

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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STATE OF MAINE
One Hundred and Eleventh Legislature
Second Regular Session
JOURNAL OF THE SENATE
In Senate Chamber
Thursday
April 12, 1984
Senate called to Order by the President.

Prayer by The Honorable Walter Hichens of York.

SENATOR HICHENS: May we pray? Our heavenly Father, we bow before Thee, thanking Thee for this new day.

As the radiance of the sun, after the dreary weather we have had, floods the earth we pray, Lord: that the radiance of Thy Love may flood our hearts, that Thou will grant us wisdom and understanding in the decisions which we have to make today.

We pray for the President of the Senate, that Thou will give him physical stamina as the days grow longer and the issues grow stronger. Guide each one of us, and help us to abide in Thy will.

We ask in Thy Name. Amen.

Reading of the Journal of Yesterday.

(OFF RECORD REMARKS)

COMMUNICATION

The Following Communication:

April 11, 1984

HOUSE OF REPRESENTATIVES 111th Legislature

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 it Indefinitely Postponed Joint Resolution Requesting a Study of Costs to Maine Taxpayers for Workers' Compensation (S. P. 909)

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

Which was READ and ORDERED PLACED ON FILE.

(OFF RECORD REMARKS)

ORDERS OF THE DAY

The President laid before the Senate:

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—April 11, 1984 by Senator PRAY of Penobscot.

Pending—FINAL PASSAGE.
(In House April 11, 1984 FAILED OF FINAL PASSAGE.)

(In Senate April 9, 1984 PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-381))

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

SENATOR CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, what I propose to do this morning is to offer an amendment. Mr. President, I would move that the Senate Suspend its Rules for the purposes of Reconsideration.

On motion by Senator CARPENTER of Aroostook 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.

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

On further motion by the same Senator, the Senate RECONSIDERED its action whereby it ADOPTED Senate Amendment "B" (S-381).

On further motion by the same Senator, Sen-

ate Amendment "B" (S-381) was INDEFINITELY POSTPONED in NON-CONCURRENCE.

THE PRESIDENT: The Senator has the floor.
SENATOR CARPENTER: Mr. President I now offer Senate Amendment "C" to L. D. 2354 under filing number S-415 and move its Adoption and would speak briefly.

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

Senate Amendment "C" (S-415) was READ.

THE PRESIDENT: The Senator has the floor.
SENATOR CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, what this amendment does is: one, remove the emergency preamble; and two, it adds a public member to the Committee. To the best of my knowledge, other than some members, I do not know of any organization that has a problem with the Bill as it is now constructed. I move that this Bill be Passed to be Engrossed and sent down for concurrence.

Senate Amendment "C" (S-415) was ADOPTED.

On motion by Senator CARPENTER of Aroostook 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:

COMMITTEE REPORTS

Senate

Ought to Pass in New Draft

Senator COLLINS for the Committee on JUDICIARY on Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) S. P. 877 L. D. 2382

Reported that the same Ought to Pass in New Draft under same title (Emergency) S. P. 911 L. D. 2462

Which Report was READ and ACCEPTED.
The Bill READ ONCE.

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

Divided Report

Nine Members of the Committee on ENERGY AND NATURAL RESOURCES on Bill "An Act to Reduce Minimum Fees and Provide for Implementation of the Chemical Substance Identification Law" (Emergency) S. P. 719 L. D. 1977

Reported in Report "A" that the same Ought to Pass in New Draft under same title (Emergency) S. P. 915 L. D. 2463

Signed:

Sensors:

PEARSON of Penobscot
KANY of Kennebec

Representatives:

MICHAEL of Auburn
HALL of Sangerville
MICHAUD of East Millinocket
MITCHELL of Freeport
McGOWAN of Pittsfield
JACQUES of Waterville
RIDLEY of Shapleigh

Three Members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass in New Draft Under New Title Bill "An Act to Remove Fees and Provide for Implementation of the Chemical Substance Identification Law" (Emergency) S. P. 916 L. D. 2464

Signed:

Sensor:

McBREAIRTY of Aroostook

Representatives:

BROWN of Livermore Falls
DEXTER of Kingfield

One Member of the same Committee on the same subject matter Reported in Report "C" that the same Ought to Pass in New Draft under New Title Bill "An Act to Remove Fees

and Provide for Implementation of the Chemical Substance Identification Law" S. P. 917 L. D. 2465

Signed:

Representative:

KIESMAN of Fryeburg

Which Reports were READ.

Report "A" OUGHT TO PASS IN NEW DRAFT (S. P. 915) (L. D. 2463) Report was ACCEPTED.
The Bill in NEW DRAFT READ ONCE.

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

The Chair recognizes the Senator from Washington, Senator Brown.

SENATOR BROWN: Thank you, Mr. President, Ladies and Gentlemen, there has been a considerable amount of concern over this particular bill during this Legislative Session.

THE PRESIDENT: The Chair would state as to whether or not the Senator objects to this bill being given its Second Reading at this time?

SENATOR BROWN: Yes I would, Mr. president. I would like to comment on the Bill before it is passed any further.

THE PRESIDENT: The Chair would state that there is objection to Suspension of the Rules.

The Chair recognizes the Senator from Washington, Senator Brown.

SENATOR BROWN: Mr. President, I was expecting this morning when three separate reports came along on this particular bill that we might hear some discussion concerning it. There has been a great deal of concern from a lot of people in this State about what the disposition of this particular piece of legislation would be. I realize that we have to do something, but I wondered if either someone from the Energy and Natural Resources Committee, or someone that signed on the Minority Report might give us a little insight as to the differences in these three reports?

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

SENATOR KANY: Mr. President and Members of the Senate, first of all for a little tiny bit of history. In 1979 the Legislature unanimously passed law which few employers learned about, and which did not authorize the Department of Labor, really, to implement. That particular law was amended last year, really, amended to do precisely what the Maine AFL and the Associated Industries of Maine agreed upon, they came to us with their compromise and we allowed that compromise to become law.

The Department of Labor put forth some rules and, unfortunately, did one heck of a poor job of letting the employers of the State know precisely what hazardous chemicals probably existed in their work places and what they could do to prevent occupational illness and long-term cancer resulting from the handling of chemicals.

Now the situation is that the Energy and Natural Resources Committee has spent several months developing this legislation. I think that even most of those on other reports agreed that the Majority Report is extremely well thought through, everything has been developed finally, with a fine tooth comb.

I would, also, like to add that after, after we passed that legislation, (that compromise legislation from labor and management that they had agreed upon) the Federal government finally, after years of putting off, finally came through with the Federal rule regarding hazardous chemicals in the work place last November. So we have taken into consideration definitions and what will occur under that Federal rule.

I would like to point out to you that beginning really in 1986, assuredly, that there will be a Federal preemption on hazardous chemicals in the work place in manufacturing, for manufacturing employers only. That means that all

government employees will not come under that at all. All utility employees and all other types of employees, construction workers and so on do not fall into the manufacturing industry categories.

Therefore, we have more or less patterned our law on the Federal rule taking that into consideration and we are taking advantage of information which will finally be available to the employers of this State because of the Federal rule and I do appreciate that. First, beginning in November of 1985 the Federal rule will require that all chemical manufacturers label those hazardous chemicals coming from their plants. That means whatever their destination, whether it be to manufacturing employers to others finally those hazardous chemicals will carry a label.

Secondly, that Federal rule requires that hazardous materials safety data sheets accompany those hazardous chemicals so that employers can communicate the hazards and can help prevent illness and accidents, chemically related accidents, from occurring to their employees.

Now the Federal rule requires only that those material safety data sheets be required to go to the manufacturing employers, but it does make it clear that those must be available for all other employers, also. The availability will be assured beginning by the end of 1985. Consequently, we have used those dates on availability of information in this law.

We have, by the way, tried to carefully think through what hazardous chemicals should be exempted from this.

Other than that I would be happy to go into a great deal more detail on this legislation, but this is something that I believe you can be proud of both as you speak with the employers of the State and the employees.

We have reduced the fee to just a ten dollar fee for almost all employers and it is not higher and we are exempting many employers, all employers particularly that have three or fewer employees.

So I think that we have done a good job, and if you have any questions either now or individually I would be happy to go through them with all of you.

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

SENATOR USHER: Mr. President, looking at this L. D. 2463 I am not concerned about the cost of the ten dollars, I don't think that that is going to hurt anybody. What I am concerned about is on page 12: "Employee Information and Training." Where I work there are over two thousand people, does this mean that over two thousand people have to be trained, whether they work in the office or not? We have over four hundred people in the office and they don't come into any contact with the chemicals that we do have at the plant. I am very concerned about the training program that will have to be taken care of.

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

SENATOR KANY: Mr. President and Members of the Senate, knowing where the gentleman from Cumberland works, which is at S.D. Warren which is a manufacturing employer that under the Federal rule that manufacturing employer would be required to provide such training beginning in 1986.

I would like to point out that our law on the books since 1980 required more training than this proposed legislation does. The law presently on our books required annual training and this does not. This requires before assuming a particular position that there be training and then upon occasion for certain instances that more training could be required.

I do believe that you have to remember the significance of what we are discussing. Maine in 1982 had four times the national average of occupational illness instances, and three times in 1981. That is significant and it is supposed by

the Federal OSHA and . . . even during the Reagan Administration that most such occupational illnesses are related to hazardous chemicals.

I would, also, like to point out that probably there is gross under reporting of occupational illness particularly chemically induced, because of the fact that many of them result in cancers many years later, and therefore have not been directly linked to the hazardous chemicals in the work place but no doubt in the future they should be.

So this legislation, by the way, does not prohibit a single manufacturer from using a single hazardous substance, not a single one, no prohibition, there is not even regulation of that hazardous chemical. All it does is try to assure some communication so that illness, such as cancers and others and accidents related to chemicals can be avoided.

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

It is a vote.

Under suspension of the rules the Bill in NEW DRAFT (S. P. 915, L. D. 2463) READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

On motion by Senator PRAY of Penobscot all matters previously acted upon were sent forthwith.

SENATE AT EASE

The Senate called to order by the President.

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

Confirmation of the recommendation of the Joint Standing Committee on Agriculture on Russell Pinfold of Brunswick as the Veterinarian Representative of the Animal Welfare Board.

Tabled—March 2, 1984 by Senator PRAY of Penobscot.

Pending—CONFIRMATION.

(OFF RECORD REMARKS)

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

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS—None.

NAYS—Senators, Baldacci, Brown, Bustin, Carpenter, Charette, Clark, Collins, Danton, Dow, Emerson, Erwin, Gill, Hayes, Hichens, McBreairty, Minkowsky, Najarian, Pearson, Perkins, Pray, Redmond, Sewall, Shute, Teague, Trafton, Twitchell, Usher, Violette, Wood, The President—Gerard P. Conley.

ABSENT—Senators, Diamond, Dutremble, Kany.

No Senators having voted in the affirmative and 30 Senators having voted in the negative, with 3 Senators being absent, and None being less than two-thirds of the membership present, it was the vote of the Senate that the Committee's recommendation be ACCEPTED.

The nomination of Russell Pinfold, DVM was CONFIRMED.

The Secretary was directed to inform the Speaker of the House.

On motion by Senator CARPENTER of Aroostook the Senate voted to consider the following:

SECOND READER

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) S. P. 911 L. D. 2462

On motion by Senator CARPENTER of Aroostook, under suspension of the rules the Bill READ A SECOND TIME and PASSED TO BE ENGROSSED.

Sent down for concurrence.

(OFF RECORD REMARKS)

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

SENATOR PRAY: Mr. President, a parliamentary inquiry.

THE PRESIDENT: The Senator may state his inquiry.

SENATOR PRAY: Mr. President has the Enrolled Bill been sent forthwith?

THE PRESIDENT: Not at this moment, it has been Passed to be Engrossed and to be sent down for concurrence.

On motion by Senator PRAY of Penobscot all matters previously acted upon were sent forthwith.

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

RECESS

AFTER RECESS

The Senate called to order by the President.

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

PAPERS FROM THE HOUSE

Joint Resolution

The Following Joint Resolution: H. P. 1860 JOINT RESOLUTION MEMORIALIZING THE HONORABLE RONALD W. REAGAN, PRESIDENT OF THE UNITED STATES, TO SUPPORT AND AFFIRM FAIR TRADE IN THE BEST INTEREST OF AMERICAN SHOE WORKERS AND MANUFACTURERS

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the Second Regular Session of the One Hundred and Eleventh Legislature, now assembled, most respectfully present and petition President Ronald W. Reagan, as follows:

WHEREAS, imported shoes took 65% of the American market in 1983; and

WHEREAS, under the Orderly Marketing Agreement negotiated with Korea and Taiwan, in 1976, imports were held to 51% of the United States market; and

WHEREAS, this agreement was terminated by President Reagan in 1981, against the recommendations of the International Trade Commission; and

WHEREAS, since termination of the agreement, Korean imports have increased by 46% and Taiwanese imports have increased by 64%; and

WHEREAS, Maine, as the leading shoe-producing state in the nation, has been suffering from the damage of skyrocketing imports during these past 3 years; and

WHEREAS, hundreds of Maine workers have been displaced by the closings of G.H. Bass in North Jay, Farmington Shoe in Farmington, Melville Shoe in Brunswick, Nike of Saco and G.H. Bass in Rumford; and

WHEREAS, the Federal Government has failed to define import limitations, thereby permitting partially-assembled items to be imported as raw materials and reducing the number of direct manufacturing jobs; and

WHEREAS, the International Trade Commission has been petitioned by both shoe manufacturers and shoe workers to forward its recommendations for import relief to the President of the United States; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and request that the Honorable Ronald W. Reagan, President of the United States, take affirmative action to support and affirm fair trade in the best interest of American shoe workers and manufacturers; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted forthwith by the Secretary of State to the President of the United States, Ronald W. Reagan.

Comes from the House READ and ADOPTED. Which was READ and ADOPTED, in concurrence.

ENACTORS

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

AN ACT to Encourage the Use of Wood and Solid Waste as a Source of Energy in State-owned Buildings. S. P. 879 L. D. 2383 (S. "A" S-393 to S. "A" S-371)

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

AN ACT to Provide Operating Funds for the Spruce Budworm Management Program and to Assure an Accurate Accounting of its Costs. H. P. 1859 L. D. 2460

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 Establish the Maine Job-start Program. H. P. 1855 L. D. 2456

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 (S. "A" S-394; H. "A" H-676)

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

SENATOR MINKOWSKY: Mr. President, Members of the Senate, the present Bill before us, L. D. 2418, with its amendments, insofar as I am personally concerned is absolutely not necessary.

One thing of significant value that we have tried to abide by over the years is to appreciate municipal home rule, and the ramifications involved in letting the local municipality make their own decisions. One specific example that stands out very clearly in L. D. 2418, which I brought up previously when the Bill first came out of Committee, the "Mandatory appointment of Code Enforcement Officers in all municipalities." The mandatory in all municipalities. "A Code Enforcement Officer may be authorized to serve civil process and represent a municipality in court, provided that the officer is certified."

We cannot, in Augusta, keep mandating each and every thing that some people find wrong that's happening throughout the State of Maine. I think that is the decision of the local municipal officials and not of the State Legislature. Nobody takes into consideration the additional costs when you mandate these particular requirements. I don't know in a smaller municipality, but at least in the City of Lewiston, we're talking of a person that can make between \$18 and \$24,000 per year, and possibly, if you go through the civil process, we're giving this person police rates.

An interesting thing on the amendment, the House Amendment, there seems to be like a Robin Hood situation here in one respect: it deals primarily with the cost the attorney will

get; it seems there's more concern being placed on placing fines upon the violators, and I consider those fines excessive for violations relevant to the land use laws. I find it equally interesting that under House 676, that it has a special provision: "unless the court finds that special circumstances make the award of these fees unjust," meaning the awards to the attorneys. That tells me one thing also, if they can use the word unjust that seems to be an indication that certain lawyers who have been processing these particular claims, have certainly had their fees at a very, very high rate which could be classified as unjust. I think the term is correct.

