

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
 Wednesday
 April 11, 1984
 Senate called to Order by the President.

Prayer by The Reverend Valmont R. Gilbert of the St. Augustine's Catholic Church of Augusta.

REVEREND GILBERT: Let us pray. Almighty Father in Heaven, You have given all people one common origin, and we know that Your will is to gather them as one family in Yourself.

Today, we ask that You fill the hearts of the Senators here present with the fire of Your love, the desire to ensure justice for all their brothers and sisters who look up to them as their representatives.

While sharing the good things You give all of us here present in the State of Maine, may we secure justice and equality for every human being, an end to all divisions and a human society built on love and peace.

We ask this through Christ, our Lord.

Reading of the Journal of Yesterday.

(OFF RECORD REMARKS)

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

The Sergeant-at-Arms escorted the Senator from York, Senator Collins to the Rostrum, where he served as President Pro-Tem.

The President took a seat on the Floor of the Senate.

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Amend Certain Motor Vehicle Laws" H. P. 1444 L. D. 1889

In House April 3, 1984 the Minority Ought to Pass in New Draft under same title (Emergency) (H. P. 1820) (L. D. 2412) report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

In Senate April 3, 1984 the Majority Ought to Pass in New Draft under same title (Emergency) (H. P. 1819) (L. D. 2411) report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED in NON-CONCURRENCE.

Comes from the House NEW DRAFT (H. P. 1820) (L. D. 2412) PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "C" (H-685) in NON-CONCURRENCE.

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

COMMUNICATIONS

The Following Communication:
 COMMITTEE ON LABOR

April 9, 1984

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

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

Total number of bills received	26
Unanimous reports	20
Leave to Withdraw	10
Ought to Pass	1
Ought Not to Pass	0
Ought to Pass as Amended	6
Ought to Pass in New Draft	3
Divided reports	6

Respectfully submitted,

S/ DENNIS DUTREMBLE
 Senate Chair
 S/ EDITH BEAULIEU
 House Chair

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
 COMMITTEE ON LOCAL AND COUNTY GOVERNMENT

April 5, 1984

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

We are pleased to report that all business which was placed before the Committee on Local & County Government during the second regular session of the 111th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	31
Unanimous reports	29
Leave to Withdraw	0
Ought to Pass	22
Ought Not to Pass	0
Ought to Pass as Amended	6
Ought to Pass in New Draft	1
Divided reports	2

Respectfully submitted,
 S/ R. DONALD TWITCHELL
 Senate Chair
 S/ EDWARD A. MCHENRY
 House Chair

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
 COMMITTEE ON ELECTION LAWS

April 10, 1984

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

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

Total number of bills received	8
Unanimous reports	6
Leave to Withdraw	1
Ought to Pass	1
Ought Not to Pass	0
Ought to Pass as Amended	2
Ought to Pass in New Draft	2
Divided reports	2

Respectfully submitted,
 S/ MICHAEL D. PEARSON
 Senate Chair
 S/ S. GREGORY G. NADEAU
 House Chair

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
 HOUSE OF REPRESENTATIVES
 111th Legislature

April 10, 1984

Honorable Joy J. O'Brien
 Secretary of the Senate
 111th Legislature
 Augusta, Maine 04333
 Dear Madam Secretary:

The House voted today to adhere to its former action whereby the Chair ruled on Bill "An Act to Provide a Corporate Tax Credit for Donations of Technological Equipment to Educational Institutions" (H. P. 1653) (L. D. 2178) that it was not properly before the body pursuant to Joint Rule 37.

Sincerely,
 S/ EDWIN H. PERT
 Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act Making Authorizations and Allocations Relating to Federal Block Grants for the Expenditures of State Government for the Fiscal Year Ending June 30, 1984" (Emergency) S. P. 914

Presented by Senator NAJARIAN of Cumberland.

Cosponsor: Representative CARTER of Winslow.

Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested.

On motion by Senator GILL of Cumberland, TABLED until later in today's session, pending REFERENCE.

COMMITTEE REPORTS
 House

Committee of Conference

The COMMITTEE OF CONFERENCE on the disagreeing action between the two branches of the Legislature, on Bill "An Act to Permit Public Service in Lieu of Fines of Indigent Offenders Under the Drunk Driving Law" H. P. 1427 L. D. 1872 have had the same under consideration and ask leave to report that they are UNABLE TO AGREE.

Signed on the part of the House:

CARRIER of Westbrook
 JACQUES of Waterville
 REEVES of Newport

Signed on the part of the Senate:

TRAFTON of Androscoggin
 VIOLETTE of Aroostook
 COLLINS of Knox

Comes from the House, with the Conference Report READ and ACCEPTED.

Which Report was READ and ACCEPTED in concurrence.

Committee of Conference

The COMMITTEE OF CONFERENCE on the disagreeing action between the two branches of the Legislature, 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 have had the same under consideration and ask leave to report that the House RECEDE and CONCUR with the Senate on PASSAGE TO BE ENGROSSED of the New Draft Under New Title on 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 on the part of the House:

GWADOSKY of Fairfield
 COOPER of Windham
 DILLENBACK of Cumberland

Signed on the part of the Senate:

VIOLETTE of Aroostook
 BALDACCI of Penobscot
 HICHENS of York

Comes from the House, with the Conference Report READ and ACCEPTED and the House RECEDED and CONCURRED and the NEW DRAFT Under New Title PASSED TO BE ENGROSSED.

Which Report was READ and ACCEPTED in concurrence.

Sent forthwith to the Engrossing Department.

Divided Report

The Majority of the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Establish the Maine Job-start Program" H. P. 1459 L. D. 1911

Reported that the same Ought to Pass in New Draft under same title. H. P. 1855 L. D. 2456

Signed:

Senators:

BROWN of Washington
 NAJARIAN of Cumberland

Representatives:

LISNIK of Presque Isle
 CONNOLLY of Portland
 CHONKO of Topsham
 KELLEHER of Bangor
 CARTER of Winslow
 JALBERT of Lewiston

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

Signed:

Senator:

PERKINS of Hancock

Representatives:

C.W. SMITH of Mars Hill
 MASTERTON of Cape Elizabeth
 BELL of Paris
 ARMSTRONG of Wilton

Comes from the House the Majority 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 ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

**Senate
 Ought to Pass in New Draft**

Senator NAJARIAN for the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Making Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) S. P. 738 L. D. 2051

Reported that the same Ought to Pass in New Draft under same title. (Emergency) S. P. 912 L. D. 2451

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

The Bill in NEW DRAFT ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

ENACTORS

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

AN ACT Concerning Higher Education. H. P. 1684 L. D. 2221 (H. "A" H-668 to C. "A" H-649)

AN ACT to Modify Early Retirement Plans for State Employees Hired After August 31, 1984. H. P. 1832 L. D. 2426

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 Provide Voter Information on Ballot Questions. H. P. 1588 L. D. 2095 (H. "A" H-678; C. "A" H-568)

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

AN ACT to Revise the Laws Governing Certification of Educational Personnel. H. P. 1839 L. D. 2434 (H. "B" H-672)

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

AN ACT to Establish a Commission to Assess the Loss of Farmland in Maine. H. P. 1842 L. D. 2438 (S. "A" S-389)

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

AN ACT Relating to Enforcement of Land Use Laws. S. P. 900 L. D. 2418 (H. "A" H-676)

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

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

the Bill was PASSED TO BE ENGROSSED.

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

SENATOR TRAFTON: I now present Senate Amendment S-394, Senate Amendment "A", and move its adoption, and I will speak to that Amendment.

THE PRESIDENT PRO-TEM: The Secretary will read Senate Amendment "A".

Senate Amendment "A" (S-394) was READ.

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

SENATOR TRAFTON: Thank you, Mr. President. This Amendment that I present today is simply a clarification of some of the language in the Land Use Bill which comes from the Committee on Local Land Use Violations. This Amendment comes at the recommendation of the Attorney General's Office to eliminate some duplication of language within the Bill. It does not create a substantive change in that Bill.

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

SENATOR MINKOWSKY: Mr. President, Members of the Senate, in looking over the Senate Amendment S-394, under the Section, Section 5, is this not new language compared to the original Bill itself insofar as: A Prior violations by the same party; the degree of environmental damage that cannot be abated or corrected; the extent to which the violation continued following an order of the department or board to correct it?

I just want clarification if I may, Mr. President, that we're not really going to do more damage under legislation to every single citizen in the State of Maine who owns property by imposing what I consider sometimes ludicrous restrictions upon the way that they try to handle or try to improve their property whether it's residential property or whether it's commercial property.

I almost think sometimes looking over the legislations before us that we're going way too far too quickly without the proper citizen input to know exactly how they are being regulated, whether the business community or the individual, by what apparently appears to be, to me, a particular special interest group that feels that the municipalities of the State is not moving fast enough in any one direction based upon a small percentage of some of the alleged violations that have taken place, whether from building permits, by municipalities, or whatever it may be.

If this might be addressed, Mr. President, I would appreciate it.

THE PRESIDENT PRO-TEM: The Senator from Androscoggin, Senator Minkowsky, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Kennebec, Senator Kany.

SENATOR KANY: Thank you, Mr. President and Members of the Senate. This amendment that Senator Trafton of Androscoggin presented is a technical amendment to the Local Land Use Violations Law.

I have a feeling that, perhaps, the good Senator from Androscoggin, Senator Minkowsky, is confused as to which Bill we are amending. This is not the one in which individuals may take someone else to court. This is the Local Land Use Violation Commission Legislation that came out of that when that was heard by the Energy and Natural Resources Committee.

This language, contained in this amendment, was in both Reports. The Senate adopted the stronger of the two reports, but since the language was identical in both reports, it was not an item that was debated the other day.

Once again, we are talking about Land Use Violations, not necessarily of an aesthetic type at all, but those that definitely do talk to the pollution and we're talking about plumbing codes and other things that affect the quality of our drinking water.

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

SENATOR MINKOWSKY: Mr. President and Members of the Senate, I appreciate the fine explanation by the good Senator from Kennebec, Senator Kany.

Again, even though we are talking of discharges in municipalities, when I look at the maximum civil penalty that can be imposed upon an industry of roughly, it may exceed \$10,000 for each day of that violation, but shall not exceed \$25,000 for each day of that violation when it can be shown that there has been a previous violation of the same law by the same party within five preceding years.

Let me ask this additional question. How about our local municipally operated sewage treatment plants because of problems that might arise, would they fall in the same category of being fined as a municipality by discharging waste directly, shall we say, directly into the Androscoggin River, possibly because of excess storm drainage going into that system, or the system temporarily breaking down?

This is a very, very serious consideration that you people will be voting on this morning and I want to be thoroughly sure that you understand the full ramifications of what this thing is all about.

THE PRESIDENT PRO-TEM: The Senator from Androscoggin, Senator Minkowsky, has posed a question through the Chair to any Senator who may respond if they so desire.

The Chair recognizes the Senator from Kennebec, Senator Kany.

SENATOR KANY: Mr. President and Members of the Senate, the Waste Water Discharge Law is not contained within this legislation nor is any hazardous waste discharge.

By the way, we kept some of the hazardous waste discharge violations as criminal penalties and that is one reason that type of thing is left out of this legislation in which all the penalties are strictly of a civil nature.

Senate Amendment "A" (S-394) was ADOPTED.

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

Sent down for concurrence.

Emergency

AN ACT to Revise the Salaries of Certain County Officers. H. P. 1841 L. D. 2436

This being an emergency measure and having received the affirmative vote of 30 Members of the Senate, with No Senators having voted in the negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Emergency

AN ACT Making Adjusted Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1984, and June 30, 1985. H. P. 1848 L. D. 2443

This being an emergency measure and having received the affirmative vote of 31 Members of the Senate, with No Senators having voted in the negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

ORDERS OF THE DAY

The President Pro-Tem laid before the Senate: Bill "An Act Making Authorizations and Allocations Relating to Federal Block Grants for the Expenditures of State Government for the Fiscal Year Ending June 30, 1984" (Emergency) S. P. 914

Tabled earlier in today's session, on motion by Senator GILL of Cumberland.

Pending REFERENCE.

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

SENATOR GILL: Mr. President, as we remove

this from the table may I urge that we send this, without being sent to Committee, on its way.

On motion by Senator GILL of Cumberland, under suspension of the rules the Bill READ ONCE without reference to Committee and ORDERED PRINTED.

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 without reference to Committee.

Sent down forthwith for concurrence.

The President Pro-Tem laid before the Senate:

AN ACT to Clarify and Make Corrections in the Inland Fisheries and Wildlife Laws. S. P. 908 L. D. 2446

Tabled—April 10, 1984 by Senator USHER of Cumberland.

Pending—ENACTMENT.

(In House April 10, 1984 PASSED TO BE ENACTED)

(In Senate April 9, 1984 PASSED TO BE ENGROSSED without Reference to a Committee in concurrence)

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

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

COMMITTEE REPORTS

Senate

Ought to Pass in New Draft

Senator KANY for the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Replace the Regional Refuse Disposal District Enabling Act" (Emergency) S. P. 809 L. D. 2155

Reported that the same Ought to Pass in New Draft under same title. S. P. 913 L. D. 2452

Which Report was READ and ACCEPTED.

The Bill in NEW DRAFT READ ONCE.

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

SENATOR HAYES: Mr. President, I move that L. D. 2452 be Tabled 1 Legislative Day, please.

THE PRESIDENT PRO-TEM: The Senator from Penobscot, Senator Hayes, moves that this Bill be Tabled for 1 Legislative Day.

On motion by Senator PRAY of Penobscot, TABLED until later in today's session, pending ASSIGNMENT FOR SECOND READING.

On motion by Senator PRAY of Penobscot, the Senate removed from the UNASSIGNED TABLE:

Emergency

AN ACT Concerning the Funding of the Department of Inland Fisheries and Wildlife. H. P. 1769 L. D. 2336 (H. "E" H-577; H. "F" H-581; H. "H" H-599; H. "M" H-612)

Tabled—April 9, 1984 by Senator PRAY of Penobscot.

Pending—ENACTMENT.

(In House April 6, 1984 PASSED TO BE ENACTED)

(In Senate April 3, 1984 PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "E" (H-577), "F" (H-581), "H" (H-599) and "M" (H-612) in concurrence)

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

SENATOR NAJARIAN: I move that this L. D. be placed on the Special Appropriations Table.

THE PRESIDENT PRO-TEM: The Senator from Cumberland, Senator Najarian, now moves that this Item be placed on the Special Appropriations Table.

The Chair recognizes the Senator from Cum-

berland, Senator Najarian.

SENATOR NAJARIAN: I Withdraw the Motion.

THE PRESIDENT PRO-TEM: The Senator from Cumberland, Senator Najarian now requests Leave of the Senate to Withdraw her motion to place L. D. 2336 on the Special Appropriations Table.

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

It is a vote.

This being an emergency measure and having received the affirmative vote of 32 Members of the Senate, with No Senators having voted in the negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

On motion by Senator PRAY of Penobscot the Senate RECONSIDERED its action of April 10, 1984 whereby it RECEDED and CONCURRED with the House on:

Bill "An Act to Raise the Annual Public Utilities Commission Regulatory Fund Assessments to \$1,635,000 and to Allocate those Funds for Fiscal Year 1985" H. P. 1809 L. D. 2391

(In House April 10, 1984 PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-684) in NON-CONCURRENCE)

(In Senate April 10, 1984 RECEDED AND CONCURRED)

On further motion by the same Senator, TABLED until later in today's session, pending FURTHER CONSIDERATION.

