACCEPTED, in concurrence.

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

THE PRESIDENT PRO-TEM: Is it the pleasure of the Senate that under suspension of the rules this Resolve be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules the Resolve, in NEW DRAFT under NEW TITLE, READ A SECOND TIME and PASSED TO BE ENGROSSED in concurrence.

The Committee on EDUCATION on Bill "An Act to Provide an Educational Clearinghouse on the Causes and Consequences of Nuclear War" H. P. 1647 L. D. 2181

Reported the same Ought to Pass in New Draft under New Title Bill "An Act to Provide an Educational Clearinghouse for Information on Nuclear Usage" H. P. 1792 L. D. 2366

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 PRESIDENT PRO-TEM: Is it the pleasure of the Senate that under suspension of the rules this Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules the Bill, in NEW DRAFT under NEW TITLE, READ A SECOND TIME and PASSED TO BE ENGROSSED in concurrence.

Divided Report

The Majority of the Committee on LABOR on Bill "An Act Concerning Benefits under the Unemployment Compensation Act" H. P. 1552 L. D. 2031

Reported that the same Ought to Pass in New Draft under Same title H. P. 1755 L. D. 2315

Signed:

Senators:

DUTREMBLE of York
HAYES of Penobscot

Representatives:

BONNEY of Falmouth
WILEY of Hampden
GAUVREAU of Lewiston
SWAZEY of Bucksport
TAMMARO of Baileyville
BEAULIEU of Portland
ROBINSON of Auburn
NORTON of Biddeford

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

Signed:

Senator:

SEWALL of Lincoln

Representative:

ZIRNKILTON of Mt. Desert

Comes from the House, the Majority Ought to Pass in New Draft under Same Title report READ and ACCEPTED and the Bill in New Draft PASSED TO BE ENGROSSED

Which Reports were READ

The Majority Ought to Pass in New Draft Report was ACCEPTED

The Bill, in NEW DRAFT READ ONCE.

THE PRESIDENT PRO-TEM: Is it the pleasure of the Senate that under suspension of the rules this Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules the Bill, in NEW DRAFT READ A SECOND TIME and PASSED TO BE ENGROSSED in concurrence.

Divided Report

The Majority of the Committee on JUDICIARY on Bill "An Act to Permit Public Service in Lieu of Fines for Indigent Offenders Under the Drunk Driving Law" H. P. 1427 L. D. 1872

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-530).

Signed:

Senators:

TRAFTON of Androscoggin
COLLINS of Knox
VIOLETTE of Aroostook

Representatives:

DRINKWATER of Belfast
LIVESAY of Brunswick
FOSTER of Ellsworth
HOBBINS of Saco
JOYCE of Portland
SOULE of Westbrook
BENOIT of S. Portland
HAYDEN of Durham

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

Signed:

Representatives:

REEVES of Newport
CARRIER of Westbrook

Comes from the House, Bill and Accompanying Papers INDEFINITELY POSTPONED

Which Reports were READ

The Majority OUGHT TO PASS as Amended by Committee Amendment "A" (H-530) Report was ACCEPTED, in NON-CONCURRENCE

The Bill READ ONCE

Committee Amendment "A" (H-530) was READ and ACCEPTED, in NON-CONCURRENCE.

THE PRESIDENT PRO-TEM: Is it the pleasure of the Senate that under suspension of the rules the Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules, the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED as Amended, in NON-CONCURRENCE

Sent down for concurrence.

Divided Report

The Majority of the Committee on AGRICULTURE on Bill "An Act Relating to the Labeling of Milk Containers" H. P. 1687 L. D. 2245

Reported that the same Ought Not to Pass.

Signed:

Sensors:

ERWIN of Oxford
WOOD of York

Representatives:

LOCKE of Sebec
CROUSE of Washburn
ANDERSON of Stockholm
SMITH of Island Falls
STOVER of W. Bath

The Minority of the same Committee on the same subject reported that the same Ought To Pass.

Signed:

Senator:

HICHENS of York

Representatives:

MICHAEL of Auburn
MAHANY of Easton
PARENT of Benton
SHERBURNE of Dexter
McCOLLISTER of Canton

Comes from the House, Bill and Accompanying Papers RULED NOT PROPERLY BEFORE THE BODY pursuant to Joint Rule 37

Which Reports were READ

THE PRESIDENT PRO-TEM: The Chair recognizes the Senator from Oxford, Senator Erwin.

SENATOR ERWIN: Mr. President. Is this Bill properly before this Body?

On motion by Senator PRAY of Penobscot, TABLED until later in today's session, pending A RULING FROM THE CHAIR

Divided Report

Eight members of the Committee on STATE GOVERNMENT on Bill "An Act to Allow the State, Counties and Municipalities to Buy Employee Deferred Compensation Plans from Financial Institutions" H. P. 1412 L. D. 1834

Reported in Report "A" that the same Ought to Pass in New Draft under New title Bill "An Act to Create Enabling Legislation for Payroll Deductions for Individual Retirement Accounts and Simplified Employee Pension Plans, to make Necessary Technical changes in the Provisions of Current Deferred Compensation Statutes, and to Authorize Counties, Municipalities and other Political Subdivisions to Purchase Deferred Compensation Instruments from Financial Institutions, Insurance Companies and Investment Firms" H. P. 1795 L. D. 2370

Signed:

Representatives:

LEBOWITZ of Bangor
COOPER of Windham
GWADOSKY of Fairfield
KILLENBACK of Cumberland
KETOVER of Portland
SALSBUURY of Bar Harbor
HOLLOWAY of Edgecomb
LaPLANTE of Sabattus

Four Members of the same Committee on the same subject matter

Reported in Report "B" that the same Ought to Pass in New Draft under New Title Bill "An Act to Create Enabling Legislation for Payroll Deductions for Individual Retirement Accounts and Simplified Employee Pension Plans and to Make Necessary Technical Changes in the Provisions of Current Deferred Compensation Statutes" H. P. 1796 L. D. 2371

Signed:

Sensors:

VIOLETTE of Aroostook
BALDACCI of Penobscot

Representatives:

SPROUL of Augusta
PARADIS of Augusta

One Member of the same Committee on the same subject matter Reported in Report "C" that the same Ought Not to Pass

Signed:

Senator:

HICHENS of York

Comes from the House, Report "A" Ought To Pass In New Draft Under New title (H. P. 1795) (L. D. 2370) READ and ACCEPTED and the Bill in New Draft PASSED TO BE ENGROSSED

Which Reports were READ

THE PRESIDENT PRO-TEM: the Chair recognizes the Senator from Aroostook, Senator Violette.

SENATOR VIOLETTE: I move the Acceptance of Report "B"

THE PRESIDENT PRO-TEM: The Senator from Aroostook, Senator Violette, now moves that the Senate accept Report "B", Ought to Pass in New Draft under New Title.

The Chair recognizes the Senator from Cumberland, Senator Clark.

SENATOR CLARK: Mr. President, I would pose an inquiry through the Chair to anyone from the Joint Standing Committee on State Government who might explain the difference between Report "A" and Report "B".

THE PRESIDENT PRO-TEM: The Senator from Cumberland, Senator Clark, has posed a question through the Chair to any Senator who may care to respond.

The Chair recognizes the Senator from Aroostook, Senator Violette.

SENATOR VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate. As there are two reports, actually three reports, to this Bill, Report "A", Report "B" that Senator Baldacci and I signed, and the Report Ought Not to Pass which Senator Hichens signed.

There are two issues in this Bill. The first issue is, basically the new draft, and the Report that Senator Baldacci and I signed, authorizes the state, counties, municipalities and other political subdivisions to offer individual retirement accounts and simplified employee pension fund benefits to public employees. This is just, basically, a cleaning up or clearing up or doing away with the grayness in this area that allows banks the right to offer IRA's and SEP's to political subdivisions.

The other aspect of the Bill, as you know, under Maine law there presently exists a Deferred Compensation Plan known as the 457 Plan. Under this plan, this is a plan that was created by the State of Maine for State employees, as well as, for municipal and county employees, under this plan three insurance companies offered deferred compensation.

I move this item be tabled until later in today's session.

On motion by Senator PRAY of Penobscot, TABLED until later in today's session, pending the motion by the Senator from Aroostook, Senator VIOLETTE to ACCEPT Report "B" Ought to Pass in New Draft under New Title (H. P. 1796) (L. D. 2371) in NON-CONCURRENCE.

The President Pro-Tem would ask the Sergeant-at-Arms to escort the Senator from Cumberland, Senator Conley, to the Rostrum where he may resume his duties as President.

The Sergeant-at-Arms escorted the Senator from Cumberland, Senator Conley, to the Rostrum where he resumed his duties as President.

The Sergeant-at-Arms escorted the Senator from Aroostook, Senator Carpenter to his seat of the floor of the Senate.

THE PRESIDENT: The Chair wishes to thank the good Senator from Aroostook, Senator Carpenter, for the fine job he did as presiding office for this morning's session.

(Applause, the Members rising)

Senate

Leave to Withdraw

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

Bill "An Act to Require the State to Finance a General Assistance Program for Migrant Workers" S. P. 667 L. D. 1836

Ought to Pass in New Draft

Senator KANY for the Committee on ENERGY AND NATURAL RESOURCE on Bill "An Act to Encourage the Use of Wood as a Source of Energy in State-owned Building" (Emergency) S. P. 790 L. D. 2126

Reported that the same Ought to Pass in New Draft under same title S. P. 879 L. D. 2383

Which Report was READ and ACCEPTED.

the Bill in NEW DRAFT READ ONCE.

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules this Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules the Bill in NEW DRAFT READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Divided Report

The Majority of the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act Encouraging an Alternative to Landfill Disposal of Solid Waste" (Emergency) S. P. 833 L. D. 2234

Reported that the same Ought To Pass as Amended by Committee Amendment "A" (S-345).

Signed:

Sensors:

KANY of Kennebec
PEARSON of Penobscot

Representatives:

MICHAUD of E. Millinocket
McGOWAN of Pittsfield
JACQUES of Waterville
KIESMAN of Fryeburg
RIDLEY of Shapleigh
MITCHELL of Freeport

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

Signed:

Senator:

McBREAIRTY of Aroostook

Representatives:

DEXTER of Kingfield
BROWN of Livermore Falls

Which Reports were READ

The Majority OUGHT TO PASS as Amended by Committee Amendment "A" (S-345) Report was ACCEPTED

The Bill READ ONCE

Committee Amendment "A" (S-345) was READ and ADOPTED

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules this Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED as Amended.

Sent down for concurrence.

Divided Report

The Majority of the Joint Select Committee on ALCOHOLISM SERVICES on Bill "An Act Relating to Alcohol-related Birth Defects" S. P. 830 L. D. 2225

Reported that the same Ought To Pass In New Draft under same title (S. P. 880) (L. D. 2384).

Signed:

Sensors:

BUSTIN of Kennebec
HAYES of Penobscot
PERKINS of Hancock
GILL of Cumberland

Representatives:

MASTERMAN of Milo
BRODEUR of Auburn
CHONKO of Topsham
ROLDE of York

REEVES of Pittston

The Minority of the same Committee on the same subject reported that the same Ought Not To Pass.

Signed:

Representatives:

ERWIN of Rumford

DAY of Westbrook

MATTHEWS of Caribou

Which Reports were READ

On motion by Senator PRAY of Penobscot, TABLED until later in today's session, pending ACCEPTANCE OF EITHER REPORT

Divided Report

The Majority of the Committee on LEGAL AFFAIRS on Bill "An Act to Amend the Liquor Laws to Permit the Sale of Beer and Wine at Outdoor Stadiums" S. P. 662 L. D. 1852

Reported that the same Ought To Pass in New Draft under same title S. P. 878 L. D. 2379

Signed:

Sensors:

CHARETTE of Androscoggin

DANTON of York

Representatives:

McSWEENEY of Old Orchard Beach

COTE of Auburn

MURPHY of Berwick

DILLENBACK of Cumberland

PERRY of Mexico

SWAZEY of Bucksport

HANDY of Lewiston

The Minority of the same Committee on the same subject reported that the same Ought Not To Pass.

Signed:

Senator:

SHUTE of Waldo

Representatives:

DUDLEY Of Enfield

STOVER of West Bath

COX of Brewer

Which Reports were READ

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

SENATOR BUSTIN: Would somebody on that Committee care to explain to what this new Bill is all about?

THE PRESIDENT: The Senator from Kennebec, Senator Bustin, 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 Androscoggin, Senator Charette.

SENATOR CHARETTE: Thank you, Mr. President. Women and Men of the Senate, this Bill before us now is the Bill that we dealt with a few weeks ago. What we've done in the Committee is we've removed the emergency provision and added a very strong sunset provision that mandates that this Bill comes back before the 112th Legislature for review after a report of the Liquor Commission is rendered. This would allow the same things that the other Bill allowed to happen and unless the 112th Legislature would act upon removing the sunset provision, this law would be in effect up until September, 1985.

On motion by Senator BUSTIN of Kennebec, TABLED until later in today's session, pending ACCEPTANCE OF EITHER REPORT

SECOND READERS

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

House

Bill "An Act to Clarify the Licensure of Administrators of Medical Care Facilities other than Hospitals" (Emergency) H. P. 1790 L. D. 2365

Bill "An Act to Clarify the Laws Relating to Private Business, Trade and Technical Schools" (Emergency) H. P. 1770 L. D. 2337

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

Senate As Amended

Bill "An Act to Ensure Universal Telephone Service for Maine People" S. P. 778 L. D. 2097 (C "A" S-340)

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

ENACTORS

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

AN ACT Authorizing an Adoption Assistance Compact and Procedures for Interstate Services Payments H. P. 1673 L. D. 2218

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

ORDERS OF THE DAY

The President laid before the Senate:

AN ACT Concerning Maine Farm Wineries S. P. 787 L. D. 2113 (H "A" H-547; C "A" S-319)

Tabled—March 27, 1984 by Senator PRAY of Penobscot

Pending—ENACTMENT

(In House March 27, 1984 PASSED TO BE ENACTED)

(In Senate March 22, 1984 PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-319) AND HOUSE AMENDMENT "A" (H-547) in concurrence)

On motion by Senator CHARETTE of Androscoggin, the Senate voted to SUSPEND THE RULES

On further motion by the same Senator, the Senate RECONSIDERED its action whereby the Bill was PASSED TO BE ENGROSSED

On further motion by the same Senator, the Senate voted to FURTHER SUSPEND THE RULES

On further motion by the same Senator, the Senate RECONSIDERED its action whereby it ADOPTED House Amendment "A" (H-547).

On further motion by the same Senator, House Amendment "A" (H-547) was INDEFINITELY POSTPONED in NON-CONCURRENCE.

On further motion by the same Senator, the Senate voted to SUSPEND THE RULES

On motion by the same Senator, the Senate RECONSIDERED its action whereby it ADOPTED Committee Amendment "A" (S-319)

SENATE AT EASE

The Senate called to order by the President.

On motion by Senator CHARETTE of Androscoggin, TABLED until later in today's session, pending ADOPTION OF COMMITTEE AMENDMENT "A" (S-319).