The maximum penalty, in Senate Amendment 394, which I discussed yesterday and justifiably so, because as I looked at the amendment, I looked at everything being underlined as something new. "The Maximum Civil Penalty. The maximum civil penalty may exceed \$10,000 for each day of the violation, but shall not exceed \$25,000 for each day of the violation" and the other stipulation that the party involved has not had any serious offense in the past five years.

How do we, in God's creation, expect to entice industry of a diversified nature to come into Maine with all these State mandated requirements? I think you're throwing up the red flag right here to say, people, before they even consider coming into Maine, number one, to increase our tax base in our community, number one, to hire our people, we have polluters, there's no doubt about it, I'm not defending these polluters. I'm just defending an equitable, fair way of addressing this situation which cannot be rammed through so quickly. These things have to take time, and these people have to adapt to it.

I get the indication there that these industries have no other operating expenses except to meet these particular requirements.

I'm going to ask, Mr. President, that this Bill be Indefinitely Postponed, and I simply request a division.

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

SENATOR KANY: Mr. President and Members of the Senate, I hope that you vote against the impending motion and I'd like to speak to a few of the points that the good Senator from Androscoggin made.

First of all, the code enforcement officers, any training for them, any certification, is purely of a voluntary nature, and also, allows the municipality if it chooses to have that code enforcement officer represent it in court. This is truly a municipalities law we're trying to stress and try to create for them the tools that they have sought so long, and we are allowing, both the other Body and this Body, chose to make it clear that we believe that the municipalities should be reimbursed for their expenses on prosecuting violators and I certainly hope that you do go along with the law.

Once again, remember, we're talking about plumbing codes, we're talking largely about items that affect the quality of the State's water and certainly, this in one more bill that can help us prevent further dilution and pollution of our water supply.

THE PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, has moved that An Act Relating to Enforcement of Land Use Laws, S. P. 900, L. D. 2418, and all its accompanying papers be Indefinitely Postponed.

A Division has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

SENATOR TRAFTON: Thank you, Mr. President. Mr. President and Members of the Senate, this Bill, which is the subject of this debate, is the sole product of the Commission on Local Land Use Violations of which I was the Chair.

This Bill was developed for, and at the request of many municipalities throughout the State. The Commission was represented by va-

rious local officials. Many local officials appeared at the public hearings and the public work sessions, which we had, to develop this piece of legislation. Since the legislation has been available in print, I personally have received many calls of support and letters of support from municipal officials throughout the State. In fact this is, as the good Senator from Kennebec, Senator Kany indicates, a "towns bill."

I think we must take the perspective that State Government in the past has passed many laws, such as shore land zoning, which have mandated the towns to enforce, on their own, new ordinances required by the State. Little has been done to ease the burden of these enforcement responsibilities. This Bill is the first measure since shore land zoning, enacted several years ago, which assists the municipality, makes their job easier.

I urge you to support this for your own municipalities, and to streamline the process in court to reduce the amount of attorneys involvement and to ultimately have better enforcement of our land use laws, both at the local level and the State level.

So, I urge you to vote against the Senator from Androscoggin, Senator Minkowsky's motion for Indefinite Postponement. Thank you.

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

SENATOR MCBREAIRTY: Mr. President, Honorable Members of the Senate, if this were the Majority Report, I would be supporting Senator Minkowsky.

This is the Minority Report and I think a good step in the right direction to help the towns enforce our environmental laws and I would hope that you would go against the Indefinite Postponement. Thank you.

THE PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Androscoggin, Senator Minkowsky, to Indefinitely Postpone L. D. 2418 and all its accompanying papers, 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.

1 Senator having voted in the affirmative and 27 Senators having voted in the negative, the motion to INDEFINITELY POSTPONE the Bill and all its accompanying papers FAILED.

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

(OFF RECORD REMARKS)

Emergency

AN ACT Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws. S. P. 899 L. D. 2417 (S. "A" S-377; S. "B" S-382)

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

SENATOR MCBREAIRTY: Mr. President, I wish permission to speak briefly on this item.

THE PRESIDENT: The Senator has the floor.

SENATOR MCBREAIRTY: Mr. President, Honorable Members of the Senate, it has been the policy of the Audit Committee to take roll call votes on each recommendation that goes into the Audit Bill. By doing this we can be on Record as to how we stand on each item in the Bill and still have a unanimous report from Committee.

I would like the Legislative Record to show that even though L. D. 2417 came out of Committee unanimous, the Committee Roll Call will show that I did not vote in favor of several items in this Bill. Thank you.

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 Authorizations and Allocations Relating to Federal Block Grants for the Expenditures of State Government for the Fiscal Year Ending June 30, 1984. S. P. 914 L. D. 2461

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.

Out of order and 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 Require Maintenance of Financial Responsibility by All Motorists. H. P. 1843 L. D. 2447 (S. "A" S-392)

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

SENATOR SEWALL: Thank you, Mr. President. I move the Indefinite Postponement of this Bill and all its accompanying papers, and request a Roll Call.

THE PRESIDENT: The Senator from Lincoln, Senator Sewall, has moved the Indefinite Postponement of this Bill and all its accompanying papers.

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

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

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

The Chair recognizes the Senator from Cumberland, Senator Clark.

SENATOR CLARK: Thank you, Mr. President. Mr. President and Men and Women of the Senate, this afternoon we have an answer. L. D. 2447 is a satisfactory answer to the question that I posed. Why shouldn't all motorists in Maine be required to carry liability insurance to make sure or certain that they are financially responsible for any damage or injury they cause to others.

Thank you, Mr. President.

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

SENATOR SEWALL: Mr. President, I would just say that in answer to the question, it is totally and completely unenforceable.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Lincoln, Senator Sewall, to Indefinite Postpone An Act to Require Maintenance of Financial Responsibility by All Motorists. H. P. 1843 L. D. 2447

A Yes vote will be in favor of the 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, Bustin, Carpenter, Collins, Danton, Emerson, Gill, McBrearty, Pearson, Perkins, Pray, Redmond, Sewall, Teague, Violette.

NAYS—Senators, Brown, Charette, Clark, Dow, Dutremble, Erwin, Hayes, Kany, Minkowsky, Najarian, Shute, Trafton, Twitchell, Usher, Wood, The President—Gerard P. Conley.

ABSENT—Senators, Diamond, Hichens.

15 Senators having voted in the affirmative

and 16 Senators having voted in the negative, with 2 Senators being absent, the motion to INDEFINITELY POSTPONE the Bill and all its accompanying papers FAILED.

On motion by Senator DANTON of York placed on the SPECIAL HIGHWAY APPROPRIATIONS TABLE pending ENACTMENT.

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

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

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

On motion by Senator CARPENTER of Aroostook,

RECESSED until 2:30 this afternoon.

RECESS

AFTER RECESS

The Senate called to order by the president.

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

COMMUNICATIONS

The Following Communication:
JOINT SELECT COMMITTEE ON
ALCOHOLISM SERVICES

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 Alcoholism Services 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	5
Unanimous reports	4
Leave to Withdraw	1
Ought to Pass	0
Ought Not to Pass	0
Ought to Pass as Amended	3
Ought to Pass in New Draft	0
Divided reports	1

Respectfully submitted,

S/ BEVERLY M. BUSTIN

Senate Chair

S/ NEIL ROLDE

House Chair

Which was READ and ORDERED PLACED ON FILE.

The Following Communication:
COMMITTEE ON BUSINESS LEGISLATION

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 Business Legislation 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	44
Unanimous reports	40
Leave to Withdraw	12
Ought to Pass	6
Ought Not to Pass	2
Ought to Pass as Amended	8
Ought to Pass in New Draft	12
Divided reports	4

Respectfully submitted,

S/ NANCY RANDALL CLARK

Senate Chair

S/ JOSEPH C. BRANNIGAN

House Chair

Which was READ and ORDERED PLACED

ON FILE.

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 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

In Senate April 11, 1984 PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-396).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-396) AND HOUSE AMENDMENT "A" (H-697) IN NON-CONCURRENCE.

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

SENATOR NAJARIAN: Mr. President, I move that the Senate Insist.

THE PRESIDENT: The Senator from Cumberland, Senator Najarian, now moves that the Senate Insist.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from York, Senator Dutremble.

SENATOR DUTREMBLE: I move that the Senate Recede and Concur.

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

The Chair recognizes the Senator from Cumberland, Senator Najarian.

SENATOR NAJARIAN: I request a Division.

THE PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from York, Senator Dutremble.

SENATOR DUTREMBLE: Mr. President, first of all I'd like to request a Roll Call and would like to speak to my motion.

Of course, it's the same Bill we had yesterday, but the other Body has seen fit to do away with the 8% alcohol, or to make sure the 8% alcohol discount remains the way it is now.

If you remember yesterday, I told you that I had great concerns about the fact that we're letting the Appropriations Committee do things that should be left up to other committees to do. I guess what we should ask ourselves is, knowing that the Appropriations Committee already has a great degree of power, are you willing to allow them to be given that much more authority, that they can take issues that have been dealt with in this Legislature in previous years and allow them to make decisions that other committees have decided differently on? That is really what the issue is here.

All those of you who have served as chairman of a committee whether you are Republican or a Democrat, all those of you who served on committees, you know that when you deal with issues in your committee, you have the expertise to deal with those issues and you're not just thinking of the monies involved but how it will affect certain groups.

I think that when the Appropriations Committee dealt with this issue, they thought of money that could be saved and made available for other programs, other new programs. I think that before we do things like this that we should follow the process. If they want to take the 8% discount off, then let this issue go to the Legal Affairs Committee where it properly belongs, because maybe in the future, the Appropriations Committee will see fit to take issues that belong to your committee, and I don't think that any of us would appreciate that.

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

SENATOR NAJARIAN: Mr. President, Members of the Senate. I'm really sorry that the good Senator from York, Senator Dutremble

perceives this a some kind of a power grab on the part of the Appropriations Committee.

You know, when the Appropriations Committee deals with the budget, we deal with every department in State Government, over which there is an existing Committee in this Legislature. We deal with matters appropriating money for agriculture, there is an Agricultural Committee. We deal with Health and Institutional Services issues on money matters and there is a Health and Institutional Services Committee, the same with Legal Affairs, almost any committee you want to name. There is no Department of Appropriations for us to have oversight over, but through tradition up here in the Legislature for probably since its beginning, since there's been an Appropriations Committee, it was decided it was best for fiscal reasons to have one committee overseeing the finances of State Government. We'd be like Congress if we had every committee of the Legislature coming out with bills and appropriations for the area that that committee has oversight over, we'd probably have a deficit like Congress, if our Constitution permitted it. That's the reason.

The reason we put in the \$1.2 million was simply because we've been hearing from people in the Legislature, from people in the public, all this year on needs, wants programs, we tried to find additional money. We had no other alternative, we did not perceive that anybody would be hurt by this. All we're talking about was a cost to the licensee on one ounce of liquor, an increase of three to five cents, when they already sell that for two dollars, two fifty, three dollars, you name it. We did not perceive that anybody was going to get hurt by that.

We have other things that come up at the end of the Session that we put in without a public hearing, this Legislature approves things without a public hearing, we've got bills coming back and forth on the Legislative increase that the Legislature did not hold a public hearing on, a collective bargaining agreement that's coming in here that will be on our Calendars probably tonight or tomorrow, a settlement will not have a public hearing, the tax conformity thing removing five percent from the sales tax on cigarettes did not have a public hearing this year. I mean, why single out this one thing?

Our motives were to find some more money to help meet some of your requests before our Committee to fund your bills. That's all.

On motion by Senator PRAY of Penobscot, TABLED until later in today's session, pending the motion of the Senator from York, Senator DUTREMBLE to RECEDE and CONCUR. (A Roll Call having been requested.)

Non-concurrent Matter

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

Committee on JUDICIARY suggested.

In Senate March 2, 1984 Under Suspension of the Rules READ TWICE and PASSED TO BE ENGROSSED without reference to a Committee.

Comes from the House Bill and accompanying papers INDEFINITELY POSTPONED in NON-CONCURRENCE.

On motion by Senator HICHENS of York, the Senate RECEDED and CONCURRED with the house.

House Papers

Bill "An Act to Establish Guidelines Pertaining to Bond Questions Presented to Maine Voters" H. P. 1670

Committee on ELECTION LAWS suggested.

Comes from the House Chair RULED NOT PROPERLY BEFORE THAT BODY.

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

ENACTORS

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

AN ACT Regarding Franchising and Regulation of Cable Television Systems. S. P. 903 L. D. 2423

AN ACT to Establish Standards and a Policy for the Compensation of Members of Boards, Commissions and Similar Organizations. H. P. 1807 L. D. 2389 (S. "C" S-385)

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

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

COMMITTEE REPORTS

House

Leave to Withdraw

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

Bill "An Act Temporarily Reducing the Excise Tax on Internal Combustion Engine Fuel Enhanced with Ethanol" H. P. 360 L. D. 418

Ought to Pass in New Draft

The Committee on EDUCATION on Bill "An Act to Clarify Certain Laws Relating to Education" H. P. 1544 L. D. 2034

Reported that the same Ought to Pass in New Draft under same title. H. P. 1862 L. D. 2467

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.

Committee of Conference

The Committee of Conference on the disagreeing action between the two branches of the Legislature, on Bill "An Act Concerning Menhaden Fishing in Casco Bay" H. P. 928 L. D. 1207. Have had the same under consideration, and ask leave to report that they are unable to agree.

Signed on the part of the House:

CROWLEY of Stockton Springs

VOSE of Eastport

LIVESAY of Brunswick

Signed on the part of the Senate:

DUTREMBLE of York

NAJARIAN of Cumberland

COLLINS of Knox

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

Which Report was READ.

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

SENATOR DUTREMBLE: Mr. President, the Committee of Conference on Marine Resources on this Bill here, L. D. 1207, agreed to write a report to the Commissioner of the Department of Marine Resources expressing our interest and concerns over the possible ecological affects of Purse Seining on the habitat of marine organisms in shallow waters of the New Meadows River, and other shallow portions of the rivers and bays north of Casco Bay.

Hopefully, the Department of Marine Resources will address the concerns of seven hundred and seventy-eight petitioners and other concerned citizens in Harpswell-Phippsburg area who feel that there is an environ-

mental impact from large fishing boats. Thank you.

Which Report was ACCEPTED, in concurrence.

Divided Report

Eleven Members of the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act to Appropriate Funds to the University of Maine to Implement Collective Bargaining Agreements" (Emergency) H. P. 1825 L. D. 2420

Reported in Report "A" that the same Ought to Pass as Amended by Committee Amendment "A" (H-708)

Signed:

Senators:

NAJARIAN of Cumberland

BROWN of Washington

PERKINS of Hancock

Representatives:

SMITH of Mars Hill

JALBERT of Lewiston

CHONKO of Topsham

MASTERTON of Cape Elizabeth

ARMSTRONG of Wilton

BELL of Paris

CONNOLLY of Portland

LISNIK of Presque Isle

One Member of the same Committee on the same subject reported in Report "B" that the same Ought to Pass as Amended by Committee Amendment "B" (H-709).

Signed:

Representatives:

CARTER of Winslow

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

Signed:

Representatives:

KELLEHER of Bangor

Comes from the House, with Report "A" READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-708).

Which Reports were READ.

On motion by Senator NAJARIAN of Cumberland Report "A", the Ought to Pass as Amended by Committee Amendment "A" (H-708) Report ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-708) 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.

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

SENATOR NAJARIAN: Would I be in order to speak on this measure at this time.

THE PRESIDENT: You certainly may, Senator. The Chair would answer in the affirmative. The Senator has the floor.

