

MAINE STATE LEGISLATURE

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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

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

June 1, 1979

Senate called to Order by the President.

Prayer by the Honorable Roland L. Sutton of South Paris.

Senator SUTTON: Let us pray. Our Heavenly Father, we thank you for this day, and the opportunity it may bring. We ask only Thy guidance in the many decisions, great and small that we will make, that each would find approval in your eyes. Amen.

Reading of the Journal of Yesterday.

On motion by Senator Pierce 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 Provide for Licensing of Bottle Clubs." (H. P. 469) (L. D. 576)

In the House May 30, Passed to be Engrossed as amended by House Amendment "B" (H-562).

In the Senate May 31, the Minority Ought Not to Pass report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Adhered.

On motion by Senator Katz of Kennebec, Tabled for 1 Legislative Day, pending Consideration.

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

Non-concurrent Matter

Bill, "An Act to Promote Woodlot Cooperative Marketing." (H. P. 875) (L. D. 1082)

In the House May 30, the Bill Passed to be Engrossed.

In the Senate May 31, the Minority Ought Not to Pass report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted.

On motion by Senator Katz of Kennebec, Tabled for 1 Legislative Day, pending Consideration.

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

**Committee Report
House**

Ought to Pass

The Committee on Taxation on, Bill, "An Act Establishing the Municipal Cost Component for the Unorganized Territories." (H. P. 1465) (L. D. 1656)

Reports pursuant to Joint Order (H. P. 1400) that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

Which Report was Read and Accepted, in concurrence, and The Bill Read Once.

Under Suspension of the Rules, the Bill was Read a Second Time, and Passed to be Engrossed, in concurrence.

Sent forthwith to the Engrossing Department.

Communication

COMMITTEE ON ELECTION LAWS

May 31, 1979

The Honorable Joseph Sewall
President of the Senate
State House

Augusta, Maine 04333

Dear President Sewall:

The Committee on Election Laws is pleased to report that it has completed all business placed before it by the First Regular Session of the 109th Legislature.

Bills received in Committee	40
Unanimous Reports	31
Ought to Pass	7
Ought Not to Pass	12
Leave to Withdraw	5
Ought to Pass as Amended	6
Ought to Pass in New Draft	1
Divided Reports	9
Recommitted	1

Respectfully,

Senator Richard Pierce
Chairman

Which was Read and Ordered Placed on File.

Orders

Expressions of Legislative Sentiment recognizing that:

The City of Portland has been selected to receive the National Arbor Day Foundation's Tree City U.S.A. Award for 1979. . . (S. P. 588) is presented by Senator Najarian of Cumberland, cosponsored by Senator Conley of Cumberland, Representative Brannigan of Portland, and Representative Beaulieu of Portland.

The Maine Army National Guard has been ranked No. 1 in the nation and is now the best organization of its kind among the 50 states and the District of Columbia, the Virgin Islands and Puerto Rico. . . (S. P. 589) is presented by Senator Clark of Cumberland, cosponsored by Representative Pearson of Old Town.

The Town of Yarmouth has been selected to receive the National Arbor Day Foundation's Tree City U.S.A. Award for 1979. . . (S. P. 590) is presented by Senator Clark of Cumberland, cosponsored by Representative Jackson of Yarmouth.

Which were Read and Passed.
Sent down for concurrence.

Committee Reports

House

Ought to Pass

The Committee on Local and County Government on, RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1979. (Emergency) (H. P. 1447) (L. D. 1645)

Reported pursuant to Joint Order (H. P. 135) that the same Ought to Pass.

Comes from the House, the Resolve Passed to be Engrossed.

Which Report was Read and Accepted, in concurrence, and the Resolve Read Once.

Under Suspension of the Rules, the Bill was Read a Second Time, and Passed to be Engrossed, in concurrence.

The Committee on State Government on, Bill, "An Act Relating to the City of Bangor the State's Interests in a Portion of the Bed of the Penobscot River." (H. P. 528) (L. D. 650)

Reported that the same Ought to Pass.

Comes from the House, Bill and accompanying papers, Recommended to the Committee on State Government.

Which Report was Read. The Bill and accompanying papers, Recommended to the Committee on State Government, in concurrence.

Ought to Pass — As Amended

The Committee on Energy and Natural Resources on, Bill, "An Act to Establish Energy Efficiency Building Performance Standards for the State of Maine." (H. P. 522) (L. D. 666)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-536)

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

Which Report was Read and Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" Read.

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

Senator MARTIN: Mr. President, I'd like to offer Senate Amendment "A" to Committee Amendment "A" under Filing Number of S-278.

The PRESIDENT: The Senator from Aroostook, Senator Martin now offers Senate Amendment "A" to Committee Amendment "A" on L. D. 666, and moves its Adoption.

Senate Amendment "A" (S-278) Read.

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

Senator McBREAITY: Mr. President and Members of the Senate: I'd like to offer Senate Amendment "B" to Committee Amendment "A" under Filing Number of S-280, and move its Adoption.

The PRESIDENT: The Senator from Aroostook, Senator McBreaity, now offers Senate Amendment "B" to Committee Amendment "A" and moves its Adoption.

Senate Amendment "B" (S-280) Read.

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

Senator CONLEY: Mr. President, it was my understanding there were going to be some exemptions offered to this bill. I was unable to locate Senate Amendment "A." I'd like to know what Senate Amendment "B" might possibly exempt out?

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair.

The Chair recognizes the Senator from Aroostook, Senator McBreaity.

Senator McBREAITY: Mr. President and Members of the Senate: There were several exemptions, I guess I can read them: 'area' heating with fireplaces, stoves and wood burning radiant room heaters shall not be considered to be within the definition of condition floor area.

12. Non-residential buildings. Non-residential building means any building with a condition floor area in excess of 1,500 sq. ft. and which is not a residential building as defined in sub-section 16.

Another one is residential buildings means the structure designed and erected with between 1 and 10 dwelling units which is not more than 3 stories in height or has more than 7,000 sq. ft. and gross floor area.

Another one is a non-residential building which is intended for only occasional use may be exempted from the standards of the chapter."

On motion by Senator Katz of Kennebec, tabled for 1 Legislative Day, pending Adoption of Senate Amendments "A" and "B" to Committee Amendment "A".

The Committee on Business Legislation on, Bill, "An Act Concerning Notice of Right to Cure Defaults under the Consumer Credit Code." (H. P. 333) (L. D. 432)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-577).

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

Which Report was Read and Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" Read and Adopted, in concurrence. Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed, as amended in concurrence.

The Committee on Business Legislation on, Bill, "An Act to Allow Dealers to Restrict Hours during which they Will Accept Returnable Beverage Containers." (H. P. 69) (L. D. 75)

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

574).

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

Which Report was Read and Accepted, in concurrence and the Bill Read Once. Committee Amendment "A" Read.

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

Senator PIERCE: Mr. President, I now move adoption of Senate Amendment "A" to Committee Amendment "A" under Filing Number S-277.

The PRESIDENT: The Senator from Kennebec, Senator Pierce now offers Senate Amendment "A" to Committee Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-277) Read and Adopted. Committee Amendment "A" as amended, Adopted, in non-concurrence.

Under Suspension of the Rules, the Bill Read a Second Time, and Passed to be Engrossed, as amended, in non-concurrence.

Sent down for concurrence.

The Committee on Business Legislation on, Bill, "An Act Concerning Remedies under the Unfair Trade Practices Statutes." (H. P. 121) (L. D. 138)

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

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

The Committee on Business Legislation on, Bill, "An Act to Make Certain Changes in the Manufactured Housing Act." (H. P. 787) (L. D. 987)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-576)

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

The Committee on Business Legislation on, Bill, "An Act Relating to Determination of Refund Values on Beverage Containers." (H. P. 623) (L. D. 765)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-572)

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

The Committee on Business Legislation on, Bill, "An Act to Permit Store Owners to Limit the Hours During which they will Accept Returnable Beverage Containers and to Permit them to Limit the Number of Containers they will Accept from a Single Person or Group at One Time." (H. P. 66) (L. D. 74)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-573)

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

The Committee on Agriculture on, Bill, "An Act Relating to the Marketing of Potatoes." (H. P. 1315) (L. D. 1569)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-559)

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

The Committee on Transportation on, Bill, "An Act Concerning Certain Allocations from the General Highway Fund for the Repair of Certain Bridges in Baxter State Park." (Emergency) (H. P. 134) (L. D. 145)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-557)

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

The Committee on Health and Institutional Services on, Bill, "An Act Concerning Maine's Maternal and Child Health Care Program." (H. P. 1128) (H. P. 1505)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-566)

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

The Committee on Transportation on, Bill, "An Act to Provide for Staggered Registration for Motor Trucks." (H. P. 767) (L. D. 970)

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

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

The Committee on Business Legislation on, Bill, "An Act to Amend the Standard Valuation Law." (H. P. 728) (L. D. 915)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-578)

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

The Committee on Judiciary on, Bill, "An Act Concerning Abuse Between Family or Household Members." (H. P. 910) (L. D. 1133)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-571)

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.

Under Suspension of the Rules, the Bills were Read a Second Time, and Passed to be Engrossed, as amended in concurrence.

The Committee on Health and Institutional Services on, Bill, "An Act to Implement a Plan for the Prevention and Treatment of Alcohol Abuse." (H. P. 1206) (L. D. 1485)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-534)

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-585).

Which Report was Read, and Accepted and the Bill Read Once.

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

Senator KATZ: Mr. President I call the attention of the Senate to this Bill. The title really is not an indication of the content of the bill. It is not a plan for prevention and treatment. It is a plan for treatment.

I have been voting for so many years for so many bills for treatment. There comes a time I'm going to have to draw a completely personal line.

I ask again and again and again to see some prevention money for alcohol. Again and again and again I have to vote for treatment. I'm told that these needs are there right now. Where is the money for prevention.

We had one bill before us that was defeated in the other body. This is completely an appropriation Bill to St. Mary's Hospital in Lewiston, in the amount of \$300,000 for treatment. I ask the Senate in joining me today in sending back a message to our bureaucracy that sometime along the way we want some prevention. We want some prevention programs. We want to be a little daring. We want to try some things. Instead of constantly, constantly, constantly, paying for more expensive treatment programs.

As an expression of conscience, I move that this Bill be Indefinitely Postponed.

The PRESIDENT: The Chair recognizes the

Senator from Cumberland, Senator Gill.

Senator GILL: I understand the frustrations of the good Senator from Kennebec, but we do have people out there who require help right now. They are in the situation, I, too, would like to see some money put in for treatment. I think it's most important that we attack it from the area.

We have a unit in the Bangor area that is working very effectively. What this would do would be to allow a unit to start in the Lewiston area and hopefully, this would handle quite a bit of the problem there. We could get into treatment at sometime. I know the problem exists now. I feel, too, that prevention is the way to go, but we do have the problem. We have to admit it. We have to do something about it right now.

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

Senator CONLEY: Mr. President and Members of the Senate: I know how strongly the good Senator from Kennebec, Senator Katz, feels about the problems of alcoholism within the State. He is certainly very outspoken over the years that I've been a Member of this Body. But with respect to the piece of legislation that is presently before us, it is a program of planning. It is, as the good Senator from Kennebec, Senator Katz has stated a treatment program.

This program that is before us this morning is one that is designed very much like the program currently going on at the Eastern Maine General Hospital. Eastern Maine General Hospital in order for them to be able to put forward the program that is now in existence, and is having an extremely successful rate in the recovery rates of alcoholics, has because of the fact that the State had to put up front money to get the program going, is now receiving I believe, something like \$35,000 a year from the State with respect to payment to this program for those who cannot afford to pay it.

We all know Doctor Evans for those of us who have been involved in the treatment field. We know what an extremely success rate that's been taking place in Bangor, as Eastern Maine General, and what would happen at St. Mary's in Lewiston, to be honest with you, I come from the largest community of the State, we don't even have a program such as the ones that are going on in Bangor and the one that's being proposed here for St. Mary's in Lewiston.

The fact of the matter is eventually the State will be able to decrease its amount of appropriations because in 2 years or 3 years, at the latest, St. Mary's would become self-efficient itself through third party payment.

You know the Governor requested in his Part II budget, \$65,000 for the program at St. Mary's hospital in Lewiston. What that is, is primarily the training program itself for those individuals that have the problem with alcoholism.

I can't speak strongly enough or really long enough, speak of the fine success rate that's been taking place at Eastern Maine General, I know, Mr. President, your coming from the area can far more attune to that than I, but I've been there myself. The program that is going there is a program that is modelled after St. Mary's Hospital in Minneapolis, Minnesota. I know that ODAP last year sent out a contingent of people along with them, at their own expense.

I'm just so confident that this program is one we need. We need to get programs in the hospitals the programs are not just coordinated by the hospital itself. It's coordinated primarily, with something like 85 to 95% of people who are recovered through Alcoholics Anonymous who are Members of Alcoholics Anonymous. They set up therapy sessions of meeting with these individuals, putting them into group therapy, all types of successful different programs have been established.

If you want to really cut down. If you want to be able to help these individuals get back into society and become a contributing force to so-

ciety, then I suggest that you disregard the frustrations of the good Senator from Kennebec, Senator Katz, and support this bill. Because eventually you're going to see the hospitals opening up primarily and solely for treatment of alcoholics. They're not going to be pushing them down into detox centers.

The Director of ODAP will be closing some of these centers very shortly. In fact, we're concerned primarily today in the Appropriations Committee is faced with it, Title 20 Funds have now been cut off because of the so-called Hathaway Amendment, which was adopted 2 years ago, and Congress has not been reinstituted. Because of that, the Department of ODAP here has a loss or a short fall revenue which the State may have to come up with. This program is geared to assist in those areas.

