

# MAINE STATE LEGISLATURE

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



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

**LEGISLATIVE RECORD**

OF THE

***One Hundred and Ninth  
Legislature***

OF THE

STATE OF MAINE

**Volume II**

**First Regular Session**

May 7, 1979 to June 15, 1979

INDEX

**First Confirmation Session**

August 3, 1979

INDEX

**First Special Session**

October 4-5, 1979

INDEX

**Second Special Session**

October 10-11, 1979

INDEX

**Second Confirmation Session**

December 7, 1979

INDEX

STATE OF MAINE  
One Hundred and Ninth Legislature  
JOURNAL OF THE SENATE

May 17, 1979

Senate called to order by the President.

Prayer by Father Joseph Holland, Augusta Mental Health Institute.

Father HOLLAND: Father in heaven, each day is a new day of hope and promise for the accomplishment of that which is best for all segments of our people. Without prejudice, without acrimony, and without partiality, we address ourselves to the business of this day.

In these few moments of quiet meditation, we offer to you our thoughts, our words and our actions, that they may glorify your gifts of governing bestowed upon us, that they may glorify all our citizens, as their instruments of justice and recourse, that they may bring glory to our State wherever people read about our decisions.

Make us humble in our work, never subservient. Make us conscientious, but never narrow-minded. Make us compassionate, but never weak. Let us learn from the new spring time, with its fresh green grass, its gentle rain, its budding flowers, its leafing trees, its warming trend, that the bitterest winter and hardened earth yield to the gentle touch of your watchful providence.

So let it be with us, that the hard winter of our difficult sessions will yield to the warming effects of the good we have accomplished. We ask you to grant this in your Fatherly concern. Amen.

Reading of the Journal of yesterday.

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

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

On Motion by Senator Katz of Kennebec, recessed until the sound of the bell.

(Recess)

(After Recess)

The Senate called to order by the President.

Papers from the House  
Non-concurrent Matter

Bill, "An Act to Eliminate the Boards of Visitors within the Department of Mental Health and Corrections." (H. P. 1143) (L. D. 1405)

In the House, May 11, Passed to be Engrossed as amended by Committee Amendment "A" (H-366).

In the Senate, May 15, Passed to be Engrossed as amended by Committee Amendment "B" (H-367).

Comes from the House, that Body having Adhered.

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

Senator GILL: Mr. President, I move that we Adhere.

The PRESIDENT: The Senator from Cumberland, Senator Gill, moves that the Senate Adhere.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, I would move that the Senate Recede and Concur, and would request a Division.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, moves that the Senate Recede and Concur with the House.

A Division has been requested.

Will all those Senators in favor of the Motion to Recede and Concur, please rise in their places to be counted.

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

6 Senators having voted in the affirmative, and 14 Senators in the negative, the Motion to Recede and Concur does not prevail.

Is it now the pleasure of the Senate to Adhere?

The Motion Prevailed.

Non-concurrent Matter

Bill, "An Act to Increase the Fee for Tagging Wild Game to \$1." (S. P. 277) (L. D. 843)

In the Senate, May 15, the Minority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-179).

Comes from the House, the Majority "Ought Not to Pass" Report Read and Accepted, in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: I move that the Senate Adhere.

The PRESIDENT: The Senator from Somerset, Senator Redmond, moves that the Senate Adhere.

Is this the pleasure of the Senate?

The Motion Prevailed.

Joint Orders

Expressions of Legislative Sentiment recognizing that:

Selma Black has given long and dedicated service to the Portland School System. . . (H. P. 1406)

Miss Linda A. Regina of Biddeford, a cum laude graduate in dental hygiene from the University of Bridgeport, is the recipient of the Charles A. Dana scholar award for qualities of leadership and promise of future success, in addition to academic achievement. . . (H. P. 1409)

Melinda Morrow of Portland has been selected salutatorian of the 1979 graduating class of Portland High School. . . (H. P. 1408)

Eugene Letourneau of Waterville, author of the "Sportsmen Say" column for the Guy Gannet Press, has been selected as the 7th recipient of the Silver Trout Award for his contributions to the cause of conservation and the continuation of the fisheries resources in Maine. . . (H. P. 1411)

Noah Hrehovick, a 6th grader at Kennebunkport Consolidated School, is this year's winner of the York County Civic Oration contest sponsored by Modern Woodmen of America. . . (H. P. 1407)

Come from the House, Read and Passed.

Which were Read and Passed in concurrence.

Joint Resolution

A Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Lee Evans, who served as a Representative during the 101st Legislature through the 106th Legislature. . . (S. P. 1410)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

Communications

HOUSE OF REPRESENTATIVES

May 16, 1979

Honorable May M. Ross  
Secretary of the Senate  
109th Legislature

Augusta, Maine 04333  
Dear Madam Secretary:

The House voted today to Adhere to its action whereby it accepted the Minority "Ought Not to Pass" Report of the Committee on Legal Affairs on Bill "An Act Concerning Part-time Licenses under the Liquor Statutes" (H. P. 1215) (L. D. 1494)

Respectfully,  
EDWIN H. PERT

Clerk of the House  
Which was Read and Ordered Placed on File.

SENATE CHAMBER  
President's Office

May 16, 1979

Honorable John D. Chapman  
Honorable Robert S. Howe  
Chairmen, Business Legislation Committee  
State House  
Augusta, Maine 04333

Please be advised that with the advice and consent of Governor Joseph E. Brennan, Commissioner Gordon Weil is nominating H. Donald DeMatteis for the position of Superintendent of the Bureau of Banking.

Pursuant to Title 9-B, M.R.S.A., Section 211, this nomination will require review by the Joint Standing Committee on Business Legislation and confirmation by the Senate.

Sincerely,

JOSEPH SEWALL  
President of the Senate

JOHN MARTIN  
Speaker of the House  
(S. P. 560)

Which was Read and referred to the Committee on Business Legislation.  
Sent down for concurrence.

OFFICE OF THE GOVERNOR

May 16, 1979

To the Honorable Members of the Senate and the House of Representatives of the 109th Maine Legislature:

I am returning without my signature or approval S. P. 310, L. D. 901, An Act to Prohibit Taking Antlerless Deer in Certain Municipalities and Townships.

This legislation will restrict deer hunting to adult males in significant portions of wildlife management unit 3 for the next three years. I recognize that this is a well-intentioned effort to help the deer population recover from the marked decrease in their numbers that has occurred in recent years, but I am not persuaded that this would be the most appropriate method of deer management in this region. On the contrary, the information available to me strongly suggests this to be an undesirable alternative for a number of reasons.

First, I have been informed that cover conditions make it likely that a high incidence of inadvertent illegal kills would occur. Such kills would in part cancel out the benefits of the law, while carcasses left in the woods would be an attraction to additional scavengers, conspicuously including the coyote. Predation from the coyote is one of several possible explanations for the decline of deer in region 3, and, if valid, would be likely to increase if illegal kills remain in the woods.

Secondly, it is likely that implementation of the restrictions of this bill would mean a shift by a number of hunters to wildlife management units 4 and 8. This would mean an increased burden in those areas. At the same time, we could expect to see efforts at evasion by hunters transporting antlerless deer from zone 3 to adjacent areas for tagging and by other means as well.

I must also oppose this legislation for administrative reasons.

First, the Department of Inland Fisheries and Wildlife has estimated that this legislation could cause a decrease of as much as \$216,000 in dedicated revenues to the Department. As you know, the Department, with my approval, has submitted legislation, L. D. 1600, to raise game license fees in an effort to offset operating deficits and to meet the increasing financial demands on the Department. Without such an increase there will be a revenue shortfall of nearly one and one half million dollars by 1981 at current spending levels. Such a deficit would, of course, require massive cutbacks in service. Since this legislation would mean a decrease in revenues, it is totally contrary to the

policy of this Administration to maintain the Department at its current service level to the extent possible.

Secondly, the experts in the Department have expressed to me their belief that the valid concerns over the deer population in wildlife management region 3 ought to be addressed by alternative practices. According to the experts, the preferred method of conservation would be to close certain blocks of townships under the Commissioner's regulatory authority, as opposed to limiting the harvest to bucks only or to closing the entire area.

Thirdly, following up on the preceding concern, this bill appears to establish a precedent by undermining the Commissioner's authority to regulate deer seasons according to changing conditions. The discretion for determining the length and locale of hunting seasons is properly left to the Commissioner, who has the information, the flexibility and the ability to act promptly that is so valuable in an area as subject to as many variables as wildlife population.

In summary, I believe that the Department of Inland Fisheries and Wildlife has the expertise and authority to implement other management plans which will be of greater benefit to the deer herd and to the economy of the area.

I respectfully request that you sustain my veto of this measure.

Yours very truly,  
JOSEPH E. BRENNAN  
Governor

Which was Read and Ordered Placed on File.

The accompanying Bill, "An Act to Prohibit Taking Antlerless Deer in Certain Municipalities and Townships" (S. P. 310) (L. D. 901)

The President stated the question before the Senate:

Shall this Bill become a law notwithstanding the objections of the Governor?

According to the Constitution, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of the bill.

A vote of No will be in favor of sustaining the veto of the Governor.

Is the Senate ready for the question?

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: I'm kind of surprised the Governor has vetoed this bill. I was going over his problems with it and I think it's been fully debated in this body of government, in both bodies.

This bill originated in my District, which would be mostly affected. I have been supporting it very actively. It came out of Committee 11 to 2 Ought to Pass. Before introducing this bill, those most interested, the Sports Fish and Game Associations approached me along the line of introducing this bill. They work with the Department of Fisheries and Wildlife. They obtained all the information to back up their thoughts, and arrived with the finding, that in zone 3 the kill has dropped by 50% in the last 5 years.

They have spoken with the members of the Department of Fisheries and Wildlife. They were told that they recognized the problem, but they were not positive for all the reasons for it. The wardens and the Wildlife Biologists had a meeting and they were going to have more meetings, this was back in December, they would be having more meetings specifically on Unit 3 Management. They would discuss it with the wardens and supervisors, and Wildlife Biologists that work in that area.

They said that also they would communicate with the Deer Research Project of the University of Maine in Orono, and they were looking into the reasons for the low deer kill. They thought by spring they would come up with some recommendations. Also they suggested it could be done by the rules and regulations. Then they could change them from year to year. They did not care for legislative action.

However, they did acknowledge the problem.

After the various groups and clubs interested in Fisheries and Wildlife in Zone 3 studied the project, I'd like to say that in the Sports Fish and Game Association there are some biologists some retired biologists, there are a couple retired game wardens who belong to that association, some woodsmen and guides, people who operate resorts, and they had several meetings. They contacted the Rangeley Fish and Game Association, the Carrabassett Fish and Game Association.

I'd like to read to you the reply from the Carrabassett Fish and Game Association in their inquiry when they got in touch with them and it goes like this:

"In regards to the situation of the deer herd in North Franklin County, we would like to make a few comments. There's an old saying which goes, 'You can fool half the people half the time, but you can't fool all the people all the time.'

We can't help but wonder if the Department of Fisheries and Wildlife especially the Commissioner, thinks we are all fools all the time.

They are continually telling us that the herd is in pretty good shape and the situation in general is good. Whereas this may be true for certain areas of the State, it certainly does not hold true for North Franklin County.

Apparently these people believe that if you ignore a problem long enough and pretend it doesn't exist, it will eventually go away. Unfortunately this is not the case. In this area many factors can be contributed to the reduction of the deer herd. To name a few, severe winters, the lumbering off of natural yarding areas, overkill in previous years, a change of habitat, and slaughter by domestic dogs and the eastern coyote.

You say the coyote doesn't prey on healthy deer. Our all knowing biologist tell us so. Perhaps some of these educated people would like to come up in the woods and see evidence of the contrary. We sponsored a club contest this fall and out of 62 members only 1 got a deer. Of course, all are not hunters but most are, and some are very dedicated woodsmen.

No Mr. Commissioner, we didn't all stay in camp due to warm weather, and we didn't all ride the road in cars. We hunted and we didn't find many deer. After the snow came we didn't find many tracks and we didn't find much evidence to believe the nonsense you've been telling us. When an area like Kingfield can produce just over 40 deer tagged we think this tells it's own story. Sincerely, the Fish and Game Association."

Ladies and Gentlemen this is only a sample of the complaints regarding the deer herd in Zone 3. A high ranking officer in the Department of Fish and Game replied to me, when I asked him what he thought of the buck only season. He said, it's the best piece of Legislation that was brought in this year. The only thing I regret is that our Department didn't think of it before you fellows.

Ladies and Gentlemen, the Governor has come up with various reasons for vetoing the bill. I have much respect for our Governor.

It's very evident some of the members of this body of government, seeing that they couldn't kill this bill probably have encouraged our Governor to do so. All those reasons that are related in his letter, we could go over them, one in particular, regarding the cost. The Department attached a fiscal bill to this piece of Legislation. "Said could cause a Decrease of as much as \$216,000." I don't blame the Governor for being very impressed with something like that. However, the people who operate resorts and make a living off of this. This is their bread and butter. They are concerned about our deer herd. They are so concerned many of them have told me that they do not like to see the situation, having to bring a piece of Legislation like that, but this is probably the best way to restore our deer herd in Zone 3.

Every guide in that area and including Rangeley, which is in Senator O'Leary's Zone. Eustis, Stratton, all these areas, I've been hunting there and I've seen it for myself. So I hope that we will vote to override the veto. Thank you.

The PRESIDENT: Is the Senate ready for the question?

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

#### ROLL CALL

YEA — Ault, Chapman, Clark, Collins, Cote, Devoe, Emerson, Gill, Huber, Katz, Lovell, McBreaity, Pierce, Redmond, Silverman, Sutton, Teague, Sewall.

NAY — Carpenter, Conley, Danton, Farley, Martin, Minkowsky, Najarian, O'Leary, Perkins, Pray, Shute, Trafton, Trotzky.

ABSENT — Hichens, Usher.

Senator Clark of Cumberland, was granted permission to change her vote from Yea to Nay.

17 Senators having voted in the affirmative and 14 Senators in the negative, with 2 Senators being absent, 17 being less than two-thirds of the membership present, the veto of the Governor is sustained.

#### Orders

Expression of Legislative Sentiment recognizing that:

Ed Anderson, President of the Maine Mariners who have just won their second consecutive Calder Cup, has been selected Minor League Hockey Executive of the Year by the Hockey News. . . (S. P. 559) is presented by Senator Usher of Cumberland, Cosponsored by Senators Conley and Najarian of Cumberland and Representative Nelson of Portland.

Which was Read and Passed.

Sent down for concurrence.

#### Committee Reports

##### House

The following "Ought Not to Pass" Report shall be placed in the legislative files without further action pursuant to Rule 22 of the Joint Rules:

Bill, "An Act Relating to a Compensation for Minors Delivering Newspaper Supplements." (H. P. 729) (L. D. 916)

##### Leave to Withdraw

The Committee on Business Legislation on, Bill, "An Act to Exempt Financial Institutions from the Motor Vehicle Dealers Licensing Requirements." (H. P. 996) (L. D. 1232)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act Relating to Notification under the Maine Consumer Credit Code." (H. P. 688) (L. D. 868)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Labor on, Bill, "An Act to Create a Presumption Concerning Asbestosis Under the Workers' Compensation Act." (H. P. 1258) (L. D. 1511)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act to Provide for Sales of Straight Life Insurance by Savings Banks." (H. P. 963) (L. D. 1243)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Labor on, Bill, "An Act Concerning Payments and Expenses for Facial Disfigurement and Burial Expenses." (H. P.

1242) (L. D. 1492)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Labor on, Bill, "An Act to Provide Inflation Protection for Partially Disabled Employees." (H. P. 820) (L. D. 1021)

Reported that the same be granted leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

#### Ought to Pass — As Amended

The Committee on Aging, Retirement and Veterans on, RESOLUTION, Proposing an Amendment to the Constitution of Maine to Maintain and Protect the Integrity of the Maine State Retirement System. (H. P. 780) (L. D. 973)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-424).

Comes from the House, the Resolution Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Public Utilities on, Bill, "An Act Relating to the Protection of Underground Facilities." (H. P. 838) (L. D. 1036)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-419).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Public Utilities on, Bill, "An Act to Establish a Committee to Report to the Legislature on the Feasibility of Rebuilding Dams for the Production of Electricity." (H. P. 1194) (L. D. 1461)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-420).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

The Committee on Local and County Government on, Bill, "An Act to Convert Wallagrass Plantation into the Town of Wallagrass. (Emergency) (H. P. 832) (L. D. 1039)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-423).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Reports were Read and Accepted, in concurrence, and the Bills Read Once. Committee Amendments "A" were Read and Adopted, in concurrence, and the Bills, as amended, Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Permit Nonprofit Legal Service Organizations." (H. P. 642) (L. D. 797)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-409).

Signed:  
Senators:

COLLINS of Knox  
DEVOE of Penobscot

Representatives:

HOBBINS of Saco  
SIMON of Lewiston  
SEWALL of Newcastle  
STETSON of Wiscasset  
LAFFIN of Westbrook

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

Signed:  
Senator:

TRAFTON of Androscoggin

Representatives:

CARRIER of Westbrook  
GRAY of Rockland  
JOYCE of Portland  
HUGHES of Auburn

Comes from the House, the Minority Report Read and Accepted.

Which Reports were Read.

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

Senator TRAFTON: Mr. President, and Members of the Senate: This is a bill that we have had in the Judiciary Committee, which from my point of view hasn't received adequate discussion, considering the huge policy decision that we're making by passing this bill.

If you read the Statement of Fact, very briefly, it attempts to set up a Blue Cross, Blue Shield for lawyers. I think if we had the opportunity today, with regard to the health care industry to set up a Blue Cross and Blue Shield, we certainly would spend a reasonable amount of time studying all the various issues, relating both to cost and the need for services and whether that in fact, would be the best way to provide those services at a reasonable cost.

It would have been my hope that we could have studied this issue and I raised that in Committee, having taken out several of the books from the library that relate to this subject, and realizing that there's a great deal of material on this subject. However, some members of the Committee felt that we were ready to pass this bill at this time.

I would refer you to some of the experience that Blue Cross, Blue Shield has had. Perhaps, point out the difference between an insurance program which this bill would be setting up, and the direction that the health care industry is moving into, which is a prepaid service. The difference between the 2 is that the nonprofit organizations such as the Blue Cross, Blue Shield, whether it be for medical providers, acts as an insulator for costs between the consumer and the provider.

When you have an insurance system unfortunately as we've seen in the health care industry, the cost has skyrocketed, forcing a great many people to join the insurance system, because they can no longer buy those services in a direct relationship.

I think there are a lot of other serious issues that we haven't begun to address in this bill. Right now in this State we do have prepaid legal services. For example, the Maine Teachers' Association has a program. It's a closed panel program. It's been shown that closed panel programs are the ones that do present the most cost savings to the consumer. This bill would seem to put in jeopardy closed panel systems that we now have in operation.

I guess I would ask one of my colleagues on the Judiciary Committee, to perhaps explain why they feel this bill would benefit the people in this State who are in need of legal services, because I haven't heard any convincing arguments in favor of the bill.

