

# 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 4, 1979

Senate called to order by the Secretary.

Prayer by The Honorable Ralph Lovell of Sanford.

Senator LOVELL: Let us pray. O great God in heaven, look down upon this universe, look down through the milky way galaxy at the billions and billions of suns, and at the billions of planets, and look at our planet. Look down on this Senate, and give us the courage, strength, ability, fortitude and the brains necessary to carry on to do the best things possible for the State of Maine and for our constituents. In the name of Jesus Christ, Amen.

Reading of the Journal of yesterday.

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

On motion by Senator Pierce of Kennebec, Recessed until the sound of the bell.

(Recess)

(After Recess)

The Senate called to Order by the Secretary.

The SECRETARY: Is it the pleasure of the Senate that the Senator from Kennebec, Senator Katz, act as President pro tem?

It is a vote.

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

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

The Senate called to Order by the President pro tem.

**Papers from the House**  
**Non-concurrent Matter**

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1979. (H. P. 1416) (L. D. 1620)

In the Senate May 24, Passed to be Engrossed as amended by House Amendment "A" (487), in concurrence.

Comes from the House, Passed to be Engrossed, in non-concurrence.

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

Senator CHAPMAN: Mr. President, I move the Senate Recede and Concur.

The PRESIDENT pro tem: The Senator from Sagadahoc, Senator Chapman, moves that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?

The Motion Prevailed.

**Non-concurrent Matter**

RESOLVE, to Study the Need for an Environmental Health Program. (H. P. 1422) (L. D. 1627)

In the Senate May 29, Passed to be Engrossed, in concurrence.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-591), in non-concurrence.

On motion by Senator Pierce of Kennebec, Tabled until later in today's session, pending Consideration.

**Non-concurrent Matter**

Bill, "An Act to Facilitate the Licensing of Small Hydroelectric Generating Facilities."

(H. P. 1195) (L. D. 1472)

In the Senate May 30, Passed to be Engrossed as amended by Committee Amendment "A" (H-520), in concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto (H-593), in non-concurrence.

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

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

The PRESIDENT pro tem: The Senator from Penobscot, Senator Devoe, moves that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?

The Motion Prevailed.

**Non-concurrent Matter**

Bill, "An Act to Amend the Campaign Finance Law." (S. P. 78) (L. D. 167)

In the Senate May 31, Passed to be Engrossed as amended by Committee Amendment "A" (S-250).

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" and House Amendment "A" (H-595), in non-concurrence.

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

Senator PIERCE: Mr. President, I move that the Senate Recede and Concur.

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

Is this the pleasure of the Senate?

The Motion Prevailed.

**Non-concurrent Matter**

Bill, "An Act Altering the Organization and Governance of Community School Districts." (H. P. 1081) (L. D. 1517)

In the Senate May 30, Passed to be Engrossed as amended by Committee Amendment "A" (H-498), in concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" and House Amendment "A" (H-597), in non-concurrence.

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

Senator TROTZKY: I move the Senate Adhere.

The PRESIDENT pro tem: The Senator from Penobscot, Senator Trotzky, moves that the Senate Adhere.

Is this the pleasure of the Senate?

The Motion Prevailed.

**Joint Orders**

Expressions of Legislative Sentiment recognizing that:

Debra G. Labbe, of Augusta, has been selected as Valedictorian of Cony High School's Class of 1979 . . . (H. P. 1466)

June 3, 1979 marks the 125th anniversary of the incorporation of the City of Rockland whose inhabitants will then be celebrating its proud heritage . . . (H. P. 1467)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

**Communication**  
**COMMITTEE ON LABOR**

May 31, 1979

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

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th Legislature, the Joint Standing Committee on

Labor has had under consideration the nomination of Cynthia A. Murray-Beliveau to be a member on the State Personnel Board.

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

YEAS:

Senators 2

Representatives 10

NAYS:

Senators 0

Representatives 0

ABSENT:

Senators 1

Representatives 0

Twelve members of the Committee having voted in the affirmative and one absent, it was the vote of the Committee that the nomination of Cynthia A. Murray-Beliveau to be a member on the State Personnel Board be confirmed.

Sincerely,

S/ROLAND SUTTON

Chairman

S/JASPER WYMAN

Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT pro tem: The Joint Standing Committee on Labor has recommended that the nomination of Cynthia A. Murray-Beliveau be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Labor be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th Legislature, the vote will be taken by the yeas and nays. A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

ROLL CALL

YEA — None.

NAY — Ault, Carpenter, Chapman, Clark, Collins, Cote, Devoe, Emerson, Farley, Gill, Hichens, Huber, Katz, Lovell, McBreaity, Minkowsky, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Trotzky, Usher.

ABSENT — Conley, Danton, Martin, Najarian, Sewall.

No Senators having voted in the affirmative and 28 Senators in the negative, with 5 Senators being absent and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Cynthia A. Murray-Beliveau is confirmed.

**COMMITTEE ON PUBLIC UTILITIES**

June 1, 1979

The Honorable Joseph Sewall  
President of the Senate  
State House

Augusta, Maine 04333

Dear President Sewall:

The Committee on Public Utilities 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	62
Unanimous Reports	49
Ought to Pass	6
Ought to Pass as Amended	15
Ought to Pass in New Draft	1
Ought Not to Pass	13
Leave to Withdraw	14
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Respectfully yours,  
S/Senator DANA DEVOE

Chairman  
Which was Read and Ordered Placed on File.

#### Senate Paper

Senator Chapman of Sagadahoc presented the following Joint Resolution and moved its adoption:

#### STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Seventy-nine

#### JOINT RESOLUTION CONCERNING PUBLIC CONFIDENCE IN THE SAFETY OF NUCLEAR POWER GENERATION IN MAINE

WHEREAS, the conflicting reports in the media regarding the events which took place at the Three Mile Island Nuclear Plant and the honest disagreement among experts as to the amount of radiation that may be harmful, have created concerns in the minds of a large segment of the public regarding the safety of nuclear generating facilities and the relative dangers of living in close proximity to them; and

WHEREAS, the technology involved in the production of nuclear power is making it difficult for citizens to make evaluations regarding their own safety and that of their children; and

WHEREAS, these factors have contributed to an erosion of public confidence in the safety of nuclear power generation as well as in State and Federal Government programs to monitor and determine safe levels of radioactive emissions; and

WHEREAS, a high level of public confidence is essential to the efficient operation of both public utilities and various levels of government; now, therefore, be it

RESOLVED: That the Bureau of Health Engineering in cooperation with the Bureau of Civil Emergency Preparedness be urgently requested to prepare and disseminate a publication to be available on request, that explains in layman's language what are considered to be safe levels of radioactive emissions from the Maine Yankee Atomic Power Plant, what emissions have historically been, how the State and Federal Government monitor and regulate these emissions, and what the relative probabilities of risk of harm from this source are along with other significant and comparative data on natural and man-made radiation hazards; and be it further

RESOLVED: That in order for the State of Maine to be capable of monitoring radioactive emissions in whatever locations might be indicated by public concern and that these bureaus are further requested to study the adoption of whatever procedures or purchases of equipment are necessary to maintain the highest degree of public safety in this regard and in so doing to call upon the resources and expertise of other governmental agencies; and be it further

RESOLVED: That suitable copies of this resolution be sent forthwith to the Bureau of Health Engineering and the Bureau of Civil Emergency Preparedness. (S. P. 531)

Which was Read.

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

Senator CHAPMAN: Mr. President, and Members of the Senate: The Maine Yankee Atomic Power Plant is in my district and as we all know, atomic power is a subject of headlines in the papers, concerns many in this country. Right now it happens to occupy the number 1 place in my mail each day.

I think there is fear and concern on the part of many of the area residents with regard to what I like to refer to as the unknowns. What are the radiation levels? What are the emissions? Are they something that the citizens should be concerned about?

We know that there is honest disagreement amongst experts as to just what the amount of radiation might be harmful. In order to address these concerns in a calm manner, this Resolution would confirm some action we have taken earlier under L. D. 349, in asking the Bureau of Health Engineering, Bureau of CEP, to prepare and disseminate upon request information about just what the emissions are in layman's terms. So that people can understand the emissions from the Maine Yankee Atomic Power Plant. This information is filed, but it is not in a basis that the layman can understand it.

Also, to point out the probabilities of harm might be from these sources, along with other comparable data on natural and other man-made sources of radiation. We'd also ask the State to be particularly alert to this situation, in monitoring what other areas of concern there might appear to be to allay public fear or concern. The fear of the unknown sometimes is worse than the known itself. If we can make available information to the citizenry, I think we should go a long way towards establishing some confidence in the situation as is necessary.

Which was Adopted.

Sent down for concurrence.

#### Committee Reports House

The following Ought Not to Pass reports shall be placed in the Legislative Files without further action pursuant to Rule 22 of the Joint Rules:

Bill, "An Act to Revise the Charter of the York Sewer District." (H. P. 676) (L. D. 832)

Bill, "An Act to Increase the Property Tax Exemption for Houses of Religious Worship." (H. P. 167) (L. D. 190)

#### Leave to Withdraw

The Committee on Judiciary on, Bill, "An Act Concerning Child Abuse and Neglect." (H. P. 602) (L. D. 775)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act Establishing the Children and Family Services and Child Protection Act of 1979." (H. P. 1384) (L. D. 1607)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act Regarding Abuse and Neglect Custody, Proceedings and Termination of Parental Rights." (H. P. 954) (L. D. 1239)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Public Utilities on, Bill, "An Act to Increase the Membership of the Gardiner Water District to Six." (Emergency) (H. P. 284) (L. D. 362)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Public Utilities on, Bill, "An Act Relating to Motor Carrier Rates Subject to the Jurisdiction of the Public Utilities Commission." (H. P. 255) (L. D. 300)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Public Utilities on, Bill, "An Act to Deregulate Intrastate Trucking." (H. P. 1069) (L. D. 1321)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Taxation on, Bill, "An Act Providing for Revisions in the Maine Individual Income Tax Law." (H. P. 917) (L. D. 1135)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act to Increase the Handling Charge for Returnable Beverage Containers from 1¢ to 3¢ and to Provide for Prompt Reimbursement of this Charge to Dealers and Redemption Centers." (H. P. 454) (L. D. 699)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act to Amend Returnable Beverage Container Statutes to Require Distributor Operation of Redemption Centers and to Require Refillable Containers." (H. P. 639) (L. D. 793)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act to Improve the Efficiency and Operation of Redemption Centers for Returnable Containers." (H. P. 366) (L. D. 469)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act to Encourage the Acceptance by Distributors of Beverage Containers." (H. P. 786) (L. D. 986)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act to Improve the Efficiency and Operation of Redemption Centers for Returnable Containers." (H. P. 928) (L. D. 1141)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act to Extend Warranty Protection to Purchasers of Used Cars." (H. P. 785) (L. D. 985)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act Concerning Group Medical Coverage for Families of Disabled Employees." (H. P. 822) (L. D. 1022)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act to Provide Recycling and Conservation Use of Unredeemed Refunds on Beverage Containers." (H. P. 781) (L. D. 993)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

#### Ought to Pass — As Amended

The Committee on Energy and Natural Resources on, Bill, "An Act to Consolidate the Mining and Rehabilitation of Land into the Site Location of Development Statute." (H. P. 1239) (L. D. 1543)

Reported that the same Ought to Pass as amended by Committee Amendment "A." (H. 555).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amend-

ment "A".

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

#### Senate

The following Ought Not to Pass reports shall be placed in the Legislative Files without further action pursuant to Rule 22 of the Joint Rules:

Bill, "An Act to Amend the Laws Relating to Games of Chance." (S. P. 142) (L. D. 318)

Bill, "An Act to Permit Security Brokers to Serve on the Board of Directors of Banks." (S. P. 308) (L. D. 896)

Bill, "An Act to Amend the Subdivision Law to Allow Consideration of Cumulative Impact Costs to the Community from Gradual Development." (S. P. 350) (L. D. 1098)

#### Leave to Withdraw

Senator Chapman for the Committee on Business Legislation on, Bill, "An Act Relating to a Health Benefits Program for State Employees." (S. P. 513) (L. D. 1574)

Reported that the same be granted Leave to Withdraw.