I'm convinced as much as I share the philosophy of the good Senator from Kennebec of prevention. I think that there are all kinds of Federal Programs available today. Through NIAAA, through the Congress itself, it is appropriating additional monies this year for the services of alcoholic treatment that there can be some money brought into this state in the area of prevention.

I just think that to vote against this program today, would be a real set back for the State and the good job that it has done in trying to combat the problem.

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

Senator HICHENS: Mr. President and Members of the Senate: I have complete sympathy for people who have problems with alcohol, but again, like the good Senator from Kennebec I think we're approaching it from the wrong side. We need prevention programs. We've tried in the past to let the alcohol business pay for these programs, rehabilitation, etc. and it has been turned down time and time again. I don't think the taxpayers of Maine, especially those who do not drink, should have to pay for the rehabilitation of alcoholics or the cure for alcoholism.

A prevention program such as initiated in another bill which is now in a Committee of Conference, which promotes prevention of alcohol and drug abuse in our schools would start this on the right track with the young people who are mostly concerned and even though I did sign the report to make it a unanimous report and not cause dissention and a split report, I will go along with the Senator from Kennebec and vote to oppose it.

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

Senator GILL: Mr. President. I acknowledge that this doesn't attack the problem from the point of view of preventing before it begins, but it does prevent further deterioration of the people who are now alcoholics, and I think we ought to keep that in mind.

Those people are as Senator Conley did say go out into the community, they do work with people who are troubled and they do try to prevent it at that point. I do think that we can't just throw up our hands and say we've got alcoholics out there, we've got to try to do something to prevent any further deterioration of that problem.

Looking at the calendar, there is a conflict in the amendments. We have a Committee Amendment "A" and House Amendment "A" and I would ask Indefinite Postponement of Committee Amendment "A" and Adoption of House Amendment "A", because it would put the program under the State and the State would have control over it, and it was just an oversight in amending.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: I never anticipated that I would be speaking on this bill this afternoon. I think I want to display a little

dismay and also trepidation about this particular Bill, since this does pertain to the City of Lewiston. I do recall when the Governor had it in his budget message to us, but it is a sad state of affairs, when the sponsor or people who are concerned with this particular piece of legislation, don't have the common courtesy of informing the Senators from the City of Lewiston, both Senator Cote and myself, the scope and magnitude of this particular Bill. I don't know what these people are thinking about, but we're not dummies in the particular organization. I think it's incumbent upon them to let us know exactly what their intent and purpose is.

Now I know we are faced with many pieces of legislation in this body, but I think we should be made cognizant of some of the items that pertain to our municipality. The frustrations I display this afternoon are entirely different than the good Senator from Kennebec.

I concur wholeheartedly with the remarks made by the Senator from Cumberland, Senator Conley who seems to be very much aware of all the ramifications of this legislation. I want to make it perfectly clear, at least for myself, and I'm sure for Senator Cote, that if we were made aware of this particular legislation by the proponents, or the sponsor of the bill, we could articulate this thing a lot more clearly and express the point of view of our constituency in that area. Unfortunately these people did not find it in their heart to inform us about this, and I find this very upsetting and extremely frustrating.

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

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: I also am the signer of the unanimous committee report, am on the unanimous committee report, I apologize, perhaps it was my fault, I apologize to the Senator from Androscoggin, Senator Minkowsky, in not informing him of the rather narrowed scope of this particular bill.

I think I agree with everything that has been said here this afternoon except the idea of killing this bill off, either out of a sense of frustration, because we didn't know about it or a sense of frustration that it isn't money going into prevention.

There is as the good Senator from York, Senator Hichens has pointed out, there is presently a bill, between the bodies, dealing with a rather large sum of money going into prevention, going into the schools, I happen to be the co-sponsor of that along with the good Senator from York, Senator Hichens.

The realities of the whole thing is, we have a problem with alcoholism in this country and the State. We have a problem today. The problem exists. If you throw this Bill out and put all of your efforts for this session of the Legislature into prevention, you are in effect cutting loose to the winds, to whatever, people who presently suffer from the problem.

As the good Senator from Cumberland, Senator Conley pointed out, this bill is modeled after the Kelley-Six program at Eastern Maine Medical Center. Kelley-Six program is one of the most successful programs, as I understand it, in the country. Kelley-Six is a program that I searched for a way last weekend to get a family member into. It's a very, very good program. This bill doesn't affect my area, but this bill, if it passes, and if it's funded can help a lot of people in the Central Maine area. I would just really hope that we could find a better reason to kill this bill than the reasons that have been articulated thus far, that it doesn't deal with the different aspect of the problem.

Granted there are many aspects to this problem, but these two prevention and treatment are two separate, distinct aspects of the same problem and simply by killing this bill, don't think we're going to send any message to anybody, that we ought to concentrate on prevention or anything else. I think all we are doing is

sending a message to the people in the Central Maine area, who have this problem, that we're really not going to consider you this particular time. So we are very much opposed to the pending motion.

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

Senator KATZ: I'd like to tell the Senator from Aroostook, Senator Carpenter, that I heard that speech in the 101st Legislature. I heard that speech in the 102nd Legislature, I've heard that speech every Legislature I've been a member of. If the Senate doesn't think that we're doing anything for treatment this time, I suggest that he hasn't looked at the current services budget, and he can see some awful big figures for treatment.

There isn't enough money in the world for us to meet the health needs of our people if we continue dealing only with sick people, and that's what we're doing. If you think that we could by national health insurance or third party payment, or anything else that we can deal with the extraordinary incident of health costs in the United States, you are just barking up the same tree that Senator Kennedy is barking under.

Until such time as this state and this country understand that a change of life style, through prevention, is the only way that we are going to be able to afford avert human suffering. This is a residential treatment program and it's going to be a great thing for the people who benefit from it, but it has nothing to do with the kids in the sixth grade; the seventh grade; the eighth grade; the 21 year olds; the 25 year olds, who maybe enroute to becoming clients. You just can't keep up with it.

Alcoholism is rampant and growing in the State of Maine. What are you going to do, buy some more band-aids in the 109th? And go home and feel virtuous that you've done something? This is \$300,000 from a very limited budget, and I for one want \$300,000 to go into treatment. If you feel that there is enough money in our state treasury today to deal with all the L. D.'s on the Appropriations Table, and the Current Services Budget, and the Supplemental Budget, you're either an awful lot better at arithmetic than I am or you are not a realist. I request a Division.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator Cote.

Senator COTE: Mr. President and Members of the Senate: I was amazed when I heard that this bill existed today. As a former inmate of St. Mary's Hospital as this legislature was convened, nobody made me aware that this was going to happen. I'm sorry that it has, in a way, and not being informed I guess I cannot, intelligently, debate the merits or the demerits of this bill. But like many, many other bills that we have before us, that have survived, have landed on the appropriation table, I would imagine at that time, if and when the money is available, it would be taken into consideration.

So I hope today that we would not Indefinitely Postpone this bill, give it a chance to survive. Maybe some of us would be able to get more information and be able to enlighten this body a little bit more on what's going on. If we have that opportunity, and we feel that it's not merited, we shall support this legislation. If we feel that it's not merited, I would be one of the first ones to oppose it because I've not been known as a member of this legislature in the past 27 years, to spend money frivolously. I vote against taxes and I vote against spending. If this is not needed I can promise you at that time that I will vote against it, but for the time being, I would ask the members of this body to please let this bill stay alive for now. Thank you very much.

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

Senator O'LEARY: I find it kind of incongru-

ous that the good Senator from Androscoggin, Senator Cote, today would be speaking for a parochial measure that costs \$300,000, whereas yesterday, he was opposed to one for the board homes that cost \$125,000. However, I am supportive of his position here today.

I think I heard it said earlier, that there is a Committee of Conference on a prevention program on our schools, in drug abuse and alcohol. I listen to comments of the good Senator from Cumberland, Senator Gill and the good Senator from York, Senator Hichens, and I can't relate to letting these people who have a problem become just plain derelicts. So therefore I would oppose a motion, and I would suggest to the good Senator from Kennebec, Senator Katz, use all the power and influence at his command to get this Conference Committee to report out a committee report, that even if it suggests a tax of two and a half million dollars for prevention, I would support it. I am opposed to the motion to Indefinitely Postpone.

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

Senator CARPENTER: Mr. President, and Ladies and Gentlemen of the Senate: In response to the remarks that my good friend from Kennebec, Senator Katz, I also am guilty of feeding the bureaucracy and feeding the problems between the prevention people in the Department of Education, and the treatment people at ODAP and there is jealousy there, I'm certain that's what caused the decline in this other bill. I didn't kill that other bill. That was killed somewhere other than in this body, and I've done the best I can to see that it stayed alive through a Committee of Conference Report, and I think that's what we're here for.

I wasn't there in the 101st Legislature, I wasn't even there in the 103rd Legislature, but all I'm saying is, that there are two separate parts of the same problem. Two separate symptoms. Let's consider them that way. Let's not throw out the baby with the bath water; because we happen to be upset, because there isn't enough money to go around, and I don't disagree with the good Senator on that; because we're upset; because there is another bill that didn't pass. I think we can hook bills together all session long, if we want to most of the problems, especially the social problems in the State, and I don't disagree with the Senator on the whole idea of medical care, and medical care costs, and all those other things. We've got to get more into the area of prevention, but while we are working on prevention, we can't ignore treatment and that's what we're doing if we kill this bill today. Thank you.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Kennebec, Senator Katz to Indefinitely Postpone L. D. 1485, 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 15 Senators in the negative, the Motion to Indefinitely Postpone does not prevail.

Committee Amendment "A" Read.

On motion by Senator Gill of Cumberland, Committee Amendment "A", Indefinitely Postponed, in concurrence.

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

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

Under Suspension of the Rules, the Senate voted to consider the following:

Second Reader

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

Senate

Bill, "An Act to Permit the Maine State Housing Authority to Issue Certain Bonds not Backed by the Moral Obligation of the State and to Raise the Authority Bonding Limit." (S.

P. 585) (L. D. 1648)

Which was Read a Second Time.

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

Senator NAJARIAN: Mr. President and Members of the Senate: I thank the President and Members of the Senate for extending me this courtesy, I do have to leave very soon to catch a plane out of Portland.

I wanted to explain this bill. I see amendments coming to change the amount of the bonding limits. I want to have an opportunity to explain the legislation to you before I left.

This is a redraft, L. D. 1648. The legislation proposes to do approximately 3 things. One is the Maine State Housing Authority essentially has 2 programs. One is a mortgage purchase program for single family homes, which is an arrangement they have with the Banks in Maine, whereby they buy up mortgages, of families with incomes of less than \$13,750. They can finance their homes at interest rates about 2% below the current market level. This affords families an opportunity to buy their home, which they ordinarily wouldn't be able to, with interest rates now at approximately 11% or 11½.

The original bill asked for no limit on this and to remove the moral obligation. The draft before us has put a limit of \$200,000,000. The moral obligation of the State is removed. I know \$200,000,000 sounds like a tremendous amount of money. It is, but the Housing Authority has talked with the participating banks and they feel that they have this amount of commitments from the banks for the next 2 years.

The reason for removing the moral obligation is this. When the Housing Authority first was initiated this was a new program across the nation. In order to achieve investor confidence, they had to have the bonds backed by the moral obligation of the State.

At the present time, the Housing Authority doesn't need it because they have a track record in this that's well managed. They have no problems in marketing their bonds to investors. It's a disadvantage of the State to have the moral obligation because then this is counted as one of the State's liabilities, it doesn't need to be. So it's an advantage to the State to remove the \$200,000,000 from the moral obligations, it's not needed by the Housing Authority.

I must say that they have checked word for word on this legislation through the Rating Agencies, the Director of Finance and Administration. Rod Scribner has been down and talked to them, the State Treasurer and so forth. So every word has had clearance from their bond counsel and from the Moody's Rating Agency.

The second part which raises their bonding limit to \$50,000,000 deals with the second program that the Housing Authority conducts. That is their multi-family projects. This is a rental assistance program. It's not a home ownership program. It's a rental assistance program for low income families and the elderly. Primarily in the State they've been building units for the elderly because housing for the elderly is much more acceptable in communities than is housing for low income people.

Under this arrangement the federal government guarantees to pay 75% of the rent for every tenant in that unit for the next 40 years. They base their \$50,000,000 request on units that they expect to get from HUD over the next 2 years. I think it's 400 and something in 1980 and another 400 or so in 1981. This is based on their past experience with HUD.

If we don't get them some other state is going to get them, because these are out there. The federal government is offering to do this. It's money that comes into Maine that we wouldn't have otherwise. It does provide for decent housing, primarily for the elderly, although it is also available for low income families.

They were here last year and asked for \$150,000,000 bonding authorization. We finally gave them \$75,000,000 primarily because of reservations with the Governor's Office who didn't really want to give them anything, which would have meant they would just have to close up shop. We finally settled on \$75,000 and that's why they are back in here again because they knew that that wouldn't be enough to carry them through.

So they're here requesting another \$50,000,000. The authorization that they have had is currently all committed. It's committed to projects and they know exactly where in the State they're going. So if we don't grant them the \$50,000,000 they will come to a halt. That aspect of the program will just stop. If we give them \$25,000,000 they'll have enough for 1 year and they'll be back again next January. We'll be going through this same exercise.

My own personal feeling is that if we require the Housing Authority to come in every 2 years, to again be reviewed by the Legislature, I think that's sufficient and it saves them time to pay attention to managing these projects and the mortgages they do have. I think that's also to our advantage. But every 2 years they come in. Their policies are reviewed and what they're doing and so forth. I think that's adequate protection for the State. I would hope that you would accept this unanimous report of the Committee. Believe me they've had many, many working sessions on this. The members of the Committee have raised some of the same questions that you are now raising, or will be raised on both the limits.