The President laid before the Senate:

AN ACT Requiring Nonowner Spouses to Record Claims to Marital Property under Divorce Laws, and Clarifying the Need for the Nonowner Spouse to Sign Conveyances in General S. P. 855 L. D. 2313

Tabled—March 27, 1984 by Senator PRAY of Penobscot

Pending—ENACTMENT

(In House March 27, 1984 PASSED TO BE ENACTED)

(In Senate March 20, 1984 PASSED TO BE ENGROSSED)

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

The President laid before the Senate:

AN ACT to Increase the Potato Tax H. P. 1645 L. D. 2179 (C "A" H-561)

Tabled—March 27, 1984 by Senator PRAY of Penobscot

Pending—ENACTMENT

(In House March 27, 1984 PASSED TO BE ENACTED)

(In Senate March 22, 1984 PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE

AMENDMENT "A" (H-561) in concurrence)

On motion by Senator CARPENTER of Aroostook, the Senate voted to SUSPEND THE RULES

On motion by the same Senator, the Senate RECONSIDERED its action whereby this Bill was PASSED TO BE ENGROSSED

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-561).

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

SENATOR CARPENTER: I offer Senate Amendment "A" to Committee Amendment "A" and move its Adoption, and would speak very briefly.

THE PRESIDENT: the Senator from Aroostook, Senator Carpenter presents Senate Amendment "A" (S-348) and moves its Adoption.

Senate Amendment "A" (S-348) to Committee Amendment "A" (H-561) was READ

THE PRESIDENT: The Senator has the floor.

SENATOR CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, what this Bill, in its purest form, represents is a significant increase in the so-called potato tax, which is paid ultimately by the farmer and it represents a doubling of the tax.

For years, we have had a number of organizations supposedly speaking for the potato industry and they have now come in asking for this tax increase in unanimity, promising to submit a plan for reorganization. My thinking is that we must do something to keep somebody's feet to the fire and therefore, this amendment would give them their tax increase initially, it would give them a two-year period to get their act together and get a reorganization plan acceptable to the Legislature brought in. If they do not bring a plan in that's acceptable to the Legislature, the tax would then drop back to three and one half cents a hundred weight which is still one cent a hundred weight higher than it is today. I would hope that we would adopt this amendment. Thank you.

Senate Amendment "A" (S-348) to Committee Amendment "A" (H-561) was ADOPTED

Committee Amendment "A" (H-561) as Amended by Senate Amendment "A" (S-348) thereto was ADOPTED in NON-CONCURRENCE.

The Bill was PASSED TO BE ENGROSSED as Amended in NON-CONCURRENCE.

Sent down for concurrence.

The President laid before the Senate:

Bill "An Act to Amend the Potato Price Stabilization Program" H. P. 1774 L. D. 2352

Tabled—March 27, 1984 by Senator CARPENTER or Aroostook

Pending—REFERENCE

(In House March 22, 1984 referred to the Committee on AGRICULTURE and ORDERED PRINTED)

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

SENATOR PRAY: Mr. President, I move that under suspension of the rules, this bill be given its First Reading at this time without reference to a Committee.

THE PRESIDENT: The Senator from Penobscot, Senator Pray now moves that L. D. 2352 be given its First Reading at this time Without Reference to Committee in non concurrence.

Is this the pleasure of the Senate?

It is a vote.

On motion by Senator PRAY of Penobscot, under suspension of the rules the Bill READ ONCE without reference to Committee and ORDERED PRINTED in NON-CONCURRENCE.

Under further suspension of the rules the Bill READ A SECOND TIME.

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

SENATOR CARPENTER: Mr. President, I offer Senate Amendment "A" to H. P. 1774, L. D.

2352, under filing number S-347 and moves its Adoption.

THE PRESIDENT: The Senator from Aroostook, Senator Carpenter, presents Senate Amendment "A" to L. D. 2352 and moves its Adoption.

Senate Amendment "A" (S-347) was READ
THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

SENATOR CARPENTER: Mr. President, this Amendment (S-347) is simply adding back a position which was inadvertently omitted from the Bill. This Bill has been around for some time and has been pretty well reworked by all the parties and I think is relatively noncontroversial, that's the reason we're giving it's First and Second Reading and sending it on its way.

Senate Amendment "A" (S-347) was ADOPTED

The Bill was PASSED TO BE ENGROSSED as Amended in NON-CONCURRENCE
Sent down for concurrence.

The President laid before the Senate:
Senate Reports from the Committee on EDUCATION on Bill "An Act Concerning the Teaching of Certain Subjects" S. P. 769 L. D. 2089

Majority Report Ought To Pass In New Draft under same title S. P. 869 L. D. 2359

Minority Report Ought To Pass In New Draft under same title S. P. 870 L. D. 2360

Tabled—March 27, 1984 by Senator CARPENTER of Aroostook

Pending — ACCEPTANCE OF EITHER REPORT

On motion by Senator PRAY of Penobscot, RETABLED for 1 Legislative Day, pending ACCEPTANCE OF EITHER REPORT

The President laid before the Senate:

Emergency

AN ACT to Ensure Medical Coverage of Residents in Cost Reimbursement Boarding Homes S. P. 843 L. D. 2266

Tabled—March 27, 1984 by Senator PRAY of Penobscot

Pending—ENACTMENT
(In House March 27, 1984 PASSED TO BE ENACTED)

(In Senate March 19, 1984 PASSED TO BE ENGROSSED)

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

SENATOR BUSTIN: I move this item lay upon the Table for 1 Legislative Day.

THE PRESIDENT: The Senator from Kennebec, Senator Bustin, moves that this Item lay on the Table 1 Legislative Day.

On motion by Senator PRAY of Penobscot, RETABLED until later in today's session, pending ENACTMENT

On motion by Senator PRAY of Penobscot, the Senate RECONSIDERED its action of March 27, 1984 whereby it PASSED TO BE ENGROSSED as Amended:

Bill "An Act to Amend the Laws Concerning Commercial Whitewater Rafting" (Emergency) S. P. 873 L. D. 2367

(In Senate March 27, 1984 the Ought To Pass In New Draft Report READ and ACCEPTED and the Bill in NEW Draft READ TWICE and PASSED TO BE ENGROSSED,) having been held at the request of the Senator.

On further motion by the same Senator, TABLED until later in today's session, pending PASSAGE TO BE ENGROSSED

SENATE AT EASE

The Senate called to order by the President.

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

OFF RECORD REMARKS

On motion of Senator CARPENTER of

Aroostook,
RECESSED until 4 o'clock this afternoon.

RECESS AFTER RECESS

The Senate called to order by the President.

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

Senator CARPENTER of Aroostook was granted unanimous consent to address the Senate Off the Record.

On motion by Senator CARPENTER of Aroostook

RECESSED until the sound of the Bell.

RECESS AFTER RECESS

The Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Pursuant to the Statutes

Pursuant to Public Law 1983, Chapter 94 the Accompanying Bill "An Act to Establish a Regional Fuel Tax Agreement" (H. P. 1799 L. D. 2380) was referred to the Joint Standing Committee on TRANSPORTATION for Public Hearing and printed pursuant to Joint Rule 18.

Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on TRANSPORTATION and ORDERED PRINTED

Which Report was READ and ACCEPTED, in concurrence.

On motion by Senator PRAY of Penobscot, TABLED until later in this afternoon's session, pending REFERENCE

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

Bill "An Act to Establish a Regional Fuel Tax Agreement" (H. P. 1799 L. D. 2380) submitted pursuant to Public Law 1983, Chapter 94

Tabled earlier in today's session on motion by Senator PRAY of Penobscot, pending—REFERENCE.

(Comes from the House with the Report READ and ACCEPTED and the Bill referred to the Committee on TRANSPORTATION and ORDERED PRINTED)

On motion by Senator PRAY of Penobscot referred to the Committee on TAXATION and ORDERED PRINTED pursuant to Joint Rule 18, in NON-CONCURRENCE.

On motion by Senator PRAY of Penobscot sent down forthwith for concurrence.

COMMUNICATIONS

The Following Communication: (H. P. 1805)

STATE OF MAINE

House of Representatives

House Minority Office

Augusta, Maine 04333

March 27, 1984

Honorable Edwin H. Pert

Clerk of the House

State House

Augusta, Maine 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

PLACED ON FILE.

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

The Following Communication: (S. P. 886)
Senate of Maine
Augusta, Me

March 29, 1984

Senator Gerard P. Conley

President of the Senate

State House

Augusta, Maine 04333

Dear Senator Conley:

In accordance with 1 MRSA Section 1002, sub-section 1-B, I have the honor of presenting to the Maine Senate the name of Lauretta Rush of Millinocket for nomination to the Commission on governmental Ethics and Election Practices.

Sincerely
S/CHARLES P. PRAY
Senate Majority Leader

Which was READ.

THE PRESIDENT: Is it now the pleasure of the Senate to confirm this nomination? According to Title 1, Section 1002 of the Maine Revised Statutes, the confirmation requires the affirmative vote of two-thirds of those Senators present.

Will all those Senators in favor of the nomination of Lauretta Rush of Millinocket, please rise and remain standing in their places until counted.

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

29 Senators having voted in the affirmative, and No Senators having voted in the negative, and 29 being more than two-third's of the membership present it is the vote of the Senate that the nomination of Lauretta Rush of Millinocket be CONFIRMED.

SENATE PAPERS

(Bill "An Act Relating to the Issuance of Registered Bonds" (Emergency) S. P. 885

Presented by Senator VIOLETTE of Aroostook

Committee on STATE GOVERNMENT suggested.

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

SENATOR VIOLETTE: Mr. President I move that under suspension of the rules that this Bill be given its First Reading without reference to committee.

THE PRESIDENT: The Senator from Aroostook, Senator Violette moves that under suspension of the rules this Bill be given its First Reading without reference to a committee.

Is this the pleasure of the Senate?

It is a vote.

On motion by Senator VIOLETTE of Aroostook under suspension of the rules the Bill READ ONCE without reference to committee and ORDERED PRINTED.

Under further suspension of the rules the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED without Reference to a Committee.

Sent down for concurrence.

COMMITTEE REPORTS

Senate

Leave to Withdraw

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

Bill "An Act to Provide for Public Notifications of the Intent to Apply Pesticides and for Monitoring Certain Pesticide Application Projects" S. P. 860 L. D. 2335

Ought to Pass in New Draft under New title
Senator CARPENTER for the Committee on HEALTH AND INSTITUTIONAL SERVICES on Bill "An Act to Provide Funds to Assure Ap-

appropriate Placement and Service Provision to State-assisted Residents of Boarding Homes and Adult Foster Homes" S. P. 669 L. D. 1843

Reported the same Ought to Pass in New Draft under New title Bill "An Act to Assure Appropriate Placement and Service Provision to State Assisted Residents of Boarding Homes and Adult Foster Homes S. P. 883 L. D. 2388

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

THE PRESIDENT: Is it now the pleasure of the Senate that under suspension of the rules that this Bill be given its Second Reading at this time by title Only?

It is a vote.

Under suspension of the rules the Bill in NEW DRAFT under NEW TITLE READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Divided Report

The Majority of the Committee on LEGAL AFFAIRS ON Bill "An Act Concerning the Tri-state Lotto Compact" S. P. 823 L. D. 2203

Reported that the same Ought To Pass As Amended by Committee Amendment "A" (S-353).

Signed:

Senators:

CHARETTE of Androscoggin
SHUTE of Waldo
DANTON of York

Representatives:

McSWEENEY of Old Orchard Beach
COTE of Auburn
HANDY of Lewiston
MURPHY of Berwick
DILLENBACK of Cumberland
PERRY of Mexico
SWAZEY of Bucksport

The Minority of the same Committee on the same subject reported that the same Ought Not To Pass.

Signed:

Representatives:

STOVER of West Bath
DUDLEY ofinfeld
COX of Brewer

Which Reports were READ.

The Majority OUGHT TO PASS as Amended by Committee Amendment "A" (S-353) Report was ACCEPTED.

The Bill READ ONCE

Committee Amendment "A" (S-353) was READ and ADOPTED.

THE PRESIDENT: Is it now the pleasure of the Senate that under suspension of the rules that this Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules, the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.

Sent down for concurrence.

Divided Report

The Majority of the Committee on HEALTH AND INSTITUTIONAL SERVICES on Bill "An Act Amending the Child and Family Services and Child Protection Act" S. P. 724 L. D. 1996

Reported that the same Ought To Pass In New Draft under same title S. P. 881 L. D. 2386

Signed:

Senators:

CARPENTER of Aroostook
BUSTIN of Kennebec
GILL of Cumberland

Representatives:

MELENDY of Rockland
WEBSTER of Farmington
PINES of Limestone
NELSON of Portland
CARROLL of Gray
MANNING of Portland
MAYBURY of Brewer
RICHARD of Madison
SEAVEY of Kennebunkport

The Minority of the same Committee on the same subject reported that the same Ought to Pass In New Draft under same title S. P. 882 L. D. 2387

Signed:

Representative:

BRODEUR of Auburn

Which Reports were READ.

The Majority OUGHT TO PASS in NEW DRAFT (S. P. 881) (L. D. 2386) Report was ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

THE PRESIDENT: Is it now the pleasure of the Senate that under suspension of the rules that the bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules the Bill in NEW DRAFT READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

SECOND READERS

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

House As Amended

Bill "An Act to Increase the Fee for the Alcohol Education Program Conducted by the Department of Human Services" H. P. 1658 L. D. 2188 (C "A" H-593)

Bill "An Act Making Allocations Related to the Alcoholism Prevention, Education, Treatment and Research Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1985" (Emergency) H. P. 1668 L. D. 2208 (C "A" H-594)

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

ENACTORS

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

AN ACT Relating to the Definition of School Year for the Purpose of Defining School Eligibility S. P. 859 L. D. 2332

AN ACT Concerning the Open Burning of Leaves and Brush H. P. 1422 L. D. 1867 (H-"A" H-555 to S "A" S-302 and H "A" H-508)

AN ACT to Assure Greater Independence to the Certificate of Need Advisory Committee and for Other Purposes H. P. 1481 L. D. 1944 (C "A" H-539)

AN ACT to Clarify Utility Financing of Energy Conservation H. P. 1760 L. D. 2323

AN ACT Creating the Wiscasset Water District H. P. 1764 L. D. 2326

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

AN ACT to Improve Cash Flow in the Department of Inland Fisheries and Wildlife H. P. 1759 L. D. 2321

On motion by Senator CARPENTER of Aroostook, TABLED UNASSIGNED, pending ENACTMENT.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1984 H. P. 1723 L. D. 2269

This being an emergency measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in negative was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1984 H. P. 1732 L. D. 2285

This being an emergency measure and having received the affirmative vote of 30

Members of the Senate, with No Senators having voted in negative was FINALLY PASSED 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:

COMMITTEE REPORTS

House

Leave to Withdraw

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

Bill "An Act to Raise the Annual Public Utilities Commission Regulatory Fund Assessments to \$1,660,000 for Fiscal Year 1985" (Emergency) H. P. 1458 L. D. 1910

Bill "An Act Concerning Reciprocity Relating to Hunting Permits and Guides" H. P. 1629 L. D. 2164

Bill "An Act to Provide for a Surety Bond for Soil Analysts" H. P. 1678 L. D. 2224

Bill "An Act to Clarify Disability Retirement Provisions" H. P. 1751 L. D. 2316

Bill "An Act Concerning Car Auctions and the Validity of Motor Vehicle Titles" H. P. 1690 L. D. 2272

Bill "An Act to Establish Minimum Energy Efficiency Standards for Major Appliances Sold in Maine" H. P. 1671 L. D. 2210

Ought to Pass

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Making Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) H. P. 1742 L. D. 2296

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 PRESIDENT: Is it now the pleasure of the Senate that under suspension of the rules that the Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

The Committee on LABOR on Bill "An Act Regarding the Effective Date of Interest Charges on Overdue Contributions to the Unemployment Compensation Fund" H. P. 1718 L. D. 2277

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 PRESIDENT: Is it now the pleasure of the Senate that under suspension of the rules that the Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED in concurrence.