Senator Sutton for the Committee on State Government on, Bill, "An Act Concerning the Salary of Attorney General." (S. P. 482) (L. D. 1484)

Reported that the same be granted Leave to Withdraw.

Senator Cote for the Committee on Local and County Government on, Bill, "An Act to Establish Self-governing Provisions for Androscoggin County." (S. P. 478) (L. D. 1538)

Reported that the same be granted Leave to Withdraw.

Senator Teague for the Committee on Taxation on, Bill, "An Act to Exempt Solid Waste Used as a Fuel from the Sales Tax." (S. P. 211) (L. D. 584)

Reported that the same be granted Leave to Withdraw.

Senator Clark for the Committee on Taxation on, Bill, "An Act to Extend the New Jobs Credit Provisions under the Statutes Relating to Taxation." (S. P. 369) (L. D. 1149)

Reported that the same be granted Leave to Withdraw.

Senator Teague for the Committee on Taxation on, Bill, "An Act to Establish a Higher Education Tax Deferred Savings Plan and Other Tax Benefits for Parents and Students." (S. P. 461) (L. D. 1421)

Reported that the same be granted Leave to Withdraw.

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

#### Ought to Pass

Senator O'Leary for the Committee on Energy and Natural Resources on, Bill, "An Act Relating to Requirements for Discharge into Class A Waters." (S. P. 566) (L. D. 1629)

Reported that the same Ought to Pass.

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

#### Ought to Pass — As Amended

Senator Clark for the Committee on Business Legislation on, Bill, "An Act Relating to Non-profit Hospital and Medical Service Organizations." (S. P. 357) (L. D. 1105)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-286)

Senator Chapman for the Committee on Business Legislation on, Bill, "An Act Relating to the Licensing of Auctioneers." (S. P. 430) (L. D. 1379)

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

292).

Senator Clark for the Committee on Business Legislation on, Bill, "An Act to Provide for the Registration and Protection of Trademarks." (S. P. 43) (L. D. 29)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-294).

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 Trafton for the Committee on Judiciary on, Bill, "An Act Concerning Revisions in the Maine Criminal Code." (S. P. 395) (L. D. 1210)

Reported that the same Ought to Pass in New Draft under New Title, Bill, "An Act Concerning Revisions in the Maine Juvenile Code and Maine Criminal Code." (S. P. 592) (L. D. 1661)

Senator Clark for the Committee on Business Legislation on, Bill, "An Act to Establish the Physical Therapist Practice Act." (S. P. 428) (L. D. 1378)

Reported that the same Ought to Pass in New Draft under New Title, Bill, "An Act to Revise the Physical Therapist Practice Act." (S. P. 593) (L. D. 1664)

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

#### Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act to Place an Annual Limit on Capital Expenditures Approved in Accordance with the Provisions of the Maine Certificate of Need Act of 1978." (S. P. 477) (L. D. 1474)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-290).

Signed:

Sensor:

CARPENTER of Aroostook

Representatives:

PRESCOTT of Hampden

BRENERMAN of Portland

BRODEUR of Auburn

CLOUTIER of South Portland

CURTIS of Milbridge

NORRIS of Brewer

VINCENT of Portland

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

Signed:

Sensors:

GILL of Cumberland

HICHENS of York

Representatives:

MacBRIDE of Presque Isle

PAYNE of Portland

MATTHEWS of Caribou

Which Reports were Read.

On motion by Senator Pierce of Kennebec, Tabled for 1 Legislative Day, pending Acceptance of Either Committee Report.

#### Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act Relating to Dental Health." (S. P. 330) (L. D. 964)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-291).

Signed:

Sensor:

CARPENTER of Aroostook

Representatives:

PRESCOTT of Hampden

NORRIS of Brewer

MacBRIDE of Presque Isle

BRENERMAN of Portland

BRODEUR of Auburn

MATTHEWS of Caribou

PAYNE of Portland

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

Signed:

Sensors:

GILL of Cumberland

HICHENS of York

Representatives:

CLOUTIER of South Portland

Which Reports were Read.

On motion by Senator Pierce of Kennebec, Tabled for 1 Legislative Day, pending Acceptance of Either Committee Report.

#### Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act to Grant the Public Utilities Commission Jurisdiction to Review Adjustments under the Fuel Adjustment Clause." (Emergency) (S. P. 507) (L. D. 1567)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-288).

Signed:

Sensors:

DEVOE of Penobscot

COLLINS of Knox

Representatives:

DAVIES of Orono

GAVETT of Orono

REEVES of Newport

CUNNINGHAM of New Gloucester

VOSE of Eastport

LOWE of Winterport

BROWN of Livermore Falls

NELSON of Portland

McKEAN of Limestone

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "B" (S-289).

Signed:

Sensor:

TRAFTON of Androscoggin

Which Reports were Read.

On motion by Senator Devoe of Penobscot, the Majority Ought to Pass, as amended, by Committee Amendment "A" Report of the Committee, Accepted, and the Bill Read Once. Committee Amendment "A" Read and Adopted.

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

(Off Record Remarks)

#### Divided Report

The Majority of the Committee on Labor on, RESOLVE, to Reimburse Norman H. Curtis for Financial Loss Due to a Legislative Oversight. (S. P. 412) (L. D. 1288)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-279)

Signed:

Sensors:

SUTTON of Oxford

LOVELL of York

Representatives:

WYMAN of Pittsfield

DEXTER of Kingfield

CUNNINGHAM of New Gloucester

FILLMORE of Freeport

BAKER of Portland

MARTIN of Brunswick

TUTTLE of Sanford

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

Signed:

Sensor:

PRAY of Penobscot

Representatives:

BEAULIEU of Portland

LEWIS of Auburn

McHENRY of Madawaska

Which Reports were Read.

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

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

#### Divided Report

The Majority of the Committee on Education on, Bill, "An Act Relating to the Reporting of Illegal Use and Trafficking of Drugs in Maine Schools." (S. P. 469) (L. D. 1417)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S. 293).

Signed:  
Senators:

TROTZKY of Penobscot  
GILL of Cumberland  
MINKOWSKY of Androscoggin

Representatives:

GOWEN of Standish  
BIRT of East Millinocket  
ROLDE of York  
LEIGHTON of Harrison  
DAVIS of Monmouth

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

Signed:  
Representatives:

CONNOLLY of Portland  
LOCKE of Sebec  
FENLASON of Danforth  
LEWIS of Auburn  
BEAULIEU of Portland

Which Reports were Read.

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

Committee Amendment "A" Read and Adopted.

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

#### Second Readers

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

##### House — As Amended

Bill, "An Act to Implement a Plan for the Prevention and Treatment of Alcoholism and Alcohol Abuse." (H. P. 1206) (L. D. 1485)

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

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

Which was Read a Second Time.

On motion by Senator Pierce of Kennebec, Tabled until later in today's session, pending Passage to be Engrossed.

#### Senate

Bill, "An Act to Appropriate Money to the Northeastern Research Foundation, Inc." (S. P. 170) (L. D. 377)

Bill, "An Act to Revise the Charter of the Richmond Utilities District." (S. P. 587) (L. D. 1654)

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

Sent down for concurrence.

##### Senate — As Amended

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

Bill, "An Act to Reclassify Certain Surface Waters and Revise Water Quality Standards." (S. P. 337) (L. D. 998)

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)

Bill, "An Act to Provide for Annual Audit of County Budgets." (S. P. 318) (L. D. 948)

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

Sent down for concurrence.

#### Enactors

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

An Act to Provide Personal Care Assistance Services to Enable Persons with a Severe Physical Disability to Work. (H. P. 974) (L. D. 1242)

On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

An Act to Establish Assessments Upon Certain Public Utilities and to Authorize Use of the Funds Generated by Those Assessments to Pay Certain Expenses of the Public Utilities Commission. (H. P. 380) (L. D. 487)

An Act Concerning the Maine Property Insurance Cancellation Control Act. (H. P. 690) (L. D. 862)

An Act Converting the Unorganized Township of Edmunds into the Town of Edmunds. (H. P. 710) (L. D. 863)

An Act to Encourage Industrial Cogeneration and Small Power Production Facilities using Renewable Sources of Energy. (H. P. 795) (L. D. 1002)

An Act to Provide Fiscal Impact Statements. (H. P. 843) (L. D. 1045)

An Act to Require that Insurance Coverage for Out-patient Community Mental Health Services be Provided in Group Health Care Policies and Contracts. (H. P. 1121) (L. D. 1390)

An Act Concerning Limited Decrees for Alimony. (H. P. 1168) (L. D. 1443)

An Act to Revise and Correct Provisions of the Administrative Procedure Act. (H. P. 1248) (L. D. 1504)

An Act to Require Financial Institutions Either to Pay Taxes from Mortgage Escrow Accounts or to Pay Interest on Escrowed Sums. (H. P. 1426) (L. D. 1633)

An Act Concerning the Financial Responsibility Laws. (S. P. 132) (L. D. 309)

An Act to Provide that SAD's May Contract for High School Education for its Students with any Other Approved School. (S. P. 242) (L. D. 691)

An Act to Clarify the Disqualification Provisions of the Employment Security Law. (H. P. 821) (L. D. 1028)

An Act to Provide Local Control of Winter Closing of Town Ways. (H. P. 857) (L. D. 1057)

An Act to Establish at \$100,000 per Qualified Applicant, the Maximum Limit of Liability which an Insurer Must Assume under the Assigned Risk Motor Vehicle Insurance Statutes. (H. P. 1019) (L. D. 1252)

An Act to Amend Financial Institutions and Credit Union Laws. (S. P. 450) (L. D. 1413)

An Act to Amend the Laws Relating to Criminal History Record Information. (H. P. 1425) (L. D. 1632)

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

An Act Pertaining to Solicitation by Law Enforcement Officers. (H. P. 1147) (L. D. 1409)

On motion by Senator Pray of Penobscot, Tabled until later in today's session, pending Enactment.

An Act to Increase the Funds for the Displaced Homemakers Program. (H. P. 779) (L. D. 981)

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

Senator HUBER: Mr. President and Mem-

bers of the Senate: It was with considerable reluctance that I voted against passage of this Bill in the Committee Report. I think this program is one of many similar potential programs and should come under the purview of the Department of Manpower Affairs. The function of this department is to get people back into employment into the mainstream of our economic system.

My objection to this Bill is not as much with content as to the legislature establishing individual programs for each potential splinter within the function of this department or any other department. If this is a high priority of the department, the department either should try and find the funds within available funds or should request that it's overall funding is inadequate.

Again and again the Appropriations Committee is faced with programs that purport to be the highest priority of this department of another department. If one program for one group of people is the highest priority, something must be lower. I think we've got to force departments to prioritize their needs within the functions assigned to them by the legislature.

Certainly there are other groups of Maine citizens who are in fact displaced, recent high school graduates, certainly could be the subject of another program. I think I would like to see within the function of the Department of Manpower Affairs, I would like to see a plan evolved by the department to put these in the proper priority, rather than evolution of a non-system as to often occurs by individual legislative mandates for individual groups of our population. This is the reason for my opposition to Enactment of this Bill.

It is with reluctance that perhaps I rise on this bill, individually, because certainly this type of thing happens all the time. But I do think it is the genesis of the many non-systems that we do have within State Government and I think we do have to develop plans within the department to carry out their overall functions.

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

Senator PERKINS: Mr. President and Members of the Senate, with the information that my Committee Chairman has offered you and with the realization that not all things can be funded in all good years or bad years, I move the Indefinite Postponement of this bill and all accompanying papers.

