

# 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)**

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STATE OF MAINE  
One Hundred and Eleventh Legislature  
Second Regular Session  
JOURNAL OF THE SENATE  
In Senate Chamber  
Friday  
April 13, 1984  
Senate called to Order by the President.

Prayer by The Honorable Ronald E. Usher of Cumberland.

SENATOR USHER: Lord, we take this opportunity today to thank You for Your guidance that You have provided us, and we pray to You, as we approach the final days, as we prepare for the religious services in the upcoming week. God bless everyone. Amen.

Reading of the Journal of Yesterday.

**ENACTORS**

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

AN ACT Encouraging an Alternative to Landfill Disposal of Solid Waste S. P. 833 L. D. 2234 (C "A" S-345)

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 Replace the Regional Refuse Disposal District Enabling Act S. P. 913 L. D. 2452 (S "A" S-405)

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

SENATOR KANY: In regards to L. D. 2452, the other day we had some debate discussing the portions of "An Act to Replace the Regional Refuse Disposal District Enabling Act", and just for the Record, I wanted to make it absolutely clear that any tax exemption within it is not a new tax exemption, in fact, it's a lessening of the present tax exemption which is now within the statutes.

It is simply, really, a clear intention to continue the property tax exemption formerly provided in Section 1554 of Title 38, Chapter 15 which is a portion of "An Act to Replace the Regional Refuse Disposal District Enabling Act." So, that's what the story is, and it's not a new exemption.

Just to remind you all there will be a land property tax, but there will be service charges in lieu of taxation for services rendered, and also the ability of the district and members within it to negotiate for further charges.

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

SENATOR HAYES: I was not planning to speak to this issue, but since the good Senator from Kennebec, Senator Kany, did raise it I would like to go on Record with a couple of comments.

It is my belief that this particular Bill, L. D. 2452, "An Act to Replace the Regional Refuse Disposal District Enabling Act", is a Trojan Horse, and this legislation is one of the most oppressive efforts of the State to mandate powers and to take away the rights of individual communities, and individual citizens.

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

SENATOR PRAY: Thank you, Mr. President. Mr. President and Ladies and Gentlemen of the Senate, I also did not have any intentions of speaking on the enactment of this Bill today, but the Senator from Penobscot, Senator Hayes, as he was encouraged by the remarks of the Senator from Kennebec, has encouraged me to say a few words in reference to this Bill. While I understand his personal concerns about the legislation, I think that the comments cannot go unanswered.

The purpose for this act is to encourage municipalities to join together to solve a solid waste disposal problem through the district approach. It is nothing new, it is something that has been done before, it has been done in a

number of municipal problems, solid waste is the one that we're addressing at this time.

I think the Bill, itself, addresses a very serious concern that we are attempting to address in this State, and the environmental concern, and the impact that solid waste is having upon the environment.

In reference to the comments that were made, in reference to the district approach versus a municipality's consideration, these projects are often too expensive for a single municipality to finance and build alone. This would allow communities to share the risk.

I believe that there is a misconception from the comments that were made by the previous speaker. In reference to the district: local public hearings are required; applications by municipalities must be made to the Board of Environmental Protection; the Board of Environmental Protection must have a public hearing; it must receive the acceptance or the denial of the Board of Environmental Protection; it requires joint meetings of municipal representatives; submission to the voters in each municipality, (if the Charter permits) and if approved a district is formed; and representation from the municipalities.

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

SENATOR PEARSON: Mr. President and Men and Women of the Senate, as the other Democratic member of the Energy and Natural Resources Committee, I would like to say that I do support this Bill thoroughly, but I also believe that Senator Hayes has a point, and that is that those communities that build a facility in a community owe that community some support, and I mean some substantial support in lieu of taxes.

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

SENATOR KANY: Thank you, Mr. President and Fellow Senators, I'd like to go one step further. The reason that I did choose to speak at this time on this particular Bill, and that is I want to make it absolutely clear "On the Record" that it is the intent of the Legislature that this recodification really not be considered a new property tax exemption, requiring reimbursement under Article 4, Part 3, Section 3, of the Constitution of Maine, and I urge enactment of this.

I would also like to echo the statement by the good Senator from Penobscot, Senator Pearson, and that is that I can assure Senator Hayes that he actually had quite an impact on the changes that were made in this legislation, and we appreciate his input and his fine representation of the people he was elected to represent.

THE PRESIDENT: The pending question before the Senate is the enactment of "An Act to Replace the Regional Refuse Disposal District Enabling Act", S. P. 913, L. D. 2452.

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 Implement Certain Recommendations of the State Compensation Commission H. P. 1858 L. D. 2459 (S "A" S-412; H "C" H-713)

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

**Resolve**

Resolve, to Establish a Select Committee Concerning Forest Practices in the State. H. P. 1776 L. D. 2354 (S "C" S-415)

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

**Emergency**

AN ACT to Appropriate Funds to the University of Maine to Implement Collective Bargaining Agreements. (Emergency) H. P. 1825 L. D.

2420 (C. "A" H-708)

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

**Emergency**

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 S. P. 912 L. D. 2451 (S "A" S-396)

This being an emergency measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in negative was 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**

**SENATE AT EASE**

The Senate called to order by the President

**ORDERS OF THE DAY**

The President laid before the Senate:

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

Tabled—April 12, 1984 by Senator NAJARIAN of Cumberland

Pending—PASSAGE TO BE ENGROSSED.

(In House April 12, 1984 Under Suspension of the Rules READ TWICE and PASSED TO BE ENGROSSED without reference to a Committee and Ordered Printed)

(In Senate April 12, 1984 Under Suspension of the Rules READ TWICE and Ordered Printed)

The Bill was PASSED TO BE ENGROSSED without reference to Committee, in concurrence.

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 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:

**COMMUNICATION**

The Following Communication:

**STATE OF MAINE**

**DEPARTMENT OF AUDIT**

April 13, 1984

TO GOVERNOR JOSEPH E. BRENNAN AND MEMBERS OF THE 111TH LEGISLATURE

In Compliance with statutory requirements, I submit herewith the 64th Annual Report of the State Auditor for the fiscal year ended June 30, 1983.

We have made extensive examination of major pertinent transactions. We do not make a detailed examination of all recorded transactions on the general books of the State for the year. We did, however, make a detailed examination of accounting records, procedures and internal controls, and verified financial accounting records, procedures and internal controls, and verified financial transactions on a selective basis in our post audits of the activities of the various State Departments, Agencies, Boards, etc. during the year. The results of these audits, together with comments, observations and audit findings and recommendations are contained in our individual audit reports submitted to the respective State Departments, Agencies, Boards, etc.