SENATOR NAJARIAN: I have a feeling that I so often miss opportunities to speak on bills in this Senate that if I don't speak about this University of Maine Collective Bargaining Agreement now, I probably never will have another opportunity, so I hope you'll bear with me. I've scribbled out some thoughts during our recess that I'd like to share with you about this \$6.2 million request.

It's been suggested by some that the State should only pay for 60% of the cost of this \$6.2 million dollar collective bargaining agreement of the University of Maine which is presented to us in this L. D., but one important fact that you all should know is that this \$6.2 million dollars that is requested isn't the total cost of this collective bargaining agreement. The total cost is \$10.8 million. So, this 6.2 million being requested is already approximately 60% of the total cost, and by the way, the 60% arises be-

cause traditionally, the State has funded the University at 60% and student tuition is expected to make up the remaining 40%.

The University is proposing to make up the remainder, the 4.6 million, from existing funds. The A.C.S.U.M., (Acsum), I guess it is, this is what this increase will do, provides 3.5% increase in each of two years, plus merit steps for clerical and technical workers. The faculty and the professional employees would be provided a 5.4% increase in each of two years.

In the past, there's been criticism that the University did not follow proper procedure this time around, so I want to explain what the procedure has been in the past. In the past, the University and the Legislature has been in a "Catch 22" situation. The trustees would not agree or sign off on a collective bargaining package until the Legislature appropriated the dollars, and the Legislature was hesitant to appropriate the dollars prior to an agreement because that set a target figure for the union.

On the other hand, setting an arbitrary dollar amount by the Legislature would not be based on what was fair and just compensation for the University's four thousand employees, as they would agree if they went through the collective bargaining procedure between the board and the negotiating team of the union. It was the figure plucked out of the air based on what we had available.

Another undesirable side affect was the hard feelings and the discord felt by the employees against the University administration because they wouldn't reach any settlement. Obviously, the Administration felt their hands were tied not knowing how much money we were going to make available, if any, and how that would upset their other plans for the University campuses.

The approach used this time is infinitely better and preferable than the old way. The Chancellor and the trustees realizing the negative effects the prior procedure was causing bargained in good faith and reached a settlement contingent on the Legislative appropriation of \$6.2 million. This settlement is equivalent in cost to the settlement that the Governor reached with A.F.S.M.E., 5.4% increase, and is within the settlement proposed by the fact-finding panel in the M.S.E.A. dispute, after adjusting for the step increases for State employees, which are already funded in the budget through departmental budgets rather than collective bargaining.

Another reason given for not approving the appropriation of this money is over dissatisfaction with some recent decisions by the Board concerning the Chancellors office and the severance pay for the President at Orono, there was some criticisms that I've heard, but that has nothing to do with the four thousand employees: the custodians, the secretaries, the faculty, and others. They are not responsible for those decisions and have nothing to say about them. To deny these employees a well deserved and the modest increase because of some decisions of the administration which the public and the Governors' Office have taken issue with is like kicking your dog when you are angry at your husband or wife.

The way to deal with that is through the trustees, and furthermore, a bill that you will be presented with very shortly provides \$75,000 for a study of the University by eleven members, five from Maine who are disinterested and unaffiliated with the University and six from out-of-state, educators or business executives, all selected by the Governor of Maine. That's the way to go at what's wrong, or what people perceive to be wrong with the University, to find out if there is anything wrong.

Now, if the \$6.2 million isn't provided, the University has to either begin the negotiating process again, which means that the employees will fall further behind because they'll have to do it at a reduced figure. Now, already faculty salaries in the Maine campuses rank

48th among the States. Today, the clerical and technical workers receive fifty cents to one dollar per hour less than State employees in equivalent jobs.

At the hearing the Dean of Arts and Science at Orono testified that in the last three years, twenty-four faculty members have left and eight were tenured. The reason given is that they have lost hope, they don't feel that this State has a commitment to higher education. The Dean of Education at Orono testified that his department has had a 42% turnover in the last six years, exclusive of retirees. A professor at the University of Maine at Presque Isle testified that the faculty was afraid to speak out about the deteriorating situation at the University for fear that parents would not send their children to the University.

The other alternative that the University has is to raise tuition once again. In 1972, tuition accounted for 19.8% of the University's budget, today it's 35%. The tuition at the University is already the tenth highest in the nation among public universities. Just last April, the trustees raised tuition for this current academic year by 7% for in-state students and 8.6% for out-of-state students. Relative to the increase for the out-of-state students, freshmen enrollment from out-of-state students has decreased 20% in the last five years, we've past the point that diminishing return already is raising tuition for out-of-state students. Further increases for this group would mean a decrease in revenue.

The average cost for a Maine student today to attend the University is now \$5,871. Maine's median household income is only \$13,816. Sixteen thousand of Maine's families are trying to live on the minimum wage plus food stamps. The University is already over-priced for Maine's working families. I don't believe that we can afford to fund this increase through student tuition. They raised, through student tuition last year, \$2.3 million for each year of the biennium, and we also appropriated in the budget \$2.5 million in each year of the biennium for salaries increases. Now, they all go into the same pot, you can say the students are paying for the remaining 4.6%, or the State, it's all one pot, and if we don't fund this \$6.2 million, you know, somebody's going to be hurt, and I think it's all the people of the State of Maine. Thank you very much.

Which was PASSED TO BE ENGROSSED as Amended in concurrence.

On motion by Senator PRAY of Penobscot, the Senate voted to remove 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—April 12, 1984, on motion by Senator PRAY of Penobscot.

Pending the motion by Senator DUTREMBLE of York, to RECEDE and CONCUR. (A Roll Call having been requested.)

(In Senate April 11, 1984 PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-396).)

(In House PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (H-396) AND HOUSE AMENDMENT "A" (H-697) in NON-CONCURRENCE.)

THE PRESIDENT: The pending question before the Senate is the motion of the Senator from York, Senator Dutremble, that the Senate Recede and Concur with the House.

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

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

counted.

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

The Chair recognizes the Senator from Androscoggin, Senator Charette.

SENATOR CHARETTE: Thank you, Mr. President. I would hope that the Senate this afternoon or tonight, this evening, approves or votes for the Recede and Concur measure.

Clearly, in my mind with the House vote that we encountered this afternoon has certainly, in my mind, has brought about the reason to endorse the amendment that yesterday I proposed in the Senate body. I guess the argument is, perhaps, the same and I won't repeat it and we've heard it all yesterday, the point and the good remarks made by my good friend, Senator Najarian, as far as the Appropriations Committee deals with every department of this State, and that is true. I can't disagree with that. I would, though, think that for the most part in dealing with every department of this State, it's more in the appropriation end of that Committee, it seems to me that everybody that comes forward to the Appropriations Committee is demanding not so much a Committee that creates revenues, maybe I'm wrong. I think we have a taxation who deals with tax issues, we certainly have a Transportation Department that deals with fuel taxes, and which our dedicated funds, we have Fisheries and Wildlife who deals in licensing and can't seem to make it. It goes on and on, and we have Business Legislation who deals with licensing, so I'm not sure but her point was well taken.

However, as Chairman of that Committee, I must admit here today, this afternoon, which I didn't mention yesterday is that I've also been receiving several phone calls from many restaurants which I associate with, and the first comment is that "How could, you know, how could you come out with a measure like that and so forth without a hearing?" and my reply to them was that I was not even aware of the issue. So, it's been difficult for me to accept those arguments.

So, again, I think eliminating the discount was a policy decision which should have been handled by the Legal Affairs Committee and if we've done some wrong here, then we, perhaps, should correct it. I think that the arguments in favor of this bill is, we've had some seventeen bills without hearings but they've come through the process and we, both Bodies, voted for those bills to go without any hearing. Perhaps, if this measure had come forward that same way, then fine, at least there would have been some public awareness, as opposed to dealing with the issue in a workshop.

So, I don't know, I think, we could go on and go on and argue this cause. However, my fear and I asked the question yesterday and it wasn't answered was, was there the Liquor Enforcement present at the workshop? Were their concerns asked of them? My big concern is, besides not having a proper hearing or at least going in front of the proper committee, is that, what affect is it going to have on law enforcement? In my mind, I see some very severe problems, so, maybe next year we'll come back with another bill and get rid of Liquor Enforcement, because I'm not sure if we pass this Bill, if we don't pass this amendment, I'm not sure that Law Enforcement can justify and be able to enforce the continuation of designated stores for licensees to go any buy, because now the price is the same, I don't care where they go. How can they be refused to purchase liquor in any one store they wish to. So, I'm not sure the controls are, we're going to lose control of this and who knows, are people going to cross the border lines, are people going to go to the Kittery Store, what's going to happen? Are we going to need more law enforcement?

So, I do have some severe concerns. I think the law enforcement aspect was not thought out and I think, you know, it's going to be sad, it's going to create a lot of problems, so I hope

you vote for the Recede and Concur. Thank you.

THE PRESIDENT: The question before the Senate.

The Chair recognizes the Senator from Hancock, Senator Perkins.

SENATOR PERKINS: Mr. President, Ladies and Gentlemen of the Senate. My good friend, the Senator from Androscoggin, makes some very valid points, some of which I think we labored over quite heartedly before we made this decision.

I also have another friend from Androscoggin who is a senior member of the Appropriations Committee, and who represents some portion of Androscoggin in the other Body. He always tells the story of the Committee on which I serve, and the Committee for which, today, is taking a little flak because they're trying to raise some funds for a budget for the State on the off-year and he tells of this Committee and says: "that from the early part of the Session, everybody strives to get there and they're the greatest people in the world," and he's a little more graphic than I can be here when he starts to describe them at the end of the year, and I have two very close friends here who have experienced just this very situation we're experiencing this afternoon, who says that they are nothing but bums the longer the Session lasts, and this has been rather a long Session.

We stand here today before you having a budget which we're trying to fulfill, and we had computers and other for the Department of Labor, so they could do a more thorough job with Workers' Comp and other things. The liquor things, we had cash registers for the Liquor Commission which came before us, and I'm not sure they shouldn't have come before you.

A few years ago on this Committee, we set a precedent that we had a little table which sat down front and the members of the affected Committee when we were hearing those part of legislation, or their bills and their proposal, were set aside for the Committee on, if it were to be Education that day, then the Members on the Education Committee would join us and were there to ask us questions as Committee members, because we were acting as a committee as a whole. And, I think this is what we did, and, I hope that we did it in good faith.

I'm sure that many times when there were losers and gainers, there never is a feeling of real satisfaction, I don't think there will be here today. I only know that, as an Appropriations Committee, you have demands put upon you for pieces of Legislation for budgetary matters and you do with those as best you can, with the funds available. This is precisely the happenstance with this, no infringement was intended, no infringement, we hope, will carry forth. We've provided you with a budget which we're hopeful fulfills all the Departments needs and will, subsequently, fulfill your and my needs on the Appropriations Table.

Therefore, I would ask you to join with me in the passage of this, or to object to the motion that is before this Body, which is to Recede and Concur, and defeat this, and we will then proceed to work out this budget in its orderly manner. Thank you very much.

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

SENATOR DUTREMBLE: Mr. President and Members of the Senate. I can understand that the Committee on Appropriations would deal a lot with a lot of different departments where the different Committees would have a little say in it, but I think what happened yesterday here in this Body was that we had two matters in the budget that had been handled, at some time or another, by different Committees in this Legislature. We had an issue that had been handled by the State Government Committee which was given a Leave to Withdraw, and all of a sudden we found it in a budget. Then, we have an issue concerning 8% on alcohol which

was heard before, I believe, the Legal Affairs Committee way back in 1971. Both those issues were dealt with in other committees. It seems to me that we are abrogating the process here when we don't send these issues back to the committees they were intended for, and that is my concern.

I have supported the good Senator from Cumberland, Senator Najarian, in her budgets and their proposals that come up from the Committee, but I think here that if we don't stop this process now, next year we may see it happen again. Of course, it becomes a lot easier to happen once you've gotten it through once and once you've done it once, then it becomes a lot easier the next time. That's why I'm up here on my feet today, because I think we have to stop this now, or there won't be any need any more for the Legal Affairs Committee, or the Labor Committee, or any other committee. Let's just let Appropriations handle everything and then we can stay home.

THE PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the question of the Senator from York, Senator Dutremble, that the Senate Recede and Concur with the House.

A Yes vote will be in favor of the motion to Recede and Concur.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

ROLL CALL

YEAS—Senators, Charette, Clark, Diamond, Dutremble, Emerson, Hichens, McBreairty, Minkowsky, Redmond, Sewall, Shute, Twitchell, Violette.

NAYS—Senators, Baldacci, Brown, Bustin, Carpenter, Collins, Danton, Dow, Erwin, Gill, Hayes, Kany, Najarian, Pearson, Perkins, Pray, Trafton, Usher, Wood, The President—Gerard P. Conley.

ABSENT—Senator, Teague.

13 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being absent, the motion to RECEDE and CONCUR with the House FAILED.

THE PRESIDENT: Is it the pleasure of the Senate to INSIST?

It is a vote.

Sent down forthwith for concurrence.

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

COMMUNICATIONS

The Following Communication:
COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

April 12, 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 Appropriations and Financial Affairs 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	48
Unanimous reports	36
Leave to Withdraw	10
Ought to Pass	6
Ought Not to Pass	3
Ought to Pass as Amended	10
Ought to Pass in New Draft	7
Divided reports	12

Respectfully submitted,
S/ MARY NAJARIAN
Senate Chair
S/ DONALD V. CARTER
House Chair

Which was READ.

THE PRESIDENT: It is now the pleasure of the Senate to congratulate this excellent Committee.

Which was ORDERED PLACED ON FILE.

The Following Communication:
COMMITTEE ON STATE GOVERNMENT 111th LEGISLATURE

April 12, 1984

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

Dear President Conley:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on State Government has had under consideration the nomination of Annalee Z. Rosenblat of Scarborough, as a member of the State Personal Board.

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

YEAS: Senators 2
Representatives 9
NAYS: 1 (Rep. Paradis of Augusta)
ABSENT: 1 (Sen. Baldacci of Penobscot)

Eleven members of the Committee having voted in the affirmative and one in the negative, it was the vote of the Committee that the nomination of Annalee Z. Rosenblat of Scarborough, as a member of the State Personnel Board be confirmed.

Sincerely,
S/ PAUL E. VIOLETTE
Senate Chair
S/ DAN GWADOSKY
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on STATE GOVERNMENT has recommended that the nomination of Annalee Z. Rosenblat of Scarborough be confirmed.

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

ROLL CALL

YEAS—None.

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

ABSENT—Senators, Carpenter, Teague.

No Senators having voted in the affirmative and 31 Senators having voted in the negative, with 2 Senators being absent and None being less than two-third's of the membership present, it is the vote of the Senate that the Committee's recommendation be ACCEPTED.

The nomination of Annalee Z. Rosenblat was CONFIRMED.

The Secretary was directed to inform the Speaker of the House.

The Following Communication:
COMMITTEE ON JUDICIARY

April 12, 1984

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

Augusta, Maine 04333

Dear President Conley:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the

111th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Edward F. Gaulin of Saco, as a District Court Judge.

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

YEAS: Senators 3
Representatives 6
NAYS: 2 (Rep. Carrier of Westbrook;
Rep. Reeves of Newport)

ABSENT: 1 (Rep. Benoit of So. Portland)
ABSTAINED: 1 (Rep. Foster of Ellsworth)

Nine members of the Committee having voted in the affirmative and two in the negative, it was the vote of the Committee that the nomination of Edward F. Gaulin of Saco, as a District Court Judge be confirmed.

Sincerely,
S/ RICHARD L. TRAFTON
Senate Chair
S/ BARRY J. HOBBS
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on JUDICIARY has recommended that the nomination of Edward F. Gaulin of Saco be confirmed.

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.
The Secretary will call the roll.

ROLL CALL

YEAS—None.