The PRESIDENT pro tem: The Senator from Hancock, Senator Perkins, moves this Bill and all its accompanying papers be Indefinitely Postponed.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, I move this item lie on the table, until later in today's session.

The PRESIDENT pro tem: The Senator from Penobscot, Senator Pray moves that this matter be tabled until later in today's session.

The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: I request a Division.

The PRESIDENT pro tem: A Division has been requested.

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

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

6 Senators having voted in the affirmative, and 16 Senators in the negative, the Motion to Table does not prevail.

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

Senator CLARK: Thank you Mr. President. It is not without some surprise that I noticed that this item has been set aside with the resulting motion of Indefinite Postponement. To further complicate the issue or to further indicate perhaps the ultimate disposition of this

item, and this measure. Displaced Homemakers. I noticed that we were unable to Table this until later in today's session. I would assume from that action that this item, therefore, has been the topic of discussion at one time or another, of the caucus of what is called friendly opposition.

I agree with the comments of my seatmate, the Senator from Cumberland, Senator Huber, in that we must prioritize within our departments. I would have wished that this bill might have been Tabled until later in today's session. Since the person who we have allowed to carry the burden of debate on this issue is Number 1, not with us today. I have some understanding that the Department of Manpower Affairs is addressing this issue whether in coordination or as a result of L. D. 981, which is before us.

I think it's perfectly proper and appropriate that the State of Maine identify a certain segment of its population. Let me share with you how I perceive that population for I am also involved in Adult Education. Many of my students in Adult Education fall within those medium age years, generally between late 30's and early 60's, and they happen to be female.

Most of them are single through such actions as death, divorce, and separation. Almost without exception and in fact, I know of none, within my personal experience. They are homemakers and mothers, whose children have grown up. They find themselves as single people, as a result, sometimes, of action over which they have little or no control. They have spent years and years in the home, doing what has traditionally been called 'a homemaker's role,' a wife and mother, and holding that role within society, that in my opinion, does not earn the respect that it so rightly deserves.

They find themselves single, in need of earning money without years and years of experience, other than in the home. They must find a job, retrain. If they are single as the result of death, then they do not qualify for survivor's benefits for they aren't old enough. What do they do? Where do they go? To whom do they seek assistance? From whom do they seek assistance?

This program was piloted in the State of Maine funded belatedly, and has resulted in a positive report, with the inspection and experience of the Kennebec County Pilot Project. I support this measure. It doesn't take a great deal of intelligence, just a sensitivity to have some indication of what is going to happen to it this morning.

I simply want you people to understand that there is a segment of the population out there, that has sought the services as provided under Displaced Homemakers, has received the services of Displaced Homemakers, no longer qualify for Welfare, because as a result of the services which they have received, they are now participating members of the working society, and take pride in the fact that they are contributing to their own maintenance, and are now able to support themselves. That they are not recipients of what we call the 'welfare train'. That as a direct result of the counselling services that have been offered under Displaced Homemakers, they have identity, pride and integrity.

I would submit that should this bill be defeated this morning, we would be removing from those Displaced Homemakers people, the people who qualify for this program a positive service, which has helped place them again in the mainstream of life.

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

Senator PRAY: I move this item lie on the table until later in today's session.

The PRESIDENT pro tem: The Senator from Penobscot, Senator Pray, moves that L. D. 981 be tabled until later in today's session.

The Chair will order a Division.

The Chair recognizes the Senator from Pe-

nobscot, Senator Pray.

Senator PRAY: I request a Roll Call.

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

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

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

The pending question before the Senate is the Motion by the Senator from Penobscot, Senator Pray, that L. D. 981 be Tabled until later in today's session.

A Yes vote will be in favor of the Motion to Table.

A No vote will be opposed.

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

#### ROLL CALL

YEA — Carpenter, Clark, Cote, Farley, Minowsky, O'Leary, Pray, Silverman, Trafton, Usher.

NAY — Ault, Chapman, Collins, Devoe, Emerson, Gill, Hichens, Huber, Katz, Lovell, McBairty, Perkins, Pierce, Redmond, Shute, Sutton, Teague, Trotzky.

ABSENT — Conley, Danton, Martin, Najarian, Sewall.

A Roll Call was had.

10 Senators having voted in the affirmative, and 18 Senators in the negative, with 5 Senators being absent, the Motion to Table does not prevail.

The Chair will order a Division.

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

The Chair recognizes the Senator from Cumberland, Senator Clark.

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

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

Will all those Senators in favor of ordering a Roll Call, please rise 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. Speaker, Ladies and Gentlemen of the Senate: I would just like to draw the attention of the Senate that there are those of us that are not against Displaced Homemakers one bit. I have encouraged and feel very strongly that we should do anything and everything to put unemployed folks to work. Have supported this program, and would continue to support it until just the other day in our Labor Committee, we amended one of our bills to move the Displaced Homemakers Program into the Department of Manpower Affairs as a permanent part of the program.

I am convinced that the program will continue. It's going to continue as part of the department. That is why I am supporting this particular position.

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

Senator TRAFTON: Mr. President, I direct a question to the Senator from Oxford, Senator Sutton. Are you aware if there is any funding that will accompany the transfer of the administration into the Department of Manpower Affairs, because I think that's what we're talking about today if in fact there is funding, I think we would all vote to see this Bill Indefinitely Postponed.

The PRESIDENT pro tem: The Senator from Androscoggin, Senator Trafton, poses a question through the Chair, and the Senator

from Oxford, Senator Sutton may answer if he chooses.

Senator SUTTON: Thank you Mr. President. There was no appropriation on the amendment. It is my understanding that there are funds and people to handle this program within the department.

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

Senator FARLEY: Mr. President and Members of the Senate: As I understand the Department of Manpower Affairs is presently under manned. Positions that were not filled over the last three or four years. The department's duties are varied, they have an employment service problem in Manpower Affairs now. I don't believe they are adequately doing the job presently. I have had several cases where people call me about unemployment problems, denied benefits, because of the employer they were sent to, part-time employees, husband and wife operation. The Manpower section didn't even have time to look into.

I don't foresee good times coming down in the next year and a half, two years or so. I can see the Department of Manpower Affairs being flooded, we notice an increase in unemployment now. I think it's going to get worse before it gets better. I think their jobs are going to be very difficult in the near future.

This is a pilot project or rather a project that picks out a segment of our society, that I think have legitimate problems, and have the attitude that do want to work and get back to the mainstream.

This kind of bill costs money. It isn't one of my favorites, as you know. I think this is a good program. The last time it was held in abeyance until the last day of the session, as hostage, you might say, I would hope that we would, this time, go along. At least all we're doing today, we enact it today, it goes on the Appropriation Table and let its priority take place. If we see we do have the money, in the final analysis it is a worthy program. I think it is, I think a lot of us if we go out, especially those of us who campaign from door to door, have seen a lot of people that are not working that should be working, like the good Senator from Oxford, said Senator Sutton. They are costing us a lot more than what this bill calls for. I think a lot would rather get back into employment status and back to work and be a contributing member of a family and society.

I would hope today, that we would at least pass it to the Enactment stage, put it on the table, and see what our priorities are then.

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

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate: I would just point out that by reading the Enactor, the money that is being asked for by this bill is to go to the Manpower Affairs Department for the purpose of administering the program. The Senator from Oxford, Senator Sutton said he was in favor of doing anything and everything to employ individuals. This bill that's before us today, as it is amended, is to provide the financial support of accompanying the other legislation which we had in the Labor Committee. The first bill that we had in the Labor Committee is to place the program under the Department of Manpower Affairs. The legislation that we have before us at this time is to finance, to provide the funds for the Department of Manpower Affairs to do the responsibility, which we in the Labor Committee presently are supporting, or giving them the responsibility to do.

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

Senator PIERCE: Mr. President and Members of the Senate: I'm just going to say that I, too, am in favor of the program as the good Senator from York, Senator Farley is. I think



it's a good program and am fully confident that it will be carried on whether or not we enact this particular measure here today. I suggest the Department of Manpower Affairs might well take a lesson from the Department of Human Services which is a Department this year that I've seen bill after bill go through here, where appropriations mysteriously disappear. All of a sudden they don't need any money, but if the department wants to do it, they'll carry them on.

This particular measure, it's a few thousand dollars. I'm sure it's a high priority of the Department of Manpower Affairs and I'm fully confident that the program will continue and I don't think we have to have any special funding for it.

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

Senator CLARK: Mr. President and Members of the Senate: I would share with you certain excerpts from a letter from a woman from Waterville, Maine, relative to her experiences with the recent pilot project of the Displaced Homemaker's Group. "I have been married for 25 years, when my husband died at age 47. We had raised one daughter and three sons, who were at that time pursuing their own lifestyles and careers. Middle age is a transitional time for all of us regardless of circumstances, but to find myself alone was an awesome experience. My husband provided me with insurance which perhaps would have been sufficient had I been 65, but at 47 with hopefully 25 or 30 years more to live, I can assume I can outlive the material necessities I have and they cost money to replace. So the future for me had to include some more income.

My job was at home during our marriage. I enjoy being a wife, mother and creative housekeeper. I participated in volunteer activities and pleasurable learning experiences. Illnesses within our family brought me in contact with many life-supporting groups. I am a registered nurse, and a hospital graduate, back in 1952. I pursued that career only sparingly during the past 25 years of marriage and to go back to nursing technically, with schooling in this day and age, would have been possible, but physically impossible on a full time basis, and emotionally frightening because of the many, many changes.

I had made some attempts at checking into various jobs. To muster the courage to make the call, to present myself, and then to have what little confidence you have immediately garnered, devastated by the response of, 'sorry, you're too old,' 'too inexperienced,' 'you need retraining,' etc. made for retreat back into a lonely, desperately desolate world.

There is nothing offered that I could find in the State of Maine for widows on a constructive, supportive basis. My first hope was the announcement at the beginning of the Displaced Homemakers Group."

She goes on to experience or to share with us, her experience relative to that meeting and counseling with Displaced Homemakers and reports at the end of this two page letter, "that I have been employed since last December as a counselor, a woman's program here in Augusta, for alcoholic treatment and prevention. I know I would not have had the courage or the confidence to have applied or made the grade had it not been for the Displaced Homemaker's Group. The money that hopefully is going to be appropriated for the continued funding of this group, is the planting for which the State of Maine will reap the harvest. Most importantly, will meet the needs of an ever increasing number of women, making a difficult transition in their life style, and most frequently not by choice.

Crossing the bridge between youth and old age, from wife and mother, to individual, from homemaker to a functional worker, does truly make the homemaker displaced, and the

women who will have the opportunity to attend and participate and learn as I did, through displaced homemakers, will not end up on welfare, using taxpayers' money, but instead will be proud, functional tax contributing citizens of the State of Maine."

I would submit if we stand in support of Displaced Homemakers and the program entailed therein, my colleagues in this chamber, that we indeed put our support and our money where our hearts are.

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

Senator TRAFTON: Mr. President and Members of the Senate: It is with some dismay that I rise this morning to find ourselves in what I think will prove to be a very partisan Division when we have the Roll Call. I don't understand how this issue can be a partisan issue.

It seems to me that when we look at the plight of a Displaced Homemaker, that it's not one that effects one based on which party they hold membership in. It seems to me that these individuals have undergone a very traumatic period in their life and they are now reaching out for help, so as the good Senator from Cumberland pointed out, they won't have to resort to the welfare rolls.

I think it's useful to remember that this is a pilot project and perhaps that's one of the reasons that the Department of Manpower Affairs has not included it in their budget this year. This is only a six months old program, but in that brief period of time the program has been able to help 70 women, mostly in the Kennebec area, and based on some of the statistical work they have done, they estimate in Maine, that 16% of Maine women, age 30-64, who are separated, widowed or divorced present a potential target population of 33,536 women who will qualify as Displaced Homemakers.