Based on the scope of our examination, it is our opinion that, except for the exclusion of certain trust and operating fund transactions and balances recorded of certain trust and op-

erating fund transactions and balances recorded and controlled locally by State agencies and not reflected herein, the financial position and operating results of the various State Departments, Agencies, Boards, etc., of the State of Maine for the fiscal year ended June 30, 1983 has been fairly presented in conformity and with generally accepted accounting principles applied on a consistent basis.

Statements and schedules pertaining to the financial position of the various operating funds of the State of Maine at June 30, 1983 may be found in the Annual Report of the State Controller.

I would like to express my special appreciation to the staff of the Department of Audit for their continued loyalty and devotion to duty and to the State officials for their cooperation with this department.

Respectfully submitted,  
S/GEORGE A. RAINVILLE  
State Auditor

Which was READ and ORDERED PLACED ON FILE.

#### ENACTORS

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

AN ACT to Promote the Distillation of Ethanol for Use as an Internal Combustion Engine Fuel H. P. 1864 L. D. 2468 (H "C" H-726)

On motion by Senator BROWN of Washington placed on the SPECIAL APPROPRIATIONS TABLE pending ENACTMENT

AN ACT to Fairly Apportion the Cost of Canceled Electric Generating Facilities H. P. 1826 L. D. 2421 (H "B" H-719; C "A" H-675)

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

#### Resolve

Resolve, Authorizing the Exchange of Certain Public Reserved Lands S. P. 810 L. D. 2168

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

#### Emergency

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 H. P. 1743 L. D. 2297 (C "A" H-716)

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

On motion by Senator CARPENTER of Aroostook, the Senate voted to remove from the Table:

AN ACT to Fairly Apportion the Cost of Canceled Electric Generating Facilities H. P. 1826 L. D. 2421 (H "B" H-719; C "A" H-675)

Tabled—April 13, 1984 by Senator CARPENTER of Aroostook  
Pending—ENACTMENT

Which 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:

#### ORDER Joint Order

On motion by Senator CARPENTER of Aroostook, the following Joint Order: S. P. 918 ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, April 24, 1984, at 2 o'clock in the afternoon

Which was READ and PASSED.

Sent down forthwith for concurrence.

Out of order and under suspension of the rules:

On motion by Senator PRAY of Penobscot, the Senate voted to remove from the UNAS-

#### SIGNED TABLE:

Bill "An Act to Provide for Conformity with the United States Internal Revenue Code" S. P. 893 L. D. 2409

Tabled—April 10, 1984 by Senator PRAY of Penobscot

PENDING—FURTHER CONSIDERATION  
(In Senate April 6, 1984 PASSED TO BE ENGROSSED)

(In House April 9, 1984 Bill and accompanying papers INDEFINITELY POSTPONED in NON CONCURRENCE)

On motion by Senator CARPENTER of Aroostook, the Senate RECEDED and CONCURRENT with the House.

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:

#### ENACTORS

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

AN ACT to Provide Policy and Guidelines for Creation and Operation of Boards and Commissions H. P. 1780 L. D. 2345 (H "A" H-720)

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 Limit the Authority of the Public Utilities Commission to Award Compensation to Intervenor S. P. 763 L. D. 2071 (H "A" H-683; C "A" S-370)

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

SENATOR BALDACCII: Mr. President, Members of the Senate, in regards to L. D. 2071, "An Act to Limit the Authority of the Public Utilities Commission to Award Compensation to Intervenor", I would like to state into the Record that it was the policy of the Legislative Committee on Public Utilities that in strictly enforcing the funding of intervenors, that it be the policy that the Commission would also review the frivolous, repetitive or imprudent positions that were presented during the rate case, in that as they are under statute anyways, under just and reasonable rates, able to disallow those presentations at the Commission. Thank you, Mr. President.

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

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

#### Emergency

An ACT to Fund and Implement Certain Collective Bargaining Agreements and to Fund and Implement Benefits for Certain State Employees H. P. 1865 L. D. 2469

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

SENATOR NAJARIAN: Mr. President and Members of the Senate. This is a collective bargaining agreement that has been reached between the Administrative Bargaining Unit of the V.T.I.'s and the State Board of Education. It calls for a \$22,000, approximately \$23,000 for 1984 and \$52,700 for 1985. It is my intent to

let this become enacted without placing it on the Appropriations Table as we did with the A.F.S.M.E. contract.

This being an emergency measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Out of order and under suspension of the rules:

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

AN ACT Concerning Application of Fuel Tax Laws H. P. 1440 L. D. 1885 (C "A" H-536)

On motion by Senator DANTON of York, PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

#### Emergency

AN ACT Providing for Maintenance of Certain Roads in Baxter State Park. S. P. 805 L. D. 2153 (S. "A" S-326)

On motion by Senator DANTON of York, this being an emergency measure and having received the affirmative vote of 29 Members of the Senate, with No Senators having voted in the negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

#### Emergency

AN ACT to Allow the Department of Transportation to Assume Responsibility for 100% of the Maintenance and Operation Costs of the Carleton Bridge Between Bath and Woolwich and to Allocate and Appropriate the Funds necessary to Assume this Additional Responsibility S. P. 884 L. D. 2392

On motion by Senator DANTON of York, this being an emergency measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Out of order and under suspension of the rules:

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

AN ACT Requiring Proof of Financial Responsibility for 2nd and Subsequent Offenders Under the Drunk Driving Laws. S. P. 892 L. D. 2408 (S "A" S-367)

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

SENATOR BALDACCII: Mr. President, I have a Parliamentary question but it's been answered. Thank you, Mr. President.

On motion by Senator DANTON of York, PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

#### SENATE AT EASE

The Senate called to order by the President

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

SENATOR WOOD: Mr. President, Men and Women of the Senate. I would just like to call your attention to the yellow-orangeish document that was placed on your desk.

This is the first working draft of the so-called "Tax Equity Omnibus Bill" that you have heard a lot of discussion about. There will be a public

hearing on this piece of legislation on Wednesday at 10:00 in the Taxation Committee Room.

We have made sure that there have been copies of this reprinted in case you want to share it with your constituents and notify them of that. There will be appropriate advertising and all that, but I thought that you would want to know.

This will be next Wednesday and we're also having a memo prepared that will sort of put this in a little more condensed size, if anyone is interested.

#### OFF RECORD REMARKS

On motion by Senator CARPENTER of Aroostook

RECESSED until the sound of the Bell.

RECESS

AFTER RECESS

The Senate called to order by the President.

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

#### OFF RECORD REMARKS

#### PAPERS FROM THE HOUSE

##### House Papers

Resolve, to Amend the Law Concerning Authorization for the Public Advocate to Intervene in Workers' Compensation Proceedings Before the Superintendent of Insurance (Emergency) H. P. 1868 L. D. 2470

Committee on STATE GOVERNMENT suggested and Ordered Printed

Comes from the House Under Suspension of the Rules READ TWICE and PASSED TO BE ENGROSSED WITHOUT REFERENCE TO A COMMITTEE

THE PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, this Resolve be given its First Reading at this time without Reference to Committee?