At the hearing we had several groups testify, the Maine Trial Lawyers, the Maine Bar Association, and several other attorneys. I can certainly see that this bill might provide an increase in their business, but we didn't have anyone come forth from the public to demonstrate the need for this bill. I recollect back to the words of the good Senator from Penobscot, Senator Devoe, in discussing the life-line bill, and he said at that time, "no one came forward at the hearing to say that they needed this reduction in the costs of their electricity", and that was his reason, or one of his reasons, for opposing that bill. I guess I would say to him, particularly, where has the need been demonstrated for this bill? Where were the members of the public at the hearing? Where have they been since the hearing? I have heard no loud out-cry for a Blue Cross, Blue Shield for lawyers, except from those lawyer groups present at the hearing.

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

Senator COLLINS: Mr. President, Legal Service Organizations have been a topic of discussion in the legal profession now for about the last 10 years. In a few states, legal service organizations have been set up, as an experiment and it's probably too early yet to say whether they are going to be a truly successful experiment or not. I think in some of the states the indications are in that direction.

In Maine I don't know how useful this sort of thing would be. A bill in this same area was submitted to the 108th Legislature and came before the Judiciary Committee. I gave it some study, I was not satisfied with it. I felt that the proponents had not given sufficient thought and attention to it. I encouraged the committee to reject it at that time, and the committee did reject it and it was withdrawn. The idea then received some additional study from a section of the Maine State Bar Association, which has concerned itself with providing legal services to more people who are having difficulty in obtaining those services, at the prevailing costs of those pro bono services.

We find that there are legal services available for the very poor, through Pine Tree Legal Associations, and occasionally through referral activity on the parts of the County Bar Association where lawyers, usually the younger lawyers, volunteer to take in rotation, references, particularly from indigent people to help them sometimes at no cost, sometimes at low cost, definitely below the prevailing charges.

But we found that there is another segment of people who have a little bit too much income to qualify for the pro bono work or the Pine Tree Legal type of service. Some of those people are very timid about seeking legal services. They're very concerned about how they would pay for those services. Based on the experience in some other states where they have tried to make more services available, this idea of permitting prepaid legal services organizations to be established in this state was developed.

The Senator from Androscoggin, has quite properly raised the question, is the public demanding this? The evidence that there is some need for it, some concern about having it, I think, appears in two ways. One is the instance already sighted by the Senator of the Maine Teachers' Association experiment with this. I believe that the Maine Teachers' Association experiment was not too successful, in part because it was a closed panel type of service.

In other words, the Association hired one lawyer on a full-time basis, and paid him a salary. His services became available to any teacher who wanted to join in and pay \$35 a year of \$75 a year or depending on what category they wanted to be in, in this sort of insurance scheme.

Then if they had some legal problems, not every kind of legal problem, but if they had legal problems within the list, they would have the service provided by that one attorney. Well, one attorney serving the whole State of Maine is a pretty difficult problem. That one attorney, I think, tried to do well, and probably he did well, within the possibilities that he had.

Now the other evidence is that in the Lewiston area, an industrial group, I think perhaps with some sponsorship from labor organizations attempted a similar experiment. I'm not very much informed as to how successful that has been. I remember a prominent lawyer in Lewiston who worked with it, reporting to a Bar Association meeting about the experiment, expressing his view that it could be useful and could be worked out successfully.

The idea that is fostered in this particular bill is what we call the open panel system. In other words, you do not have to accept one particular lawyer who is hired by the organization. You have some choice. You do not have to accept the people on the panel if you do not choose to,

so that there is opportunity for a broad distribution over the State of people who may participate.

What it would mean in terms of cost, we really don't know. I think the attempt of the Senator from Androscoggin to make the analogy of Blue Cross, Blue Shield is perhaps all there is to point to in this State. But I would inform the Senate that in other States there have been other organizations take part in this.

For example, in Minnesota, the Northwest-ern Mutual Life Insurance Company has been a servicing organization for this type of effort.

This bill is completely permissible. Once it's on the books, if you see fit to enact it, there is no certainty that one of these organizations will be formed, but if one is formed, then it will have to find a servicing organization to work with it. That organization could be Blue Cross, it could be some other organization. It is likely to be an organization that has some experience in the insurance field, because this is the type of thing it is. It's not exactly insurance, but it is certainly a related sort of activity.

I don't think anyone can make any predictions that this will be a popular and successful effort, but I see no reason to avoid it because of any apprehension that may have grown in the people's minds about the role of Blue Cross. I think that it will appeal, if it appeals at all, only to that segment of our population which is just above the level where they may get free services now. I do not think it will appeal to middle-income or higher-income people, because I think those folks will always want to choose their own attorneys and pay them as they need them, rather than work through an insurance type organization.

I do not know of any lawyers who think that this would be a gold mine for them. I think that this has been approached by Bar Association Groups as a way of responding to the public suggestions that sometimes it is difficult to obtain legal services at reasonable prices for people who have frequently rather urgent and disastrous problems that they need to address and this would be a way for them to prepare for such problems in the same way that we buy an insurance policy against a fire, or against an automobile accident, or against a medical problems and hospital problems.

I would hope that the Senate would see fit to let this bill move along. It's a topic that certainly merits discussion, and I hope it will be thoroughly discussed, and that you will see a value in permitting it to happen.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President and Members of the Senate: I would like in part to respond to the remarks of the Senator from Knox, Senator Collins, this morning.

What prompted me to my feet is a statement that he made, which said that the Maine Teachers Association experiment was not too successful. I am a member of the Maine Teachers Legal Services Association. I wish to report that the Maine Teacher Legal Service Association is alive and well and I am currently utilizing the services provided therein.

This bill, L. D. 797 sets up an insurance program which is very different from the current program, Maine Teachers Legal Services Association. I speak of it as ours, for you all know that I'm a school teacher, when I'm not here, and I have already shared with you that I am a client of the Maine Teachers Legal Services Association, which I'll probably refer to from now on as MTLA. It's a lot quicker.

There's a big difference between prepaid versus insurance programs. In a prepaid program we pay \$60 a year and we get all services covered in the program. Because we prepay our dues or membership in that organization there seems to be and it has proved to be little incentive for those in the legal profession to pursue litigation on and on and on. In an insurance program, and I guess we can look to the

health industry as an example, in an apt analogy, health care costs are carried on and on and on. Services and litigation may be pursued on and on and on. Insurance rates under prepaid legal insurance plans will increase. A case in point is the recent raise in Blue Cross, Blue Shield Health Insurance Rates granted by the Bureau of Insurance less than 24 hours ago.

What concerns me is this. The act clearly prohibits the Prepaid Legal Insurance Program currently operated in our state, MTLA, of which I am a member. In sub-section 3021 of the proposed act, it is reported that "this will prohibit any prepaid legal insurance plans permitted under Title 24A."

Maine Teachers Legal Services Association has maintained, quite naturally, that it's prepaid plan is not "an insurance plan". This argument I do not think gets around the language of the proposed sub-section 3021. An Amendment to exempt Maine Teachers Association Plan would not be adequate because there are other labor or related organizations who may well wish to initiate closed prepaid panel plans. Such plans would in affect also be prohibited by this act.

I guess it's my opinion that this act has other far reaching effects. For example, because of it's wording it's my contention that it prohibits labor organizations from retaining a specific law firm to represent it's members in grievance and other labor disputes, even though such representation is specifically authorized under the NLRA, the National Labor Relations Act.

It is also questionable whether the State of Maine has the authority to regulate such representation, and it raises a whole host of serious questions and threatens to subject the labor organization and attorney to even criminal penalty.

There are a lot of other situations where groups of persons in particular, labor organizations through either formal or informal agreements with a law firm provide for services of that law firm for its members at either fixed or reduced rates. One labor organization has such an arrangement with a law firm for the handling of Workmen Compensation Claims. This bill threatens those types of programs, as well, because they are in fact legal service plans.

In summary, this bill does not pass the straight fact test, or as we call it in this Chamber, the demonstrable needs test, and for that reason I oppose the pending motion.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you, Mr. President, and Members of the Senate: Well, it's been a little bit entertaining this morning. We have 2 Senators telling us that the people of the State of Maine shouldn't have a chance to let an experiment work to see if it will help some people.

Of all people, somebody who says that she is a beneficiary of services of the Maine Teachers Association Legal Services Plan. I'm sure that when Blue Cross, Blue Shield started, that everything wasn't perfect and I'm not saying that Blue Cross, Blue Shield today is a perfect organization. However, it has had the interest and the initiative to come forward to see whether something can be done to help a segment of Maine people who presently are not fully benefiting from legal services being made available to them, at a cost that they think they can afford.

The good Senator from Knox has stated very clearly, and it hasn't been denied by any of the speakers that the very low-income people are helped by Pine Tree Legal Aid. People who are considered well to do can retain their own lawyers. But there is undeniably a group of people who for one reason or another, good or bad, feel that legal services aren't fully available to them.

All this bill does is try to set up a program to

see whether an experiment can work to help a segment of the middle class who apparently feels that services are not fully available. This isn't aimed at outlawing closed shop panels.

The Maine Teachers Association wants to buy a lawyer on a salary to handle claims and to finance it by \$60 a year from their members. fine. If that's working, more power to them. But does the good Senator from Cumberland, purport to tell the Senate that that is the only possible way that a plan can work for it to be a closed panel plan? Is she saying it's so perfect that there is not any benefit that could accrue to people in the State of Maine to have a prepaid legal services plan? If she is, it's an incredible statement, I submit to you members of the Senate, she's saying there is one and only one way and it's her way.

Now surely let's try to be rational about this. There have got to be other ways, other plans, other approaches, to combat a problem. The good Senator from Cumberland, is saying only her way will do it. I submit to you that is not a reasonable reasoned approach. If they don't like Blue Cross, Blue Shield, why don't they present Legislation that it be abolished or prohibited in the State of Maine if they're afraid of containment, of medical costs? They haven't gone that far yet. Let's give this plan a chance to work. The open market place will determine whether or not a plan like this is going to work.

I say and I submit the more reasoned approach is, let's see if it can help a segment of Maine people. Thank you very much, Mr. President.

#### (Off Record Remarks)

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

Senator COLLINS: Mr. President, I would like to assure the Senator from Cumberland, Senator Clark, that as far as I know this bill and it's proponents have no intention of wiping out the system that the Maine State Teachers' Association has established. If there is any danger of that I shall certainly see that an amendment is presented to the bill, that clarifies that and makes it clear that other systems of legal service can operate in the same free way that this group could do if it is permitted to be established. Thank you, Mr. President.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President, and Members of the Senate. I welcome the kind and cooling words of the gentleman from Knox, Senator Collins, for I do seek that reassurance, and I do believe that his understanding is sincere. It is my opinion, however, that that opinion that he expresses is the opinion of an attorney and is not necessarily agreed to or reflected in opinions of other members of that profession.

I stood here this morning and readily and freely, candidly, openly and honestly admitted my personal concern and connection with the bill before us. I would submit to you my colleagues that is indeed refreshing and perhaps should be repeated more often as we debate bills before this Chamber.

My concern is that the bill before us, in its present form prohibits the continuation or the formation of prepaid legal services, such as the one of which I am a member. That's my concern. I am not opposed to letting "an experiment continue." But I would suggest to you that before the experiment is allowed to begin that perhaps there may be a demonstrated need for same, so at the same brush stroke that we begin this experiment, that we don't preclude or forbid those kinds of prepaid legal plans which are currently in existence.

That my friends is a concern, for I count myself a member of society, just above that level economically which does not qualify for those services as provided by Pine Tree Legal. As also a member economically of a strata in society that hopefully does not qualify for pro-

bono services from other members of the legal profession, but as a member of that strata economically in our society which just about makes it. My income meets my outgo, if I'm lucky. The Prepaid Legal Services Association of which I'm a member meets the needs of a great many of us who fall economically in that strata, whether it's lower-middle class, or middle-middle class, I can tell you it's certainly not upper-middle class, or anywhere thereafter.

Whether my interest be vested, my remarks are open. An experiment again which precludes those kinds of legal services programs prepaid in nature, of which I'm currently a member and which services thousands of Maine citizens, and which should be allowed to continue to form based on need among other organizations in the State, should not be prohibited, simply because the legal profession in this State seeks to embark on an experiment.

The PRESIDENT: The Chair recognizes the Senator from Portland, Senator Najarian.

Senator NAJARIAN: Mr. President and Members of the Senate: I've been very concerned about this bill myself, since I first saw it introduced. One of the reasons I'm concerned is because of my experience in the medical field with Blue Cross, Blue Shield and these prepaid insurance coverages.

We're just beginning to find out now in the health field how insurance coverage has been the wrong way to go. It provides all the wrong incentives. For example, both providers of those services and to the consumers of those services, the providers are reimbursed according to their reasonable and customary charges and the more services they perform the greater their income.

The consumers of those health services, they pay a certain fee and they're not concerned about the cost, because it's covered by insurance. So they're not concerned about how many services the doctors order or in this case the lawyer would describe because they don't feel the burden.

I don't know whether this bill will benefit Blue Cross, Blue Shield more, or the lawyers more, but I can tell you it will not benefit the people of Maine. It's the first step judicially. Our budget is now uncontrollable. That's the one item in our budget over which we have no control.

This bill, essentially is the same as the language which authorizes our health insurance coverage. What they have done is they substituted legal services for health care and attorneys for hospitals and doctors. That's the essential difference. I know that Blue Cross is nervous about what's happening in Washington, about providing different mechanisms for providing health care for our people, and they want to branch out into another area in case something happens to their health service coverages.

I know that we have more and more lawyers. Fortunately, in the health field, the supply and demand that we normally associate with private enterprise simply does not operate. The more doctors you have, it does not tend to reduce your cost of health service. The reason is they need a certain income, or they feel like, well, let's say I need \$40,000 to provide my income, if they have 500 patients, they'll divide 500 into \$40,000 and that's what they charge. If they have fewer patients then the charges go up. It's all reimbursable. That's what scares me about getting into this in legal services.

We have Pine Tree Legal where the lawyers are paid a salary to represent the poor. That's controllable and that's the way we should go. If there's a certain income level just above that who are being left out, then I think we ought to broaden the income guidelines maybe for Pine Tree Legal. We should be having that kind of service in the medical field. There are other experiments that we could use like the prepaid health insurance and the difference between

that and Blue Cross, or other insurance coverage is that you pay a certain amount and you get all your coverages for that. If the physicians provide more services then they lose income. So it provides an incentive for them to be economical and to keep people healthy.

We're already known as a 'sue' society. Everybody is suing all the time. This would just simply add to that. I think it's a very bad bill and I hope you'll vote against it.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of Accepting the Majority Ought to Pass, as amended, Report, please rise in their places to be counted.

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

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: I request a Roll Call.

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

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

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

The Chair recognizes the Senator from Washington, Senator Silverman.

Senator SILVERMAN: Mr. President and Members of the Senate: One sits here as a member of the public and listens to both sides of the debate, they have to make a decision. Probably the most convincing decision I made to vote for this bill, came from Senator Clark, when she said that she was able to belong to a closed organization that provided her for \$60 a year legal insurance coverage.

I recognize that is a big benefit. But I also realize that there are so many of our public that do not have that advantage. There are so many of our public in this day and age who because of domestic problems are now faced with legal services. Those legal services, I don't know how they are priced, but I do know that in a time when they are needed, that many people in our public must have the opportunity of having an insurance coverage to pay for them.

It's very easy to criticize Blue Cross, Blue Shield Plan and think it can be improved, which many of us hope it will. But I also know that in my days in the 40's when there was not Blue Cross, Blue Shield, and someone was needing of health care, I can remember many cases, they were bankrupt the rest of their lives because of the need for that health care.

I also know in this day and age, because of Blue Cross, Blue Shield that does not exist. The ordinary decent citizen with Blue Cross, Blue Shield Coverage can go to a doctor and to a hospital and walk out knowing that they are not in debt. This I think is important. If one criticizes the health care services, one recognizes also that within the last 10 years, those who the ordinary workers in that service have had a chance to up their wages to what they are for other people. That we also, have a modern medical technology, that has made it possible for many people to live longer because of that technology which is also extremely expensive.

I hope today you will vote to allow the average citizen who if some of us wanted to bring out to these hearings, we could, but I hope we will allow the average citizen to have the opportunity that Senator Clark has in her insurance coverage. Thank you.

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

Senator TRAFTON: Mr. President and Members of the Senate: I can appreciate the concern of the Senator from Washington, Senator Silverman, but it would be a misunder-

standing in the debate today to think that prepaid plans cannot be both open and closed panel plans.

The prepaid plans such as the one which Senator Clark belongs to can be open, both in a closed panel situation and an open panel situation to all citizens of this State.

The major difference that we're trying too point out this morning is that prepaid plans whether they be legal or health plans provide services to the consumer at a much reduced cost. Insurance plans are a much higher cost program. It's been shown in the Blue Cross, Blue Shield, that they're a much higher cost program. That's why this State is now moving to HMO's and other prepaid health programs, so that those very necessary health services, which Senator Silverman is concerned about can continue to be provided at a reasonable cost.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is acceptance of the Majority Ought to Pass, as amended Report of the Committee.

A Yes vote will be in favor of Accepting the Ought to Pass Report.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Ault, Collins, Cote, Devoe, Gill, Huber, Katz, Lovell, Perkins, Pierce, Redmond, Shute, Silverman, Sutton, Teague.

NAY — Carpenter, Chapman, Clark, Conley, Danton, Farley, Martin, Minkowsky, Najarian, O'Leary, Pray, Trafton, Trotzky.

ABSENT — Emerson, Hichens, McBreairty, Usher.

A Roll Call was had.

15 Senators having voted in the affirmative, and 13 Senators in the negative, and 4 Senators being absent, the Motion to Accept the Majority Ought to Pass, as amended Report of the Committee in non-concurrence does prevail.

The Bill Read Once. Committee Amendment "A" Read and Adopted, in non-concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

#### Divided Reports

The Majority of the Committee on Taxation on, Bill, "An Act to Encourage the Maine State Museum Commission to Acquire Works of Art Beneficial to the State." (H. P. 1171) (L. D. 1454)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-406)

Signed:

Senators:

CHAPMAN of Sagadahoc  
CLARK of Cumberland

Representatives:

BRENNERMAN of Portland  
MARSHALL of Millinocket  
KANE of South Portland  
WOOD of Sanford  
TWITCHELL of Norway  
COX of Brewer  
LEONARD of Woolwich  
CARTER of Bangor  
POST of Owl's Head

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

Signed:

Senator:

TEAGUE of Somerset

Representative:

IMMONEN of West Paris

The Majority Report Read and Accepted and Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-406)

Which Reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: I move we accept the Minority Ought Not to Pass Report.

The PRESIDENT: The Senator from Somerset, Senator Teague, moves the State Accept the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: I would oppose the motion. I would like to point out just a little bit about this bill.

Since we permit our estates to pay their death taxes in the form of works of art, the artist might state in his will that he wishes to have this be the case or the administrator of the estate may also make this wish. The procedure is that if this should be the desire, the works of art to be considered would be reviewed by the Maine State Museum Commission. They would decide whether or not the State of Maine would benefit from accepting the work of art and they would agree on a monetary value of that work of art, with the executor or administrator of the estate. If the State Tax Assessor has no objection to the **agreed upon valuation and the Commission accepts and assumes the title to the work of art, and the State Tax Assessor credits the valuation of the art against those death taxes.**

This bill provides a simple way of keeping art owned by a Maine Resident in Maine where it is determined to be of value to the State of Maine, and enables the State to acquire such works of art at a minimum cost, and in a method that would benefit Maine citizens.