Not only has the program in Kennebec County helped 70 women, but it has also provided inspiration for many other programs. For example, in my area in Androscoggin County, the YWCA in Lewiston and Auburn, has on its own initiative started a program to help women in transition.

This program has had several difficulties. The past administration was not terribly supportive of the program, and as a result the Displaced Homemaker Council was appointed way after the deadline set out in the statute, again hindering the accomplishments that the Displaced Homemaker Advisory Council has been able to make in the 6 months it has been pursuing this program.

I would hope today that you would reconsider your position and allow this to at least go to the Appropriations Table. As I look back on the calendar this morning, some of the things that I assume will make it to the Appropriations Table, are Norman Curtis will be reimbursed probably, or at least make it to the Appropriations Table. We have programs for the Northeastern Research Foundation and many other things that I could list, that you're all aware of.

I think, certainly that Displaced Homemakers in this State deserve at least to make it to the Appropriations Table to be considered along with those other items as to whether they are priority for this State or not.

Finally I would just read a brief paragraph from the Kennebec Journal, an editorial entitled, "A Good Risk" which was supportive of the displaced homemaker program. "This program is neither piling one bureaucracy atop another, now a needless expense of public money. Existing programs too often overlook the displaced homemaker. As to the cost it may easily save money through a reduction in welfare payments."

I hope that we can show the people in this State that displaced homemakers are a priority for us today.

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

Senator FARLEY: Mr. President and Members of the Senate: If someone in this body wants to take the time and look at the problem with divorce in this country or the increasing numbers of divorce, you'll find that between the first 3 and 4 years of marriage, the rate is probably the highest or is the highest. Then the next highest group is those between 18 and 25 years of marriage and that number is growing. The simple fact that divorce has been accepted now by society. The fact that the children have grown up.

Correspondingly the greatest increase of the number of alcoholics among the female population is in that same group. I mention this because just the other day the President pro tem of the body this morning made a big issue of preventive treatment for alcoholism. I think we have something here that can do the same.

The PRESIDENT pro tem: The Senator from Penobscot, Senator Pray, asks Leave of the Senate to speak a fourth time.

Is it the pleasure of the Senate?

It is a vote.

The Senator has the floor.

Senator PRAY: Thank you Mr. President. Mr. President and Members of the Senate: Since the debate started off with the comments of the Chairman of the Appropriation Committee who I noticed isn't here presently concerned about the funding of the program. With the realization that the Appropriation Committee scrutinizes all of the department's budgets. The comments have been made by the Senator from Kennebec, Senator Pierce, that he was sure that the Department of Manpower Affairs would have funding somewhere in the department to carry on this program. I'd like to ask somebody on the Appropriations Committee in reference to some suggestions that they can make to the Department of Manpower Affairs where they have scrutinized that budget, as to where the department's going to come up with the additional \$25,000, which it has been estimated to carry on this program.

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

Senator SUTTON: Mr. President, just one final thing. I'm sure that the department is going to continue this program. When the Roll is taken I would request Leave of the Senate to pair my vote with the Senator from Cumberland, Senator Najarian, who if she were here, would be voting No, and I would be voting Yes.

The PRESIDENT pro tem: The Senator from Oxford, Senator Sutton 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 Oxford would be voting Yea.

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

It is a vote.

The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President and Members of the Senate: The question has been asked where the money will come from were this not to be funded. I would suggest that these same monies will be used for the monies whose disappearing funds which the good Senator from Kennebec, referred to on several L. D.'s this year. When the bill started out to have funds on them, and then all at once the departments found that they did not need these monies and in order to pass the bill, the monies were removed from them. I suspect.

The Department finds that they did not need the monies any longer to pass the Bills. The monies were removed from them. In effect these same monies will be available in that fund.

The PRESIDENT pro tem: The pending question is the motion of the Senator from Hancock, Senator Perkins, that this Bill 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 — Ault, Chapman, Collins, Devoe, Emerson, Gill, Hichens, Huber, Katz, Lovell, McBreairty, Perkins, Pierce, Redmond, Shute, Teague, Trotzky, Sewall.

NAY — Carpenter, Clark, Cote, Farley, Minkowsky, Pray, Silverman, Trafton, Usher.

ABSENT — Conley, Danton, Martin, O'Leary.

PAIRED — Najarian-Sutton.

A Roll Call was had.

18 Senators having voted in the affirmative and 9 Senators in the negative, with 2 Senators having paired their votes, with 4 Senators being absent, the Motion to Indefinitely Postpone does prevail.

The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President having voted on the prevailing side, I would move Reconsideration.

The PRESIDENT pro tem: The Senator from Hancock, Senator Perkins, moves that the Senate Reconsider its action whereby this Bill was Indefinitely Postponed.

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.

An Act to Require Premium Impact Statements for Certain Workers' Compensation Legislation. (H. P. 956) (L. D. 1222)

On motion by Senator Pierce of Kennebec, Tabled for 1 Legislative Day, pending Enactment.

An Act to Ensure the Prompt Decision of Cases Before to Workers' Compensation Commission. (H. P. 1380) (L. D. 1605)

On motion by Senator Pierce of Kennebec, Tabled until later in today's session, pending Enactment.

The President Pro-Tem would ask the Sergeant-at-Arms to escort the Senator from Penobscot, Senator Sewall to the rostrum to assume his duties as President.

The Sergeant-at-Arms escorted the Senator from Penobscot, Senator Sewall to the rostrum where he assumed his duties as President of the Senate.

The Sergeant-at-Arms escorted the Senator from Kennebec, Senator Katz, to his seat on the floor of the Senate.

#### Emergency

An Act to Amend the Unit Ownership Act. (S. P. 429) (L. D. 1377)

On motion by Senator Katz of Kennebec, Tabled until later in today's session pending Enactment.

#### Emergency

An Act to Amend the School Finance Law. (H. P. 1433) (L. D. 1636)

On motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

#### Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1979. (H. P. 1424) (L. D. 1631)

This being an emergency measure and having received the affirmative votes of 23 members of the Senate, with 1 Senator having voted in the negative was Finally Passed and having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Orders of the Day

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

HOUSE REPORTS — from the Committee on Legal Affairs — Bill, "An Act to Provide for Licensing of Bottle Clubs." (H. P. 469) (L. D. 576) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-529); Minority Report — Ought Not to Pass

Tabled—June 1, 1979 by Senator Katz of Kennebec.

Pending—Consideration.

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

Senator PIERCE: Mr. President, I move the Senate Recede and Concur.

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

Is this the pleasure of the Senate?

The Motion Prevailed.

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

HOUSE REPORTS — from the Committee on Energy and Natural Resources — Bill, "An Act to Promote Woodlot Cooperative Marketing." (H. P. 875) (L. D. 1082) Majority Report — Ought to Pass; Minority Report — Ought Not to Pass

Tabled—June 1, 1979 by Senator Katz of Kennebec.

Pending—Consideration.

On motion by Senator Katz of Kennebec, retabled until later in today's session.

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

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

Tabled—June 1, 1979 by Senator Katz of Kennebec.

Pending—Adoption of Senate Amendments "A" (S-278) and "B" (S-280) to Committee Amendment "A" (H-536).

On motion by Senator Katz of Kennebec, retabled until later in today's session.

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

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

Tabled—June 1, 1979 by Senator Collins of Knox.

Pending—Passage to be Engrossed.

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

Sent down for concurrence.

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

Bill, "An Act to Establish a Silvicultural Review Board." (H. P. 1187) (L. D. 1486)

Tabled—June 1, 1979 by Senator Pierce of Kennebec.

Pending—Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreairty. Senator McBREAIRTY: I move the Indefinite Postponement of this Bill and accompanying papers, in concurrence, with the House.

The PRESIDENT: The Senator from Aroostook, Senator McBreairty, moves that L. D. 1486 be Indefinitely Postponed.

The Chair recognizes the Senator from Washington, Senator Silverman.

Senator SILVERMAN: Mr. President and Members of the Senate: I'd like to ask the Senator from Aroostook, his reasons for wanting this Indefinite Postponement?

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreairty, who may answer if he so desires.

Senator McBREAIRTY: Mr. President and Members of the Senate: We have 2 bills before

us to gather information on our forest resources. We have L. D. 1486 and the Governor's Bill L.D. 1571, both bills have fairly large appropriations on them.

L. D. 1486 only applies to part of the Unorganized Territories. The Governor's Bill takes in the whole State of Maine. I don't believe we need the 2 bills. I don't believe we can afford the 2 bills. I'd much rather go with the Governor's bill which covers the whole State of Maine and will give us the information we need.

The PRESIDENT: The Chair will order a Division.

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

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

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: I request a Roll Call.

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

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

Obviously less than one-fifth having arisen a Roll Call is not ordered.

The Chair will order a Division.

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

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

18 Senators having voted in the affirmative, and 6 Senators in the negative, the Motion to Indefinitely Postpone, does prevail.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I move Reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves the Senate reconsider its action whereby this Bill was Indefinitely Postponed.

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.

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

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

Tabled—June 1, 1979 by Senator Katz of Kennebec.

Pending—Enactment.

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

Senator KATZ: Mr. President, it's my understanding that this Bill is going to be ultimately tabled this morning. Can I strongly urge Members of the Senate that for the remaining few days of this session, tabling because you are not here is going to be done very, very selectively.

There have been several occasions today already where items have been tabled because members are either not in their seats or not at the session. You can understand our preoccupation with moving things along to the last day. So do not look upon tabling because of your absence as an acceptable automatic courtesy for the last few days.

On motion by Senator Teague of Somerset Retabled for 1 Legislative Day.

#### (Senate At Ease)

The Senate called to Order by the President.

Senator Katz of Kennebec, was granted unan-

imous consent to address the Senate, Off the Record.

On motion by Senator Pierce of Kennebec, Recessed until 4 o'clock this afternoon.

(Recess)

(After Recess)

The Senate called to order by the President.

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

**Communication  
DEPARTMENT OF AUDIT**

June 4, 1979

To Governor Joseph E. Brennan and Members of the One Hundred and Ninth Legislature

In compliance with statutory requirements, I submit herewith the 59th Annual Report of the State Auditor for the fiscal year ended June 30, 1978.

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

Based on the scope of our examination, it is our opinion that, except for the exclusion of certain trust and operating fund transactions and balances recorded and controlled locally by State agencies and not reflected herein, the financial position and operating results of the various State Departments, Agencies, Boards, etc., of the State of Maine for the fiscal year ended June 30, 1978 has been fairly presented in conformity and with generally accepted accounting principles applied on a consistent basis.

Statements and schedules pertaining to the financial position of the various operating funds of the State of Maine at June 30, 1978 may be found in the Annual Report of the State Controller.

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

Respectfully submitted,  
GEORGE J. RAINVILLE  
State Auditor

Which was Read and with accompanying Papers Ordered Placed on File.

**Committee Reports**

**Senate**

**Ought to Pass — As Amended**

Senator Ault for the Committee on State Government on, Bill, "An Act Concerning the State Claims Board." (S. P. 418) (L. D. 1290)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-295).

Senator Farley for the Committee on Legal Affairs on, Bill, "An Act to Indemnify Motor Vehicle Dealers for Legal Expenses Against the Manufacturer." (S. P. 544) (L. D. 1610)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-297)

Senator O'Leary for the Committee on Energy and Natural Resources on, Bill, "An Act to Conform Land Use Regulation in the Unorganized Territory to Statewide Stan-

dards." (S. P. 415) (L. D. 1289)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-298).

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

(Off Record Remarks)

Senator Trafton of Androscoggin was granted unanimous consent to address the Senate, Off the Record.

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

**Papers from the House  
Non-concurrent Matter**

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

In the House May 15, Passed to be Engrossed.

In the Senate May 31, Passed to be Engrossed as amended by Senate Amendment "A" (S-269), in non-concurrence.

Comes from the House, that Body having Adhered.

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

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

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, I ask for a Roll Call on the motion.