Ought to Pass in New Draft

The Committee on BUSINESS LEGISLATION on 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

Reported that the same Ought to Pass in New Draft under same title H. P. 1803 L. D. 2377

Comes from the House, the Report READ

and ACCEPTED and the Bill in 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 now the pleasure of the Senate that under suspension of the rules that the Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules the Bill in NEW DRAFT READ A SECOND TIME and PASSED TO BE ENGROSSED in concurrence.

The Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Amend Certain Provisions of the Department of Environmental Protection Statutes" H. P. 1530 L. D. 2014

Reported that the same Ought to Pass in New Draft under same title H. P. 1806 L. D. 2385

Comes from the House, the Report READ and ACCEPTED and the Bill in 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 now the pleasure of the Senate that under suspension of the rules that the Bill be given its Second Read at this time by Title Only?

It is a vote.

Under suspension of the rules the Bill in NEW DRAFT READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

OFF RECORD REMARKS

Divided Report

The Majority of the Committee on EDUCATION on Bill "An Act to Recognize National Women's History Week" H. P. 1597 L. D. 2119

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-548).

Signed:

Senators:

CLARK of Cumberland
HAYES of Penobscot

Representatives:

BOTT of Orono
LOCKE of Sebec
THOMPSON of S. Portland
CROUSE of Washburn
SMALL of Bath
RANDALL of E. Machias
MATTHEWS of Caribou

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

Signed:

Senator:

HICHENS of York

Representatives:

MURPHY, Jr. of Kennebunk
SOUCY of Kittery
BROWN of Gorham

Comes from the House, the Majority Ought To Pass as Amended report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-548)

Which Reports were READ.

The Majority OUGHT TO PASS as Amended by Committee Amendment "A" (H-548) Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-548) was READ and ADOPTED, in concurrence.

THE PRESIDENT: Is it now the pleasure of the Senate that under suspension of the rules that the Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED as Amended, in concurrence.

Divided Report

Seven Members of the Committee on AP-

PROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Reimburse the Department of Inland Fisheries and Wildlife for Duties Performed which are Mandatory Nonfish and Nongame Related" (Emergency) H. P. 1758 L. D. 2320

Reported in Report "A" that the same Ought to Pass as Amended by Committee Amendment "A" (H-605)

Signed:

Senators:

BROWN of Washington
PERKINS of Hancock

Representatives:

JALBERT of Lewiston
ARMSTRONG of Wilton
BELL of Paris
MASTERTON of Cape Elizabeth
SMITH, Sr. of Mars Hill

Three Members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass as Amended by Committee Amendment "B" (H-606)

Signed:

Senator:

NAJARIAN of Cumberland

Representatives:

CHONKO of Topsham
LISNIK of Presque Isle

Three Members of the same Committee on the same subject matter reported in Report "C" that the same Ought Not to Pass

Signed:

Representatives:

CARTER of Winslow
KELLEHER of Bangor
CONNOLLY, Jr. of Portland

Comes from the House, Report "B" Ought to Pass as Amended by Committee Amendment "B" (H-606) Read and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-606)

Which Reports were READ.

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

SENATOR NAJARIAN: Mr. President, I move that the Senate Accept Report "B" and I would like to speak to my motion.

THE PRESIDENT: The Senator has the floor.

SENATOR NAJARIAN: Mr. President and Men and Women of the Senate, as most of you know the Appropriations Committee held a public hearing on this L. D. last Friday, and spent most of Monday and Tuesday working on this Bill. The Committee was split in many different directions on what we should do to address the request from the Inland Fish and Wildlife Committee.

At the public hearing the main thing that was of concern to the Department and to the Committee was the cash flow problem which they have and which they expect to have in the fall months, September, October, November.

They presented us with a list of services that the Department of Fish and Wildlife has performed mainly in the environmental area, and the man hours that employees in that Department have worked for the years 1982 and 1983, then totaled those costs and divided by two to arrive at an average. That is what they said the General Fund was obligated or should pay to that Department. I think that that was about four hundred and seventy some thousand dollars. On that list was the Dog Leash Law, the Litter Law and then all the environmental laws: LURC, DEP, Stream Alteration, Great Ponds, etc., and Search and Rescue.

It was hard for the Members of the Committee to decide what was any logical reason why we should give money out of the General Fund to the Department of Inland fish and Wildlife with the L. D. that the Committee had that is now before the Legislature. L. D. 2036 takes care of their cash flow problem by allowing them to borrow up to a million dollars from the General Fund in the next fiscal year, however knowing that there was a strong determination and will in this Legislature for the De-

partment to have some General Fund money late in the afternoon on Tuesday, I guess it was or maybe Wednesday, we decided that the only place where we owed them any money was the search and rescue. The law requires since 1960 that the General Fund shall reimburse the Department of Inland Fish and Wildlife for their costs in assisting in search and rescue efforts. Every year the Appropriations Committee has appropriated \$10,000. for that regardless of their costs.

I know when I was in my first term on the Appropriations Committee, I think about 1974 or 75 the Fish and Wildlife Department came before the Committee asking to be reimbursed for their search and rescue costs. You know, I thought that that was fine, but when we sat down and had a work session the senior member of my committee said: "I move \$10,000." That was it, no discussion. They said that that was all that we were obligated for because we were giving them free rent, etc. Well in the next time around I had bigger fish to fry and I wasn't concerned about \$10,000. or more for the Department of Fish and Wildlife, so I mean you learn to adjust to those things on the Committee.

It is required by law it is a legal obligation which the Legislature has shunned. We haven't done it so they gave us a list of their costs from 1960 which was when the law was put on the books. So three members of the Committee, the ones who signed Report "B", we took the total of that subtracted \$10,000. for the twenty-four years and this comes out to \$358,000. As Representative Lisnik says: "a debts a debt, a deals a deal and the law is the law" we ought to pay this and get this behind us and all we are committed to in the future is search and rescue.

the other Report "C" is no dollars from the General Fund, three members of the committee signed that. The Majority Report is the \$358,000. plus 20% of what the Department of Inland Fish and Wildlife spend enforcing the environmental laws, however at the work session they admitted that the work they do in the environmental laws benefit the fishermen and hunters as much as it does any other members of the public. They took that total for 1983 was something like \$340,000. the majority took 20% of that and said add \$70,000 onto the \$358,000. cost for search and rescue and their recommended appropriation is \$474,000.

I want to point out to you that in the area of water quality the General Fund is already spending one million dollars and among the objectives in our budget bill is to improve lake quality and restoration of water quality in those waters stressed by mans activity. We spend: \$404,000., well it is not exactly General Fund, for the Land Use Regulation Commission, and \$683,821. for Land Quality Control who's objectives are site location and development, great ponds, wet lands control and small hydro.

So I submit that the General Fund is already contributing their 80% towards the quality of the water and the land, therefore we do not need to take another 20% of what the Fish and Wildlife Department says they spend. Furthermore, the Commissioner or the director of the Department of Environmental Protection has said that they have tried many times to take over the Stream Alteration Act from Fish and Wildlife Department and they have refused. Also, the Department of Environmental Protection does a lot of lab work or some lab work for Fish and Wildlife to test the waters when there is a fish kill to determine the cause of the fish kill.

Just parenthetically if we want to get really into this, from 1959 to 1974 the Fish and Wildlife Department occupied state space for free and based on \$3.40 per square foot which is about what it was during those years if we had charged them they would have had to give the General Fund \$349,000. In addition through that

period of time the Budget Office provided them with an annual audit, budgeting, payroll processing, bill paying and accounting, purchasing, personnel interviewing and testing services. So if we want to get into this each department reimbursing every other department for every little thing that they do it can get to be quite an administrative morass and waste a lot of time and money.

So the bottom line on this is Report "B" \$358,000 meets the obligation that the Legislature should have fulfill from 1959-1960 up to 1983. It is a legal obligation we are meeting it and we won't have to listen to this every year, year after year that we haven't paid them for their search and rescue efforts. So I hope that you'll go along and accept Report B.

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

SENATOR USHER: Thank you, Mr. President. Mr. President and Members of the Senate, I oppose the pending motion to Accept Report "B" and I would like to ask for a Division.

We know that we would like to receive some money from the General Fund and in two reports it does state that we will receive money from the General fund, but the difference is Report "B" only gives a one time allotment and we know, also, that we have an ongoing problem. The ongoing problem would be resolved in Report "A".

The Committee on Appropriations did come up with a report that we would receive, if we did accept Report "A", 20% of other activities related to Fish and Wildlife on an each year basis.

So, as far as, the money return back in 1959 I think that there were probably a good choice they made there, but this is what lead us to requesting money every year. We know that we have other activities that will always be there and I think that we should be reimbursed and the only way that we should do this is to accept Report "A" and defeat Report "B".

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

SENATOR PERKINS: Mr. President and Ladies and Gentlemen of the Senate, if I might play further out the other members of the Majority Report and their feelings behind their report. We have talked in Appropriations and talked in this Legislature annually of resources of the State of Maine and industry for the State of Maine.

Several of us, I included, have a fish pier on the coast that has been funded because it was an income and a resource for the State. We have potato warehouses in the northern part of our State. We have Bath Iron Works in the lower part of our State. We have bills in for historic preservation to protect a resource. We fund tourism for Maine. A year ago we passed legislation to protect our rivers, unfortunately we are now protecting rivers with no one there to protect them because of our lack of funds for our Inland Fisheries and Game. There is nobody there to protect the resources that we feel needs protection. We have a development office who is in search regularly for non-polluting industry.

I submit to you that we have this industry. It is a recognized fact that each year through fishing along this industry generates a hundred and thirty million dollars per year. With a little help this industry now could be ongoing and could provide us with more income in other areas. For example: in a survey over the last six years of the people who entered the northern Maine woods gate in northern Maine, and I think that the good Senator from Penobscot can better tell us where it is than most of us, that survey revealed that of the people there 60% went for fishing and hunting purposes but 40% went for hiking or non-game purposes.

So with these things in mind the other members of the majority report felt that by enforcement of the Great Ponds Act and the LURC Laws and DEP Site Location and Fish

Water Storage Development and other things that the general public of the State of Maine was indeed getting a benefit over and above that which should be paid for by licenses. This benefit, we felt, was great enough that we could relate it to a percentage. Now we have one other dedicated revenue within State Government and that is Transportation and within Transportation the State Police are funded out of the General Fund to the degree of 25%. So there is precedent within our laws already, within dedicated revenue accounts to address a percentage of these dedicated revenues for the public good. For these reasons we submitted Report "A" which addresses and ongoing stipened, if you should call it that, or an ongoing revenue for the Department of Fish and Game of 20% of expenditures for non-direct game related. After all we, legislators, were the ones who decided that DEP and LURC legislation should be enforced by the fish and game people. If we felt that this was in the public good then indeed these people should do it, then fine we have no problem with that, but we think that that percentage is a percentage which is for the public good and yes could be related to General Fund revenues.

So I would supported the motion of the Senator from Cumberland, Senator Usher that we support Report "A"

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

SENATOR DIAMOND: Thank you, Mr. President. Ladies and Gentlemen of the Senate, you know when you are on a minority of the report you tend to minimize that and what the very good Senator from Cumberland, Senator Najarian did was simply to imply that there was a split report and that it went in many different directions.

Well actually there were three different directions and the report that she is advocating is Report "B" which is three people from the committee. The Majority of the report, the Majority of the Appropriations Committee seven members supported another report which we might talk about later. She built her case basically around the fact that since 1959-1960 that the Department should have paid their due money, or the General Fund should have paid their due money to the Department over those years. What she neglected to tell you was: (if you looked at that sheet and you see the amount of money that it costs to search and rescue and if you look and see what was actually paid, and of course she went down the line and said \$10,000, times 24 that is \$240,000, you subtract that out and you get the 358 that we now have before us, that is not totally accurate) in 1962-67 it was \$1,500 a year or \$12,000.; in fiscal year '68 they paid \$15,000 to the department; in '69 it was \$8,500; fiscal year '70 Zero; in fiscal '71 through '83 \$10,000, per year which totals \$165,500. Now if you subtract that from that principal figure you'll get not \$358,000, ladies and gentlemen, you get \$433,000.

So we have this misunderstanding here on the actual amount of money that should have been given if you follow that philosophy, and you follow the statement that the good Senator made that this was due the Department, should have been paid to the Department, it is not \$358,000 it is \$433,000!

Now the other major issue that the good Senator from Cumberland, Senator Najarian spoke about was the 20% factor, saying let's go with Report "B" and get these people out of our hair, one time get rid of them, and the 20% factor that you'll find in Report "A" carries us on, and on, and on. The argument to that, of course, you've all heard several times and is very very legitimate and that argument is this that Fish and Game Department does more things than it was usually charged to do originally. They are doing more and more and more every year and the license fees will not take care of that. That 20% or this year \$70,000.

means more to that Department than just \$70,000. That 20% means that Yes there is an obligation with this General Fund ongoing.

Now, truly there are many who would say that we do not want to give a nickel to that Department ever, ever, ever, but we'll buy you off by giving you once this fiscal year. The real issue is do we have an obligation to this Department or don't we? I think we do. I think we do! That very question is what it is going to boil down to and that is why when Report "A" comes up, if it does if you reject Report "B", then we can get into those very specifics.

Remembering again, that we are not talking \$358,000. We are talking more than that we are talking \$433,000. We are talking about 20%. You know we passed a law a little while ago that the good Senator from Portland, who is no longer with us, Senator Merrill talked about that when we, in the Legislature, decide to take away or have an impact on communities back home through property tax impact and we cut that off at 50%, we put that in our Constitution. Yet with Fish and Game we year, after year, after year continue to lay on more responsibilities and say, hey you're getting license fees live on that. Can't happen ladies and gentlemen. We have to understand that from this point, on albeit a small amount of money, we do have to commit ourselves to this Department because of all the things that you have heard; the one hundred and twenty million dollar resource that may be up or down I am not sure what it is, and the tremendous positive impact by this Department. So I would ask, Mr. President, for a Roll Call when the vote is taken. Thank you very much.

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

SENATOR MCBREAIRTY: Mr. President and Honorable Members of the Senate, the point that I would like to stress is the fact that the fish and wildlife of the State of Maine belongs to all the citizens of the State of Maine, and whether you be a hunter or just someone who likes to take your youngsters out and see moose or a deer or birds, we should all be willing to protect that resources. If we don't buy licenses we should be willing to help protect it some other way.

The budget for the Department is between ten and eleven million dollars, now presently only about four million of that budget comes from residents of the State of Maine and that is your fishermen and hunters, the rest of the budget comes from non-resident hunters and federal money. Now even the people in the United States Federal Government is willing to help protect this resource, while the State of Maine is not.

Fishermen and hunters burn thousand of gallons of gas off the highway, this money goes into the highway budget. It is off-road use, we don't get any rebate on the taxes for that.

The good Senator from Cumberland, said that LURC is funded from the General Fund. It is funded from the General Fund but nearly all of it is put into the General Fund by the property taxpayers of the unorganized territory. Now that four hundred thousand to protect our natural resources and environment is coming from the property taxpayers. DEP is funded from General Fund, but millions of that comes from fees from industry and people who have to have permits to do things, so a very small portion comes actually from the General Fund that is not replaced by fees or some other source, federal money.

Now, I would hope that we would defeat Report "B" and go with the bipartisan Majority Report here that we have before us, Report "A". It just puts a small amount into protecting fish and wildlife from the general public of this State who enjoys the resources as much as hunters do, sometimes more.