The original bill stipulated that there should not be any more than \$500,000 worth of aggregated value of these works of art in any one year. This was determined by the Committee to be somewhat high, and the amendment reduces this to a total maximum in any one year of \$100,000. I would urge that the Senate defeat the pending motion and accept this bill.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: Just in answer to one thing to the good Senator from Sagadahoc, Senator Chapman, this is a notation from the Bureau of Taxation to the sponsor of the bill, and it says a Statement of Fact, which he just said. "This bill permits an artist in the State to pay death taxes in the form of works of art. The bill itself, however, does not limit this provision to the artist's estate, or provides that any of the descendant's estate may pay all or part of taxes owed by payment in the form of 1 or more works of art subject to the limitations provided under sub-section 93." So it means any work of art.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, this was a bill that came to my attention early on in the session. I had a very negative reaction and I guess all of us did at first glance.

Take a look at that Committee Report, 11 to 2. From what I know of that committee, the Committee on Taxation, if there's a warm heart and a soft head on that committee, I haven't discovered it yet. It's a very very tough committee, 11 to 2. This bill has a significant amount of merit. I would call it to your attention and urge all of you to give it at least a beginning ride until you can get more questions answered if you want.

At the end of 10 years, what will be the effect of this bill? Well, those of you who are terribly conservative and want to protect the Treasury, it means that we will have had a maximum of a million dollars less of new programs or expanded programs authorized by the Legislature, because the money will be going in this direction. My experience with new and expanded programs is at the end of 10 years, it won't add up to \$100,000 a year, it will probably add up to \$300,000 a year on the Current Services

Budget.

The alternative is to do something for posterity, to let the State move toward the collection of some art works so that we become a more interesting State and a more culturally oriented State in the years ahead for those that follow us.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of accepting the Ought Not to Pass Report, please rise in their places to be counted.

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

6 Senators having voted in the affirmative, and 14 Senators in the negative, the Motion to Accept the Minority Ought Not to Pass Report does not Prevail.

The Majority Ought to Pass, as amended, Report of the Committee, Accepted, in concurrence, and the Bill Read Once.

Committee Amendment "A" Read and Adopted, in concurrence.

The Bill, as amended, Tomorrow Assigned for Second Reading.

Senator Clark of Cumberland, was granted unanimous consent to address the Senate, off the Record.

#### Divided Report

The Majority of the Committee on Marine Resources on, Bill, "An Act to Authorize Per Diem for Members of an Advisory Committee or Panel of the New England Regional Fisheries Management Council." (H. P. 1245) (L. D. 1490)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-405).

Signed:

Representatives:

FOWLIE of Rockland  
BUNKER of Gouldsboro  
HANSON of Kennebunkport  
KIESMAN of Fryeburg  
POST of Owl's Head  
SMALL of Bath  
BLODGETT of Waldoboro  
JACKSON of Yarmouth  
NELSON of Roque Bluffs

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

Signed:

Sensors:

CHAPMAN of Sagadahoc  
SHUTE of Waldo  
SILVERMAN of Washington

Comes from the House, the Majority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-405)

Which Reports were Read.

On Motion by Senator Shute of Waldo, the Minority Ought Not to Pass Report of the Committee, Accepted, in non-concurrence.

Sent down for concurrence.

#### Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act Concerning State Valuation and Assessment." (H. P. 531) (L. D. 652)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

TEAGUE of Somerset  
CHAPMAN of Sagadahoc  
CLARK of Cumberland

Representatives:

CARTER of Bangor  
TWITCHELL of Norway  
COX of Brewer  
IMMONEN of West Paris  
KANE of South Portland

The Minority of the same Committee on the same subject matter reported that the same

Ought to Pass as amended by Committee Amendment "A" (H-411).

Signed:

Representatives:

WOOD of Sanford  
POST of Owl's Head  
LEONARD of Woolwich  
MARSHALL of Millinocket  
BRENERMAN of Portland

Comes from the House, the Minority Report Read and Accepted, and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-411)

Which Reports were Read.

On Motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending Acceptance of Either Committee Report.

#### Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act to Increase the Dollar Amount of an Accident that Must be Reported from \$200 to \$500." (H. P. 636) (L. D. 787)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-404).

Signed:

Sensors:

EMERSON of Penobscot  
USHER of Cumberland  
O'LEARY of Oxford

Representatives:

CARROLL of Limerick  
HUTCHINGS of Lincolnville  
McKEAN of Limestone  
McPHERSON of Eliot  
STROUT of Corinth  
ELIAS of Madison  
BROWN of Mexico

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

Signed:

Representatives:

HUNTER of Benton  
LOUGEE of Island Falls

Comes from the House, the Majority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-404).

Which Reports were Read.

The Majority Ought to Pass, as amended, Report of the Committee, Accepted, in concurrence. The Bill Read Once. Committee Amendment "A" Read and Adopted, in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act to Prohibit Rate Discrimination by Public Utilities." (H. P. 837) (L. D. 1041)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

DEVORE of Penobscot  
COLLINS of Knox

Representatives:

REEVES of Newport  
LOWE of Winterport  
BROWN of Livermore Falls  
GAVETT of Orono  
CUNNINGHAM of New Gloucester

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "A" (H-384).

Signed:

Sensor:

TRAFTON of Androscoggin

Representatives:

DAVIES of Orono  
VOSE of Eastport  
NELSON of Portland  
McKEAN of Limestone

Comes from the House, the Minority Report Read and Accepted and the Bill Passed to be

Engrossed as amended by Committee Amendment "A" (H-384).

Which Reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Mr. President, I move that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Penobscot, Senator Devoe moves that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I move that this item be tabled until later in today's session pending the Motion by the Senator from Penobscot.

The PRESIDENT: The Senator has the floor.

Senator PRAY: I withdraw my motion.

The PRESIDENT: The Senator from Penobscot, Senator Pray now requests Leave of the Senate to withdraw his tabling motion.

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

It is a vote.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President and Members of the Senate: I would ask you to oppose the Ought Not to Pass Report. This is a very simple bill, it has not been lobbied against by the utilities, they do not have any problem with this Bill.

It simply prohibits the utilities from charging differential rates if a user of energy is using other sources of energy, namely solar energy to supplement their energy needs. Right now we do not have that problem, but as we get into developing other energy sources the concern is that there may be an application for differential rates, so this is more of a preventive bill to make it very clear that we are encouraging the development of alternative energy and in no way will we discriminate against the developments of alternative energy in differential rates.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of Accepting the Ought Not to Pass Report, please rise in their places to be counted.

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

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President, I request a Roll Call.

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

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

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

The pending question before the Senate is the Motion by the Senator from Penobscot, Senator Devoe that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Chapman, Collins, Cote, Devoe, Gill, Katz, Lovell, Perkins, Pierce, Redmond, Sutton, Teague, Trotzky.

NAY — Ault, Carpenter, Clark, Conley, Danton, Farley, Martin, Najarian, O'Leary, Pray, Shute, Silverman, Trafton.

ABSENT — Emerson, Hichens, Huber, McBairty, Minkowsky, Usher.

A Roll Call was had.

13 Senators having voted in the affirmative

and 13 Senators in the negative, with 6 Senators being absent, the Motion to Accept the Majority Ought Not to Pass Report does not prevail.

On Motion by Senator Katz of Kennebec, tabled until later in today's session, pending acceptance of the Minority Report.

#### Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act to Clarify the Authority of the Public Utilities Commission in the Enforcement of Rebate Orders." (H. P. 1149) (L. D. 1416)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-410).

Signed:

Senators:

DEVOE of Penobscot  
TRAFTON of Androscoggin

Representatives:

DAVIES of Orono  
McKEAN of Limestone  
BERRY of Buxton  
GAVETT of Orono  
CUNNINGHAM of New Gloucester  
VOSE of Eastport  
NELSON of Portland

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

Signed:

Senator:

COLLINS of Knox

Representatives:

LOWE of Winterport  
BROWN of Livermore Falls  
REEVES of Newport

Comes from the House, the Majority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" Thereto (H-430).

Which Reports were Read.

On Motion by Senator Devoe of Penobscot, the Majority Ought to Pass, as amended, Report of the Committee, Accepted, in concurrence. The Bill Read Once. Committee Amendment "A" Read. House Amendment "A" Read and Adopted, in concurrence. Committee Amendment "A" as amended, Adopted, in concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

#### Senate

##### Leave to Withdraw

Senator Ault for the Committee on State Government on, RESOLUTION, Proposing an Amendment to the Constitution of Maine to Permit the Governor to Veto or Reduce Appropriations in Bills and to Permit the Legislature to Override that Veto or Reduction. (S. P. 457) (L. D. 1386)

Reported that the same be granted Leave to Withdraw.

Senator Huber for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Providing Funds for Clients in Special Age Groups Served by Cerebral Palsy Centers." (S. P. 74) (L. D. 153)

Reported that the same be granted Leave to Withdraw.

Senator Huber for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Increase the State Tourism Promotion Effort Under the Tourism Promotion and Information Services Act." (S. P. 292) (L. D. 859)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted.

Sent down for concurrence.

##### Ought to Pass

Senator O'Leary for the Committee on Energy and Natural Resources on, Bill, "An Act to Comply with the Federal Air Quality Standards in the Areas where the Air Quality Does not Presently Meet the Federal Stan-

dards." (S. P. 425) (L. D. 1316)

Reported that the same Ought to Pass

**Which Report was Read and Accepted and the Bill Read Once and Tomorrow Assigned for Second Reading.**

##### Ought to Pass in New Draft

Senator Martin for the Committee on State Government on, Bill, "An Act to Conform State Statutes to the Federal Food Stamp Program." (S. P. 403) (L. D. 1264)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 561) (L. D. 1619)

**Which Report was Read and Accepted and the Bill in New Draft, Read Once and Tomorrow Assigned for Second Reading.**

#### Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Concerning Strikes or Work Stoppages by Public Employees." (S. P. 249) (L. D. 713)

Reported that the same Ought Not to Pass.

Signed:

Senator:

PRAY of Penobscot

Representatives:

TUTTLE of Sanford  
WYMAN of Pittsfield  
BAKER of Portland  
MARTIN of Brunswick  
LEWIS of Auburn  
McHENRY of Madawaska  
BEAULIEU of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "A" (S-197)

Signed:

Senators:

SUTTON of Oxford  
LOVELL of York

Representatives:

CUNNINGHAM of New Gloucester  
FILLMORE of Freeport  
DEXTER of Kingfield

Which Reports were Read.

On Motion by Senator Lovell of York, the Minority Ought to Pass as amended, Report of the Committee, Accepted. The Bill Read Once. Committee Amendment "A" Read and Adopted.

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

Senator PRAY: Mr. President, I move that under Suspension of the Rules, that we give the Bill its Second Reading at this time.

The PRESIDENT: The Senator from Penobscot, Senator Pray, moves that the Senate Suspend its Rules, in order to give this Bill its Second Reading at this time.

The Bill was Read a Second Time, and Passed to be Engrossed.

Sent down for concurrence.

#### Divided Report

Six members of the Committee on Labor on, Bill, "An Act to Continue Medical Benefits to Employees During Collective Bargaining Negotiations, Lockouts, Strikes and Other Job Actions." (S. P. 317) (L. D. 947).

Reported in Report "A" that the same Ought to Pass.

Signed:

Senator:

PRAY of Penobscot

Representatives:

BAKER of Portland  
TUTTLE of Sanford  
McHENRY of Madawaska  
WYMAN of Pittsfield  
BEAULIEU of Portland

Five members of the same Committee on the same subject matter reported in Report "B" that the same Ought Not to Pass.

Signed:

Senators:

SUTTON of Oxford

LOVELL of York  
Representatives:  
DEXTER of Kingfield  
CUNNINGHAM of New Gloucester  
LEWIS of Auburn

Two members of the same Committee on the same subject matter reported in Report "C" that the same Ought to Pass as amended by Committee Amendment "A" (S-196).

Signed:  
Representatives:  
FILLMORE of Freeport  
MARTIN of Brunswick

Which Reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I move Acceptance of the Ought Not to Pass Report.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate Accept Report "B", the Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from York, Senator Farley.

Senator FARLEY: I would request a Division and would speak briefly on my motion.

The PRESIDENT: A Division has been requested.

The Senator has the floor.

Senator FARLEY: Mr. President and Members of the Senate: Industry in the State of Maine, there are probably two major types of employers, one of them the paper industries and some of the utilities, I suppose you might talk in regard to wages and benefits are the better employers.

There are many many employers in the State of Maine in industry that just can't pay the hourly wage or meet the benefits of some of those other industries. Two such industries are located in my home town of Biddeford.

Last year about this time, both of those industries has an impasse in collective bargaining and went out on strike. Now you talk about wages, that they were negotiating for we are talking of something going from \$3.50 per hour to \$3.80 or \$3.90 per hour. I think that we have to admit that is not a whole lot of money. To get those benefits, to get something for a half decent contract they decided last year that they would stand pat in their position and stay out on strike.

Many of those people who work in those industries come from large families and when the contract had an impasse and they went out on strike, their health benefits were terminated right there. They do allow them to pick up the full cost to them while they are out on strike, but when we are talking about that wage bracket, it does not take too long before all the monies that they have are used up, and they are without insurance benefits and cannot make the payments. You know I just think that it puts a lot of mental strain on a lot of people, I think unduly.

Many of the major industries in the State of Maine do allow what this bill suggests to go on it. There is one utility that pays it all, during the strike period, then they do bill the employee after the contract is settled out of his weekly pay check on a weekly basis, to reimburse the employer.

The alternative here of course when you are talking just having an industry in this kind of wages will talk to the employee, he has no insurance, if he has a medical problem, the hospitals and the doctors are going to have to take a look at it and admit him and take care of the problem. Without any money I ask you then who pays, of course all of us are going to pay, every businessman, every taxpayer in the State picks up the tab.

I would hope today that you would reject the Motion that is before you and accept the Majority Ought to Pass Report.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cum-

berland, Senator Conley.

Senator CONLEY: Mr. President, I request that when the vote is taken it be taken by the Yeas and Nays.

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

Will all those Senators in favor of 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 York, Senator Danton.

Senator DANTON: Mr. President and Members of the Senate: Just a few words on this bill. I am familiar with what the good Senator had to say about this, the strikes down in our area, and he is right the wages are low. I do not think that this is an unreasonable bill. I think industry or employers do make provisions to pay for that insurance. Now if they are out on strike for two or three weeks and these people aren't covered by any insurance whatsoever, you can imagine what a catastrophe it would be to any family.

I do not think that this is a request that is unreasonable. I think that the employers set that money aside to pay for that insurance. I think that it is a good bill, and I do not think that it is a Republican position or a Democrat position. I think that it is a position that we can all support and it is a fair bill and I would hope that you would help pass this bill.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I think what is even more important in this bill is that the employee himself must pay his fair share, excuse the expression, his fair share of the insurance costs himself or he is not covered. I certainly would be interested in hearing from the Chairman of the Labor Committee as to what reasons there were for the Minority Report.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Just very briefly, Mr. President and Ladies and Gentlemen of the Senate. I understand the gentlemen that have spoken on this bill, and I respect their viewpoints very much, I sympathize with the problem that they are presenting, but we are not talking about people who have gone on strike. They are allowed in most cases to pay their benefits now if they want to and I think that it is something that should be left between the employer and the employee and not something that we should legislate.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Katz, that the Senate Accept Report "B", the Ought Not to Pass Report of the Committee.

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Ault, Chapman, Collins, Devoe, Gill, Huber, Katz, Lovell, Perkins, Pierce, Redmond, Sutton, Teague, Trotzky.

NAY — Carpenter, Clark, Conley, Cote, Danton, Farley, Martin, Minkowsky, Najarian, O'Leary, Pray, Shute, Silverman, Trafton.

ABSENT — Emerson, Hichens, McBreaity, Usher.

A Roll Call was had.

14 Senators having voted in the affirmative and 14 Senators in the negative, with 4 Senators being absent, the Motion to Accept the Ought Not to Pass Report does not Prevail.

The Majority Ought to Pass Report of the Committee, Accepted. The Bill Read Once and

Tomorrow Assigned for Second Reading.

#### Second Readers

The Committee on Bills in the Second Reading reported the following:

#### House

Bill, "An Act Amending Admission Procedures at Pineland Center and Elizabeth Levinson Center." (H. P. 1209) (L. D. 1470)

Bill, "An Act Concerning the Posting of Information on the Allowability of Witness and Attorney's Fees under the Workers' Compensation Act." (H. P. 704) (L. D. 879)

Bill, "An Act to Amend the Employment Security Law Relating to Termination of Coverage." (H. P. 955) (L. D. 1173)

Which were Read a Second Time and Passed to be Engrossed, in concurrence.

Bill, "An Act to Authorize Bond Issue in the Amount of \$22,000,000 for Highway and Bridge Improvements." (H. P. 1277) (L. D. 1529)

Which was Read a Second Time.

On Motion by Senator Katz of Kennebec. Tabled, pending Passage to be Engrossed.

Bill, "An Act Relating to Certified Seed Potatoes." (H. P. 1316) (L. D. 1570)

Which was Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, I would ask a question to the Chair of someone on the. I assume, Agriculture Committee that just briefly, does this require farmers to use certified seed only? If so, how do we police it and what are we doing to them?

The PRESIDENT: The Senator from Oxford, has posed a question.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, and Ladies and Gentlemen of the Senate: This is a companion bill, I think, to the one that the Senator's referring to.

This bill would not allow any seed to be brought into the State of Maine and exposed for sale unless it met the standards of Maine Certified Seed, as far as disease content. In other words, if the Maine Certified Seed Standards are 7% on a certain type of disease, it wouldn't have to be certified seed that they were comparing with, but it would have to be potato seed with a disease content at 7% or lower.

The other bill that is coming along is also not a Certified Seed Bill. It just is an attempt by the industry and the Department of Agriculture to make sure that potato farmers in the State of Maine plant good seed. So I hope that I've answered the Senator's question. Thank you.

The Bill, Passed to be Engrossed, in concurrence.

#### House — As Amended

Bill, "An Act to Provide Special Free License Plates for the 100% Disabled Veteran." (H. P. 1174) (L. D. 1436)

Bill, "An Act Concerning Registration of Killed Deer." (H. P. 372) (L. D. 478)

Bill, "An Act to Amend the Statutes Concerning the Practice of Medicine." (H. P. 1240) (L. D. 1502)

Bill, "An Act to Revise the Lobster Escape Vent Law and Remove its Sunset Provision." (H. P. 894) (L. D. 1091)

Bill, "An Act Relating to Criminal Appeals and Search Warrants." (H. P. 1092) (L. D. 1375)

Bill, "An Act to Amend Provisions of the Charter of the Gardiner Water District Relating to Trustees and Funding." (H. P. 712) (L. D. 885)

Bill, "An Act to Permit the Lucerne-in-Maine Village Corporation to Revise its Charter." (H. P. 675) (L. D. 835)

Bill, "An Act to Return a Portion of Land to the Town of Wales by the Town of Sabattus." (H. P. 709) (L. D. 883)

Bill, "An Act Defining a Retailer's Sale of Equipment Used in Its Business as a Casual Sale under the Sales and Use Tax Statutes." (H. P. 1066) (L. D. 1320)

Bill, "An Act to Amend the Prohibition of Issuing Fisheries and Wildlife Licenses to Persons Convicted of Certain Offenses." (H. P. 641) (L. D. 795)

Which were Read a Second Time and Passed to be Engrossed, as amended, in concurrence.

#### Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act to Encourage the Historic Preservation at the Statehouse and Blaine House. (H. P. 613) (L. D. 777)

An Act to Amend the Judicial Retirement System. (H. P. 811) (L. D. 1067)

On Motion by Senator Huber, placed on the Special Appropriations Table, pending Enactment.