Earlier when the Senate debated this \$22,000,000 bond issue, it was rather difficult to keep the debate to the issue in front of us. The issue is not one of potholes. It is not one of deteriorating bridges. It is not one of un-safe bridges. The issue before us is how do you fund the \$22,000,000 Capital Construction Program and an \$11,000,000 Operating Program. That's the issue.

Now in case it didn't come through loud and clear before. The Members of my caucus have said that it would be inappropriate for a recurring expense and capital improvements in the Highway Program are a recurring expense. It would be inappropriate for us to borrow \$22,000,000 while we are retiring \$11,000,000 of Highway Bonds during the Biennium. That's the issue.

Now there have been some extraneous factors introduced. One of them is that the fact that we are retiring a lot of General Fund Obligation Bonds during the Biennium. I find that very interesting, but as irrelevant as anything I can think of unless the Democratic Party is suggesting that we use General Fund Revenue to service Highway Bonds. If that is what the Democratic Party is saying, it should come out and take a policy position. But if you're saying that these bonds are going to be paid off with Highway Funds, then it makes no difference how many General Funds Bonds are being retired.

There are \$11,000,000 of Highway Bonds being retired. This is a continuing, continuing, continuing, program. We say that at this point in our history it is wrong to borrow twice as much as we're retiring.

Now I hope that if indeed there is debate, it is on this issue. I must confess a sense of enormous frustration that at a time when all of us require a degree of flexibility, we find ourselves with rigidity. The other Body has Adhered. Now the word Adhere is a pretty strong motion that says: We don't want to talk about it any more. So the Democratic Leadership is saying: We don't want to talk about anything

less than \$22,000,000. We don't want to talk about any 'pay as you go' alternatives. We don't want to talk about anything other than the single program that the Governor has proposed, which is running into problems in both Houses.

I would suggest to you that the people of this State demand something better. I have an enormously pessimistic feeling that time is running out on us. If you really believe, as the Members of my Caucus do, that this Capital Program and the Operational Program should be funded, it's going to require a little flexibility.

I certainly oppose the Motion to Recede and Concur.

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

Senator CONLEY: Mr. President and Members of the Senate: I'm sorry that the good Senator from Kennebec, has expressed himself in the manner that he has. It seems the good Senator gets extremely upset when he sees muscles being flexed from the other end of the corridor. Well I've sat here for 16 years and seen muscles being flexed without any consideration as to what my personal feelings are.

If you want to discuss the Bond Issue. It's \$22,000,000. It's one that comes recommended by the Commissioner of the Department of Transportation, who has been in total consultation with the good Senator from Kennebec, from the day of it's inception, practically.

We start talking about retirement of bonds. \$11,000,000 is being retired through the Highway Construction Program, Yes! The overall picture is in this State for the retirement of bonds is something like 43 to \$47,000,000 as I stated last week. Now what difference does it make whether it's a dollar out of this pocket or a dollar out of the left pocket? It's State money, State Bonds that are being retired.

What we're jeopardizing here today is not the \$22,000,000 bond issue, but \$96,000,000 in Federal Funds that come in to pay for the Construction Program for the State over the next 2 years.

Now if the good Senator from Kennebec, wants to flex his muscles and kill this, then so be it! But let's kill it then and let's get out of here.

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

Senator O'LEARY: Mr. President I would just like to correct one little error here. It's not \$96,000,000. It's \$93,800,000. What the effect of this amendment does. It deprives the people of the State of Maine \$46,900,000.

Mr. President, I think it's irresponsible. I have voted for a gas tax increase in each and every one of the last legislatures. I would do it again if it was necessary.

The Majority Party in this legislature has seen fit, even over the signature of the Committee Chairman to reduce by \$11,000,000 the authority to bond. I think that each and every one of you have had placed on your desks the same booklet, the same papers and materials that I've had. If you live in the Augusta area, it may be fine, if you don't travel outside of Augusta; it may be fine if you don't travel off I-95 out of York County, or travel up through all the way to Augusta.

But I've heard people up in the Northern End of Arrostook complaining about their roads. The Northern end of Penobscot, Piscataquis. We know there is a dire need.

I know in our county, we've had it. I have described to you very adequately the conditions of Route 17, that goes from the Town of Mexico to the Town of Rangeley. I think I've described it very adequately, the condition of this road, and now it will not be 3 years from now. There'll be no road. If we don't do something and do it now, there'll be nothing.

I don't see any other program ahead of us. I would subscribe to a 2¢ tax on the gasoline tax, rather than this bonding program at any time, Mr. President. I have stated so right before our

committee, but I don't see any proposals coming before us. This is the only thing left. If there's going to be any transportation left in the State of Maine. If we are going to have our highways, or our bridges, then we best do something. That's to Recede and Concur!

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

Senator KATZ: Mr. President I hope that my second debate on this issue does not bring up the full power of the Minority Leader's debate.

The issue as I would like you to consider it here today is not whether we should have a \$93,000,000 Capital Construction Program, with \$22,000,000 worth of State money. The question is how do we raise the \$22,000,000? The Governor's Program says we borrow all of it. The Motion of the Minority Leader to recede and Concur with the House, says the same effect, that we borrow all \$22,000,000.

Now what I'm suggesting is that there must be other ways of raising \$22,000,000 other than borrowing the whole thing. We suggested that maybe we ought to borrow half of it. We ought to raise half of it out of Current Revenues somehow, on a 'pay as you go' basis.

Now if you feel that Highway Bond Issues are a one time shot, I suggest that the 110th Legislature will have another one, and in the 111th you'll have another one, and in the 112th you may have another one. It's a continuing problem facing the legislature. To retire \$11,000,000 and then to borrow \$22,000,000 and make no attempt, no attempt at all to pay for part of that money out of current income seems to me to be drawing the line rather finely.

One more time in the hopes that somebody will acknowledge it in debate, the Republican Party in the Senate is not saying that we don't support a \$93,000,000 Program. We're saying we want to talk about how you pay for it. I wish to heaven that we saw equal flexibility on the part of the other Caucus.

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

Senator O'LEARY: Mr. President, I'm not a business man. The only business I've ever been in is raising a family. It disturbs me when the good Majority Leader gets up and talks about finances because he's in the business of being his own businessman. I look around here and I can gather there's all kinds of other businessmen in different businesses that know exactly what they're doing.

It would seem to me Mr. President that any time you can borrow money at 6%, and retire that at the end of 10 years or 20 years at that same rate, when the rate of inflation is going anywhere's from 10% to 11% or 13%, that it's good economics.

I was in the process, Mr. President of borrowing money when I was County Treasurer of Oxford County, at 1%, with the experience that they had with our bonds and I used to invest that. Mr. President I'm sure that if you use the 6% figure that we're going to use to borrow this money, and at a 10% or a 13% inflation rate, that we're going to get a dollars worth of work done for about 50¢. Thank You.

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 issue that's before us today is not all the alternatives that the good Senator from Kennebec, Senator Katz talks about. Procedurally by the rules, we know what motions are left, and what the alternatives are. The other Body has Adhered. We can Adhere which basically will kill the legislation. We could Recede and Concur which would put us in concurrence and actually Enact the Legislation as before us.

I think the other body has flexed its muscle. That, as we take each day in here, is the prerogative of the Majority Party or the prevailing and the majority side of issues, be it by partisanship or by not.

I understand the position that the Senator

from Kennebec, Senator Katz, has espoused to us today that the Republican Caucuses take, as thus taken so far. But those issues are no longer before us. The alternatives of bonding or tax are no longer before us. The issue before us today is if the Senate Adhere's, the legislation dies.

We would at the moment, and perhaps throughout the rest of the session be facing no other alternatives of funding the Highway Program. Now the question that is before us is the Highway Program, and exactly what we're going to do.

After last week's debate I took an opportunity to talk to Roger Mallar to have kind of a breakdown of actually what we're talking about so we can deal with it in perspective as to how it deals with each and every one of us. I have a break down of the total miles of State Highway which exceed 22,000 miles in the State as to how it breaks down to each Senatorial District. Some of you may find this interesting. While the good Majority Floorleader, the Senator from Kennebec, Senator Katz, has a total of 148.6 miles of State Highway and State Improved Highway Roads. We find a contrast to that when we deal with the Senator from York, Senator Lovell, who has 358 miles; while the Senator from Oxford, Senator Sutton who has 571 miles; the Senator from Hancock, Senator Perkins 648 miles; the Senator from Waldo, Senator Shute 681 miles, the President of the Senate, the presiding officer in the Republican Party has the second to largest district dealing with State Highway and the total number of miles of 686 miles. Only by partisan lines to be outdone by the Senator from Somerset, Senator Redmond, with 773 miles.

The individual who happens just by geographical boundary holds the most mileage is the Senator from Washington, Senator Silberman with 838 miles.

What we're talking about is highways. We're talking about the roads that our constituency rides over. Being a rural State that we are, contrary to some individuals in here who have a small as the Senator from Cumberland, Senator Gill has 16.4. The Senator from Penobscot, Senator Trotzky has 22.4 miles.

There are a number of the Democratic Party members as well who have very small mileage. Some of us in the Democratic Party who has a great deal of miles of highway. Usually when I come down to the Legislative Session, I do not come down by the Interstate. I usually come down by the back roads through my Senatorial District, through Brownville and Milo and Dover-Foxcroft and then through Corrina and Dexter and the District of the Senator from Penobscot, Senator Emerson.

It used to be I used to be able to save roughly 20 minutes coming down the back road, but the conditions of those highways now, particularly between Corrina and Newport, is I basically lose time, but it still gives me an opportunity to get through and seem constituency.

Those roads that we're talking about is the basis of our economy in our State. The Paper Industry uses those highways to transport its logs to it's mills. The Potato Industry used those roads to get their potatoes out of the State of Maine into the market. We can go industry through industry, those roads, the transportation of the State of Maine is the basis of our economy when we talk about how we're competing with the rest of New England and the rest of this nation.

When businesses come into the State of Maine, the Senator from Somerset, Senator Redmond is always interested in bringing business in. Well so am I. I've talked to a number myself. They're always concerned about how far they're removed from the market, the conditions of the highways and the conditions of the railroads.

We all know that the railroads don't run that well in the State of Maine. They've been pretty well faded out through the years, perhaps

they'll be making a resurgent with the energy crisis.

But right now the primary issues are those highways. We're talking about tractor trailer trucks or we're just talking about common folk driving 30 or 40 miles to work. We all have them. I have a number of them in my district that runs over into Senator Emerson's District that work over there in the shoe factory. Some of them drive 30 and 40 miles. That highway is atrocious. It's ridiculous that we're asking people to go over these highways. They're not safe. They really are not.

The issue that is before us today is the issue of how we're going to fund it. We've got one choice left. The House has Adhered. Either we Adhere and kill it or we Recede and Concur and we fund the program that we all agree is necessary.

Political rhetoric always seems to come out at the end of the session. To challenge one party to give other alternatives is not always the best way to solve the problems for the people, who though usually identify politically and in registration are not always identified politically as the constituency of each and every one of us. That is the bottom line that we should draw. Thank you.

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

Senator PIERCE: Mr. President and Members of the Senate: At least for the benefit of the Members of the Press, and for the Record I do want to address one of the statements made by the good Senator from Penobscot, Senator Pray. He stated more than once that we have one choice left. This simply is not true. If this particular bill dies here today, there are several alternatives open to us as you well know. The Legislative Council can authorize another bill identical to this. Joint Order can be presented by either the good Senator or anybody else to authorize similar legislation. Or perhaps the simplest way of all is for the Governor to put another bill in tomorrow morning to address this. If the good Senator would like to pursue any of these routes, I would be more than happy to lend my support to those.

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

Senator TROTZKY: Mr. President I would like to remind the Senate especially Senator Pray that in the last session of the legislature his roads up in Piscataquis County weren't in too good shape either. On a vote, 32 of us, I believe voted for a gas tax increase to help pay for those roads, and Senator Pray voted against that gas tax increase. Those are the facts.