But we feel like they could justify and have cleared with Moody's on the \$200,000,000 that they didn't need any limit, because, as a matter of fact, they never issue these bonds until they have the commitments with the banks and everything is all lined up. So it's not as though they go out and issue the bonds and they have \$200,000,000 lying around over there to play with and nothing to do with it. Obviously they can't market them unless the mortgages are there. It has a good track record. It's well managed. It's got one of the finest records of any State Housing Authority in the nation. Thank you very much for extending me the courtesy.

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

Senator REDMOND: I present Senate Amendment "A" to S. P. 585, L. D. 1648, Filing Number S-284 and move its Adoption.

The PRESIDENT: The Senator from Somerset, Senator Redmond, now offers Senate Amendment "A" to L. D. 1648 and moves its Adoption.

Senate Amendment "A" (S-284) Read.

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

Senator MARTIN: Mr. President and Ladies and Gentlemen of the Senate: I rise this afternoon to oppose Senate Amendment "A". I would point out and I feel very sorry that our Chairman of the State Government Committee is not seated in his seat, because he would probably be the first one to inform this body that we have held 4 to 5 workshops on this bill. Here again it's a unanimous bill. We have agreed on the figure. We've spent many, many times with Housing, with Industry, and other things. I would request a Division, Mr. President.

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

Senator NAJARIAN: Mr. President, I just would like to tell the Senate what this amendment does. It reduces the \$50,000,000 bonding authorization increase for the rental unit for the elderly from \$50,000,000 to \$25,000,000 which will mean that if we reduce it to \$25,000,000 they will only have enough for the year 1980 and nothing for 1981. They will probably be back again in January.

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

Senator PIERCE: Mr. President and Members of the Senate: I had a chance earlier today to discuss the amendment with Senator Najarian. I think probably we both were a little bit surprised that we're on the same side of some Housing Legislation. If there was any potential for differences between us, it might well have come in the single family units, where there is \$200,000,000 worth of bonds. That part of the bill I do support. I think it's needed and it probably over the next few months is going to be needed even more.

However, in the morally obligated bond part, I think it's proper to reduce from \$50,000,000 to \$25,000,000 because you have to keep in mind that the Authority has already \$20,000,000 left from a previous bond issue. Now this is money which they are in the process of committing. So really you're talking about \$45,000,000 with the amendment.

I think it's a good amendment. I think we should keep a tight string on the Housing Authority. If they do have to come back to us for more, then so be it. I think giving them the \$45,000,000 really is a good reasonable figure. I hope that the Senate would support the amendment.

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

Senator CONLEY: Mr. President, it's my understanding that the money that is left in the Authority at the present time has already been committed to units. It would seem to me, what we're doing really is just reducing by \$25,000,000 for no real good purpose.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Adopting Senate Amendment "A", 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 14 Senators in the negative, Senate Amendment "A" Failed of Adoption.

The Bill, Passed to be Engrossed.
Sent down for concurrence.

The Committee on Agriculture on, Bill, "An Act to Amend the Law Relating to the Maine Milk Tax Committee." (H. P. 206) (L. D. 254)

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

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto (H-564)

Which Report was Read and Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" was Read. House Amendment "A" to Committee Amendment "A" was Read and Adopted, in concurrence. Committee Amendment "A" as amended by House Amendment "A", thereto, was Adopted, in concurrence.

Under Suspension of the Rules, the Bill Read a Second Time, and Passed to be Engrossed, as amended, in concurrence.

Ought to Pass in New Draft

The Committee on Judiciary on, Bill, "An Act to Adopt the Uniform Child Custody Jurisdiction Act." (H. P. 1057) (L. D. 1380)

Reported the same Ought to Pass in New Draft under Same Title (H. P. 1456) (L. D. 1649)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed.

Which Report was Read and Accepted, in concurrence, and the Bill, in New Draft, Read Once.

Under Suspension of the Rules the Bill was Read a Second Time.

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

Senator PIERCE: Mr. President, I present Senate Amendment "A" under Filing S-276 and move its Adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce now offers Senate Amendment "A" to L. D. 1649 and moves its Adoption.

Senate Amendment "A" (S-276) Read.

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

Senator CONLEY: Mr. President, I wonder if the good Senator might explain the amendment?

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President and Members of the Senate: It's my understanding that it's merely a technical amendment, and Senator Collins has a similar technical amendment added to the Bill now. There is no substance to it.

Senate Amendment "A" Adopted.

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

Senator COLLINS: Mr. President, I submit Senate Amendment "B" to this Bill and move its Adoption under Filing Number 287.

The PRESIDENT: The Senator from Knox, Senator Collins, now offers Senate Amendment "B" to L. D. 1649 and moves its Adoption.

Senate Amendment "B" (S-287) Read and Adopted.

The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

Under Suspension of the Rules, there being no objections, all items previously acted upon were sent forthwith.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Establish a Maine Labor Relations Law." (H. P. 1269) (L. D. 1551)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-538).

Signed:
Senator:

PRAY of Penobscot

Representatives:

WYMAN of Pittsfield

TUTTLE of Sanford

BEAULIEU of Portland

MARTIN of Brunswick

McHENRY of Madawaska

BAKER of Portland

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

Signed:
Senators:

LOVELL of York

SUTTON of Oxford

Representatives:

FILLMORE of Freeport

CUNNINGHAM of New Gloucester

DEXTER of Kingfield

LEWIS of Auburn.

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-538) as amended by House Amendment "A" (H-570), thereto.

Which Reports were Read.

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

Senator SUTTON: Mr. President, I'd move the Senate Accept the Minority Ought Not to Pass Report.

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

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

Senator PRAY: Thank you Mr. President. Mr. President and Members of the Senate: The Legislation that now lies before us addresses a problem which exists in Maine and which has

received a great deal of publicity. I don't think it is really necessary to go into great detail as to why this Legislation has been introduced at this time.

I would like to address the area of which the bill does address and that is the agriculture area. It's third on the list of the basis of our economy and over 17,500 individuals in the State are classified as farm workers or agricultural workers.

This bill as amended through the Committee Amendment and the House Amendment, addresses that problem which I prefix my remarks by, as to those problems which have received a great deal of publicity in the very short past. Maine Times and a number of daily newspapers ran a number of articles to address the problem, and I think it is at this time we should address it.

I would like to read the purpose of this bill, so that there would be an understanding of the desire by those of us who support it that wish that we would not accept the Minority Ought Not to Pass. "It is the purpose of this chapter to provide a mechanism whereby the management and labor of large agricultural concern may meet, bargain and peacefully arrive at a more humane and productive working condition."

I think that it is a shame that in some areas of this State, that we are allowing employers to hire individuals and to have them work in the conditions that they are presently working in. There are a number of accusations and charges that went back and forth, a number of court cases which, in most instances, came out on the side of the employees, and this legislation will address that, and I think will solve the problem which we have with a few of our employers who are giving all employers a bad name.

Mr. President, I request a Roll Call on the Motion to Accept the Minority Ought Not to Pass Report.

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 Oxford, Senator Sutton.

Senator SUTTON: Mr. President, just briefly because as the good Senator from Penobscot, Senator Pray said, I'm sure everyone is aware of the subject we're discussing. I would just like to bring to your attention a couple of facts.

This is a problem that is predominantly in one area. We have addressed in some other legislation that has been recently passed by this body some of the problems, such as Child Labor and a Labor Law that will protect children in Agriculture.

The NLRB years ago exempted Agriculture, and did it very wisely. Collective Bargaining certainly has its place, one of the precepts of it is equalization of opportunities of both management and labor to get their position emphasized through in the case of the unions or labor, or strikes or in the case of management lockouts.

In the case of Agriculture with a perishable product it makes it absolutely impossible for the farmer or the management to be in the position to do anything, but do what labor asks them to, in the event of a strike during the harvest season. I'm sure this is one of the main reasons that this was left out. I would certainly urge you not to change what's been basically the law of the land.

There are 6 states right now that have anything at all in this regard. You're probably aware of some of the problems in California with the lettuce and grapes. I would urge you to

accept the Ought Not to Pass Report, and not do any pioneering in an area that could be very dangerous.

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

Senator PRAY: Mr. President and Members of the Senate: The argument of the perishableness of the agriculture industry and what this Legislation may address, I think is two completely different situations.

I'm sure that it could be agreed to as to the time that issues would come up and be bargained for, if an organization does exist, and organized labor unit within an agriculture area, which is addressed by this bill, which only deals with agriculture areas exceeding 4,000 acres. So we're talking about the very large employers. We're talking about a very small part of the State, but where the problem does exist, and presently exists.

I think to be clearly understanding of where labor organizations are going to be formed, is usually where there is an unrest to start with. Where there are problems between the employees and employers. I think in this one instance that we may be addressing the situation right on the head, of where the working conditions are poor, very poor. Where, I believe it was the Human Rights Commission went in and asked for changes because of those conditions, and that some of those changes still have not been met.

That's the situation we're talking about. We're not talking about perishable goods. We're talking about giving the individuals of this State, in this instance the laborers, very hard working people, who deal with the ground, the earth which we all survive from. We're trying to address the situation to provide them with decent working conditions, decent working conditions. I would hope that we would reject the present motion.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Lovell.

Senator LOVELL: Mr. President, and Ladies and Gentlemen of the Senate: I agree certainly with Senator Sutton on this bill. I think it's a bad bill. I think the farmers of the State of Maine as a whole are very poor. They aren't rich farmers in Maine. Their crops in Aroostook County haven't been doing too well lately.

If we get to unionize the farmers, strawberries, we'll say for example, only last for 3 weeks; so they decide to strike when the strawberries are ripe, what's going to happen? The strawberries are going to drop off on the ground.

Well, potatoes. If they strike and say we want 50¢ and hour. We're not going to dig the potatoes. So down go the potatoes, down into the ground. We don't want that. My soul, let's vote against this bill.

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

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate. I didn't intend to debate this bill, but since the good Senator from York, Senator Lovell touched on the sacred area of Maine potatoes, let me assure him this bill, unless we have a real boom in the potato business, wouldn't affect anybody in Aroostook County with the amendment that's been tacked on it.

I think we've got a real problem in a couple of areas of the State, a problem that's got to be addressed. I worked in the potato fields all my life. If this type of situation were going on in the potato fields with the children and all, I would be one of the first people to stand here and support it, even though it did happen to affect my area.

But it is not, and this bill would not affect them. I agree that the Maine farmer is having a hard time. As far as the particular problems addressed by this piece of Legislation, I don't think we've got to worry about bankruptcy. I don't think we've got to worry about Farmer Home Loans. I don't think we really have to

worry about many of the other things that most farmers, keep in mind now, that there's a difference between farmers and some other organizations that happen to grow crops. There's a big difference. There's a big difference. I don't think this bill will allow farmers or farm workers or anybody else to organize and unionize and start a Cesar Chavez type of situation here in the State of Maine. Although from the standpoint of the individual family farmer, I wish nothing more than the individual family farmer in the State of Maine could organize. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the Motion by the Senator from Oxford, Senator Sutton that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

ABSENT — Danton, Emerson, Najarian.

A Roll Call was had.

17 Senators having voted in the affirmative, and 12 Senators in the Negative, with 3 Senators being absent, the Motion to Accept the Minority Ought Not to Pass Report in non-concurrence, does prevail.

The Chair recognizes the Senator from York, Senator Lovell.

Senator LOVELL: Having voted on the prevailing side, I'd ask for Reconsideration, and hope you'll vote against me.

The PRESIDENT: The Senator from York, Senator Lovell, moves the Senate Reconsider its action whereby it accepted the 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

The Majority of the Committee on Election Laws on, Bill, "An Act to Provide Notification to Candidates of the Requirement to File a Campaign Report and to Provide the Necessary Forms." (H. P. 661) (L. D. 821)

Reported the same Ought Not to Pass.

Signed:

Senator:

PIERCE of Kennebec

Representatives:

SEWALL of Newcastle

NADEAU of Lewiston

BERRY of Buxton

SMALL of Bath

TIERNEY of Lisbon

HALL of Sangerville

STUDLEY of Berwick

WENTWORTH of Wells

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-539).

Signed:

Senator:

FARLEY of York

Representatives:

BENOIT of South Portland

GOULD of Old Town

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 Public Utilities on, Bill, "An Act to Permit Municipal Water Departments and Quasi-municipal Water Districts to Provide a Contingency Reserve." (H. P. 1132) (L. D. 1400)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-521)

Signed:

Senators:

DEVOE of Penobscot

COLLINS of Knox

TRAFTON of Androscoggin

Representatives:

DAVIES of Orono

VOSE of Eastport

NELSON of Portland

CUNNINGHAM of New Gloucester

REEVES of Newport

BROWN of Livermore Falls

LOWE of Winterport

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

Signed:

Representatives:

BERRY of Buxton

McKEAN of Limestone

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-581), thereto.

Which Reports were Read.

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

Senator CONLEY: Mr. President, I look at this Bill and I'm a little bit amazed, primarily because of the fact that we're presently discussing in this session, over the last few days, setting limits on spending at both the county level and the Constitutional Amendment Proposal to establish spending limitations on the State Level.

I see a bill before me that no citizen in this State has any control over. That's dealing with Public Utilities. Now I realize we're just dealing with Municipal Water Departments and Quasi-Municipal Water Districts. But it seems to me if there's anyone that needs a lid put on them in this State, it is definitely those utilities that come under the Public Utilities Commission.

It might be wise for us to consider amending one of these bills we have coming down the pike and make sure that if we're going to bring spending under control and if we want to really be concerned about the consumer in this State, then we draft up an amendment and perhaps hold up the bill when it's a little further on down the road and make sure the Utility Companies are put under.