So, I would hope that you would defeat the motion before us so that we could go with Report "A". Thank You.

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

SENATOR BALDACCI: Mr. President, Members of the Senate I would like to pose a question through the Chair to anyone who would care to answer it from the Program and Audit Review Committee or from the Fisheries and Wildlife Committee.

Not being a member of those Committees and learning an awful lot about this issue in a very short period of time I was under the assumption that there were different figures that were put forth by the Legislative Finance Office, and there were different figures put forth by the Executive Office and I was lead to believe that the Legislative Finance Office was under the assumption that they wouldn't have to have as many layoffs when they had funds to work with. Is that a misunderstanding? I would appreciate it if somebody could answer that for me.

THE PRESIDENT: The Senator from Penobscot, Senator Baldacci has posed a question through the Chair to any member of the Senate who wishes to respond may do so.

The Chair recognizes the Senator from Penobscot, Senator Pearson.

SENATOR PEARSON: Mr. President, in response to the Gentlemen from Penobscot's question, Senator Baldacci, there have been a number of different things done with figures on this issue Senator, Members of the Senate. We in the Audit Committee became convinced, early on, that the Fisheries and Wildlife Department had a financial problem that they needed help with. We maintained after we had gotten into this at some length and not at first, because everything didn't crystalize all at once, but we discovered that if the Department of Fisheries and Wildlife was to survive, we know it and provide the services that we felt they should, that they were going to have to have some financial help.

We were of the opinion, at that time, that at the end of the year the Department would be in the black, but that during certain periods of the fiscal year they would have a cash flow problem where they could not meet their payroll, they could not do some of the things that they needed to do. As a matter of fact at one period, not very long ago, the Department was just within ten or twenty thousand dollars of being absolutely flat broke. People buy their licenses at different times so that the cash flow varies.

Now the Department has had a lot of problems and have deferred a lot of their purchases, one of which is the vehicles of course. Anytime that you go out and buy vehicles, you're going to have a cash crises, especially to the tune of the numbers that they need say eighty or a hundred vehicles. We predicted that during August, September, and October or September, October and November depending on when you did your purchasing that there would be a cash flow problem that the Department couldn't meet. That would necessitate a loan.

Let me stop right here and just tell you this from the very beginning we were at odds with the Executive Department of the State because of different assumptions. One of the things that we said was that we thought that the wage settlement would be more than three and one-half percent because that was what all the other wage settlements have been. The Department of Fisheries and Wildlife was saying that it was going to be a five percent and did their assumption on that. They have now conceded that they were probably inaccurate and have gone to four percent.

We said that the cost of the vehicles were going to be a certain amount of money that we had gotten from the Bureau of Purchases, they had said that it was going to be a thousand dollars a vehicle more. They have now conceded that we were probably accurate.

They had said that they were going to send

up in the end of the year in the red, they have now conceded that that is not true that they will end up in the black.

For all those frustrating moments and times and days and weeks when we were saying one thing and they were saying another it is a little satisfying to us now, but nevertheless there is still a cash flow problem that exists within that Department that has to be addressed. One of the ways of addressing it, and certainly there is probably no one solution, is to give them a loan to get through that's addressed in one of the bills. Another one is to recognize the fact that you owe them some money for some of the jobs that they do for other departments. That is addressed in this Bill in Report "A", but that will only amount to \$70,000 per year, not much but at least some recognition of what is due to them.

You see the problem with Fisheries and Wildlife, men and women of the Senate, is that the Fisheries and Wildlife Department is trapped by fees, its utter dependence on fees, except for federal money that is generated by the sale of fishing tackle and arms and ammunition, and \$10,000 per year from the General Fund. It has to rely on fees, hunting and fishing licenses, and that varies from time to time and month to month as to what is going to come in.

We had, as Senator McBreairty pointed out one day, had an expert come in here from the University of Maine Dr. Malcolm Coulter who is probably the foremost expert on wildlife in America. He told us that this particular resource generates about a hundred and twenty million dollars a year for the economy of the State of Maine. That one hundred and twenty million dollars a year that generates for the economy of the State of Maine is spent in all different areas, including spaghetti dinners, camping, motels, everywhere else and pays the taxes that keep some of the operations of this State going at the level that they are, all of the different levels that they are.

Senator Najarian from Cumberland said in her presentation that some of the things that the Fisheries and Wildlife Department Wardens are asked to do should be done by them, because they are services that benefit the Department. For example: she said that the restoration of lakes is something that is done by other people to benefit Fisheries and Wildlife and that is true of course, but many of those things that have happened have been caused by industry that has polluted, by farmers who have had erosion problems. For example in Newport in that particular lake all of those things benefit everybody not just Fisheries and Wildlife.

Senator Najarian said that for a good amount of time that there was free space given by the Senate for Fisheries and Wildlife. At the same time, though, all the money that Fisheries and Wildlife had in when they were in a good cash flow situation all of the interest on that was being put into the General Fund and there are times or have been times in the past when there have been as much as three million dollars in the cash flow situation of the Fisheries and Wildlife Department and in the next month they would be down to one million dollars because of payments that they had to make out. They do not have, right now, a good cash flow situation and it is so bad, so utterly bad that in August, September and October if we do not do something they are going to go broke, or not be able to buy vehicles that are well over a hundred thousand miles.

I might, also, say while I am on my feet that it is too bad that we are at this situation, where we are buying close to a hundred vehicles all at one time because three years from now or whenever they get up to that point we'll buy them all over again all at the same time.

That is the situation that we are in and I would hope that we would defeat Report "B" and go to Report "A".

THE PRESIDENT: The Chair recognizes the

Senator from Penobscot, Senator Baldacci.

SENATOR BALDACCI: Mr. President thank you. Members of the Senate, I promise that I am not going to ask anymore questions, now I know what they mean when they say "where's the beef?"

This is a very serious problem and I don't intend to get up and address it everytime that we have a bill on twenty-five year retirement or fees or any of those sort of things. It is a very important natural resource, I think that it is very vital to our economy, to recreation and to this State's image, but I do think that there are some real serious problems with the Department of Fisheries and Wildlife that really have to be addressed. I think that you have the problems of twenty year retirement, you've got the problems of fees that are collected for out-of-state fishing licenses, that they are still paying those people that are agents for selling for providing that service. I think that you've got very serious management problems within the Department of Fisheries and Wildlife. I think that I am very much opposed to seeing that any money is put into that account before that problem is straightened out.

I would hate like heck to support a 20% assessment that is a figure that has been arbitrarily selected to fund the Department and infinitum beyond this year. That is why I basically would go against Report "A" and in support of Report "B" because it is a one time situation and allocation from the Appropriations Committee for the Fisheries and Wildlife Department to get that Department going again. Then with Program and Audit Review's work that they have done to make the fine tuning within that Department that is necessary and the work that Aging, Retirement and Veterans have been going on the retirement aspect to get that Department to be running more efficiently.

You know we are not here representing the fishermen, we are not here representing the hunters, we are not here representing any other group, we are here representing the people from the State of Maine. I think that you have to be responsible when you are dealing with the funds in the State of Maine, and before I allocate a penny to that particular Department I want to be damn certain that that Department is operating more efficiently. Mr. President, thank you very much.

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

SENATOR NAJARIAN: Mr. President, I just want to respond briefly to the comments of the three previous speakers, anyway.

Perhaps Senator McBreairty didn't understand me or perhaps I didn't say it but I acknowledge that LURC funding was a little different from the General Fund, I realize that comes from the property tax.

Secondly, Senator Diamond pointed out that we didn't give \$10,000. In each year that was an assumption we made, however I reiterate had we charged them rent, had we charged them for the services that the General Fund supplied to that Department between the years 1920 up to 1974 they would owe the General Fund money. So, I think that the \$240,000 was close enough.

Finally, Senator Pearson misquoted me, I didn't say that they should do these environmental things, I said that what they did benefited them that they admit that and that they want to continue doing, at least, many of them.

Third, about the paid interest that the General Fund received the interest on the funds of the Department that is true, but over the years we paid the rent on that building at \$99,000 per year. So over the years that we did that that comes out to about a wash according to Commissioner Scribner of the Finance Department. There were some years that we came out ahead and many years we lost money on that deal. So, I just want to set the Record straight on that.

THE PRESIDENT: The Chair recognizes the

Senator from Penobscot, Senator Pearson.

SENATOR PEARSON: Mr. President and Men and Women of the Senate, I would like to say that in the Audit Committee when we deal with fisheries and wildlife we did as good a job as we could, and that we have caused, if it passes, a line-item budget, reorganization of the Department and all kinds of other things.

I would invite all of those who have not read the Audit Report to do so, and I think that they would be reassured that it will strengthen the Department. I have every reason to believe that it will pass. Nobody has ever said, that they thought that it was a bad report. Even the Commissioner of Fisheries and Wildlife said, that it was a good job. Everybody in the Department said, that it was a good job. It has had a lot of good comments, so I don't look for it to have any opposition.

I hope that that can relieve the Senator from Penobscot, Senator Baldacci a little bit because I think that we are going to be able to pass that particular piece of legislation.

I would like to, also, say that the question of benefits on retirement did come up, but we did not deal with them because as a matter of courtesy and sheer political sense, and just plain decency we know that the Committee on Aging, Retirement and Veterans was dealing with that issue and that it was none of our business, it was theirs.

THE PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Washington, Senator Brown.

SENATOR BROWN: Thank you, Mr. President. Ladies and Gentlemen, I would like to look at this issue for just a moment from a different standpoint you see, because I do not believe that we owe the Department of Inland Fisheries a dime. I do not think that we owe them one single penny.

It sounds like, to me, that when we start talking about argument of how much we owe them for this function, how much we owe them for that function. If we are going to get reimbursed for that? It is like we are talking to a foreign country we are going to be billing them for some kind of a service, like we are supplying them with a Navy or something and we are going to get billed for it.

I mean this whole idea of billing back and forth, they are a part, a department, of State Government. They are there to manage a resource. We have not over the years with the dedicated revenue we have not asked them to manage the resource we have had them harvest the resource, because that was the only way that they could survive is to harvest the resource.

We have got the opportunity here for the small amount of money that we are talking about the difference between Report "A" and "B" we have got the opportunity to instill a principle and that is the difference between the two reports. We have an opportunity to manage the resource, and I want to be a part, I am not a hunter, I am not a fisherman, but I have some responsibility for that resource and I want to see that that resource is preserved for me and for my children and for my grandchildren or whatever. I do not want it to be left up to a group of special people that we have always said that they owned, the hunters and fishermen owned that Department down there. Well maybe it is time that the rest of us decided that we want to buy into it a little bit. That we take our fair share of managing this resource that belongs to all of us not just a few. So Ladies and Gentlemen I would urge that you defeat Report "B" so that we can accept Report "A". 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, we have for sometime known that this bill was coming and that it would stir a great

deal of political debate, the presiding officer on many occasions over the years has said there should always be a session just for this Department, because it has always stirred a great deal of debate.

The Senator from Penobscot, Senator Pearson, a few moments ago, in his remarks used the words "sheer political sense" and it is probably with a lack of that, that I now stand up and state what I am about to state. I have some very serious and grave concerns about what action is going to be taken in the next few days on this legislation. I think that many of us here have the same desire and that is to assure the continuing and operation of a Department which manages a very, very valuable resource.

I have viewed that resource not only as a natural resource, not only as a resource that is for the sportsmen in a sense of recreation, but also as the second probably, after forestry, major economic resource of northern Maine. I happen to be one of those who draw an advantage out of that as an economic resource. So the importance of this Department is very close to the people who live in my Senatorial District which, by the way, has more unorganized territory than any other Senator in this Chamber, more trees, lakes, ponds, streams, brooks and so-forth.

I have some concerns when I look at trying to fine tune a legislative document in using some of the principles that have been used here. I do believe that the General Fund should contribute to that Department, I believe as has been stated by previous speakers, that that resource is enjoyed by many more than just the sportsmen of this State. I think it is significant that we establish that General Fund revenues go to that Department in support of it. It is my understanding that the proposals that we have today, the one that we are now debating goes back over a twenty year period, twenty year plus period to reimburse for previous commitments. I am glad that we are not compounding the interest on it, we would probably break the General Fund with the other demands that are going to be placed upon it before the end of this session.

The question and the concern that I have with this report versus the other Ought to Pass Report is in assuming that twenty percent is a fair number. It is in the categories which either the Department of Fisheries and Wildlife or the Committee on Inland Fisheries and Wildlife have seen fit to present its proposal before the Appropriations Committee on a number of laws that concern me. It is my understanding that the list includes the Dog Leash Law, I have concerns if this is time that a warden spends in chasing down an unleashed dog in the unorganized territory chasing deer, or if it is in municipal boundaries? The Litter Law in which an individual throws a can or a bottle or a piece of paper out the window as he drives through the unorganized territory as to whether or not that game warden or that department should be reimbursed for his time of stopping that violator and giving him a citation and taking him to court, or is that a responsibility of that Department and that law enforcement officer to enforce that law? They used the deer wintering yard of establishing and identifying deer wintering areas for the purpose of the Land Use Regulation Commission, of course, that is to mark the maps of the State so that when the individuals who harvest our wildlands will leave areas alone so that the deer herd can survive and that they do not lose their feeding areas. That has been another item that has been thrown on to this list of categories of which twenty percent should be assumed.

If we are working on the principle that these items that total a little over four hundred thousand dollars and that this is where the twenty percent comes from I have some concerns about that report as being the fine tune instrument or the alternative of what we have for reports.

I basically then come to a decision as to whether or not I should support Report "A" which reimburses them for money owed over the years, or Report "B" which is supposed to have established the fact that General Fund money is to go to that Department and the dollar value that is there included. Normally when a number of legislative proposals go through this session they are heard and debated and decisions are made upon how much dollars should be appropriated to various programs and then that bill lies upon the Appropriations Table to be considered with the vast number of other legislative requests, be they the Chief Executives or those of individual sponsors of this legislature.

I have had the opportunity to review some of those and it then concerns me as to the demands that we are going to be faced with in the final days of this session, which can't come soon enough, but as to the fact of prioritizing the various departments and the General Fund dollars that are needed. It is that concern that I have that leaves me in the quandary of which position does one take at this time.

If I could be assured by some of those who have worked on this proposal requesting a greater amount than just search and rescue that there are safeguards in the system that, as has been pointed out by the Senator from Penobscot, Senator Baldacci, that the accountability of those funds are assured and that they will be evaluated on an annual bases, which I believe through the Appropriations Act they have to be, then I could understand and support that position, but I see us each time coming down to that final question of that final day as to whether or not the dollars are there. Then we thus have an obligation because we have accepted the fact that we are going to accept the obligation of the search and rescue funds that twenty percent of those dollars will always go to that Department, that there will be no evaluating, prioritizing with other departments and other programs. If the twenty percent figure is in statute and is law and we accept the obligation of search and rescue we are then obligating the twenty percent figure.

I do believe that they should be reimbursed for the flying of the Fisheries and Wildlife Departments aircraft on drug raids and looking for smugglers and clear LURC Laws that they are enforcing, but my concern is that the twenty percent figure and language in that report is too broad, to committal particular with both reports accepting the fact that we are accepting the obligation of the past twenty years when statutory language read that they would be reimbursed in full.

Thus I come down with a very serious concern that we adopt a proposal which doesn't leave future obligations or loopholes that will not give fair consideration to the total responsibility of State government.

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

SENATOR PEARSON: Mr. President and Men and Women of the Senate, I will be brief the Senator from Penobscot, Senator Pray has expressed some concerns that he has and I would like to address them.