Senator Redmond today has mentioned in the Bangor Daily News which is my home town newspaper, I was very proud to see him in the Editorial Column. In the Editorial Column, the Bangor Daily News states the following: "State Senator Andrew Redmond of North Anson, has suggested that the State boost its gas tax by 3¢ per gallon. This would generate \$39,000,000 over the Biennium attracting Federal Highway Funds, but it would do it without new indebtedness and a boost in unrelated fees.

Governor Brennan, however, has painted himself into a corner on this one. He has conspicuously repeated the promise that there would be no increase in gas tax during his administration. What to do? The Governor could do his state-wide constituency a service by being frank and acknowledging that times have changed, since the campaign. The rumored energy crunch has arrived. The honest way is to be honest. The gas tax makes sense. It's the best way for the State to raise the funds it needs. That would take courage, the same kind of courage that would be required of the lawmakers to step forward to put his name as sponsor of a gas tax bill." I believe Senator Redmond's proposal is sound. I believe that's the way we should go.

I also the Senator from Penobscot, Senator Pray, should realize that there's no such thing

as an end to bills in this legislature. We are reminded of the MSEA Pay Plan. It was the last thing we had to vote for. We killed the bill. We got another bill on the floor, until we were satisfied that we were doing the right thing.

I feel the Republican Party doesn't feel that this is the right thing, by issuing \$22,000,000 in bonds to pay for the highway. I think many of us feel that we should pay as we go on this one.

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

Senator CONLEY: Mr. President and Members of the Senate: There's one thing apparently the good Senator from Penobscot, Senator Trotzky, and the good Senator from Franklin, Senator Redmond, hasn't learned yet. That is that we have a man in the corner office, whose a man of very high integrity.

When he was Attorney General, he spoke about the Indians Land Claim Case. He was speaking in a tune that many other political leaders of this state were going down to a different wind.

When he campaigned for the governorship in this State, he said there would be no gas tax increase, in his administration.

When he said to the MSEA that I believe in bargaining in good faith, he showed he was a man of integrity and he did not back off. He is not backing off from his commitment and pledge to the voters of this State that there will be no, no, no tax increase in this session.

The good Senator from Kennebec, Senator Katz, has yet to come forward with a proposal to meet the needs that is being requested by the Department of Transportation. While we're talking I remember that I was criticized last Monday by the good Floor leader, when he read a statement, a statement that appeared in the Sunday Telegram with respect that the Republican's were trying to put the Governor in a box. Well let's elaborate a little bit on that.

The fact is that one Member of the Republican Leadership has already sent a communication forthwith, stating he didn't think it was immoral instead of the \$5 Registration Fee, that \$2.50 may be alright. He didn't think it would be immoral to present a tax increase, a gas tax increase to the legislature.

Well I tell you this. Joe Brennan, as soon as you all get to know him. You'll find that he's a man of the highest integrity. That he does live up to his commitments. That he does what he says.

The question before this Senate today is the question either to Recede and Concur, or to Adhere to the bill. There's no one in this Body that hasn't been around here long enough to understand muscle. The Majority Floor Leader related to it with the motion that the House made earlier today with respect to this bill. That it's in an Adhere position. We can Recede and Concur, for that position today and all we've done is Engross the Bill. It keeps the bill alive. It does not pass the Bill.

When I spoke with Republican Leadership a few moments before we went into session, I was told we are left no alternative, but to flex our muscles back and Adhere, and to give this thing its demise. We've got seven days left, as they say. If you intend to pass any kind of a bond issue, I think it's time that some type of proposal was being made other than the flexing of the muscles of the Majority Party in this Senate, by just obliterating the proposed transportation program before us, by wiping half of it out into an \$11,000,000 bond issue. Then leaving the rest of the financing up in the air.

No! You're not going to box the Governor, because there'll never be a gas tax that will get there to box him, because the Members of my Party either here or in the other Body will prevent that.

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

Senator CLARK: Thank you Mr. President, I apologize to the Minority Floor Leader for my inadvertant discourtesy. I would hope that I

haven't become what is called a 'fallen angel'.

Mr. President, Men and Women of the Senate. I cast my first ballot in November 1960, and since that time I've been privileged to exercise my right of vote in numbers of elections, of various kinds of primary, special, general and municipal. There have been seldom, if any, general elections or special elections in which I, as a voter of the State was not faced with a bond issue. Time and time again, I've supported them as a responsible method of financing, bonded indebtedness, to meet the needs of constituents and citizens of the State.

My record as a legislator in the State of Maine has been consistent. I have voted against an increase in gas tax, not as a basis of personal philosophy but as reflective of my constituency's wishes. We have before us an item which would provide not for a pay as you go basis, which is admirable and enviable and sometimes in this day and age even idealistic. We have a bond issue which provides for a referendum for the citizens of this State to make their determination, whether they want their monies to be spent repairing the bridges and roads, etc. of the State of Maine. I would submit to you this afternoon, that that is appropriate. They have done it before, they'll do it again. But as a matter of curiosity I'm wondering, has this chamber, or any legislature ever before in the history of the State, limited the bond amount to what is being retired in the current year, and I would submit to you that that is without precedent, and that indeed is the curious action for this Chamber to take today.

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

Senator HICHENS: Mr. President and Members of the Senate: I do not want to get embroiled in an argument, but it bothers me this afternoon when we start challenging, whether the Governor is right or whether the Governor is wrong. Challenges his integrity and his promises to the people. I don't think that's the issue before us this afternoon at all.

The issue is whether we're going to vote for a bond issue which our children and our grandchildren are going to have to pay for, that we may have the roads that we're going to use in the next two or three years as they are repaired. I believe that the gas tax whether the Governor likes it or not, is the only fair way that the people who are going to use these roads are the ones that should pay for these roads, and not the future generations to have to accept our responsibilities.

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

Senator PRAY: Thank you Mr. President. Mr. President and Members of the Senate. Sorry that some of the individuals who have spoken on this issue has since left the Chamber after saying their brief words and remarks on the issue.

First of all, I would like to respond to the Senator from Penobscot, Senator Trotzky, whom I am happy to see back. In reference to my vote against the Gas Tax a couple years ago. I am a distributor, I sell gas, my allocation this year has been cut by 15%. Some of the distributors have cut their retailers by 25%, and the figures that we are receiving daily, shows that perhaps we'll be cut more. So if we're talking about raising the other 11 million dollars through a gas tax, we're not talking about a two cent or possibly a three cent gas tax. We also have automobiles today which are getting mileage and the pressure from Washington is to increase that mileage on these automobiles. The price of gasoline is increasing and individuals are trying to get by on less. So if any of us have a crystal ball that we know what individuals are going to save themselves and what allocations are going to be cut, then we can address the tax issue, and we can decide whether or not if it is two cents, three cents, five cents, to put on.

To completely ignore that issue, or that factor, is something we're not acting in our

wisest judgment if we do not consider those factors and it's true. Ask any distributor from Bangor, Portland or up in Madawaska. They've all been cut. Now personally, have no doubts in my mind that all the fuel that we can give will be burned. Individuals will buy it, but still we're talking about a 15 to 25% decrease, so if we're talking about 11 million dollars to be raised by a two cent gas increase, then we've got to make adjustment for that 25% reduction in allocation. So we're not really talking about greater than that.

When we talk about the alternatives as to the pay as you go type of scheme that the Majority Floor Leader has laid out, the information that has been given to us just by looking at the past cost increase, and the products in highway maintenance, we find that it is at a greater annual rate than the bonds that we would borrow. In the past the increase has been around ten percent or a little greater and the bond rate would be 6%. By borrowing, there's a 4% savings and the problem is now.

To talk about other alternatives, other than the gas tax, then we're talking about prioritizing a highway program which is for years been financed by dedicated revenues. If we want to talk about undedicating the highway fund and taking it out of the general fund, than address it that way.

The remarks from the Senator from Kennebec, Senator Pierce, is true. There are other alternatives. We can just continue to kill the bill and put the pressure on somebody else. Pass it around until next time. Another day from now, we're down to six days—we can do it again in five days, four days and three days. Kind of play chicken on the highway and see who chickens out first. Which one is going to cave in.

I'm not attempting to hardline. The Democratic Party in this Senate has not tried to hardline on this issue. The proposal was put before us. It was the Republican Party that cut it in half and said where's the other half going to come from? Somebody else come up with it. Here the possible alternatives, somebody else propose it.

I think if we pin it down to these final days, the sincerity of each and everyone of us becomes very questionable. It's very easy to hardline, become polarized by party labels. I think that it's important that we can help at all to not do it on the issues that come before us, cause when we do that, when we start playing political games, trying to find somebody to put the pressure on, somebody to blame, then we're not serving our constituency to the highest integrity we were elected to, and I would hope that we would keep that perspective in mind.

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

Senator LOVELL: Mr. President and Ladies and Gentlemen of the Senate: Just briefly, I am sure the gentlemen in the front office realizes the borrowing 22 million dollars is going to cost \$100,000,320, the first year, in interest. And over the twenty years it's going to run to about 15 million. So consequently, we've got to pay that interest out of the Highway Commission.

Now if we go along with a smaller amount, and then keep the Maine Turnpike just the way it is, and it takes in 13 million dollars a year, and it cost 5 million to maintain, then we can have that 8 million extra, and spend it up in the good Senator Pray's county, and make those roads perfect up there.

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

Senator O'LEARY: Mr. President, I thought earlier, that I had already answered the question put before the Senate by the good Senator from York, Senator Lovell, however, I'll expand on it just a little bit more, Mr. President. There are \$93,800,000 of the Maine taxpayers dollars waiting for us in Washington. All we have to do is pass a \$22,000,000 bond issue. If you want to cut that in half, that is fine. Then



the people of Maine will be recipients of only one half of what they are entitled to. That's your decision. Mr. President, I would request that you have the Secretary read the Committee Report.

The Committee Report was Read.

The PRESIDENT: The Senator has the floor. Senator O'LEARY: It would seem to me that this is a Unanimous Committee Report. Mr. President, it would seem to me that in our committee deliberations we took into consideration a request of having some member of our committee report out, an order requesting that we go to a gasoline tax. However, Mr. President, it was not forthcoming, and Mr. President, this was the unanimous decision of our committee. If there is any decision that is unanimous we ought to respect the decision of the good Senator from Somerset, Senator Emerson who has been most fair as our Committee Chairman. Thank you.

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

Senator FARLEY: Mr. President and Members of the Senate: In light of my Minority Leader's comments a few minutes ago, I feel like the whole world's a tuxedo and I'm a pair of brown shoes. I have not in the past supported the gasoline tax, however that was my position at this time. It seems to me that a lot of bucks being generated through a gasoline tax and the critical situation that exists dictate to us that we ought to have a gasoline tax, however, that is not going to be the case.

To the good comments from the Senator from Kennebec, Senator Pierce, I have no doubt before we leave here, we'll have some kind of a highway program budget. We've been here enough sessions, we all realize that.

To the good Senator from York, Senator Lovell, I guess who has left the chamber, if he reads the Maine Turnpike Bill, that money cannot be used other than, those areas now under the Maine Turnpike and 10 miles east and west of the turnpike.

Finally the comment on the remarks of the good Senator from Kennebec, Senator Katz. The 22,000,000 bond issue coming out of the highway budget, I submit that many, many of the dollars coming into the general fund are from tourists, sales tax, generated through the tourist trade that use our highways, and without adequate highways I'm sure that a lot of the tourists would be reluctant to come in here, hence the loss of dollars. So that argument doesn't hold a whole lot of water either. I wish that we did have a gasoline tax before us, however, that is not the case. It seems to me at this time, the best alternative, although I'm not in love with the idea, of a \$22,000,000 bond issue either. But in either case, I'm sure we're going to have some kind of a bill before us or program before we leave here.