NAYS—Senators, Baldacci, Brown, Bustin, Carpenter, Charette, Clark, Collins, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gill, Hayes, Hichens, Kany, McBreairsty, Minkowsky, Najarian, Pearson, Perkins, Pray, Redmond, Sewall, Shute, Trafton, Twitchell, Usher, Violette, Wood, The President—Gerard P. Conley.

ABSENT—Senator, Teague.

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 1 Senator being absent, and None being less than two-third's of the membership present, it is the vote of the Senate that the Committee's recommendation be ACCEPTED.

The nomination of Edward F. Gaulin was CONFIRMED.

The Secretary was directed to inform the Speaker of the House.

The Following Communication:

COMMITTEE ON JUDICIARY

April 12, 1984

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

Augusta, Maine 04333

Dear President Conley:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 111th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of G. Arthur Brennan of York, as a Superior Court Justice.

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

YEAS: Senators 3

Representatives 8

NAYS: 0
ABSENT: 2 (Rep. Benoit of So. Portland;
Rep. Hayden of Durham)

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of G. Arthur Brennan of York, as a Superior Court Justice be confirmed.

Sincerely,
S/ RICHARD L. TRAFTON
Senate Chair
S/ BARRY J. HOBBS
House Chair

Which was READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Joint Standing Committee on JUDICIARY has recommended that the nomination of G. Arthur Brennan of York be confirmed.

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

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.
The Secretary will call the roll.

ROLL CALL

YEAS—None.

NAYS—Senators, Baldacci, Brown, Bustin, Carpenter, Charette, Clark, Collins, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gill, Hayes, Hichens, Kany, McBreairsty, Minkowsky, Najarian, Pearson, Perkins, Pray, Redmond, Sewall, Shute, Trafton, Twitchell, Usher, Violette, Wood, The President—Gerard P. Conley.

ABSENT—Senator, Teague.

No Senators having voted in the affirmative and 32 Senators having voted in the negative, with 1 Senator being absent, and None being less than two-third's of the membership present, it is the vote of the Senate that the Committee's recommendation be ACCEPTED.

The nomination of G. Arthur Brennan was CONFIRMED.

The Secretary was directed to inform the Speaker of the House.

SENATE AT EASE

Senate called to order by the President.

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

Bill "An Act to Establish Guidelines Pertaining to Bond Questions Presented to Maine Voters." H. P. 1670

Tabled—April 12, 1984 on motion by Senator PRAY of Penobscot.

Pending REFERENCE.

(Committee on ELECTION LAWS suggested.)
(Comes from the House Chair RULES NOT PROPERLY BEFORE THAT BODY.)

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

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, RECESSED until 7:30 p.m. this evening.

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:

PAPER FROM THE HOUSE

House Paper

Bill "An Act to Fund and Implement Certain Collective Bargaining Agreements and to Fund and Implement Benefits for Certain State Employees" (Emergency) H. P. 1865 L. D. 2469
Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS suggested.

Comes from the House Under Suspension of the Rules the Bill READ TWICE and PASSED TO BE ENGROSSED WITHOUT REFERENCE TO A COMMITTEE AND ORDERED PRINTED.

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

SENATOR NAJARIAN: Mr. President, I move that the Rules be Suspended and the Bill be given its First Reading at this time without reference to Committee.

(OFF RECORD REMARKS)

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

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

On motion by Senator NAJARIAN of Cumberland, TABLED for 1 Legislative Day, pending PASSAGE TO BE ENGROSSED.

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on TAXATION on Bill "An Act to Promote the Distillation of Ethanol for Use as an Internal Combustion Engine Fuel" H. P. 1704 L. D. 2231

Reported that the same Ought to Pass in New Draft under same title. H. P. 1864 L. D. 2468

Signed:

Senator:

TEAGUE of Somerset

Representatives:

DAY of Westbrook

INGRAHAM of Houlton

HIGGINS of Portland

KANE of South Portland

KILCOYNE of Gardiner

MASTERMAN of Milo

MCCOLLISTER of Canton

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

Signed:

Senators:

WOOD of York

TWITCHELL of Oxford

Representatives:

ANDREWS of Portland

CASHMAN of Old Town

JACKSON of Harrison

Comes from the House with the Majority Ought to Pass in New Draft Report READ and ACCEPTED and the NEW DRAFT PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "C" (H-726).

Which Reports were READ.

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

SENATOR WOOD: I move that the Senate accept the Ought Not to Pass Report.

THE PRESIDENT: The Senator from York, Senator Wood, moves that the Senate accept the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from York, Senator Wood.

SENATOR WOOD: Mr. President, Men and Women of the Senate, sensing that the gavel was not going to come down quick enough, I think that probably I should speak now.

You know, I have an affinity for myths and I think I've shared one of them with you before and that's the myth of Sisyphus, that person that used to roll the rock up the hill and as soon as he got the rock up the hill it rolled down, but he kept rolling the rock up the hill, well, I sort of feel like Sisyphus tonight. I have no illusions that the rock is going to stay up there long, but I'll probably keep rolling it up.

The other myth, though, that I'd like to share with you is the myth of the Phoenix, you know, from the ashes arose the Phoenix. Well, having served on the Taxation Committee last year and knowing at which point this almost became ashes, I can tell you that, once again, from the ashes tonight will rise a Phoenix.

I have had an amendment passed around that refers to the Statement of Fact that I would like to share with you. I read the Bill and the Statement of Fact, and it was my understanding that, usually, the Statement of Fact was supposed to tell you what the Bill did, not what the affect of the Bill might be, it was simply supposed to tell you in a nut shell. Well, I read the Statement of Fact, and I thought that Severin Beliveau had the printing contract for the State. I mean, the Statement of Fact just tells you all the wonderful things that were going to come about if we passed this Legislation, and then, by the end of it it said "Oh, and by the way, there is a minor little detail about a tax exemption." So, I thought that in a tongue and cheek manner, I might share with you that my version of the Statement of Fact, so that we can at least have some humor, hopefully, in the debate.

I oppose this Legislation and I guess my opposition is not based on the merits of whether we should have an Ethanol plant or not, and my opposition is not in terms of the management teams in this Ethanol plant or any of the principle parties, it's simply in terms of what makes good tax policy for the State. As Chairman of the Taxation Committee, I've tried, during my tenure there to look at issues in terms of what makes good tax policy and I'd like to share with you briefly some of the reasons why I don't think this ethanol proposal makes good tax policy.

First of all, I think that whenever the State does something, and I think the State has an important role to play in development of businesses and economic development, but I think there comes a point when you say that the State has done enough and I think this is one of those cases. I think if you look at the Ethanol proposal and you understand that both the Federal government and the State government have been quite generous in this proposal in that the Federal government will be granting \$19,000,000 in tax credits and \$66,000,000 loan guaranty and the State has guaranteed a \$5.5 million loan guaranty. There is, also, a five cent tax credit at the Federal level, I think that that's enough incentive to start a business. I mean, I think that there's a role to play, and I think the State has an important role to play in the business, but I think there comes a time to say enough is enough, and the business should fly on its own and I think that this is one of those cases.

So, I'd ask you to look at the end and see if you think the State has done enough, and if you think the State has done enough, then you probably won't vote for this. If you think the State needs to go that extra step, then obviously, you'll vote for those tax credits.

The second issue is how much information should the State have in order to make a decision of this magnitude? The Committee was not able to get the prospectus for this plant, and I understand that the legal concerns of the company in sharing that prospectus with us, and, I can appreciate those, and it's not my intent to cast any aspersions on their attempt, I think they made an honest attempt to provide us with that prospectus, but, I think the State, like any prudent investor, needs to have this

prospectus in order to make a good decision. The fact that we could not have that prospectus makes me a little uncomfortable, because I think that we are the investors, our role is being the investors for the taxpayers, and we've invested a certain amount of money and we're being asked to invest another five million dollars. I don't think it's unreasonable for us to have all of the facts that we need in order to decide, as the investors for the taxpayers of this State, if the taxpayers are getting a good deal.

I don't know what that prospectus would say, whether it would say we're really getting a good deal or not, but I feel a little uncomfortable in the role as Chairman of a Committee not to have all those kinds of facts when we're really risking the State's money, so, I would ask you to think about that.

Then there is the question of if you decide that the State should grant this type of an exemption, is it appropriate to charge it to the General Fund? It's been said that this exemption will not benefit the company, per se, that it's really to benefit the consumers, but, when you have the General Fund pay for it, who pays into the General Fund but the consumers? So you have sort of an elaborate shell game or a slight of hand in which the consumer drives up to the pump and gets a tax break and then that same consumer goes someplace else and pays the sales tax or pays an income tax and that goes back into pay for that four cents he got at the pump. So, I don't think the consumer really benefits, and, I'm not sure that the General Fund is the appropriate spot at which to fund this program and if the Bill is successful, I will be attempting to offer some changes along the line that maybe places it in a little more appropriate spot.

So, I'd ask you to ask yourself whether you think the General Fund is the place to fund this program. I just don't think it is and I really don't think this tax break benefits the consumer, because the consumer pay into that General Fund. Then, I would ask you to think about the issue of business climate within this State, and whether it's good State policy to help one business or whether we should look at the larger picture and adopt tax policies that have a broader impact.

We have been agonizing in this Legislature for several years over tax conformity, an issue that will benefit all businesses large or small, an issue that will cause some economic development if it's finally resolved, and an issue that will certainly brighten that business climate, and yet, when we have to play that kind of issue against helping single industries, I think that we're losing the proper perspective. I think this Legislature, past Legislatures, if they have a fault, it's that they get caught up in helping one business, whether it be B.I.W. or Pratt-Whitney, or Spencer Press, and they loose sight of all those other businesses out there big and small. I know that I'm sure you've had constituents that say "I'm a small businessman and when are you going to help me?", and so, I would ask you to look at it and say, "Should we continue this policy at looking at single industry issues or should we take a broader perspective?" That doesn't mean that this isn't worthy, it simply means that maybe something else is a little more worthy.

Then, I think you should ask yourself, "Does ethanol make sense now?" I think maybe several years ago ethanol was a much more burning issue and made a great deal of sense. I think now, you know, the reports aren't in, the final tally is up, but I think now people are having doubts about whether ethanol is realistic in terms of this country, and whether it's going to have the impact that we think it will.

You know, Maine has this perspective of sort of leading the Nation and I think maybe on this issue we're at the tail end, the rest of the Nation has learned that maybe ethanol isn't the panacea and we're beginning to think it is. So, I

would ask you to look at that issue and see if you think in the broader perspective of energy policy whether ethanol simply makes any sense anymore?

Then, I would ask you to think about jobs. I mean, I think that we are all committed to that belief that the best social service program is a job, and I think it's very important. I think a lot of things we do down here, we want to create jobs, but there's a price to creating jobs. We had a bill before our Committee on solar energy credits that's going to cost the State between \$40 and \$70,000, and that said that could encourage solar installers and all those people and maybe create 200 jobs, and if you looked at that, that would cost about \$600 a job. If you look at this, and at their rosiest projection, the little Statement of Fact with all those wonderful things that might occur, I add up about 700 jobs, that's the trickle down theory of all these jobs we're going to create out there. The \$5,000,000 price tag, that's about \$7,000 per job as opposed to \$600 for solar. If you look at just the 120 jobs that are going to be created at the plant and sort of ignore the 700, you're talking about \$40,000 per job. If you look at all the benefits they receive in terms of taxes at the Federal level, and the guaranteed loans and everything like that and you look at the 700 jobs, you're talking about a \$100,000 per job, and 120, about \$500,000 per job. I just think that we can probably get a little more bang for our buck. So, I'd ask you to think about that in terms of job development. Not that I don't want those jobs to be created, but is it the best investment, is there a better way to spend that kind of money and get more jobs?

Probably the most overriding issue, and it's one that I don't have the answer for, you know I hope I'm right, is the issue of will this plant be built without this exemption? The thing that disturbs me about this is that we seem to be at the tail end of a process. You know, when they got the guarantees all along the way, there wasn't much consideration given to whether they were going to get exemptions or not. Now that they've gotten all these guarantees, now that they've gotten all these State funds, they come back and say, "But we need one more thing," and it disturbs me because it seems to me to assume that the Legislature is going to do something, and it puts us in a terrible position, because we're the deciding factor now. If they don't open it's our fault, I mean, we've given them a lot of things but they say no, they need that one more thing. I guess I'm of the belief that they probably will open without it, but I could be wrong and I don't want to mislead any of you. The bank says no, but that's the bank's role, I mean, the bank wants the best deal to go out to those investors and I don't blame them for that. I could be wrong, and I want you to understand that, you take a risk if you vote my position. I think you take a risk if you vote the other position, and that's really one of the more crucial issues.

Finally, the issue of, you know, what are we doing and where will it end? You look at what we're proposing here and it's a different type of exemption. The solar energy tax credit exemption, everyone that installed the wood furnace, got that credit. If their projected cost was \$100,000 and it ended up being \$300,000, everyone still got it. Under this proposal we're limited to \$1.2 million per year, and once that \$1.2 million ends there's no more money for exemptions for the rest of that year. So, if you believe that this is going to help develop a market, how do you develop a market, get people using a product, and then, after six months they've exhausted the credit and the price goes up? How do you get a market that way? How do you pass an exemption at \$1.2 and sort of discriminate against those people that get caught up at the end? What do you do with the gas station that says, "We're going to go with ethanol, we're going to spend the \$12,000 to install the tanks," and they do that, and then, after three months

the exemption's gone for the rest of the year. Are they going to be able to entice people to come in and buy a product that now the price has changed? If you have a limited amount of money for an exemption, will they encourage a lot of gas stations to take advantage of ethanol, because the more they encourage the faster that credit is going to be used up. So, there's really no incentive for them to encourage the use, except to those, you know, areas close to the plant and those big urban areas, but us folks out in the rural areas, we probably won't be able to tank up on it. So, I just question whether this makes sense to put that \$1.2 million.

The other thing they talk about is that there is a progression and it will phase down. Well, I guess I've been in the Legislature long enough to know that we sunset a lot of things, but the sun never sets.

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

SENATOR TRAFTON: Thank you, Mr. President. Mr. President and Members of the Senate, I feel a bit humble, the good Senator from York, Senator Wood, made all sorts of literary analogies, and, as you all may know I'm not the literary member of our family. I simply can't compete with that type of analysis. I do carry books up here on occasion for the other member of my family who is a literary member and will continue to do so, but I simply don't have those skills.

Further, as a freshman in this Legislature, I've often wondered what one could say standing on the floor of this Body, trying to influence votes on a issue that I know has been deeply discussed for the last two years, it's been heavily lobbied in the Halls, heavily lobbied in this Body and in the other Body down the hall, and as I've driven back and forth to Auburn, I thought what could I say? Well, I thought about getting on top of my desk and taking off my shoe and pointing to all the other subsidies that this Legislature, in the past, has given to other areas of the State. The Eastport, to Portland, to various other industries throughout the State, and to draw the analogies back home to Lewiston-Auburn and say that "No, we don't have a University," "No, we don't have these types of great tax benefits that some areas of the State have," but I thought that that was a bit parochial and I decided that that wasn't very appropriate.

Then I thought perhaps I ought to take the angle of helping agriculture for the State of Maine. As we all know agriculture in this State has declined for many years, but under good leadership from the current Administration and through a great deal of help from the recent Joint Standing Committee on Agriculture and the most recent Legislatures in that same area, we've come a long way. Agriculture has been very dependent upon a feed source and we know that the poultry industry has gone from a large part of our State due to very expensive feed stocks being transported in from the mid-west. I could say that this is certainly a Bill which provides a new feed source for agriculture, not only to the poultry business, but also to cows, both milking and beef cattle. I could even point out that because of this type of proposed project of \$3.5 million allocation to a grain terminal that was voted on by the public in referendum was put to rest. In fact, the money that was allocated to that grain terminal went to Searsport to help with their cargo port facility up there, because it was determined by the State, through its Department of Agriculture, that if this plant, in fact, is constructed, the grain terminal is not needed. Then I thought that Agriculture, perhaps, was a narrow interest in this Body and perhaps, in the Legislature as a whole, so I decided not to base my remarks solely on agriculture.