It is a vote.

Under suspension of the rules the Resolve READ ONCE without reference to Committee and ORDERED PRINTED.

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

It is a vote.

Under further suspension of the rules, the Resolve READ A SECOND TIME and PASSED TO BE ENGROSSED without reference to Committee, in concurrence.

Sent forthwith to the Engrossing Department.

#### COMMITTEE REPORTS

##### House

##### Ought to Pass As Amended

The Committee on TAXATION on Bill "An Act to Establish a Regional Fuel Tax Agreement" H. P. 1799 L. D. 2380

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H 729).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-729).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE

Committee Amendment "A" (H-729) 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.

Sent forthwith to the Engrossing Department

#### ENACTOR

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

##### Emergency

AN ACT to Reduce Minimum Fees and Provide for Implementation of the Chemical Substances Identification Law S. P. 915 L. D. 2463

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

SENATOR USHER: Mr. President, I still have concern about the training aspects of this Bill, and I wish that someone for the Committee would explain, "On the Record", what the training program will encompass because I'm concerned about the place where I work, and other places throughout the State where people who are not involved with the chemicals and I still feel that it is not necessary they be trained under the program.

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

The Chair recognizes the Senator from Kennebec, Senator Kany.

SENATOR KANY: Mr. President and Fellow Senators, in answer to the Senator from Cumberland's question, the law since 1979 has required annual training, really, of all employees.

The new law which is before us in Emergency Enactment now would require only training to those who are exposed to hazardous chemicals in their work areas, prior to the employees initial assignment. Additional instructions shall be provided whenever chemicals or processes change, or newly acquired information indicates a need for additional protective measures. So, actually, the training requirement has lessened.

Secondly, the Director could require, by rule, a minimum training program including refresher training where necessary to be provided to employees who are exposed to specific hazardous chemicals. So, in other words in unusual situations, more than the single once in a lifetime training could be required.

I'd like to point out to the Senator from Cumberland, once again, that his particular employer, and all other manufacturing employers, are scheduled to come under the Federal rule regarding training beginning in 1986.

This being an emergency measure and having received the affirmative vote of 28 Members of the Senate, with 2 Senators having voted in negative was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

#### PAPERS FROM THE HOUSE

##### Non-concurrent Matter

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

In Senate April 12, 1984 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 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 in NON CONCURRENCE

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

SENATOR CARPENTER: I move the Senate Recede and Concur.

THE PRESIDENT: The Senator from Aroostook, Senator Carpenter, now moves that the Senate Recede and Concur with the House. Is this the pleasure of the Senate?

The Chair recognizes the Senator from York, Senator Danton (Wood).

SENATOR DANTON: I want you to know, Mr.

President, it's a compliment to be called Senator Wood.

Mr. President and Members of the Senate. This Bill has had a rough road between the House and the Senate. We put a little amendment on here and there's been some accusations made about: first, the Transportation Committee as a whole; secondly, about my counterpart in the House about having a sneaky amendment that was put on the last minute. I listened to some of the debate in the other Body, they talked about dust and diamonds and God help me, I don't know what they were talking about, but let me just try to explain what the Transportation Committee tried to do with the amendment.

The Motor Vehicle Department presently has three attorneys that take and work for the Department. The Department today is a very busy, complicated Department, besides which it raises millions of dollars for the State of Maine. All this little amendment was trying to do was to allow the attorneys that are presently there, that are presently being paid, that in the event they had to go to court and prosecute, they would be able to do so, but no there's opposition to something like that because it's simply too simple. What we have to do is this: we have our three attorneys that take and go over the cases that are brought in by the investigators that are out there finding car dealers, or whatever it might be, that turn back speedometers, and after they take and get the cases in proper form, they call the Attorney General's Office, and I hope his window is open so he can hear me, and the Attorney General sends an attorney there and his attorney sits down with our attorney at Motor Vehicle, and our attorney explains to the Attorney General what the case is all about and how to handle it in court.

Now, it's a pretty good piece of work. The Attorney General then takes that paperwork and he comes over here to the Capitol Office Building and he sits on that case, and he goes over it for three, four, five weeks, maybe six weeks, two months, it doesn't make any difference, he's got plenty of time. You know, that's the largest law practice in the State of Maine, they've got plenty of time. They can take and harass business people and citizens all they want because it costs them nothing. They take cases and stretch them out five, six, seven, eight weeks, two months, three months, it doesn't make any difference, cases that the Department could dispose of almost immediately, once they find someone being guilty of whatever the charge may be, they sign a consent decree, take them to court, prosecute it, it's all over. But no, we can't do that. The Attorney General doesn't want that.

Many times I've heard, "Well Senator, what do you want to have, your own legal staff?" Now it becomes my legal staff. You know, I thought we were doing something that would expedite matters, but you know the Maine Legislature doesn't want to do those things. I've been around here long enough, I've seen it. The more complicated we can do things the better it is. I'm convinced of that.

So, I know when the road is rough and bumpy, and I know when the big deals and the big wheels are against the little Senator from Saco, and I know when I'm not going to take and win on an issue, but, I want you Senators to know that this amendment was not a last minute secret deal, it was something that I wish was thought up at the beginning of the Session so we could have had the time to really bring it forward and speak to you individually, I've tried.

I'd like to read the Statement of Fact, I know a lot of you didn't because you've made up your mind the amendment's no good, Danton has a motive for doing it. I see the Senator from Cumberland, Senator Usher, laughing at me, I guess we've served here together too long. Let me read the Statement of Fact, (and we might

as well speak a little while, we're going to be here until ten o'clock anyway), it goes on to say "The number and complexity of the matters which fall within the statutory responsibility of the Secretary of State have increased in recent years".

You know just a year ago, we passed a Highway Program and we changed the truck weights a lot and within this Bill, believe it or not, a year later those truck weights no longer stand as is, they've been changed, now there's new regulations all over again. In recent years particularly in the Motor Vehicle Division, because of the many pressing demands upon the offices of the Attorney General and the eight District Attorneys of the State, and you know it is totally almost impossible to get an Attorney General to do some work for you, it would be helpful to the overall enforcement effort if an attorney who is employed on the staff of the Secretary of State and who is familiar with the specific statutes relating to the duties of that office could be more fully utilized to carry out the responsibilities of the Secretary of State: in court trials, administrative hearings and such other functions as the Office demands. There would be no increase cost to the State for this amendment simply, because there's three attorneys there now.

Now, what do they compare this amendment with? They compare it with the bill that was put in for the Business Regulation Department. I guess Mr. DeVane wanted three attorneys. Well, there's a little difference between Mr. DeVane and the Secretary of State. The Secretary of State has to answer to us every two years, if he abuses that about having attorneys and being his own judge and jury, when he comes around and asks us for our votes, we can tell him "Sorry, but you're getting to be too much of a Czar, we don't need you any more, we're going to put someone else there".