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

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

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

The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that Senate Recede and Concur with the House.

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Carpenter, Clark, Conley, Farley, O'Leary, Pray, Trafton, Usher.

NAY — Ault, Chapman, Collins, Cote, Devoe, Emerson, Gill, Hichens, Huber, Katz, Lovell, McBairty, Perkins, Pierce, Redmond, Shute,

Silverman, Sutton, Teague, Trotzky.

ABSENT — Danton, Martin, Minkowsky, Najarian.

A Roll Call was had.

8 Senators having voted in the affirmative, and 20 Senators in the negative, with 4 Senators being absent, the Motion to Recede and Concur does not prevail.

Is it now the pleasure of the Senate to Adhere?

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

Senator O'LEARY: Mr. President, I will not state my Party position. However, I will state the position of myself. I think that perhaps there'll be others on the committee though we may be in the Minority.

I supported a gas tax in the past. Always have. But it seems to me that the Majority Party here today is trying to put our Governor in a box. They voted right down the line to Adhere. So we do not have before us a \$22,000,000 bond issue. That's fine.

Mr. President, I am sure the Governor will go to sleep over in the Mansion tonight. His sleep will not be disturbed. I am sure that the Commissioner of the Department of Transportation will continue to gather his salary for the next few weeks and months, the next few years, 4 years I believe it is. He will not lose any sleep.

Mr. President, the way I look at it right now, the people of the State of Maine are losers. Because have a caucus of the Majority Party. Mr. President, I find it ill-advised, and not in good conscience, Mr. President. Thank You.

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

Senator KATZ: Mr. President, 2 members of the Senate have just proposed different points of view. I fully expect to see either a Joint Order or an Executive initiative or an initiative out of the Legislative Council to deal with the problem at hand. I welcome any alternative suggestions. I think that the Minority Party will find us extremely flexible in dealing with alternatives to split the \$22,000,000 proposal for part 'pay as you go' and part bonding.

I would urge any flexibility that any Member of the Democratic Party feels. I can promise it will receive cheerful consideration. Mr. President, the pending motion is to Adhere?

The PRESIDENT: The Chair would so advise.

Senator KATZ: I so move.

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

Senator CONLEY: Mr. President, I would like the Majority Floor Leader to know that he has already handled the Democratic Position. I hope that he can come forthwith with something that will be acceptable to the vast Majority at the other end of the corridor.

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

Senator O'LEARY: Mr. President, I spent a number of years here in the State House. I was in the 101st in the House, 102nd in the Senate. I've heard the good Senator from York, Senator Lovell refer to the handling of the Republican Minority here in the Maine Senate, at that time was not to his liking. There were after all 29 of us who were Democrats, and 5 Republicans. There was another seat beyond that extended to the good Senator from Knox, Senator Collins, which made it 34 of us.

I will tell you, Mr. President, at that time, anyone who was in this Maine Senate could at any time get up and table any item up to 2 weeks, or a day without any debate, no Division. But this morning I was denied a courtesy till later in today. However, that doesn't bother me too much.

Mr. President. But what bothers me is there's going to be an order introduced here very shortly. It bears the signature of one person, who is the signer of a report that I have here in my hand. A study that was put in a

couple of years ago, which had everything to do with a bill that I was interested in, was on this morning's calendar. I asked to have it Tabled until later in today's session, but because I had other appointments couldn't be here. It bothered me.

But Mr. President, what bothers me is that the Majority here in the Senate is not listening to the Minority. We do have something to say. We do have a man downstairs. He has said that he will veto any gasoline tax increase. Apparently they're going to try to flaunt this in the face of my leader.

I have always in the past supported a gas tax. I perhaps would in the future, but he is my leader. I want you to take that into consideration when you start thinking about introducing an order. Thank you, Mr. President.

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

The Motion Prevailed.

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

Senator PIERCE: Mr. President, I move reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves that the Senate reconsider its action whereby it voted to Adhere on L. D. 1529.

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, does not prevail.

#### Committee Reports

##### House

##### Ought to Pass

The Committee on Local and County Government on, Bill, "An Act Extending the Time for Apportionment of County Taxes to June in the Year 1979." (Emergency) (H. P. 1473) (L. D. 1660)

Reports pursuant to Joint Order (H. P. 1444) that the same Ought to Pass.

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

Which Report was Read and Adopted, 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.

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

##### Paper From The House Non-concurrent Matter

Bill, "An Act to Revise the Inland Fisheries and Wildlife Laws." (S. P. 573) (L. D. 1637)

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

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-558) in non-concurrence.

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

Senator HICHENS: Mr. President, I move the Senate Recede.

The PRESIDENT: The Senator from York, Senator Hichens, moves that the Senate Recede.

Is this the pleasure of the Senate?

It is a vote.

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: I'd like to submit Senate Amendment "A" to L. D. 1637 and would speak on my motion.

The PRESIDENT: The Senator has the floor.

Senator HICHENS: This amendment that I have presented this afternoon, is to clarify the language in the bill and to keep the present law. The word 'and' mandates that people can only rear animals that have been bred in captivity, and prohibits them trapping or capturing wild

animals and rearing them for our own meat. The present law is adequate to protect both the legitimate breeder and the wild animals of our state. I would ask you to accept this amendment.

The PRESIDENT: The Senator from York Senator Hichens, offers Senate Amendment "A" to L. D. 1637 and moves it's Adoption.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, an inquiry to the Chair, what was the Senate Amendment Number?

The PRESIDENT: Filing Number is S-306, Senate Amendment "A".

On Motion by Senator Pray of Penobscot, Tabled, until later in today's session, pending Adoption of Senate Amendment "A".

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

#### Communications

#### COMMITTEE ON TRANSPORTATION

June 1, 1979

The Honorable Joseph Sewall  
President of the Senate  
State House

Augusta, Maine 04333

Dear President Sewall:

It is with pleasure that I report to you that the Committee on Transportation has completed all business placed before it by the First Regular Session of the 109th Legislature.

Total Number of Bills	94
Unanimous Reports	74
Leave to Withdraw	26
Ought Not to Pass	10
Ought to Pass	13
Ought to Pass as Amended	23
Ought to Pass in New Draft	2
Divided Reports	20
Bills Recommitted	2

Respectfully,

JEROME A. EMERSON

Chairman

Which was Read and Ordered Placed on File.

#### COMMITTEE ON LEGAL AFFAIRS

Honorable Joseph Sewall  
President of the Senate  
Senate Chamber

Augusta, Maine 04333

Dear Senator Sewall,

It is with pleasure that I report to you that the Committee on Legal Affairs has completed all actions necessary on the business placed before it by the One Hundred and Ninth Legislature.

Total Bills Received	74
Unanimous Reports	
Leave to Withdraw	5
Ought Not to Pass	8
Ought to Pass	19
Ought to Pass as Amended	17
Referrals	2
Divided Reports	23
Total Amendments	24

Sincerely,

MELVIN A. SHUTE

Senator

Which was Read and Ordered Placed on File.

#### SENATE CHAMBER

June 4, 1979

Senator Joseph Sewall

President

Maine Senate

State House

Augusta, Maine 04333

Dear President Sewall,

The Joint Select Committee on Correctional Institutions is pleased to report that it has completed all business placed before it by the first regular session of the 109th Legislature.

Total number of bills received:	3
Unanimous Reports:	3
Leave to Withdraw	3

Sincerely,  
THOMAS R. PERKINS  
Chairman

Which was Read, and Ordered Placed on File.

#### COMMITTEE ON MARINE RESOURCES

June 4, 1979

Sen. Joseph Sewall, President  
Maine Senate

State House  
Augusta, Maine 04333

Dear President Sewall,

The Joint Standing Committee on Marine Resources is pleased to report that it has completed all business placed before it by the first regular session of the 109th Maine Legislature.

Total number of bills received	38
Unanimous reports	34
Ought to Pass	1
Ought to Pass as Amended	15
Leave to Withdraw	17
Ought Not to Pass	1
Divided Reports	4

Sincerely,

MELVIN A. SHUTE

Chairman

Which was Read and Ordered Placed on File.

#### Order

An Expression of Legislative Sentiment recognizing that:

Steven Cameron of Winslow High School has been selected male "Teenager of the Year" and awarded a college scholarship by the Waterville Lodge #905, BPOE, for his outstanding academic achievement, participation in extracurricular activities and all-around school citizenship. (S. P. 595) is presented by Senator Pierce of Kennebec, cosponsored by Senator Teague of Somerset, Representative Boudreau of Waterville, and Representative Carter of Winslow.

Which was Read and Passed.

Sent down for concurrence.

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

#### Papers from the House Non-concurrent Matter

Bill, "An Act to Establish a Statutory Limit on County Expenditures during any One Fiscal Year. (S. P. 256) (L. D. 730)

In the Senate May 31, the Bill Passed to be Engrossed.

Comes from the House, Bill and Papers, Indefinitely Postponed, in non-concurrence.

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

Senator HUBER: Mr. President, I move that the Senate Insist.

The PRESIDENT: The Senator from Cumberland, Senator Huber, moves that the Senate Insist.

Is this the pleasure of the Senate?

The Motion Prevailed.

#### Orders of the Day

The Chair laid before the Senate: RESOLVE, to Study the Need for an Environmental Health Program. (H. P. 1422) (L. D. 1627) (Emergency)

Tabled—Earlier in the Day by Senator Pierce of Kennebec.

Pending—Consideration.

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

Senator KATZ: Mr. President, I move that we Recede and Concur.

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.

The Chair laid before the Senate: 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)

Tabled—Earlier in the Day by Senator Pierce of Kennebec.

Pending—Passage to be Engrossed.

On Motion by Senator Gill of Cumberland, Retabled, for 1 Legislative Day.

The Chair laid before the Senate: Bill, "An Act Pertaining to Solicitation by Law Enforcement Officers." (H. P. 1147) (L. D. 1409)

Tabled—Earlier in the Day by Senator Pierce of Kennebec.

Pending—Enactment.

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

The Chair laid before the Senate: Bill, "An Act to Ensure the Prompt Decision of Cases Before the Workers' Compensation Commission." (H. P. 1380) (L. D. 1605)

Tabled—Earlier in the Day by Senator Pierce of Kennebec.

Pending—Enactment.

On Motion by Senator Katz of Kennebec, Retabled for 1 Legislative Day.

The Chair laid before the Senate: Bill, "An Act to Amend the Unit Ownership Act." (S. P. 429) (L. D. 1377)

Tabled—Earlier in the Day by Senator Katz of Kennebec.

Pending—Enactment.

On Motion by Senator Sutton of Oxford, the Senate voted to suspend its Rules.

On Motion by Senator Sutton of Oxford, the Senate voted to reconsider its action whereby this Bill was Passed to be Engrossed.

On Motion by Senator Sutton of Oxford, the Senate voted to reconsider Adoption of Committee Amendment "A".

Senator SUTTON: Mr. President, I now present Senate Amendment "B" to Committee Amendment "A" under Filing #S-302 and move its Adoption.

Senate Amendment "B" (S-302) Read.

The PRESIDENT: The Senator has the floor. Senator SUTTON: Mr. President and Ladies and Gentlemen of the Senate. Just a brief explanation, this bill carries an emergency preamble which would make it become effective immediately upon the Governor's signature, the declaration that this bill is going to provide, is going to require some reprinting of brochures and documents now in use by any folks that we have in the State, doing time share or have condominiums. What this amendment would do is give them 30 days to prepare new documents to adhere to this law.

Senate Amendment "B" 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:

HOUSE REPORTS — from the Committee on Energy and Natural Resources — Bill, "An Act to Promote Woodlot Cooperative Marketing." (H. P. 875) (L. D. 1082) Majority Report — Ought to Pass; Minority Report — Ought Not to Pass

Tabled—Earlier in the day by Senator Katz of Kennebec.

Pending—Consideration.