I thought, maybe, transportation was the key. I know that the unit train concept which this project brings to the State, is a very im-

portant concept to transportation. It means much lower freight rates than this State has ever seen before, not only for the corn coming in from the midwest, but those same unit trains have to go back out to the midwest, and there's certainly an opportunity for exports from the State, either by piggyback or by tacking other cars on to that unit train. Transportation is very important to a State that's at the end of the line and I knew that that would obtain some support in this Body and in the other Body down the Hall, but then, transportation really isn't everything.

Then, I thought I'd hit on the real way to sway every Member of this Body, and perhaps, most of the Members in the other Body. I found that after doing a little research that the Legislature had adopted some policies, energy policies, back in 1973. Remember, that's when we had the gas lines and the Arab Oil Embargo. We created an Office of Energy Resources and in the Legislation that created that office, we said, "the Legislature further declares it to be in the public interest, for the public benefit and for the good order of the people of this State, to investigate and encourage the development of new sources of energy within the State, and to plan for future uses of energy sources by the people of this State." Then, in 1981, we adopted the State's first energy plan, and we further said in that Legislation "the long-term policy of the State of Maine shall be to encourage energy conservation and diversification, and the use of indigenous and renewable resources so the State can be more nearly self-sufficient. In the interim, the State should encourage the development and the use of resources consistent with this goal, which are the least harmful to the environment, which stimulate economic development and which promotes security, a supply and are available at the lowest possible cost." At that same time, we heard from the Maine Alcohol Fuels Task Force, a task force created by this Legislature, and that task force said that "it is in the best interest of the people of the State of Maine to encourage the development of alcohol fuel facilities in Maine, and further, that the market for alcohol fuels in the State of Maine is not likely to increase to a level that would significantly reduce the petroleum consumption without some type of short-term incentive."

I thought I had my finger on the perfect argument that would sway everybody, but then, as I drove back to Augusta the next day, I realized that these are statements of previous Legislators, not the current Legislators that sit in the seats that make the decisions today, so that I was stymied I wasn't sure what argument I could use. So, I thought I would go back to my drawing board and simply give you a brief report of how this issue came back to you.

You'll perhaps remember that last spring we passed L. D. 1699, "An Act Relating to Ethanol Production in the State of Maine," and that created an Ethanol Study Committee, appointed by the President of this Body, the Speaker in the Body down the hall, and appointments by the Governor. That Committee was chaired by a businessman, the president and chief executive officer of Bates Fabrics, one of the major employers in the State of Maine. He was also staffed, well actually, two of the members that were on this Study Committee were economists: one from the University of Southern Maine, and the other from the Center for Advanced Studies down in Portland. The role of that Committee was simple. We had five questions, the Committee on Taxation, which the good Senator from York chaired, directed this Committee to answer five questions so that they would have the information that they needed to look into this particular issue of a tax exemption.

First, the first question was, "Would the New England Ethanol Project be economically feasible without an excise tax exemption?" The Committee came back and said, "No, it's clear

that this particular project would not be economically feasible without a tax exemption. In fact, every ethanol plant within the United States is located in a state that has a tax exemption, so that it appears that this particular type of exemption is necessary for an economically viable plant."

The second question that the Committee on Taxation requested to be answered was, "If the project needed an exemption, what was the optimum level of the exemption?" The Committee recommended the exemption that's proposed in the Legislative Document, four cents the first year, phasing out over a four year period. Three cents the second year, two cents the third year, one cent the fourth year, until it is gone.

Third, the Committee addressed a question as to whether or not this exemption was unfair to competitors, and the Committee unanimously found that there was no unfairness to competitors, that nobody was receiving any special economic benefits in terms of oil distributors within the State, particularly D.W. Small, one of the partners in this particular project, could receive no special benefits because if it did receive those benefits, then the guarantees from the Federal government and the State would be jeopardized.

The fourth question which this Legislature addressed to the Study Committee was "Which fund should bear the costs of this exemption, the General Fund or the Highway Fund?" We heard testimony from the Commissioner of Transportation that said that if the Highway Fund were to bear a weight of this exemption, a potential loss of \$25,000,000 would occur, simply because of the loss of funds that could be used to match Federal funds. The Committee decided unanimously that the General Fund should bear the brunt, not the Highway Fund.

Finally, and probably most importantly for this Legislature, as a whole, the benefits to the State of allowing an exemption outweigh the loss of revenues. The Committee found, after much study, that most certainly the benefits do outweigh the losses of revenues.

So, the report of this Ethanol Study Committee went to the Committee on Taxation with the Bill, essentially, as it is before you today. That's where we sit now, the Committee on Taxation has made its recommendation.

Obviously, some members of the Committee have questions, and let me try to address those questions that the good Senator from York, Senator Wood, has addressed. Has the State done enough? Well, the State has done a lot in terms of review, I can say that's for sure. The Finance Authority of Maine, formally the Maine Guarantee Authority, reviewed this project very thoroughly, as did our Office of Energy Resources, as did the Commissioner of Finance, and the Department of Agriculture, and in fact, the Governor's Office conducted a review and the Governor's Office supports this piece of legislation.

There is no State money in this project, as it now exists. There are two guarantees, there's a Federal Department of Energy guaranty, and a State guaranty of \$4.4 million. Now, that is the same type of guaranty as a Veterans Administration loan or a Farmers Home loan guaranty in the purchase of one's house, it is not a direct grant, it is simply a guaranty. So what has the State done, it has guaranteed the project, this is a \$100,000,000 project, it's not unusual to receive these Federal guarantees, State guarantees, and there is certainly a reason behind it, after a very thorough review at both the Federal and State levels, the two agencies found that this project merited that type of guaranty.

Let me address the question that the good Senator from York raised about the prospectus. A prospectus is a legal document for disclosure purposes that is given to a potential investor in a project to answer questions as to that potential investment. There are certainly

legal questions raised by providing this prospectus to the Joint Standing Committee on Judiciary. These legal questions were raised before that Committee, and in fact, the legal council to the opponents to this Bill were given an opportunity to provide a legal opinion that, in fact, New England Ethanol Products could provide the prospectus, they didn't provide that because, I believe, they felt that it was improper, perhaps a breach of Federal Securities Law for that prospectus to be given. However, New England Ethanol Products did provide a summary of the risks which were involved in this particular project. New England Ethanol Products also made available its investments bank, First Boston, to answer any questions as to the risk and the nature of the financing that this project had. So that the Joint Standing Committee on Taxation had full information before it and had the opportunity to address any questions it might have to the actual financiers of this particular project.

The third question the good Senator from York addresses is which fund should bear the weight of this exemption. I think I've addressed that, as did the Study Committee on Ethanol. Do we want to lose \$25,000,000 of monies that are to go to our highways? These matching funds that we have sought so long to fix our roads. We just passed a five cent gas tax increase simply to make available more highway monies in this State and I would say that it would be a step backwards to put this burden on the Highway Fund where we need the money so badly.

The fourth question that the good Senator raised is, are we helping one business, is this a piece of legislation that's aimed at one business? I would point out that this bill addresses any business that wants to manufacture ethanol in the State of Maine. It is not simply addressed to New England Ethanol, it is addressed in the generic term, anybody who wants to start an ethanol plant in the State of Maine would benefit from this particular type of legislation, so that it is not simply a special interest piece of legislation.

Fifth, does ethanol make sense? The good Senator from York, Senator Wood, suggests that maybe we're on the tail end of an era, I would suggest that the information that I have studied and that has been presented to me suggested just the opposite. We are currently importing many millions of gallons of ethanol from Brazil. Ethanol is an octane enhancer.

As you know, lead is being phased out by requirements of the Federal E.P.A. We've heard this week, both on radio, television, and in the newspapers, that EDB which is a very dangerous carcinogen is present, yes, it's present in some foods on the shelf in our grocery stores, but perhaps the largest cause of EDB in this State is lead in gasoline. The result of that finding most likely will lead EPA to speed up the removal of lead in gasoline. What is to replace that lead? Well, that is the role of ethanol, it is an octane enhancer and will be used to replace that lead so the demand for ethanol is growing yearly and will continue to grow, to the point where major oil companies are already starting to produce their own ethanol.

Senator Wood of York suggests that we're paying an awful lot for the seven hundred possible jobs that are being created by this project. I think it's an oversimplification to simply take the five million dollars and the potential tax credits and divide them by seven hundred, as he suggests is the number of jobs. The facts show that it's very unlikely that there will be \$5,000,000 actually lost from the General Funds if this Bill is enacted. The \$5,000,000 is calculated at a market penetration rate of 20%, the business itself, New England Ethanol, suggests that they would be lucky to achieve the market penetration of 10% over that four year period, so that the potential or the more probably loss to the General Fund is not the \$5,000,000, but more likely half of that. So that

first, I question the \$5,000,000 dollars, but beyond that Commissioner Scribner, Commissioner of Finance, shows that the net gain to the General Fund is great, obviously there are sales tax, there are income taxes, and other taxes generated by this particular plant. The worst state of affairs would show that the full \$5,000,000, if in fact it is lost to the General Fund over the term of this exemption, would be recovered by year seven of operation of the plant, so that in fact, the State has a lot to gain and those jobs are not costing anything, in fact, we're getting the jobs as gravy to additional tax base within the State.

The seventh point that the good Senator raised is will this plant be built without a tax exemption? As I indicated, no plant in the United States has been built without one. What leads the good Senator to believe that this one will be the exception? The equities of this particular financing package have been put out on the market and it is clear that these equities are simply not marketable without this particular tax exemption. The first question the potential investor raises is "Is there a tax exemption?" Every other State has a tax exemption and obviously that has slowed down sales of these equities. The one point, a \$1.2 million annual cap he suggests, makes little sense. He suggested that the \$1.2 cap would be used up and that retailers would be at risk after installing, perhaps, a new tank.

Well, let's get rid of that fallacy to begin with. First of all, most retailers will not install new tanks, there is no need to install new tanks. This product, ethanol enhances gasoline, can be mixed with lead gasoline, in the same tank that exists currently. This product will not, most probably, be sold as gasohol. This is an octane enhancer, it's similar to a leaded gasoline except it's not leaded. It's clearly feasible to mix leaded gasoline and ethanol enhanced gasoline in the same tank, therefore, the \$12,000 that Senator Wood suggests is necessary for the small retailer simply isn't a requirement. Even if that small retailer wished to use a separate tank for the sale of gasohol, which would be rare as I suggest, that using a separate tank would simply require cleaning of an existing tank and a minor investment. An investment which is already partially budgeted for in the financing package of New England Ethanol Products, they have in their package monies to encourage distribution of ethanol throughout the State, which would mean the same type of benefits that Coca-Cola would provide to a Ma and Pa's Grocery Store, in providing a cooler for its Coca-Cola on the shelves. Obviously, there are special loans, lease arrangements, financing packages to encourage distribution and New England Ethanol Products is prepared to make those same types of encouragements.

Will New England Ethanol Products come back after four years if we enact this exemption and ask for further time? I don't believe so. The New England Ethanol project managers say they don't believe so, it doesn't appear necessary. Yes, it's happened in some states, but I point out that this particular project won high approval from the Department of Energy, it's one of the best conceived of ethanol projects and packages in the United States. The Department of Energy felt that this is, by far, one of the more financially secure, well organized, packages that they have seen. That leads me to believe, and it should lead you to believe that the four year period of a tax exemption is necessary to achieve market penetration so that there will be no need to extend this tax exemption.

I'll sit down, I think I've answered most of the questions raised by the good Senator from York. I'd be glad to answer any other questions that people may have regarding this particular issue, but I would encourage you to vote against the good Senator from York's motion to accept the Minority Report, and it is the Minor-

ity Report, please note that. Accept the Majority Report and encourage industrial development in the State.

We had testimony from the Office of the Commissioner of Finance who said, through his economists, "that the current industries in the State of Maine are not producing many new jobs. Yes, we're seeing capital development in our paper industry and our shoe industry, and the computer industry as well, but these are capital intensive type enlarging of existing industry. The way to stimulate new economic growth in the State of Maine is to look to a new industry." This is a new industry, the package is well conceived, it's well put together, it's received the study of not only the Federal government, but many levels of our State government as well. I encourage you to accept their recommendation and support the Majority Report. Thank you.

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

SENATOR HAYES: Mr. President and Members of the Maine Senate. I don't have all the facts that the good Senator from Androscoggin, Senator Trafton, but I do promise to be a lot briefer.

In the middle ages, a lot of people practiced Alchemy spent a great deal of time busily trying to change lead into gold. In Maine, our last folly was to believe we could process sugar beets using imported sugar cane. Our present folly is, in my judgment, to believe we can profitably convert midwest corn into ethanol.

In all good conscious, I feel that I should speak against the further exposure of the people of the State of Maine to providing a \$5,000,000 dollar tax break for the proposed ethanol plant. I'll speak only briefly to you about my concerns. Let me address some of the assumptions related to this project.

First, there is an assumption about the price of oil and the availability of oil. That assumption is that the price of oil will increase and the availability decrease, and probably that's not a bad assumption.

Second, there is an assumption about the availability and the price of corn. That assumption is that corn will be available, and that the price will remain stable. These assumptions are somewhat risky.

Third, there is an assumption that other additives, such as methanol, are not going to provide a less costly additive to gasoline. This assumption, I suggest, is highly risky, given the technological innovation, and Methanol can be produced at about one-third of the price of ethanol.

Fourth, there are also assumptions that the price of transportation will remain constant. And again, that's not a very good bet.

Fifth, there are assumptions that the environment will be adversely impacted by this development. This particular form of development will burn a great number of tons of coal each day, and, I submit that the threshold of air quality in Auburn had better be far below the threshold provided by law, or you've got a problem.

Now if we assume the most rosy estimate for each of these risks, it strikes me that hanging the decision to invest \$100,000,000 into ethanol upon the unpredictable behavior of the Maine Legislature to grant a tax break, represents a most unusual business decision. This decision to give a tax break to ethanol must come at the expense of other socially desirable expenditures. What happens when, I mean, ethanol can't make it? Do we forgive the loan? Do we write them an extension on the tax break? Do we grant them another loan? Do we give a tax break to trucks that haul, I had potatoes but I understand potatoes are no longer in the picture, to the plant? Do we give a tax break to the railroads that bring in the grain?

I think the northeast bubble is going to burst, and the people are going to pick up the tab,

while the entrepreneurs will walk away with smiles on their faces and gold in their pockets. Making gold out of lead is, sometimes, a pretty tough job, but maybe it's possible.

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

SENATOR MINKOWSKY: Mr. President and Members of the Senate, it's not a very easy task this evening to stand before this Body and people who represent the industries involved, that I have served in the Legislature with, to speak in opposition to it.

As you may recall during the last Session, we extended the Maine Guarantee Authority, now called "FAME" their bonding indebtedness, to address this particular program, and there was additional available monies for other worthy projects. At that particular segment of time, in looking over the history of ethanol, and the history of the people involved in the program, and the participation of the Federal government and then the State government with this guaranteed loan, made me a little apprehensive, not because I did not feel these people were competent or capable of running a good operation, because in their own individual rights in the State of Maine, they are individually successful operations.

When I served on the Committee for Industrial and Recreational Development back in 1971, which was then involved with many projects of which many of you are familiar with, that failed, and were charged off the tax payers expense, and I think, to the tune of \$42,000,000. I, then, became a little more cognizant as to what proper procedures are we using in which to address financial assistance, then to ailing businesses, not to secure, solvent businesses that we're dealing with this evening. I am a firm believer in the free enterprise system, and I have defended it for years in this Legislature, but the free enterprise system of the private sector of business, I believe, also to be successful, must assume all the risks, and in this particular case they are not assuming all the risks.