On motion by Senator PRAY of Penobscot, the Senate removed from the Table:

Bill "An Act to Replace the Regional Refuse Disposal District Enabling Act" S. P. 913 L. D. 2452

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

Pending ASSIGNMENT FOR SECOND READING.

On motion by Senator PRAY of Penobscot, ASSIGNED FOR SECOND READING LATER IN TODAY'S SESSION.

On motion by Senator CARPENTER of Aroostook, the Senate removed from the UNASSIGNED TABLE:

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

Tabled—March 29, 1984 by Senator CARPENTER of Aroostook.

Pending—ENACTMENT.

(In House March 29, 1984 PASSED TO BE ENACTED)

(In Senate March 27, 1984 PASSED TO BE ENGROSSED in concurrence)

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

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

On motion by Senator PRAY of Penobscot, the Senate removed from the UNASSIGNED TABLE:

Bill "An Act to Provide Funding from the Blueberry Industry Tax to Promote Market Development for the Blueberry Industry" S. P. 775

Tabled—February 17, 1984 by Senator PRAY of Penobscot.

Pending—REFERENCE.

(Committee on TAXATION suggested)

On motion by Senator PRAY of Penobscot, the Bill and all accompanying papers were INDEFINITELY POSTPONED.

Sent down for concurrence.

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

(OFF RECORD REMARKS)

Senator CONLEY of Cumberland was granted unanimous consent to address the Senate Off the Record.

Senator PRAY of Penobscot 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:

SECOND READERS

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

House

Bill "An Act to Establish the Maine Job-start Program" H. P. 1855 L. D. 2456

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

Senate

Bill "An Act to Replace the Regional Refuse Disposal District Enabling Act" S. P. 913 L. D. 2452

Which was READ A SECOND TIME.

On motion by Senator HAYES of Penobscot, TABLED until later in today's session, pending PASSAGE TO BE ENGROSSED.

Bill "An Act Making Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1984 and June 30, 1985" (Emergency) S. P. 912 L. D. 2451

Which was READ A SECOND TIME.

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

SENATOR VIOLETTE: Mr. President, with respect to L. D. 2451, I offer Senate Amendment "A" S-396.

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

SENATOR VIOLETTE: Mr. President and Ladies and Gentlemen of the Senate, I would give you a brief explanation here as to why I'm offering this Amendment which does not involve any dollars.

The budget has just been put into your books this morning, that's L. D. 2451, and this Amendment would delete from the budget document Part Z of the Budget Document and Part Z is the following: Part Z, entitled 2 M.R.S.A. sub 6-C, entitled "Governor's Approval" reads: "Notwithstanding any other provisions of the law, the salaries of all unclassified employees with a salary level above \$30,000 shall be subject to the approval of the Governor. This section applies only to the following authorities and commission: The Maine Housing Authority, the Finance Authority of Maine, the Maine Turnpike and the Maine Health Care Finance Commission, and shall apply only to employees hired after the effective date of this section."

I am opposing the addition of this section into the budget document. This was not an original part of the Governor's budget. This was an L. D., a member of the other Body introduced this as a Bill which was referred to the Committee on State Government, and given unanimous Leave to Withdraw. That member of the other Body, also, happens to be a

member of the Appropriations Committee. Then after having told us what a good Committee and good process we have around here, and accepting the Leave to Withdraw, put the gist of his bill into the Appropriations Budget.

Our Committee held a hearing on this, and several work sessions on this idea. The Committee was opposed to this concept, primarily because these entities were established for the purpose:—there's four of them that are being outlined here, these are independent agencies, they were established to be independent agencies. These people are generally the directors of them and this does not only apply, by the way, to the directors of these agencies, this bill will apply to anyone within that independent agency who earns over \$30,000. These were created as an independent agency so that they would be somewhat removed from control by the Chief Executive.

Presently there are salary ranges for these individuals or their salaries are set statutorily. If there are salary ranges it is the Board, which the Governor selects by-enlarge, through his appointive powers as time goes on, who decides what the salaries are going to be. The Committee felt that that would be giving just too much more authority to the Governor. He not only appoints them, appoints the Board, if in fact, he does not directly appoint them, he appoints the Board which appoints them, and the Board which establishes their salary.

So, I would hope today that we would accept this amendment, which deletes Section "Z" from this Bill, which was a Bill that was given Leave to Withdraw by another Committee. I think this section of the Bill is in violation of the process that we have here, which says that when there's a bill that goes to your committee and you hear it and it's given Leave to Withdraw, it ought not to just appear somehow, mystically, in the budget. So, I hope you would accept my amendment. Thank you.

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

SENATOR NAJARIAN: Mr. President and Members of the Senate, I move the Indefinite Postponement of the Amendment and I would like to explain the reason why it's in our budget.

The Chairman of the State Government Committee, the good Senator from Aroostook, Senator Violette, is accurately stating that the gist of this, although the Bill had much more in it and covered all employees of these four authorities when it was submitted to the State Government Committee had given it Leave to Withdraw. I just say that's the danger when you give Committee Members Leave to Withdraw instead of an Ought Not to Pass. If you feel it Ought Not to Pass, that's what it should be given, but often or not often, but occasionally, the legislation substitutes the Bill for a report when it comes out Leave to Withdraw.

The justification for this is very simple. This does not apply to anybody presently employed in these four agencies. Only when somebody new is being proposed to be hired, and the reason for it is that these Commissioners are outside of State Government and they often put the salary of the Executive Director of these boards above those of the Commissioners of the various departments, some of whom have far more responsibility, far greater financing, for example the Commissioner of the Department of Human Services is just one that comes to mind. And, their salaries are lower than those set by the Executive Directors of these commissions, and it causes a real moral problem in State Government among the Commissioners. Justifiably so, I believe.

It just requires the Governor's approval, initially, when they are hired. After the salary is established, the Governor won't have any influence over, any political influence over these positions.

The ranges are set it's true in the statutes, and the commissioners of these authorities

have to set the salaries within these ranges, however, there's thousands and thousands of dollars between the bottom of the range and the top of the range. It just happens that recently they set the range for the Executive Director higher than any of the commissioners in State Government, including the Commissioners of Transportation, Human Services, many of them. So I'm sure if the Commission made the argument to the Governor, since they're all his appointees anyway, that you know, they're just unable to attract somebody at a certain level, you know, the Governor could make that decision then to allow a higher salary than the commissioner of the departments are getting, but I think it's good for that reason that there's a look at this prior to the salary being set. Thank you.

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

SENATOR VIOLETTE: Mr. President and Ladies and Gentlemen of the Senate. If I could make a couple more comments here relative to what the good Senator from Cumberland just said.

The fact of the matter is that two of the salaries of the executive directors, both the Finance Authority of Maine and the Maine State Housing Authority, the Governor has no discretion they are both set statutorily. All the other salaries are set within ranges, so of these two groups, of these four boards here, two of them are set by us anyway, he will not have discretion, this is as far as the executive directors are concerned. The others are in ranges and, you know, are all established by the boards which he himself selects. In addition to this, it not only affects the executive directors, but over in the Finance Authority of Maine it affects approximately six individuals, over in the Health Care Finance Commission it affects four individuals, in the Maine State Housing Authority it affects three individuals, and in the Maine Turnpike Authority, the Executive Director's salary is set statutorily it would affect three more individuals.

It is not as if we're talking about one, or two, or three individuals here. There are a number of individuals, in addition to this, the Committee reviewed whether or not it should just be limited. The initial bill would have said he could set the salaries for everyone, the secretaries on up or down, which ever way you want to go. We did not feel that that was appropriate so then we discussed whether or not it should be limited just to the Executive Director, whoever heads the entity. Then, we came down to this issue of why did we create the independent entity, the agency, and felt that that was important that we retain that independence.

In addition to that, another reason to vote for this amendment is that it flies in the face of the process, and that is that this Bill was heard in another committee, given Leave to Withdraw. I think that this is a statement, that we are saying here that if that's the case, and we have bills in all of our other committees, we don't want them to just show up on the Appropriations, on the budget.

The Senator did speak to me, though, I must commend Senator Najarian, the good Senator from Cumberland, though, for coming to me when this was presented in Committee, she did come to me and ask me for our concerns and I told her at that time that our Committee had had a hearing on this and several work sessions.

So, thank you very much, Mr. President. I hope you oppose the motion of Indefinite Postponement. Thank you.

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

SENATOR BROWN: Thank you, Mr. President and Ladies and Gentlemen. I appreciate the concerns that the good Senator from Aroostook, Senator Violette, has expressed about this and some of the history concerning this Bill was not completely clear perhaps at the

time.

The issue was when this particular element was included in the budget, is that these are quasi-State officials that the Committee felt they didn't have any control over the amount of money that was being paid. They felt there ought to be some control within the Appropriations Committee within this Legislature over the salaries that are being paid to these quasi-official entities that are established by the Governor. It wasn't an effort to try to make an end-run around the Committee that the good Senator chairs, but what it was was an effort to try to get the control of certain salaries under the control of this Legislature, pure and simple. Thank you, Mr. President.

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

SENATOR DUTREMBLE: Mr. President and Members of the Senate, I'm a little concerned about what's going on here today, and what has been going on in the Appropriations Committee.

I guess my question, to anybody who wishes to answer it, is will all of us have an opportunity to have a second shot at a bill if any of our own personal bills get defeated in some committee, or would only Members of the Appropriations Committee have that opportunity?

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

Is the Senate ready for the question? The question before the Senate is the motion of the Senator from Cumberland, Senator Najarian, that Senate Amendment "A" be Indefinitely Postponed.

The Chair will order a Division.

Will all those Senators in favor of the Indefinite Postponement of Senate Amendment "A" (S-396, please rise and remain standing in their places to be counted.

The Chair recognizes the Senator from Cumberland, Senator Najarian.

SENATOR NAJARIAN: I request a Roll Call.

THE PRESIDENT: A Roll Call has been requested.

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

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

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

On motion by Senator PRAY of Penobscot, TABLED until later in today's session pending the motion of the Senator from Cumberland, Senator NAJARIAN, to INDEFINITELY POSTPONE Senate Amendment "A" (S-396). (A Roll Call having been ordered.)

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$4,950,000 for Energy Conservation, Capital Improvements, Construction, Renovations, Equipment and Furnishings for Various State Departments" S. P. 838 L. D. 2267

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-399).

Signed:

Senators:

NAJARIAN of Cumberland
BROWN of Washington

Representatives:

JALBERT of Lewiston
LISNIK of Presque Isle

CONNOLLY of Portland
CHONKO of Topsham
KELLEHER of Bangor
CARTER of Winslow

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

Signed:

Senator:

PERKINS of Hancock

Representatives:

SMITH of Mars Hill

MASTERTON of Cape Elizabeth

BELL of Paris

ARMSTRONG of Wilton

Which Reports were READ.

THE PRESIDENT: Is it now the pleasure of the Senate to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" Report of the Committee?

The Chair recognizes the Senator from Knox, Senator Collins.

SENATOR COLLINS: Mr. President, this is the first bond issue of a series and the remarks I have to make will apply to most of the other issues and I will not repeat myself each time.

I'm not asking for recorded votes at this stage because the important time for recorded votes is when we come to the end of the process, but I feel I should state at this time that it is the Republican view that we ought to look at all of our bond issues as a package and assign priorities to them rather than just to helter-skelter pass a great many bond issues.

In the present biennium, '84-'85, we are expected to retire, according to the schedules that I have seen, bond issues in the amount of \$65,249,684. In the election last November the voters authorized bond issues in the sum of \$37,195,000, and of course, the voters also turned down a bond issue.

If we were to adhere to a rule we've tried to follow now for about six or seven years, as I recall, the total that we could issue in the rest of this biennium at 100% of retirements would be only \$28,054,684. Now, the bond issues that we know about that have been before the Committee on Appropriations and bond issues that are talked about as coming at some future Special Session amount to a great deal of money more than the \$28,000,000 that I have mentioned. In fact, I believe that they amount to nearly \$40,000,000, in excess of what we are retiring.

This week we had a newspaper announcement that the State would be selling, shortly, about \$26,000,000 of authorized but hitherto unissued bonds. We have another batch of authorized but not yet issued bonds, and my recollection is that that figure comes to a little more than \$50,000,000. We have outstanding over \$300,000,000.

So, we need to move, I submit, with caution as we pick and choose. I'm not standing here to make any blanket opposition to bond issues, as such, we need some bonding and within prudent limits there should be issues selected for submission to the voters, but we know that if we submit too many bond issues to the voters, the voters are likely to slap some down. They may not always slap down the ones that should be, in the judgment of many of us, but as there are some things that are more popular than others. There are some things that catch on more readily than others, and have vocal constituent groups, but there are some things that are just as important and just as necessary to the conduct of Government, such as our prisons and correctional centers, our court houses and some other things, that don't have a great popularity, but our government cannot function very well unless we have them.

So, my objections, first of all is that we need to see the whole picture of bonding before we make our choices. Second, if we are to have a Special Session, as has been suggested by the Governor, whether it be in June or in September that can be adequate time in which to present this matter to the Legislature. Third, if

we pass a number of bond issues now and say that they go on the June ballot then the issue on the bonds are going to be decided by a very small number of Maine voters. They go on the November ballot, the number of Maine voters who make the decision is likely to be three and four times the number that vote in June. I think it is a mistake to put important bond issues on a June ballot unless there is some compelling reason, such as the necessity to salvage matching funds or other emergency needs of the State, in that case, there is, perhaps, a valid reason.

So, I think this encompasses the Republican position on most of these bond issues. I will not be asking for recorded votes but I think the Record should show that most Republicans do not expect to support these various bond issues with perhaps one exception, which may come along later. Thank you, Mr. President.

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

SENATOR NAJARIAN: Mr. President, Members of the Senate. The bond issues that will soon be appearing before you, this is just the first of several, were, except for one, submitted to us by the Governor who requested that they be sent out in June, primarily to take advantage of this summer construction season.

I'm a little taken aback by the good Senator Collins' argument because the reason that the Republican members of my Committee did not sign out on these bond issues, or signed Ought Not to Pass is because they wanted to get them all together, including the University and the V.T.I.'s at one time, which would mean sending out even more to the voters, say in November or another June primary.

So, at least, the Governor's indicated that sometime in the Special Session, perhaps before the next Regular Session, he might be giving us additional bond issues to cover the V.T.I.'s and the University. There are some talk about bond issues weren't as apt to pass in June as in November, but we saw no definitive figures on that but it was the Governor's wish that these be given to the voters in June. Perhaps, they will reject some of them but it's important that we do the prison, it's important that we start the renovations and improvements this summer if the bond issue is approved on the Capitol State Buildings, the Department of Environmental Protection wanted their \$15,000,000 so that they could make commitments and start the planning on many of the municipalities in the rural areas that still haven't begun treating their polluted waters.

So, that's the justification for approving these now and getting them out to the voters. So I hope that, maybe eventually, some Republicans will come along on these so we can get the two-third's we need to pass them, to enact them, and send them out to the voters in June.