An Act Concerning Reserve Officer Standards for Professional Law Enforcement Personnel. (S. P. 405) (L. D. 1276)

An Act Concerning Benefits for Fire Fighters under the State Retirement System for Heart or Lung Injuries. (H. P. 583) (L. D. 733)

An Act Concerning the Definition of Criminal Mischief under the Maine Criminal Code. (S. P. 253) (L. D. 762)

An Act Relating to Occupational Loss of Hearing. (S. P. 199) (L. D. 495)

An Act to Amend the Authority Granted to Municipalities to Enact Police Power Ordinances. (H. P. 957) (L. D. 1187)

An Act Concerning Training of Ambulance Personnel and Providing for Review of Ambulance Funding by the Governor's Advisory Board on Ambulance Services. (H. P. 1024) (L. D. 1257)

An Act to Refine the State's Accounting System. (H. P. 1034) (L. D. 1282)

Which were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

An Act to Amend the Labor Law in Relation to Items to be Furnished Employees by Railroad Corporations with Every Payment of Wages. (H. P. 344) (L. D. 443)

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President and Ladies and Gentlemen of the Senate: Just a reminder this particular bill requires a certain method of making out the payroll checks for railroad employees. It's my opinion and others that this should be left to the discretion of the company, working with the employees, and not something we should legislate. I, therefore, move the Indefinite Postponement of this bill and all its accompanying papers.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, I don't like the bill but I'm taken aback by the motion, because I would like to amend it. I'm looking at my State of Maine check stub today. I really can't keep track of my mileage. It would be helpful for me in my income tax if we could amend this to force the State to put the accumulated mileage, through the course of the entire session, on my check stub. While we're at it, I think that my check stub for the State of Maine should be cleaned up. I think the Legislature should put its good heads together to try to clean up these State of Maine check stubs, as well as the railroads.

So if this motion to Indefinitely Postpone does not prevail, perhaps somebody might support an amendment to it.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the Motion

to Indefinitely Postpone, please rise in their places to be counted.

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

10 Senators having voted in the affirmative and 16 Senators in the negative, the Motion to Indefinitely Postpone does not prevail.

Which was Passed to be Enacted.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I move Reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves the Senate reconsider its action whereby L. D. 443 was Passed to be Enacted.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, although we disagreed on this bill I can't resist saying to my seatmate that I savor his moment of triumph. It may not be the best bill that he's ever sponsored, but he has been so tenacious. I would oppose reconsideration.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: I move this item be tabled 1 Legislative Day.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I'd ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion to Table for 1 Legislative Day, pending the motion to Reconsider, please rise in their places to be counted.

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

9 Senators having voted in the affirmative, and 17 Senators in the negative, the Motion to Table does not prevail.

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

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion to Reconsider does not prevail.

The Bill, having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Emergency

An Act Relating to the Maine Medical and Hospital Malpractice Joint Underwriting Association Act. (S. P. 143) (L. D. 319)

This being an emergency measure and having received the affirmative votes of 25 members of the Senate, was passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

The President would ask the Sergeant-at-Arms to escort the Senator from Kennebec, Senator Katz, to the rostrum to assume the duties of President pro tem.

The Sergeant-at-Arms escorted the Senator from Kennebec, Senator Katz, to the rostrum where he acted as President pro tem.

The President then retired from the Senate Chamber.

#### Orders of the Day Unfinished Business

May 17, 1979

The following matters, in the consideration of which the Senate was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 25.

#### Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act Concerning Reimbursement for Health Care Services in Certified Rural Health Clinics." (H. P. 700) (L. D. 890)

Reported that the same Ought to Pass.

Signed:

Senators:

HICHENS of York  
CARPENTER of Aroostook

Representatives:

BRENERMAN of Portland  
CLOUTIER of South Portland  
BRODEUR of Auburn  
CURTIS of Milbridge  
NORRIS of Brewer  
PRESCOTT of Hampden

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

Signed:

Senator:

GILL of Cumberland

Representatives:

PAYNE of Portland  
MATTHEWS of Caribou  
MacBRIDE of Presque Isle

Comes from the House, the Majority Report Read and Accepted and the Bill Passed to be Engrossed.

Which Reports were Read.

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

Senator GILL: Mr. President, I urge acceptance of the Ought Not to Pass Report and would like to speak to my motion.

The PRESIDENT pro tem: The Senator has the floor.

Senator GILL: This Bill would require Maine Blue Cross and Blue Shield to treat rural health centers in the State of Maine, the way that they treat out patient departments of hospitals.

It's a complicated issue and I am convinced that legislation is not necessary since Blue Cross and Blue Shield already cover rural health centers through its Blue Shield Plan. at whatever level of coverage that the consumer desires.

The issue today is not whether Blue Cross and Blue Shield should encourage and reimburse rural health centers. Blue Cross and Blue Shield in fact was one of the first third party payers to reimburse these rural health centers. What is at issue today is the manner in which payments will be made to the rural health centers by Blue Cross and Blue Shield. As I have said it is a complicated issue and I want to explain briefly, how Blue Cross and Blue Shield in Maine works.

The organization has two basic types of contracts, for providers of health care. One contract is with institutional providers. Hospitals, skilled nursing homes, health care agencies. The Second contract is with the medical practitioner, that is the doctors' offices, and other ambulatory care facilities. Corresponding to these two types of provider contracts are two types of coverage. Blue Cross covers the services of hospitals and other institutional providers. The Blue Shield covers the services of doctors and other practitioners.

Blue Shield presently covers the rural health center. They treat rural health centers as doctors' offices, and as such offer consumers several types of options of coverage.

This Bill would require that Blue Cross treat rural health centers as hospitals instead of as doctors' offices. By treating the rural health centers in the same manner as doctors' offices, Blue Shield allows the consumer the option of deciding how many of the services offered at these rural health centers that an individual consumer would want to purchase. For instance a consumer can decide that he would rather pay \$4.05 per month as a premium for a Blue Shield D coverage. The D coverage takes care of 60% of the charges of emergency care, surgical and fracture procedures and X-ray. It takes care of 100% of diagnostic, EKG, EET and pathological and lab-tests. There is no coverage where specific illness or injury for diagnosis and lab-tests in that regards. A person

could pay \$4.05 for this Blue Shield D coverage, under which Blue Shield would pay these things.

You could decide to pay an extra \$2, and upgrade your coverage to an E coverage which would take care of 100% of the charges of any diagnostic services, and also 95% coverage for emergency care, and surgical and fracture procedures.

Prior to the establishment of the rural health centers and other ambulatory services most subscribers of Blue Cross chose the lesser D policy. Now that these centers are available most of these subscribers are switching to the slightly more expensive one, the E coverage. As of May 1st the State of Maine switched theirs and now the State of Maine employees are all covered within the E coverage, which is 95% of the cost of these testings, and 100% coverage for diagnostic and lab, and 100% coverage for specific illnesses.

Finally I would like to raise one more issue, the State of Maine does have Certificate of Need laws and that applies to the hospital and other health care facilities, which are reimbursed under Blue Cross. Rural health centers may be established and they may stand without these Certificates of Need.

So they could be established in an area right next door to a hospital and compete with that hospital which could conceivably drive the costs up. By paying for rural health centers under Blue Shield and reimbursing health centers for what would be a reasonable charge for the services Blue Shield subscribers are protected against having to pay for costs services that are unnecessary.

I just want to emphasize that an individual consumer who wants to be covered for a service at a rural health center can presently be covered under Blue Shield. So I do not think that there is any need for this Legislation, and I would urge the Ought Not to Pass Report.

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

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: As you will notice in the Committee Report both myself and my colleague, Senator Hichens, are on the Ought to Pass side of this particular Committee Report.

We talk an awful lot and we hear an awful lot about hospital costs containment, keeping down the hospital costs and doing what we can to provide for the health care of our people. This Bill is an attempt to equalize things to provide some cost effective means of health care to people living in rural areas. I see it and I think that the supporters of this Bill see it as a beneficial Bill to Blue Cross and Blue Shield in that they would be getting more service for their money.

I just do not understand where the opposition has come to on this Bill, I mean you cannot just throw up a rural health center anywhere in the State, and be licensed and be allowed to carry on the practice of medicine. They have to be licensed under Federal Law, and yet they are not treated in the same way. Some of them are, that is right. Some of them are and some of them are not, in the State of Maine. So I would very much oppose the pending motion and hope that we could move on the Ought to Pass Report. Thank you.

The PRESIDENT pro tem: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: I request a Roll Call.

The PRESIDENT pro tem: 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 in their places to be

counted.

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

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President and Members of the Senate: I rise to oppose the pending motion of Ought Not to Pass, on this Bill.

This Bill is designed to strengthen the financial viability of some 22 existing rural health centers in this State and to encourage Family Practice Residents to practice in these rural health centers. The problem is this, there are 33 rural health centers in Maine at the present time, 11 of these centers are affiliated with hospitals, 22 are not.

The 22 that are not hospital affiliated are commonly referred to as, Free Standing Health Centers. Blue Cross does contract with the 11 that are hospital affiliated, but not with the 22 that are Free Standing, therein lies the problem and hence this Bill.

Blue Shield and not Blue Cross coverage is provided to the 22 Free Standing Centers, but Blue Shield reimburses the centers as if they were physicians offices. Even though the centers provide many services not commonly associated with a private physician practice. They are more public health oriented, they provide, for example, such things as immunizations, community screening, parental and child health services, etc.

The Free Standing Centers provide the same broad range of services that are provided in the Health Clinic and out-patients departments in emergency rooms that are licensed to a hospital, the problem is that Blue Shield by treating health centers as a physicians office, does not begin to cover their costs, because of all the other services, they are trying to provide in their community.

In opposing this Bill, Blue Cross is actually working against the best interests of their subscribers, because the coverage that they provide in a hospital setting is more expensive than the costs of the same services provided in the Free Standing Clinic. Here are a few examples of the costs of tests offered by a hospital for which Blue Cross will provide reimbursement as compared to a Free Standing Health Clinic, in the same geographical region, for which Blue Cross will not provide reimbursement.

For example, Augusta General Hospital, Blue Cross will provide coverage for a complete Blood Count which costs \$18.55. At the Richmond Area Health Center they will not provide coverage for this even though it costs only \$6. The people in that area would have to travel 15 miles or 20 minutes whatever it is to Augusta to take that test, in order to use their insurance coverage. Houlton Regional Hospital a pregnancy test cost \$10, at the Southern Aroostook Health Center it only costs \$5. Blue Cross will provide coverage for the \$10 pregnancy test in the hospital, but not for the \$5 one in the Southern Aroostook Health Center. There are many more examples of this that I could give you.

I think that there is another advantage to this Bill and it is sort of a companion Bill and one that Senator Pierce introduced. If Blue Cross were to contract with the Health Centers it would provide them adequate reimbursement so that they could assist them in developing quality educational sites, for Family Practice Residents. This is important because we know that physicians are likely to end up practicing in the type of setting and localities where they train, and having had training in a rural center as part of a residents program will undoubtedly impact on bringing physicians to these rural areas for a longer length of stay. The medical education advisory meeting has been struggling with ways to get providers to rural areas, and payment for residency programs operating in rural centers is a step towards this.

Let me give you another example in the central Maine area with the Central Maine Family Practice Residency for example, Blue Cross will pay for the services of the residents at the Family Medical Institute of the Augusta General. This is an ambulatory health clinic which is licensed to the hospital. The residents get reimbursed for their services, which helps the Family Medical Institute to exist. If they had to rely on Blue Shield Services to pay those costs they would not be able to make ends meet.

The Free Standing Center cannot do this because Blue Cross will not cover them, and this is another example of the way the reimbursement system affects health manpower development and costs, and why we have to try to change that reimbursement system so that health manpower will be gotten to those regions of the State where it is needed most.

I would want to say something further in reference to some of Senator Gill's remarks. This allows Blue Cross to contract only at those Centers where they are needed. Only for those services which Blue Cross presently contracts for with hospital affiliated centers. Blue Cross could require that the new centers seek Certificate of Need for example and go through the regular process. It would require Blue Cross to pay for services that they presently pay for now at health clinics, out-patient departments and emergency rooms licensed to hospitals. I think that this is a good Bill and I think it will help particularly the rural areas of the State and I hope that you will vote against the pending motion.

The PRESIDENT pro tem: Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: I think that the Senator from Cumberland, Senator Najarian has given you all of the compelling reasons why this type of legislation is needed if we are going to ever do anything to hold down hospital costs. As she pointed out there are presently 22 of these clinics in the State of Maine which are being discriminated against by Blue Cross and Blue Shield and what they are doing is that they are forcing the people who need this work done to the larger hospitals, to the larger metropolitan hospitals, and forcing the charges up. As Senator Najarian pointed out, the charges at these hospitals are considerably higher because the rural health clinics are treated as doctors' offices, the charges for which the payers will pay are considerably less.

I would point out to you that this Bill would require Blue Cross and Blue Shield to pay only for services which they presently pay now at the 11 health clinics, at the out-patient departments and the emergency rooms. I thought that it was interesting that the Federal Government recognizes these rural health clinics in the same manner as they recognize hospitals in terms of Medicaid and Medicare funding.

I just do not see how we are ever going to make an honest attempt at hospital costs containment unless we start and move in this area and start to encourage a little bit of competition in some of these health care areas, and try to do something to promote putting a lid on things.

I heard it referred here earlier today the fact that Blue Cross and Blue Shield in their rate increase of yesterday. This sort of thing is going to go on and on and on unless we start to actively do something to encourage people to take advantage of some very very good facilities which presently exist in the State of Maine. You are never going to be able to do that, to offer this encouragement, until you are able through the third party payers, to offer some financial encouragement and that is what this Bill is attempting to do. I would strongly oppose the pending motion and hope that you

will vote with me. Thank you.

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

Senator GILL: I'll be very brief. I think we are all aware how a formula is arrived at as far as reimbursing and arrived at by looking at all the services that a hospital provides. We know what services, we know what departments a hospital has. When we are talking about these rural health clinics we are talking about a very limited service. They too, will have to charge more as they expand and they will be forced to expand, because people are not going to be satisfied having a blood test taken, or a urinalysis done. They are going to want more services. So they too will have to expand, and remember that the rural health centers are not covered by the Certificate of Need. They do not come under the cost facilities review board, that we have just set up to try to keep the cost of health care down. I would urge that this Bill Ought Not to Pass.

The PRESIDENT pro tem: Is the Senate ready for the question?

The pending question is the motion by the Senator from Cumberland, Senator Gill 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.

A No vote will be opposed.

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

#### ROLL CALL

YEA — Ault, Collins, Devoe, Gill, Lovell, Redmond, Trozky.

NAY — Carpenter, Chapman, Clark, Conley, Cote, Danton, Farley, Huber, Katz, Martin, McBrearty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Shute, Silverman, Sutton, Teague, Trafton, Sewall.

ABSENT — Emerson, Hichens, Usher.

A Roll Call was had.

7 Senators having voted in the affirmative and 23 Senators in the negative, with 3 Senators being absent, the Motion to Accept the Ought Not to Pass Report of the Committee does not prevail.

The Majority Ought to Pass Report of the Committee, Accepted, in concurrence. The Bill Read Once.

The PRESIDENT pro tem: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President I move that Under Suspension of the Rules, the Bill be given its Second Reading at this time.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that the Rules be Suspended.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: A parliamentary inquiry. Are we talking about L. D. 890?

The PRESIDENT pro tem: The Chair would answer in the affirmative.

Senator PIERCE: Mr. President, I oppose Suspension of the Rules.

The PRESIDENT pro tem: The Chair will order a Division.

Will all those Senators in favor of Suspending the Rules please rise in their places to be counted.

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

13 Senators having voted in the affirmative and 13 Senators in the negative, the Motion to Suspend the Rules does not prevail.

The Bill, Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act to Provide Help to Small Businesses in Dealing with State Statutory and Regulatory Requirements." (H. P. 263)

(L. D. 339)

Reported that the same Ought to Pass.

Signed:

Sensors:

CHAPMAN of Sagadahoc

AULT of Kennebec

CLARK of Cumberland

Representatives:

BRANNIGAN of Portland

DUTREMBLE of Biddeford

GWADOSKY of Fairfield

HOWE of South Portland

JACKSON of Yarmouth

WHITTEMORE of Skowhegan

LIZOTTE of Biddeford

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

Signed:

Representatives:

ALOUPIS of Bangor

SPROWL of Hope

BROWN of Bethel

Comes from the House, the Majority Report Read and Accepted and the Bill Passed to be Engrossed as amended by House Amendment "A" (H-422).

Which Reports were Read.

The Majority Ought to Pass Report of the Committee Accepted, in concurrence. The Bill Read Once. House Amendment "A" Read and Adopted, in concurrence.

The Bill, as amended, Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Clarify Habitual Offender Penalties." (H. P. 809) (L. D. 1012)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

COLLINS of Knox

DEVOE of Penobscot

TRAFTON of Androscoggin

Representatives:

STETSON of Wiscasset

SIMON of Lewiston

JOYCE of Portland

SILSBY of Ellsworth

CARRIER of Westbrook

HOBBINS of Saco

SEWALL of Newcastle

HUGHES of Auburn

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "A" (H-412).

Signed:

Representatives:

LAFFIN of Westbrook

GRAY of Rockland

Comes from the House, the Majority Report Read and Accepted.

Which Reports were Read.

The PRESIDENT pro tem: Is it now the pleasure of the Senate to Accept the Majority Ought Not to Pass Report of the Committee?

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate: I just happened to be looking over this particular Bill and I think that possibly maybe a reasonable explanation on the members of the Judiciary Committee would satisfy my thoughts on this.

Basically, in reading it, I look at this as a very simple straightforward Bill dealing with the habitual offenders. The Bill as I see it provides that sentence be imposed upon a person that is a habitual offender and may not be suspended and probation may not be granted. I think basically this would do away with some of the games that I have seen played by some of the judges, who impose a year's sentence on a person and suspend it.

I think that if they are going to first and foremost impose a sentence they should stand by

that particular original evaluation. I understand from looking over the amendment that the Bill does it specify the penalty, only that it be carried out. At the present time, I would oppose the motion if one has been made Mr. President that we accept the Report of the Committee Ought Not to Pass.

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

Senator COLLINS: Mr. President I am sure that the Senate will recall that I have been a supporter of the habitual offender laws, having helped to rescue it from oblivion 2 years ago and having sponsored the bill which this year strengthened the provisions of it. We hope that it will be even more useful in the future.

The objection that the majority of the committee had to the bill was simply that it is another attempt to provide mandatory sentencing. We're saying to the judges, our judgment here in the Legislative halls, never having seen the case or knowing anything about it is better than yours, sitting in the courtroom, and having heard all the facts and knowing the history of the offender.

If we want to do away with judges I guess we can, but if we're going to have judges I think we've got to give some judgment to them. I would point out that in this particular case of the habitual offender that the usefulness of probation is especially great.

A typical case for the habitual offender is someone who has multiple traffic offenses, including operating under the influence, probably once or twice or maybe more times, driving without a license, various other traffic offenses, usually. After he multiplies the number long enough and shows a disregard of the law, he becomes eligible for this other treatment. Many, many times this person is an alcoholic who is badly in need of treatment but will not recognize the need for it and will not participate in a program.