Now, I can see how this started off in the beginning with the oil embargo back in 1973 where we were classified as an extremely wasteful nation, and energy conservation was the key to solve many of our problems especially with our nonrenewable resources. There were many schemes designed at Federal expense, and many of these schemes over the past ten years have gone down the drain, and have been written off.

I want the proponents of this particular piece of legislation to understand where I am coming from. I live close to the community of Auburn, in the City of Lewiston, part of Androscoggin County, I served on that finance board for four years and I knew exactly how important additional industrial development was to a community insofar as sharing the property tax burden amongst everybody. I'm not opposed to industrial development, but I've attended the hearings, I've listened very attentively to all the proponents and opponents to this particular measure, and, I still have a unsteady feeling, even with the report which came out with that special study commission, which really says, in essence, if you want to go the one step further beyond the Maine Guarantee Authority loan that we sanctioned in the name of marketing, then this project will be feasible and practical.

Ethanol, and it was brought up by several of the proponents is a renewable resource, and that's commendable, it's also a food product for either animal feed, primarily, or human consumption depending upon the type of corn you're using, but that renewable resource takes many nonrenewable resources to grow. Your nitrogen from natural gas, your mechanized machinery, you're either using diesel fuel or gasoline. The entire gambit of things, even the transportation scheme of getting up here, and

then taking individual areas of tax write offs, leads you to believe one simple thing, that in a present economy where the price of oil, maybe, is somewhat stable compared to what it has been, but it can change and I grant that particular fact that it can happen very easily like it did before, and I anticipate it can happen again in the future. This might be, then feasible if the price for oil was about \$20 per barrel, but today it doesn't fall in that category. Other schemes have been devised Methane, for example, which is even more practical than, as I understand, than ethanol.

Three points I'd like to cover, and I will not go on as each one of the other speakers did, one twenty-nine minutes and one thirty-one minutes, as I'm only five minutes and twenty-three seconds into my presentation. Under the first question, which was addressed by the Commission, would the New England Ethanol Project be economically feasible without an excise tax exemption? I would call your attention to page seven of the report and there it clearly states, figures presented by N.E.P. (New England Ethanol), to the Department of Energy, (D.O.E.), in their application for a Federal loan guaranty did not, "did not," assume the availability of a State gasoline tax exemption. D.O.E. granted N.E.P. a conditional loan guaranty suggesting that they feel that the project is viable without a State gasoline tax.

Now, even though I'm not in love with the bureaucratic system, either at the State level or the Federal level, I would make an assumption at this point, that they did conduct somewhat of an investigation before making this particular \$67,000,000 grant to these people, or loan guaranty is a better word. They must have assumed that knowing full well Maine did not have this tax exemption, figure that the program was viable. This point was articulated very clearly when we addressed the FAME guaranty. I had reservations then, but I said in the name of progress and hopefully that this program will be a huge success, I have that confidence as far as that point went, but, now we're in the third phase, and this is where my, where I'm coming from with these reservations.

Secondly, the Maine Guarantee Authority conditional loan guaranty was based on the following facts: the principles are all strong Maine companies, the Maine Guarantee Authority's exposure was very limited in the relationship to the total project cost, and the information the Maine Guarantee Authority obtained from two consultants was favorable towards the marketability of ethanol but, nothing about the four cent exemption we're talking about here this evening. Two points out of three.

Thirdly, reaction to the project in the financial markets has been disappointing thus far, however, the market for most alternative energy projects was done in 1983 due to lower oil prices. Federal tax changes have also had an adverse impact on the ability of N.E.P. to market its equity. Passage of the Maine tax exemption would be a useful, and I emphasize, a useful selling point in marketing the remaining equity shares. My feeling is Maine people and Maine taxes should not be utilized as a useful selling point. We must have, and I really feel that prospectus that was brought out earlier, really should have been made available to the Taxation Committee. It's of paramount importance when you go through a Federal agency for this amount of revenue and, basically, two State guarantees along these lines. Maine is not that rich a State that we can afford this type of endeavor.

Finally, there are many Maine businesses out there that need expansion, that are in the positions to hire more people and we could have taken that \$5.5 million and spread it amongst many, many Maine businesses which would increase the job market tremendously. We are throwing our efforts into one particular project and the points covered earlier by the Chairman of the Taxation Committee, which I

will not reiterate, in my estimation, were right on target and very valid, and, as much as I wish the programs success, I cannot in good conscience, extend any more tax guarantees from the Maine people.

(OFF RECORD REMARKS)

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

SENATOR TWITCHELL: Thank you, Mr. President. I guess everything has been said that needed to be said on this subject.

As you probably know, we have had a work session, and numerous work sessions on this Bill and we've held two public hearings, and had a study on it, but what wasn't told in the studies and the work sessions and the hearings is that setting in my backyard is a recreational center called Evergreen Valley, which was funded by the Maine Guarantee Authority, and has gone through bankruptcy twice now, and I don't need another one in my front yard, and, if you like recreation centers, sugar beets, you're going to love this one.

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

SENATOR CHARETTE: Thank you, Mr. President. Women and Men of the Senate, I'm going to be very brief. I guess now that you've heard the hard core facts let me present you with some other facts.

I guess all of us, if we followed the ethanol project, you know, we've accumulated a folder that began last year, and I read the recommendations and there's fact sheets, and at that time the Office of Energy Resources chose not to take any position and that was dated February 15, I believe, of this year. Now I read a letter of April 11, 1984, and clearly, the Office of Energy Resources supports the Bill, and we've heard next that the Governor highly favors the Bill. If you go through all this correspondence we've received over the past several months, Maine Department of Agriculture, Food and Rural Resources support the Bill, the Maine State Grange supports the Bill, Maine Poultry Federation, Maine Potato Commission, I won't read those letters I received against the Bill, look in your folders.

However, in Androscoggin County, our unemployment rate is about 9%. Sure, we've lost some large industries in the last few years, but, we've fought back. Our income isn't as high as the income of some counties, but our people work hard. A lot of them work in the mills, the shoe shops, we don't ask much from the State of Maine. People come, or came to us and said, "Hey, let's build a ship yard." So, we helped. Then some more people another time, they came back and said, "Hey, let's build Sears Island into a cargo port." So, we helped. Then, people came and said, "Hey, economic development in Washington County." So, we helped. Then, people came back and said, "Help us to take the economic development in Aroostook County." So again we helped. All the while we helped, we take care of ourselves on our own.

Now, over the life of the Maine Guarantee Authority and FAME, over one hundred million dollars has been loaned out or guaranteed by the State of Maine for projects all over Maine. So, take out your pencils and write down for me how much you think was guaranteed or loaned to projects in Androscoggin County. Well, I'll save you time, less than six million dollars, so that is less than 6% of the help the State of Maine has given the industry, and our County has 15% of the State's population. Not bad. Our unemployment rate is higher than that of most counties. Well, here's another fact for you. Of those loans and guarantees, every single one of them has been paid off, not one is still outstanding. There are not many counties in Maine that can make that statement. Now, this does not make us any better than anyone else, but it does mean that we helped you when you needed help, and we need

your help now.

I know that some of your constituents have asked you not to vote for this Bill, but, let's face the facts. The issues they raised really don't amount to much. The oil dealers asked us to kill the Bill, but I bet that they are still selling gas and oil in the other thirty-three states that have the exemptions such as this. Then, they ask to vote against the Bill because some people don't like the developers of the project. The unemployed of Androscoggin County don't care who develops the project, as long as they have a place to go to work on Monday morning. So, let's put aside all this small stuff, and do what is right.

I'm looking at \$4.6 million over a period of four years in tax relief for the City of Lewiston and Auburn, so, I hope we take a serious look and vote in favor of this measure. Thank you.

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

SENATOR GILL: Mr. President, Members of the Senate. I was interested in some of the statements just made by the good Senator from Lewiston, Senator Charette, from Androscoggin County, excuse me.

The projects that he had mentioned that the State of Maine did help, and as I recall, the projects that we helped were, some were ongoing projects, or ongoing programs, like Bath Iron Works. They had a program in Bath, they had contracts for ships that we could accommodate in Portland, so yes, the State of Maine did help, but when a prospectus comes out and says right on the prospectus, that there is no documented need for this product, I think we should question whether the State of Maine should do anymore for it than what we've already done.

I think if there was a documented need for this product, that the people involved in this undertaking would have no problem in raising funds from the private sector to assist them. They do have a problem in that, so they have come to the State of Maine.

When I, this afternoon, at some point this afternoon, we passed a resolution here memorializing the people in the mills in Lewiston, the shoe factories and the workers there. I think what troubles me is that we have many ongoing businesses, particularly the shoe industry, we're not helping, we have the poultry industry which we really haven't assisted, helped. We have many people in the State of Maine who have ongoing projects, ongoing businesses, and we're not assisting them. I think that this is a bad time to start assisting this one.

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

SENATOR TRAFTON: Thank you, Mr. President. First, I'd like to request that when the vote is taken, it is taken by the Yeas and the Nays.

I would like to address a few points that has been raised. First, there is the documented need for this product, as I indicated earlier, we are already importing ethanol from outside this Country. That ethanol is being used, even though there is a stiff Federal import duty on that ethanol, the market is already there. As I indicated with lead being phased out at the Federal level there's no question that there will have to be a replacement for lead as an octane enhancer. What are the alternatives to lead other than ethanol? Well, those alternatives are fairly dangerous. Benzene has been proven to be a carcinogen, that is one of the most widely used substitutes to lead. As I said, this particular product, ethanol, comes from a renewable source, corn.

The good Senator from Penobscot, Senator Hayes, raises questions about the supply of corn, in fact, we're producing twice as much corn as we currently can use in the United States. The market for corn is there, the market for corn is relatively stable, and the economics of this project are based on a corn price that is much lower than average. So that the econom-

ics of the project are stable. They've been reviewed at the Federal level, they've been reviewed at the State level, by many different bureaus within our own government. This isn't a new project, it's had its review.

Finally, methanol is suggested as an alternative perhaps a cheaper alternative. We ought to be aware that methanol violates the automobile warranties that accompany most cars. That means if you use methanol in an existing automobile, you've violated the warranty and you cannot bring that automobile back into the shop and have the repairs paid for. That is not the case with ethanol. Ethanol is an accepted octane enhancer for every automobile in the world, except for one, Peugeot, which makes the mere suggestion that over blended alcohol fuels might be dangerous to the automobile parts, but in fact, the blending process used in the United States, and particularly in the State of Maine, is a very safe, secure blending process, so that raises really no issue at all here.

So, I urge you to vote against the motion for acceptance of the Minority Ought Not to Pass Report. I urge you to vote No when the vote is taken by the Yeas and the Nays. Thank you.

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

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

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

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

SENATOR CARPENTER: Mr. President, Ladies and Gentlemen of the Senate. To all those within the sound of my voice who just groaned when I stood up, one more person speaking, I promise I will be shorter than the good Senator from Androscoggin, who I think has the record at this point, perhaps.

I, perhaps, could take credit or blame, somewhat for this project being before us, tonight. I remember a rather classic screaming match that I had with a member of the Legislature out in the hallway last year, we were trying to get funding for the study. Interestingly enough, I'm having a real problem with the project at this point, and I believe that gentleman voted for the project in the House, but that's just part of the Legislative process.

I wanted to stand up and just reiterate a few concerns that I have, some of which are directly related and some of which are tangentially related, and, I'm not able to break that string connecting the two just yet. I have not known until three minutes ago how I was going to vote, and I hate to hurt anybody's feeling in here, but nothing was said in here made up my mind for me, something I talked to another Legislator in the hallway. I'm going to vote tonight to keep the project alive. This is not a vote for the project, enactment of the project, so I can do that and feel justified in doing it. I still have some concerns.

One of the reasons I'm voting to keep the project alive, to do some thinking about it and I've done a lot of thinking about it, although I've not been lobbied very much, is some of the concerns that my good friend, Senator Charette, brought up about Androscoggin County and his situation, although I'm not able to identify directly the things that he said that when Aroostook County needed it, he was there. He has always been there when we needed him, but I'm not sure what, in economic development, has come our way. Given that most of the State's economic development effort went into Portland last year, and Auburn this year, I figured out that given 230 miles, I'll only have to stay around here 16 more years and it'll make Houlton. Senator Violette is going to have to be around for about 28, I think, to get it to Van Buren.

I have some concerns about this project, I truly do. There are some very, very positive aspects to the projects. I have some real concern about where the State might end up holding the bag in this thing and I don't want to be a part of something that happened, similar to something that hapened prior to my coming here, it's already been alluded to, that was the sugar beet fiasco.

I wish this project could go without the State's \$5,000,000 handout, apparently it cannot. I believe the people who tell me that it cannot. I'm concerned, I mean, we seem to have this project fairly well locked in, yet I know based on my discussions that the Maine Guarantee Authority was told that they would not need this exemption. That bothers me a little bit, if the project was that well thought out at that point, that while the consulting had been done and all that. That truly, truly does bother me. And I guess, again, I hate to keep relating these things all together in a sort of a package but I look at the waning hours of the Legislature and I wonder what we're doing here, I wonder what's going on here. We're about to hand \$5,000,000 here, a couple million dollars there, a couple million there, and, you know, it's the largest corporate interest in the State and I know they produce jobs and I know they produce income, but at some point you've got to look at the bottom of the scale as well, and I'm not sure that we've done that, and that truly, truly does trouble me.

As I said, I'm going to vote to keep the project alive tonight, and, maybe I'll sleep on it or maybe I won't sleep on it, maybe I won't sleep because of it. If there is a possibility that Aroostook County could somehow be involved in this project that makes it more attractive to me, because my area needs economic development. My area needs \$5,000,000 worth of economic development, or \$15,000,000, or \$1,000,000.

This State said through it's Planning Department not too many months ago, that there are two Maine's, and I think that's terrible, I think that's atrocious, and, if in fact there are two Maine's, than the millions of dollars we gave last year to the better off Maine and the millions of dollars we may give this year to the better off portion of Maine should have gone to that portion of Maine that's not so well off. I'm concerned about that, and I'm concerned that we should have some leadership in that area. I don't want to take away any remarks that might be said by anybody else from Aroostook County, but I think that those things have to be considered and have to be thought about. I hope that we do think about this project long and hard. If it's justifiable, then let's go ahead and give it the \$5,000,000 if that's what it's got to have to get off the ground and produce the jobs, and help agriculture. That's another very attractive aspect of this, not Aroostook County, not potatoes, but agriculture in Maine, which we have just recognized with another Bill that we're hurting in agriculture, we're losing farm land.

So, I am going to vote tonight to keep this alive but I've got to express those concerns, but I thank you for putting up with me for a few minutes.

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

SENATOR WOOD: Mr. President, Men and Women of the Senate, I realize the hour is late, it seems that we go through this every Session, where we spend innumerable hours debating rather meaningless gestures in the beginning of the Session, when the real issues come that we're pressured and there's very little time and tempers flare up and we really don't get a full review of the issues, but I was extremely troubled in this debate by a couple of statements that were made and I would ask you that if the motion fails and we accept the Majority Ought to Pass Report, that, for once we don't assume that it's passed. That we really do

think about it, all of us, on both sides.

I was very, very pleased when Senator Gill got up and shared with us the prospectus that she had seen and that I had not seen. I know that it was a difficult decision for her to make to get up and share that with us, but it's indicative of the quality of the people we have in this Body and the care we have for this State, whichever side we're on. When she said there was no documented market for this product, what are we doing? I said to her, "If I had seen that prospectus and knew that, I would have been much more opposed to this." I did not see it, and so my opposition was somewhat lessened, and then, the Senator from Aroostook mentioned that when this project went before FAME, they said they did not need this exemption. Those decisions were made on that, that calls the whole loan into question. Would FAME have made that loan if they knew the Legislature had to grant an exemption? This is an extremely serious issue, and, I urge you to look carefully at it.