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

SENATOR PEARSON: Mr. President, Men and Women of the Senate. It is with some ignorance that I rise today to talk about these bond issues and the one that's before us in the general policy statement that Senator Collins from Knox has addressed.

Now, I really think that he's done a real service because awhile ago I appeared before the Old Town City Council and they asked me what was going on in Augusta. I talked about one thing and another, and a couple of them said to me: "Are there any bond issues this year?" and I said: "Yes, there will be some bond issues that will be going out," and they said to me: "Well, we're getting tired of bond issues" and I said: "Well, you know, I think bond issues have a real place when you can't afford everything all at once and you need to make some corrections and you don't have the money in the till, for example, in prisons and things like that." But, I understand what the thrust was and I also understood what the thrust was last November

when some people turned it down. They either turned it down because there was too much included in one bond issue or they felt we were overspending in bonding.

We charge that off to another generation or another time anyway, and as a Senator who represents 35,000 people or, actually, probably closer to 40,000 right now, I want to be leveled with. I want to know and I think I'm entitled to know, the full story of bond issues. Is there going to be another bond issue in June? Is that being contemplated? Is, as the Republicans have suggested, the University of Maine going to be included in a bond issue, the V.T.I.'s and the Maine Maritime, all of which are worthy things? Are we going way over what we have had, as a general rule since I've been here, the 90% rule, of not floating more than 90% of what you're retiring?

I can't help but think that with all these bond issues, and I don't see any fault with any one of them, that when you total them all up it comes out to a different story. I don't know how I can be expected to say yes, yes, yes, yes, yes on individual items and then find out at the end that I've added it up so far that I probably should have said no, no, no to several of them.

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

SENATOR PRAY: Thank you, Mr. President. Mr. President and Ladies and Gentlemen of the Senate, I'll attempt to be brief because I'm sure that today is going to be a long one.

We are all familiar with the political process and what is about to take place. It's the question as to whether or not if we accept the Ought to Pass or the Ought Not to Pass Report on a bond issue. The subject matter is before us, most of us, who have had the opportunity to read the L. D., are aware of what's included in the bond issue and the question of concern at this time, as it will be as we go through each one of the bond issues, is as to whether or not that subject matter, if the dollar about being intended to be bonded, is worthy of our consideration to send out to the voters for their consideration.

I believe that we're all familiar with the process, that bond issues all lay upon the Table after they, if they survive through the political process of First and Second Reading of both Bodies, and then the determination of the dollar figures, how much should be sent out to the voters, what we can normally afford, if it has been, if it has survived the political process to that point, that then, those issues will receive fair consideration by both Branches and will be sent out to the voters for their conclusion as to whatever it may be.

I have some serious concerns about the comments that have been made by the good Senator from Knox, Senator Collins, who stated rather inflammatory language, such as "helter-skelter approach" to the bond issues. I don't believe that the issues that are before us have been done in a helter-skelter circumstance, I believe that they've been considered and weighed off the cost of delaying, asking for these particular programs, as to whether or not if it would be advisable to do them at this time or to wait until later points.

I think that we will all have an opportunity between now and the Enactment, to see a total impact of what these various bond issues will do, what they will cost us, in the next couple of days ahead. Hopefully, we'll have all that information before us before Friday, and, hopefully, we'll adjourn Friday night Sine Die.

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

SENATOR PEARSON: Mr. President and Men and Women of the Senate. The bond issue that we are on right now, in my mind, cannot, in my mind, could not be logically opposed by anybody because Energy Conservation pays for itself, at least the energy portion of it, in about less than ten years, but there are a lot of others to come.

I will be voting yes on this but I'm going to have to be looking at the next ones to come.

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

SENATOR NAJARIAN: Mr. President and Members of the Senate. I would just like to point out, which probably most of you know already, that several of these bond issues are before us again because the last time we packaged them and it came out to a \$21,000,000 bond issue. This time we're sending them out to the voters seriatim, and there are four or five in here, the court building, the correctional facilities, the crime lab were all in one bond issue, then we had combined the \$1.5 million for historic preservation and the water pollution and hazardous control bond issue, and this time we're breaking them out.

The new bond issue that we have was one that was submitted by Senator Baldacci at the beginning of the last Session and we held it over and that was the \$3 million to eliminate asbestos hazards in the schools, public school buildings. That amount has been reduced at the request of the Department of Education and Cultural Services to \$1.5 million, they believe that will be able to reimburse the schools who've already taken care of their hazardous asbestos and have enough money for the remainder of the schools.

Senator Pearson has raised the issue with the 90% rule and asked what had happened to it. Some of the information that was presented to the Appropriations Committee on that issue, I would just like to call to your attention first of all, the bond rating agencies feel that Maine's finances are on the mend and have upgraded Maine's bond ratings. During this time, they've been reducing the bond ratings for other states.

Standard measures of fiscal soundness illustrates that the ratios of debt to State revenues and to personal income have fallen since the mid-1970's. From 1975 to 1982, the total level of authorized State debt actually went down. Recently Maine's per capita state and local debt has been below the United States average. It's debt in relation to State revenue and to personal income has been right on the National average. Our debt load is not excessive and we can afford these additional borrowing projects. I think this is an important point.

The dollar volume of borrowing must be assessed in relation to what the bonding dollar actually buys. As everyone knows who's been to a lumber yard recently, it's getting more expensive to build things. From 1974 to '82, the Department of Transportation found that the cost per mile of building a rural road jumped 81% and resurfacing rose 68%. In the same years, the cost per square foot of new school buildings rose 66%, and from '77 to '82, sewer and treatment plant cost rose 50%. So, since 1970, each bonding dollar has significantly decline in the bricks and mortar it will buy.

The maturity structure of the State's debt is another key point to evaluate in assessing the State's debt position. For highway and transportation bonds, half of the entire debt issued will be paid off by 1983. In other areas, significant bond redemptions will occur in the early 1990's.

There's accumulating evidence that our State has underspent on normal maintenance and replacement in a number of important areas. There's a big job to do in cleaning up our waterways, and hopefully, the Cargo-port development at Eastport, Searsport, and Portland, fish piers will boost our prosperity in the '90's.

We're seeking a loan, we have a Capital Planning Commission now. Hopefully, they'll be doing better planning in presenting what can be paid as we go and what needs to be bonded. The Appropriations Committee funded that Capital Planning Commission last year.

I just really would like to point out that originally when we sent these bond issues in last

year, they were all for twenty years, none is now more than ten years and the smaller ones are for five years. Really, the savings that we are realizing in not having to pay the interest costs on that are really dramatic, very substantial savings. So, I think that by the fact that the voters did defeat it the last time, that we've got a better package for them this time around.

The Majority OUGHT TO PASS as Amended Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-399) 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.

(OFF RECORD REMARKS)

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

On motion by Senator PRAY of Penobscot, the Senate removed from the TABLE:

Bill "An Act Making Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1984 and June 30, 1985" (Emergency) S. P. 912 L. D. 2451

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

Pending the motion by the Senator from Cumberland, Senator NAJARIAN to INDEFINITELY POSTPONE Senate Amendment "A" (S-396) (A Roll Call having been ordered.)

THE PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Najarian, that Senate Amendment "A" (S-396) be Indefinitely Postponed.

A Yes vote will be in favor of the Indefinite Postponement of Senate Amendment "A" (S-396).

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

ROLL CALL

YEAS—Senators, Baldacci, Brown, Clark, Collins, Erwin, Gill, Hayes, Najarian, Pray, Redmond, Trafton, Wood, The President—Gerard P. Conley.

NAYS—Senators, Bustin, Carpenter, Charette, Danton, Diamond, Dow, Dutremble, Hichens, McBreairty, Minkowsky, Pearson, Sewall, Shute, Twitchell, Usher, Violette.

ABSENT—Senators, Emerson, Kany, Perkins, Teague.

13 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 4 Senators being absent, the motion to INDEFINITELY POSTPONE Senate Amendment "A" (S-396) FAILED.

Senate Amendment "A" (S-396) was ADOPTED.

(OFF RECORD REMARKS)

Senator HICHENS of York was granted unanimous consent to address the Senate On the Record.

SENATOR HICHENS: Mr. President and Members of the Senate.

In the waning days of this session—it's a bit of a relief

To pause in deliberations—(and my comments will be brief)

To honor a distinguished gal on this her birthday date

And some of her accomplishments to you I

would relate

She serves her third term with us here—a Transfer from the House following tradition set by her departed spouse.

Her service here is distinctive in many various ways,

On Health and Institution she's warranted much praise

On Education and State Government she's been a member too.

And now in Minority Leadership she's in the public view.

As a leader on the Council of State Government she's gained National recognition—among Legislators named.

Constituents admire her for recognition given

On their behalf—and often under pressure she is driven

In serving each and every need that's brought to her attention.

And there are other qualities which I have not time to mention.

There is no doubt within your minds as to whom I'm referring to and I hope that you will join me in giving tribute due our beloved Senator Barbara Gill—and tender wishes too for a very happy birthday—and the hopes for many more in the days ahead—may God's blessings be hers by the score.

Senator Hichens of York was granted unanimous consent to address the Senate Off the Record.

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

SENATOR CHARETTE: I present Senate Amendment "B" (S-397) and move its Adoption.

THE PRESIDENT: The Senator from Androscoggin, Senator Charette, presents Senate Amendment "B" and moves its adoption.

Senate Amendment "B" (S-397) was READ.

THE PRESIDENT: The Senator has the floor.

SENATOR CHARETTE: Thank you, Mr. President. Women and Men of the Senate, I wish my Amendment didn't carry a fiscal note as the previous amendment did not have one, unfortunately, this one here, yes, it does have a fiscal note and it creates the loss of 1.2 million in revenue to the General Fund.

However, I have concerns about addressing the volume 8% discount of liquor and the effects it will have on one segment of business, and industry that is of a service type, and an issue that should have, I feel in my opinion, be addressed in committee. I think the impact of this should have had a fair hearing and Legal Affairs should have heard this as a separate bill.

I understand that the Appropriations Committee needs to address areas of finding new ways for revenues, lack of funds, to address a budget and perhaps, there are so many bills that are now laying on the Table, I can appreciate for them to find new ways of income, however, there have been other areas also that we've rejected here and creating new license classification, we didn't see fit to do that, redefining Class A restaurants, that would have created new revenues. What about taxing gaming and electronic game machines?

I attempted to present legislation this year, which I felt would bring and raise \$500,000, perhaps a million dollars, was rejected by the Council. There are all kinds of other avenues.

So going back on the subject matter is that I'm very disturbed that this in workshop surfaced just a few days ago, and, yes, I understand, 1.2 million dollars, very much needed revenues, however, and reiterate the fact, that it is still affecting one segment of business, a certain industry out there, of a service type. It seems that the service type business is, what have we done up here? Through small business loans they seem to have their difficulties, to the Finance Authority Guarantee of Maine they

seem to have their difficulties, and why, they're of a service type business.

Well, this here will create an 8% immediate impact. Already we have a 75% markup and in the 110th, we added a 2% surcharge, not a tax, a 2% surcharge, and perhaps, rightfully so. Now we are educating the public of this State to what liquor can do and the damages, and I supported and voted for that. Well, this industry, if lucky, four out of five restaurants will make it in a five year period, if lucky. Presently, in my understanding, there is a fifty percent failure. So, how much more can we do to that type of business? These businesses are forced to continually go out for loans and, believe me, their interest rates are not fixed rates, they are on a measure of their abilities. They find themselves out in the field and try and get lines of credit because of cost factors for certain parts of the year.

What about the seasonal aspect of that business? Those who have preprinted their menus for the coming summer and are looking forward to making it in three or four months, have all of these been discussed in the workshop? The impact, really, the real impact of this volume discount, 8% discount? The agency stores will still be privileged and have that 8% discount, why didn't we do it across the board, why didn't we do it for everybody? Let the agency store retail liquor at what price they want to retail liquor, and if that's the purpose of making liquor impossible to buy in this State, well, that would have been a way to do it.

I don't know, I'm looking at thirty million dollars worth of revenue plus 1.5 or more perhaps on that 2% surcharge, that's a lot of bucks, but it's not enough. We want, now, to go from 75% that tells me to 83%, its another way of doing it. How far do we want to go?

Often we talk about our neighboring states, and of course, if New Hampshire wants to give their liquor away, that's their business, but, it is our neighboring state, we do have many communities and fine restaurants bordering New Hampshire and, that fine, 15% discount, that's what they give their businesses.

However, now we want to take away 8%, we want to level it off. Well, this is why today I rise and then hope you support Amendment "B". In all fairness, for that business, this should have had its own hearing, it should have stood on its own merit, these people should have been given the opportunity to come forward and speak for themselves and let, from that point, these Bodies, the House and Senate, make a decision. However, when, through one or two workshops, here we are and here's the affect. So, I hope that, in the future, and in its wisdom, that this Body have, or any one committee, that more thought is given before such measures become part of a bill without a fair and proper hearing. Thank you very much.

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

SENATOR NAJARIAN: Mr. President, I move the Indefinite Postponement of this Amendment.

This amendment is different from the other amendment that you recently supported. This amounts to a savings, will amount to a savings, of \$1.2 million dollars to the General Fund, which I don't need to tell you is sorely needed, but aside from that, I'd just like to talk to you about the impact that this Bill will have.

By example, it will raise the cost of a drink in a bar or a restaurant by ranging from three cents to four cents. There are, for example, in a 750 milliliter bottle, 25.4 ounces which equals 16 drinks or shots, and presently, the cost with the, take a 750 milliliter bottle of Paul Jones, the cost per bottle with the discount is \$4.88, without the discount it's \$5.30, the present cost per drink is 30¢, the increased cost per drink will be 33¢. Jack Daniels, 750 milliliter bottle costs with the discount is \$8.22, without the discount \$9.00, cost per drink now 51¢, the cost per drink taking away the discount is 56¢, so

the impact on the license holders is very minimal.

We do a total sale of \$25,000,000, and to the license holders that's \$14,000,000, and the cost of this discount is \$1.2 million. The impact of this would be spread around, a few cents on a drink, and I think that that's not going to cause a hardship on anybody.

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

SENATOR PRAY: Thank you, Mr. President. Mr. President, Ladies and Gentlemen of the Senate, I think that there is a little bit of a difference between these two issues. The Amendment that we just adopted and this amendment here, and I'd like to pose a question.

When Senator Violette presented his amendment, he had some concerns about legislation that had come in and had received an unfavorable report from his Committee. It is my understanding that the proposal that is now before us did have a public hearing through the Appropriations Committee and that individuals had an opportunity to express their support or their displeasure with this item that is now under debate.

If someone could answer the question as to whether or not it had received a public hearing, I would appreciate it.

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

SENATOR NAJARIAN: In response to the question of the good Senator from Penobscot, Senator Pray, it did not have a public hearing, we did have before us a Governor's proposal in the budget to abolish the liquor stores.

We presented an amendment to phase them out where the employees would not be affected, through attrition, which would have closed a third of them or more in a few years, that was rejected. This came in as a proposal through the Governor where he had used the phase out of liquor stores, plus moving the homicide division, which we rejected, to the District Attorney's Office to balance, to help balance his budget.