A standard way to force that person to do something to help himself and to help society is too, for example, to sentence him to 3 years in the State Prison or in the Men's Correctional Center require him to serve maybe 1 or 2 or 6 months of that sentence. Then to suspend the balance of the sentence providing that he goes into a treatment program licensed by the State. Which program may be 6 months, or a year or longer program. If we pass a law like this, we deny that kind of flexibility to the Judiciary.

It may be true that someone gets probation that you would prefer not to have probation but on the other hand, the effectiveness of the court in using the various types of sentences that this Legislature has provided to it in these past 4 years would be greatly diminished and I hope you'll go along with the Majority Report.

The PRESIDENT pro tem: Is the Senate ready for the question?

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, I find myself again uncomfortable discussing law with my good colleague from Knox, Senator Collins. I'm concerned again as I was in the notification of putting the juveniles names in the paper that what we're doing is not effective and that we're not going ahead.

I wonder if we shouldn't again try to do something that is going to help our court situation. All I heard during the campaign was policemen arrest people at their peril and the judge turns them loose. I'm really concerned. I don't understand why if in the case that Senator Collins pointed out, if the rehabilitation program is what's needed, why isn't he just sentenced for that? Then he hasn't got to worry about it. I would think that the discretion of the judge still is to make the sentence. As I understand this bill, all it says is it must be carried out and I would oppose this motion.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: The habitual offender is very cognizant of the suspension and the probation aspect of things. It's about time the Judicial System changed this format and stand by it's original sentence.

If a judge says to a habitual offender, you're going to prison for 1 full year, let it be, let it stand. But you start playing games with this person, who is in there constantly, he has lost the trust and confidence of the court system. The people of the State of Maine are losing that trust and confidence if we start moving in this direction. I think it's about time that the Judicial System who we are paying a substantial amount of money to, to make this determination on behalf of the people for the protection of the people of the State of Maine, that they should stand by their original decision. If they say you're going to jail for 4 months, so be it. If there is going to be rehabilitation I think that's one sure way of getting it to make these people realize once and for all people who are driving under the influence of liquor that we mean business for a change. Not play games of arresting people for 55 or 57 mile an hour limit and all these other things, we need a more stringent law, and this particular simple straight forward piece of Legislation addresses this dilemma.

The PRESIDENT pro tem: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the Motion to accept the Majority Ought to Pass Report of the Committee, please rise in their places to be counted.

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

12 Senators having voted in the affirmative and 10 Senators in the negative, the Motion to Accept the Majority Ought Not to Pass Report of the Committee in concurrence, does prevail.

#### Divided Report

The Majority of the Committee on Aging, Retirement, and Veterans on, Bill, "An Act to Allow Credit under the Maine State Retirement System for Prior Nonmilitary Service with the United States Government." (H. P. 1158) (L. D. 1440)

Reported that the same Ought Not to Pass.

Signed:

Senators:

LOVELL of York  
TEAGUE of Somerset  
SILVERMAN of Washington

Representatives:

PAUL of Sanford  
THERIAULT of Rumford  
LOWE of Winterport  
STUDLEY of Berwick  
REEVES of Newport  
HICKEY of Augusta  
NELSON of Portland  
DELLERT of Gardiner  
HANSON of Kennebunkport

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "A" (H-414).

Signed:

Representative:

CHURCHILL of Orland

Comes from the House, the Majority Report Read and Accepted.

Which Reports were Read.

The Majority Ought Not to Pass Report of the Committee, Accepted, in concurrence.

#### Divided Report

The Majority of the Committee on State Government on, Bill, "An Act Relating to Resident State Police Troopers." (H. P. 841) (L. D. 1069)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-320).

Signed:

Senators:

AULT of Kennebec  
SUTTON of Oxford  
MARTIN of Aroostook

Representatives:

BARRY of Fort Kent  
CONARY of Oakland  
DAMREN of Belgrade  
LANCASTER of Kittery  
MASTERTON of Cape Elizabeth  
PARADIS of Augusta

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

Signed:

Representatives:

KANY of Waterville  
BACHRACH of Brunswick  
LUND of Augusta  
REEVES of Pittston

Comes from the House, the Majority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Reports were Read.

The PRESIDENT pro tem: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I'd move the Senate accept the Minority Ought Not to Pass Report of the Committee.

The PRESIDENT pro tem: The Senator from Cumberland, Senator Conley, moves the Senate Accept the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator MARTIN: Mr. President, I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I would like the members of the Committee to explain to the Senate exactly what this bill does and how much it's going to cost to the State to provide these additional Troopers?

The PRESIDENT pro tem: The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: In reply to Senator Conley's question, the bill does set up a pilot project which provides for the Chief of the State Police to provide 10 Troopers in the State of Maine to small communities without a full time law enforcement officer to join in this program to utilize the State Trooper. The towns are responsible for 3/4 of the cost of the program. There is, as you know, an appropriation on the bill.

The PRESIDENT pro tem: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate: I believe that the bill perhaps is a good bill in theory. I think it would be wonderful if the taxpayers of Portland didn't have to pay for it's organized Police Department that I can assure you costs the citizens of Portland a great deal of money.

Perhaps, if we're going to treat our smaller communities this way we should also look at our urban communities, in the same manner. Perhaps the State could very easily pick up 15% of the operating costs of the Police Department of the City of Portland. I just think it's an unfair bill. It's a bad law to get into, and would hope that the Senate would support the Minority Ought Not to Pass Report.

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

Senator PERKINS: Mr. President and Ladies and Gentlemen of the Senate: I don't often disagree with economics when anybody points out economics of any city. I would just like to harken back to some revenue sharing and inventory tax rebates that have gone to

large urban communities. Then draw your attention to the crime reports and, the rural crime reports which have been submitted the last 2 sessions, that I have been here, and pointed out the very rapid increase of rural crime in the State of Maine.

This is an effort to deal with this in a small way, and to see what effectiveness we can get by offering training and the loan of the resident State Trooper to the small suburban community who has not in any way been able to provide a more sophisticated approach to this.

The PRESIDENT pro tem: The Chair recognizes the Senator from York, Senator Farley.

Senator FARLEY: Mr. President and Members of the Senate: Last year I was opposed to this piece of legislation. I suppose I've seen the rrors of my ways. All of us have gone through the County Budget process and seen the problems we have with small towns in providing a Deputy Sheriff here, or a constable here, one thing or another. I think this is a good approach.

In regards to the remarks made by the good Senator from Cumberland, Senator Conley, people in Cumberland County, especially the rural areas know that on many occasions the city of Portland has been the benefactor, and everybody has picked up the tab. I think that on worthwhile projects in the State of Maine we all understand that. I do believe that this is a good piece of legislation, and would urge passage this morning.

The PRESIDENT pro tem: The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President and Members of the Senate: I think this is an absolutely historical day in the Maine Senate. It's the first time in my memory that the good Senator from Cumberland and myself have ever agreed on a law enforcement issue.

I'm very proud of our State Police force. I think we have a good one in the State of Maine, however, for us to think that we're going to solve the rural crime problem by throwing \$60,000 this year and \$54,000 next year in new resident State Troopers is nothing but a pipe dream as far as I can see.

In my observation of our law enforcement in the State of Maine, the state police have a long way to go in their coordination with other law enforcement groups in the State to properly give the citizens of the State of Maine the law enforcement that they deserve before they start asking for more and additional State Troopers in this manner. I don't think it's a good bill. I don't think it's an answer to our problem. I certainly would support the good Senator in his motion to support the Ought Not to Pass Report on this bill.

The PRESIDENT pro tem: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator MARTIN: Mr. President, and Ladies and Gentlemen of the Senate, I would just like to point out that this is a pilot project. In response made by the good gentleman from Cumberland, Senator Conley, the City of Portland, will have every opportunity to apply for one of these State Troopers, if they so desire.

The PRESIDENT pro tem: Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Danton.

Senator DANTON: Mr. President and Members of the Senate: I haven't made up my mind as yet, as to how I'd like to vote on this bill. I asked by seatmate a question, but I think maybe I can get it better answered from some member on the committee.

First, I'd like to know how long the commitment is for, these towns to have the Troopers. Then I'd like to have them answer if they don't want them after that commitment, what happens to that Trooper. If this continues, then putting them on, then saying we don't want them around after some selectmen's arm gets

bent for speeding or whatever the case may be, how many Troopers looking down the road, and let's take 6 or 8 or 10 years, how many Troopers will we have on the force?

**The PRESIDENT pro tem:** The Senator from York, Senator Danton, has posed a series of questions through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator MARTIN: Mr. President and Ladies and Gentlemen of the Senate. In response to the previous question posed, these contracts shall commence no later than March 31, 1980, and will be for a period of 2 years. They will then be reviewed by the so-called Advisory Committee that will be set up and by the Chief of the State Police, no later than February 1, 1981.

**The PRESIDENT pro tem:** The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President and Members of the Senate. I sponsored this bill 6 years ago, and since then I've had a lot of misgivings with it. I think this bill here just is a start of setting up a State Police State in our State here. I don't think this bill is needed.

If we are going to pass this, it should be under special Legislation because it only covers 10 towns in the State, 10 Police Officers. They're the only ones that can qualify.

My town hired a Police Officer in 1975. We only have 1,200 people. They wouldn't qualify for a State Police Officer, because anyone that had a Police Officer after 1976 wouldn't qualify. So they'd be out of it to begin with.

Looking down the road how large a State Police Force are we going to have? Are we going to finally say do away with your County Sheriffs, your Deputy Sheriffs, do away with your Local Police Force, and let the State handle it? Are you ready to let somebody over here in the big red building across the river take over all the police powers in the State? I'm not.

This bill takes money out of the General Fund. It takes money out of the Highway Fund. There are only going to be 10 communities qualified for this anyway. I think you're going in the wrong direction here to have a State take over all the police powers in the State.

**The PRESIDENT pro tem:** The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate. I concur with the good Senator from Waldo, Senator Shute. You know everyone's sitting around here, and you don't have to be in this Chamber too long to know that rural America is certainly represented very well in this Chamber.

Everyone's sitting here thinking that they're going to get 10 Troopers in their back yard tomorrow night when this bill passes, and that we're going to be able to save taxes in our local community. Well you're all going to be shocked when that day comes, because somebody over on Plantation 5, and I can guarantee that it'll be Northern Aroostook County, if I know where the power lies in this State, where these young lads will be shooting their cruisers around.

Aside from that, you know we have a little situation, and I hate to make reference to one of my angels, as I refer to them in the front row, but the Town of Freeport, at one time used to have a contract for the Cumberland County Sheriff's Department, whereas they did not have a full time Police Department. They paid for the services for, I believe, it was 2 Deputy Sheriff's who used to be on duty 24 hours a day, 7 days a week. That was a mutual agreement that was worked out between the Sheriff's Department and the Town of Freeport.

I think if that's what we're talking about, full-time coverage by police, then I think that's the way we should approach this situation. If we need 10 additional troopers, then I think it

should be in the budget. It should be in the budget, from the Governor asking for 10 additional troopers.

This is just another gimmick for us, or for some bright scholar in the Legislature to see the golden opportunity of saying this way we can maneuver around the whole situation, call it a pilot project and we can send 10 fellows North and never see them again.

**The PRESIDENT pro tem:** The Chair recognizes the Senator from Washington, Senator Silverman.

Senator SILVERMAN: Mr. President and Members of the Senate. I don't know what the Senator from Cumberland, has against sending a few troopers North. You know, up our way we say if the State gives anything north of Bangor, or they know anything is there north of Bangor, we really got a chance of getting something.

I'm from a rural Washington County, I can't say the number of troopers we have, but I'll say Saturday, I was at an affair with the Sheriff's Department, and the State Police, and a few town officials. The number one request they asked of this Legislature was another 2 State Troopers in Washington County. There not just asking it, they need it.

If there is not going to be a program come out of the Administration to properly fund another 2 troopers in that area, or other areas of rural Maine, then I could only see that someone in the Legislature puts that request in.

On the lighter side, a couple of weeks ago, I left this Legislature and I attended an affair in Bangor for a good friend of Senator Conley's. Then I headed back to Calais. On Route 9 about 11:30 at night it was real misty, you couldn't see anything in front of you. I took around a turn about 35 miles an hour, and I saw this big black bear. The big black bear didn't see me in time, because we kind of hit each other. He flew up in the air and my car stopped going.

In the middle of the night, out on Route 9 in the wilderness, in the puckerbrush, it's good to know you got a State Trooper that you might be able to call. So I had to wave a car down, they took me to a farmhouse, and we called a State Trooper. That State Trooper had several calls. But he was willing to go probably 60 miles from wherever he was when he got that call, and come out and kind of take care of my situation.

We in rural Maine do have a problem. I hope this will be partial and part of that answer, and hoped you vote for the bill.

**The PRESIDENT pro tem:** The Senator from Cumberland, Senator Conley, asks leave of the Senate to speak a fourth time. Is there objection?

The Senator has the floor.

Senator CONLEY: Mr. President, I can't think of anything better to do than run a surplus of State Police we have down in Cumberland County and ship them right over into Washington County where I agree they need their services. In fact, bringing a little levity into it. I came up from Portland the other day and Lord and behold I had the rosary beads in my lap, because I went by 4 State Troopers. Ever since the Governor made that statement about mandatory 55 mile an hour speed limit, and the Commissioner of Public Safety, Mr. Stilphen, who has been brought up in the Rockland Area and the Portland Area, this is the only part of the State he knows.

I wish he would look North and send some of these fellows up there, where they need some of this protection. We've got mobilized Sheriff's Department down our way, mobilized Police Departments. We have State Troopers fluttering in and out of the place all the time. You don't know whose your own, down there. I agree with the good Senator from Washington County. He needs State Police, and I wish the Governor, I think he can hear me right now, send a few of these guys over there and leave us be in peace.

**The PRESIDENT pro tem:** The Chair recognizes the Senator from Hancock, Senator Per-

kins.

Senator PERKINS: Mr. President and Ladies and Gentlemen of the Senate: I am glad that the good Senator from Cumberland, Senator Conley is also embarrassed by Cumberland County's riches because the rest of the State has been embarrassed in the past.

I would only call your attention to the fact that if you are happy with the status quo of law enforcement in Maine and rural Maine in particular, you will reject this bill, because this is what you're saying is that we don't have any other plans, we don't have any alternatives to offer you. Stay where you are and let crime increase.

Lacking those constructive other plans, we offer you this plan which is a pilot project for 10 trained troopers to help out small towns in rural Maine.

**The PRESIDENT pro tem:** The Chair recognizes the Senator from York, Senator Danton.

Senator DANTON: Mr. President and Members of the Senate: As you know I was up a little earlier, it's getting late, I'm getting hungry, and I want to get out of here. I asked a few questions.

I would hope that that same gentleman would answer that question like he did, right here and that is Senator Trotzky from Penobscot. As far as he's concerned, he says even Portland is rural. Senator Trotzky comes from New York. Seriously speaking, Mr. President and Members of the Senate, as I look at this bill, I can see 18,000 State Troopers in about 10 years in the State of Maine.

(Off Record Remarks)

**The PRESIDENT pro tem:** Is the Senate ready for the question?

A Division was requested.

Will all those Senators in favor of the Motion to Accept the Minority Ought Not to Pass Report of the Committee, please rise in their places to be counted.

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

15 Senators having voted in the affirmative and 13 Senators in the negative, the Motion to Accept the Minority Ought Not to Pass Report in non-concurrence does prevail.

**The PRESIDENT pro tem:** The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Having voted on the prevailing side, I move Reconsideration.

**The PRESIDENT pro tem:** The Senator from Cumberland, Senator Conley, moves that the Senate reconsider its action whereby it voted to Accept the Minority Ought Not to Pass Report of the Committee.

Will all those Senators in favor of the Motion to reconsider, please say Yes.

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion does not Prevail.

Sent down for concurrence.

#### Divided Report

Six members of the Committee on Public Utilities on, Bill, "An Act to Reduce the Minimum Public Utility Monthly Electrical Charge to \$2 and to Prohibit the use by Electrical Utilities of an Estimated Meter Reading as a Basis for a Customer Bill." (H. P. 1193) (L. D. 1444)

Reported in Report "A" that the same Ought to Pass as amended by Committee Amendment "A" (H-383).

Signed:

Senator:

TRAFTON of Androscoggin  
Representatives:

DAVIES of Orono  
McKEAN of Limestone  
LOWE of Winterport  
VOSE of Eastport  
NELSON of Portland

Six members of the same Committee on the same subject matter reported in Report "B" that the same Ought Not to Pass.

Signed:  
Senators:

COLLINS of Knox  
DEVOE of Penobscot

Representatives:

REEVES of Newport  
GAVETT of Orono  
BROWN of Livermore Falls  
CUNNINGHAM of New Gloucester

Comes from the House, Report "A" Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Reports were Read.

The PRESIDENT pro tem: The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you, Mr. President, I move the Senate Accept Committee Report "B", Ought Not to Pass.

The PRESIDENT pro tem: The Senator from Penobscot, Senator Devoe, moves the Senate accept the Report "B" Ought Not to Pass.

On Motion by Senator Pierce of Kennebec, Tabled until later in today's session, pending the motion by Senator Devoe of Penobscot.

On Motion by Senator Sewall of Penobscot, there being no objections, all items previously acted upon, except any paper which may have already been held, were sent forthwith.

On motion by Senator Pierce of Kennebec, recessed until 5 o'clock this afternoon.

(Recess)

(After Recess)

The Senate called to order by the President.

Senator Collins for the Committee on Judiciary on, Bill, "An Act to Prohibit Loitering for the Purpose of Engaging in a Criminal Offense." (S. P. 488) (L. D. 1515)

Reported that the same be granted Leave to Withdraw.

Senator Chapman for the Committee on Business Legislation on, Bill, "An Act to Amend the Oil Burner Men's Licensing Board's Authority to Include Regulation of Oil and Solid Fuel Equipment and the Licensing of Service People." (S. P. 485) (L. D. 1548)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted.  
Sent down for concurrence.

Senator Clark for the Committee on Business Legislation on, Bill, "An Act to Redistribute Responsibility for Enforcement of Laws Prohibiting Certain Unfair Trade Practices." (S. P. 413) (L. D. 1277)

Reported that the same Ought to Pass.

Which Reports were Read and Accepted and the Bills Read Once, and Tomorrow Assigned for Second Reading.

Senator Ault for the Committee on State Government on, Bill, "An Act to Allow Direct Purchase by Citizens of Certain Bonds." (S. P. 459) (L. D. 1373)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-194).

Which Report was Read and Accepted, and the Bill Read Once, Committee Amendment "A" Read and Adopted and the Bill, as amended, Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Permitting Binding Arbitration

for Public Employees in Critical Public Services." (S. P. 197) (L. D. 464)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-191).

Signed:  
Senator:

PRAY of Penobscot

Representatives:

BAKER of Portland  
McHENRY of Madawaska  
TUTTLE of Sanford  
MARTIN of Brunswick  
BEAULIEU of Portland  
WYMAN of Pittsfield

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

Signed:  
Senators:

SUTTON of Oxford  
LOVELL of York

Representatives:

CUNNINGHAM of New Gloucester  
LEWIS of Auburn  
FILLMORE of Freeport  
DEXTER of Kingfield

Which Reports were Read.

On Motion by Senator Katz of Kennebec, Tabled for 2 Legislative Days, pending Acceptance of either Committee Report.

#### Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act to Authorize a Bond Issue in the Amount of \$4,500,000 to Make Improvements on State Route 17 in Letter D Township and Rangeley Plantation." (S. P. 88) (L. D. 173)

Reported that the same Ought to Not to Pass.