Mr. President, I cannot for the love of me see us building in a 5% Contingency Reserve for Water Districts all across this State, when none of us know exactly what the financial conditions are with respect to those Water Districts.

I know that in my area, for example, that we have a Sewer User's Charge that is presently putting people out of their homes. Yet we've got a bill here that wants to allow them to build in a 5% Contingency Reserve on top of that. That makes me sick! I move the Indefinite Postponement of this bill, Mr. President.

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

Senator KATZ: Mr. President, I hope the Senator will excuse my confusion. Is it possible we're talking about L. D. 1400, which is the bill signed by such friends of Utilities as Davies, and others?

The PRESIDENT: The Chair would answer the Senator in the affirmative.

The Chair recognizes the Senator from Cum-

berland, Senator Conley.

Senator CONLEY: Mr. President, that's what happens when you get people stuck on these Committees too frequently. They keep going back and every so often they have a bad day. This was their bad day, obviously. I even apologize for one of the angels from Androscoggin County, the good Senator Trafton.

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

Senator DEVOE: Thank you, Mr. President and Members of the Senate: I would like to request the Minority Leader to read Committee Amendment "A" which has a Filing Number H-521.

It specifically does not relate to sewer districts, that the good Senator from Cumberland just referred to. It refers to Municipal Water Departments or Quasi-municipal Water Districts. It gives discretion to the commission in setting rates to provide for a contingency reserve fund. If the utility shows evidence satisfactory to the commission that a contingency fund is just and reasonable.

You then go on to the House Amendment. I believe there is extra protection added by House Amendment "A" to Committee Amendment "A", which has a Filing Number H-581 because it provides that any funds collected which exceed the limitation set out shall be transferred to the utility's sinking fund. It further provides if there is no sinking fund, that the excess will be returned to the customers of the utility in the form of rate adjustments on the customers' future utility bills.

There certainly was some testimony at the hearing that small water districts are facing unexpected charges, which cause problems in their operating budget. It was the feeling of the committee after considerable discussion on this matter, that it might be just and reasonable to give to the Public Utilities Commission the right to establish a Contingency Fund up to 5% of the value of their operating revenues to cover these contingencies.

I would like to urge the members of the Senate to vote against the pending motion of Indefinite Postponement. Thank you very much, Mr. President.

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 L. D. 1400, 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 Indefinitely Postpone 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. House Amendment "A" to Committee Amendment "A" Read and Adopted, in concurrence. Committee Amendment "A" as amended by House Amendment "A", thereto, was Adopted, in concurrence. Under Suspension of the Rules, the Bill was Read a Second Time and Passed to be Engrossed, as amended, in concurrence.

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Amend the Tree Growth Tax Law." (H. P. 1115) (L. D. 1244)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-517).

Signed:

Senator:

CLARK of Cumberland

Representatives:

POST of Owl's Head

BRENERMAN of Portland

LEONARD of Woolwich

KANE of South Portland

WOOD of Sanford

TWITCHELL of Norway

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "B" (H-518)

Signed:

Sensors:

CHAPMAN of Sagadahoc

TEAGUE of Somerset

Representatives:

CARTER of Bangor

MARSHALL of Millinocket

IMMONEN of West Paris

COX of Brewer

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendments "A" (H-540) and "B" (H-542), thereto.

Which Reports were Read.

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

Senator TEAGUE: I move we Accept the Minority Report and would speak briefly.

The PRESIDENT: The Senator from Somerset, Senator Teague, moves that the Senate Accept the Ought to Pass Report, as amended by Committee Amendment "B".

The Senator has the floor.

Senator TEAGUE: The Taxation Committee should be commended for the time spent studying the Tree Growth Tax Law. At the public hearing the Committee listened to testimony until 9:20 in the evening. We also spent three complete work sessions before the two committee reports were finally drafted. Last week I had a printout distributed to each member of the Senate and I hope you have kept it for today.

Committee Amendment B makes the following changes in the Tree Growth Tax Law:

1. It tightens up the definition of "forest land" to require a sworn statement from the landowner establishing that the landowner is engaged in the business of selling or processing forest products.

2. It eliminates the mandatory 500 acre classification that must be under the Tree Growth Tax Law.

3. Land within 250 feet of salt water will be excluded from the Tree Growth Law.

4. The State Tax Assessor may set growth rates by region instead of county.

5. In the Tree Growth Formula the stumpage rate will be set annually by the State Tax Assessor instead of biennially. Also the discount factor will be dropped from 20% to 10% until 1982. After 1982 the State Tax Assessor will adjust the discount factor every two years.

6. Reimbursement to towns will be 35% of the tax shift. Reimbursement is determined by using undeveloped acreage valuation and Tree Growth valuation with adjustment for school finance subsidy. The cost of this 35% reimbursement will be \$500,000.00 and is already funded in the Part I Budget, from the General Fund.

Committee Amendment B is a fair compromise for the towns of Maine and is also fair for the forest industry in Maine.

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

Senator CLARK: Thank you, Mr. President and Members of the Senate: My Assistant Minority Floor Leader is coercing me into standing and speaking at this moment.

I am interested in hearing what he has to say, you can see that the Committee on Taxation has indeed worked to report out something which incorporates as many of the concerns as had been expressed, at what we consider a marathon session before a public hearing of all Tree Growth Tax Bills, that we held downstairs in room 228 a month or so ago.

You can also see that I am the sole Senate signer of Report "A". It may interest you to know that the same reasons that I supported a previous bill which was reported out in similar, yet divided fashion from the Committee on

Taxation, those same factors which prompted me to sign out as you see before you.

The issue I guess, can be refined to one of reimbursement. When Maine establishes policy of tree growth, large numbers of acreage was placed immediately in tree growth. It has become increasingly fashionable for those fortunate landowners who pose the required numbers of 10 acres to place their acreage in Tree Growth. Which has resulted in a rather magnificent tax shelter for the owners of those properties and an amazingly huge, humongous, as my students would say, tax shift to residential property owners.

It is Report "A" which addresses the need of reimbursement of municipalities. Report "A" provides for reimbursement, as you see on the comparison sheet as distributed by Senate Chairman Teague, of 100% in a graduated form, to the municipalities for the tax loss which they experienced as a result of Tree Growth.

It also establishes a Severance Tax and a Severance Tax Fund, which is a dedicated fund, from which these payments to municipalities will be funded rather than the General Fund.

It will also I believe, Report "A" I mean and not Report "B", divert what is considered to be a very real citizen initiative from the taxpayers of Maine to repeal the Tree Growth Tax Law. This initiative is supported by large numbers of residential property owners, who are not privy to those large number of acres so that they can take advantage of Tree Growth Tax. In other words they are getting tired of assuming the burden and the tax shift as increasing number of acres within our municipalities across the State are placed in Tree Growth.

I am supportive of the concept embodied in Tree Growth. I think it's needed by the Forest Products Community. I think it's needed for all of those opened spaced reasons. I also think that those people who enjoy Tree Growth and the privilege attached thereto, should be responsive to responsible reimbursement to the municipalities.

Committee Amendment "A", as I've mentioned, provides for Severance Tax Provisions which will provide for reimbursement of all tax losses to Maine municipalities due to lands being classified under the Tree Growth Tax Law, without any appropriations from the General Fund. Reimbursement for 1979 has already been included, as you know, in the Part I Budget.

This minimal Severance Tax imposed by this amendment presents a bearable burden on the forest landowner only after he or she has harvested timber, not during that long interval between harvest where little revenue is generated from the land. Thus, preserving the land and providing the tax shelter that is needed to preserve and maintain that land.

Simply increasing the existing productivity valuations of land classified under the Tree Growth Tax Law would result in increased tax burdens on forest lands without a corresponding increase in income from the forest land, unless the owner of the forest land harvests large volumes of timber at frequent intervals.

Please note on your comparison chart that there's a ceiling of 500 cords. The forest landowner can predict his or her Severance Tax burden at the time that they harvest their timber. The value of the timber harvested is irrelevant in the administration of the Severance Tax, thus lowering and eliminating costs.

The taxes imposed against the volume of timber rather than against the value of the timber harvested. Thus lowering the tax for that person so taxes.

The exclusion, as I've mentioned of the many forest landowners who harvest less than 500 cords encourages the retention of many acres of Maine land under Tree Growth in open space and free from the developmental pressures that many landowners in Maine are experienc-

ing currently.

Those major forest landowners subject to the Severance Tax provisions are in a better position to react to the additional tax burden imposed by the provisions than the smaller forest landowner who has little choice in the ultimate disposition of their harvested timber.

Timber Harvest Reports and Information is already an ongoing responsibility of qualified professional foresters in Forestry Personnel in the Maine Forest Service. For these reasons, I have signed out Ought to Pass in the Majority Report, and would urge defeat of the pending motion and acceptance of the one which may follow.

The PRESIDENT: 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 realize this is a very complicated, very complex issue, but I've got a couple of questions that I wish somebody could answer for me on the whole area of Tree Growth. Tree Growth is necessary I guess.

I'm very concerned that if the Maine Legislature doesn't take significant action on the issue of Tree Growth this year, we might through the tax revolt or whatever you want to call it, that Senator Clark alluded to, we might lose the whole thing in the very near future. I really don't think the Forest Products Industry wants that.

I'm very concerned because as I understand it the productivity formula would set an average tax rate for the value of an acre of forest land at \$40 an acre. Now think about that for a second, \$40 an acre for land in Tree Growth. I would defy anybody in this Chamber to try to buy an acre of that land with two \$20 bills in your hand.

I'm a little bit concerned as to how this productivity formula was arrived at. Since I understand the Bureau of Taxation's very careful scrutiny of land sales indicates an average sale price of \$106 an acre. We're \$66 per acre out of whack here. This \$66 per acre out of sink is being picked up by the rest of the property taxpayers.

I also am very concerned that I've heard from some of the lobbyists in the hallway that many of the forest landowners are very marginal people who aren't able to afford any more taxes. What about the property taxpayers in Hammond Plantation where I was born and raised? Where there's a lot of land in Tree Growth. The people are dying under the tax burden in that town, because the most valuable land in that particular town is not taxed at a high enough rate. The rest of the people in that town have to make up the difference. It's not as though if we don't tax them, well we don't raise the money. It's a matter of everybody else in the town picks up the difference on their property tax. It's just as simple as that.

I guess it just concerns me that we look at this productivity formula and it's supposed to be an accurate method of setting values. Yet, we come down to the Legislature and we adjust it, we move it around. It doesn't seem to me that it happens to be an accurate reflection. If I understand correctly the figures that under Committee Amendment "B", there's 177 towns in the State that are going to lose money for what the existing formula is.

So it doesn't seem to me that this is a real progressive step. I would certainly strongly oppose the pending motion. I would appreciate it very much if somebody on the Taxation Committee who does support Committee Amendment "B" could answer a couple of questions. It just seems a little bit incongruous that if the policy of the State of Maine is to protect our forest resources through an item such as Tree Growth, that the rest of the taxpayers in the State of Maine should be the ones that end up picking up the tab in increasing, and increas-

ing, and increasing percentages every year. Thank you.

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

Senator TEAGUE: In answer to the good gentleman from Aroostook, Senator Carpenter, the Tree Growth formula itself, in the enumerator, the first one we have is the growth rate. As you probably know, the Tree Growth rate in the State of Maine is probably a half a cord per acre per year. I think right now it's set about 6/10 per cord per year. That is set about every ten years by the U.S. Forest Service, we cannot change that.

The second part in the enumerator is the stumpage factor. Right now stumpage carries a different factor, in different sections of the State. This stumpage factor has been changed by Committee Amendment "B", so it can be allowed to be changed every year. As the stumpage rate goes up every year, the State Tax Assessor can adjust the stumpage rate up every year.

The third factor in the enumerator is the discount factor. We have changed that. In the 108th it was 30%. I think we changed it to 20%. Now in the 109th, we have changed that down to a 10% factor.

In the denominator at the bottom, we have what we call the "Cap Rate." That means the return on investment. That is changed by the Tax Assessor, I think, every 4 years. That, at the present time, is 8 1/2%. When you take that equation and you take all the different counties, this is where you come up with your different per acre value for each county and for hardwood and softwood in the State.

As far as some towns, when we raise the value, like we will if we pass Report "B", the towns are going to get some benefit, because the whole value will be up per acre of around 25%. This is what we're changing is the stumpage rate and the discount factor this year.

I just feel the towns, a lot of them, have made a real problem out of Tree Growth and it has not been Tree Growth at all. It has been that the Legislature has mandated to the towns that they must re-value their towns. When they have revalued their towns a lot of the buildings and so forth have gone up, say in 1979 they should be set at, at least 70% of value. I just think at this time the Report "B" is the one to go by. We've made the adjustments that we could, this is the way I just feel that we should go.

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

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate. I thank the good Senator from Somerset, Senator Teague for bringing out some of the factors that are figured into the Tree Growth Rate.

This goes back a little bit to something I said yesterday on a bill in here that ostensibly would have protected Maine farm land. We've got a problems in our rural communities. The rural communities who are hurting from Tree Growth are kicking up a fuss, many of those happen to fall in my legislative district in Aroostook County. I feel they're being hurt very badly. Granted some of the problems are coming from increasing State Valuation, which is partly brought on by high land values, and low sales, if you will, just a few sales. But this is compounded by the fact that the Tree Growth Land Value is established and is not allowed to fluctuate the same way as everybody else's land. Doesn't land itself have some value? Why don't we take into account the value of land without any wood on it?

It just really concerns me. It looks to me what we're doing if we accept Committee Report "B". We have a chunk of towns over here under Tree Growth. They're raising a lot of dust, and raising a lot of fuss. So now we're going to take the burden. We're going to put it over here on a few more towns. Many of these towns that were upset and were getting hurt

are going to be helped out a little bit. We're going to put the burden over here for a couple of years. Then maybe in 4 or 5 years, we'll shift it back to the same group of towns. We're not, I don't think, addressing, the real problem, and the real situation if we go with Committee Report "B".