I would just point out to you, I'm holding in my hand seventeen bills that have gone through this Session this year without a public hearing, some of them involving large amounts of money and affecting thousands of people. You know, why make an exception for this one here in this budget bill? Seventeen bills that were referred back and forth without a public hearing before this Legislature.

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

SENATOR DUTREMBLE: Mr. President and Members of the Senate, the concern I have is not whether or not the 8% is needed or not needed or what it's going to do to the price of a drink. The concern I have is whether or not we here as Legislators are going to allow the Maine Senate, or the Appropriations Committee actually, to circumvent the process of letting bills go before their proper committee.

Now, I understand that we may have let bills go through this Legislature without hearings before, but I don't know if any of those were controversial. I know that there are definitely two sides to this issue. There are those who believe that there should not be 8%, and of course, there are those who believe that the 8% should remain on.

I guess, I have two more questions and that is how long has the 8% been on as a discount? At the time that it was put on, did it go before a public hearing before the Committee on Legal Affairs? If it did have a hearing before Legal Affairs isn't that the proper place to have it again if we are going to try to take it off?

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

SENATOR NAJARIAN: Mr. President, I don't know when it went on frankly, but there's hardly anything in the budget bill that isn't controversial to one person or another.

You are given a chance right now to debate

this issue, as much chance as you've had on these seventeen or eighteen other bills that have gone out through here without a public hearing. The Appropriations Committee, in the past, has put things in the budget bill at the end without a public hearing.

The difference this time is I told all you people about it, everything that was in the budget, so that you'd all know. In the past, sometimes, they've been sneaked through, if that's the correct word, term, verb, form, but I told you all about it and we're debating, and you can decide right now whether or not you want to take away this 8% discount, which is a minor cost per drink, three or four cents, and begin to free up \$1.2 million to help fund many of the items that we have on the Appropriations Table, it's up to all of you.

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

SENATOR CHARETTE: Thank you, Mr. President. I don't think that the three or four cents, or the five cents, and I think I've heard that from Senator Dutremble, it's not the issue. The issue, and my point that I'm trying to raise is that this was significant enough to the extent that it should have had a proper hearing.

I think another point I did not raise, and perhaps in Committee, the Committee would have, and perhaps it was in their workshop, I don't know, was law enforcement present, was the Bureau of Liquor present, were they there to answer the so, so many questions that should have been answered on this issue? My concern is now, what about law enforcement? What about designated liquor stores that now these businesses have to purchase from, is that all going away? If it isn't going away, who is going to control it? As a business owner, there would be no reason for me any more to fill out a form and to go to a designated liquor store. I would be just like you, the consumer, out there, and I could walk into any liquor store in this State and purchase my liquor, and who's going to enforce that and who's going to stop me?

We're having problems now with the Kittery store, and annually, if you follow, yes, business today are being caught, and yes, they pay some pretty hefty fines, \$5,000 one restaurant in Lewiston, he found out that after a year or so, maybe he made enough profit in a year's time and the \$5,000 fine was not, I don't know.

I think, you know, we're opening some more possibilities of this kind of thing to happen. So, I don't know. Is law enforcement an issue? We have to think about it.

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

SENATOR HICHENS: Mr. President, I'm a little bit bewildered at the stand taken by the good Senator from Androscoggin, Senator Charette, in presenting this amendment.

I have heard him stand up here many times and say that he'd vote for anything that would bring more money into the State of Maine. Here we have an opportunity to add \$1.2 million dollars into our State coffers and here he is up objecting to it, and I just can't reason it.

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

SENATOR MINKOWSKY: Mr. President and Members of the Senate. I think that's quite simple to access and evaluate on the basis that any person in a service business, and a risky business that they are in, and the rate of failure as astronomical as it is in the State of Maine, they rely upon an extra margin of profit in which to keep going to meet their fixed operating expenses to meet the mortgage payments, I think are entitled to this very, very small discount.

If you look at most businesses in the State of Maine, we're not talking of a discount of 8%, we're talking of discounts of 20 to 30%, sometimes even higher than that. I think this is only equitable and fair to continue to allow these particular people in this service business to

maintain this 8% differential from what the retail customers pay for a bottle of liquor, not because I'm a strong advocate of liquor but I think it's a very important thing for them to survive, if they don't make it in the food aspect of it, at least they might make it in the liquor part of the entire industry. Hopefully, if they are a successful business, and employ a lot of people, then they might make a, might turn a profit for both parts of that particular business.

I think this is a very fair, a very sound, a very logical approach and I still concur wholeheartedly that the Legal Affairs Committee should have heard this particular bill, it should not be handled directly by the Appropriations Committee. I'm just starting to come to realize after so many years, the unfairness of what I see materializing in this particular budget document, in order to produce more revenues for the State of Maine, forgetting about those out there who are still producing revenue for the State of Maine, forgetting out there, that those are the people who employ people and pay and meet the sales tax receipts through this other law we passed last year, collecting so much per ounce.

Just add one more factor into it. The meals and lodging, which we killed, but on the other hand, are we not discriminating against one particular industry. I think it's a very valid amendment and basically, it should be deleted from the Appropriations measure.

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

SENATOR BALDACCI: Thank you, Mr. President. Members of the Senate, this particular issue was raised several weeks ago, and being someone that is familiar with the procedures for a liquor licensee, and the procedures that fall with being a liquor licensee, I think that I applaud the Appropriations Committee for the action that they've taken. Revenue is needed, there are a lot of children that are being abused, that are going hungry, there are a lot of elderly that need help with their Elderly Tax and Rent Refund Program. There's property tax relief for the rest of the citizens in the State of Maine that own property.

I think we have some very important concerns, and rather than a general increase in taxes, I applaud the Appropriations Committee for searching out revenues as they did last year, with tightening up on the sales tax on used automobiles. Those were held without public hearings to raise additional funds, to tighten up the existing framework that we have in State Government.

The 8% isn't the question from an individual licensees point of view, I don't think that's going to be much of a concern with them at all. I think if you really feel that you're opposed to the 8% being removed, I think you ought to just face it up and look right in the mirror and say I'm opposed to that. If you say it because it's the Appropriations Committee or if you say it because it didn't have a public hearing, I think the argument has to rest here in this Chamber by saying: "Do you favor removal of the 8% discount?" It's not going to be a paper work nightmare, they're still going to have to fill out those paper work forms to make sure that the licensee is not buying it from the Kittery store. Licensees in this State cannot buy from the Kittery store. That's why the paper work is going to have to be filled out, to ensure monitoring by the Liquor Enforcement and the Liquor Commission, that the licensees are not buying it, that doesn't show a dramatic drop of purchasing from a regular licensee store, that's still going to have to go on.

I don't think it's much of a nightmare but if you are opposed to the removal of that, fine, I'm standing here knowledgeable about this and I'm going to be supporting the Indefinite Postponement of this amendment.

THE PRESIDENT: Is the Senate ready for the question? The question before the Senate is the

motion of the Senator from Cumberland, Senator Najarian, that Senate Amendment "B" (S-397) be Indefinitely Postponed.

The Chair will order a division.

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

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

The Chair recognizes the Senator from Waldo, Senator Shute.

SENATOR SHUTE: Can I have a Roll Call please?

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

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

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

The pending question before the Senate is the Indefinite Postponement of Senate Amendment "B" (S-397).

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, Baldacci, Brown, Bustin, Carpenter, Collins, Danton, Dow, Hayes, Kany, McBreairty, Najarian, Pearson, Pray, Redmond, Trafton, Wood, The President—Gerard P. Conley.

NAYS—Senators, Charette, Clark, Diamond, Dutremble, Erwin, Gill, Hichens, Minkowsky, Sewall, Shute, Twitchell, Usher, Violette.

ABSENT—Senators, Emerson, Perkins, Teague.

17 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 3 Senators being absent, the motion to INDEFINITELY POSTPONE Senate Amendment "B" (S-397) PREVAILED.

The Bill was PASSED TO BE ENGROSSED as Amended.

Sent 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

Bill "An Act to Increase the Minimum Wage to \$3.55" S. P. 835 L. D. 2236

In Senate April 9, 1984 the Majority Ought to Pass report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.

Comes from the House the Minority Ought Not to Pass report READ and ACCEPTED in NON-CONCURRENCE.

On motion by Senator DUTREMBLE of York, the Senate RECEDED.

THE PRESIDENT: The Senator has the floor.

SENATOR DUTREMBLE: Mr. President, I now offer Senate Amendment "A" to S. P. 835, L. D. 2236, and move its Adoption.

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

Senate Amendment "A" (S-410) was READ.

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

SENATOR COLLINS: I move that the Senate now Concur with the House and I request a Roll Call.

THE PRESIDENT: The Chair would state the question before the Senate is the adoption of Senate Amendment "A".

The Chair recognizes the Senator from Knox, Senator Collins.

SENATOR COLLINS: I request a Roll Call.

THE PRESIDENT: A Roll Call has been re-

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

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

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

The pending question before the Senate is the Adoption of Senate Amendment "A" (S-410).

The Chair recognizes the Senator from York, Senator Dutremble.

SENATOR DUTREMBLE: Mr. President and Members of the Senate. Just to make everyone understand what the amendment does, it makes the minimum wage effective on January 1, 1985.

THE PRESIDENT: The question before the Senate is the Adoption of Senate Amendment "A" (S-410).

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

ROLL CALL

YEAS—Senators, Baldacci, Brown, Bustin, Carpenter, Charette, Danton, Dow, Dutremble, Erwin, Hayes, Minkowsky, Najarian, Pearson, Pray, Shute, Usher, Wood, The President—Gerard P. Conley.

NAYS—Senators, Clark, Collins, Diamond, Gill, Hichens, Kany, McBreairty, Redmond, Sewall, Trafton, Twitchell, Violette.

ABSENT—Senators, Emerson, Perkins, Teague.

18 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 3 Senators being absent, the motion to ADOPT Senate Amendment "A" (S-410) PREVAILED.

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

Sent down for concurrence.

House Papers

Bill "An Act to Implement Certain Recommendations of the State Compensation Commission" H. P. 1858 L. D. 2459

Comes from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

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

SENATOR PRAY: Mr. President, I move that the rules be suspended and the Bill be given its First Reading at this time without reference to Committee, in non-concurrence.

THE PRESIDENT: The Senator from Penobscot, Senator Pray, moves the Bill be given its First Reading at this time, without reference to committee.

Is this the pleasure of the Senate?

It is a vote.

On motion by Senator PRAY of Penobscot the Bill READ ONCE without reference to committee and ORDERED PRINTED.

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

COMMITTEE REPORTS

House

Ought to Pass in New Draft

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Provide Operating Funds for the Spruce Budworm Management Program and to Assure an Accurate Accounting of its Costs" H. P. 1636 L. D. 2165

Reported that the same Ought to Pass in New Draft under same title. H. P. 1859 L. D. 2460

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 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.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Joint Resolution requesting a Study of Costs to Maine Taxpayers for Workers' Compensation. S. P. 909

In Senate April 9, 1984 READ and ADOPTED. Comes from the House INDEFINITELY POSTPONED in NON-CONCURRENCE.

THE PRESIDENT: Is it now the pleasure of the Senate to Adhere?

The Chair recognizes the Senator from Penobscot, Senator Pray.

SENATOR PRAY: Mr. President, a parliamentary inquiry. Did the Presiding Officer understand the motion was to Adhere?

(OFF RECORD REMARKS)

THE PRESIDENT: Is it now the pleasure of the Senate that the Senate ADHERE?

It is a vote.

ENACTORS

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

AN ACT to Amend the Laws Regarding Bail. H. P. 1844 L. D. 2439 (H. "A" H-686)

AN ACT to Clarify Certain Portions of the Reapportionment Laws. S. P. 862 L. D. 2342 (H. "B" H-670)

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 Exclude Social Security Benefits from Taxation. H. P. 1708 L. D. 2257 (C. "A" H-659)

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

SENATOR KANY: Thank you, Mr. President and Members of the Senate. I'm still a bit troubled by an Act to Exclude Social Security Benefits from Taxation and its non-conformity with Federal taxes as a move away from conformity. I would like to ask the Chairman of the Taxation Committee to explain how this will fit in with the other bill that is going between both Houses and as far as the effective date and all, and how is it expected that they will mesh?

THE PRESIDENT: The Senator from Kennebec, Senator Kany, has posed a question through the Chair to the Chairman of the Taxation Committee who may respond if he so desires.

The Chair recognizes the Senator from York, Senator Wood.

SENATOR WOOD: Mr. President and Men and Women of the Senate, the issue of Social Security taxation is one that was enacted at the Federal level in order to deal with the problem that the Social Security Fund was having, that we are all aware of. Those funds, through that tax policy, were scheduled to go to relieve that outstanding liability within that fund.

There is no similar mechanism at the State level, and so, the purposes for which it was enacted at the Federal level could not be followed through at the State level. Most states have chosen not to conform to this portion of the Federal Income Tax because of the reason I've outlined, there is no way, there is no justifi-

cation for taxing these benefits because we don't have a problem at the State level because we don't handle Social Security at the State level.

Presently we only conformed, or up to this point we've only conformed year to year, and so, presently, we are not taxing these, and this Legislative Document does not have a price tag on it, because it's just setting a policy that in the future we will not tax them.

The other document that is coming down on conformity, also, it was the recommendation of the Review Committee on Tax Conformity that they did not see the need to tax these Social Security benefits, so both bills are in sync in terms of this issue.

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

SENATOR KANY: Mr. President and Members of the Senate. I'd like to ask the good Senator from York, Senator Wood, to tell us precisely what the revenue loss would be if it were in effect for this year.

THE PRESIDENT: The Senator from Kennebec, Senator Kany, has posed another question through the Chair to the Senator from York, Senator Wood, who may respond if he so desires.

The Chair recognizes the Senator from York, Senator Wood.

SENATOR WOOD: Mr. President, the answer to that question, in terms of the '85 tax return for the year '84, to the best of my knowledge, it would be about \$600,000.

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

SENATOR COLLINS: Mr. President, I would ask the ruling of the Chair as to whether or not this Bill requires a fiscal note with respect to loss of revenue in the future.

THE PRESIDENT: The Chair understands the Senator from Knox, Senator Collins, moves that this Item be Tabled until later in today's session, pending the ruling of the Chair. Is this the pleasure of the Senate?

It is a vote.

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

COMMUNICATION

The Following Communication:

HOUSE OF REPRESENTATIVES

April 11, 1984

Honorable Joy J. O'Brien

Secretary of the Senate

111th Legislature

Augusta, Maine 04333

Dear Madam Secretary:

House Paper 1628, Legislative Document 2143, An Act to Increase Legislative Oversight of the Fiscal Affairs of the Department of Inland Fisheries and Wildlife (Emergency), having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

Fifty voted in favor and ninety-six against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Respectfully,
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 Relative to Group Legal Insurance. S. P. 906 L. D. 2437 (H. "A" H-689)

Which was PASSED TO BE ENACTED and having been signed by the President, was pre-

sented by the Secretary to the Governor for his approval.