One of the concerns that he has is that he is not sure that there are enough safeguards in here to make sure that things are done properly in the future. The way this bill works, as I understand it, is that every year Fisheries and Wildlife people would have to go before Appropriations and say we did this, this, and this and it cost us a total of this amount of money, twenty percent of that is a certain figure. Now the Appropriations Committee can say, very well at that point, okay you did this, this, and this but that particular thing you ought to be doing anyway, so we are not going to count that in. They do have that power to decide that particular question.

There are things that the Warden Service clearly does right now for the General Fund, for

agencies of the General Fund that they should be clearly reimbursed for. The drug enforcement they spent hours, and hours in the air chasing down drugs for the State Police, why did they do that, why did the wardens do that? Well, because they have got some of the finest pilots in the State, probably in this Country, one of them that is in my area has two Distinguished Flying Crosses from service in Vietnam, he can make an airplane do everything except talk. He told me that he was so far out to sea, one day, chasing down a boat out to sea that he almost saw the Republic of France. He was within sight of Nova Scotia, anyway. What about the duties that the state wardens performed in this truck strike that we had on the over passes? What about the duties that they had on the Governors conference? What about all the other things that they are called in to do for the State Police from time to time? What about all of the pollution things that they check out all the time, industrial pollution that would normally be done by DEP or LURC, but because they don't have enough people they rely on this Department?

Now you might very well make the case that well that benefits them, well of course it does, but it benefits everybody else, too, to have clean water in Sebeccook, or the Kennebec, the Penobscot, or the St. John or anywhere else. To say that they should bear the burden of all that is ludicrous, but anyway the Appropriations Committee can in their wisdom, they can choose the ones that they feel are absolutely related to the Department and not count that on the list of things that are provided for services for other departments. There is that check, besides that remember for years, and years, and years we have had a formula, as Senator Perkins pointed out, of twenty-five percent General Fund money for State Police, that is an already established fact.

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

SENATOR USHER: When the vote is taken I ask that it be taken by the Yeas and Nays.

THE PRESIDENT: The Chair would inform the Senator that a Roll Call has already been requested.

Is the Senate ready for the question?

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 Senator Najarian of Cumberland to Accept Report "B" of the Committee.

A Yes vote will be in favor of Accepting Report "B".

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS—Senators, Baldacci, Bustin, Carpenter, Charette, Clark, Dutremble, Kany, Minikowsky, Najarian, Pray, Trafton, Wood, The President—Gerard P. Conley.

NAYS—Senators, Brown, Collins, Danton, Diamond, Dow, Emerson, Erwin, Gill, Hichens, McBreairty, Pearson, Perkins, Redmond, Sewall, Shute, Twitchell, Usher, Violette.

ABSENT: Senators, Hayes, Teague.

13 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion to ACCEPT Report "B" FAILED.

Report "A" the Majority OUGHT TO PASS as Amended by Committee Amendment "A" (H-605) Report was ACCEPTED, in NON-CONCURRENCE

The Bill READ ONCE.

Committee Amendment "A" (H-605) was READ and ADOPTED, in NON-CONCURRENCE.

THE PRESIDENT: Is it now the pleasure of the Senate that under suspension of the rules that the Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED as Amended, in NON-CONCURRENCE.

Send down for concurrence.

Senate Ought to Pass

Senator CLARK for the Committee on EDUCATION on Bill "An Act Amending the Charter of the Boothbay-Boothbay Harbor Community School District" (Emergency) S. P. 849 L. D. 2307

Reported that the same Ought to Pass.

Which Report was READ and ACCEPTED.

The Bill READ ONCE.

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules that the Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED.

Send down for concurrence.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1984 (Emergency) H. P. 1733 L. D. 2286

In Senate March 19, 1984 PASSED TO BE ENGROSSED

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-607) 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

Resolve, to Inventory all State Real Property and to Create a Commission to Develop a Policy for the Disposition of State Surplus Real Property" S. P. 865 L. D. 2349

In Senate March 27, 1984 PASSED TO BE ENGROSSED

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-608) in NON CONCURRENCE

On motion by Senator CARPENTER of Aroostook TABLED until later in today's session, pending FURTHER CONSIDERATION.

Non-concurrent Matter

Bill "An Act to Authorize the Department of Business, Occupational and Professional Regulation to Hire Legal Counsel" S. P. 876 L. D. 2381

In Senate March 27, 1984 Under Suspension of the Rules READ TWICE and PASSED TO BE ENGROSSED WITHOUT REFERENCE TO A COMMITTEE and ORDERED PRINTED

Comes from the House Referred to the Committee on STATE GOVERNMENT 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 Allow Elderly Persons to have Pets in Public Housing" S. P. 797 L. D. 2132

In Senate March 27, 1984 the Minority Ought To Pass As Amended by Committee Amendment "A" (S-325) Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-342) AND COMMITTEE AMENDMENT "A" (S-325)

Comes from the House the Majority Ought Not To Pass Report READ and ACCEPTED in NON CONCURRENCE

On motion by Senator CARPENTER of Aroostook the Senate ADHERED.

House Papers

Bill "An Act to Establish Age 21 as the Legal Age to Purchase or Consume Alcoholic Beverages and to Deter Drinking and Driving by Minors" H. P. 1801 L. D. 2376

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

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

SENATOR TWITCHELL: I move that this item be Indefinitely Postponed.

THE PRESIDENT: The Senator from Oxford, Senator Twitchell moves that this Bill and accompanying papers be Indefinitely Postponed.

The Chair recognizes the Senator from York, Senator Wood.

SENATOR WOOD: Mr. President, I would request a Division and would just like to speak briefly.

THE PRESIDENT: The Senator has the floor.

SENATOR WOOD: Mr. President and Men and Women of the Senate, I spoke the other day about a need for us to follow some kind of a procedure that made sense. I think that when we took our oaths of office to uphold the Constitution that was: not to take the easy way out; not to do what was expedient; not to try to get done as fast as possible, but to do what is responsible. I think that the Governor feels strongly about this Bill, it seems appropriate that the people of this State have their say on it. If after the hearing the Bill is killed then that seems to be the process, but to deny the people of this State an opportunity to speak on this issue, any issue that has been talked about in the media, an issue that many people have a great deal of concern, I think would be the height of irresponsibility for this Body. If we care about the oaths of office that we took, if we care about the process when we walk through those doors then you'll allow this Bill to be heard.

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

SENATOR CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, based on my past record I think that there is a very good chance that if this Bill does have a public hearing and comes back I will vote against it, but I would just like to take a second and slow the process down and echo a little bit the words of my good friend from York, Senator Wood. Let's not lose sight of the process folks. This bill was legitimately before this Body having been introduced through the process which we, ourselves, set up and hopefully control, it was killed. It was killed as a matter of form when we were doing three or four of those kinds of things. There are many of us, and I say "us" as I stand here three days before the filing deadline, there were many of us who do not want to deal with this issue, but the issue is legitimately before us, let's not lose sight of the process.

I would ask you to think about the number of times that you have brought in bills which were controversial, bills which come in late and the process may turn around and bite all of us if we don't just pause for a second really take a look at this. I think that the Bill is legitimately before us, I think that the bill is thus entitled to a public hearing. I have seen attempts over the years to kill bills on reference. I think that I am consistent in having always voted against that regardless of my feelings about the issue. I would hope that that would be the line that we would take this afternoon. Thank you.

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

SENATOR TWITCHELL: Thank you, Mr. President. I withdraw my motion.

THE PRESIDENT: The Senator from Oxford,

Senator Twitchell asks leave of the Senate to withdraw his motion to Indefinitely Postpone. Is this the pleasure of the Senate?

It is a vote.

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

SENATOR PRAY: I move the Indefinite Postponement of this Bill and all accompanying papers.

THE PRESIDENT: The Senator from Penobscot, Senator Pray.

SENATOR PRAY: I move the Indefinite Postponement of this bill and all accompanying papers.

THE PRESIDENT: The Senator from Penobscot, Senator Pray now moves that this Bill and all accompanying papers be Indefinitely Postponed.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

SENATOR CARPENTER: I request a Division.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Pray to Indefinitely Postpone the Bill and Accompanying Papers, please rise and remain standing until counted.

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

12 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion to INDEFINITELY POSTPONE the Bill and accompanying papers FAILED.

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

On motion by Senator PRAY of Penobscot there being no objections all matters previously acted upon were sent forthwith.

COMMUNICATION

The Following Communication:

State of Maine

House of Representatives

March 29, 1984

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 Bill "An Act concerning Menhaden fishing in Casco Bay" (H. P. 928) (L. D. 1207)

Representatives:

CROWLEY of Stockton Springs

VOSE of Eatportstport

LIVESAY of Brunswick

Sincerely,

S/EDWIN H. PERT

Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

ENACTORS

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

AN ACT to Provide Immunity to Persons and Institutions who Act as Depositories for Wills S. P. 834 L. D. 2235

AN ACT to Amend the Certified Seed Potato Law S. P. 820 L. D. 2200

AN ACT Authorizing the Maine Turnpike Authority to Permit the Erection of Kiosks at Rest Areas on the Maine Turnpike S. P. 829 L. D. 2215

AN ACT Creating the Rangleley Water District S. P. 759 L. D. 2068 (C "A" S-327)

AN ACT to Provide Set-back Requirements for Disposal by a Property Owner on His Property of Septage from His Residence S. P. 813 L. D. 2169 (C "A" S-335)

AN ACT to Establish Farm Programs at Cor-

rectional Facilities H. P. 1656 L. D. 2186 (C "A" H-566)

AN ACT to Update the Job Opportunities Act of 1981 H. P. 1713 L. D. 2259 (H "A" H-551)

AN ACT to Prohibit any Type of Gambling Machine H. P. 1761 L. D. 2325 (H "A" H-567)

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

AN ACT to Appropriate Funds for Payment of Attorneys' Fees Awarded Against the State H. P. 1762 L. D. 2329

On motion by Senator NAJARIAN of Cumberland placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

AN ACT to Establish a Training Program to Improve Water Quality S. P. 668 L. D. 1837 (C "A" S-329)

On motion by Senator NAJARIAN of Cumberland placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

AN ACT Relating to Counselor Positions in the Offices of the Bureau of Veterans' Services S. P. 702 L. D. 1940 (C "A" S-330)

On motion by Senator NAJARIAN of Cumberland placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Emergency

AN ACT to Increase the Enforcement and Educational Staff of the Maine Land Use Regulation Commission S. P. 729 L. D. 2011

On motion by Senator NAJARIAN of Cumberland placed on the SPECIAL APPROPRIATIONS TABLE, pending enactment.

Emergency

AN ACT to Avoid Lapsing Certain State Appropriated Public Transportation Funds S. P. 764 L. D. 2072

This being an emergency measure and having received the affirmative vote of 25 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 Making Additional Allocations for the Expenditures of State Government in Response to an increase in the United States Department of Energy's Grant Award for the Program of Weatherization Assistance for Low-income Persons for Fiscal Year Ending June 30, 1984 S. P. 792 L. D. 2117

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 Making Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years Ending June 30, 1984 and 1985 S. P. 864 L. D. 2343

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 Allow Municipalities to Use Outgoing Voter Check Lists S. P. 867 L. D. 2358

This being an emergency measure and having received the affirmative vote of 28 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 Define Eligibility for School Purposes and to Determine Financial Responsibility for the Education of State Agency Clients H. P. 1559 L. D. 2061 (C "A" H-559)

On motion by Senator NAJARIAN of Cumberland placed on the SPECIAL APPROPRIATIONS TABLE, pending ENACTMENT.

Emergency

AN ACT to Amend the Political Action Committee Registration and Reporting Law H. P. 1651 L. D. 2176 (C "A" H-569)

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 Resolve

Resolve, Authorizing the Commissioner of Mental Health and mental Retardation to Enter into Agreements to Supply Water to Neighbors of Pineland Center Whose Wells are Contaminated H. P. 1675 L. D. 2220

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 FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1984 H. P. 1781 L. D. 2346

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 FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency Resolve

Resolve, Providing Funding for Transitional Residential Programs for Adolescent Girls at Risk S. P. 866 L. D. 2357

On motion by Senator NAJARIAN of Cumberland placed on the SPECIAL APPROPRIATIONS TABLE, pending FINAL PASSAGE.

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

COMMITTEE REPORTS

House

Ought to Pass

The Committee on FISHERIES AND WILDLIFE Pursuant to Joint Order (H. P. 1756) on Bill "An Act Concerning the Funding of the Department of Inland Fisheries and Wildlife" (Emergency) H. P. 1769 L. D. 2336

Reported that the same OUGHT TO PASS.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "E" (H-577) "F" (H-581) "H" (H-599) and "M" (H-612)

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

House Amendment "E" (H-537) was READ.

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

SENATOR PRAY: Mr. President and Ladies and Gentlemen of the Senate, my apology for rising at this early hour of the evening and ask if somebody, as we go through each of these amendments, could explain what each of them do. I have attempted to pull them out, but then to look at the bill itself which is a number

of pages long it would be far easier if somebody would just as we go to adopt each one would explain each of them so that we would be sure as to what we are voting on.

The President requested the Sergeant-at-Arms to escort the Senator from Aroostook, Senator CARPENTER to the rostrum to preside as President Pro-tem.

The Sergeant-at-Arms escorted the Senator from Aroostook, Senator CARPENTER to the rostrum where he served as President Pro-tem.

The President then retired from the Senate Chamber.

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

SENATOR USHER: Thank you, Mr. President. A title definition of House Amendment "E". House Amendment "E" has been accepted by the other Body and deletes the advisory referendum section of the six-tenths of one percent of the sales tax.

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

SENATOR PRAY: Mr. President, if my understanding of the explanation is correct then the six-tenths of one percent dedication of the sales tax is still in the bill it is just the advisory referendum portion that has been removed?

THE PRESIDENT PRO-TEM: The Senator from Penobscot, Senator Pray has posed a question through the Chair.

The Chair recognizes the Senator from Cumberland, Senator Usher.

SENATOR USHER: Thank you, Mr. President. The way that I understand it is, that as soon as the amendment was adopted it deletes all of that section, which included the six-tenths.

House Amendment "E" (H-577) was ADOPTED, in concurrence.

House Amendment "F" (H-581) was READ.

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

SENATOR USHER: Mr. President, this amendment was a mistake by the Committee when we were pressured in the last few days. We did forget to include the line-item budget, and this amendment does include the line-item budget and also, restores the seven regional offices concerning the fishery biologists.

House Amendment "F" (H-581) was ADOPTED, in concurrence.

House Amendment "H" (H-599) was READ.

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

SENATOR PRAY: Thank you, Mr. President. Mr. President and Ladies and Gentlemen of the Senate it is my understanding that House Amendment "H" deletes the increase of the Atlantic Salmon permit thus the bill will be increasing all other fees and all other licenses except for this one permit. Could that be explained as to why we are not increasing this permit fee?

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

SENATOR USHER: Thank you, Mr. President. In regards to the House Amendment "H" the Atlantic Salmon fees go into the Atlantic Salmon Commission and that is not part of the Department, so therefore that is why we deleted the fee increase which we included in the regular fee increase.

House Amendment "H" (H-599) was ADOPTED, in concurrence.

House Amendment "M" (H-612) was READ.

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

SENATOR USHER: Thank you, Mr. President. In regards to House Amendment "M" it is the search and rescue and it is the \$358,000 which

was discussed earlier this evening and was defeated, therefore I ask for Indefinite Postponement of this Amendment.