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President and Members of the Senate: I hope everyone has had a chance to review this fact sheet that was sent out at the end of last week, which illustrates quite well the 2 different Reports, and the differences between Committee "A" and Committee "B".

Essentially it boils down to the fact the difference is the severance tax. The fact that the severance tax would be used to make up an additional 65% reimbursement to the community, otherwise than that, those 2 reports are the same.

The severance tax is a new tax, with all of its attending future uncertainties and adjustments. I ask the question right now, it's 500 cord exemption. How long will it be before it's reduced to 250? How long will it be before the tax might be seen as a source to fund other uses and other concerns?

The forest resource of the State is a State Resource. I think it should be supported by the State as a whole as we're doing presently through the General Fund and hopefully we'll do better under this plan. I feel that the State should make a commitment to gradually fund 100% but I feel it should be done out of the General Fund. That's why I support Report "B".

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

Senator CLARK: Mr. President and Members of the Senate: I would very briefly attempt to respond to the remarks of the gentleman from Sagadahoc, Senator Chapman, as he waved what has been traditionally been called on the third floor of this State House a "Red Herring".

How long will it be before? It is a new tax! We're talking about the Severance Tax. The Severance Tax is going to allow for the repayment to the municipalities at a graduated percentage until repayment is 100% of those acres which are placed in Tree Growth, and enjoy a tax shelter.

The severance tax will not generate any revenue in excess of the cost of funding the Tree Growth Tax Law reimbursement program. It is designed with that in mind. It has been closely drawn.

A philosophy here that I embrace is this. That those who enjoy the Tree Growth Tax Shelter and those who have, in fact, projected the burden on the individual property owners in the various municipalities across the State, should fund, should fund the reimbursement program for the municipalities, who are injured by the Tree Growth Law. Those who enjoy should pay. The provision for payment is at the harvesting point and time. Currently it is the General Fund which reimburses municipalities at a paltry level. Sometimes as low as 11¢ an acre. Who are we kidding? You know how much land is evaluated and valued across our State.

This doesn't affect just those rural areas in Aroostook County, Piscataquis County, Penobscot County, Washington County. And so forth. This has tremendous impact in the more populous counties, particularly those in South Western Maine, where landowner after landowner after landowner who has the privilege, and I envy them, of owning acreage exceeding 10 or more in size are placing that acreage under Tree Growth, for the purpose of decreasing their taxes, combined with the attempt, and I admire this, and respect it, of retaining that land and resisting developmental pressures.

As they enjoy the tax shelter, which is provided by Tree Growth under our current laws, where is the shift in the tax burden going? To all of those many, many more residential property owners who don't own 10 acres. Not only is their own property increasing in valuation, that takes one burden on one shoulder, but they now have to assume the burden as more acreage under Tree Growth is placed on the other shoulder. Characteristically they're on their knees.

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

Senator PRAY: Mr. President and Members of the Senate: The last several days this issue has received a lot of debate in the hallways. One point that keeps coming back to me that I have a question about, and that has been raised by some of my constituency and looking at the fact sheet that the Senator from Sagadahoc, Senator Chapman pointed out, is the first section, land classified under Tree Growth in relationship to the affidavit by those individuals who intend to grow timber for commercial use and the requirement.

I just quickly read the 2 Committee Amendments and the bill as to those who fall under that category. Time and time again I have heard through some of my constituency as to their concerns if Committee Report "A" is passed, an individual will not sell their wood, even though they enter into a management, they submit a sworn affidavit. I was just curious as to whether or not from what I had thought was happening, was there going to be an amendment to stiffen up that first section of the law, in reference to those who can qualify under Tree Growth. If anybody can enlighten me as to whether or not there's an amendment around that addresses that?

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

Senator TEAGUE: In answer to Senator Pray, both Committee Reports have that same, we kept the loose language there on purpose. If you look at the amendment itself, there are 3 different ways that an individual can go. One is the sworn statement from the landowner establishing that the landowner is engaged in the business of selling or processing forest products. Or B, a sworn statement from a Registered Professional Forester that the land is being managed primarily for growth of trees for commercial use. Or a written forest management plan for the lands accompanied by a sworn statement from the landowner that he is following the plan. As far as I know, I do not know of any pending amendment.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: I request 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 Washington, Senator Silverman.

Senator SILVERMAN: I'd like to ask Leave of the Senate to pair my vote with Senator Shute. If he were here he would be voting Yea, and I am voting Nay.

The PRESIDENT: The Senator from Washington, Senator Silverman, Requests Leave of the Senate, to pair his vote with the Senator from Waldo, Senator Shute, who if he were here, would be voting Yea and the Senator from Washington, Senator Silverman, would be voting Nay.

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

It is a vote.

The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: I'd like Leave to pair my vote with Senator Najarian. If she were here, she would be voting Nay and I would be voting Yea.

The PRESIDENT: The Senator from Somerset, Senator Redmond, Requests Leave of the Senate to pair his vote with the Senator from Cumberland, Senator Najarian, who if she were here would be voting Nay and the Senator from Somerset, Senator Redmond, 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 the Motion by the Senator from Somerset, Senator Teague, that the Senate Accept the Minority Ought to Pass, as amended, Report of the Committee.

A Yes vote will be in favor of Accepting the Minority Ought to Pass, as amended, Report of the Committee.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Chapman, Collins, Devoe, Gill, Hichens, Katz, Lovell, McBreairey, O'Leary, Perkins, Pierce, Pray, Slarton, Teague, Trotzky, Usher.

NAY — Carpenter, Clark, Conley, Cote, Martin, Minkowsky, Trafton.

ABSENT — Ault, Danton, Emerson, Farley, Huber.

PAIRED — Silverman-Shute; Redmond-Najarian.

A Roll Call was had.

16 Senators having voted in the affirmative, and 7 Senators in the negative, with 4 Senators having paired their votes and 5 Senators being absent, the Motion to Accept the Minority Ought to Pass, as amended, by Committee Amendment "B" does prevail.

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

Committee Amendment "B" Read and Adopted, in non-concurrence.

Under Suspension of the Rules, the Bill was Read a Second Time and Passed to be Engrossed as amended, in non-concurrence.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act to Coordinate, Effectively Utilize and Comprehensively Plan the Service Needs of Maine's Children and Families by Establishing a Maine Council of Families and Children, County Councils on Families and Children and a State Office for Children and Families." (H. P. 1254) (L. D. 1554)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H. 567)

Signed:

Senators:

GILL of Cumberland
CARPENTER of Aroostook

Representatives:

PRESCOTT of Hampden
BRENERMAN of Portland
PAYNE of Portland
MacBRIDE of Presque Isle
BRODEUR of Auburn
CURTIS of Milbridge
NORRIS of Brewer
CLOUTIER of South Portland

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

Signed:

Senator:

HICHENS of York

Representative:

MATTHEWS of Caribou

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

Which Reports were Read.

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.

Divided Reports

The Majority of the Committee on Education on, Bill, "An Act to Encourage the University of Maine Law School to Offer Extension and Evening Programs for Part-time Students." (H. P. 1237) (L. D. 1495)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TROTZKY of Penobscot
MINKOWSKY of Androscoggin

Representatives:

LOCKE of Sebec
FENLASON of Danforth
BIRT of East Millinocket
ROLDE of York
LEIGHTON of Harrison
BEAULIEU of Portland

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

Signed:

Senator:

GILL of Cumberland

Representatives:

CONNOLLY of Portland
GOWEN of Standish
DAVIS of Monmouth
LEWIS of Auburn

Comes from the House, the Bill Passed to be Engrossed.

Which Reports were Read.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: I would move that the Senate Accept the Majority Ought Not to Pass Report of the Committee on Education relevant to the University of Maine Law School offering extension and evening programs.

First and foremost the Maine Legislature should not involve itself in mandating policies to the University of Maine Trustees, which we are doing in this particular bill.

Secondly I don't believe we have the right to dictate curriculum to the University of Maine Law School.

To justify those 2 remarks for the Record, Mr. President, I would like to read into the Record a letter of May 25, 1979 from the Acting Dean, Dean Wroth of the University of Maine Law School in addressing this particular problem which has perennially arisen in this Legislature. It was directed to the sponsor of the bill, Representative Carrier, and he states the following:

"In our discussion of L. D. 1495 earlier this week, you asked me to give you more details of the proposed Law School programs for nonlawyers which I had described in my letters to Jon Hull and Representative Beaulieu. I am glad to spell out our intentions more clearly to you.

1. The Law Faculty intends to carry out the proposal for a course for legislators and members of the departments outlined in my letter of May 10 to House Majority Leader of which, a copy is enclosed. If the questionnaire which we are going to send out during the summer shows that there is enough interest" meaning amongst legislators as well as department heads. "we will offer the course in Augusta beginning in January 1980."

2. The Law Faculty is studying the feasibility

ty of other law courses for nonlawyers. If we are satisfied that there is enough interest," and I emphasize that term, if there is enough interest. "we will be ready by January of 1980 to describe courses that we intend to offer and the times and places at which they can be offered. In the coming months we will be working out many details of the content, scope, staffing, and cost of these courses.

In general, we will be considering two types of courses:

1. **Courses for lay people about areas of law that directly affect their lives.** For example, we may put together a course about the rights of landlords and tenants" and we discussed this in detail because there's about 60 different courses available, that will focus on the problems of a typical Maine lease and the actions that either a landlord or a tenant can take under the law if something goes wrong. We may also offer a course on the criminal justice system that would outline criminal offenses, describe how the prosecution system works, and explain the rights of citizens.

2. **Courses for nonlawyers who need specialized legal knowledge to carry out their jobs.** For example, we may offer a course in municipal law for town officials, specialized business or tax courses for businessmen and accountants, or a course in criminal procedure for police officers. Our program, and this is of paramount importance members of the Senate, our program will be experimental at first, so that we can learn what approaches and subjects work best. The first courses will undoubtedly be run along the lines of our present Continuing Legal Education program. That is, they will be taught principally by members of our faculty, will meet at night once a week for eight or ten weeks, will be financially self-supporting, and will not lead to academic credit. And will not lead to academic credit, I want to emphasize that point also. In our planning, we will explore the possibility of having some of these courses counted toward a certificate or degree in one of the other branches of the University of Maine.

So this proves that the Dean and his staff are very flexible in allowing these courses to materialize. If you pass this curriculum chances are in the regular University of Maine system these credits will be acceptable, but they will not be acceptable for a Law Degree.

We are looking forward to developing this program. In this increasingly complicated world, there is a real need for laypeople to know more about law. The Law Faculty recognizes a professional responsibility to present programs to meet that need. That was signed by Kinvin Wroth, the Acting Dean of the Law School.

Now Ladies and Gentlemen of the Senate, I think the Dean in his wisdom has done a very commendable job to mend some of the differences that others have had about the University of Maine Law School insofar as offering Continuing Education Programs. True maybe in the past, when these problems did arise, they were not properly addressed or followed through.

Dean Wroth, whom I sat in the rear of this Senate Chamber with last week, for 2½ hours, with the sponsor of the bill went over his major concerns. I was perfectly satisfied with this gentleman's evaluation, his determination to offer these courses, at the University of Maine Law School.

I don't think the legislature again should get involved with the policies of the University of Maine Trustees or dictate curriculum. If they, in their wisdom are willing to do this at the present time, so be it. Eventually after this pilot program proves that it is justifiable, that there is enough interest in the State of Maine for people to take these particular courses, either for degree work in the University of Maine System or possibly as a certificate, so be it.

If we go by what this bill originally called

for, you might as well add an appropriation on here of no less than \$300,000. I don't think this is the intent and purpose. Within the scope and magnitude and the perimeter that the Dean and his faculty can work with at the present time, this can be done at no additional expense to the taxpayers of the State of Maine, in a very, very constructive manner. I sincerely hope Members of the Senate that you would vote for the Majority Ought Not to Pass Report of the Committee.

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

Senator GILL: I would urge the members of the Senate to vote for the Minority Ought to Pass Report.

I have a concern for people who aren't able to, can't afford to go to law school and spend the days there, because they have to work. We have a group of people in our State of Maine who just can't afford to give up the years as necessary for day time law school.

What I'm asking for in this piece of legislation, is that extension and part-time programs be provided in the evening that would lead to, not that we're going to give law degrees for all night school; but at the very beginning that we would have them available for those people who have to work during the day time to put themselves through law school.

I see that building in Portland. It's the Tower building. There are a lot of people around who think of it as the Ivory Tower. It's unattainable to them because they can't afford to go there during the daytime. I would ask that we consider those people. Try to work in some evening courses, some extension courses so they can participate in the first years. Then later on perhaps, after they've been able to earn a little money, and put it aside, they can go to the day courses that are needed to get their law degree. I find it's very simple, if we could do this for them.

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

Senator TROTZKY: Mr. President and Members of the Senate: I'd just like to address specifically the bill. The bill states the intent of the Legislature that the University of Maine Law School offer an evening program for parttime students leading to a law degree. That's what the bill is leading to, a law degree.

In order to do this, there would have to be an appropriation on the bill. This is the financial fiscal statement I've gotten from the office. If enacted, this legislation requires an appropriation from the General Fund of \$381,000. There would also have to be a one-time cost of \$313,000 required for library space and library acquisition and so on.

The situation as here is you have to really set up 2 schools, 1 for the day time and 1 for evening time. The University of Maine Law School has 15 people right now, full time on the faculty. Most of them are teaching full loads and there are limitations placed on the teaching hours of individual faculty members by the American Bar Association.

Therefore you would have to hire additional faculty. The other problem you have here is that if an evening school was established in Portland, it would be an evening school established in the smallest metropolitan catchment area of all the other law schools in the United States, which offer evening programs.