AN ACT to Amend the Provisions of the Law Relating to the Control of Hazardous Air Pollutants. H. P. 1854 L. D. 2455

AN ACT to Establish a Right of Action for Wrongful Imprisonment. H. P. 761 L. D. 992 (H. "A" 664 to H. "A" H-591)

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

SENATOR NAJARIAN: Mr. President, I move that L. D. 2455 and L. D. 992 be placed on the Special Appropriations Table.

THE PRESIDENT: The Senator from Cumberland, Senator Najarian, now moves that L. D. 2455 AN ACT to Amend the Provisions of the Law Relating to the Control of Hazardous Air Pollutants and L. D. 992, AN ACT to Establish a Right of Action for Wrongful Imprisonment, be placed on the Special Appropriations Table.

The Chair recognizes the Senator from Androscoggin, Senator Trafton, and requests for what purpose does he rise.

SENATOR TRAFTON: Mr. President, I ask for a division on the pending motion and I would speak to my request.

THE PRESIDENT: The Chair would state that the good Senator can ask for a division, but the Tabling motion is before the Senate and is non-debatable.

The Chair understands the Senator from Cumberland, Senator Najarian, now requests Leave of the Senate to Withdraw her Motion to place L. D. 2455 and L. D. 992 on the Special Appropriations Table.

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

It is a vote.

AN ACT to Establish a Right of Action for Wrongful Imprisonment. H. P. 761 L. D. 992 (H. "A" H-664 to H. "A" H-591)

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

AN ACT to Amend the Provisions of the Law Relating to the Control of Hazardous Air Pollutants. H. P. 1854 L. D. 2455

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

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$6,000,000 for the Design, Construction and Furnishing of Court Facilities" S. P. 821 L. D. 2201

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-400).

Signed:

Senators:

BROWN of Washington
NAJARIAN of Cumberland

Representatives:

JALBERT of Lewiston
LISNIK of Presque Isle
CONNOLLY of Portland
CHONKO of Topsham
KELLEHER of Bangor
CARTER of Winslow

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

Signed:

Senator:

PERKINS of Hancock

Representatives:

SMITH of Mars Hill

MASTERTON of Cape Elizabeth
BELL of Paris
ARMSTRONG of Wilton

Which Reports were READ.
The Majority OUGHT TO PASS as Amended Report was ACCEPTED.

The Bill READ ONCE.
Committee Amendment "A" (S-400) 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 Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,035,000 for Construction and Renovation of Correctional Facilities" S. P. 827 L. D. 2213

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-401).

Signed:
Senators:
BROWN of Washington
NAJARIAN of Cumberland
Representatives:
JALBERT of Lewiston
LISNIK of Presque Isle
CHONKO of Topsham
KELLEHER of Bangor
CARTER of Winslow

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

Signed:
Senator:
PERKINS of Hancock
Representatives:
SMITH of Mars Hill
MASTERTON of Cape Elizabeth
BELL of Paris
ARMSTRONG of Wilton
CONNOLLY of Portland

Which Reports were READ.
The Majority OUGHT TO PASS as Amended Report ACCEPTED.

The Bill READ ONCE.
Committee Amendment "A" (S-401) 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.

On motion by Senator CARPENTER of Aroostook, the Senate removed from the TABLE:

AN ACT to Establish a Right of Action for Wrongful Imprisonment. H. P. 761 L. D. 992 (H. "A" H-664 to H. "A" H-591)

Tabled earlier in today's session, on motion by Senator CARPENTER of Aroostook.
Pending ENACTMENT.

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

The President laid before the Senate:
AN ACT to Exclude Social Security Benefits from Taxation. H. P. 1708 L. D. 2257 (C. "A" H-659)

Tabled earlier in today's session, pending RULING OF THE CHAIR.

THE PRESIDENT: The Chair would respond that there is no loss in revenue because the

State presently does not tax these benefits, therefore, there would on be a loss if we were in conformity.

I'm sure this responds to the question posed by the Senator from Knox.

The Chair recognizes the Senator from Knox, Senator Collins.

SENATOR COLLINS: I request a Division.
THE PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

SENATOR PRAY: Mr. President, I request a Roll Call.

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

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

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

The pending question before the Senate is the Enactment of L. D. 2257.

A Yes vote will be in favor of Enactment.
A No vote will be opposed.
The Doorkeepers will secure the Chamber.
The Secretary will call the roll.

ROLL CALL

YEAS—Senators, Baldacci, Brown, Bustin, Carpenter, Charette, Clark, Danton, Diamond, Dow, Dutremble, Erwin, Gill, Hayes, Hichens, Kany, McBreairty, Minkowsky, Najarian, Pearson, Pray, Sewall, Shute, Trafton, Twitchell, Usher, Violette, Wood.

NAYS—Senators, Collins, Redmond, The President—Gerard P. Conley.

ABSENT—Senators, Emerson, Perkins, Teague.

27 Senators having voted in the affirmative and 3 Senators having voted in the negative, with 3 Senators being absent, the Bill was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

COMMITTEE REPORTS

Senate

Divided Report

The Majority of the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Reallocate Unsold Bonds as Previously Authorized by Private and Special Laws of 1971, Chapter 140, for the Development and Improvement of State Park Facilities" (Emergency) S. P. 814 L. D. 2191

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-402).

Signed:
Senators:
NAJARIAN of Cumberland
BROWN of Washington
Representatives:
JALBERT of Lewiston
LISNIK of Presque Isle
CONNOLLY of Portland
CHONKO of Topsham
KELLEHER of Bangor
CARTER of Winslow

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

Signed:
Senator:
PERKINS of Hancock
Representatives:
SMITH of Mars Hill
MASTERTON of Cape Elizabeth
BELL of Paris
ARMSTRONG of Wilton

Which Reports were READ.
The Majority OUGHT TO PASS as Amended

Report ACCEPTED.
The Bill READ ONCE.
Committee Amendment "A" (S-402) 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.

ORDERS OF THE DAY

The President laid before the Senate:
Bill "An Act to Amend Certain Motor Vehicle Laws" H. P. 1444 L. D. 1889

Tabled—April 11, 1984 by Senator PRAY of Penobscot.

Pending—FURTHER CONSIDERATION.
(In House April 3, 1984 the Minority Ought to Pass in New Draft under same title (Emergency) (H. P. 1820) (L. D. 2412) report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED)

(In Senate April 3, 1984 the Majority Ought to Pass in New Draft under same title (Emergency) (H. P. 1819) (L. D. 2411) report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED in NON-CONCURRENCE)

(In House April 10, 1984 NEW DRAFT (H. P. 1820) (L. D. 2412) PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "C" (H-685) in NON-CONCURRENCE)

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

SENATOR CARPENTER: Mr. President, it's my intention to offer an amendment to this Bill, (I feel like the guy carrying coals to Newcastle here), but in order to do that I have to, in order to get to a position where the amendment could be properly offered I have to back the Bill up.

Therefore, Mr. President, I move that the Senate Recede from Passage to be Engrossed.

On motion by Senator CARPENTER of Aroostook, the Senate RECEDED from its action whereby the Bill was PASSED TO BE ENGROSSED.

On further motion of the same Senator, the Senate RECEDED from its action whereby it ACCEPTED the Majority OUGHT TO PASS IN NEW DRAFT (H. P. 1819) (L. D. 2411) Report.

On further motion by the same Senator, the Minority OUGHT TO PASS IN NEW DRAFT (H. P. 1820) (L. D. 2412) Report of the Committee was ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.
House Amendment "C" (H-685) was READ and ADOPTED, in concurrence.

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 (H. P. 1820) (L. D. 2412) READ A SECOND TIME.

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

SENATOR CARPENTER: Mr. President, I offer Senate Amendment "B" to H. P. 1820, L. D. 2412, under Filing Number S-408, and move its adoption, and would speak briefly to the motion.

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

Senate Amendment "B" (S-408) was READ.

THE PRESIDENT: The Senator has the floor.
SENATOR CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, I probably just came closer to getting this Amendment adopted that I ever am going to get again, but nevertheless, I must say that I, the last time I carried one of these things up here I was told

that I had so many votes behind me and this time I have no delusions as to how many votes there are here.

Mr. President, it is my understanding that there may be a Constitutional problem with the Bill as it is presently construed, and I would read for the Record and for your edification, a letter that I received today from the Department of the Attorney General.

If you remember back a couple of years ago, I believe that this, virtually the same issue was litigated relative to the "Live Free or Die" motto in New Hampshire, and in fact, I believe that that was ruled to be an unconstitutional issue.

The letter reads as follows: "Dear Senator Carpenter: It is the opinion of this Office (meaning the Attorney General's Office) that the language of the above listed proposal, L. D. 2412, sections 11 and 18, presents a close question of Constitutional Law, in the light of Woolley vs. Maynard. Final resolution of that closed question may be reached only after protracted and costly litigation.

It is also possible, that pursuant to 42 United States Code, Section 1983 and 1988, the State could be required to bear the cost of a court challenge to this language.

I hope this information is helpful. Very truly yours, James M. Bowie, Assistant Attorney General."

If you look at the amendment, under filing of S-408, basically, what it does, it leaves moot, I would disagree with the Statement of Fact, it does not say that you can't change the letters on the bottom of the plate, but what it does do, it leaves that issue moot. It says you must have a license plate attached to the front and rear, and that the letters and numbers on that license plate, registration plate, may not be obscured, must be kept clean with identifying marks and letters.

I do understand there's significant opposition to this amendment, but I thought that, in the spirit of fairness, there were persons in government who thought that it should be offered. I would hope that the amendment was adopted, I'm not one to stand-up here and ask the Legislature consider something that's going to cost a great deal in lawyers' fees, Lord knows, we have enough lawyers out there and we don't need them to get paid any more money, but nevertheless, I think there is a very good chance of this issue going to the United States Supreme Court if we do not clarify it and the adoption of this amendment, would clarify the language as I understand it.

I would, therefore, move the adoption of Senate Amendment "B".

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

SENATOR DANTON: Mr. President, I oppose the amendment and request a Division and I'd like to speak in my opposition to this amendment.

Mr. President, the good Senator from Aroostook is right. The language in this Bill that he's trying to amend today is really to take care of a problem that Judge Alexander had with that number plate that had to do with a person taking out "Vacationland" and putting "Radiationland" on.

Now, I don't think any of us here are really against freedom of speech, that I sincerely believe, but many years ago, I've been told, and I know some of you in here think I should remember, but I've been told when they debated the number plates, at no time did they ever discuss anything but altering the numbers on the plates. What the Transportation Committee has tried to do, it has tried to correct that law, in that now we do issue number plates with numbers and letters, and we don't want those being altered.

Years ago, and I've been told as of this morning, that it's still on the statutes that when you're issued a registration plate, when you're through with that registration plate, you should return it to the Motor Vehicle Registry. I

know many of us, perhaps if we look around in our garages or the trunks of our cars, will probably find plenty of them, but they're supposed to be returned.

That leaves a little gray area as to whether those plates are yours or do they belong to the State. If they do belong to the State, can anyone take and write anything they want on that plate? This is the issue in this case here. Are you supposed to have your family in a car with you, behind another automobile and have that person have anything he wants on his number plate where it says "Vacationland," have it marked off with a tape with any obscene remark he may want to give to anyone? I think not.

Now, I know the Attorney General is making his case about costing money to take this to court. Well, the Attorney General would think nothing of taking anyone else to court be it a businessman or a person, just to prove his case. I want the Attorney General, if he has to, to take this matter to court. I think we, as Legislators, I know there is a question in my mind, and if someone else in this Senate can get up and tell me differently, and convince me, I'll go along with them, but there's a question in my mind as to whether a person can take a registration plate and put anything they want, cover it over with a tape and put whatever they want on there and you can just imagine what some of them could put on there.

So, for that reason, I take and oppose this. I think we should let this Bill go along as it is. If there is a challenge to it, the Attorney General should take this challenge. If it's going to cost money, we just raised a million, eight today. We'll spend a little bit of that money, and I'm no big spender, but you know, there's some things that we just have to take and face head on and I oppose this amendment, and I request a Division.

THE PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

SENATOR CARPENTER: Mr. President, just two comments, one serious and one not so serious.

The serious comment is, I don't see the purpose of going forward with this issue just to prove a point, if in fact, the issue is closed to that other issue that I mentioned.

The second point, I would make a point and I would correct something the good Senator from York, Senator Danton, said. I didn't think I'd ever see the day when I would stand here on the Floor of the Senate and offer an amendment which calls for two registration plates to be affixed, one front and one rear, and I would just correct the good Senator when he was discussing a plate being issued, you're issued two plates.

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

SENATOR DIAMOND: Thank you, Mr. President, and Ladies and Gentlemen of the Senate. Just very briefly, in response to the good Senator from Aroostook, Senator Carpenter, the purpose is clear. The purpose is clear. The purpose is there is a doubt and the only question before us is, that the Attorney General thinks that probably, probably, he might lose this or the State might lose this.

Well, this issue is important enough, certainly, to all of us who might be offended by someone else's free speech, if we're going to use that as the argument. Free speech, even as we know it today, is limited and we can't go into a movie theater and yell fire, and nor should we let go undiscussed and undebated and unscrutinized, by our courts the ability for somebody to truly gross us out with their license plate. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the adoption of Senate Amendment "B" (S-408).

Will all those in favor of the Adoption of

Senate Amendment "B" (S-408), please rise in their places to be counted.

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

7 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion to ADOPT Senate Amendment "B" (S-408) FAILED.

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

The Chair recognizes the Senator from Cumberland, Senator Diamond.

SENATOR DIAMOND: Mr. President, I submit Senate Amendment "C" (S-411) to L. D. 2412 and move its adoption.

THE PRESIDENT: The Senator from Cumberland, Senator Diamond, presents Senate Amendment "C" and moves it adoption.

Senate Amendment "C" (S-411) was READ.

THE PRESIDENT: The Senator has the Floor.

SENATOR DIAMOND: Thank you, Mr. President. Ladies and Gentlemen of the Senate, just very quickly, as you may recall the debate last week over the two thousand pound variance and those truckers who felt that some people got their two thousand pound variance and others didn't, this simply takes care of that problem, it allows those folks who buy the ten percent commodity to also have the two thousand pound variance as well as those who do not.

The second thing that it does, it says that if anyone who has a ten percent commodity, and is overweight from that and they're fined, currently, they're fined the same amount of money as a person who never bothered to buy that commodity. So, it simply says the person who did not buy the commodity knew what he was hauling, would pay that commodity price as well as a fine. It seems to be a compromise that everyone, at least we've talked to, agrees with and therefore, I would endorse your support.

Senate Amendment "C" (S-411) was ADOPTED.

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

Sent down for concurrence.

The President laid before the Senate:

AN ACT to Clarify and Make Corrections in the Inland Fisheries and Wildlife Laws. S. P. 908 L. D. 2446

Tabled—April 11, 1984 by Senator CONLEY of Cumberland.

Pending—ENACTMENT.

(In House April 10, 1984 PASSED TO BE ENACTED)

(In Senate April 9, 1984 PASSED TO BE ENGROSSED without Reference to a Committee in concurrence)

On motion by Senator USHER of Cumberland, the Senate SUSPENDED THE 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 USHER: Mr. President, I offer Senate Amendment "A" (S-404) and move its Adoption.

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

Senate Amendment "A" (S-404) was READ.

THE PRESIDENT: The Senator has the floor.