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

SENATOR NAJARIAN: I request a Roll Call.

THE PRESIDENT PRO-TEM: The Senator from Cumberland, Senator Usher has moved that House Amendment "M" be Indefinitely Postponed.

A Roll Call has been requested.

Under the Constitution in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

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

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

The Chair recognizes the Senator from Penobscot, Senator Pray.

SENATOR PRAY: Thank you, Mr. President. Mr. President and Ladies and Gentlemen of the Senate, a point of clarification in reference to the intent of this amendment is that it is, I believe, the version of the earlier bill which was accepted which is going to put our previous action in non-concurrence.

I guess my question I would like to pose to anybody who is in the Chamber who may care to answer is in reference to the intent of this bill was to put the entire funding all in one package which would be the line-item budget, the license fee increase and the General Fund revenues. If that is the desire of the members of this Chamber who have voted for the larger dollar amount, is there going to be an amendment prepared to be offered to this bill in the Second Reading which would reflect the previous action by this Chamber?

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

SENATOR USHER: In response to the good Senator from Penobscot, I presently have an amendment being drafted to include Report "A" into this one Bill.

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

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

ROLL CALL

YEAS—Senators, Brown, Bustin, Collins, Diamond, Dow, Emerson, Erwin, Gill, Hichens, McBreairty, Pearson, Perkins, Pray, Redmond, Sewall, Shute, Twitchell, Usher, Violette.

NAYS—Senators, Baldacci, Carpenter, Charette, Clark, Danton, Dutremble, Kany, Minkowsky, Najarian, Trafton, Wood.

ABSENT—Senators, Hayes, Teague, The President - Gerard P. Conley.

19 Senators having voted in the affirmative and 11 Senators having voted in the negative the motion to INDEFINITELY POSTPONE House Amendment "M" in NON-CONCURRENCE, PREVAILED

On motion by Senator PRAY of Penobscot the Bill as AMENDED ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

Senate Divided Report

The Majority of the Committee on ELECTION LAWS on Bill "An Act Concerning the Counting of Absentee Ballots in Towns with Voting Machines" S. P. 708 L. D. 1954

Reported that the same OUGHT TO PASS.

Signed:

Senators:
PEARSON of Penobscot
USHER of Cumberland

Representatives:

ROBERTS of Buxton
PARADIS of Augusta
MARTIN of Brunswick
HANDY of Lewiston
MICHAUD of East Millinocket
NADEAU of Lewiston

The Minority of the same Committee on the same subject reported that the same OUGHT NOT TO PASS.

Signed:

Senator:

REDMOND of Somerset

Representatives:

STEVENSON of Unity
SHERBURNE of Dexter
WENTWORTH of Wells
CAHILL of Wollwich

Which Reports were READ.

The Majority OUGHT TO PASS Report was ACCEPTED.

The Bill READ ONCE.

THE PRESIDENT PRO-TEM: Is it now the pleasure of the Senate that under suspension of the rules that the Bill be given its Second Reading at this time by Title Only?

It is a vote.

Under suspension of the rules the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

Orders of the Day

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

Joint Order recognizing the Westbrook High School Boys Basketball Team. SLS 384

Tabled—March 22, 1984 by Senator PRAY of Penobscot,

Pending—PASSAGE.

(In Senate March 22, 1984 READ.)

Which was PASSED.

Sent down for concurrence.

The President Pro-Tem laid before the Senate:

Bill "An Act to Provide Limitations on Fishing by Weirs, Purse and Stop Seines and to Provide Notice for the Location of Weirs and their Maintenance" (Emergency) H. P. 1516 L. D. 1991

Tabled—March 29, 1984 by Senator PRAY of Penobscot

Pending—FURTHER CONSIDERATION

(In Senate March 22, 1984 the Minority Ought Not To Pass Report READ and ACCEPTED in NON CONCURRENCE)

(In House March 27, 1984 the Majority Ought To Pass as Amended Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-527) AS AMENDED BY HOUSE AMENDMENT "A" (H-542) AND HOUSE AMENDMENT "B" (H-585) thereto in NON-CONCURRENCE)

On motion by Senator PRAY of Penobscot RETABLED until later in today's session, pending FURTHER CONSIDERATION.

The President Pro-Tem laid before the Senate:

HOUSE REPORT—from the Committee on EDUCATION on Bill "An Act to Provide a Corporate Tax Credit for Donations of Technological Equipment to Educational Institutions" H. P. 1653 L. D. 2178

Report—OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-592)

Tabled—March 29, 1984 by Senator CONLEY of Cumberland

Pending—ACCEPTANCE OF THE OUGHT TO PASS AS AMENDED Report

(In House March 27, 1984, Ruled NOT PROPERLY BEFORE THE BODY pursuant to Joint Rule 37)

On motion by Senator PRAY of Penobscot RETABLED UNASSIGNED, pending RULING FROM THE CHAIR.

On motion by Senator PRAY of Penobscot the Senate voted to remove from the table;

HOUSE REPORTS—from the Committee on STATE GOVERNMENT on Bill "An Act to Allow the State, Counties and Municipalities to Buy Employee Deferred Compensation Plans from Financial Institutions" H. P. 1412 L. D. 1834

Report "A"—OUGHT TO PASS IN NEW DRAFT UNDER NEW TITLE Bill "An Act to Create Enabling Legislation for Payroll Deductions for Individual Retirement Accounts and Simplified Employee Pension Plans, to make Necessary Technical Changes in the Provisions of Current Deferred Compensation Statutes, and to Authorize Counties, Municipalities and other Political Subdivisions to Purchase Deferred Compensation Instruments from Financial Institutions, Insurance Companies and Investment Firms" H. P. 1795 L. D. 2370

Report "B"—OUGHT TO PASS IN NEW DRAFT UNDER NEW TITLE Bill "An Act to Create Enabling Legislation for Payroll Deductions for Individual Retirement Accounts and Simplified Employee Pension Plans and to Make Necessary Technical Changes in the Provisions of Current Deferred Compensation Statutes" H. P. 1796 L. D. 2371.

Report "C"—OUGHT NOT TO PASS

Tabled—March 29, 1984 by Senator PRAY of Penobscot

Pending—The motion of Senator VIOLETTE of Aroostook to ACCEPT REPORT "B" OUGHT TO PASS IN NEW DRAFT UNDER NEW TITLE (H. P. 1796) (L. D. 2371)

(In House March 27, 1984 Report "A" OUGHT TO PASS IN NEW DRAFT UNDER NEW TITLE (H. P. 1795) (L. D. 2370) READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED)

(In Senate March 29, 1984 the Reports READ)

THE PRESIDENT PRO-TEM: The Chair recognizes the Senator from Androscoggin, Senator Charette.

SENATOR CHARETTE: I would ask for a Division and ask the Senate to vote for Report "A", and I would like to speak.

THE PRESIDENT PRO-TEM: The Senator has the floor.

SENATOR CHARETTE: Thank you, Mr. President. Women and Men of the Senate, I rise today in support of this Legislation which would be Report "A" which is a very long and complicated title but it is really a fairly simple bill.

The Bill basically makes three changes in existing law and it is my understanding that two of these changes are not contested. The two changes that are not contested are: first making technical changes to the State Deferred Compensation Law to comply with recommendations of the Internal Revenue Service, and the Second is authorizing the State and political subdivisions to offer individual retirement accounts and simplified employee pension plans to public employees.

The third and only controversial portion of this Bill is the portion which allows counties and municipalities and other political subdivision to contract with financial institutions to offer deferred compensation programs to their employees. Presently public employees pension plans maybe offered only through insurance companies and investment firms.

This Bill would give the counties and towns the right to choose between a deferred compensation program offered by a financial institution and one offered by an insurance company or an investment firm.

This Bill would not make any changes to the State's deferred compensation program.

I am informed that this Bill arose out of a situation in which the Town of Bucksport went to the Bangor Savings Bank and asked them to set up a deferred compensation program for their town manager. The Bangor Savings Bank is very qualified in the area of deferred compensation programs and has offered many

programs to private corporations in a service area. They have personnel trained in counseling employees about the alternatives available to them under deferred compensation plans.

In considering the establishment of deferred compensation programs for the Town of Bucksport the Bangor Savings Bank learned that State law prohibited it from offering to the town a type of program similar to that which it may offer to many private corporations. The town, also, learned it could establish a deferred compensation program through an insurance company, but it could not invest the funds from its deferred compensation accounts in a local savings bank.

There are many different types of deferred compensation programs authorized by the Internal Revenue Service. These different programs all contain provisions relating to the maximum amount which may be contributed, the type of employees who may participate and the manner of paying the compensation back to the employee.

One such program is section 457 program which is known as the Public Employee Deferred Compensation Plan, under Section 457, public entities may establish deferred compensation programs for their employees and the employees will receive similar tax benefits to those received by private employees.

This law would simply authorize financial institutions and other types of financial entities which currently offer deferred compensation programs to offer this program to Maine's counties and towns.

I know that you all know that I supported the annuities bill which was defeated in the Senate, last week, however I would urge you to consider this Bill does not authorize financial institutions to sell an insurance product. Rather it authorizes financial institutions to offer the products which are now available to private employees to be made available to public employees. More importantly it affords our counties and towns the opportunity to shop around for the best deferred compensation for its employees and to invest its money in local financial institutions, if it so chooses, and they have done that very well.

It is my understanding that the Maine Municipal Association supported this Bill at a public hearing and believe that its members would benefit from this change in the law.

I want to thank you very much for your consideration and I urge you to vote for Report "A" and vote against the pending motion to Accept Report "B". Thank you.

The President Pro-Tem would ask the Sergeant-at-Arms to escort the Senator from Cumberland, Senator Conley to the Rostrum where he may resume his duties as President.

The Sergeant-at-Arms escorted the Senator from Cumberland, Senator Conley to the Rostrum where he resumed his duties as President.

The Sergeant-at-Arms escorted the Senator from Aroostook, Senator Carpenter to his seat on the floor of the Senate.

THE PRESIDENT: Once again the Chair wishes to express its sincere thanks to the good Senator from Aroostook, Senator Carpenter for his outstanding performance as President Pro-Tem.

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

SENATOR VIOLETTE: Mr. President and Ladies and Gentlemen of the Senate, first of all I want to thank the good Senator from Androscoggin, Senator Charette for explaining the Bill, as I had been doing earlier in today's session when the item was tabled until this evening's session.

The analysis of the Bill given by Senator Charette is exactly correct and appropriate. I happen to differ with him, however, to the ex-

tent and by remaining consistent, in this that this is the third time during my tenure here in the Maine Legislature that this Bill has come before the Legislature. On the two other occasions that I have been here it has been defeated here in this Body. It has been defeated primarily because this is, in fact, as Senator Charette has pointed out a service that is currently being provided by insurance companies to public employees. This is, in fact, a special program a 457 program under the rules and regulations of the IRS. It is, in fact, a program that has worked very well for the last several years. It is a program that primarily has been used by State Employees and very little by municipal and county employees, but a service that has been provided to them for the last several years. It is offered by literally hundreds of insurance companies at the municipal and county level with carriers in all communities.

The Bill was brought before the Committee, once again, because one community was unaware as to the law with respect to this particular program, if it had simply gone to carriers or agents in its own community they could have offered this program to that community. Banks are already capable of offering IRA's and SEP's under plans to these same communities, as well as, the county and the State.

I see this, quite frankly, granted that these same institutions, these banks can offer these programs to private companies I have felt that this is, in fact, a service having been provided by insurance companies, they having met the need. There being no demonstrable: it having not been shown to the Committee that the present system which has been operating very well and providing for the needs of employees have not been met. I asked time and time again of the various representatives of the various banking lobby where, in fact, the present system had failed? No one could point to any such instance, because in fact in the community of Bucksport there was a variety of other avenues for that community to offer this plan to their employee.

This has been the opinion of the Legislature and of the Committee on State Government for the last several Legislatures. It has been a system that has been working well. I would hope that there is, in fact, some division between some of the products that banks can offer and insurance companies can offer. Two different types of individuals and different entities and this is one where the State of Maine has decided that insurance companies should offer: deferred comp. program for public employees should be left to insurance companies, just as last week or whenever this Legislature decided that another program that in the area of annuities should be left to banks, excuse me to insurance companies.

It is the opinion of the Committee that, excuse me, not an opinion of the full Committee the majority of the Committee, but the opinion of myself and a minority of the Committee that this process which has fulfilled the needs of public employees should continue, and so I would hope today that you would in fact accept Report "B". Thank you.

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

SENATOR HICHENS: Mr. President and Members of the Senate, I think that the good Senator from Aroostook has fully explained this and given the reason why I signed the Ought Not to Pass Report. This has been defeated two or three times before I do not see any necessity for it at this time.

Am I in order to move that this Bill be Indefinitely Postponed?

THE PRESIDENT: The motion is in order that the Bill and accompanying papers be Indefinitely Postponed.

SENATOR HICHENS: I so move, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator Violette.

SENATOR VIOLETTE: Mr. President and Ladies and Gentlemen of the Senate, I find myself in that unenviable position as I would like to probably kill this whole bill because of the section dealing with the deferred comp. program, but in fact I do not think that that is what the Legislature should do.

This bill has three elements in it, Report "A" does and Report "B" has two elements in it, and certainly, at least, the two elements in Report "B" should be passed. The first of those is the New Draft that makes technical changes in the State's deferred comp. program which the IRS has asked us to make. These are changes with the IRS has asked us to make in the State's own program to clear up some of the vague and gray areas of our own program. It is for that reason why this year I am voting in favor of Report "B", rather than just being in opposition to the Legislation.

In addition to this in order, our Committee having listened to the request of the banking community have cleared up in this draft language to identify the fact that in fact banks can offer individual retirement accounts and simplified pension fund benefits to public employees. Something that they really can do but have not been explicitly then stated.

So I would hope that we would not accept the motion of Indefinite Postponement at this time and that we would, at least, accept Report "B" because quite frankly to do less would not be in the best interest of the State's deferred comp. program. Thank you, and I request a division.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from York, Senator Hichens to Indefinitely Postpone the Bill and all accompanying papers, please rise and remain standing until counted.

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

1 Senator having voted in the affirmative and 26 Senators having voted in the negative, the motion to INDEFINITELY POSTPONED Bill and all Accompanying Papers FAILED.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Aroostook, Senator Violette that the Senate Accept Report "B".

The Chair recognizes the Senator from Cumberland, Senator Clark.

SENATOR CLARK: Thank you, Mr. President. Mr. President and Men and Women of the Senate, the good Senator from Aroostook has referred to IRA's and SEP's and I am sure that many of you are aware that Individual Retirement Accounts which we call "IRA's" are accounts in which an employee or self employed person may set aside up to two thousand dollars and that the two thousand dollars set aside may be deducted from income in the current year. We, also, recognize that no tax is paid on an IRA or income which the IRA earns until death or retirement, and there are a wide variety of financial entities offering IRA's including banks, insurance companies and brokerage firms and all those businesses which we call, Sears and Roebuck, Cherson, American Express, in the money market area.

A SEP, well by the way a SEP stands for Simplified Employee Pension plan and is as its name suggests a simplified method of establishing a pension plan. SEP's maybe funded through both employer and employee contributions and employer contributions must be made on the basis that does not discriminate in favor of employees that are officers or shareholders or highly compensated. The maximum deduction allowed for an employee under a S.E.P. or "SEP" is fifteen thousand dollars or fifteen percent of the employees compensation. Like other types of individual retirement accounts a Simplified Employee Pension is exempt from Income Tax.