Mr. DeVane was a totally different thing, he was appointed by the Governor, he's part of the Executive. I can understand not giving him his attorneys, he should use the Attorney General's Office. Let me just tell you that when the A.G.'s office goes down to Motor Vehicle, they have to sit down with our attorneys they have to be told what to do, what the charges are. I'm not saying that they ultimately aren't going to do the job, after all, I have the highest of respect for attorneys. We have three fine attorneys and two more coming along in this Chamber, believe me, I have all the respect in the world for attorneys but you know attorneys, and I can speak with a little bit of knowledge in this area having had one in my family once upon a time do not move with lightning speed.

I would like to tell you, that it wouldn't be a bad idea. I know this isn't going to go anywhere but I had to get it off my chest. I hope this is being piped in to the building across the way and downstairs so when we leave here at 7 or 8 o'clock at night they'll do like they usually do when we adjourn Sine Die they stand in the window and they thumb their noses at us and wave goodbye. Thank you, Mr. President.

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

SENATOR COLLINS: Mr. President, there's a lot of merit in what the Senator from York says and I wish this issue had surfaced at another day when we could have explored it, perhaps, better than we can at this hour. I have a couple of questions that perhaps would help me make a decision because I haven't made any decision yet on my vote.

In our structure the Governor has the right to appoint some attorneys to advise him and help him, who are not part of the Attorney General's staff. If the Governor has something that he wants to go to court, does he have any right to have the attorneys that he has appointed represent the State in court on his matters? That's a question I think I know the answer to, but I'm not sure. I would be inter-

ested whether the Senator from York knows the answers because if the Governor does not have the right to have his personal attorneys go to court on behalf of the State of Maine, because of either Constitution or statutory material, then there is a comparison to study and to look into the reasons for it.

The second thing that comes to my mind is this that there are a great many matters in the Secretary of State's Office and in the Department of Transportation, that are basically administrative law matters that involve the Administrative Procedure Act, that involve appearances before administrative agencies and the like, but as I read this amendment, it is so broad that the attorneys appointed by the Secretary of State could prosecute any kind of crime that relates itself to the Secretary of State and the Department of Transportation activities.

Now, the Secretary of State has as part of his duties some important responsibilities: in what we used to call a felony category, we now call it a Class A, B or C category in the Criminal Code having to do with the habitual offender; the scofflaws who commit several Class D or Class E crimes and create such a horrible record that they're denied a license but they keep on driving anyway and they keep violating the O.U.I. laws and so forth and so forth. Eventually, their record is so bad that they're an habitual offender and they have to be prosecuted as a Class C crime, for example.

When you get into that category of legal activity and responsibility, you cross a line between what the type of attorney does that is suggested here and what the attorney does who is in the Attorney General's Department or who is a District Attorney out in the field. This line in my mind as a legal practitioner is rather important. If this amendment were more carefully drawn to separate the duties somewhat, instead of being with such a broad brush that those attorneys can do anything the Attorney General can do, in effect, I would have some real sympathy for it because I think there's a lot in what the Senator from York has given us.

The attempt to do this in the Department of Business Regulation went down the drain, I understand, and whether it was for similar reasons or not I don't know, I think that there is a serious question about how much specialization and expertise there ought to be in the State's law firm. Our present Attorney General assessed that when he came in and he decided to try it differently than his predecessors, to bring all his legal staff family that he could into one geographical area and to mix up their assignments a little more, keep it more interesting and so on. He had some reasons to do that; it's an experiment, whether it has been enough time to assess it as an experiment, I don't know. I haven't discussed this with him and would like to have done so before making my judgment on this. That's why it seems to me that it's a little late in the Session to bring forward this important a policy-decision for us to act upon.

I give my commendation to the Senator from York for bringing the issue forward. I think that's something to be assessed, and if it were more carefully defined it might be a policy to be adopted in that Department. I'm not sure that I can go that far today but I would appreciate any answers to my concerns that the Senator from York, or anyone else, could provide at this time.

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

SENATOR DANTON: Mr. President and Members of the Senate. I don't think I could seriously and truthfully answer the good Senator Collins' questions because being an attorney I am sure he'd want them real technical.

Just quickly Senator Collins I can tell you this, that speaking with Mr. Dowling from the Motor Vehicle Department, he felt that they wouldn't be infringing in any area. They felt

that they could handle the cases, they could expedite cases, as I said before.

The thing that brought this about was the fact that just a short while ago they were in Bangor to prosecute a case, to help prosecute a case, the Attorney General's Office had not showed up to do it. Our attorney from the Motor Vehicle Department was there and when we called up the Attorney General's Office, he had to get permission for that attorney to prosecute the case. The answer was no. So we had to wait for the A.G. to leave Augusta and come up to Bangor or postpone it for another day.

These are some of the things, if you have noticed I haven't asked for a division because I want this Bill to sail along, but these are some of the things, and I'm not going to ask for a division, Mr. President, but these are some of the things that we should start looking into carefully. Now, I think that this building an empire and having all the attorneys in one room and under one rule, and no one getting any service, I think should be looked into because a lot of Departments are complaining. Thank you, Mr. President.

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

SENATOR USHER: Thank you, Mr. President. In response to the good Senator from York, probably one reason why I was smiling I was just thinking about just a few weeks ago that we attempted to keep our attorney on our staff down there at the Fish and Wildlife Department. The Audit and Program Review Committee recommended that we do away with this position. I understand he is all done June 30th, at the end of the fiscal year, and my good friend from York is now trying to get an attorney. We have similar problems spread out throughout the State, everybody likes to have their own staff attorney, but I was assured that all the times that we tried to reinstate this person to our Department that the Attorney General had an excellent staff and could take care of any Department in the State. So, I did have to accept that.

I think possibly the good Senator from York is correct, it should be looked into, but at this late date I don't think it is the proper time to look into it. Possibly in the next Legislature they could probably come up with better results than we have here today.

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

SENATOR DANTON: One quick comment to my good friend, the Senator from Cumberland, Senator Usher. Obviously, he has missed the entire session, he doesn't realize that Fisheries and Wildlife doesn't have any money.

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

It is a vote.