SENATOR USHER: Thank you, Mr. President. This problem was pointed out by the Legislative Research Office and it was explained to our Committee yesterday, and, due to the conflict between the two bills, one between the Audit and Program Review and the Bill that we passed this morning, we wanted to correct this measure and we put it in this amended form in the Errors Bill.

Senate Amendment "A" (S-404) was 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 Raise the Annual Public Utilities Commission Regulatory Fund Assessments to \$1,635,000 and to Allocate those Funds for Fiscal Year 1985" (Emergency) H. P. 1809 L. D. 2391 (H. "A" H-684)

Tabled—April 11, 1984 by Senator PRAY of Penobscot.

Pending—The motion of Senator NAJARIAN of Cumberland to RECEDE and CONCUR.

(In House April 10, 1984 PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-684) IN NON-CONCURRENCE)

(In Senate April 10, 1984 RECEDED AND CONCURRED)

(In Senate April 11, 1984 RECONSIDERED the motion to RECEDE and CONCUR)

On motion by Senator PRAY of Penobscot, the Senate RECEDED.

House Amendment "A" (H-684) was READ and ADOPTED in concurrence.

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

SENATOR PRAY: Thank you, Mr. President. Mr. President, I offer Senate Amendment "A" (S-403) and move its Adoption.

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

Senate Amendment "A" (S-403) was READ.

THE PRESIDENT: The Senator has the floor. SENATOR PRAY: Mr. President, the purpose of this Amendment is to correct a technical error that was found in the Bill. It is purely a technical amendment.

Senate Amendment "A" (S-403) was ADOPTED.

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

Sent down for concurrence.

SENATE AT EASE

Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Revise the Wood Measurement Law" S. P. 889 L. D. 2404

In Senate April 6, 1984 PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-372).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-372) AS AMENDED BY HOUSE AMENDMENT "A" (H-691) thereto and HOUSE AMENDMENT "D" (H-704) IN NON-CONCURRENCE.

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

It is a vote.

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

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

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

RECESS

AFTER RECESS

The Senate called to order by the President.

On motion by Senator CARPENTER of Aroostook, RECESSED until 6:30 o'clock this evening.

RECESS

AFTER RECESS

The Senate called to order by the President.

ORDERS OF THE DAY

The President laid before the Senate:

Bill "An Act to Replace the Regional Refuse Disposal District Enabling Act" S. P. 913 L. D. 2452

Tabled—April 11, 1984 by Senator HAYES of Penobscot.

Pending—PASSAGE TO BE ENGROSSED.

(In Senate April 11, 1984 READ A SECOND TIME)

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

SENATOR DANTON: Mr. President, for the Committee on Bills in their Second Reading, I offer Senate Amendment "A" to L. D. 2452, Filing Number S-405 and move its Adoption.

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

Senate Amendment "A" (S-405) was READ and ADOPTED.

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

SENATOR HAYES: Mr. President, I offer Senate Amendment "B" (S-406) to L. D. 2452, and move its Adoption.

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

Senate Amendment "B" (S-406) was READ.

THE PRESIDENT: The Senator has the floor.

SENATOR HAYES: Mr. President, Men and Women of the Maine Senate, this Bill provides an enabling act for regional refuse disposal districts, and is a response to the growing problems of waste in our society.

I might point out to you, this is a much more important Bill than, perhaps, some of you realize. It, in fact, is landmark legislation that in one sense, it is like the establishment of school administrative districts, or perhaps, it could be conceived of as important as the Rivers Bill.

Communities in my Senate District, including Brewer and Bangor, and in most other communities in the area of the Penobscot Valley, have real and immediate problems of disposing of solid waste and industrial sludge.

This Bill has been the direct result of a very expensive study of roughly \$300,000 to study solid waste in the Penobscot Valley. Although, there is this problem existing within our area of Penobscot Valley and also State-wide, I suspect, I'd like to point out to you that I think this Bill is flawed both technically and substantively, and it falls short of being the truly landmark legislation that I think it was intended to be.

My primary concern is not with the technical writing and drafting of this legislation. It is actually with some substantive problems that I see in this Bill, and I should point out to you that I do support the general concept behind this Bill. My concern with this legislation is in three specific areas which resulted from my being drawn into the discussion over this Bill because the Community of Veazie, which is in my District, began to be perceived as a host community for a solid waste incinerator.

I attended the public hearing on this Bill and there was, in fact, only two or three people that spoke against the Bill either for nor against, no one who technically gave any information regarding the technology of incinerators, or the problems involved.

I soon was a recipient of a petition of 453 citizens of the community, gathered in two days, concerned about the rapid progress of this Bill through the Legislature, and a concern, of course, as I began to be brought into this Bill, I began to look more closely into what it actually contained.

I should point out to you that, originally, this Bill was perceived to be a Bill to encompass the Penobscot Valley and then was rapidly extended through the involvement of D.E.P. and other agencies, into a state-wide bill. Veazie, being very afraid that it might unwillingly become the host of this refuse incinerator, which would handle the waste from twenty-two communities in four counties, certainly

made me much more conscious of my duty as a Legislator in this Chamber.

I should point out to you that Veazie is a small community, it is three miles square. Most communities in Maine are much larger, in fact, thirty-six square miles would be a normalized community in this State. It is, in fact, the smallest community in Penobscot County and sits between Orono and Bangor.

Veazie, it turns out, may not be a problem in terms of this particular legislation. This evening a private developer is presenting a proposal to the community which may, in fact, make this proposed legislation unnecessary, or at least so far as Veazie is concerned.

However, my concerns extend far beyond the problems now entertained by this little community. There are some real substantive problems with this Bill. That I should like to share with you.

This legislation is designed to force a refuse incinerator upon a community, even though the entire community and population is opposed to having it placed there. There are no ways in which a community can deny the siting of this refuse incinerator in a community, regardless of its population density, its geographical area or its particular configuration as a community. Now, there are some ways that it might be stopped, possibly by failing to qualify for air quality standards and things like that, but this law provides that an incinerator may be placed outside of the district formed in the legislation. So, you don't even have to be a member of the district to end up with an incinerator.

It also provides for rights of eminent domain for roadways, for communications and for steam and energy transmission. Originally, the Bill provided for rights of eminent domain to seize property outside of the district, and the original bill would have provided for the overriding of all local ordinances. Fortunately, these last two problems have been taken out.

I would repeat to you. The incinerator may be sited in a community outside of the district and against the communities wishes. I should point out to you that there is, in this legislation, virtually no compensation to the community, for unwillingly becoming a host to such an incinerator. A private entrepreneur would have to pay taxes, this Government entity would provide virtually no compensation to that community. Those who promote the Bill have agreed and said in public that they would not place the incinerator in an unwilling community, and yet, they have repeatedly refused to put into the legislation any item which would permit a community to deny the siting of such a facility.

Are we in such a state of development in the State of Maine that legislation can be introduced to force communities and individuals to accept governmental entities against their wishes? Are there no other alternatives? The fact is, there is, it's very difficult to see why we need this legislation. Incinerators are presently going in place as a result of the economics. As I pointed out to you, in Veazie, this evening a private entrepreneur is working with the community to present to them a \$25,000,000. proposal. Portland is putting in an incinerator, Auburn has an incinerator, Waterville and Winslow are putting in incinerators. Rumford, I understand, it has a solid waste refuse incinerator. It's happening in the State.

Now, I ask you why do we need legislation which, in my judgment, is so heavily handed to force upon communities the location of these kinds of facilities if, in fact, the private sector economic actions are affectively accomplishing this end?

Today, I understand in the Bangor Daily News that the Community of Winterport actually would like to have one of these incinerators. I'm furthermore told that the City of Brewer would like to have one. Why then do we

need legislation which would force the community, against their wishes, to take one?

The Amendment I propose is a simple one, it simply provides a procedure and a mechanism, a democratic process, for a community which is designated as a host to one of these regional facilities to deny that location. The procedure is very simple and it's not easy. I don't think we should design a mechanism whereby a community could easily refuse. What I suggest is that a petition be circulated collecting 15% of all the registered voters in that community, that's a pretty stringent requirement. That then a referendum be carried out in which it would require a vote of 60% of the people in the community to deny the siting of such a facility. That's a pretty stiff requirement, and the people would have to be very much opposed to such a facility.

So, that's the amendment and I hope you can support me on it.

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

SENATOR KANY: Mr. President and Members of the Senate, I hope you all vote against this Amendment and I'd like to tell you a little bit why.

First of all the Amendment does as the good Senator from Penobscot suggested, and that is that it would allow a municipality to deny an incinerator for solid waste in that municipality if it is from a district, just if it is from a district. All other solid waste incinerators would be allowed in that town which I find most interesting.

Our laws today, would allow an incinerator in Veazie, it could be an incinerator, it could be on land that has been purchased by another municipality even, it could be land that is purchased by a private corporation, and, an incinerator could, indeed, be sited, as long as it could meet the requirements of the Site Location and Development Law and air quality and so on. So, nothing is going to change because of this major legislation regarding the possible siting in Veazie of an incinerator, and I think that's most important to note.

I'd also like to remind the Legislature that last year we made it clear that the State requires each municipality to provide for the disposal of domestic and commercial solid waste generated within that municipality. So, why should we be able to deny when that particular municipality must make arrangements for its solid waste. It simply does not make much sense at all.

I'd like to tell you that this very carefully thought through legislation, which has really been two months or so in development, is a unanimous report from the Community on Energy and Natural Resources, and it is sponsored by Senator Pray of Penobscot and cosponsored by Senator Perkins of Hancock, among others. It is good legislation in that it would allow the formation of districts and to help provide for regional approach for solid waste as opposed to just each individual little municipality having its own little landfill and continuing to pollute our ground water.

This is one of three pieces of legislation directly dealing with solid waste, plus we had one on underground tanks in which our Committees view is that it is important to prevent more pollution of ground water instead of just having to pay more and more for clean-up, let us prevent. This legislation will allow municipalities to join together, will allow financing by district, will allow sharing of risks and benefits in a fair manner to be approved by each municipality in that district, either by vote at the polls or if their Charter allows, by the municipal officers in the Council, or whatever. I urge you to vote against the pending amendment.

THE PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Washington, Senator Brown.

SENATOR BROWN: Thank you, Mr. Presi-

dent, Ladies and Gentlemen. I, too, would hope that you defeat this amendment that's attempted to be added to this L. D. 2452, and I'd like to share with you the reasons why I would hope you would oppose it.

I appreciate what the good Senator has indicated, for Penobscot, in terms of the petitions that he's received and the desire of the community not to have a site located within that community, but I also want to comment on the fact about where do we locate one of these solid waste disposal sites if, in fact, a community and a number of communities, and it's difficult to locate a site, all refused.

In my own district in Washington County, we've had a very difficult time finding an acceptable site with the Department of Environmental Protection. We had a site that was located in Perry, we've looked in Pembroke and Dennysville, none of those communities wanted a site located there. We finally found a site that was located in one of the townships, those people have also presented petitions now saying they don't want a site located there.

In regards to the eminent domain aspect, it's my understanding that the eminent domain aspect applies to transmission lines and access roads outside the district. If we do allow a local community, whether it be Lubec or whether it be anyone of the other participating towns like we have formed in Washington County, anyone of those towns can get together and deny the rest of the district access to having a site located there, we wind up with the exact same problem we've got now, which was a local solid waste disposal site that the D.E.P. is continually on our back to close down.

So, I would hope that you would defeat this amendment that the good Senator's offered. 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. Since the good Senator from Kennebec, Senator Kany, has drawn me into this fine piece of legislation by pointing out that I'm the sponsor, I don't know necessarily if that was an attempt to encourage support or to give a signal to her opposition.

I stand here before you today as a Senator from District 30, including Piscataquis and Northern Penobscot Counties where we have looked at the solid waste problem for some time with some very grave concerns, concerns that have already been pointed out by the Senator from Kennebec, Senator Kany, in reference to ground water as an example.

We have through our County budget process in Piscataquis County spent a fair amount of money looking for a solution of putting our waste in the landfill sites that presently now exist and the concerns it has to the impact on the ground water that lays underneath. Many of those of us in that area of the State feel that this is a very important resource that we have and there must be something done to protect it.

The legislation, that is now presented before you in the form of a Committee redraft as has been pointed out, did come about with a great deal of work being done even before it was introduced into the Legislature. The various communities involved in this area of the State had met on a number of occasions, all of the communities had had an opportunity to have input into this concept that is presently before you.

The Amendment that is now under debate, being offered by the Senator from Penobscot, Senator Hayes, I think does reflect the very serious concern that one of his communities has, but I think that this requires a larger scope and a larger scale than just that of one particular community. It is always an applaudable situation to consider as to the impact on various communities, but I believe that the

problem that we're now being faced with, given the high cost of construction, the vastness of the size of the State of Maine, is going to require a joint effort, it's going to require an effort which will allow us to view this in a larger scope, a larger problem, than just that one relating to one municipality. It is, in essence, a State problem, and when it becomes a State problem, then I think that the interest of the State must, in some situations, override that of a local community.

While this Bill does not state in which community it will be placed in, it does address a serious concern of how do we solve this larger problem. If we allowed and adopted this amendment that's now being presented, a municipality's ability to refuse a facility could be used not only to stop a project, but also as leverage to extract higher payments from a district or a group of municipalities with which to form a district in order to obtain the site approvals. This would significantly add to the cost of that project and if we are dealing in a problem which is, as we all know, each community evaluating its local property tax dollars have serious concerns about the increasing costs. We may find ourselves reverting back to a situation where a landfill, because it is less expensive might be the acceptable solution, which puts us back into the problems which future generations are going to have to address, and that is the ground water pollution.

We do not provide any other district the powers that this amendment would provide, we don't allow it for school districts, for sanitation districts. This Legislature previously, it is my belief, under the low-level radiation waste disposal legislation would not be subject to the approval of local communities, because it was felt that the State interest was higher. I believe that it would be to the States advantage to not allow this amendment to be adopted, I think that is a graver concern than that which the Senator from Penobscot, Senator Hayes, has expressed.

Mr. President, I would move the Indefinite Postponement of Senate Amendment "B".

THE PRESIDENT: The Senator from Penobscot, Senator Pray, moves that Senate Amendment "B" be Indefinitely Postponed.

The Chair recognizes the Senator from Penobscot, Senator Hayes.

SENATOR HAYES: I'll speak only briefly to this.

I frankly find it difficult to understand the kind of logic presented to us by the good Senator from Penobscot, Senator Pray. When someone tells me that the interests of the State overrides the interests of communities, and of individuals in the State I, frankly, am very much concerned. That's the kind of logic which leads to all kinds of government programs which, frankly, I find unacceptable.

I want to say one other thing, there is one difference between this governmental entity and a private entrepreneur. A private entrepreneur would put in a facility which would be taxable and a community would receive upwards to \$500,000. per year for hosting one of these facilities. This government entity offers nothing but dust, air particles, noise, etc.

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

SENATOR KANY: Mr. President and Members of the Senate. Under existing law, if a district were formed, under existing law not the proposed law, there would be a total tax break, that is the law today. This legislation this major enabling legislation has gone out of its way for any community having a facility, and by the way, a facility could be not necessarily an incinerator, it could also be a transfer facility, or a landfill, or a special landfill facility all could come under the jurisdiction of this district legislation. The land, the land would be required to pay property taxes, and in addition, there must be payments in lieu of taxes

for specific services, specific services, including roads and so on.