Signed:  
Senator:

EMERSON of Penobscot

Representatives:

JACQUES of Lewiston  
CARROLL of Limerick  
STROUT of Corinth  
ELIAS of Madison  
McKEAN of Limestone  
McPHERSON of Eliot  
HUTCHINGS of Lincolnville  
HUNTER of Benton

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

Signed:  
Senators:

USHER of Cumberland  
O'LEARY of Oxford

Representatives:

LOUGEE of Island Falls  
BROWN of Mexico

Which Reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President, I was going to defer to the Senator from Penobscot, Senator Emerson, to make the Acceptance of the Majority Ought Not to Pass report. However, I think for those who are new in this Chamber, I should explain what Route 17 is really all about.

For those who have been here a couple of terms, I think they will remember some of my descriptions of this highway. Mr. President, in the area of Rumford, Mexico, Dixfield, Rangeley, Oquossoc, there are petitions out, some of them passed in, but there are approximately 5,000 signatures of people who are concerned about this road.

I would remind members of this body that Route 17 is a state road. I have received letters from constituents of mine in the Town of Rangeley, Rumford, Mexico and the surrounding area expressing concerns about this highway. I have some from Rhode Island, Massachusetts, Connecticut, and as far away as South Carolina. Mr. President, I know that if we were to

accept this bond issue of \$4,500,000 it might jeopardize the bond issue of \$22,000,000 which is sincerely and deeply needed by the Department of Transportation. I don't think I want to jeopardize passage of that bill.

I had a letter from Roger Mallar, expressing his concern for this highway, and his promise that in the future he will do just as much as he possibly can to improve this highway.

Now I'd like to briefly describe Route 17. It starts at our end of it in Mexico. You go up the river about 4 or 5 miles, but before that you see some of the nicest white water in the Western Mountains of Maine. We do have canoe races and such down this river. It is really a very beautiful river, the Swift River.

About 5 or 6 miles up, you come to what they call 3 Pools, it's a step of one to another as the river goes down, and it's really beautiful. There's a lunch ground there, and a lot of people enjoy picnicking there. You go up a few miles further, and you come to what they call Coos Canyon. It's one of the most beautiful sights in the State of Maine. The river has cut a canyon through the rocks, there that's perhaps a 50 or 60 foot canyon wall. There is another beautiful lunch site there.

As you travel up along, you travel along side the Swift River, and it's very beautiful. It's the cleanest water you'll ever see in the State of Maine. You get close to the height of land, you come to a little pond, it's a Beaver Pond. Occasionally you'll see a moose or two out there feeding, it's really nice. The scenery is something that's really beginning to pick up as you travel up towards what we call Height of Land.

As you get closer to Height of Land, you'll find that the Federal Government through it's Highway Beautification has spent about \$70,000 trimming out the trees so that you can see the surrounding mountains, and you are in the mountains at this time, Elephant Mountain. It's the beginning of what's called the Mahoosic Mountain Range. I would still say that we're in the White Mountains of New Hampshire when you're in Maine. You overlook Mooseekuntic Lake and you can see off in the distance what they call Upper Richardson Lake, part of the Rangeley Lake chain. You look off into New Hampshire. You look off North and West and you are looking up into Canada. The scenery, especially in the fall, is something that everyone in this Chamber ought to see, sometime.

But immediately upon leaving this turnoff, you've got 9 miles of the worst road in the State of Maine. It is not a road, it's an obscenity, and it was described as such before our committee.

Those people who have to travel this road to get to the hospital in Rumford, which is approximately 35 miles, know what it's like. One woman, her husband died on the way to the hospital, traveling in an ambulance down this road, because of the length of time it took to get to the hospital, he died. But anyone who has to travel this road on a regular routine to go to the shopping centers or such in the Rumford area, can be sure that if they have a car, it will last 2 years they're going to be fortunate. Of course, it's good for our automobile dealers. If you need a part for one of your vehicles, you'll find it there.

Can you imagine traveling on a road in Maine and seeing stumps coming through the road? We have them. I went up this road about 4 weeks ago. We have barriers placed across the highway in 4 different places, so that you stay in the middle of the road on these places. In another section of the road, if you travel 2 feet over the left hand side of the center land, you'd lose your automobile, the road is that soft and that dissipated.

Mr. President, this will not be a road 3 years from now. I attempted to do something about this, I have a bill that's before you here today that calls for a bond issue for \$4,500,000. This isn't what I asked the Department to draft for me, but they know that it would be killed this way.

I'm unhappy. I've been lucky in the Senate Chambers here, overturning some reports, but I don't expect to overturn this one. But let me tell you. When you get north of Route 2 in Oxford County, and when you are traveling in Western Franklin County you are traveling in the most economically depressed area in the State of Maine. The Senator from Washington, Senator Silverman, thinks that he has it, he has not. All reports indicate that ours is the most economically depressed area in the State of Maine. All our reports show it. Everyone knows that transportation is necessary for the revitalization of any economy. Mr. President, all I would ask is that we have a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from York, Senator Lovell.

Senator LOVELL: Mr. President and Ladies and Gentlemen: I sympathize with the good Senator from Oxford, Senator O'Leary. I was in the 100th Session of the Legislature, and one of my best friends was the Majority Leader, Sheldon Noyes from Rangeley. He's a lawyer, real estate man, and a very conscientious citizen in Rangeley. He is instrumental, and he has been working hard to have this road repaired because it means a great deal, not only the tourist business, but in the skiing business. It means a great deal of money, extra money to that depressed area. So I hope that you will vote against the Ought to Pass Report of this bill.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Emerson.

Senator EMERSON: It's not with pleasure that I appear in support of the Majority Ought Not to Pass Report and opposed to my fellow committee member, Senator O'Leary, but I feel that I must say a few words regarding this.

We have before this body a \$22,000,000 bond issue, for Highway and Bridge Improvement. This \$22,000,000 bond issue will generate an additional \$63,000,000 of Federal Funds. These monies will be used in bits and pieces over the State improving projects, improving a bridge here, or straightening a curve there.

There is in the Allocation Act some \$1,500,000 allocated for 3 miles of road on this Route 17, another mile that is allocated \$600,000, and another \$40,000 for a scenic turnout. So this problem up there is being addressed in the program, admittedly the whole 9 miles is not being rebuilt, at this time.

If we approve the bond issue of \$4,500,000 for this project, there would be no Federal Matching Funds for that. There would be only Maine money going on that road because all the matching funds have been taken up in a \$22,000,000 bond issue. It doesn't seem sensible to me to pass this issue.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of accepting the Ought Not to Pass Report, please rise in their places to be counted.

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

14 Senators having voted in the affirmative, and 13 Senators in the negative, the Motion to Accept the Majority Ought Not to Pass Report does prevail.

Sent down for concurrence.

The Senate voted to Suspend the Rules, in order to allow the Joint Standing Committee on Public Utilities, to continue a Public Hearing currently in progress.

Out of Order and Under Suspension of the rules, the Senate voted to consider the following:

#### Communication

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

May 17, 1979

The Honorable Joseph Sewall  
President of the Senate of Maine  
State House  
Augusta, Maine 04333

Dear President Sewall:

In Accordance with 3 M. R. S. A., Chapter 6, section 151, and with Joint Rule 38 of the 109th Maine Legislature, the Joint Standing Committee on Energy and Natural Resources has had under consideration the nomination of Richard E. Barringer to the position of Commissioner of Conservation.

After public hearing and discussion on the nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 109th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

#### YEAS:

Senator —

Donald R. O'Leary of Oxford

Representatives —

William B. Blodgett of Waldoboro

Donald M. Hall of Sangerville

Andrew J. Doukas of Portland

John M. Michael of Auburn

Sherry F. Huber of Falmouth

#### NAYS:

Senators —

James McBreaity of Aroostook

Howard M. Trotzky of Penobscot

Representatives —

Paul F. Jacques of Waterville

Edward L. Dexter of Kingfield

Bernard H. Austin of Bingham

Frank Peltier of Houlton

Laurence L. Kiesman of Fryeburg

#### ABSENT: None

Six members of the Committee having voted in the affirmative and seven in the negative, it was the vote of the Committee that the nomination of Richard E. Barringer to the position of Commissioner of Conservation be denied.

Sincerely,

JAMES MCBREAIRTY

Senate Chairman

WILLIAM BLODGETT

House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Energy and Natural Resources has recommended that the nomination of Richard E. Barringer be denied.

The pending question before the Senate is: Shall the recommendation of the Committee on Energy and Natural Resources be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th 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 PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President, I don't suspect that today the Senate will overturn the recommendation of the Committee. It's only been done once since our proceedings and the present method of confirming people and rejecting people has been in existence.

I know that I do not have the eloquence of the good Senator from Kennebec, Senator Katz, and I wouldn't try to match him. He was the only one that I know that's ever been successful in doing it.

I must tell the Senate today that there's one thing I am happy with as far as the vote went, and that is that the vote was non-partisan. It was a mixture of both Republicans and Democrats who were for and opposed to the nomination. Yesterday we went through the longest hearing that I ever want to go through. We were in the hearing until 8 o'clock last evening. I listened to a lot of testimony.

I think if I understand the law, it requires us to act upon the qualifications of the candidate. Mr. President, and Members of the Senate, I don't think there was anyone yesterday that questioned the qualifications of the candidate. I believe the question should have been, does Richard Barringer have the necessary qualifications to be the Commissioner of the Department of Conservation?

I listened to a lot of gripes. They were gripes, but there was one Forester, I believe he was from Bangor, and he did give me what I consider reason enough to vote against Richard Barringer, as Commissioner of the Department. However, in later testimony, it was brought out by a person that was on the staff, that it was parts of the staff, and not the Commissioner that was at fault.

Now I wanted to have an opportunity in the Executive Session to question the Commissioner to find out whether the decisions that was made as far as Forestry went, and what the gripes and allegations really were, whether they were the result of his policies or not. I didn't get that opportunity and that disturbs me.

So I could find no good reason to oppose Richard Barringer. On the Committee on Natural Resources, the last session of the Legislature, and the term before, I've had people appear before our Committee, being nominated by our Governor, who I knew were the other poles of the spectrum from myself. Their beliefs and philosophies were in complete reverse from mine, but I kept searching through my conscience to see if I could find one good reason to oppose the nomination, and I could not so I voted to confirm.

I suppose that others on the Committee did have and I respect their reasons. I know that I have no complaints about the good Senator from Bangor, Senator Trotzky, for his reasons, nor those of the Senator from Aroostook, Senator McBreaity. I have no complaints about their reasons. They've expressed them to me and I respect them. They were perhaps reasons good enough for them, but they were not good enough for me.

Mr. President, I believe that any one that heads up the Department of Conservation, if he does the job right, is going to be controversial. If you don't step on someone's toes, perhaps you're not doing the job, the statutes, that we have here in Maine say you're supposed to do. If some one of the measures used by the Commissioner of Conservation are excessive or punitive, then I think that we could address that problem right here in the Legislature, we can act.

I don't want the environmentalists to get the wrong idea about me, that I'm an environmentalist. Senator Trotzky isn't, excuse me, the good Senator from Penobscot, Senator Trotzky, isn't. I think we are both environmentalists. Senator Trotzky has proven himself to be the friend, more than I.

I think, Mr. President, although Richard Barringer and I have never agreed on anything that I couldn't find that in my mind to be reason enough to vote against him.

In my district the good Senator from Somerset, Senator Redmond, is familiar with the area, and I'm sure that the good Senator from Penobscot, the President and presiding officer of this Body, and the good Senator from Cumberland, Senator Huber, are familiar with the area that I'll be speaking about. When you get into Northwestern Franklin County and you're into the mountains. You can see as you're leaving Eustis, coming from Canada, and you're headed down towards the small town nestled in the mountains beside that beautiful lake of Rangeley, the Town of Rangeley. You can see in the distance what they call Saddleback Mountain. You can see the ski area, carved in there, and you can see the green grass, the lush green of the trees.

But if you look over to the right, you can see a

mountain that is scarred. Raped! That's what happened to that mountain. It's raped! If Mr. Barringer comes down hard on the Foresters, I agree with him, that mountain is scarred. It took millions of years to get topsoil put on there so trees will grow. Of course, foresters know how to cut trees, which trees should be cut. But I wonder if they really care about the scars that are being put on our mountains and how our land is being ruined. Mr. President, I will not make any motion on this.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreairey. Senator McBREAIREY: Mr. President, Honorable Members of the Senate, I must rise to ask you today to reject the proposed appointment of Richard E. Barringer as Commissioner of Conservation.

He has totally lost the confidence and trust of all those in the Forest Products Industry of Maine. Through his actions, his use of sincere individuals in the private sector, he has destroyed and eroded the feelings of cooperation which is necessary for the proper functioning of a State Agency. To be sure he had supporters at his Confirmation Hearing. To be sure he had the full backing of our Governor and his Staff. He had numerous people speak on his behalf at that Hearing. A great many, however, were people who are State Employees.

The Department of Conservation is comprised of a number of formerly separate departments. The largest single component of the Department of Conservation, however, is the Forestry Bureau. It represents the lion's share of the staffing and budgeting of the Department. It is supposed to work with and serve a very large share of the private sector constituents of the overall Department. Yet, when Dick Barringer's Confirmation Hearing was held, all of the representatives of the Forest Products Family were speaking against his nomination. Nobody from the School of Forest Resources spoke in favor of Mr. Barringer. Nobody from the Maine Chapter of the Society of American Foresters spoke for Mr. Barringer.

To my knowledge very few participating professional foresters in Maine had a kind word, any kind words, or indicated any willingness at all to have Mr. Barringer continue as Commissioner of Conservation. I can assure you there were people from these groups who spoke against Dick Barringer, and I have had lots of mail and phone calls from others in the Forest Products Family strongly opposed to Mr. Barringer.

I have also had letters from housewives, doctors, and many people from statewide, both for and opposed to Mr. Barringer. As one man said to me, the State of Maine simply cannot afford 4 more years under Dick Barringer. I urge you to vote against Dick Barringer today, Thank you.

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 Members of the Senate. I rise with a little bit of reservations today. This one confirmation perhaps has been very controversial in my Senatorial District divided as it is. On one hand I have the Great Northern Paper Company and supposedly the Paper Plantation Center of the State, and it has supposedly been stated many times that the Paper Industry is violently opposed to the present Commissioner.

To clear the air, first of all, on that issue. I have not had any communications with any representatives from any Paper Industry with reference to Commissioner Barringer. I have on occasions talked on a number of other issues, having inquired as to their opinion of the upcoming Confirmation Hearing, and have always found them to decline to comment or to state any particular feelings one way or the

other on Mr. Barringer.

I have in the other half of my District an area which is not basically controlled or the major industry or source of income being the Paper Industry or the Paper Company itself, but a number of individual smaller woodlot operators, still making a living out of the resource of Maine, and people who, overall, favored Mr. Barringer's policies in relationship to their plight in the Maine economy.

Torn between this and some personal experiences that I have had with the Commissioner, I decided that I'd attend the hearing, and listen, which I spent the most of the day at, until it was over last night, listening to both proponents and opponents. I was very disappointed in the hearing that a great deal of it dealt with personalities. I agree with the comments of many people that this is not a personality race. If it was, then the outcome would have been greater, I believe, against Mr. Barringer.

I do not question the capabilities of the Commissioner. I think he has a great talent, but I think also that he has failed to use that talent in the job as it is described under Title 12, as to the duties of the Commissioner and the intent and the desire of the Department of Conservation, in the best utilization of our resource not only for the people of Maine, for its scenic and recreational use but also as a resource which is used and provides the great wealth of our economic resource in this State. I'm sorry, I guess to say that titles such as Paper Plantation State and the fact that it's felt that many people, particularly this Body, kneels down to those corporate heads in New York and Connecticut, is a statement that I disagree with wholeheartedly.

I, myself, have on occasion been accused of being a representative of the Paper Industry. I think all we'd have to do is check my record and see that, I think, that that's a very shallow argument. Torn between these 2 segments of my Senatorial District, I found it very hard to reach a decision. I stated prior to the hearing to a number of my colleagues where I would come down, that I would honor the recommendation of that Committee. If they and a Majority voted to confirm him, then I would do so as well. If they voted a Majority to reject him, then I would also honor that and do so as well.

I state this for a clear understanding because of the controversial personality of Dick Barringer, does make it hard on many people to decide as to whether or not we're talking about personalities or qualifications.

A personality is a great part of someone's ability to do a job. Far deeper than that though, I do not believe that Commissioner Barringer has in the past or will in the future go in the best direction of the majority of the people of the State of Maine. I say that not to throw in philosophical arguments of environmentalists versus industrialists, or whatever arguments that you want to take.

I believe that we have a responsibility to what some people call, "special interest," to those people who, in my area, provide the jobs and perhaps the greatest wealth to the working people of this State. To people who can get a job sweeping a floor and earn \$13,000 to \$17,000 a year, to people who can become a skilled professional and make from \$25,000 to \$30,000 a year, but not always have the Paper Industries just raped the State of Maine and taken their huge corporate profits and left the State. A great deal of that wealth stays within the State.

We come down to necessities. We have before enacted on special legislation to help particular industries to compete with Canada to give them sales tax exemptions. No matter which way we face it, we need the Paper Industry. We need a commissioner that can work with them and not always be at odds with them. I think that is the direction that we must take and I would hope that the Senate would not overturn the decision of the Committee. Thank you.

The PRESIDENT: Is the Senate ready for

the question?

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President and Members of the Senate: I was not expecting this confirmation vote to come up so quickly, today and I was not prepared to speak myself on it. But I do have the testimony that the Governor's representative presented to the Committee, and I would like to read that into the record because it concerns the Commissioner's qualifications to serve as the Commissioner of Conservation:

"The Governor well understood that the nomination of Dick Barringer would be controversial. The Commissioner somehow has the capacity for exciting an extraordinary amount of interest and deeply divided feelings.

And so Governor Brennan did not make this appointment quickly or precipitously.

On the contrary, he embarked on a very careful course of deliberations and consultations.

He investigated allegations and spoke at length with those familiar with the Commissioner's character and reputation.

The Governor weighed the testimony carefully—looking at both sides—or all sides—of the issues of concern brought to his attention.

And notwithstanding the controversy he knew would result—and the difficulties we would have to face—Governor Brennan ultimately concluded that Dick Barringer would be his best choice for this important position.

The Governor did not conclude that Dick was perfect.

He did not decide Dick's administration had been error-free.

Or that Dick had not made mistakes.

But he did decide that in building a competent, balanced, mature cabinet consisting of the ablest and most conscientious individuals he could find, there should be a place for Dick Barringer.

The Governor decided that Dick's imagination, and energy and initiative would be a real asset to the administration in general, and the Department in particular.

Governor Brennan has confidence that Commissioner Barringer will carry out the Governor's policies with loyalty, effectiveness and dedication."

Now, with the nomination made, comes your critical part in the conduct of this Government.

Now, with the Executive Council behind us, the responsibility falls on you to make some serious decisions.

I'm leaving out those words that specifically pertain to the Committee Hearing process.

"The statutory mandate of DOC is "To preserve, protect and enhance the land resources of the State of Maine; to encourage the wise use of the scenic, mineral and forest resources of the State of Maine, and to ensure that coordinated planning for the future allocation of lands for recreational, forest production, mining and other public uses is effectively accomplished; and to provide for the effective management of public lands in the State of Maine."