#### ENACTOR

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

#### Emergency

AN ACT to Make Corrections of Errors and Inconsistencies in the Laws of Maine S.P. 911 L. D. 2462 (H "A" H-711; H "B" H-721)

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

#### OFF RECORD REMARKS

On motion by Senator CARPENTER of Aroostook

REECESSED until 7 o'clock 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:

#### COMMITTEE REPORTS

##### House

##### Leave to Withdraw

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

Bill "An Act to Replace the Franchise Tax on Financial Institutions" (Emergency) H. P. 1787 L. D. 2363

##### ENACTOR

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

##### Emergency Resolve

Resolve, to Amend the Law Concerning Authorization for the Public Advocate to Intervene in Workers' Compensation Proceedings Before the Superintendent of Insurance H. P. 1868 L. D. 2470

This being an emergency measure and having received the affirmative vote of 28 Members of the Senate, with No Senators having voted in negative was FINALLY PASSED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

#### PAPER FROM THE HOUSE

##### Joint Resolution

The Following Joint Resolution: H. P. 1866  
JOINT RESOLUTION IN TRIBUTE TO  
THE HONORABLE ANTOINETTE C. MARTIN  
OF BRUNSWICK

WHEREAS, the Members of this Legislature have learned that one of the crown jewels in its midst is concluding her legislative career at age 74; and

WHEREAS, the grand character and personality of this charming gem truly personifies the title of gentle lady; and

WHEREAS, as a "country girl" she knows animals and that "while a fox is a fox and a wolf is a wolf and a bear is a bear, man can be a lamb today, a wolf tomorrow, play dove in the morning and a hawk in the evening, talk like a parrot or be mute as a fish;" and

WHEREAS, being from the old school and a skilled politician, she can stand her ground; for, as even the most powerful of leaders have found, the only way to fight her is with a hat—and that is to grab it and run; and

WHEREAS, her dedicated public service for the past 10 years may, in the grand scheme of things, seem a minor courtesy bestowed upon the State but, "courtesies of a small and trivial character are the ones which strike deepest in the grateful and appreciating heart;" now, therefore, be it

RESOLVED: That We the Members of the 111th Legislature of the State of Maine, now assembled in Second Regular Session, take this opportunity on the eve of her retirement, to pay this tribute to the Honorable Antoinette C. Martin, Representative from Brunswick, and to express our thanks for the many spiels she so nervously delivered, for hitting the nail on the head so many times and for the "bear facts and the buck fever," to mention a few, and to wish her well and Godspeed on her forthcoming retirement; and be it further

RESOLVED: That the Clerk of the House prepare a suitable copy of this Resolution for presentation to "Toni," in token of our esteem for a dear colleague.

Comes from the House READ and ADOPTED  
Which was READ

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

SENATOR PEARSON: Mr. President and Men and Women of the Senate. For those of us who, in this Senate, who served in the other Body with Representative Martin, this certainly is a

worthy tribute to her. She is a remarkable lady who has a stubborn streak in her and I recall, with a lot of fond memories, the times that she took on the whole Fisheries and Wildlife Committee no matter what they did and defeated them every time on their bills.

She is a lovely, lovely lady.

Which was ADOPTED, 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 Increase the Minimum Wage to \$3.55" S. P. 835 L. D. 2236

In Senate April 11, 1984 PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-410) in NON CONCURRENCE

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "C" (H-734) in NON CONCURRENCE

On motion by Senator COLLINS of Knox, the Senate RECEDED

House Amendment "C" (H-734) was READ.

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

SENATOR COLLINS: I move that the Senate Indefinitely Postpone House Amendment "C".

THE PRESIDENT: The Senator from Knox, Senator Collins, now moves that the Senate Indefinitely Postpone House Amendment "C".

The Chair recognizes the Senator from York, Senator Dutremble.

SENATOR DUTREMBLE: I request a division.

THE PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Knox, Senator Collins.

SENATOR COLLINS: I request a Roll Call.

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

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

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

The pending question before the Senate is the motion of the Senator from Knox, Senator Collins, that House AMENDMENT "C" (H-734) be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

##### ROLL CALL

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

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

ABSENT: Senators: Shute, Teague

14 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 2 Senators being absent, the motion to INDEFINITELY POSTPONE House Amendment "C" (H-734) FAILED

House Amendment "C" (H-734) was ADOPTED, in concurrence.

THE PRESIDENT: Is it now the pleasure of the Senate to Concur with the House?

The Chair recognizes the Senator from Knox, Senator Collins.

SENATOR COLLINS: I request a Roll Call.

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

Will all those Senators in favor of ordering a

Roll Call please rise and remain standing until counted.

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

The pending question before the Senate is the motion to Concur.

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

A No vote will be opposed.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

SENATOR MINKOWSKY: Mr. President, I would ask Leave of the Senate to Pair my vote with the Senator from Somerset, Senator Teague. If he were here he would be voting Nay, and I would be voting Yea.

THE PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, requests Leave of the Senate to Pair his vote with the Senator from Somerset, Senator Teague. If he were here, he would be voting Nay, and the Senator from Androscoggin, Senator Minkowsky, would be voting Yea.

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

#### SENATE AT EASE

The Senate called to order by the President.

THE PRESIDENT: Is it the pleasure of the Senate now to grant this request of the Senator from Androscoggin, Senator Minkowsky?

It is a vote.

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

SENATOR BALDACCI: Mr. President. A question through the Chair to anyone who may wish to answer it. If somebody would explain to me the amendment and the rational behind it.

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

The Chair recognizes the Senator from York, Senator Dutremble.

SENATOR DUTREMBLE: Mr. President and Members of the Senate, the Amendment stipulates that the minimum wage would increase by ten cents in 1985, ten cents in January of 1986, and ten cents in January of 1987.

It is the feeling of many of us that by doing it in this manner, that it will become easier and more acceptable for the businesses in the State of Maine to prepare themselves for the increase, and it would do so in such a manner that would not cause any harm to the business climate as some people have said.

THE PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion to Concur with the House.

If you are in favor of Concurring with the House, you will vote Yes.

If you are opposed you will vote no.

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

##### ROLL CALL

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

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

ABSENT—Senator Shute.

17 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators Pairing their votes, and 1 Senator being absent, the motion to CONCUR with the House PREVAILED.

#### COMMITTEE REPORTS

##### House

##### Divided Report

The Majority of the Committee on TAXATION on Bill "An Act to Equalize Taxation of Lease Aircraft used in Interstate Commerce" (Emergency) H. P. 1823 L. D. 2416

Reported that the same Ought To Pass in New Draft under New Title Bill "An Act to Equalize Taxation of Aircraft" H. P. 1869 L. D. 2471

Signed:

Senator:

TWITCHELL of Oxford

Representatives:

CASHMAN of Old Town

DAY of Westbrook

HIGGINS of Portland

INGRAHAM of Houlton

JACKSON of Harrison

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:

Senator:

WOOD of York

Representative:

ANDREWS of Portland

Comes from the House with the Majority Ought To Pass In New Draft under New Title (H. P. 1869 (L. D. 2471) report READ and ACCEPTED and the Bill in NEW DRAFT under New Title PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-731)

Which Reports were READ.

THE PRESIDENT: Is it now the pleasure of the Senate to accept the Majority Ought to Pass in New Draft under New Title Report of the Committee?

The Chair recognizes the Senator from York, Senator Wood.