The Bill in its entirety would simply clarify

enabling legislation for the counties and municipalities and some other subdivisions that deal with public employees that they may reach an agreement with any type of entity, any type of entity authorized to offer an IRA or an SEP, to set up an IRA or an SEP through payroll deduction or otherwise. On the other end of the spectrum which is what we really are addressing in this Bill is a deferred compensation plan which is a wee bit more complicated and sophisticated retirement planning method than an IRA or a SEP. Deferred Compensation arrangements principally involve an agreement by an employee to make payments to an employee at a future date for his or her services. The employees tax objective in participating in such an arrangement is to ensure that he or she will be taxed only when payments are received under the plan or agreement. The assumption being that the employee's tax rate after retirement will be, as most of us anticipate, lower than current tax rate.

Now the good Senator from Aroostook is right on target when he says that there is need for some technical changes in the Deferred Compensation Plan which is the exclusive province of insurance companies in the State of Maine today. Indeed that system has worked well and this Bill does not attempt, even though perhaps it should if it was a wee bit more courageous, to enter that field based on the testimony I would presume, in large part, by the Commissioner of Finance and Administration.

The good Senator from Aroostook has asked a question which deserves an answer and he has said, where has the present system failed? The present system hasn't had an opportunity to fail because there are a number of people and businesses that can provide the services for Deferred Compensation IRA's and SEP plans across the State, and they represent an industry. A Deferred Compensation Plan is not an insurance product and therein lies the difference between what we referred to last week in an earlier debate dealing with annuities and banks, and the insurance industry. A Deferred Compensation Plan is not an insurance product, an annuity program is.

While the good Senator from Aroostook, has perhaps correctly referred to the fact that this bill has been before the Legislature as many as three times in his legislative experience, I would submit that I have been in this Legislative service for twelve years and I see issues coming before the Legislature which in fact are annual occurrences. Maine's Interstate Banking Bill took twelve years to ultimately reach final enactment.

The issue before us is one of equity, fair play, the free market and open competition between financial entities giving them an even playing field if you will, using a term that we hear frequently in the Committee on Business Legislation.

The current law is limiting it precludes banks and other financial entities from competing on a fair playing field a level playing field with the insurance industry dealing with municipalities and local political subdivisions other than the State. I think that kind of exclusionary law which perhaps may have worked well since its passage, I understand as late as 1975, should be challenged and appropriately challenged in light of the current financial market out there in the real world today. That is why I am not supporting the pending motion of accepting the Minority Report but would hope that this Chamber would allow that motion to go down in defeat and thereby accept the Majority Report. Thank you, Mr. President.

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

SENATOR VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate, I wouldn't belabor the issue, I appreciate the rather lengthy explanations of two or three simple programs

by the good Senator from Cumberland. Perhaps, the good Senator from Cumberland doesn't think that people on the State Government Committee are capable of dealing with the entities that only her committee can deal with from time to time, and that we are not capable of dealing with the pressures brought to bear by the various lobbying institutions. I would suggest to the good Senator that we are capable on that Committee of dealing with issues that come before us dealing with the financial world, because we deal with them all the time. There are those of us on the Committee are well read in that area.

To suggest, Senator, that this is a piece of legislation that will begin to deal with inequities between the banking and insurance industries well if that is what we really want then perhaps we ought to Accept Committee Report "B" and await the Federal Government which is dealing with banking deregulation in both House and Senate and with the Vice-president's Task Force on Banking Deregulation with Mr. Volker who will be shortly making recommendations and already have made some in the field dealing with this area as well.

I think that that is an additional reason why I have felt for sometime that rather than deal with this issue on a piecemeal basis we ought to await some more directions with respect to the issue. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Sewall.

SENATOR SEWALL: Thank you, Mr. President. Mr. President, Members of the Senate, I will be very brief on this subject. We are not offering a new product, insurance companies sell this product, banks sell this product. There is a prohibition now on banks selling the product in the public sector, in my business I can go to the bank and I can set this program up, because I have a private business and I can set it up, but for some reason the public sector has decided only insurance companies can do it. I do not think that that is fair.

THE PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Aroostook, Senator Violette to Accept Report "B" Ought to Pass in New Draft, please rise and remain standing until counted.

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

12 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion to ACCEPT Report "B", OUGHT TO PASS in NEW DRAFT under NEW TITLE (H. P. 1796) (L. D. 2371) in NON-CONCURRENCE, PREVAILED.

The Bill in NEW DRAFT under NEW TITLE READ ONCE.

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

The President laid before the Senate:
HOUSE REPORTS—from the Committee on AGRICULTURE on Bill "An Act Relating to the Labeling of Milk Containers" H. P. 1687 L. D. 2245

Majority Report—Ought Not to Pass.
Minority Report—Ought To Pass.
Tabled—March 29, 1984 by Senator PRAY of Penobscot

Pending—RULING OF THE CHAIR
(In House March 27, 1984 Bill and Accompanying Papers NOT PROPERLY BEFORE THE BODY pursuant to Joint Rule 37)

THE PRESIDENT: The Chair wishes to respond that this Bill is in violation of Joint Rule 37. There was a bill exactly as printed in the last session, that we defeated.

The President laid before the Senate:
SENATE REPORTS—from the Joint Select Committee on ALCOHOLISM SERVICES on Bill

"An Act Relating to Alcohol-related Birth Defects" S. P. 830 L. D. 2225

Majority Report—Ought To Pass In New Draft under same title S. P. 880 L. D. 2384

Minority Report—Ought Not To Pass
Tabled—March 29, 1984 by Senator PRAY of Penobscot

Pending—ACCEPTANCE OF EITHER REPORT

On motion by Senator PRAY of Penobscot RETABLED for 1 Legislative Day, pending ACCEPTANCE OF EITHER REPORT.

On motion by Senator PRAY of Penobscot RETABLED for 1 Legislative Day, pending ACCEPTANCE OF EITHER REPORT.

The President laid before the Senate:

SENATE REPORTS—from the Committee on LEGAL AFFAIRS on Bill "An Act to Amend the Liquor Laws to Permit the Sale of Beer and Wine at Outdoor Stadiums" S. P. 662 L. D. 1852

Majority Report—Ought to Pass in New Draft under same title S. P. 878 L. D. 2379

Minority Report—Ought Not To Pass.
Tabled—March 29, 1984 by Senator BUSTIN of Kennebec

Pending—ACCEPTANCE OF EITHER REPORT

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

SENATOR BUSTIN: I move that we Table this Bill for 1 Legislative Day.

On motion by Senator PRAY of Penobscot, RETABLED until later in today's session, pending ACCEPTANCE OF EITHER REPORT.

The President laid before the Senate:

AN ACT Concerning Maine Farm Wineries S. P. 787 L. D. 2113

Tabled—March 29, 1984 by Senator CHARETTE of Androscoggin

Pending—ADOPTION OF COMMITTEE AMENDMENT "A" (S-319)

(In House March 27, 1984 PASSED TO BE ENACTED)

(In Senate March 29, 1984, Under Suspension of the Rules RECONSIDERED ENGROSSMENT, INDEFINITELY POSTPONED House Amendment "A" (H-547) and RECONSIDERED ADOPTION of Committee Amendment "A" (S-319)

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

SENATOR CHARETTE: Mr. President, I present Senate Amendment "B" to Committee Amendment "A" filing number S-350 and move for its Adoption.

THE PRESIDENT: The Senator from Androscoggin, Senator Charette now presents Senate Amendment "B" to Committee Amendment "A" and moves its Adoption.

Senate Amendment "B" (S-350) to Committee amendment "A" (S-319) was READ and ADOPTED.

Committee Amendment "A" (S-319) as Amended by Senate Amendment "B" (S-350) thereto was ADOPTED, in NON-CONCURRENCE.

The Bill was PASSED TO BE ENGROSSED as Amended, in NON-CONCURRENCE.
Sent down for concurrence.

The President laid before the Senate:

AN ACT Requiring Nonowner Spouses to Record Claims to Marital Property under Divorce Laws, and Clarifying the Need for the Nonowner Spouse to Sign Conveyances in General S. P. 855 L. D. 2313

Tabled—March 29, 1984 by Senator PRAY of Penobscot

Pending—ENACTMENT
(In House March 27, 1984 PASSED TO BE ENACTED)

(In Senate March 20, 1984 PASSED TO BE ENGROSSED)

On motion by Senator TRAFTON of Androscoggin, the Senate SUSPENDED ITS RULES.

On further motion by the same Senator, the Senate RECONSIDERED its action whereby

the Bill was passed to be engrossed.

THE PRESIDENT: The Senator has the floor.
SENATOR TRAFTON: Mr. President, I now present Senate Amendment "A" to L. D. 2313 with a filing number of S-351 and move its Adoption.

THE PRESIDENT: The Senator from Androscoggin, Senator Trafton now presents Senate Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-351) was READ and ADOPTED.

The Bill was PASSED TO BE ENGROSSED as Amended, in NON-CONCURRENCE.

Sent down for concurrence.

The President laid before the Senate:

Emergency

AN ACT to Ensure Medical Coverage of Residents in Cost Reimbursement Boarding Homes S. P. 843 L. D. 2266

Tabled—March 29, 1984 by Senator PRAY of Penobscot

Pending—ENACTMENT
(In House March 27, 1984 PASSED TO BE ENACTED)

(In Senate March 19, 1984 PASSED TO BE ENGROSSED)

On motion by Senator BUSTIN of Kennebec the Senate SUSPENDED ITS RULES.

On further motion by the same Senator, the Senate RECONSIDERED its action whereby the Bill was PASSED TO BE ENGROSSED.

THE PRESIDENT: The Senator has the floor.
SENATOR BUSTIN: I now offer Senate Amendment "A" under filing number S-349 and move its Adoption.

THE PRESIDENT: The Senator from Kennebec, Senator Bustin now presents Senate Amendment "A" and moves its adoption.

Senate Amendment "A" (S-349) was READ and ADOPTED.

The Bill was PASSED TO BE ENGROSSED as Amended, in NON-CONCURRENCE.

Sent down for concurrence

The President laid before the Senate:

Bill "An Act to Amend the Laws Concerning Commercial Whitewater Rafting" (Emergency) S. P. 873 L. D. 2367

Tabled—March 29, 1984 by Senator PRAY of Penobscot

Pending—ENGROSSMENT
(In House March 27, 1984 PASSED TO BE ENACTED)

(In Senate March 29, 1984 RECONSIDERED ENGROSSMENT)

On motion by Senator PRAY of Penobscot, RETABLED for 1 Legislative Day, pending ENGROSSMENT.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act Concerning the Maine Land Use Regulation Commission" H. P. 1810

Comes from the House referred to the Committee on AUDIT AND PROGRAM REVIEW and ORDERED PRINTED.

Which was referred to the Committee on AUDIT AND PROGRAM REVIEW, and ORDERED PRINTED, in concurrence.

Senate at Ease

The Senate called to order by the President.

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

Bill "An Act to Provide Limitations on Fishing by Weirs, Purse and Stop Seines and to Provide Notice for the Location of Weirs and their Maintenance" (Emergency) H. P. 1516 L. D. 1991

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

Pending—FURTHER CONSIDERATION
(In Senate March 22, 1984 the Minority Ought Not To Pass Report READ and AC-

CEPTED in NON CONCURRENCE)

(In House March 27, 1984 the Majority Ought To Pass as Amended Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-527) AS AMENDED BY HOUSE AMENDMENT "A" (H-542) AND HOUSE AMENDMENT "B" (H-585) thereto in NON-CONCURRENCE)

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

SENATOR MINKOWSKY: Mr. President, I now move that the Senate Recede and Concur with the House.

THE PRESIDENT: The Senator from Androscoggin, Senator Minkowsky moves that the Senate Recede and Concur with the House.

The Chair recognizes the Senator from Washington, Senator Brown.

SENATOR BROWN: Mr. President, I move that we Recede.

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

SENATOR CARPENTER: I request a Division.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Washington, Senator Brown to Recede, please rise and remain standing until counted.

Will all those Senators in favor of the motion by the Senator from Washington, Senator Brown to Recede, please rise and remain standing until counted.

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

The Chair recognizes the Senator from Penobscot, Senator Pray.

SENATOR PRAY: I request a Roll Call.

THE PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

SENATOR PRAY: Mr. President a parliamentary inquiry. If the motion to Recede is defeated would the motion to Recede and Concur be out of order?

THE PRESIDENT: The Chair would instruct the Senator the motion is to Recede, to Concur, to Insist and to Adhere.

The Chair recognizes the Senator from Knox, Senator Collins.

SENATOR COLLINS: Mr. President, I would suggest to the Senate that the motion to Recede must pass if either side or both sides are to be served. It is in the follow up to that where the real contest should lie.

THE PRESIDENT: The Chair would respond that the Senator is correct.

The Chair recognizes the Senator from Penobscot, Senator Pray.

SENATOR PRAY: I ask leave of the Senate to withdraw my request for a Roll Call.

THE PRESIDENT: The Senator from Penobscot, Senator Pray requests leave of the Senate to withdraw his request for a Roll Call.

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

It is a vote.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

SENATOR CARPENTER: Mr. President, I request leave of the Senate to withdraw my motion for a division.

THE PRESIDENT: The Senator from Aroostook, Senator Carpenter now requests leave of the Senate to withdraw his motion for a division.

Is this the pleasure of the Senate?

It is a vote.

The Chair recognizes the Senator from Washington, Senator Brown.

SENATOR BROWN: Mr. President, I offer Senate Amendment 358 to L. D. 1991 and wish to speak to my motion.

THE PRESIDENT: The Senator from Washington, Senator Brown presents Senate

"A" and moves its Adoption.

The Chair recognizes the Senator from Penobscot, Senator Pray.

SENATOR PRAY: Mr. President I realize that the evening is getting late, but a parliamentary inquiry. Have we yet RECEDED?

THE PRESIDENT: Is it now the pleasure of the Senate that the Senate Recede from Acceptance of the Minority Ought Not to Pass Report. It is a vote.

Senate at Ease

The Senate called to order by the President.

The Majority Ought to Pass, as Amended by Committee "A" (H-527) Report was accepted in Concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-527) was READ.

House Amendment "A" (H-542) to Committee Amendment "A" (H-527) was READ and ADOPTED, in concurrence.

House Amendment "B" (H-585) to committee Amendment "A" (H-527) was READ and ADOPTED, in concurrence.

Committee Amendment "A" (H-527) as Amended by House Amendment "A" (H-542) and House Amendment "B" (H-585) thereto was ADOPTED, in concurrence.

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

SENATOR PRAY: Mr. President I move that under suspension of the rules that this Bill be given its Second Reading at this time.

THE PRESIDENT: The Senator from Penobscot, Senator Pray moves that under suspension of the rules that the Bill be given its Second Reading at this time by Title Only?

It is a vote.

On motion by Senator PRAY of Penobscot under suspension of the rules, the Bill READ A SECOND TIME.

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

SENATOR BROWN: Mr. President thank you. I now offer Senate Amendment "B" under filing number S-358 to L. D. 1991 and move its Adoption.

THE PRESIDENT: The Senator from Washington, Senator Brown presents Senate Amendment "B" and moves its Adoption.

Senate Amendment "B" (S-358) was READ.

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

SENATOR MINKOWSKY: Mr. President and Members of the Senate, in behalf of the Committee on Marine Resources I find that it is necessary to oppose S-358 and subsequently ask for the Indefinite Postponement of this Amendment.

I went through the entire Committee Report last week and I do not intend to repeat the various steps of the Committee on site having spent about sixty-seven hours of time trying to address very serious problems that were occurring in Washington County and subsequently in Hancock County.