He is responsible for supervising the work of the Geological Survey; Land Use Regulation Commission, and the Bureaus of Parks and recreation, Public Lands and Forestry.

In all of these areas, Commissioner Barringer has brought new initiatives and new accomplishments to the credit of the State.

The Bigelow Preserve is already well underway.

Work to preserve and protect the Appalachian Trail with the cooperation of forest land owners is in process.

The first State Fire Plan that ever has been completed, and fire training programs have been improved.

A significant shift has been made to helicopters in fire suppression.

Several new state parks have been established, and greater public access to the coast secured.

More than 1,000 miles of snowmobile trails have been hewed out, and about 10 new boat launching sites a year have been built.

After several years of embarrassing floundering, LURC has started on a path of positive contribution to the welfare of the State.

A comprehensive land use plan was finally adopted in 1976.

Permanent standards were enacted in 1977, and permanent zoning for all the unorganized territory was achieved last month.

To help affected landowners deal with LURC, the Department sponsored a handbook on common building problems, streamlined permitting into a "One Stop" process, and increased planning assistance to plantations.

And the Commissioner can be proud of his efforts with regard to public lands.

In the past year alone, six public reserved land exchanges have been consummated with more than 100,000 acres of forest land consolidated and returned to state for public management.

A solid management staff is presently preparing management plans, cruising timber, and supervising harvesting operations in several parts of the State.

This is on top of the historic effort to return the 400,000 acres of timber and grass rights to the ownership of the People of Maine.

And the unprecedented, extremely complex land trades which have been achieved with several major landowners.

But... perhaps the most important accomplishment... and one that uniquely qualifies Commissioner Barringer... has been the forging of a true Department of Conservation out of the Diverse Bureaus of which it consists.

That reorganization was initiated under Governor Curtis, who well understood the chaos of having dozens of different agencies reporting directly to the Chief Executive.

It was essential if the State were to have an organized... coherent... responsive... and accountable Natural Resources Policy.

The Governor firmly believes that the forests of this State represent our greatest and most important natural resource... for recreational reasons... for environmental reasons... and for economic reasons."

But he wants a department which is independent and capable and vigorous in carrying out the policies he makes.

Richard Barringer will provide that kind of leadership.

I respectfully urge this Senate to confirm his appointment.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Silverman.

Senator SILVERMAN: Mr. President and Members of the Senate: A man's put 4 years of his life working for the State of Maine. He's put those 4 years in carrying out the laws that are made in these Chambers. Then I hear people stand up and say one segment of the State, for some reason, couldn't agree with him.

I don't think it's fair to that man, I don't think it's fair to the people of the State, I don't think it's fair to this Chamber. If the man has done something wrong then say it on the floor of this Senate. If the man has carried out the policies that we didn't put into law, then say it on the floor of the Senate. Don't tell us how he parted his hair. Talk about LURC. We made the law. He carried it out. Did he do it wrong? Then say it. Say what the policy's going to be.

I'm asking you. You just can't take 4 years of a man's work and say we don't like the Great Pond's Acts. Say it. If you don't want to conserve the wild lands of Maine, and preserve it's way of life, say it. But don't put a man into the crossfire of 2 opposing interests in our State.

I certainly can agree or disagree with the candidate, but if I was going to stand up here and say Richard Barringer did not deserve to be the next Commissioner appointed by the Governor, I would give more reasons than was

stated on the floor of this Senate. I hope the 2 Senators that voted against his candidacy would speak today the reasons why they voted against him.

Was it the Great Ponds Act? Was it LURC? Was it the Budworm Spray Program? Was it the future of our wilderness and forest lands? I am saying, state policy! Not just emotional words, and I'd like to hear it from them.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President and Members of the Senate: This has been one of the most difficult votes that I've had to cast in 4 years in the Maine Senate.

I think everyone's quite aware the forest resources in the State of Maine are the basic wealth upon which the economy of the State is built. I think the future of Maine rests on it's forest resources, the trees that grow in the State of Maine, feed all the mills in the State of Maine.

Presently today, the last few years in the State, there has been a tremendous expansion in all the mills in the State of Maine. Until the forest resource that we have is probably on a sustaining yield with the capacity of the mills to use that resource. The State of Maine is faced today, as it has been in the last few years, with a Budworm epidemic which this year is very extreme.

I was up in the north woods and I saw what the Budworm is doing to the trees up there. It's not only killing larger trees but it's also killing smaller ones.

The Commissioner of Conservation has stated and so has the Governor that the State of Maine, we must spray. Yet, at the same time I think there's a tremendous lack of leadership within the Bureau of Forestry and that although he says we must spray, I believe that the Bureau is undermining the Spray Program within the State of Maine. They have stated that they intend to end the Spruce Fir Spray Program in 1981, and turn it over to the private interests. We don't know at this time what the situation is going to be in 1982 or 1983 in terms of the epidemic in the Spruce Fir outbreak, and the damage it's going to do to the trees.

Also the lands in Maine are under private ownership, many townships are held in common by many, many owners. It's been my opinion and the opinion of many people throughout the State of Maine that the Spruce Fir Spray Program should be conducted by the State because of the diverse land-ownership patterns and not just turned over to private interests.

Secondly, something that concerns me greatly is the adversary relationship which has developed between the private landowners in the State. When I say private landowners, I don't mean just large landowners, I think it encompasses both large and small. The Department of Conservation and Bureau of Forestry has a responsibility I believe, to work in a cooperative way with the Forest Products Industry for the common good of the people of the State of Maine. I think the adversary position which has developed over a period of 4 years is not in the best interest and to continue that possible adversary position for the potentially 8 years in the State of Maine, I also believe is not in the public interest.

I sat here one day and listened to Senator Cianchette 2 years ago state that, and he was referring to the bureaucracy of the State of Maine. He made this analogy. The dog wags the tail, but it's wrong when the tail starts wagging the dog. I guess I refer this to the Legislature, the elected representatives of the people and to the Bureaucracy.

The Natural Resources Committee, when I was Chairman 2 years ago decided that they wanted to review LURC Standards, the permanent standards which were going into place. These were regulations which were going to be promulgated by the Land Use Regulation Com-

mission and the Bureau of Conservation. Then these regulations would encompass all of the unorganized territory under LURC's jurisdiction, the Committee decided that. Mr. Barringer came up to me and he said, "Senator, your Committee is not going to review those regulations, because if you try to, I'm going to take you to court." I stood there at that time and remembered Senator Cianchette, who was a member of this body before had said, and decided that as a representative of the people that we were going to review those standards and the Commissioner of Conservation was not going to stop us from reviewing them.

The reason we felt we had to review those standards is because they were so controversial that many members of the Committee and many members of the Legislature, especially those members who came from areas affected in the unorganized territories were very unhappy with LURC.

I felt we would get a positive understanding of the whole review process which showed the need for the Land Use Regulation Commission. The Committee did review those regulations, and the Committee did approve those regulations with some modification, but that review process enabled many of those Legislators who were opposed to LURC to realize the need for the Land Use Regulation Commission.

I bring this incident up because I say that an adversary relationship was developed then, specifically on that point. But the adversary relationship has been developed throughout the entire forestry industry, with the whole Forest Products Industry.

Another thing is the lack of leadership within the Forestry Department. The main concern at the hearing, people didn't complain about the Land Use Regulation Commission. They complained about the lack of leadership with the Bureau of Forestry. I feel from what I saw, in terms of experiencing the Spruce Budworm Policy that there has been a lack of concise specific leadership there.

So my vote basically was determined by the fact that for the good of the State of Maine, there must be a cooperative approach between the Bureau of Conservation and the private landowners. This State mostly has private lands. Most of our forest lands are in private hands. With an adversary relationship I do not think that the welfare of the people of Maine would have been served.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator MARTIN: For the Record, Mr. President and Ladies and Gentlemen of the Senate: I'll also be voting against the nomination of Richard Barringer for Commissioner of Conservation.

I think Senator McBreairty, the good Senator from Aroostook, summed it all up when he said that he felt, or in his opinion that Richard has lost the confidence, or rather his subordinates had lost confidence in their Commissioner. I happen to believe that.

Although I respect the Governor and his decision or choice, rather for such a position, I cannot in all honesty vote or support an individual whose philosophy is 100% against mine or the people that I represent.

I personally have nothing against Dick Barringer, as an individual, and I am told that he is fully qualified. However, I'm sure that if the Governor and his staff look around in this great State of Maine, that they can find someone as qualified as Mr. Barringer.

As I sat at my desk this afternoon, I glanced at some correspondence that the good Senator from Aroostook, Senator McBreairty, put on my desk.

If what I read is correct, then I am appalled, and for that reason, Mr. President, I urge every member of this Senate to deny the confirmation of Dick Barringer.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President, thanks to the members of this body, I have an opportunity to get outside these Chambers and have a smoke occasionally and perhaps calm down a little bit.

But I listened with intent to the statements of the good Senator from Penobscot, Senator Pray. I think everyone in here knows that I'm an employee of Boise Cascade, I'm hourly paid. When I work for them, I get paid, when I don't work, I don't get paid. But on this nomination I'm thankful that the company I work for, Boise Cascade, did not call me on it, did not ask me to vote against the nomination. Those people that did call me, I told them that I would listen with an open mind.

A constituent of mine, Mr. Stowell, who is a big timberstand owner, asked me to keep an open mind. He never asked me to vote against the nomination, although he did appear in opposition to the nominee. But I think, Mr. President, what I want to do right at the present time is set the record straight. I think that just a few minutes ago I perhaps make a blanket indictment of the Foresters of the State of Maine, when I was talking about one of the visual blights that can be seen in my area.

Mr. President, I don't think that I want to give a blanket indictment to the Foresters, as such. I think that most of them are conscious of practices that have to be initiated. That they do want to keep our lands so that they can be harvested year after, well, in certain periods of time, perhaps 40 to 50 years, they look forward to a renewable harvest.

Mr. President, I would just remind this body that all I heard yesterday was gripes. I heard nothing about another Department or Bureau that's under the leadership of Dick Barringer, and that's LURC. I never heard one objection from anybody that came to our Committee Hearing yesterday that was in objection to LURC.

In that the Director of the Land Use Regulation Commission is directly under the control of the same person, I can't for the life of me understand why one segment of his department is operating so smoothly and another so haphazardly. I think that the good Senator from Penobscot, Senator Trotzky, has perhaps alluded in a way to the problems and that is that it's the staff. I think perhaps this is where the problem really lies. It's people he brought in and if somehow in the wisdom of this body, we should see that he is confirmed, that perhaps our first instructions to him should be to get rid of them. Get some people we can live with. Thank you, Mr. President.

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

Senator TRAFTON: Mr. President and Members of the Senate: I have known Dick Barringer for the 2 years I have served in the Legislature, and my impressions have been very favorable. But keeping an open mind, I too, attended the hearing yesterday to learn about the other side of the coin. What did I hear at the hearing, which was very lengthy?

Specifically, there seemed to be one industry who was very upset because some of their recommendations had not become the policy of the Department of Conservation. We heard from some people who had a very flawed understanding of the Maine Manifest, a document written by Dr. Barringer. We heard some individuals who were concerned about the Department being re-organized, some individuals who opposed the public lots decision. Then there were innuendos of other untold atrocities.

On the other side of the coin, we had innumeral people testifying in support of Dr. Barringer. There were Foresters there in his support, there were small landowners, there were members of the public, members from the Maine Scenic Committee, from various other environmental groups in the State, and other individuals who had a close working relationship with Dr. Barringer.

Dr. Barringer, himself gave very excellent testimony and humbly offered to the Committee that he had made some mistakes, but that he was a person who could learn from his mistakes, and build on them in his next term as Commissioner, if he were confirmed.

I heard nothing at the hearing which changed my initial impression of Dr. Barringer. There was no solid evidence of anything that he had done that in any way demeaned his qualifications for the job of Commissioner. But it was clear that he had stirred up controversy. So we have to ask ourselves whether it is bad to stir up controversy.

Certainly everyone of us here, everyone of the 33 of us, have stirred up some kinds of controversy during our terms. The good Senator from Kennebec, Senator Katz, knows about controversy, when he has over 5,000 state workers in his district who have opposed his stand on an issue. The good Senator from Penobscot, Senator Trotzky, knows about controversy, because of his introduction of a bill which was opposed by a large group of individuals. But this in itself, doesn't mean that we are incapable of being good Senators, the fact that some interest groups oppose us. In fact, I would suggest to you that the ability to endure controversy and to grow with controversy is a mark of character and a mark of leadership.

I think it is well that individuals do not bow to the wings of fortune, or perhaps the latest public opinion poll, or a special powerful interest group.

I feel that the Governor has given us a quality man for the job of Commissioner, and it concerns me that we will allow a controversy to obscure the fact of his qualifications and his dedication to the job. I am reminded of a book which I read recently by Gary Wills, "Confessions of a Conservative". In that book he discusses the nature of elected officials and policy-makers. He suggests that sometimes we are incapable of rising above mediocrity than it is to deal with someone who is a leader, who has character, who has a brilliant mind. I think we have such an individual before us today. I would urge you to confirm him, and override the recommendations of the Natural Resources Committee.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate: I stand today in support of overriding the recommendations of the Committee on Energy and Natural Resources.

I look at the Committee Report and I see by the count, by one vote this report fails to be a Majority Report. Had the one vote been on the Majority Side, it would take 2/3's of this Senate to override the Minority Report. In other words, to defeat Mr. Barringer as Commissioner. So I speak here today with no illusions noting that the Majority Report is a report that rejects Mr. Barringer, as the Commissioner.

I'm not speaking here today as the Minority Floor Leader, I'm not speaking here today as the voice of Governor Brennan. I'm speaking here today for Dick Barringer, because I think he's probably one of the brightest, ablest, talented individuals ever to come into State Government.

I do have questions today, though with respect as to whether or not Dick Barringer ever had what one would like, and that would be a fair hearing. It is no secret to any member of this Chamber, that the good Senator from Aroostook, Senator McBreairty, has had problems with Mr. Barringer for years. It's no secret to me or to other members of this Chamber, that the Speaker of the House of Representatives has had problems with Mr. Barringer for years. So when I hear the echo of the Far North in this Chamber today, the sentiments are being expressed for what I feel to be a minority group, that could not dictate to the

Commissioner of Conservation what they themselves would like to have done in their area of the State.

When I hear the good Senator from Aroostook, Senator McBreairty, state that Mr. Barringer has lost the support of the Forest Product Industry of the State I say that's too bad. That's not Mr. Barringer's job, his job is to represent the people, the people of this State, and I think he has done it well. I think his record exemplifies that fact.

As I stated earlier, I have no illusions whatsoever of overturning this Report. But I know Mr. Barringer to be a fine man, and to be an honest man, and yes, I will even agree with you, he is a controversial man. But for those of you who don't know Mr. Barringer, let me read from an editorial from a paper that I seldom have any faith in. In fact, not too many politicians do, commonly known as the Bangor Daily News, and I knew the good Majority Floor Leader takes great opportunity on occasion to quote from this paper. "The Barringer appointment. Richard Barringer, Maine's current Commissioner of the State Department of Conservation is up for re-appointment. The Governor has selected him for another term, and the Legislative Energy and Natural Resources Committee will open a Public Hearing today and listen to reasons why Barringer should or should not serve another stent under the Brennan Administration. The Governor has made a wise choice. Commissioner Barringer has proved himself as an intelligent policy-maker and an able administrator, not only as Conservation Commissioner, but in his early role as Maine's Director of Public Lands. Under Barringer's leadership, the Department has taken thoughtful and strong positions on such critical Maine problems as Indian Land Claims, Spruce Budworm Spraying. Barringer has been a firm advocate of taking a non-pesticide course toward Maine's difficult Spruce Budworm problem.

In a State so economically tied to trees and fiber, Barringer's stance was not an easy one to take. He is not the Forest Industry's first choice for Conservation Commissioner. In fact, Barringer's re-appointment is expected to be publicly opposed by some groups speaking for various segments of the Forest Industry. Industry opposition to Barringer's appointment is at least a pretty good indication of his independence and sense of public priority.

Still Barringer is no wild-eyed radical intent on making Maine a vast park and putting the Paper Companies out of business. As Conservation Commissioner he has sought the sensitive middle ground between the good of industry and the larger public interest.

If the Legislature sees fit to confirm Barringer's re-appointment, Maine should be better for it."

Mr. President and Members of the Senate, it might be difficult but I ask you all to throw personalities to the wind, and to retain the public services of one of our greatest public servants.

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

Senator PRAY: Mr. President and Members of the Senate: First of all, I want to respond to the remarks of the Senator from Cumberland, Senator Conley, in reference to the Chairman of the Natural Resource Committee. Though I think that the position of the Chairman has been well known long in advance, I would only praise him in conducting the hearing yesterday, which I think he conducted very fairly, fairer than I think some other members of that Committee had in reference to a number of individuals who testified opposing their viewpoints.

I think Senator McBreairty did a tremendous job, in not allowing any of his personal biases to take control of the situation or the hearing, and to insinuate such is erroneous and misleading.

In reference to the remarks of the Legis-

lators of the far North that is the second time in 2 days that I have heard that and from the same Senator on the same subject matter. I take exception to that. There's also the second time this week that I've heard him quote the Bangor Deadly, see it's a common term for those up in the North too.

As I've sat here and I've listened to speakers on both sides of the issue talk, the concerns of qualifications. I may be wrong but I believe that Dr. Barringer is a Doctor of History. But I think the one remark that probably best sums it up was made by the Senator from Androscoggin. Senator Trafton, when she said 'to grow with the job'. I have heard that a number of times from individuals who are very personal friends of Dick Barringer, who state that they feel he has failed to grow with the job.

We can all place ourselves on one side or the other. We can all find some particular issue that we have to hang our hat on, either to confirm or not to confirm. I think the issue that we have here today has to remain within the constraints of the statutes and as to the Department of Conservation, and what the purpose and the intent of the Department of Conservation is.

I've heard the Commissioner's job is to represent the people of Maine. But the statute says in reference to the Department of Conservation that it is formed to preserve, protect, and enhance the land resource of Maine, to encourage the wise use of scenic, mineral and forest resource of Maine, and to assure the coordinated planning of the future allocations of land for recreational, forest production, mining, and other public and private uses.

It is easy for us to talk about that great resource of ours in the Northern Part of the State, that recreational area for us but so often we forget who owns the land. The majority is privately owned. It's easy for us to sit and say, you know if they own numbers of acres, because they own too much land, we've got to treat them differently. But if we had Legislation going just the opposite way of doing something special for somebody that is small, there'd be a number of individuals who would become advocates of it, saying that we should treat these people special. I do not insinuate that we should treat either one side or the other special.

But we have to face and realize that there are certain facts that are there, and to provide the resource of Maine in it's protection and it's preservation and for it's best utilization, we have to have somebody that can work with all parties involved. Those are the qualifications that we're coming down to. Somebody that can work with all parties involved. I think at the hearing that I attended yesterday that I saw special interests on both sides. I saw members of the public on both sides. I saw those, I guess it's kind of the coat that we hang ourselves into as to whether or not the individual represents the public, if he agrees with us. If he doesn't then it must be a special interest as to why he's there. But if he agrees with us he's a representative of the public.

As controversial as this one issue is, to cast the personalities to the wind, as my good seat-mate said, is exactly the same thing that I attempted to do, and to my reasoning to where I was going to come down. Because personally Mr. Barringer and I have seldom gotten along. That is why I left my final decision up to the Committee. But the more the debate I listen to, the more I find I think on both sides that we're losing track of exactly what we're dealing with.