SENATOR WOOD: Mr. President, and Members of the Senate, I would urge you not to Accept the Majority Ought to Pass Report and again, to look at this Bill very carefully. It is late in the Session and it seems to be a perennial problem in that we sometimes get very, very important bills that come into the Session extremely late for no understandable reason. These bills have a great impact on the tax structure of this State, and they usually end up with very little debate at the end of the Session, and I think it is unfortunate.

What does this Bill do? You have received a two page memo regarding what this Bill does and I would urge you to read that, and I will refer to that while I am speaking also.

Basically we are in a situation where there is all of a sudden a crisis with Bar Harbor Airlines, a crisis sufficient to warrant us to come in and pass special legislation to treat them differently than any other transportation system that leases its vehicles. Once again, the State in a knee-jerk reaction will probably grant them this exemption. If you look at the way the Bill is worded it's obvious what it does. It is a finely crafted Bill. It has a Sunset of one year just enough time for Bar Harbor to lease those airplanes and then the Bill disintegrates.

I realize that the Supreme Court has granted the State a great deal of authority when it comes to the equal protection clause of the Constitution, but is it right and fair to create an exemption for one form of transportation: to the exclusion of trucks, to the exclusion of box cars, to the exclusion of every other type of transportation that's leased, to the exclusion of anyone that leases equipment, whether it be for a hospital, or whether it be for a paper mill, or whether it be for a small company that leases a computer? What is the compelling reason to change the tax laws so that we can have a raid on the treasury to benefit one business when we have two days left in the Session?

I feel sorry that Bar Harbor is in financial trouble but it does not seem to be a prudent policy for the State to continue to bail people out that are having economic trouble. What type of message are we sending to the business community when we say, "Don't worry if you're

having a hard time, don't worry just come to the Legislature and the Legislature will create some kind of special bill to take care of you". I would much prefer that we simply once a year gather around the Christmas tree and hand them a check. It would be much easier than riddling our tax laws with loopholes that benefit special interests. I, for one, am tired of what they do in Washington when they riddle their tax laws with loopholes and would hate to see the day that we start riddling our books with special interests legislation such as this.

Let me tell you this special legislation works. I would paraphrase a little rhyme that I learned as a child it goes, "Oh, what a tangled web we weave when once we practice to relieve". In terms of relieving taxes Bar Harbor airlines was having some difficulties and they owed the State a great deal of money. They went to the Attorney General's Office and in an out of court settlement came to an agreement. An out of court settlement that, frankly I'm appalled with and share many of the sentiments the other good Senator from York shared about the Attorney General and his ability in that office to transact the State's business.

When you settle out of court in terms of taxes you are setting bad precedent; it is not a situation where you have two private citizens and you resolve it out of court. Tax laws are too important, they should be tried in court and won or lost on the merits. If they are lost we change our tax policy to reflect that law and if we win it strengthens our tax policy. When we settle out of court it sends a subtle message to other taxpayers that don't pay up simply press a case, hire top notch lawyers and settle for something less. This settlement in which this company will pay considerably less, also allows this company anytime the State flies any of its personnel anywhere around the State, if they use Bar Harbor they get a credit. Well we have other airlines in this State and we have put them in a unfair economic disadvantage by passing this law, by settling this way, because who's going to fly those other airlines for State workers if they know if they fly Bar Harbor it will be a credit?

And so, we look at that problem and we say, "Oh, we're going to solve it." What we're going to do now is take care of Valley Airlines up in Aroostook, an intrastate by granting them an exemption under this. So, now we're not looking at tax policy in terms of logic it's just in terms of mudding the waters and so, this will include Valley Airlines now that intends to purchase an airplane this year, and we're going to exempt them from paying any sales tax; they're not going to lease it, they're going to purchase it but we're going to exempt them because of an out of court settlement that places Bar Harbor at an economic advantage to the disadvantage of Valley. Then, lo and behold, we discover there's an airline in Bangor that's going to reap some benefit from this. So it makes no sense to begin to benefit one company by changing the tax laws.

Then the ultimate! Having served on Taxation for six years I've heard it time and time and time again, "If you don't change this law we're going to move." "If you can't change this law it's going to be a poor business climate." It's a sorry state of affairs when we decide tax policy because we're intimidated by someone moving. It is time to say: that we are not going to be intimidated, that we're going to make tax policy that makes sense, that we welcome business in this State, that we want it to thrive, that we want to encourage it, and that we want to develop tax policy that makes sense for all businesses not just one special.

If we're going to look at leased property and the way it should be treated why should we exclude trucks, computers, freight trains and only include airplanes for one year? Why don't we look at it all? Unfortunately that's not the case. For once again we're winding up a Session. Once again we're willing to give out the goodies.

I would urge you to think about this type of policy we're passing. I would urge you to begin looking seriously at tax policy and not continually seek to riddle our tax laws with special interest legislation.

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

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

SENATOR BALDACCI: Mr. President and members of the Senate. I don't know whether the good Senator from York is still sniffing ethanol from last night when he's talking about this particular piece of legislation.

I found a very interesting document on my desk. It's a working draft of the Committee on Taxation and it starts with an emergency preamble. It says "Whereas Acts of the Legislature do not become effective until ninety days after adjournment unless enacted as emergencies; and

Whereas, several studies mandated by the First Regular Session of the 111th have brought to light several situations in the current Maine tax structure which are causing serious problems for the people and business of this State; and

Whereas, changes in the tax structure are necessary to alleviate these problems; and

Whereas, these changes must become effective by the beginning of the next fiscal year in order to provide the greatest relief."

An emergency measure there's obviously some problems with that tax structure. Obviously we need to have an emergency situation presented to this Legislature to resolve that problem within our tax structure. This is one of the problems this is one of the real problems in our tax structure because a Maine based company, dealing intrastate and dealing with leasing aircraft is not able to get a sales tax exemption, where if it had purchased it would have been falling under the sales tax exemption. It's an inequity in the law. We've got a company here that is providing a tremendous amount of jobs, economic development, approximately employs over 338 people, 279 are Maine residents. It's providing service to northern-central Maine.

We've experienced a cut-back in the bus routes to northern and eastern Maine and rail transportation is no longer there. The airlines industry is one of the few connecting means throughout the State and I think it's a very important thing to continue. I think it's a very clear policy-decision that we're making here today. It's an inequity within the present structure.

So I would agree with the good Senator from York that we do have problems with our tax structure. I would also agree with the Senator from York that we must do something about an emergency nature. I would submit to you Members of the Senate, that this is one part of a large pie to helping us resolve our problem.

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

SENATOR VIOLETTE: Mr. President and Ladies and Gentlemen of the Senate, I'm going to vote for this measure this evening. I think it is a fair and equitable way of assisting a Maine company that evidently is in some trouble and needs some help. I guess to that extent I have to disagree with the Senator from York, Senator Wood, in his comments relative to this particular legislation but if the Chair will allow I wish to speak on another matter that is relative to this matter, and that is with respect I just want to make these statements "On the Record."