Finally, the good Senator from Androscoggin talks about the people in his area, and I think all of us have an obligation to the people in our area, and, probably if the ethanol plant was in my area I would be doing the very things that he's doing. But, I hope that we do not reach the point in this State that we vulcanize the State, and, that we begin to look at projects in terms of pork barrel and you will get yours and you will get yours, and whoever has the most votes will get something, and, we sort of trickle it down. That is not the way you write tax policy. That is not the way you create jobs and that is not the way you create a better Maine.

THE PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Somerset, Senator Redmond.

SENATOR REDMOND: Men and Women of the Senate, the hour is late and I don't want to delay this debate any, however, I'm going to vote to defeat this motion because I support this project and the reason why I support this project is because it's with pride and joy that I support this project.

I think this great State should be proud to have individuals who have the ability, who can envision the ultimate results of projects of this magnitude, and for those of you who are so suspicious that they won't make any money, I think you ought to think a little bit and take a good look at what these people are doing now, all three of them. One of them happens to be located in Somerset County, where I live, and it's been my observation that the people who work for him are all well paid, they're very happy, they have good retirement systems and, I'm proud of these people. I have a lot of confidence, and let me tell you they are very honorable. Why would they let us down suddenly on this project? They are full of enthusiasm and they are looking forward to success. They are investing a lot of their own money in this. So, I think that by casting my vote and supporting this project, what this great State is doing is just telling these gentlemen "We like you," it's a token of appreciation. That's what this is. They are now, they have already repaid the State of Maine this few million dollars. They've repaid that a long time ago. Even if this project was a failure which is a very remote thing that could happen, we'd still be ahead of the game. So, I hope you will go along with me and support this project and vote against that motion.

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

SENATOR HICHENS: Mr. President, Members of the Senate. I hope that you will support the motion of the good Senator from York.

I have here in my hand a list of commitments that the Maine Milk Producers would like New England Ethanol Products and its principles to make to its members in the farming community in the State of Maine. It lists several conditions which they bring to the attention of

these people and it's signed by the four owners, including the President of the Ethanol Products Company, but one of them says "Farmers shall be able to pick up both wet and dry feed in small enough units to satisfy their individual needs." The other day I had a young farmer come and ask me if I would vote to support this Bill and I was talking with him about the different promises made, and he said "There's one promise there that I don't think they'll live up to." He says "I can't see a big company like that allowing farmers like me to come with their pick-up trucks and clog up that yard trying to pick up wet feed for my stock." And he said "There are two of three other things that they've promised to us that I find hard to believe." As we discussed the subject, he finally went off and I think he was more convinced, convinced himself that it wasn't going to be such a good product as he thought it was going to be.

Along with that, I had the privilege, along with other Legislators to go to a luncheon and was shown a picture afterwards, or slides of the ethanol activities. While we were there, one of the Legislators from York County said that he had had quite a lot of experience with ethanol, or one very disastrous experience in fact. A few years ago when he filled his tank with ethanol and started for Augusta got about half way down here and the car stopped, he had to be hauled off the Turnpike and was taken into a garage, and after much investigation, they found out that his carburetor was all clogged up. They said it was because he had gone and filled it with ethanol without having his tank all cleaned out and the carburetor cleaned out in preparation for it. One of the gentlemen of the ethanol projects people admitted that if ethanol was to be used that the gasoline tanks and carburetors would have to be cleaned out first before it could function properly. That was the first turn I had against the ethanol products coming into our State.

I could go on with other arguments tonight, but you all have realized that this issue has been heavily lobbied, with all kinds of promises by well paid lobbyists, which from past experience, I have learned to take with a grain of salt in many cases.

I have here in my hand tonight a permission slip to attend a conference about the possibilities of having rice as the second crop in Aroostook County. I think, possibly, that's a good alternative we may have and it may produce more than the ethanol would for us in this State.

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

SENATOR BALDACCII: Thank you, Mr. President, Members of the Senate. First, I would just like to let the Senators know that I've studied these recommendations of the Ethanol Study Committee and I also share with Senator Carpenter some of the concerns that he has, and I will be supporting this project on this First and Second Reading, and be able to study it a little bit more.

We had a problem in our area, which was one of the schools had to be closed, but they put it out to a referendum. In the rest of the community during that referendum, because of a threat that their school in their neighborhood would be closed, voted to close that particular school rather than their own neighborhood school. In this Senate, I hear arguments of the reverse psychology, just because there's a benefit in a particular area of the State, and there isn't a benefit in another area of the State, whether it be Northern Maine or whether it be a benefit for the farmers or anybody else, we are even thinking of denying this project from occurring. We're talking about a \$100,000,000 investment in the State of Maine. We're talking about property taxes that are going to be paid in the State of Maine, property tax relief to those communities, that some Senators are speaking to. We're talking about spin-offs, we're

talking about traffic making traffic, and that's the fact of life. We live in the North and Northeastern part of the United States. We have to become more competitive to draw industry into these areas. We have to search these industries out.

I have a lot of questions about this ethanol thing, I certainly do. I've watched this go from the M.G.A., I've sat in on meetings, I've talked to the consultants, I've talked to the Office of Energy Resources about is oil and gas going to rise at that particular point so that we won't have to continue the exemption. I think this is too important a project here for the State of Maine to get caught in parochialism. We are here representing the State of Maine and what's in the best interest of the State of Maine. Not what's in the best interest of other areas that aren't even addressed in this Bill. And, I would appreciate if we would defeat the motion.

THE PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Pray.

SENATOR PRAY: Thank you, Mr. President. Mr. President and Ladies and Gentlemen of the Senate, listening to the debate, my concern for some of the comments that have been made, I'm reminded of a comment that the Senator from Oxford, Senator Twitchell had made once before when he stood up on a particular issue and said that he probably should ask to be excused from voting on the issue because he had a conflict of interest. The conflict was the fact that he had one person call him up for the bill and one person call him up against the bill, and if anything ever constituted a conflict, that did.

Well, I find myself now in that same type of position. I've had two distributors from my Senate District call me up, one saying that they were opposed to the Bill and the other one called me up and stated that he had been asked by the supplier to call me up and ask for my opposition to the Bill. He said, "I told him that I didn't know much about the project and asked him if they would send me some materials," of which he said they sent him reams of materials, including the study that was done, and as he looked over the materials that were sent to him, he said, "You know, I came to the conclusion this project probably wouldn't help me a bit, but it might be something worthwhile for the State to look into. I'm not going to ask you to vote for the Bill or against the bill" he said, "I just want to give you my opinion by looking at the project, it's something you people ought to really consider and look at good and hard."

Now, I kind of thought that over after we got done talking. He had a great opportunity to state his own personal concerns as to what it would do to his business. His perception that it was some type of competition and he may lose some sales, but, I think that type of approach, looking at projects such as this one, is something which has made this project worth considering and worth looking at. This individual knows far more about the gas and oil business than I do, he's been in it all of his life, his father was in it before him, he's an individual who's had problems with the bigger oil companies and he's still a distributor for them and, I'm aware of some of his concerns, and some of the problems he's had with them. I just thought for awhile afterwards, and that's really what made my mind up finally to vote for this project, to look at it longer, for this Chamber and this Legislature to have an opportunity to weigh off the benefits and the consequences of this project. I think that the ultimate decision, or I would hope that the ultimate decision would be made based upon what this individual did, not on his own personal situation, not on that of the comments that we sometimes receive from an individual who has a particular interest in it, but, as we weigh this proposal and we see what the possible benefits to this

State are.

I've heard an awful lot of comments in reference to helping businesses, which type of theory, trickle down, trickle up, reverse domino theory. I've heard individuals talk about which businesses we should be helping. We had a report the other day from the Appropriations Committee on a job start program. This was to help small business people. I notice the Bill came out reported on partisan lines. I don't know how many projects proposals that we've had in here, that we've had discussed, but I think they've all been addressed, from one way to the other, helping the big guy, helping the little guy, making attempts, and every time we end up fighting over the argument as to this one particular proposal doesn't help everybody. Well, it's going to be a combination of those ideas, a combination of those Legislative proposals that are going to help everybody, and to reject one because it doesn't help this side or that side, I think, is not going to project or propel the State of Maine into an era of economic development. It's going to be a consensus of those ideas, handle them one at a time, because we'll never have a proposal in here that's going to help every level of the State economy in every geographical area of the State economy at one time.

THE PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Hancock, Senator Perkins.

SENATOR PERKINS: Mr. President and Ladies and Gentlemen of the Senate, I rise because I didn't want to be left out. I have known one of the principles for quite some years and have done business with the other principles within the corporation proposed for the tax break.

I've used ethanol and I've enjoyed it, I would have used it even if they didn't give popcorn away with it, but I thought it did well for my car. I am from some of the other parts of Maine, which I don't think we've mentioned and that's the Eastern Coastal area, I guess we're from that other part of Maine which is undeveloped. I know that I've always considered what was good for Ellsworth and its things were good for Hancock County, I still believe it, I think it's a good project, I think it's a chance for Maine to show that it has faith in its future and that these people who are successful in all their other ventures are now ready to join with us in another venture and prove to us that their dreams are worthwhile, and I ask you to join me and defeat this motion, and we go forward to a new Maine.

THE PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the motion of the Senator from York, Senator Wood, that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of Accepting the Minority Ought Not to Pass Report of the Committee.

A No vote will be opposed.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

YEAS—Senators, Clark, Dutremble, Gill, Hayes, Hichens, McBreairty, Minkowsky, Najarian, Sewall, Twitchell, Usher, Wood.

NAYS—Senators, Baldacci, Brown, Bustin, Carpenter, Charette, Collins, Danton, Diamond, Dow, Emerson, Erwin, Kany, Pearson, Perkins, Pray, Redmond, Shute, Trafton, Violette, The President—Gerard P. Conley.

ABSENT—Senator, Teague.

12 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 1 Senator being absent, the motion to ACCEPT the Minority OUGHT NOT TO PASS Report of the Committee FAILED.

The Majority OUGHT TO PASS IN NEW DRAFT Report was ACCEPTED, in concurrence.

The Bill in NEW DRAFT READ ONCE.

House Amendment "C" (H-726) 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 in NEW DRAFT READ A SECOND TIME.

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

SENATOR WOOD: Mr. President. I offer Senate Amendment "B" with a filing number of S-420 and move its Adoption.

THE PRESIDENT: The Senator from York, Senator Wood, offers Senate Amendment "B" and moves its Adoption.

Senate Amendment "B" (S-420) was READ.

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

SENATOR DANTON: Mr. President, Members of the Senate, I oppose this amendment. I am opposed to the concept of having the Highway Fund assume the loss of revenue attributable to the gasohol subsidy.

I feel that it is proper for the General Fund to bear this cost, as economic development benefits all Maine citizens and the General Fund stand to ultimately reap the benefits of increased tax revenue.

There may be a perception among some people that the Highway Fund shows a surplus and therefore, may be better able to withstand the revenue loss than could the General Fund. I can assure you that this is not the case. There are many competing demands placed upon the Highway Fund already, and some of the demands will not be fully met. Any reduction in available Highway Fund revenue would have to affect our highway and bridge construction program. Every State dollar that is spent on highway construction is matched on average by four Federal dollars, thus if \$5,000,000 is removed from the Highway Fund, we would not be able to match approximately \$20,000,000 in Federal highway funds, for a total loss of \$25,000,000.

A highway needs study conducted in 1982 demonstrated that to keep Maine's highways in approximately the same overall condition, it is necessary to match all available Federal funds. Our Transportation Investment Program for 1984-1985 does meet this goal, but would be severely crippled if this amendment were to pass. A loss of \$25,000,000 from D.O.T.'s construction program would cause the delay or deferral of many highway and bridge programs, which in turn would infringe upon both the traveling public safety and comfort and could possibly affect the economy in many parts of this state.

The \$25,000,000 would be removed permanently from the Maine economy. D.O.T. contracts for nearly all of its construction work with private construction firms. Most of these firms are Maine companies, who pay taxes in Maine, and who's employees live and pay taxes in all parts of Maine. We must remember that the gasoline tax is not a sales tax on gasoline, but rather is a user fee designed to pay for the use of the highways. D.O.T. supports a highway taxation system based upon the user paying his or her fair share of taxes. This cost based approach helps to assure that adequate funds will be available to provide for maintenance, construction and reconstruction of the State's highways and bridges.

For these reasons I oppose this amendment and request a Division.

THE PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from York, Senator Wood.

SENATOR WOOD: Mr. President, before I begin to explain why I offered this amendment, I would like to make an observation that I'm getting a little concerned about the health of

the Presiding Officer and I think that it's time for us to recess or take a little vacation, because usually when I offer amendments and proposals, the hammer comes down very quickly, and tonight the hammer is extremely slow and I think that we should all be concerned about that.

I would suggest, though, that I'm offering this amendment because it seems to me that, once again, we have a situation where everyone thinks it's a wonderful idea, but nobody wants to pay for it. I would contend that the speech given by the Chairman of the Transportation Committee could be given by the Chair of Appropriations. There are competing demands on that Appropriations Table, and there will be some programs that will not be funded this year, and there will be some services that we will not provide this year, if we chose to fund this program from the Appropriations process, and that maybe, tax conformity won't slide, maybe, God forbid, Legislative pay raises and judge pay raises won't fly. Maybe a little pet project that we all care about won't fly because we're putting it on the Appropriations Table. So, while I can sympathize with the Chairman of Transportation, I would contend that the same arguments can be made by the Chairman of Appropriations.

Then, the Chairman of Transportation tells us about economic benefits. I have been here for eight years and I understand about fiscal notes, and, I've never, we've heard arguments before our Committee time and time again, that while this tax break will generate lots and lots of money, but we never know that, and we can't plan budgets on that lots and lots of money, and fiscal notes don't reflect that lots and lots of money, they simply reflect a loss, and this is what it is, a loss. Yes, down the road there might be some benefits, but we can't spend those benefits before we get them.

So, I would urge you to ask yourself where does this belong? Are we giving them an income tax exemption? Are we giving them any kind of tax that fits into the General Fund? No. This is an exemption that relates to the Highway Department, the Transportation Department, and it seems to me that logic would require us to put it where it belongs. Then, maybe if it was where it belonged, the people in that Department would have a different attitude about whether there was a lot of merit in this proposal. You know, if you never have to pay for anything, everything is wonderful.

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

SENATOR DANTON: Mr. President, Members of the Senate. Obviously, the good Senator from York, Senator Wood, is trying to wear me down and I must confess, he's succeeding.

You know, last year we passed a highway program and we worked hard, and we passed a nickel a gallon gas tax and I stood here and I told you that at long last, after many, many years, we were going to take and have a highway program, and not only that, but the cities and towns would benefit a little bit from this nickel a gallon gas tax. Well, as it is you have a Bill on the Table now that will increase your block grants from \$27.50 to \$32.50 a mile. There are other programs that are on the Special Highway Table that are of much importance to the State of Maine.

When we talk about the money coming from the General Fund, I think we're going to employ people with this plant, at least that's what the projections are, and I have no reason to not believe that many people are going to be employed there. They will pay income taxes, they will have more purchasing power, they will buy things, they will be paying a sales tax on the things they buy. The right place for the money to come from is from the General Fund, not from the Highway Fund. If you people want to go back home and explain why the highways are not better, I'm one of the lucky Senators, I have good highways in my area, but some of

you people are still waiting to get good highways, and we're trying to do everything possible to get the highways into your areas, but I'll tell you, you get \$5,000,000 out of the Highway Fund and you lose \$20,000,000 in Federal money, I'm sure up in Aroostook County you'll have ruts for a long, long time.