So, we have taken care of that to a great degree. In addition, the authority for the district is there to negotiate for further payments, for further taxes to be paid to any municipality having a facility. I think we've gone through all these arguments, we've taken care of them.

By the way, I wanted to make it absolutely clear, as Senator Brown of Washington County indicated, that there is not eminent domain outside of a district, only within the district, and those municipalities have to agree to have joined if they're within the district. Outside, the only eminent domain is for transmission lines and such as that.

So, we have taken all those things into consideration and once again, without this legislation at all, any incinerator, as long as it can meet all licensing and other environmental laws that are on the books today, could be put any place in this State. If someone even wanted to allow a total denial of such a facility, it certainly is inconsistent with this separate law that requires a municipality to take responsibility for its solid waste, and I urge you to go along with the Indefinite Postponement motion.

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

SENATOR BALDACCI: Thank you very much, Mr. President. Members of the Senate, this piece of legislation did not occur over night it has been going on for many years.

The town of Bangor which I was a City Councilor of for three years has a tremendous solid waste problem. We spend approximately a million and a quarter to take our trash to a sanitary landfill, that does not include the cost of transportation in picking up the trash, that is the cost of being able to bring it to a site and dump it. That is what the City of Bangor pays. There is only one person in our region that has that kind of facility, that has a monopoly on the situation.

There are twenty-two communities involved with this particular project. They're taking waste, they're making energy out of that waste, they're going to be able to sell the energy, they're going to be able to resolve their solid waste problem. The Cities of Auburn/Lewiston have a commitment of twelve or thirteen communities and they've been doing it for years at Pioneer Plastics. They have thirteen or fourteen communities, they've got a cement wall next to Pioneer Plastics so that particular firm, and they generate waste heat with the solid waste. It's a very efficient use of a problem that's been going on for years and years.

It's a very important piece of legislation in my area because of those costs. If Veazie does not want that incinerator Bangor will take it out at the airport where it has a steam plant and can generate the energy. No contractor has been selected. I can understand the concerns of the good Senator from Penobscot, but no site has been selected, no contractor has been selected. The Town of Veazie just reinforced their planning ordinances so that anybody that came into Veazie would have to go through the planning board for such a project for that kind of local review.

So, I would just like to be able to put into perspective the importance of this issue to communities.

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

SENATOR PERKINS: Mr. President, Ladies and Gentlemen of the Senate. I rise as a co-sponsor of this piece of legislation and would only point out that jails and mental health facilities and solid waste areas are some of the facilities that no community, that I'm aware of, welcomes with open arms, having worked with corrections for a little while and eventually gotten a facility set up in Charleston. Once it's set up, it allayed all the fears of the people who were there. Having seen facilities in the

Machias area and the Ellsworth area set up to help alleviate our crowded problems in the mental health area, and being accepted as part of the neighborhood by the general populace now.

As representing thirty-seven coastal communities who have a lot of rocks, a lot of clay, clay makes very good pottery. It doesn't really absorb much for waste material, so we find ourselves in the position of looking elsewhere for our solid waste disposal. At this stage, I don't think I have any communities that are going to use this facility but we might. We certainly have that problem and we have that potential.

I, therefore, would urge you to defeat this amendment and subsequent amendments and accept this compromise which has been years in the making, and would enable these communities to stop putting waste in the ground and make better uses of our solid waste. Thank you.

THE PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Hayes.

SENATOR HAYES: I request a Roll Call, Mr. President.

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

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

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

The pending question before the Senate is the Indefinite Postponement of Senate Amendment "B" (S-406).

A Yes vote will be in favor of Indefinite Postponement of Senate Amendment "B" (S-406).

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

ROLL CALL

YEAS—Senators, Baldacci, Brown, Bustin, Carpenter, Charette, Clark, Collins, Diamond, Dow, Gill, Hichens, Kany, McBreairty, Pearson, Perkins, Pray, Redmond, Sewall, Teague, Traf-ton, Twitchell, Usher, Violette, Wood, The President—Gerard P. Conley.

NAYS—Senators, Danton, Dutremble, Erwin, Hayes, Minkowsky, Najarian, Shute.

ABSENT—Senator, Emerson.

25 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 1 Senator being absent, the motion to INDEFINITELY POSTPONE Senate Amendment "B" (S-406) PREVAILED.

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

SENATOR HAYES: Mr. President, I offer Senate Amendment "C" (S-407) to L. D. 2452 and move its Adoption.

THE PRESIDENT: The Senator from Penobscot, Senator Hayes, now offers Senate Amendment "C" and moves its Adoption.

Senate Amendment "C" (S-407) was READ.

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

SENATOR HAYES: Mr. President and Members of the Maine Senate, the second flaw in this Bill is that it does not provide for reasonable compensation for the social, physical and environmental costs to the community in which the facility is located.

As the good Senator from Kennebec, Senator Kany, suggested to you, there is provision for direct costs of this facility to a community, and there is money provided for tax on the land. This, I submit to you, would be virtually nothing in a facility of this kind. Whereas, if a private developer were to put in such a facility the property taxes to a community would be in the range from three to five hundred thousand dollars. Even if the facility is forced upon a

community outside of the district, there would be no provision for paying any compensation, satisfactory or reasonable compensation to that community.

Hosting a solid waste facility is not necessarily desirable to all the citizens or all the communities. I therefore offer Senate Amendment "C" to L. D. 2452 and move its Adoption.

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

SENATOR KANY: Mr. President, I move Indefinite Postponement of this Amendment and ask to speak to the motion.

I hope that you do Indefinitely Postpone this Amendment. It calls for and requires any district to pay a 15% tipping fee to the municipality in which a facility is and only a district, so if it isn't part of a district, if it's a couple of municipalities joining together by local agreement, or a municipality having customers or a private facility there are no tipping fees required, but only if they've joined and formed a district.

Once again, I just don't see the logic of it, and I hope that you do Indefinitely Postpone this Amendment.

THE PRESIDENT: The Senator from Kennebec, Senator Kany, moves the Indefinite Postponement of Senate Amendment "C".

Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Kennebec, Senator Kany, to Indefinitely Postpone Senate Amendment "C", please rise and remain standing until counted.

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

21 Senators having voted in the affirmative and 5 Senators having voted in the negative, the motion to INDEFINITELY POSTPONE Senate Amendment "C" (S-407) PREVAILED.

The Bill was PASSED TO BE ENGROSSED.

Sent down for concurrence.

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

COMMITTEE REPORTS

House

Ought to Pass in New Draft under New Title

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

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act Relating to Municipal Cost Components for Fiscal Year 1984-85 and Providing for a Study of the Unorganized Territory" (Emergency) H. P. 1857 L. D. 2458

Comes from the House with the Report READ and ACCEPTED and the Bill, in NEW DRAFT under NEW TITLE, PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-702), "B" (H-703) and "C" (H-705).

Which Report was READ and ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

House Amendment "A" (H-702) was READ and ADOPTED, in concurrence.

House Amendment "B" (H-703) was READ and ADOPTED, in concurrence.

House Amendment "C" (H-705) was READ and ADOPTED, in concurrence.

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.

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

SENATOR WOOD: I offer Senate Amendment "A" (S-414) and move its Adoption.

THE PRESIDENT: The Senator from York, Senator Wood, presents Senate Amendment

"A" and moves its Adoption.

Senate Amendment "A" (S-414) was READ.

(OFF RECORD REMARKS)

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

SENATOR WOOD: Mr. President, Men and Women of the Senate, just so that you will understand what this Amendment does, it's just a clarifying amendment.

There is going to be a school in the unorganized territory that will have some repairs made to it, and we want to ensure that the money that we appropriate for that will not, it might take two years and we want to make sure that they have the money to complete that task.

Senate Amendment "A" (S-414) was ADOPTED.

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

Sent down for concurrence.

The President laid before the Senate:

SECOND READERS

House

Bill "An Act to Implement Certain Recommendations of the State Compensation Commission" H. P. 1858 L. D. 2459

(Assigned for Second Reading Later in Today's Session.)

Which was READ A SECOND TIME.

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

SENATOR PRAY: Mr. President, I present Senate Amendment "A" (S-412) and move its Adoption.

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

Senate Amendment "A" (S-412) was READ.

THE PRESIDENT: The Senator has the floor.

SENATOR PRAY: Thank you, Mr. President. Mr. President and Ladies and Gentlemen of the Senate, this is a rather lengthy amendment of which we had an opportunity to discuss earlier, and for the Record, I would like to, and for those of you who have not had an opportunity to read it tell you basically what this amendment does.

It's divided into three sections from the recommendations of the State Compensation Commission, of which the original bill was, and it addressed the Legislative salaries, a salary increase that will take effect at the beginning of the next Legislature, for those who return to this august Body after the November elections, would receive this pay raise. This is a recommendation of which reflects a salary increase from 1982, which was based upon the recommendation of a previous Compensation Commission, and was tied to the 1981 economic data for Maine and designed to achieve a rough, comparable status with income for hourly factory workers. The increase proposed in this Bill is less than the increase of the average hourly wage in Maine factory workers between 1981 and 1983.

The Constitutional officers, the Commission reinstated the recommendations of the previous Compensation Commission, as well, that these positions should be assigned to a salary range established by the Department of Personnel. The Commission evaluated and looked at the various officers and compared them with commissioners of various departments and recommended that they should come in at Range 90, and that in the following year they should be increased to Range 91.

It was the recommendation of this Amendment that's now being offered, that those salaries be adjusted and that they would come in at the pay ranges: for Treasurer at Range 86, Secretary of State at Range 86, the State Auditor at Range 88, and the Attorney General at Range 89. These various ranges will reflect their existing pay under the pay ranges as they now exist.

The reasons that we felt that the State Auditor should come in at Range 88, the position requires an individual to be a Certified Public Accountant. The Attorney General which presently is tied to the Judicial Branch and is the third part of this compensation package, with the increases being provided for the judges, it was felt that the Attorney General's Office, as a Constitutional office should reflect its existing pay range, Pay Range 89, would fall under that category of where he presently stands. Also, the Attorney General is required to be an attorney.

When we addressed the judicial salaries, it was a study that was done comparable to the average attorney. The study itself was a nationwide study, it was five years old. The Commission recommended that it be implemented in a three year period of a phase-in, this amendment would implement the same increase in a five year period.

It was the recommendation of the Compensation Commission that the judges be addressed and the retirement system of the Judicial Branch be addressed due to the impact that it was having on the State. The recommendations for the increase in salaries are tied to the reform of the current Judicial Retirement System. The Judicial Retirement System is currently a non-contributory plan which the State funds on a pay-as-you-go basis. In this fiscal year alone these retirement costs will exceed one million dollars. Each judge receives a retirement benefit equal to 75% of his current salary for the position she or he retires from. Thus, some retired judges are receiving a monthly benefit that exceeds the full salaries they received at the time they retired. The cost of the retirement benefits this year is nearly 60% of the cost of salaries for the current sitting judges. Thus, we feel that we have a system for which the State pays the total cost and over which the State can assert control only by penalizing sitting judges.

The retirement system proposed by the Compensation Commission would establish control over both total retirement benefits and the State's share for the cost of those benefits. The proposed system would require judges to contribute 6.5% of their annual salaries to the Retirement System, tie the retirement benefits received by individuals to the salary he or she earns at the time of their retirement, places a ceiling on the total retirement benefits, as individuals would receive at 60%, the average final compensation.

And the last point, that after the transitional period the system would be completely self-supporting.

Mr. President, I move the adoption of Senate Amendment "A".

THE PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "A"?

The Chair recognizes the Senator from Waldo, Senator Shute.

SENATOR SHUTE: Mr. President, Ladies and Gentlemen of the Senate, I'm a bit opposed to this amendment, of course I'm opposed to the whole Bill, but I don't think the amendment brings the compensation down low enough in a number of classifications.

First, I'd like to bring to your attention that the Legislators are receiving a 15.4% increase in this Bill the first year of their term and a 14% increase in the second year of their term of office.

Also, the constituent service, of course, only goes up 10%, which is not too bad, but the Legislators' per diem goes up 43% in one year which is a bit excessive. About the only thing that on the first page of this handout that I really agree with is the \$5 increase in the meals. The reason I do agree with that is that previously those that stay here have usually got that money on their lodging, and those that travel didn't get it on their travel expense, so at least this way everyone will get the \$5.

Now, another area that I'm a bit concerned

about is the amount of increase in the judges' pay. We have increases in the judges of 75% increase over a five year period. That's about a 15% increase each year. To me, that's a fairly excessive raise on somebody making that amount of money. If it was a thousand dollars across the board raise it wouldn't be a very large percentage when you're making \$46-\$48,000, but when you go with a 15% increase you're getting a sizable raise, up around \$6,500 a year.

Of course, I do agree with putting a cap on the retirement for the judges of 60%, but of course, even 60% of \$75,000, is a fairly good retirement, especially if you've only been a judge for five or six years, that's \$45,000 a year which is a fairly good retirement.

I guess I would be a bit embarrassed to vote for this compensation package with these raises in here, especially if I voted against the minimum wage which last year would have given a 4.5% increase to those people on minimum wage, and this year, that one wasn't adopted of course, and the one that was presented this year would have given a 6% increase, and that's not every year for five years. That's not every two years, there hasn't been an increase in minimum wage since 1981, that's a three year period. So, that would figure out to possibly 2% a year.

At any rate, I do oppose this I don't know if I should oppose the amendment, because the amendment is better than the Bill is, but at some point I will ask for a vote on this measure. Thank you.

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

SENATOR MINKOWSKY: Mr. President and Members of the Senate. First I think it's appropriate to commend the State Compensation Commissioner, Don Nichols, for the in-depth evaluation that these people have gone through and being fair in the many different categories that they analyzed in coming up with this particular document.

I purposely stayed here this afternoon, while Mr. Nichols gave his presentation of the different categories, and what the rationale was for the increases in pay. I could not help but think that when the Chief Justice spoke to us in a Joint Convention, his plea for additional judges and additional salary to be up in the area where they felt it was fair for them to be doing their particular job in the Judicial System, compared to their counterparts out in the field, either as trial justices or whatever they may be, in commanding the huge salaries that they have.

I was relieved somewhat when I saw finally that under the compensation provision that they would pay part of the fair share in retirement. There's been many, many newspaper accounts, editorials, letters to the editor, that the Judicial System in the State of Maine, as heavy a workload as they claimed or alleged to have, have not had this particular workload, and the end result is, Maine is not a very rich State, it's rather a poor State, and these people who, as I fondly sometimes say, a judge is a lawyer who knew a governor, and now with the approval of the Senate is in office.

I hesitate to vote for this entire package. Maybe if I had the opportunity to attend the public hearings, when these issues were discussed, I'd feel a lot more comfortable, but one of the newspaper accounts indicated that of about 95% of the cases before our Judicial System is disposed of, and about 5% is addressed. When you equate this with the number of judges we have sitting at the present time on different levels, it just makes me shutter to think that, really, their workload is not that great, with the exception of some areas, like in our own system in the City of Lewiston, where in the District Court, I know very well that workload is very heavy, but I'm thinking of the Superior Court System, and the Maine Su-

preme Court.