So the issue here is not just having courses taught for credit. It's specifically for a law degree. That's what the bill is. It will require at least over \$600,000.

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 accept the Majority 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.

18 Senators having voted in the affirmative, and 7 Senators in the negative, the motion to accept the Majority Ought Not to Pass Report, in non-concurrence, does prevail.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, having voted on the prevailing side, I'd move reconsideration and would hope you vote against me.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, moves the Senate reconsider its action whereby it accepted the Majority Ought Not to Pass Report.

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 does not prevail.

Sent down for concurrence.

Senate

Leave to Withdraw

Senator Pierce for the Committee on Election Laws on, Bill, "An Act to Require Candidates for Nomination by Primary Petition to File Petitions by April 1st of Election Year." (S. P. 6) (L. D. 6)

Reported that the same be granted Leave to Withdraw.

Senator Chapman for the Committee on Business Legislation on, Bill, "An Act to Amend the Returnable Beverage Container Statute to Provide for a 2¢ Handling Charge for Returnable Bottles." (S. P. 411) (L. D. 1267)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted.

Sent down for concurrence.

Ought to Pass — As Amended

Senator Emerson for the Committee on Local and County Government on, Bill, "An Act to Provide for Outside Audit of County Budgets." (Emergency) (S. P. 318) (L. D. 948)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S. 270).

Senator Clark for the Committee on Taxation on, Bill, "An Act to Eliminate the Licensing and Reporting Requirements by the Owners of Diesel Powered Noncommercial Vehicles who Purchase only Fuel upon which Fuel Tax has been Paid." (S. P. 251) (L. D. 697)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S. 272).

Senator O'Leary for the Committee on Energy and Natural Resources on, Bill, "An Act to Reclassify Certain Surface Waters and Revise Water Quality Standards." (S. P. 337) (L. D. 998)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S. 273).

Senator Carpenter for the Committee on Health and Institutional Services on, Bill, "An Act to Establish and Protect the Rights of Recipients of Mental Health Services." (S. P. 466) (L. D. 1528)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S. 274).

Which Reports were Read and Accepted and the Bills Read Once. Committee Amendments "A" were Read and Adopted and the Bills, as amended, tomorrow assigned for Second Reading.

Ought to Pass in New Draft

Senator Devoe for the Committee on Public Utilities on, Bill, "An Act to Increase the Borrowing Capacity of Richmond Utilities District." (Emergency) (S. P. 180) (L. D. 410)

Reported that the same Ought to Pass in New Draft under New Title, Bill, "An Act to Revise the Charter of the Richmond Utilities Dis-

trict." (Emergency) (S. P. 587) (L. D. 1654)
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 Marine Resources on, Bill, "An Act to Appropriate Money to the Northeastern Research Foundation, Inc." (S. P. 170) (L. D. 377)

Reported the same Ought to Pass.

Signed:

Senators:

CHAPMAN of Sagadahoc
SHUTE of Waldo
SILVERMAN of Washington

Representatives:

BLODGETT of Waldoboro
NELSON of Roque Bluffs
FOWLIE of Rockland
KIESMAN of Fryeburg
BUNKER of Gouldsboro
SMALL of Bath
JACKSON of Yarmouth
BOWDEN of Brooklin
HANSON of Kennebunkport

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

Signed:

Representative:

POST of Owl's Head

Which Reports were Read.

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

Senator CLARK: Thank you, Mr. President. While I'm sure that the Majority Ought to Pass Report will be accepted, I think perhaps that the record should show the following:

This bill has \$150,000 price tag to Bigelow Laboratory which is a private Marine Research Laboratory, the activities of which I heartily support and endorse. However, the Senate in previous action in this First Regular Session of the 109th Legislature, has refused to allow passage on a Bill which would provide for the information of the Fisheries Advisory Council, that had a price tag of a measly \$10,000.

There are some people involved in marine activities in the Town of Harpswell, which finds itself in my Senatorial District, who were very supportive of the Fisheries Advisory Board, for they perceived it to be a Maine balancing act or to have some tremendous input and influence on the New England Fisheries Regional Council, which seems to be somewhat dictatorial, in its activities relative to the coast of Maine, at least as perceived by those fishermen in the Town of Harpswell.

So I would just like the record to show that I did draw the attention of this body to what may be considered and interpreted by some as an inconsistency.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President and Members of the Senate: This bill, continuation of a program that has gone on for 4 years now. Bigelow Laboratory situated in Boothbay Harbor occupies facilities owned by the State of Maine on pound point, adjacent to the Department of Marine Research Laboratory.

This bill is supported, as you can see, strongly by the Committee and also by the Commissioner of the Department of Marine Resources, as an important part of the on-going research efforts of the State of Maine. The research conducted by the laboratory is in the basic research area, and money spent, as we are hoping it will be continued to be spent here generates 10 to 1 of Federal support dollars toward this end. I urge the Senate to adopt the Report.

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 — As Amended

Bill, "An Act Authorizing a Study to Determine the Feasibility of Establishing a System of Youth Hostels." (H. P. 1000) (L. D. 1235)

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

Senate

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Amount of State Expenditures which may be made from Undedicated Revenues without Voter Approval. (S. P. 96) (L. D. 182)

Bill, "An Act to Make Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1980, and June 30, 1981." (Emergency) (S. P. 586) (L. D. 1651)

Bill, "An Act to Clarify the Regionalization of Special Education." (S. P. 363) (L. D. 1110)

Bill, "An Act to Amend the Life Insurance Provisions Regarding Justices and Judges." (S. P. 345) (L. D. 1059)

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

Sent down for concurrence.

Bill, "An Act to Appropriate Money for Public Fish Piers, Airports and other Transportation Improvements and to Authorize General Fund Bond Issue in the Amount of \$11,810,000." (S. P. 487) (L. D. 1549)

Which was Read a Second Time.

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

Senator REDMOND: Mr. President, I present Senate Amendment "A" to L. D. 1549, Filing S-285, and move its Adoption.

The PRESIDENT: The Senator from Somerset, Senator Redmond, now offers Senate Amendment "A" to L. D. 1549 and moves its Adoption.

Senate Amendment "A" (S-285) Read.

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

Senator O'LEARY: Mr. President, I'm not aware of any opposition to the real Bill. At our public hearing I heard no opposition to the Department of Transportation requiring the line to Bingham.

I'm concerned that maybe there may be some special interests up there that would like to have this right-of-way attached to their property. But looking ahead into the future, I wonder if it's good really for the Town of Bingham to foreclose any possibility in the future of having use of this railroad line.

I would ask for a Division on the Adoption of this Amendment, and hope you would vote against it.

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

Senator REDMOND: Mr. President and Members of the Senate: A couple of days ago we had a Bill, L. D. 1275, which went for enactment. It was an Act Relating to the Purchase of Railroad Rights-of-Way.

This bill made clear that whatever railroad lines have been acquired for future transportation users, the lines shall not be considered abandoned for railroad purposes. This of course, is to be treated under the rural Railroad Reorganization Act of 1973, whereby the federal government assists states in holding onto railroad lines for future development of those areas, providing, of course, that these lines be considered as not abandoned.

We had no objection to L. D. 1275, but the people who live in the area that I serve, were very much disappointed in realizing that the tracks were going out of Bingham. They do not believe that when we take the tracks out that we are to consider the railroad not to be abandoned, especially when there are some manufacturing building facilities that are worth about \$3,000,000. The people moved out of there about 4 years ago. They had problems with

making veneer on account of Japanese competition.

I was involved myself trying to attract some other industries in there to make furniture, which was a natural for that area. However, in that area of 3 or 4 prospective manufacturers you would get set up there, all of them stated that they were not interested unless there was a railroad line there.

So the people of Bingham feel that who are we kidding? If this is not a time to consider holding the railroad intact with the tracks on, in order to favor economic development of the area, when in the future what will be the criteria to buy new tracks and open up the railroad again. So they prefer letting the right of way be abandoned and call it abandoned because there is no hope for them to ever get a railroad there with the tracks out, and save the government some \$100,000.

Of course, on this deal the state would be paying \$20,000 and the federal government \$80,000. Mr. Mallar told me that he would not force the procurement of the right-of-way alone, providing he had that letter that I read here a couple of days ago, that he would go along.

So there is no objection and this way the people who live in the area that I serve are not too happy. They are very unhappy with the decision, however, there is nothing I can do about it. It's a decision of the bureaucracy and the government of the State of Maine. As far as being in that situation, at least they don't want to spend any more money unnecessarily.

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

Senator PRAY: Mr. President and Members of the Senate: I understand the concerns of the Senator from Somerset, Senator Redmond. As I look at the Legislative Document that's before us and with an understanding of L. D. 1275, I'm concerned as to whether or not his amendment would actually effect L. D. 75 and the authority of the Department of Transportation would have in reference to the Bingham Branch.

It would be my understanding that the department could through transferring the funds or what not, could still do exactly what he is fearful that they will do.

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

Senator O'LEARY: I think the arguments proposed by the good Senator from Somerset, Senator Redmond, are that this amendment should not be accepted. I think that what he is doing really is precluding any opportunity in the future to ever have a railroad in there if there should ever be an opportunity to develop the area more. I don't think it's really in the best interests of this legislature of the people in his area of Bingham to pass this.

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

Senator REDMOND: All the people of Bingham are doing, they are hoping to respect an old honorable law of the land, and that is the Reverter Law. When a railroad is abandoned, that that land reverts to the abutting owners. In this case to preserve this right-of-way, without any tracks on it, or anything, and to consider the railroad line as not abandoned is not facing facts. Those people cannot go along with that. They don't want that. They have too much respect for the law of the land.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of adopting Senate Amendment "A" to L. D. 1549, please rise in their places to be counted.

The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: 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 af-

firmative vote of at least one-fifth of those Senators present and voting.

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

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

The pending question before the Senate is the Adoption of Senate Amendment "A" to L. D. 1549.

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Ault, Gill, Katz, Perkins, Pierce, Redmond, Sutton, Trotsky.

NAY — Carpenter, Chapman, Clark, Collins, Cote, Devoe, Hichens, Huber, Lovell, Martin, McBreairty, Minkowsky, O'Leary, Pray, Teague, Trafton, Usher.

ABSENT — Conley, Danton, Emerson, Farley, Najarian, Shute, Silverman.

A Roll Call was had.

8 Senators having voted in the affirmative, and 17 Senators in the negative, with 7 Senators being absent, Senate Amendment "A" Fails of Adoption.

The Bill, Passed to be Engrossed.

Sent down for concurrence.

Senate — As Amended

Bill, "An Act to Increase Real Estate Broker and Salesman License and Examination Fees and to Eliminate Ambiguities." (S. P. 443) (L. D. 1381)

Bill, "An Act Coordinating Regional and Inter-city Public Transportation Programs." (Emergency) (S. P. 495) (L. D. 1556)

Bill, "An Act to Establish an Office of Deafness and Communications Disorders." (S. P. 407) (L. D. 1265)

Bill, "An Act Relating to the Protection of Ground Water." (S. P. 468) (L. D. 1479)

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

Sent down for concurrence.

Orders of the Day

On motion by Senator Katz of Kennebec, the Senate voted to take from the Unassigned Table:

Bill, "An Act to Amend the Salary Range for the Insurance Superintendent." (Emergency) (H. P. 1421) (L. D. 1624)

Tabled—May 24, 1979 by Senator Katz of Kennebec.

Pending—Consideration.

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

Senator KATZ: Mr. President, I move that the Senate Recede and Concur with the House.

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

Is this the pleasure of the Senate?

The Motion Prevailed.

On motion by Senator Katz of Kennebec, the Senate voted to take from the Unassigned Table:

Bill, "An Act Providing Additional Funds to Acquire Land for a Passenger Terminal, Transfer Bridge and a Parking Area for the Casco Bay Ferry Service in Portland and to Provide Funds for their Construction." (H. P. 199) (L. D. 248)

Tabled—May 31, 1979 by Senator Pierce of Kennebec.

Pending—Enactment.

On motion by Senator Katz of Kennebec, placed on the Special Highway Appropriations Table, pending Enactment.

The Chair laid before the Senate the First Tabled and specially assigned matter:

Bill, "An Act to Amend Certain Property Tax

Exemptions and to Require Continuing Periodic Review of Tax Exemptions." (H. P. 768) (L. D. 855)

Tabled—May 31, 1979 by Senator Teague of Somerset.

Pending—Consideration.

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

Senator TEAGUE: I move we Adhere.

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

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you Mr. President, I move the Senate Recede.

The PRESIDENT: The Senator from Penobscot, Senator Devoe, moves that the Senate Recede.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Penobscot, Senator Trotsky.

Senator TROTZKY: Mr. President I would oppose the motion to Recede, for the following reason. What this bill will do with House Amendment "A" on it or an amendment to be offered by the Senator from Penobscot, Senator Devoe, will put a tax on the property leased by the Eastern Medical Center specifically.

Eastern Maine Medical Center has been trying to buy a large parking lot because the present parking lot is not adequate. They could not do it. There was a big referendum in Bangor, so they had to lease a large parking lot. If the Senate Recedes and the amendment is put on, what will take place is the city will be able to tax the hospital for that parking lot.

I feel it's very important that at least we try to keep hospital costs down. I think this is the concern of many people throughout the country today. If we start taxing the property that Eastern Maine Medical Center is leasing it's just going to increase the hospital rates to patients because the patients will eventually pay for that.

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

Senator DEVOE: Thank you, Mr. President. Mr. President and Members of the Senate, Title 36, Section 652 deals with exemption from taxation of certain institutions and organizations.

If you look through all of the sections that precede Section K, the test for an exemption from real estate taxation that has traditionally been used up till about 1975 for exemption from taxation is that the property be owned and occupied or used solely for its purposes.