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

SENATOR TRAFTON: Thank you, Mr. President. Mr. President and Members of the Senate, I rise in support of the good Senator from York, Senator Danton. It was the unanimous decision of the Ethanol Study Committee that the General Fund, not the Highway Fund, bear the weight of this proposed tax exemption. In fact, it will be the General Fund that will bear the benefit, or will benefit in the future from the revenues that do come in from the result of this project.

Total income earned by the employees of the plant and associated industries and the consumer sectors of the local economy will be in excess of \$10,000,000 per year, and based on this estimate increased personal income taxes and the increases in other State revenues will average more than \$700,000 per year. This means that, clearly, after seven years of the project operating at that level, the total tax revenue gains will outweigh the tax losses.

More than that, it should be important to point out that this tax exemption does not start until 1986, therefore, there will be no loss to the General Fund until 1987, but ultimately, and not far away, maybe seven years later, all those lost revenues will be replenished to the General Fund. Thank you.

THE PRESIDENT: Is the Senate ready for the question?

The question before the Senate is the adoption of Senate Amendment "B" (S-420).

A Division has been requested.

Will all those Senators in favor of the adoption of Senate Amendment "B", 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.

8 Senators having voted in the affirmative and 23 Senators having voted in the negative, the motion to ACCEPT Senate Amendment "B" (S-420) FAILED.

The Bill in NEW DRAFT PASSED TO BE ENGROSSED AS AMENDED in concurrence.

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

PAPERS FROM THE HOUSE

Non-concurrent Matter

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

In Senate April 11, 1984 PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-412) in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-412) AND HOUSE AMENDMENT "C" (H-713) in NON-CONCURRENCE.

On motion by Senator PRAY of PENOBSCOT, the Senate RECEDED and CONCURRED with the House.

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

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

SENATOR CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, you will remember about this hour last evening when we enacted a bill entitled Bill "An Act to Revise the Wood Measurement Law," there was a small technical mistake made in that Bill. We considered, and it was agreeable to amend it

through the Errors and Inconsistencies Bill, however, the Bill we passed last night has not yet become law and been assigned a Chapter number so we couldn't amend it that way.

If you'll bear with me for just a second, I want to read into the Record a statement which has been read into the Record, I would point out for anybody reading this in the future, has been read into the Record in the other Body by an opponent of this measure just to show that all parties, even though they did not agree on the Bill, agree on the technical correction.

"At the request of the opponents of L. D. 2404, 'An Act to Revise the Wood Measurement Law,' Section 2364, Subsection 3, was amended to delete the requirement that in all cases involving payment for services, wood to be taken out of the State must be measured and a measurement tally sheet completed before the wood is taken out of the State. The opponents requested that, instead requirements for measuring and accounting for the wood before it leaves the State be imposed only when the State Sealer of Weights and Measures, after investigation, has reason to believe that except in the case of an inadvertent error, there has been an inaccurate measurement or that the measurement tally sheet was inaccurate or not promptly provided.

The proposed language for this amendment, however, did not expressly and clearly state that under these limited circumstances, that wood to be taken outside the State must be measured before it is taken out of the State.

The opponents who requested this amendment agreed that this requirement for the measurement of the wood before it leaves the State was the intention of the agreed upon amendment.

I am making this statement for the Record to clarify the Legislative intent of Section 2364A, subsection 3, of L. D. 2404," and I thank you very much for your indulgence.

Non-concurrent Matter

Bill "An Act to Provide Policy and Guidelines for Creation and Operation of Boards and Commissions." H. P. 1780 L. D. 2345

In Senate March 29, 1984 PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-720) in NON-CONCURRENCE.

On motion by Senator DIAMOND of Cumberland, the Senate RECEDED and CONCURRED with the House.

COMMITTEE REPORTS

House

Ought to Pass As Amended

The Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act Making Appropriations from the General Fund to Implement Certain Recommendations of the Governor's Commission on the Status of Education in Maine for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) H. P. 1743 L. D. 2297

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-716).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-716).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-716) 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.

ENACTORS

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

AN ACT to Clarify Certain Laws Relating to Education. H. P. 1862 L. D. 2467

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 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

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

SENATOR CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, I realize the hour is late and we have many miles to travel before we sleep.

I would just like to call the Senates' attention to L. D. 2446, the so-called "Child Custody Bill." You all remember, undoubtedly, the bitter division and fight over the Joint Custody, so-called, Bill last year, a result of which was a Joint Study Commission of Legislators, members of the Bar, Members of the Bench and lay people, and I must say, and I wish one of the members was still in the Chambers, she has just recently left, it was the finest Commission or Committee that I've ever served on. They worked hard, they were chaired by the able Gentlelady from the City of Ellsworth, Ruth Foster.

We came out with a very ambitious project which would have, in my opinion, been extremely progressive legislation, but in the wisdom of the Judiciary Committee, and the shortness of the Session, we've taken a small, but a very significant step forward. I would urge all of you to read this Bill, I think it is a step forward for the family law, if you will, section of Maine law. I think it, somewhere down the road, although we will never be able to measure, will be a significant, of significant benefit to the children of the State whose parents find themselves in a divorcing situation. I want just to commend not only the Legislature for its wisdom in enacting this law, would thank the Judiciary Committee, but also the members of the Commission for the outstanding job that they did. Thank you.

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

Under suspension of the rules, there being no objections all matters previously acted upon were sent forthwith.

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 Amend Certain Motor Vehicle Laws" (Emergency) H. P. 1820 L. D. 2412

In Senate April 11, 1984 PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "C" (H-685) AND SENATE AMENDMENT "C" (H-411) in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "C" (H-685) AS AMENDED BY HOUSE AMENDMENT "B" (H-725) thereto and HOUSE AMENDMENT "D" (H-722) in NON-CONCURRENCE.

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

Non-concurrent Matter

Bill "An Act to Limit the Authority of the Public Utilities Commission to Award Compensa-

tion to Intervenor" S. P. 763 L. D. 2071

In Senate April 6, 1984 the Majority Ought to Pass in New Draft under same title (S. P. 904) (L. D. 2424) Report READ and ACCEPTED and the Bill in NEW DRAFT PASSED TO BE ENGROSSED.

Comes from the House the Minority Ought to Pass as Amended Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-370) AND HOUSE AMENDMENT "A" (H-683) in NON-CONCURRENCE.

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

SENATOR BALDACCI: Thank you, Mr. President, Members of the Senate. Very briefly, I want to go over this particular Bill with you. It was a very controversial Bill that dealt with the Commissions funding of intervenors in front of the Commission for particular rate cases for the contributions they made.

The amendment, I'm going to move to Recede and Concur with the House and I just wanted, very briefly, to tell you that the first Amendment that comes with this particular report is just clarifying the wording, corrects a technical error in the Bill from Constitution to Chapter.

The second amendment is transitional language for the existing N.E.T. cases, an N.E.T. case, that went on, that the P.U.C. had granted intervenor funding to a Dr. Melody for a presentation, and that's already been granted in the way the bill was structured. It didn't provide that transitional language.

Other than that, they will not allow intervenor funding in other non-purpa issues.

On motion by Senator BALDACCI of Penobscot, the Senate RECEDED and CONCURRED with the House.

ENACTORS

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

AN ACT to Clarify and Make Corrections in the Inland Fisheries and Wildlife Laws. S. P. 908 L. D. 2446 (S. "A" S-404)

Which 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 Relating to Municipal Cost Components for Fiscal Year 1984-85 and Providing for a Study of the Unorganized Territory. H. P. 1857 L. D. 2458 (H. "A" H-702; H. "B" H-703; H. "C" H-705; S. "A" S-414)

On motion by Senator NAJARIAN of Cumberland Placed on the SPECIAL APPROPRIATION TABLE pending ENACTMENT.

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

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

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

The President then retired from the Senate Chamber.

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

COMMITTEE REPORTS

House

Divided Report

The Majority of the Committee on PUBLIC UTILITIES on Bill "An Act to Fairly Apportion the Cost of Canceled Electric Generating Facilities" H. P. 1826 L. D. 2421

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

(H-675).

Signed:

Senators:

BALDACCI of Penobscot
EMERSON of Penobscot

Representatives:

VOSE of Eastport
MCGOWAN of Pittsfield
RIDLEY of Shapleigh
PARADIS of Old Town
RODERICK of Oxford
ROBINSON of Auburn
WEYMOUTH of West Gardiner

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

Signed:

Senator:

KANY of Kennebec

Representatives:

BOST of Orono
BAKER of Portland
MATTHEWS of Winslow

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-675) AND HOUSE AMENDMENT "B" (H-719).

Which Reports were READ.

On motion by Senator BALDACCI the Majority OUGHT TO PASS as Amended Report was ACCEPTED in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-675) was READ and ADOPTED, in concurrence.

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

There is objection.

The Chair recognizes the Senator from Kennebec, Senator Kany.

SENATOR KANY: Thank you, Mr. President. I noticed that our Calendar shows that House Amendment "B" with a filing number of H-719, was accepted in the other Body, and I'm wondering exactly what the status of that amendment is now.

THE PRESIDENT PRO-TEM: The Chair thanks the Senator from Kennebec, the Chair is in error. The Chair now calls for the Secretary to read House Amendment "B".

House Amendment "B" (H-719) was READ.

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

SENATOR KANY: Thank you, Mr. President and Members of the Senate.

I had had intended until this afternoon to spend quite awhile debating this issue and, fortunately, mercifully as the time is late, I'll be very brief.

First of all, I would like to say that I do intend to go along with the Ought to Pass as Amended Report because of the amendment which was attached in the House. That particular amendment would require that the P.U.C. shall not permit the utility to recover, in rates, any cost incurred imprudently in relation to an investment in a canceled or abandoned electric generating facility, and that is most important.

Our present public utility law does not contain that language, and, we certainly should make certain that the imprudent further purchases and investments in Seabrook, particularly, so recently by two of our three major utilities, are not recoverable by the ratepayers, by the utilities from the ratepayers. It just doesn't seem fair when both Bangor Hydro and Central Maine Power just decided to more than double their investments in Seabrook in 1979, finally approved with a cursory financial glance by the N.R.C. in 1980. It just doesn't seem fair, after Three Mile Island, and when it was obvious that demand had diminished and we, in Maine, did not need to go along with that. In my opinion, that was a bail-out, and I cer-

tainly hope that we would all be intervening so that the people we represent would not have to pay these hundreds of millions of dollars, both for the cancelled Seabrook II, and for Seabrook I, if it is indeed cancelled, too.

I could go on at length on this topic, but I won't. I just want to say that I'm pleased that the House Amendment was put on this Bill and it certainly does strengthen it, and naturally, Moody's did down-grade those securities and with reason, because of those huge investments and literally, a billion dollars that would have called for if our three utilities had retained their 10% interest in both Seabrook I and II.

So, let this Bill go on its way and I certainly hope that the rules are suspended to send it on in its present form.

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

SENATOR BALDACCI: Thank you very much, Mr. President, Members of the Senate.

This Bill has received a lot of attention and I think it's very important, as Members of the Senate, to draw a very clear distinction of exactly what we're doing here with this particular Bill.

This Bill is providing a vehicle, a structure, for the P.U.C. to review the prudent or imprudent cost-attributed with cancelled generating facility and determine how to fairly apportion those costs. It allows for \$75,000 to be used to investigate, through the assessment fund, to investigate, hire consultants, spend time, do the research, and resources, to really dig into this issue and to make sure that the consumers of the State are very well protected.

The amendment that's been offered in the House by the Honorable Representative from Eagle Lake, is one in which, it already is part of P.U.C. policies, these court cases involving the P.U.C., and all their doing is taking the policy that's been well established by the P.U.C. and placing it into a statute. So, now I have no problem doing that. I just want the Senate to realize exactly what this amendment does. Thank you, Mr. President.

House Amendment "B" (H-719) was ADOPTED, in concurrence.

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

It is a vote.

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

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 Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) S. P. 911 L. D. 2462

In Senate April 12, 1984 PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "B" (H-721) AND "A" (H-711) in NON-CONCURRENCE.

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

SENATOR VIOLETTE: Mr. President, I'd like to pose a question to the Chairman of the Committee on Judiciary.

THE PRESIDENT PRO-TEM: The Senator from Aroostook, Senator Violette, poses a question through the Chair. The Senator may state his question.

SENATOR VIOLETTE: I ask the good Senator from Androscoggin, Senator Trafton, if he might explain House Amendment "A" to the Errors and Inconsistencies Bill.

THE PRESIDENT PRO-TEM: The Senator

from Aroostook, Senator Violette, poses a question through the Chair to any Senator who may answer if he so desires.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

SENATOR TRAFTON: Thank you, Mr. President. It is my understanding, Mr. President, Members of the Senate, that there were two amendments placed on the Errors and Inconsistencies Bill in the other Body.

It is my understanding that House Amendment "A", with a filing number H-711, adds an assistant to the Commissioner to the Department of Mental Health, it does nothing more. Apparently, I understand from the sponsor of this amendment, that there was an error in an earlier piece of legislation, and that this position was omitted and that the only addition is the last line on the second page of the amendment, Assistant to the Commissioner, added to those positions within the Department of Mental Health.

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

SENATOR VIOLETTE: Mr. President and Ladies and Gentlemen of the Senate. Perhaps the good Senator from Androscoggin has information that the Senator of the State Government Committee is unaware of, or some other individual is, or the sponsor of this particular amendment.

If they are, perhaps they might enlighten me, but this section, this creation of a new position was deleted from a bill that went to the Committee on State Government, three new positions were requested to be created, and the Committee on State Government unanimously voted to delete the creation of two new Assistant to the Commissioner's position, and, some other position in another Department. At that time a question was posed to the representative of the Department of Personal as to whether or not any of, there was contemplated that there was somebody for any of these positions, and the answer was no, and perhaps someone could enlighten myself and the members of my Committee at this time if there has been some change, if that position has been budgeted for in the Appropriations Committee, and perhaps, somebody could answer those questions for me.

THE PRESIDENT PRO-TEM: The Senator from Aroostook, Senator Violette, has posed a question through the Chair to any Senator who may answer if he so desires.

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

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.

THE PRESIDENT: The Chair wishes to express its thanks to the Senator from Knox, Senator Collins, for the fine job he did not only today but also Wednesday of this week performing his duties as Senate President Pro-TEM. (Applause, the Members rising.)

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

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) S. P. 911 L. D. 2462

Tabled—April 12, 1984 on motion by Senator PRAY of Penobscot.

Pending FURTHER CONSIDERATION.

(In Senate April 12, 1984 PASSED TO BE ENGROSSED)

(Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "B" (H-721) AND "A" (H-711), in NON-CONCURRENCE)

THE PRESIDENT: The Chair recognizes the

Senator from Aroostook, Senator Violette.

SENATOR VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate. After some discussion with the good Senator from Androscoggin, Senator Trafton, and others I have no objections to this amendment being added at this time. I would simply state that, for myself and the members of my Committee, that I would have appreciated that the various administrative branches of government that are interested in this particular position being added, that they would have, at least, had the courtesy to have advised me that when they told the Committee on State Government that they did not desire this position, that they had changed their mind and, in fact, budgeted for the position, and desired it. So, I would hope that in the future they would do so. Otherwise this Senator will object in the future. Thank you.

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

It is a vote.

Sent forthwith to the Engrossing Department.

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

Bill "An Act to Amend Certain Motor Vehicle Laws" (Emergency) H. P. 1820 L. D. 2412

Tabled—April 12, 1984 on motion by Senator PRAY of Penobscot.

Pending FURTHER CONSIDERATION.

(In Senate April 11, 1984 PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "C" (H-685) AND SENATE AMENDMENT "C" (H-411) in NON-CONCURRENCE)

(Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "C" (H-685) AS AMENDED BY HOUSE AMENDMENT "B" (H-725) thereto and HOUSE AMENDMENT "D" (H-722) in NON-CONCURRENCE.

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

It is a vote.

Sent forthwith to the Engrossing Department.

On motion by Senator PRAY of Penobscot, ADJOURNED until 9:30 tomorrow morning.