I wish to publicly state that I am unalterably opposed and shocked by the agreement that was reached by this particular airline and the State of Maine. It is an agreement that allows for the repayment of, I am not, I have not seen the agreement, but I have been privy to what I



understand are the substantive parts of this agreement of several million dollars that was owed the State of Maine for which the settlement was reached, by which some \$36,000 a year would be paid back in order to, as an agreement that was reached with the Secretary of State to pay an out of court agreement to pay for some of these obligations of this company. The result of that is that every time somebody flies Bar Harbor Airlines from the State of Maine their flight is going to be credited against the \$36,000.

I happen to come from Aroostook, not just Aroostook, this is not an Aroostook County issue. There is another airline in the State of Maine that flies practically the same route as this airline. This one's called "Valley Airlines." It just so happens that it is headquartered in my district and it flies from Frenchville to Presque Isle to Augusta and to Portland, but this company isn't going to benefit from that agreement. The gist of that agreement is that the State might as well fly Bar Harbor instead of Valley Airlines because that's the only way that the State of Maine is going to be paid. I agree with the Senator from York, Senator Wood, it is unconscionable this agreement. I cannot believe that the State of Maine has agreed to settle out of court with this company with what is a blatantly discriminatory settlement against another competing company in this State. That is another issue, that is another issue! There is no way that I know of to deal with that issue in the Legislative Process.

I've spoken with the good Senator from York, Senator Wood, and I've asked him if there were some way that I might try to equalize what the Attorney General, in what I cannot understand, his logic, has done to a business that happens to be headquartered in my District. That's another issue, and it's beyond my means as to how to bring some equity and some fairness with respect to that issue, and the Senator has addressed that issue, and I agree with the Senator.

Initially I addressed myself to the particular legislation before us. That is legislation that addresses another situation. With respect to this legislation before us I am going to vote for this legislation this evening. There are those who might say, "Well this original Bill was introduced and did not include Valley Airlines and it does now as well as any other intrastate airline. It was originally limited to interstate airlines but in fact my airline may not benefit from this legislation at all. There is a one year sunset and it must lease this in that period and whether or not it does, I am not sure that it will, but this legislation has been introduced as a means and a way, quite frankly, to assist a major employer in this State, a fundamental carrier and provides a vital economic service in our State which is air transportation.

On that basis, I'm going to vote for this legislation this evening. Yet I still had to speak relative to the other issue that is at hand with respect to the entire matter. Thank you.

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

SENATOR PEARSON: Mr. President and Men and Women of the Senate, I'm speaking for the first time that I guess I've introduced myself as a Senator from Aroostook. I'm proud of that fact that I do represent some of Aroostook County. It will be my last time to speak up as a Senator from Aroostook.

I wanted to say after what Senator Violette from Aroostook had said that I was not aware of that type of a settlement with Bar Harbor Airlines. I happen to know Mr. Roland Martin who owns Valley Airlines, and who has done a difficult job to keep that airline going given the population base at which he must operate. I think that Senator Violette is absolutely right I think the Attorney General has done a despicable job and that anybody could have done a better job than that.

THE PRESIDENT: The Chair recognizes the

Senator from Oxford, Senator Twitchell.

SENATOR TWITCHELL: Thank you, Mr. President, Members of the Senate. I hope that you do not accept the Minority Ought Not to Pass Report and will accept the Majority Ought to Pass Report.

We have had a lot of work sessions on this Bill and the people from Bar Harbor Airlines have been fair with us, I believe. We sat here last night and we voted to accept a \$5.5 million project for ethanol, and these people aren't asking for that much and I think that we should help them.

Last night we passed the Ethanol Bill with about 120 jobs, on Bar Harbor Airlines they have about 400 people working for them. If we don't keep them in the State of Maine then they are going to move out. I think we should help them.

I would like to ask for a Roll Call.

THE PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Hancock, Senator Perkins.

SENATOR PERKINS: Mr. President, Ladies and Gentlemen of the Senate, I rise to join with the good Senator from Oxford in urging you to defeat the motion before us.

There is very little that hasn't been said on this Bill I would only draw some, maybe, sequels to this and to some other things that the State does in a similar manner. It has been alluded to and I think it is probably a fair allusion that this airline if not accommodated by this State will be accommodated by a neighboring State.

We have a store in Kittery that is our State liquor store. We offer that in direct competition with our neighboring State, in strictly a business venture, because much of our business was going to the neighboring State. I submit to you that this airline is come to us asking for assistance and they, indeed, in the business venture, ask us for our help.

I'm old enough to remember when Delta Airlines or what was Northeast flew into Presque Isle were the population base and the traffic business busy enough they still would be flying there. It wasn't, so now they have two smaller feeder airlines trying to make a go of it from there. One of them is the airline in question this evening, Bar Harbor, and they're flying from Presque Isle and serving for connectors down State.

We provide much of our population with benefits in one way or another and I look on this as a benefit to the rural population of the State of Maine an access to air travel. Whether we agree with the tax policy and the good Senator from York, Senator Wood, is very correct and I think much more knowledgeable than I or most of us in this Body on tax structure and what should be this or that, but I offer you these comparisons in the light that perhaps we might save this native Maine business, because we heard much talk last evening of the fact that perhaps we should help save those we have rather than trying to encourage some of the newer ones. Here's our opportunity whether it's the first of the Session or the last of the Session, it's a Maine business, it employs people. Why don't we try to accommodate them? Thank you.

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

SENATOR WOOD: Mr. President and Men and Women of the Senate. I'll be brief.

You know when I got up before I think some people thought that I might be a little upset over this and I'm not, I can count votes. I do have a great deal of sympathy for Bar Harbor and those people that vote for it, I think they have legitimate reasons for voting for it. The objections I have is in terms of tax policy, that's all. I don't think this is contrary to the good Senator from Penobscot, Senator Baldacci, I don't think this is a clear policy, it's simply a one year policy. What do we do at the end of the year if Bar Harbor decides to lease some more airplanes? Do we then develop some other kind of

policy? What do we do about all those other businesses that lease? So, I don't think there is any clear policy here, I think it's clearly that we have a problem and this is a way of solving it. I think a better way might be simply to say to Bar Harbor we'll make you pay for the sales tax, we'll loan you the million-two that you owe the State and you just pay it back to us, and, I think maybe that would be a better way of doing it, but that's not before us.

I am concerned though about the ethanol debate last night in terms of what we should do for Lewiston and Auburn. Now, Senator Perkins is concerned about the rural areas. I might suggest that at the beginning of the next Legislative Session that we draw lots. We simply have a number and when your number comes up, it's your plan to put in something that you want for your area, and that might make as much economic sense as what we're trying to do. I guess my only parting shot would be that I, too, want to save jobs in Maine, but I hope in the end we pay these people that work in Maine mills something.