Sub-section K of the statute now deals with property leased by and occupied or used solely. So there's been a weakening of the general reason for an exemption.

If the community of Bangor, and it does happen that under the facts as they exist presently, the real estate leased by Eastern Maine Medical Center would happen to be subject to taxation. It would happen to be subject to taxation. It would be the only leased property to our knowledge. It certainly is not an effort to deliberately get at Eastern Maine Medical Center, that's far from my reason. But the Community of Bangor for sometime and all the communities in the State have been to some extent subsidizing the hospitals by exempting them from taxation.

The Sub-section K that we now have come about as a result of the City of Bangor having prevailed twice over Eastern Maine Medical Center back in the early '70's, in lawsuits involving the exemption from taxation of certain personal property which the hospitals were leasing.

I would propose to offer this amendment for the City of Bangor, so that it may subject to real estate taxation the parking lot that is now leased by Eastern Maine Medical Center under a 10 year lease. Thank you very much, Mr.

President.

The PRESIDENT: The Chair will order a Division.

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

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

11 Senators having voted in the affirmative, and 11 Senators in the negative, the Motion to Recede does not prevail.

Is it now the pleasure of the Senate to Adhere?

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: I ask for a Division on the Motion to Adhere.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion to Adhere, 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 9 Senators in the negative, the Motion to Adhere does prevail.

The Chair laid before the Senate the Second Tabled and specially assigned matter:

Bill, "An Act to Prohibit Drinking in Public Under the Criminal Code." (H. P. 562) (L. D. 709)

Tabled—May 31, 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, can I ask the posture of this Bill? Has it been amended to include streets only?

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

Senator COTE: Mr. President and Members of the Senate: I don't know just what this bill does, but I think the situation has been taken care of by the other bill that came before the Legal Affairs Committee, on which as amendment was adopted yesterday, making it a Class "E" crime on the roads, and sidewalks and so forth. I think that takes care of the contents of this bill.

On motion by Senator Collins of Knox, Retabled for 1 Legislative Day.

The Chair laid before the Senate the Third Tabled and specially assigned matter:

Bill, "An Act to Increase the Dollar Amount of an Accident that must be Reported to the Secretary of State from \$200 to \$300." (H. P. 636) (L. D. 787)

Tabled—May 31, 1979 by Senator Clark of Cumberland.

Pending—Adoption of Senate Amendment "C" (S-265) to Committee Amendment "A" (H-404).

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: I would urge the pending motion. It is my hope that in the interim of this matter being tabled that the questions raised have been answered, that the Senate will Adopt Senate Amendment "C".

Senate Amendment "C" Adopted. Committee Amendment "A", as amended, Adopted in non-concurrence. The Bill, as amended, Passed to Be Engrossed, in non-concurrence. Sent down for concurrence.

The Chair laid before the Senate the Fourth Tabled and specially assigned matter:

JOINT RESOLUTION — Recognizing the Need to Train Welfare Recipients for Productive Work. (H. P. 1458)

Tabled—May 31, 1979 by Senator Katz of Kennebec.

Pending—Adoption.

Which was Adopted, in concurrence.

The Chair laid before the Senate the Fifth Tabled and specially assigned matter: Bill, "An Act Creating the Cornish Water District." (H. P. 1457) (L. D. 1650)

Tabled—May 31, 1979 by Senator Katz of Kennebec.

Pending—Reference.

Under Suspension of the Rules, on Motion by Senator Katz of Kennebec, the Bill Read Once without Reference to Committee.

Under Suspension of the Rules, the Bill was Read a Second Time, and Passed to be Engrossed, in concurrence.

The Chair laid before the Senate the Sixth Tabled and specially assigned matter:

HOUSE REPORTS — from the Committee on Judiciary — Bill, "An Act Relating to Access, Copying and Release of Medical Records." (H. P. 935) (L. D. 1165) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass with Committee Amendment "A" (H-491)

Tabled—May 31, 1979 by Senator Lovell of York.

Pending—Motion of Senator Collins of Knox to Accept Majority (Ought Not to Pass) Report.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Lovell.

Senator LOVELL: Mr. President and Members of the Senate: This bill pertains to medical records in nursing homes, hospitals and so forth. There are 3 amendments prepared that will straighten this bill out and make it a good bill. So I would request a Division, and hope you will vote against the Ought Not to Pass Report.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President and Members of the Senate: I certainly hope you won't accept the Ought Not to Pass Report this morning. Unfortunately our debate this evening has been somewhat disjointed on this bill. So I would take just a moment to remind you what we're voting on today.

We're voting on the radical concept that you as a patient have a certain right of access to your medical records. Now under current law there is already a provision which allows you a certain amount of access to your records.

Under the bill that is being proposed to you today, this would be changed somewhat. The major changes are these. First of all the existing law applies only to hospitals. There's a great concern particularly among the Committee on Aging, and aged persons in general in our State that this law should also apply to nursing homes. This bill would change it so that it would apply to nursing homes.

A second very important provision of this bill is that it provides for informed consent. I have distributed on your desks today, if you can find it, an article from the Time Magazine, June 4, 1979, which discusses some of the problems that we now have with the informed consent provisions, not only at the State level but at the Federal level. You'll note in that article some bills are being proposed at the Federal level to deal with this.

The informed consent provision provides that you in truth can give informed consent. You can know to whom your records are going to be released. There's also a time frame. After 2 years your informed consent provision would expire and it would have to be renewed by the patient. I think this is a very reasonable approach and I hope that you will go along with the Ought to Pass Report.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

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

ed.

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

The Chair recognizes the Senator from York, Senator Lovell.

Senator LOVELL: I would 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 Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President and Members of the Senate: In the 108th Maine Legislature, in the unanimous committee report from the Committee on Business Legislation, we passed what is called Maine's Fair Credit Reporting Act, which places the same kinds of things we find in the bill before us, restrictions, not radical at all. I'm sure that the gentlewoman from Androscoggin, Senator Trafton, was being a little bit facetious, even sarcastic when she used that adjective.

But those provisions which were contained in Maine's Fair Credit Reporting Act, which zipped through here, like Grant through Richmond, are the same kind of provisions we find in the bill before us. While I admit that I among many others am not always consistent, it would seem to me that maybe we ought to try it on today.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Lovell.

Senator LOVELL: Mr. President and Ladies and Gentlemen of the Senate. I served by appointment of Governor Longley 2 years on the Committee for Aging, the State Committee for Aging. I'm also the oldest member of the Senate. I'm Chairman of the Committee on Aging.

The Aging Committee came to me, and stated that this bill was a good bill, if amended, properly. Now we have 3 amendments to go on this bill, which will make this, in my opinion, a good bill. I hope on this Roll Call vote that you'll go along, you'll have a Democrat on one side and a Republican on the same side. I hope that you'll go along with us, in an independent way and give us a chance to attempt to put on and explain these amendments.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the motion by the Senator from Knox, Senator Collins, that the Senate accept the Majority Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of accepting the Majority 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, Chapman, Collins, Cote, Devoe, Gill, Hichens, Huber, Katz, McBreairty, Perkins, Pierce, Redmond, Sutton, Teague, Trotzky.

NAY — Clark, Conley, Lovell, Martin, Minowsky, O'Leary, Pray, Trafton, Usher.

ABSENT — Carpenter, Danton, Emerson, Farley, Najarian, Shute, Silverman.

A Roll Call was had.

16 Senators having voted in the affirmative, and 9 Senators in the negative, with 7 Senators being absent, the motion to accept the Majority Ought Not to Pass Report, in non-concurrence, does prevail.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, having voted on the prevailing side, I move reconsideration and hope you'll vote against me.

The PRESIDENT: The Senator from Knox, Senator Collins, moves the Senate reconsider its action whereby it accepted the Ought Not to Pass Report of the Committee.

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

Will all those opposed, please say No.

A Viva Voce Vote being had.

The motion does not prevail.

Sent down for concurrence.

The Chair laid before the Senate the Seventh tabled and specially assigned matter:

Bill, "An Act to Clarify the Form of the Local Consent Resolution Regarding State Housing Authority Assistance Allocation." (H. P. 402) (L. D. 508)

Tabled—May 31, 1979 by Senator Pierce of Kennebec.

Pending—Motion by Senator Devoe of Penobscot to Reconsider Passage to be Engrossed.

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

Senator DEVOE: Thank you very much, Mr. President. Mr. President and Members of the Senate: I would like to urge you to support my motion that we consider our action by which we Passed to be Engrossed and Accepted Committee Amendment "B".

In my view Committee Amendment "A" is the most sound approach for us to take in dealing with the problems of what communities may do in dealing with the Maine State Housing Authority, and having the Housing Authority act upon approving projects in local communities.

In my view Committee Amendment "A" would give more local control than Committee Amendment "B" because Committee Amendment "B" will simply provide for the package to be put together by Augusta and sent to the local communities. Then the local community has in my understanding of it 45 days in which to approve or disapprove the proposal sent them by the Maine State Housing Authority. For these reasons I would like to ask again your support of my motion to reconsider. Thank you, Mr. President.

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

Senator SUTTON: Mr. President, I would oppose the Motion to Reconsider. I originally signed Committee Amendment "A", and since then I have discovered, and did vote at the time the Senate Report "B". The integrity of the Housing Authority, I think is very important to give them the opportunity of putting out the complete package in this part of the bid. Then going to the community for their approval or disapproval. It seems to me the more direct way of doing it.

Politics can easily play a part in this to a much more extent if the local communities are getting involved in it. Although we might not be able to keep it entirely out, by keeping all the package together in the Housing Authority, it seems to us, or at least it seems to me that we'll have a better opportunity of doing this. I would urge that you do not reconsider but stay with what we have.

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 reconsider, please rise in their places to be counted.

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

7 Senators having voted in the affirmative, and 15 Senators in the negative, the motion does not prevail.

Sent down for concurrence.

The Chair laid before the Senate the Eighth tabled and specially assigned matter:

Bill, "An Act Concerning the Profession of Public Accountancy." (H. P. 234) (L. D. 280)

Tabled—May 31, 1979 by Senator Chapman of

Sagadahoc.

Pending—Motion of Senator Lovell of York to Indefinitely Postpone Senate Amendment "A" (S-252) to Committee Amendment "A" (H-497).

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President, I'm going to urge the Senate to approve the pending motion since Senate Amendment "A" was improperly drafted, and therefore, should be Indefinitely Postponed. After we have done that I do wish to offer Senate Amendment "B" which will correctly accomplish what I had hoped, and we can address the issue under Senate Amendment "B".

On motion by Senator Lovell of York, Senate Amendment "A" Indefinitely Postponed.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: I now offer Senate Amendment "B" to Committee Amendment "A" under Filing S-275 and move its adoption.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, now offers Senate Amendment "B" to Committee Amendment "A" and moves its adoption.

Senate Amendment "B" (S-275) Read.

The PRESIDENT: The Senator has the floor.

Senator CHAPMAN: Mr. President and Members of the Senate: This amendment more correctly does what I intended to do the first time. That is to prohibit any newly licensed public accountants to utilize the opinion or attest function. It would retain the attest and opinion function for those public accountants that currently exist under the former statute and for CPA's.

It is my feeling that a public accountant should not enjoy all of the powers and functions that a CPA with more experience should. It is my desire that we do establish a classification for public accountants. It's not my wish to jeopardize that. Therefore, I'm offering this amendment for your consideration.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Lovell.

Senator LOVELL: I move Indefinite Postponement of this amendment.

The bill, as it is, is good enough. We don't need any amendments on this bill. I had several public accountants call me, in fact, my son got his M.S. from the University of Maine as a public accountant for Danforth Marine. The way this bill works with the amendment on it. It's going to make it that a certified public accountant or a public accountant, it's just going to put them out of business. They might as well be certified. Now my son took the Certified Public Accountants Exam once, and he flunked it.

Now if this has in it that you have to take the 2 hardest exams of the Certified Public Accountant's Exam, then he's not going to be able to be a public accountant any more. God help me! His wife's going to have a baby in June. Now I would ask Indefinite Postponement of this bill and would request a Division, and I hope for goodness sake that you'll go along with me.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: The floor amendment presented by my seatmate, Senator Chapman, from Sagadahoc has got the bill reported unanimously by his own committee. It would be contrary to the interests of Maine's small businesses. It further would be contrary to the currently existing Maine Law which permits both public accountants and CPA's to conduct audits and attest financial statements.

Now the original purpose of L. D. 280 was to restore testing and licensing of new public accountants, which have been cut off in 1974. This is a sound public policy which small businesses throughout the State of Maine can determine

for themselves the kinds of services they need to meet their accounting needs.

Within the State of Maine almost 25% of all licensed CPA's practice with a so-called Big "A" Accounting Firms, who are more interested in serving multi-national corporations than the Maine small businessman. In this regard it's important to note that 10 years ago public accountants out-numbered CPA's by a 2 to 1 ratio. Whereas at the present time there are 50% more CPA's.

Now in response to the concerns of our professional standards and the quality of service. The Committee Amendment substantially upgrades the educational requirement applicable to public accountants and insures that they are fully compatible to those with requirements of CPA's. Thus under the Committee Amendment, new applicants for the License of Public Accountant, would have to show that they have received a Bachelor's Degree from a recognized college or university, plus 2 year's experience or a Master's Degree plus 1 year's experience. It also requires that these new applicants pass the 2 most difficult parts of the National CPA Exam, parts 1 and 2 of the examination on Accounting Practices.

The additional amendment now offered on this floor to deprive the new public accountants of the ability to Attest to Financial Statements, only serves to promote a monopoly on the part of the CPA's whose fees tend to be higher, and whose offices tend to be less accessible to the small businessman in the State of Maine.