Again I would take issue that we should look at the statutes and see what the duties of the Commissioner's are, as to whether or not he has as prescribed by statute, submitted these different agencies that he's responsible for, and those landowners and the public interest together or not. I say in that case he has failed.

The PRESIDENT: The Chair recognizes the

Senator from Aroostook, Senator Martin.

Senator MARTIN: Mr. President, again my good friend, my good leader from Cumberland, Senator Conley has made reference to Northern Maine Legislators, and has even attempted to make an attempt rather to mention an individual from the other House, the other Body, Speaker Martin. Well I would like every one of you to know, that I have discussed this issue with Speaker Martin, Speaker of the House of Representatives, and I informed Speaker Martin 2 weeks ago, regardless of his decision, that I would oppose this nomination.

If the good Senator from Cumberland, Senator Conley hears little echos within these great halls, then I suggest he's got a problem.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you, Mr. President. Mr. President, and Men and Women of the Senate. I would paraphrase the material that I have received relative to the confirmation of Dr. Richard Barringer.

In this new era of conservation and environmental concerns many of us, including myself, so accustomed to thinking in terms of unlimited resources have had difficulty adjusting to our long standing views and practices to the new dictum which prevails, and that is to consume less and to conserve more responsibly. The esteemed profitable practices of the past so ingrained in most of us must be redirected and to that end changes can be best brought about by those persons familiar with the nature of such changes. With the benefits to be derived from emphasis on conservation of all natural resources. Be they trees, land, water, or even sand, and the greatest of these, Maine's forest and woodlands.

Doctor Richard Barringer has proved himself a very able administrator and Commissioner of the Department of Conservation. While I did trust the Committee on Energy and Natural Resources, to report out favorably on his re-nomination, I must admit to my disappointment of the Report that's before us this afternoon and evening.

Doctor Richard Barringer is indeed a brilliant man, and I would hope that some of his brilliance would be reflected in the action of this body this evening, as we vote to override the recommendation of the Committee.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President and Members of the Senate: Referring to Supplemental Senate Journal Number 1, I would point out that this appears to be in error. I don't think it states what in fact, the Committee Report was, if I understand the positions of the various people involved.

It states that at the public hearing discussion on the nomination the Committee proceeded to vote on the motion to recommend that the Senate of the 109th Maine Legislature, that this nomination be denied. I believe it should be confirmed. I hope you would clarify in light of our convoluted confirmation procedure, what vote means what, when, in fact, we get there.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, I ask Leave of the Senate, to pair my vote with the Senator from Cumberland, Senator Usher, were he here, he would be voting, No, and were I voting, I would be voting Yes.

The PRESIDENT: The Senator from Kennebec, Senator Katz, requests Leave of the Senate to pair his vote with the Senator from Cumberland, Senator Usher, who if he were here, would be voting Nay, and the Senator from Kennebec, Senator Katz would be voting Yea.

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

It is a vote.

The pending question before the Senate is shall the recommendation of the Committee on Energy and Natural Resources be overridden.

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 Recommendations of the Committee.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Ault, Clark, Conley, Danton, Huber, Najarian, O'Leary, Silverman, Trafton, Sewall.

NAY — Chapman, Collins, Cote, Emerson, Farley, Gill, Lovell, Martin, McBrearty, Min-kowsky, Perkins, Pierce, Pray, Redmond, Shute, Teague, Trotzky.

ABSENT — Carpenter, Devoe, Hichens, Sutton.

PAIRED — Katz - Usher.

10 Senators having voted in the affirmative and 17 Senators in the negative, with 2 Senators having paired their votes, and 4 Senators being absent, and 10 being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Richard E. Barringer is denied.

#### Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act to Provide Reimbursement for Snow Removal on Accepted Ways." (S. P. 311) (L. D. 906)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-192).

Signed:

Senators:

EMERSON of Penobscot  
USHER of Cumberland  
O'LEARY of Oxford

Representatives:

JACQUES of Lewiston  
LOUGEE of Island Falls  
McPHERSON of Eliot  
HUTCHINGS of Lincolnville  
HUNTER of Benton  
BROWN of Mexico  
CARROLL of Limerick  
McKEAN of Limestone

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "B" (S-193).

Signed:

Representatives:

STROUT of Corinth  
ELIAS of Madison

Which Reports were Read.

The Majority Ought to Pass, as amended. Report of the Committee, accepted, and the Bill Read Once. Committee Amendment "A" Read and Adopted, and the Bill, as amended, Tomorrow Assigned for Second Reading.

#### Second Readers

The Committee on Bills in the Second Reading reported the following:

##### House

Bill, "An Act to Make Arson a Class A Crime Under the Maine Criminal Code." (H. P. 810) (L. D. 1013)

RESOLVE, to Further Study Feasibility of Cargo Port Facilities. (H. P. 1278) (L. D. 1526)

Which were Read a Second Time and Passed to be Engrossed, in concurrence.

Bill, "An Act Relating to the Purchase of Railroad Rights of Way." (H. P. 1042) (L. D. 1275)

Which was Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Mr. President, I'd like to ask through the Chair what does this bill do exactly and is there any cost?

The PRESIDENT: The Senator from Som-

erset. Senator Redmond, has posed a question through the Chair to any member of the Transportation Committee who may care to answer.

The Chair recognizes the Senator from Penobscot, Senator Emerson.

Senator EMERSON: Mr. President, this bill allows the Department of Transportation to purchase railways, rail right of ways which have been abandoned. In some cases when a rail right of way is abandoned, the abutting land owners would have claim on the land.

There are 2 railroads in the State, 1 going from Area Junction to Eastport, and 1 going to North Anson to Bingham which have been abandon. The Transportation Department would like to buy these railbeds so that if there is any development in Eastport that the railway can be laid and they can have rail service there, if there's any development in the future, or the same in Bingham.

As I understand it, the cost of \$200,000, 20% of which is paid by the State of Maine, and 80% by the Federal Government.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Under Title 23, MRSA Section 4207, the Department of Transportation is already authorized to handle these transactions.

Mr. President, I move the Indefinite Postponement of this bill and all it's accompanying papers.

On Motion by Senator Pierce of Kennebec, Tabled for 1 Legislative Day, pending the Motion by Senator Redmond of Somerset.

#### House — As Amended

Bill, "An Act to Provide for an Official Seal for the Department of Human Services and to Expedite the Establishment of Court-ordered Child Support of Obligations in Non-AFDC Cases." (H. P. 745) (L. D. 931)

Bill, "An Act to Increase Lobster Fishing License Fees and Establish a Lobster Advisory Council." (H. P. 959) (L. D. 1184)

Bill, "An Act to Define Residency for School Purposes." (H. P. 1160) (L. D. 1425)

Bill, "An Act to Amend the Statute Relating to Alternative Procedures for Adoption of School Budgets." (H. P. 238) (L. D. 284)

Bill, "An Act Relating to Current Funding of Special Education." (H. P. 410) (L. D. 527)

Bill, "An Act to Provide for Oversight of Marine Research by the Department of Marine Resources." (H. P. 1272) (L. D. 1476)

Bill, "An Act to Regulate State Liquor Stores and Agencies." (H. P. 1243) (L. D. 1487)

Bill, "An Act to Increase the Membership of the Gardiner Water District to Six." (H. P. 284) (L. D. 362)

Bill, "An Act to Prohibit Cancellation of Automobile or Property Insurance without Actual Notice to the Insured." (H. P. 170) (L. D. 221)

Bill, "An Act Relating to Telephone Company Directories." (H. P. 1134) (L. D. 1402)

Which were Read a Second Time and Passed to be Engrossed, as amended, in concurrence.

Bill, "An Act Include Teachers in the Hope Training School for Retarded Children in Mexico in the Maine State Retirement System." (H. P. 1177) (L. D. 1442)

Which was Read a Second Time.

On Motion by Senator Katz of Kennebec, Tabled for 2 Legislative Days, pending Passage to be Engrossed.

Bill, "An Act to Merge the Septage and Hazardous Waste Law into the Solid Waste Law and to Conform them with the Requirements of the Federal Resource Recovery and Conservation Act." (H. P. 1139) (L. D. 1518)

Bill, "An Act Pertaining to Motor Vehicles Passing Stopped School Buses." (H. P. 1041) (L. D. 1278)

Which were Read a Second Time and Passed to be Engrossed, as amended, in non-concurrence.

Sent down for concurrence.

#### Senate — As Amended

Bill, "An Act to Amend the Maine Certificate of Need Act of 1978." (S. P. 283) (L. D. 857)

Bill, "An Act Concerning Health Services in Rural and Underserved Areas." (S. P. 473) (L. D. 1414)

Which were Read a Second Time and Passed to be Engrossed, as amended.

Sent down for concurrence.

#### Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act Appropriating Funds for Promotion of Direct Marketing of Agricultural Commodities. (H. P. 684) (L. D. 864)

On Motion by Senator Huber of Cumberland, Placed on the Special Appropriations Tabled, pending Enactment.

An Act to Partially Exempt Musicians from Coverage for Unemployment Insurance. (S. P. 352) (L. D. 1100)

An Act Concerning Nomination Procedure for Nonparty Candidates. (H. P. 519) (L. D. 662)

An Act Concerning Licensing Manufactured Housing Dealers, Itinerant Vendors, Lightning Rod Salesmen and Apprentices and Helper Electricians. (S. P. 446) (L. D. 1366)

An Act Relating to Juvenile Clients of the Protective Care Division of the Department of Human Services. (H. P. 157) (L. D. 185)

An Act to Amend the Charter of the Portland Water District. (S. P. 404) (L. D. 1255)

An Act to Revise the Qualifications for Electricians. (S. P. 390) (L. D. 1201)

An Act to Establish a Voluntary Training and Certification Program for Installers of Solar Energy Equipment in Maine. (H. P. 872) (L. D. 1077)

An Act to Facilitate the Enforcement of Child Support Obligations and Make Statutory Changes Consistent with the Administrative Procedure Act. (H. P. 668) (L. D. 828)

An Act to Require that Certain Notices of Termination of Tenancy Contain Minimum Information. (H. P. 595) (L. D. 739)

An Act to Strengthen the Requirement to Remove Lobstering Equipment when a Lobster License is Suspended. (H. P. 511) (L. D. 627)

An Act to Protect the Retirement Benefits of Employees of the Greater Portland Public Development Commission and to Provide for the Disposition of its Assets upon Liquidation. (H. P. 1252) (L. D. 1522)

An Act Enabling the State to Enter into an Interstate Compact on the Emotionally Disordered Offender. (H. P. 1210) (L. D. 1542)

An Act to Prohibit the Licensing of Deceptively Similar Names for Firms or Corporations of Agents, Brokers, Adjusters or Consultants under the Insurance Law. (H. P. 1017) (L. D. 1250)

An Act to Transfer the State Board of Certification for Geologists and Soil Scientists to the Department of Business Regulation. (S. P. 398) (L. D. 1216)

An Act to Extend a Barber Shop License 60 Days upon Death of the Barber to Allow Transitional Time for Getting a New License. (H. P. 969) (L. D. 1207)

An Act to Establish Minimum Warranties for the Sale and Installation of Solar Energy Equipment in Maine. (H. P. 871) (L. D. 1076)

An Act to Transfer the Board of Registration for Professional Foresters from the Department of Conservation to the Department of Business Regulation. (S. P. 399) (L. D. 1204)

Which were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

An Act to Revise the Fees for Service of Civil Process. (H. P. 1027) (L. D. 1258)

Comes from the House. Indefinitely Postponed.

On Motion by Senator Conley of Cumberland, Indefinitely Postponed, in concurrence.

#### Emergency

An Act Relating to Permits for Contract Carriers. (H. P. 577) (L. D. 725)

This being an emergency measure and having received the affirmative votes of 23 members of the Senate, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Orders of the Day

The President laid before the Senate, the First Tabled and specially assigned matter for May 16:

HOUSE REPORT — from the Committee on Election Laws — Bill, "An Act to Improve Election Laws and to Make Equal Application of Legal Requirements for Independents, Democrats, and Republicans in all Respects." (H. P. 898) (L. D. 1136) Ought to Pass

Tabled—May 14, 1979 by Senator Katz of Kennebec.

Pending—Acceptance of Report.

The Ought to Pass Report, Accepted, in concurrence, and the Bill Read Once.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I move the Rules be Suspended.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves the Senate Suspend it's Rules.

Is this the pleasure of the Senate?

It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, I understand the Senator from Washington, Senator Silverman, has an Amendment to offer. I move that the Bill be given its Second Reading at this time.

The Bill was Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Silverman.

Senator SILVERMAN: I present Senate Amendment "A" to H. P. 898, L. D. 1136, and move its passage.

The PRESIDENT: The Senator from Washington, Senator Silverman, now offers Senate Amendment "A" to L. D. 1136, and moves its Adoption.

Senate Amendment "A" (S-195) Read and Adopted. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the Second Tabled and specially assigned matter for May 16:

SENATE REPORT — from the Committee on Labor — Bill, "An Act to Prevent the Simultaneous Collection of Both Workers' Compensation and Unemployment Compensation Benefits." (S. P. 167) (L. D. 375) Leave to Withdraw

Tabled—May 14, 1979 by Senator Sutton of Oxford.

Pending—Acceptance of Report.

The Leave to Withdraw Report of the Committee, Accepted.

Sent down for concurrence.

The President laid before the Senate the Third Tabled and specially assigned matter for May 16:

Bill, "An Act to Clarify the Powers and Duties of the Office of Energy Resources." (S. P. 423) (L. D. 1294)

Tabled—May 14, 1979 by Senator Katz of Kennebec.

Pending—Passage to be Engrossed.

On Motion by Senator Katz of Kennebec, Retabled for 2 Legislative Days.

The President laid before the Senate the Fourth Tabled and specially assigned matter for May 16:

SENATE REPORTS — from the Committee on State Government — Bill, "An Act Pertaining to Employment Status of Unclassified Policy-Making Positions." (S. P. 371) (L. D. 1151) Report A — Ought Not to Pass; Report B — Ought to Pass as Amended by Committee Amendment "B" (S-173); Report C — Ought to Pass as Amended by Committee Amendment "A" (S-174)

Tabled — May 14, 1979 by Senator Conley of Cumberland.

Pending — Acceptance of a Report.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: I move acceptance of Report "A", the Ought Not to Pass Report.

The PRESIDENT: The Senator from Kennebec, Senator Ault, moves that the Senate Accept the Report "A", the Ought Not To Pass Report of the Committee.

The Chair recognizes the Senator from Arrostook, Senator Martin.

Senator MARTIN: Mr. President, I would request a Division so we could accept Report "B".

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President and Members of the Senate: I rise to speak in opposition to the pending motion. As the saying goes, "hope springs eternal", especially in me. So I would like as the sponsor of this bill, I'd like to explain its reasons for being here, and give you some background on the Legislation.

Some years ago the Legislature recognized that a new Governor to implement his programs, on which he or she had campaigned had to be accountable to the public, the Governor must have the authority to appoint persons to policy positions who would work cooperatively to carry out the Governor's programs. For this reason, the Legislature made all Commissioners terms coterminous with the Governor's and declassified most, if not all of the Deputy Commissioners, some positions at the third level, namely your Bureau Directors.

However, another look by another Legislative Committee revealed that many policy positions had been overlooked and still remained in the classified category. Last year there was a bill to declassify those several policy-making positions that were still classified. But in order to allay the fears of a few employees who would have been declassified or to protect others, who were friends, the State Government Committee provided in the bill, a clause that would grandfather all the positions being declassified for 4 years, or until 1983.

While I can appreciate the good intentions and the Christian motivation behind this provision it certainly does not provide for sound governmental policy, from an executive point of view. This bill came through the Legislature last year during the final days and as is usual and customary many Legislators were unaware of what was in the bill, and the 4 year grandfather provision.

I believe that the 4 years of job security is excessive protection and more security than the present office holders held before they were declassified as of the effective date of the bill, which would have been around September or October, if it were enacted. That had 1 signer, and of course, that report is now admittedly, academic.

Report "B", however, which is a much softer and is certainly is not an unreasonable approach. This report provides that positions will be grandfathered until July 1980, and further provides that they shall be entitled to an appointment to a similar position in the classified service. The Committee of Finance and Admin-

istration with the approval of the Governor and the full cooperation of all state employing authorities shall identify the most comparable position in the classified service that is vacant on or at the time or the loss of the appointment and for which the person is qualified.

The appointing authority for that position shall offer appointment to the position to the affected person who shall be appointed to that position subject to the personnel laws. I think that's pretty good protection for these people, who might or might not be asked to leave.

I know that probably the majority of you here have no reason politically to help or go out of the way to help our present Governor to carry out his policies smoothly and effectively. But to grandfather these important policy positions for 4 years will be the entire first term of this Governor's administration. I'm certain that some of you, someone of you would be speaking now in my stead had your candidate been elected.

I would say as a final note most of you having had management experience know that employees can be removed by two methods, the easy way and the hard way. The hard way needs no description, the easy way would be with Report "B". That's the sum total of what I have to say, and that's why I hope you will defeat the pending motion.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of accepting the Ought Not to Pass Report "A" please rise in their places to be counted.

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

17 Senators having voted in the affirmative, and 9 Senators in the negative, the Motion to accept the Ought Not to Pass Report "A" does prevail.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: Having voted on the prevailing side, I'd move reconsideration, and urge you to vote against me.

The PRESIDENT: The Senator from Kennebec, Senator Ault moves the Senate reconsider its action whereby it voted to accept the Majority Ought Not to Pass Report "A" of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I request the yeas and nays on the Reconsideration Motion.

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 by the Senator from Kennebec, Senator Ault that the Senate Reconsider its action whereby it accepted the Ought Not to Pass Report "A" of the Committee.

A Yes vote will be in favor of reconsideration.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Conley, Danton, Farley, Martin, McBreaity, Najarian, O'Leary, Pray, Trafton.

NAY — Ault, Chapman, Collins, Cote, Emerson, Gill, Huber, Katz, Lovell, Minkowsky, Perkins, Pierce, Redmond, Shute, Silverman, Teague, Trotzky.

ABSENT — Carpenter, Clark, Devoe, Hichens, Sutton, Usher.

A Roll Call was had.

9 Senators having voted in the affirmative,

and 17 Senators in the negative, with 6 Senators being absent, the motion to Reconsider does not prevail.

Sent down for concurrence.

The President laid before the Senate the Fifth Tabled and specially assigned matter for May 16:

Bill, "An Act to Modify the Dispute Resolution Process under the Labor Statutes." (H. P. 824) (L. D. 1035)

Tabled—May 14, 1979 by Senator Katz of Kennebec.

Pending—Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, it's been a long afternoon, and I want to thank the Chair for his unique contribution in shedding some light on the proceedings in here.

I offer Senate Amendment "C" under Filing S-198, and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now offers Senate Amendment "C" to L. D. 1035, and moves its Adoption.

Senate Amendment "C" (S-198) Read.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, this was a testy bill which sought, I think, very properly, to strengthen the mediation procedure.

After a rather fruitful meeting between representatives of the Maine Municipal Association, Maine School Management, Maine Teachers Association, Public Employees' Labor Relation Board, the sponsor of the bill, and other who happened to drop in, this amendment is the fruition of our efforts.

Senate Amendment "C" Adopted.

The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

On motion by Senator Pierce of Kennebec, adjourned until 1 o'clock tomorrow afternoon.