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

SENATOR CHARETTE: Thank you, Mr. President. Just a couple words on this issue where I will be voting in favor or for the Majority Report, however I appreciate my good friend from York County, Senator Wood's comment, but I thought that a couple years ago we did exclude hospitals in leasing equipment, maybe I'm wrong, however, he did mention that hospital equipments, computers, etc., etc., are not being exempted. I thought we passed legislation a couple years ago that did, but maybe I'm wrong, and maybe somebody knows if they want to clarify that.

However, another point that he made is that we don't do these kinds of things for transportation, and this is the first transportation now that's come forward and we've got to do something. I have in front of me here, signed by the Governor of this State February 1, 1984, "operating investments" means invested in railway property used in transportation service, etc., etc., excise tax table \$600,000", that's what we did for Central Maine Railroad Company this year for transportation, why not Bar Harbor. Thank you.

THE PRESIDENT: The question before the Senate is the motion of the Senator from Oxford, Senator Twitchell, that the Senate Accept the Majority Ought to Pass in New Draft under New Title, An Act to Equalize Taxation of Aircraft, H. P. 1869, L. D. 2471.

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

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

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

The pending question before the Senate is the motion by the Senator from Oxford, Senator Twitchell to Accept the Majority Ought to Pass in New Draft under New Title (H. P. 1869) (L. D. 2471) Report of the Committee.

A Yes vote will be in favor of Accepting the Majority Ought to Pass in New Draft under New Title 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, Baldacci, Brown, Bustin, Carpenter, Charette, Clark, Collins, Danton, Dow, Dutremble, Emerson, Erwin, Gill, Hayes, Hichens, Kany, McBreairty, Minkowsky, Pearson, Perkins, Pray, Redmond, Sewall, Shute, Twitchell, Usher, Violette.

NAYS—Senators, Diamond, Najarian, Traf-ton, Wood, The President—Gerard P. Conley.

ABSENT—Senator, Teague.

27 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 1 Senator being absent, the motion to ACCEPT the Majority OUGHT TO PASS IN NEW DRAFT UNDER NEW TITLE (H. P. 1869) (L. D. 2471) Report of the Committee, in concurrence, PREVAILED

The Bill in NEW DRAFT under NEW TITLE READ ONCE

House Amendment "A" (H-731) 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 under NEW TITLE READ A SECOND TIME and PASSED TO BE ENGROSSED as Amended, in concurrence.

Sent forthwith to the Engrossing Department

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

#### COMMITTEE REPORTS

##### House

#### Ought to Pass As Amended

The Committee on TAXATION on Bill "An Act to Amend the State Income Tax Credit for the Installation of Renewable Energy Systems" H. P. 1831 L. D. 2432

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-732).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-732).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-732) was READ and ADOPTED, in concurrence.

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

It is a vote.

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

#### Ought to Pass in New Draft

The Committee on TAXATION on Bill "An Act Providing for Administrative Changes in Maine Tax Laws" H. P. 1747 L. D. 2301

Reported that the same Ought to Pass in New Draft under same title H. P. 1871 L. D. 2473

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.

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

#### ENACTORS

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

AN ACT to Establish a Regional Fuel Tax Agreement H. P. 1799 L. D. 2380 (C "A" H-729)

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 to Amend Certain Motor Vehicle Laws. H. P. 1820 L. D. 2412 (H. "B" H-725 to H. "C" H-685)

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.

On motion by Senator CARPENTER of Aroostook,

RECESSED until the sound of the Bell.

RECESS

AFTER RECESS

The Senate called to order by the President.

Senator PEARSON of Penobscot was granted unanimous consent to address the Senate On the Record.

SENATOR PEARSON: Mr. President and Men and Women of the Senate. When President Kennedy was Senator Kennedy, he was hospitalized for some time because of a back injury, and while he was in the hospital he wrote a book called PROFILES IN COURAGE, and it began, as I recall it, "In a lonely grave forgotten and unknown lays the body of a man who saved a President, Edmund G. Ross of Kansas."

He went on to describe in that book how Edmund G. Ross had been a fateful vote in the impeachment of Andrew Johnson. He also said in that book, at the end of it, he detailed the other members of the Republican Party at that time, one was a Mr. Fessenden from Maine who refused to go along with the impeachment of a Southern Democrat, Andrew Johnson.

I always like that book and I always read it to my classes in American History. Well, I don't mean to say that anything that dramatic probably has happened here in the State of Maine, but I thought about it tonight, because I was one proud Senator to have shared a District with Donnie Strout of Corinth.

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

#### ENACTORS

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

AN ACT to Increase the Minimum Wage over a 3-year period to \$3.65. S. P. 835 L. D. 2236 (H. "C" H-734)

Comes from the House Bill and accompanying papers INDEFINITELY POSTPONED.

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

SENATOR COLLINS: I move this Bill and all its accompanying papers be Indefinitely Postponed.

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

The Chair recognizes the Senator from York, Senator Dutremble.

SENATOR DUTREMBLE: I request a Division.

THE PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Knox, Senator Collins.

SENATOR COLLINS: I request a Roll Call.

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

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

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

The pending question before the Senate is the motion of the Senator from Knox, Senator Collins, that L. D. 2236 and all its accompanying papers be Indefinitely Postponed.

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, Clark, Collins, Diamond, Emerson, Gill, Hichens, Kany, McBreaity, Pearson, Perkins, Redmond, Sewall, Trafton, Twitchell.

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

ABSENT—Senator, Teague.

14 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being absent, the motion to INDEFINITELY POSTPONE L. D. 2236 and all its accompanying papers FAILED.

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

SENATOR COLLINS: I request that on the vote for Enactment that there be a Roll Call.

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

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

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

The pending question before the Senate is Enactment of L. D. 2236.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

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

NAYS—Senators, Clark, Collins, Diamond, Emerson, Gill, Hichens, Kany, McBreaity, Perkins, Redmond, Sewall, Trafton, Twitchell.

ABSENT—Senator, Teague.

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent, the Bill was PASSED TO BE ENACTED in NON-CONCURRENCE, and signed by the President.

Sent down for concurrence.

On motion by Senator CARPENTER of Aroostook,

RECESSED until the sound of the Bell.

RECESS

AFTER RECESS

The Senate called to order by the President.

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

AN ACT to Clarify the Negotiability of Pay Rates Under the State Employees Labor Relations Act. S. P. 170 L. D. 525 (C. "A" S-312)

On motion by Senator NAJARIAN of Cumberland the Bill was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Senator BUSTIN of Kennebec was granted unanimous consent to address the Senate Off the Record.

The ADJOURNMENT ORDER having been returned from the House, READ and PASSED in concurrence, on motion by Senator CARPENTER of Aroostook, Adjourned until Tuesday, April 24, 1984, at 2 o'clock in the afternoon.