It has been claimed that only CPA's are qualified to undertake such complex work. If so how have we survived this point and time when current law clearly authorized both public accountants and CPA's to do the very same work.

We saw yesterday that the prior Senate Amendment proposed by my seatmate, Senator Chapman, would have the effect of prohibiting a new public accountant from utilizing any wording indicating that he is skilled in or has expert knowledge in Accounting. The Senate has just withdrawn his amendment and presented another amendment, deleting this wording. But that earlier amendment made his intentions very clear, as I have pointed out in previous debate. That of CPA's obviously resent any competition whatsoever, and are not prepared to let the marketplace work for itself. The intent of either destroying public accountants through attrition or through depriving them of needed tools to serve those who freely and voluntarily seek their help. I would concur with the motion to Indefinitely Postpone the amendment from the good Senator from Sagadahoc, Senator Chapman.

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

Senator SUTTON: Mr. President, just briefly I don't agree with the good Senator from Androscoggin. The Attest feature is very important. Those banks or institutions or anyone who is concerned with whether a statement has been attested to and is proven, then would rely on it's utmost confidence of those who have prepared it.

For that reason it really should be done by a CPA. As I understand it the public accountants are all done now. O.K.? They're out of business unless we do something, so I think there is room for public accountants. I support their coming back, but I do not support their coming back in a fashion where someone would be led to believe that they are getting certified work by a public accountant.

I am still a small businessman and I think to protect a small businessman they should be required when they need an attested accountant report to go to a CPA, for their day to day and routine operations a public accountant would be very adequate.

I'd also like to assure the good Senator from York, Senator Lovell, that his son is certainly not going to be out of business. He's already a Public Accountant. They're already grandfa-

thered. I think he'll still have a job when the baby comes.

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

Senator MINKOWSKY: Thank you very much, Mr. President. Let me just point out, one more thing, Mr. President, to the members of the Senate, including my dear friend from Oxford County. If it's good enough for the Controller of the United States, who about five years ago established a department policy that all licensed independent accountants, this includes CPA's, public accountants and other accountants in public accounting practices, would qualify to deduct auditing procedures for any federal program in the United States, what's wrong with them having the same privilege to the small business man here in the State of Maine?

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

Senator KATZ: Mr. President, I am a small businessman. I have been in business since 1950 and I have never used an Attest Function. I don't know what an Attest Function is, if I understand it, would be of any interest to a gas station, or a small mama and papa store, or a little businessman on Water Street in Augusta, or Main Street in Bangor. I can understand why it would be an important function for big business, and before I vote on this, perhaps I had better ask the chairman of the committee when my accountant makes my financial report or signs my income tax and he disclaims any responsibility because he's been using all my figures, and there's no audit involved, I've never had a big expense of audit, is there any Attest Function involved?

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President and Members of the Senate: In response to the Senator from Kennebec, Senator Katz's question. When that occurs, as he has illustrated, that is not an Opinion or an Attest Function in the sense that we're addressing here. The Opinion or Attest Function is when the accountant states that in his opinion the financial statements in the report, represent true and accurate statement of the firm being audited on which the report is being made. I, too, utilize the services of a CPA, and I get a similar report as the Senator from Kennebec, Senator Katz I do not need an opinion audit.

In most instances I feel that small business people do not need an opinion audit. It is an opinion which expresses behind it, a great deal of intricate, careful examination of the business affected and that a statement, that in fact that report represents, an accurate statement of the financial condition of that firm. On a larger corporation this sort of a statement is necessary because of other financial obligations that the bank financing, etc., is necessary.

It is my feeling, and I am desirous of having the public accountant category reinstated. The Senator from Oxford, Senator Sutton is correct. Right now, as we stand here today, there are no new licensed public accountants permitted. They were outlawed, eliminated, I believe in 1974. This is an attempt to reinstate that classification. My feeling, and I do hope that it will be reinstated, and I'm concerned that if we try to reinstate that classification will all the power that a CPA would enjoy, that this attempt may not prevail.

The educational requirements set forth in this bill are substantial. Much more so than they used to be, and its my hope that many P. A's who would qualify under this bill if it should pass, would then go on to complete the remaining requirements and become C. P. A's and enjoy the full powers and benefits granted.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Lovell.

Senator LOVELL: Mr. President and Mem-

bers of the Senate: Senator Chapman has just simply stated what I really believe. I would like to see Public Accountants become one, but I was in business from 1933, for 40 years, and when I sold my pharmacy I was doing a million dollars a year business and I never had anybody but a public accountant do my bookkeeping and my income tax wasn't checked, ever. I mean I never had to pay any extra income tax. So I don't think we need this amendment. Let the Bill go through as it is, never mind the amendments.

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

Senator CLARK: Thank you Mr. President. Auditing, which is directly related to a part of the Attest Function, requires the highest degree of skill, knowledge and training, and I believe should be reserved for C. P. A.'s. We have various classifications and applications of occupational licensing in the State of Maine. There's a difference between a licensed journeyman electrician and a master electrician; between journeyman or an apprentice plumber; between a para-legal and an attorney; between a physician's assistant and an M. D.; between an L. P. N. and a registered nurse; between a registered nurse and a degreed nurse; between a bachelor teacher and a teacher with a Master's Degree, and these are fine professional points and focus keenly on what is attributed to be professionalism.

I support the amendment as tendered by the good Senator from Sagadahoc, Senator Chapman, and believe that the Attest Function, which is directly to auditing, which is beyond the scope of those qualifications and criteria's described in L. D. 280, for the relicensing of Public Accountants in the State. I would hope that we adopt that amendment this afternoon.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President and Members of the Senate: The good Senator from Cumberland, Senator Clark has indeed given you examples of 2 clearly differently qualified groups of individuals, para-legals and lawyers, for example. Obviously there's a great deal of difference between those. One has 3 years of law school and the other clearly doesn't. Between RN's and LPN's, there's a clear difference also, and so forth.

I guess my problem today is I can't really understand where this line is being drawn. I just read the Statement of Fact again on the bill. It says that this amendment also makes the education and experience requirements equal to those applicable to CPA's. I would ask someone on the committee to perhaps explain to us exactly what is the difference that makes it so clearly the prerogative of CPA's to have only the Attest Function. As I understand this and the material that's been given to me, the educational requirements are very similar.

The PRESIDENT: The Senator from Androscoggin, Senator Trafton, has posed a question through the Chair.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President, in response to the question, the educational experience requirements are equal. The testing requirements are not. The testing requirements for a CPA include more examination than a PA.

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

Senator TRAFTON: Mr. President and Members of the Senate: If I could just continue; I understand that the Public Accountants would only be required to take the 2 most difficult parts of the CPA Examination, that leave 3 other portions. I also understand that the Public Accountant's Association is having their own examination to test those 3 areas that would be covered in the CPA's examination of

those additional 3 areas.

I guess what we're dealing with today is are the tests equivalent? I would ask if the Senator could share any information. If they are equivalent, then indeed we have 2 groups of individuals who have exactly the same credentials. I think that's important information for us to have today.

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

Senator SUTTON: I would just suggest in answer to that question, that if they were equal there would certainly be no need for us to even have this bill before us, they would all be CPA's.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Lovell.

Senator LOVELL: The education is the same, although a Certified Public Accountant has to have 2 year's experience before he can take the exam. It's just that the examination is harder.

Now my son's got the proper education. He's got his degree, BS at the University of Southern Maine. He hopes that he'll pass the CPA. But he wants to keep working as a public accountant until he can get his CPA. So do all the public accountants. The small businessman needs the Public Accountants.

Now Danforth Marine could probably hire the CPA. He'd like to be a CPA, but he wasn't quite smart enough to pass, but I hope he will. Mr. President, I'd like to request a small Roll Call.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: Let me just reiterate one point, which I think will clarify part of the analogies drawn by my very dear friend from Cumberland, Senator Clark. I think I had stated earlier, if it has been claimed that only CPA's are qualified to undertake such complex work. How have we survived to this point and time when current law authorizes both public accountants and CPA's to do the Attest Function?

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

Senator CLARK: Thank you Mr. President. I'll attempt to respond to the question from my very, very dear friend, Senator Minkowsky from Androscoggin. The fact of the matter is very simply this.

When the law was passed in 1967, PA's were allowed to grandfather themselves in and to perform those functions because both parties had agreed that PA's would no longer exist once the death bell sounded in 1974.

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 Kennebec, Senator Katz.

Senator KATZ: Mr. President, I ask Leave of the Senate to pair my vote with the Senator from York, Senator Danton. If he were here, he would be voting Yes on the Indefinite Postponement of this amendment and I would be voting No.

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

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

It is a vote.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, I request Leave of the Senate to pair my vote with the Senator from York, Senator Farley. If he were here he would be voting Yes, and I would be voting No.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, requests Leave of the Senate to pair his vote with the Senator from York, Senator Farley, who if he were here would be voting Yea, and the Senator from Penobscot, Senator Trotzky, would be voting Nay.

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

It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: I'd ask leave of the Senate to pair my vote with the Senator from Aroostook, Senator Carpenter. Were he here, he would be voting Yes and I would be voting No.

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

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

It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: Mr. President. I request Leave of the Senate to pair my vote with the Senator from Washington, Senator Silverman. If he were here, he would be voting Yes, and I would be voting No.

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

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

It is a vote.

The pending question before the Senate is the motion by the Senator from York, Senator Lovell, that Senate Amendment "B" be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

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

ROLL CALL

YEA — Conley, Cote, Devoe, Gill, Hichens, Huber, Lovell, Martin, McBairty, Minkowsky, O'Leary, Pray, Trafton, Usher.

NAY — Chapman, Clark, Collins, Redmond, Sutton, Teague.

ABSENT — Emerson, Najarian, Perkins, Shute.

PAIRED — Katz-Danton; Trotzky-Farley; Carpenter-Pierce; Ault-Silverman.

A Roll Call was had.

14 Senators having voted in the affirmative, and 6 Senators in the negative, with 8 Senators having paired their votes, and 4 Senators being absent, the motion to Indefinitely Postpone does prevail. Senate Amendment "B" Adopted.

Committee Amendment "A" Adopted, in concurrence. The Bill, as amended, Passed to be Engrossed, in non-concurrence. Sent down for concurrence.

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

Senator KATZ: Is the Senate in possession of Bill, "An Act to Establish a Silvicultural Review Board"?

The PRESIDENT: The Chair would answer in the affirmative, the Bill having been held at the request of the Senator.

Senator KATZ: Mr. President, I move that the Senate reconsider it's action whereby this Bill as Passed to be Engrossed, and I would suggest that it might be tabled for a day.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate reconsider its action whereby this Bill, "An Act to Establish a Silvicultural Review Board." (H. P. 1187) (L. D. 1486) was Passed to be Engrossed.

Is this the pleasure of the Senate?

It is a vote.

On motion by Senator Pierce of Kennebec, tabled for 1 Legislative Day, pending Passage to be Engrossed.

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

Enactor

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

Emergency

An Act Establishing the Municipal Cost Component for the Unorganized Territories. (H. P. 1465) (L. D. 1656)

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

Senator PRAY: Thank you, Mr. President. Mr. President and Members of the Senate: I notice that this bill had a speedy hearing today, and that we had earlier on our desks for First Reading and Second, and here it is back ready to be enacted.

I've tried to find a few questions, or have asked a few questions about the bill, tried to get a few answers. I would appreciate it if somebody either from the Taxation Committee or somebody here that has an understanding of exactly what we're enacting would explain it.

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

Senator TEAGUE: In answer to Senator Pray, if you will go down and read the Bill, L. D. 1656 was a hurried up public hearing to the Taxation Committee. Rod Scribner and one of his men also appeared in front of the Taxation Committee and testified to us on the different items down below. Public Safety was \$150,000. That will probably go to the State Police. The Forest Fire Protection is \$1,500,000 that's just goes to the Forest Fire Protection. You can just follow down. This is the unorganized territories parts of these different organizations.

In the 108th after the Uniform Property Tax was repealed and we went into the subsidy index the unorganized territory became almost like a municipality. These are the cost components that we had to study, and these are the figures that we came up with.

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

Senator MARTIN: Mr. President and Ladies and Gentlemen of the Senate: I want to thank the good Senator for his brief explanation, however, I realize and I understand as I was on the Committee on Taxation during the 108th, that this bill is the result of another bill which we enacted and was signed into law. However the figure \$5,824,000 I'd simply like to know if this is an increase or a decrease in taxes for unorganized territories?

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

Senator TEAGUE: If I remember right, it's roughly a 10% increase for the unorganized territory over the cost of last year.

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

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

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

Senator KATZ: I wonder if the gentleman might defer his motion for a moment so that I might ask a question.

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

Senator PRAY: I request permission to withdraw my motion.

The PRESIDENT: The Senator from Penobscot, Senator Pray, requests Leave of the

Senate to Withdraw his motion to table.

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

It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: May I ask of the Chair. This has been whizzing by so fast. Is there a timely consideration here? Is there any special reason why it has to be rushed through so quickly?

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

Senator TEAGUE: I think it is 1 day right now. As leadership will remember this came in. The Appropriations Committee did not want it. It was put over to the Taxation Committee. Then we had a quick hearing on it. I don't know where the department was. It's like I say when the Uniform Property Tax was taken out the subsidy index came in, then the unorganized territory is treated like a municipality.

This is about the first year that we have had to study this. I don't know what went on, but I know it was a quick deal. Maybe leadership could help me out.

On motion by Senator Katz of Kennebec, tabled for 1 Legislative Day, pending Enactment.

The PRESIDENT: The Chair would like to congratulate the Senate, On the Record, for it's perseverance this afternoon. Thank you for standing by.

On motion by Senator Pierce of Kennebec, adjourned until Monday, June 4 at 8:30 o'clock in the morning.