When you look at the original Committee Amendment, itself, it covers four major points just to set the Record straight. Number one it makes a protection zone provisions apply only to license weirs that are actually capable of catching fish. The second provision of our Committee Amendment was to shorten the requirement operating period, for weir fishing needed to maintain the weirs owners licenses. Three allow a weir owner to undress his weir in anticipation of bad weather without losing his license, and finally repeal and close season on purse seining exclusively in Washington County.

There has been some consideration which has been addressed in House Amendment 542, originally the bill called for a two thousand foot area from a dressed weir so that purse seiners could not operate in that particular area, and

over the years, I must say since 1969 when that law was first placed on the books there was justification. The Amendment that we have just adopted H-542 addresses very simply, I am sorry, H-585 now says, "accept that no person may purse seine from herring within one mile of a weir in operating condition that is licensed prior to the effective date of this section." In other words we are extending the area from two thousand feet to one mile, of that dressed, operable weir operating in good faith.

The Committee had a great deal of discussion relevant to the law that has been in effect which you might say was exclusively designed for Washington County and there was some apprehension but the eleven to two Committee Report simply stated that it should be opened up along Maine's entire coast. There has been many substantial valid considerations and arguments raised by all people concerned and justifiably so. Each fishery is entitled to their fair share of those fish on Maine's coast.

I have outlined to you previously that some consideration was given to the canneries along the coast, and that predicated upon some of the problems that they were having as far as not getting fish from weirs or stop seines and have to rely primarily upon purse seines.

This entire issue surfaced in 1983 when there was a large school, or large schools of herring running in that area, but for some migratory reason did not go into the weirs and purse seines as they had in the past. The factories did not have the fish according to statistics and subsequently a regulation had to be implemented to allow the Department of Marine Resources to open this up to purse seining. By the time the regulation was adhered to the end result was that the fish were gone.

We this past session, put in an emergency piece of legislation that allowed the Commissioner of the Department of Marine Resources to open this up to purse seining in case the situation that happened in 1982 and subsequently in 1983 should persist. The Committee, in its wisdom, felt that what we have done should suffice and that the amendment being offered this evening by the good Senator from Washington, Senator Brown should not be accepted by this Legislative Body, and very simply, Mr. President, I oppose the acceptance of Senator Brown's amendment and I would simply ask for a Division.

The Chair recognizes the Senator from Washington, Senator Brown.

SENATOR BROWN: Thank you, Mr. President and Ladies and Gentlemen, in response to some of the issues that the good Senator from Androscoggin, Senator Minkowsky has raised, I would like to point out just a few items, and I know that people are tired of this and I know that you've heard Inland Fisheries and Wildlife and you don't want to hear anymore Marine Resources wildlife this evening, but this is an important issue in the part of the world where I come from.

There is no problem with any part of this Committee Report except for this one area of purse seining, that is the issue or division occurs. The rest of the Report is okay and there is no problem. We have accepted that and then we offered the amendment here.

The good Senator has mentioned that the problem arose in '72 and '73 and he further stated that we have taken care of that problem this year, when we passed L. D. 2102 approved by the Governor on March 15, 1984, which in an emergency adoption of amendment of gear conflict regulations prior to public notice of hearings shall not be required. So the Commissioner right at this point as a result of action that we've taken this year has the power in the event that the plants do not have the necessary fish, he can open it up as the good Senator has pointed out in his earlier testimony.

Mr. President, this is an issue that I think is summarized somewhat in a letter that I have received and I would like to read you just a part

of that letter from an elderly gentlemen that lives I believe in the Cutler area. This is quote, "at the end of the Second World War anyone traveling on the coast would have observed the ocean teeming with marine life, gulls, shags, seals, porpoise, whales feeding on unbelievable miles and miles of herring. They were in such abundance that it was believed that they would never be depleted, however man came up with a hydraulic power block capable of hauling back purse seines in any depth of water. In the early fifties the slaughter started even back then the sardine bet the captions and even some of the purse seiners that I talked with said, what a waste and what a shame for each boat that was loaded there were two or three times as many herring that where dropped to the bottom. The large spawning herring were ten times susceptible to this slaughter because of their susceptibility or the packing together which occurs around spawning time from the first of August to the last of October. Man in his callousness and greed seemed to think that the fish would last forever.

Even today some seem to think that there is so many that we can never hurt them. The handwriting is on the wall but through either ignorance or for whatever reason or design the vocal minority is ignoring it and insisting on opening up this closed and protected area. This is the ultimate in irresponsibility more closed areas should be sort. All adult herring should be protected the year round from all sorts of fishing. If this is not done to the end, the end is in sight.

When I started fishing in the 40's I could go out on the ocean in the summer and fall and see silvery fish shining in the early morning light as far as the eye could see. Now the ocean is barren and the Machias Bay which was famous for enormous quantities of brit or small herring I haven't seen any in two years. The warning signs are out with no juvenile fish available the remaining factories will eventually have to shut their doors. Another industry will be gone."

Mr. President, Ladies and Gentlemen the amendment that I offer is compatible with all fisheries, it is compatible with the purse seines, with the fixed gear and the mobile gear, it gives the weir and the stop seine a chance to, also, continue fishing when the large boats with the purse seines come in. It tends to protect the spawn herring and it avoids a gear conflict with the lobster traps and others who have a lot of fishing during this season, during the time that we are proposing to open this and all of the people can live with this particular amendment.

So I would urge Ladies and Gentlemen in summarizing that you look at what we have already done this year, that the Commissioner has the power to open up that area when they need the fish, we have passed that law it has already been sent down to the Governor, and now we are trying to go ahead and protect and allow the rest of the people besides the few purse seiners the large fishermen we are trying to keep it so that the small fishermen can continue to operate. So Ladies and Gentlemen I would urge that you support the adoption of this Amendment. Thank you, Mr. President.

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

SENATOR COLLINS: Mr. President when this bill was before us, previously in the Senate, I voted with the Senator from Washington, Senator Brown since that time there has been an amendment placed on the bill which moves somewhat in the direction that Washington County would prefer. It is my judgment that the present amendment before us goes too far, taking in a two mile area, too far with respect to the compromise that was under consideration. I regret that I shall have to vote against the pending amendment.

THE PRESIDENT: A Division has been

requested.

Will all those Senators in favor of the Adoption of Senate Amendment "A", please rise and remain standing until counted.

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

7 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion to ADOPT Senate Amendment "A" (S-358) FAILED.

On motion by Senator MINKOWSKY of Androscoggin the Senate CONCURRED.

The President laid before the Senate:

Resolve, to Inventory all State Real Property and to Create a Commission to Develop a Policy for the Disposition of State Surplus Real Property" S. P. 865 L. D. 2349

Tabled earlier in today's session, on motion by Senator CARPENTER of Aroostook, Pending—FURTHER CONSIDERATION.

(In Senate March 27, 1984 PASSED TO BE ENGROSSED)

(Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-608) in NON CONCURRENCE)

On motion by Senator CARPENTER of Aroostook the Senate RECEDED and CONCURRED with the House.

ORDERS OF THE DAY SECOND READER House as Amended

Bill "An Act Concerning the Funding of the Department of Inland Fisheries and Wildlife" (Emergency) H. P. 1769 L. D. 2336

Which was READ A SECOND TIME

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

SENATOR USHER: I offer Senate Amendment "B" under filing number S-360 to L. D. 2336 and move its Adoption.

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

Senate Amendment "B" (S-360) was READ.

THE PRESIDENT: The Senate has the floor.

SENATOR USHER: The amendment is part of Report "A" that came out of the Appropriations Committee, and also, would make it a little bit more understandable. We are trying to consolidate everything, everything is a little bit confusing here over the last two or three days, now everything will be in one bill.

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

SENATOR NAJARIAN: Mr. President, I move the Indefinite Postponement of this Amendment. The cost to the General Fund of four hundred and twenty-eight thousand dollars, the additional seventy-four thousand dollars on this bill can not be justified and I ask for a Division.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Najarian, to Indefinitely Postpone Senate Amendment "B", please rise and remain standing until counted.

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

12 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion to INDEFINITELY POSTPONE Senate Amendment "B" (S-360) FAILED.

Senate Amendment "B" (S-360) was ADOPTED.

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

SENATOR VIOLETTE: Mr. President, I offer Senate Amendment "A" with a filing number of S-356 and move its Adoption.

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

Senate Amendment "A" (S-356) was READ.

THE PRESIDENT: The Senator has the floor.

SENATOR VIOLETTE: Mr. President and Ladies and Gentlemen of the Senate, Senate Amendment "A" allows for the retention, the purpose of the Amendment basically is to restore the position of Assistant Commissioner of Inland Fisheries and Wildlife which was created in the previous session of the Legislature by the Committee on State Government. This is currently an unfilled position at this time.

The Department of Inland Fisheries and Wildlife has hundreds of rules and regulations these are all designed to protect and enhance the fisheries and wildlife resources of the State. Many must be renewed annually and particularly the deer season and trapping regulations are set each year, most are reviewed regularly to meet changing conditions. Every member of this Body knows that the specific fishing regulation, many in great detail are established to meet the needs of hundreds of bodies of water on an individual basis.

Last year this Legislature enacted legislation which created the position of Assistant to the Commissioner to assist in the management of the Department and these regulatory matters and other areas. For some reason while many other Departments have an Assistant to the Commissioner the Fisheries and Wildlife Committee seeks to do away with that position before anyone has been hired to fill it.

The Committee on State Government felt that there was a need for an unclassified position to help with the regulations and other policy duties. A request that was put in by the Commissioner of the Department and the Governor of the State of Maine. Of that position the Committee on State Government felt that the only two people holding rule making hearings should be the Commissioner and Deputy Commissioner. There are dozens of such hearings all over the State, with all their other duties, I felt and the Committee felt, at that time, and I still feel that it is reasonable to give them the opportunity to share the responsibility of conducting those hearings, and allowing the Commissioner more time to, perhaps, take care of this Department.

This amendment will not restore the position will not restore the position of staff attorney, which is the other position that is being eliminated, which is what the Audit Committee recommended the elimination of that position because of overlap with the Office of Attorney General.

With all the regulations that this Department administers, with all the varied programs that must be handled from White Water Rafting, to the new excise tax on boats, the new bucks only law, the decision to allow for that position remains a sound one. Nothing has changed from last year when it was created. If after it has been filled it appears to be unnecessary if may be removed, but it is an unfilled position at this time and I would hope that the Senate would accept the amendment. Thank you.

THE PRESIDENT: Is it now the pleasure of the Senate to Adopt Senate Amendment "A".

The Chair recognizes the Senator from Cumberland, Senator Clark.

SENATOR CLARK: Mr. President, I would request a Division on the pending motion and state for the Record my opposition.

I realize that as a Senator from Cumberland, am risking the wrath of the good Senator from Aroostook, but I in all good conscience can not justify supporting the funding and/or addition of a high prices executive position in the Department of Inland Fisheries and Wildlife when in fact we are not only taking money from the General Fund, but we are increasing the fees which sportsmen in the State of Maine are going to be paying for the services which they have enjoyed for so long. I can't in good conscience go back to Senate District 11 and tell them what we have done here today, tonight.

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

SENATOR VIOLETTE: Mr. President and Ladies and Gentlemen of the Senate, the Senator from Aroostook shares some of the concerns that the gentlewomen from Cumberland has expressed but quite frankly, this position exists now. It was a position that was created by the Legislature last year. It is the discretion of the Department, if it feels it appropriate, when it puts its line-item budget through it will have to request funding for that position, and substantiate that position and this Bill does not provide an appropriation, this amendment does not provide an appropriation for that position it simply retains the position and allows the Department through the appropriations process if it should feel it appropriate to ask for funds to fund that particular position. Thank you.

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

SENATOR NAJARIAN: Mr. President and Members of the Senate, perhaps, what is misleading the Senator from Cumberland, Senator Clark and myself is the fact that the Statement of Fact says, "the purpose of this amendment is to restore the position to the Commissioner of Inland Fisheries and Wildlife which was created in the previous session." It is to restore!

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

SENATOR PRAY: Mr. President, and Ladies and Gentlemen of the Senate, to perhaps enter into a debate of something that I should not, it is my understanding that this amendment replaces the position that is presently at this hour of the evening, now there in this Department, that this Bill if we did not amend would remove.

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

SENATOR KANY: Mr. President and Members of the Senate, but is the position filled today?

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

The Chair recognizes the Senator from Aroostook, Senator Violette.

SENATOR VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate, to the best of my knowledge this position remains vacant. It is vacant! Thank you.

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

SENATOR NAJARIAN: Mr. President and Members of the Senate if the position is merely vacant then I can't see the need for this amendment, however Senator Pray just mentioned to me that the Bill that the Inland Fisheries and Wildlife Commission put together took out that position. Now my question is, is this Legislature already tearing apart a budget that the Committee on Inland Fish and Wildlife just put together? Are we beginning right now before it is even Enacted to destroy what we have all been working here for, for three or four weeks?

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

The Chair recognizes the Senator from York, Senator Wood.

SENATOR WOOD: Mr. President, just a question, does the budget currently reflect this position or not?

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

The Chair recognizes the Senator from Aroostook, Senator Violette.

SENATOR VIOLETTE: Mr. President and Ladies and Gentlemen of the Senate, the answer is No. This is not a unique situation there are literally dozens of positions in what are con-

sidered to be policy influencing positions, such as assistants to commissioners, assistants to commissioners for administration purposes, deputy commissioners and the like that are created and exist and are on the books but are not filled.

They exist, the slot exists, they are there that in order if the Commissioner deems it necessary when he goes to the Appropriations Committee he asks for funding for the slot. We just want the slot to be left there. Then if he wants to fill it he is going to have to get the money to fill it, that's all.

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

SENATOR CLARK: Mr. President and Men and Women of the Senate, I thank you for your courtesy and your patience, but I see no pressing need to restore an executive position in a Department that is experiencing severe financial constraints, at this time and place.

If there is a need to restore an executive position which commands a high salary and commensurate employer responsibilities regarding the liabilities of employer taxes, then I feel quite secure in knowing that those who are elected to the one hundred and twelfth Maine Legislature can handle it then. I think that it is indeed inappropriate at this time to restore something that they have got along with quite well before this evening. I hope that we defeat the pending motion. Thank you, Mr. President.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Adoption of Senate Amendment "A", please rise and remain standing until counted.

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

8 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion to ADOPT Senate Amendment "A" (S-356) FAILED.

The Bill was PASSED TO BE ENGROSSED as Amended in NON-CONCURRENCE.

Sent down for concurrence.

ORDERS OF THE DAY

The President laid before the Senate:

SENATE REPORTS—from the Committee on LEGAL AFFAIRS ON Bill "An Act to Amend the Liquor Laws to Permit the Sale of Beer and Wine at Outdoor Stadiums" S. P. 662 L. D. 1852

Majority Report—Ought To Pass in New Draft under same title S. P. 878 L. D. 2379

Minority Report—Ought Not To Pass.

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

Pending ACCEPTANCE OF EITHER REPORT

The Majority OUGHT TO PASS IN NEW DRAFT Report was ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

On motion by Senator PRAY of Penobscot the Bill in NEW DRAFT TOMORROW ASSIGNED FOR SECOND READING.

On motion by Senator PRAY of Penobscot all matters previously acted upon were sent forthwith.

OFF RECORD REMARKS

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

On motion by Senator CARPENTER of Aroostook, ADJOURNED until 12 noon tomorrow.