I believe this afternoon, or this evening, it would be safe to say as much as I respect the job that these people are doing, but not having a thorough working knowledge of the entire Judicial System as to the amount of cases actually processed, for it was brought out in one of the editorials, that if the judge, in the number of claims, was 158,000 or charges of a 158,000, this could be easily construed as maybe one person having five violations, or five charges brought against him, if not more, and, until this is broken down to actually show per individual, and the seriousness of the offenses, I would hesitate to pass on giving these people, and if the figures are correct, a million dollar increase by the year 1985, and subsequently, until 1988, when the full five year phase-in plan has been recognized.

So, I believe this afternoon, Mr. President and Members of the Senate, that I have no serious reservations in voting against the entire package.

Senate Amendment "A" (S-412) was ADOPTED.

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

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

COMMUNICATIONS

The Following Communication:

COMMITTEE ON FISHERIES AND WILDLIFE
111th Legislature

April 10, 1984

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

Dear President Conley:

We are pleased to report that all business which was placed before the Committee on Fisheries & Wildlife during the second regular session of the 111th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	8
Unanimous reports	7
Leave to Withdraw	3
Ought to Pass	3
Ought Not to Pass	0
Ought to Pass as Amended	1
Ought to Pass in New Draft	0
Divided reports	1

Respectfully submitted,

S/ RONALD E. USHER

Senate Chair

S/ ROBERT A. MacEACHERN

House Chair

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:

JOINT SELECT COMMITTEE ON JOB TRAINING
111th Legislature

April 10, 1984

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

Dear President Conley:

We are pleased to report that all business which was placed before the Joint Select Committee on Job Training during the second regular session of the 111th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	1
Unanimous reports	1
Leave to Withdraw	0
Ought to Pass	0
Ought Not to Pass	0
Ought to Pass as Amended	0
Ought to Pass in New Draft	1
Divided reports	0

Respectfully submitted,

S/ LARRY BROWN

Senate Chair

S/ STEPHANIE LOCKE

House Chair

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
COMMITTEE ON AGRICULTURE
111th Legislature

April 10, 1984

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

Dear President Conley:

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

Total number of bills received	17
Unanimous reports	14
Leave to Withdraw	3
Ought to Pass	3
Ought Not to Pass	1
Ought to Pass as Amended	4
Ought to Pass in New Draft	3
Divided reports	3

Respectfully submitted,

S/ EDGAR E. ERWIN

Senate Chair

S/ JOHN M. MICHAEL

House Chair

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
JOINT SELECT COMMITTEE ON WOOD MEASUREMENT
111th Legislature

April 10, 1984

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

Dear President Conley:

We are pleased to report that all business which was placed before the Joint Select Committee on Wood Measurement during the second regular session of the 111th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	1
Unanimous reports	0
Leave to Withdraw	0
Ought to Pass	0
Ought Not to Pass	0
Ought to Pass as Amended	0
Ought to Pass in New Draft	0
Divided reports	1

Respectfully submitted,

S/ FRANK P. WOOD

Senate Chair

S/ PAUL JACQUES

House Chair

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
COMMITTEE ON AGING, RETIREMENT AND VETERANS
111th Legislature

April 10, 1984

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

Dear President Conley:

We are pleased to report that all business which was placed before the Committee on Aging, Retirement and Veterans during the second regular session of the 111th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	8
Unanimous reports	6
Leave to Withdraw	5
Ought to Pass	1
Ought Not to Pass	0

Ought to Pass as Amended	0
Ought to Pass in New Draft	0
Divided reports	2

Respectfully submitted,

S/ CHARLES G. DOW

Senate Chair

S/ DANIEL B. HICKEY

House Chair

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
COMMITTEE ON ENERGY AND NATURAL RESOURCES
111th Legislature

April 11, 1984

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

Dear President Conley:

We are pleased to report that all business which was placed before the Committee on Energy & Natural Resources during the second regular session of the 111th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	38
Unanimous reports	33
Leave to Withdraw	14
Ought to Pass	4
Ought Not to Pass	0
Ought to Pass as Amended	5
Ought to Pass in New Draft	10
Divided reports	5

Respectfully submitted,

S/ JUDY KANY

Senate Chair

S/ DON HALL

House Chair

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
COMMITTEE ON PUBLIC UTILITIES
111th Legislature

April 11, 1984

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

Dear President Conley:

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

Total number of bills received	40
Unanimous reports	37
Leave to Withdraw	13
Ought to Pass	11
Ought Not to Pass	0
Ought to Pass as Amended	7
Ought to Pass in New Draft	6
Divided reports	3

Respectfully submitted,

S/ JOHN E. BALDACCI

Senate Chair

S/ HARRY VOSE

House Chair

Which was READ and ORDERED PLACED ON FILE.

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$1,500,000 for the Design, Construction and Equipping of a Crime Lab and Morgue" (Emergency) H. P. 1726 L. D. 2279

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-698).

Signed:

Senators:

BROWN of Washington

NAJARIAN of Cumberland
Representatives:
LISNIK of Presque Isle
CONNOLLY of Portland
CHONKO of Topsham
KELLEHER of Bangor
CARTER of Winslow

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

Signed:
Senator:
PERKINS of Hancock
Representatives:
JALBERT of Lewiston
SMITH of Mars Hill
MASTERTON of Cape Elizabeth
BELL of Paris
ARMSTRONG of Wilton

Comes from the House with the Majority Ought to Pass Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-698).

Which Reports were READ.

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

SENATOR PERKINS: Mr. President and Ladies and Gentlemen of the Senate, I, as a co-sponsor of this piece of legislation, this Bond Issue, I hold it in the same high regard as all the other bond issues, which we worked on today, and which fall under the same category as the good Senator from Knox referred to earlier this afternoon, however, because of the magnitude of the bond issues, and because I think this falls in the same classification, I am on the Ought Not to Pass side of this, and would, therefore, be in favor at this time, of the Ought Not to Pass Report.

THE PRESIDENT: Is the Senator making a motion that the Senate accept the Minority Ought Not to Pass Report?

SENATOR PERKINS: Very much.

THE PRESIDENT: The Senator from Hancock, Senator Perkins, moves that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Washington, Senator Brown.

SENATOR BROWN: Mr. President, I request a Division.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of Accepting the Minority Ought Not to Pass Report of the Committee, 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.

11 Senators having voted in the affirmative, and 16 Senators having voted in the negative, the motion to ACCEPT the Minority OUGHT NOT TO PASS Report FAILED.

The Majority OUGHT TO PASS as Amended Report was ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-698) was READ and ADOPTED, in concurrence.

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, in concurrence.

Divided Report

The Majority of the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$1,500,000 for Restoration and Preservation of Historic Structures" H. P. 1727 L. D. 2280

Reported that the same Ought to Pass as

Amended by Committee Amendment "A" (H-699).

Signed:
Senators:
BROWN of Washington
NAJARIAN of Cumberland

Representatives:
JALBERT of Lewiston
LISNIK of Presque Isle
CONNOLLY of Portland
CHONKO of Topsham
CARTER of Winslow
KELLEHER of Bangor

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

Signed:
Senator:
PERKINS of Hancock
Representatives:
SMITH of Mars Hill
MASTERTON of Cape Elizabeth
BELL of Paris
ARMSTRONG of Wilton

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-699).

Which Reports were READ.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Najarian.
SENATOR NAJARIAN: Mr. President, I move that the Senate accept the Majority Ought to Pass as Amended Report.

THE PRESIDENT: The Senator from Cumberland, Senator Najarian, moves that the Senate Accept the Majority Ought to Pass as Amended Report of the Committee.

The Chair recognizes the Senator from Hancock, Senator Perkins.

SENATOR PERKINS: Mr. President and Ladies and Gentlemen of the Senate, the same situation occurs on this piece of legislation as the previous one.

We would feel that we should prioritize our bond issues, and that we should wait and have them all under one dealing, so therefore, I would hope that you would reject the Ought to Pass and act in favor of the Ought Not to Pass.

THE PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Najarian, to Accept the Majority Ought to Pass Report of the Committee, 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.

17 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion to ACCEPT the Majority OUGHT TO PASS as Amended Report PREVAILED.

The Bill READ ONCE.

Committee Amendment "A" (H-699) was READ and ADOPTED, in concurrence.

THE PRESIDENT: 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 concurrence.

Divided Report

The Majority of the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$15,735,000 to Plan, Construct and Equip Pollution Abatement Facilities and to Abate, Clean Up and Mitigate Threats to Public Health and the Environment from Uncontrolled Hazardous Substance Sites" (Emergency) H. P. 1772 L. D. 2340

Reported that the same Ought to Pass as Amended by Committee Amendment "A"

(H-700).

Signed:
Senators:
NAJARIAN of Cumberland
BROWN of Washington
Representatives:
JALBERT of Lewiston
LISNIK of Presque Isle
CONNOLLY of Portland
CHONKO of Topsham
CARTER of Winslow
KELLEHER of Bangor

The Minority of the same Committee on the same subject reports that the same Ought to Pass as Amended by Committee Amendment "B" (H-701).

Signed:
Senator:
PERKINS of Hancock
Representatives:
SMITH of Mars Hill
BELL of Paris
ARMSTRONG of Wilton
MASTERTON of Cape Elizabeth

Comes from the House with the Majority Ought to Pass Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-700).

Which Reports were READ.

On motion by Senator NAJARIAN of Cumberland the Majority OUGHT TO PASS as Amended Report ACCEPTED, in concurrence. The Bill READ ONCE.

Committee Amendment "A" (H-700) was READ and ADOPTED, in concurrence.

THE PRESIDENT: 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 concurrence.

On motion by Senator PRAY of Penobscot, there being no objections all matters previously acted upon, with the exception of one Held Bill, were sent forthwith.

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 Reduce the Cost of Workers' Compensation Rates to Maine Employers" H. P. 412 L. D. 495

Bill "An Act to Provide for Exclusive State Funding of Workers' Compensation" H. P. 414 L. D. 497

Bill "An Act to Establish a Competitive State Workers' Compensation Insurance Fund" H. P. 604 L. D. 752

Bill "An Act to Provide a Transition Period for Certain Educational Equivalence Provisions in the Psychologists License Law" H. P. 1786 L. D. 2362

ENACTORS

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

AN ACT Clarifying the Extension of Consumers' Freedom of Choice Regarding Insured Mental Health Services. H. P. 1847 L. D. 2442 (S. "A" S-395)

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

AN ACT to Establish a Maine Life and Health

Insurance Guaranty Association. H. P. 1852 L. D. 2453

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

Emergency Resolve

Resolve, to Establish a Select Committee Concerning Forest Practices in the State. H. P. 1776 L. D. 2354 (S. "B" S-381)

Comes from the House FAILING OF FINAL PASSAGE.

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

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

COMMITTEE REPORT House

Divided Report

The Majority of the Committee on JUDICIARY on Bill "An Act to Create the Office of Domestic Relations. H. P. 1696 L. D. 2230

Reported that the same Ought to Pass in New Draft under New Title Bill "An Act to Revise Child Custody Terminology, Enact 'Best Interest of the Child' Criteria and Provide for mandatory Mediation in Cases of Separation, Annulment or Divorce Where There is a Contested Issue Involving Children" H. P. 1861 L. D. 2466

Signed:

Senators:

TRAFTON of Androscoggin
COLLINS of Knox
VIOLETTE of Aroostook

Representatives:

HOBBS of Saco
DRINKWATER of Belfast
LIVESAY of Brunswick
SOULE of Westport
JOYCE of Portland
BENOIT of South Portland
FOSTER of Ellsworth
HAYDEN of Durham

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

Signed:

Representatives:

CARRIER of Westbrook
REEVES of Newport

Comes from the House, the Majority Ought to Pass in New Draft under New 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 UNDER NEW TITLE Report was ACCEPTED, in concurrence.

The Bill in NEW DRAFT UNDER NEW TITLE READ ONCE.

THE PRESIDENT: Is it the pleasure of the Senate that under suspension of the rules 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.

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

COMMUNICATION

The Following Communication:

COMMITTEE ON EDUCATION 111th Legislature

April 11, 1984

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

Dear President Conley:

We are pleased to report that all business which was placed before the Committee on

Education during the second regular session of the 111th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	30
Unanimous reports	28
Leave to Withdraw	9
Ought to Pass	7
Ought Not to Pass	0
Ought to Pass as Amended	5
Ought to Pass in New Draft	7
Divided reports	2

Respectfully submitted,

S/ KENNETH P. HAYES

Senate Chair

S/ STEPHANIE LOCKE

House Chair

Which was READ and ORDERED PLACED ON FILE.

COMMITTEE REPORTS Senate

Divided Report

The Majority of the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Authorize a Bond Issue in the Amount of \$3,000,000 for the Elimination of Asbestos Hazards in Public School Buildings" S. P. 582 L. D. 1690

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-413)

Signed:

Senators:

NAJARIAN of Cumberland
BROWN of Washington

Representatives:

JALBERT of Lewiston
LISNIK of Presque Isle
CONNOLLY of Portland
CHONKO of Topsham
KELLEHER of Bangor
CARTER of Winslow

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

Signed:

Senator:

PERKINS of Hancock

Representatives:

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

Which Reports were READ.

The Majority OUGHT TO PASS as Amended Report was ACCEPTED.

The Bill READ ONCE.

Committee Amendment "A" (S-413) was READ and ADOPTED.

THE PRESIDENT: 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.

Sent down for concurrence.

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

RECESS

AFTER RECESS

The Senate called to order by the President.

Under suspension of the rules, the Senate voted to consider the following:

ENACTOR

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

AN ACT to Revise the Wood Measurement Law. S. P. 889 L. D. 2404 (H. "A" H-691 to S. "A" S-372; H. "D" H-704)

Which was PASSED TO BE ENACTED.

(See action later in today's session)

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order: H. P. 1863

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation report out a bill to the House entitled "An Act to Provide for Property Tax Relief, Income Tax Conformity and Other Changes Relating to Tax Conformity"

Comes from the House READ and PASSED.

Which was READ and PASSED in concurrence.

On motion by Senator CARPENTER of Aroostook, the Senate removed from the TABLE:

Emergency Resolve

Resolve, to Establish a Select Committee Concerning Forest Practices in the State. H. P. 1776 L. D. 2354 (S. "B" S-381)

Tabled earlier in today's session, on motion by Senator CARPENTER of Aroostook.

Pending FINAL PASSAGE.

(Comes from the House FAILING OF FINAL PASSAGE)

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

Senator CARPENTER of Aroostook moved the Senate RECONSIDER its action whereby it PASSED TO BE ENACTED:

AN ACT to Revise the Wood Measurement Law. S. P. 889 L. D. 2404 (H. "A" H-691 to S. "A" S-372; H. "D" H-704)

THE PRESIDENT: The pending question before the Senate is the motion by Senator Carpenter of Aroostook, (Senator Carpenter having voted on the prevailing side) that the Senate Reconsider its action whereby it Enacted S. P. 889, L. D. 2404.

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

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

A Viva Voce Vote being had the motion to RECONSIDER FAILED.

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

On motion by Senator CARPENTER of Aroostook, ADJOURNED until 9:30 o'clock tomorrow morning.