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

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

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



Senator O'LEARY: Mr. President, I move that we Recede and Concur. I would speak briefly to my motion.

The PRESIDENT: The Senator has the floor.

Senator O'LEARY: Mr. President, presently under the Forestry Department under the Department of Conservation, we have certain duties performed by the Department and this bill is really concerned about how long this will last.

We are concerned Mr. President, that the small woodlot owners ought to be able to join into a cooperative the same as your people who are on the coast that promote Fisheries and Marine Life, that is all that we ask here. So Mr. President I hope that the Senate will Recede and Concur.

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

Senator McBREAIRTY: Mr. President, Honorable Members of the Senate. I haven't any real strong feelings on this bill, but this will create another position in the Department of Conservation, at a cost of \$20,000. Presently we do have woodlot owners forming cooperatives, they already have. I just feel that there is no need for the bill.

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

Senator PRAY: Mr. President and Members of the Senate: This morning we debated an issue that had a price tag of \$25,000 and it was felt that the Department of Manpower Affairs could absorb that \$25,000.

I have had a number of individuals that have contacted me in reference to this Legislation, and in an attempt to not allow the bill to die, because there was a sense of urgency even from the Bureau of Forestry, that there was something in this bill that the desired and they felt that they needed.

If we are going to consider killing a bill, because of establishing an additional position, I would think that there would be no need of an additional appropriation. If anybody is concerned about the \$20,000 then we should cast that aside as we did this morning and Recede and Concur with this bill.

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

Senator O'LEARY: Mr. President, I understand that the Department of Forestry has removed the cost item from this bill and they continue to go just as they are doing at the present and it would establish a woodlot cooperative market.

The PRESIDENT: The Chair will order a Division.

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

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

9 Senators having voted in the affirmative and 18 Senators in the negative, the Motion to Recede and Concur does not prevail.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Thank you, Mr. President, Mr. President and Members of the Senate. I would like to pose a question through the Chair to the Chairman of the Natural Resources Committee. Since I had been contacted by the Bureau and a number of individuals concerned that this bill, that they felt that it was necessary and that they needed, it. There was then the feeling that there were some compromises being worked out and or possible amendments, I would just like to pose a question through the Chair to the Chairman, as to whether or not he is aware if there is any middle ground which can be gained, out of the Committee of Conference?

The PRESIDENT: The Senator from Penobscot, Senator Pray has posed a question through the Chair to the Senator from Aroostook, Senator McBreaity, who may answer if he so desires.

The Chair recognizes the Senator from Aroostook, Senator McBreaity.

Senator McBREAIRTY: I am not sure that I got the question.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray, who may restate the question.

Senator PRAY: Instead of that Mr. President, I would rather move that we Insist and Ask for a Committee of Conference.

The PRESIDENT: The Senator from Penobscot, Senator Pray, moves that the Senate Insist and Ask for a Committee of Conference, with the House.

The Chair will order a Division.

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

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

The Chair would advise the Senator that the only motion now is to request a Roll Call.

Senator O'LEARY: I would ask for 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 Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President, it was my understanding earlier this morning from conversations with various members of the Legislature that there was to be a compromise forthcoming and it would be acceptable to all parties. Therefore I would hope that the Senate would go along with the Motion to Insist and Ask for a Committee of Conference.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Penobscot, Senator Pray that the Senate Insist and Ask for a Committee of Conference with the House.

A Yes vote will be in favor of the Motion to Insist and Ask for a Committee of Conference.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Carpenter, Clark, Conley, Cote, Farley, Hichens, O'Leary, Pray, Silverman, Trafton, Trotzky, Usher.

NAY — Ault, Chapman, Collins, Devoe, Emerson, Gill, Huber, Katz, Lovell, McBreaity, Perkins, Pierce, Redmond, Shute, Sutton, Teague.

ABSENT — Danton, Martin, Minkowsky, Najarian.

A Roll Call was had.

12 Senators having voted in the affirmative and 16 Senators in the negative, with 4 Senators being absent, the Motion to Insist and Ask for a Committee of Conference does not prevail.

Is it now the pleasure of the Senate to Adhere?

It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I move Reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate Reconsider its action whereby it voted to Adhere.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I would pose a question to the good Senator from Kennebec, Senator Katz, I would like to know if this is what we are to expect for the next 7 days? If so we might just as well stay home.

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

Senator O'LEARY: Mr. President, I represent a largely rural area, that extends from

the New Hampshire border down to Jay along Route 2, it extends all the way to the Canadian border. Mr. President, there are extensive land holdings in my area that belong to the largest paper company within the State.

Mr. President, I am employed by one of the largest paper producers in this State, they do not ask anything of me, but to represent them and the people of this State fairly.

Mr. President there are a number of land owners in this State, who are small land owners, who deserve representation. The largest timber owners in this State have got it all their way.

Mr. President I am not a young man any longer, I can remember when my wages, were 63¢ per hour. Yes I can remember back to the days, when I worked for \$50 per month. The price of pulp wood was going at that time for about \$18 and I think right now at the present time that it might be going for \$26 or \$28 if I am not mistaken.

We talk about our truckers and what they are doing to our highways and how big our trucks are having to get so that they can haul this pulp wood. It really is a complex situation but it is all controlled by our largest paper producers right here in the State of Maine, Mr. President. The people who own and control about 6 or 7 million acres of our land, I find it abhorrent that they can control the prices.

The company that I work for has under its control perhaps about 300,000 acres in what they call 'The Stetson Lands'. Not one piece of that wood goes into Bosie Cascade Corporation to manufacture paper. But as long as that pulp is available they will control the prices of pulp from the individual landowner. There is no free enterprise here Mr. President, and that is what this system is suppose to be all about. They control the price of pulp delivered to the mills, therefore we have to pass bills here, to allow the truckers to make a living wage by hauling bigger loads to wreck our highways and everything at the same time. There is no equity in the whole system Mr. President. Every piece of wood that is cut off what is called, 'The Stetson Lands', up there goes right into Canada and finds its way into the free market as 2 by 4 or 4 by 8 or 2 by 8 whatever it is for the building industry it is not processed here in the State of Maine. That is the company that I work for.

Now what we are talking about here is a cooperative for the small business man who is in the wood lot marketing area.

I know that my dad had 104 acres, owned it and possessed it for 20 years if you can really own it, because you do not really own it you are just here for a short time, you just possess it. He sold off what timber that he had, took a loss, is still paying taxes on that piece of land and the best thing that he could ever do is sell it. Then one of the larger companies, and I will tell you who would be the purchaser of it, it will be Bosie Cascade because no one else can afford the price.

It bothers me Mr. President, it ought to bother the rest of you here in the Senate. That we allow these paper companies to control the prices to the extent that they do. Why don't we allow this small individual lot owner, who may have 100 acres, or 200 acres, or a 1,000 acres, to get a profit on his investment?

The good Senator from Somerset, Senator Redmond, was in the business for years, he could tell you his prices were regulated. He did not have a word to say because if they did not like his prices, they could go to the next fellow, competition there is none.

Mr. President, on the coast of the State of Maine, we allow those who are in the Fishing Business to join cooperatives, and set their prices so that when they bring their product to market they can get a fair price. Yet we are saying right here that we will not allow you to put this in the statutes of the State of Maine. Do you think that this is right? I do not believe it. Why don't we allow them? Because the big

timber industries here in the State of Maine that run the State of Maine say No we do not want it.

I had a bill this morning that I wanted to debate, and perhaps give it a little bit of consideration, but I knew when I left here last Friday, that no this is not going to be, they are to organize and they are to big.

Mr. President, I work for these companies, I am not under their contract or anything, but I have a perfect right to get down here, and say what I please for the people that I represent.

Mr. President, I represent 33,000 people just the same as each and every one of these people, you Senators and you Mr. President, and it behooves me to think that what we ought to do is for the best of the 33,000 of each of our constituents. A lot of them are small timberland owners, and to deny these people the right to put into the statutes, the right to form cooperative marketing and perhaps get a fair price for their product behooves me. Mr. President I hope that we will Reconsider.

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

Senator McBREAIRTY: Mr. President and Honorable Members of the Senate: If I understand correctly we already have formed some woodlot owner cooperatives, without this bill. I believe that the purpose of the bill is to create another position over in conservation and get another \$20,000. Now that they see that the bill is in trouble, they are willing to take the \$20,000 off, they say, but next year believe me they will be back for it.

There is no where that it says that small woodlot owners can not form cooperatives, if they wish. You read about it in the paper, I guess that I am one of them small woodlot owners, and I am not worried if this bill does not pass.

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

Senator O'LEARY: It disturbs me just a little bit to hear the remarks of the good Senator from Aroostook, Senator McBreairty. I remember not to many years ago, and it seems to me, if I recall correctly, the year was 1966 or 1967 when a lot of our wood producers that were producing for the company that I work for, banded together or joined together if you would to say that they wanted another \$2 per cord, for their wood delivered on the premises, of Bosie Cascade, at that time it was Oxford Paper Company, before Ethel Cooperation.

The company went to court, the decision of the court said that that was an unfair setting of prices.

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

Senator REDMOND: Mr. President and Members of the Senate: I was listening to the Senator from Oxford tell about organizing to be able to market our products from our woodlots. I am a woodlot owner, I think that I have 5 small woodlots.

I would like to inform the members of the Senate, that on one of my tours overseas on the People to People Tour making friends with people of other countries. While in Sweden we had a program there where the government of Sweden displayed their organization of Forestry, and how they helped the small woodlot owners. They showed us all the information that they had and they went through the process of the government taking care of the people's woodlots. They even had 1 logging organization that was a cooperative logging organization that was just one in the country.

It sounded awfully good to me. However, I would like to know why the people of Sweden have voted out their socialist government very recently. They do not want to hear anymore of these government run organizations.

I think that in the State of Maine here that all of us, we are very fond of our private enterprise system. If anyone wants to form an organization privately and keep the Department

of Conservation out of it, they're welcome. I just thought that I would make this remark.

The PRESIDENT: 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.

The Chair laid before the Senate: Bill, "An Act to Establish Energy Efficiency Building Performance Standards for the State of Maine." (H. P. 522) (L. D. 666)

Tabled—Earlier in the day by Senator Katz of Kennebec.

Pending—Adoption of Senate Amendments "A" (S-278) and "B" (S-280) to Committee Amendment "A" (H-536).

On motion by Senator Katz of Kennebec, Retabled for 1 Legislative Day.

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

Senator TEAGUE: Mr. President, is the Senate in possession of L. D. 1244?

The PRESIDENT: The Chair would answer the Senator in the affirmative the Bill "An Act to Amend the Tree Growth Tax Law." (H. P. 1115) (L. D. 1244) having been held at the request of a Senator.

Senator TEAGUE: Mr. President, I move that we Reconsider our action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Somerset, Senator Teague, moves that the Senate Reconsider its action whereby this Bill was Passed to be Engrossed.

Is this the pleasure of the Senate?

It is a vote.

Senator TEAGUE: Mr. President, I move that we Reconsider our action whereby we Adopted Committee Amendment "B".

The PRESIDENT: The Senator from Somerset, Senator Teague, moves that the Senate Reconsider its action whereby it Adopted Committee Amendment "B".

Is this the pleasure of the Senate?

It is a vote.

Senator TEAGUE: I now present Senate Amendment "A" to Committee Amendment "B" under Filing Number S-301.

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

Senate Amendment "A" (S-301) Read.

Senator TEAGUE: Mr. President, just a brief explanation. The purpose of this Amendment is to increase the percentage of Tree Growth Tax loss, to be reimbursed from 35% to 50%. No additional appropriation will be required. Committee Amendment "B" failed to consider increases in the valuation produced by revisions in the Tree Growth formula. Committee Amendment "B" will increase the existing Tree Growth values by 25%. Thereby reduce the anticipated tax loss within existing appropriations by \$500,000 for each year of the biennium, 50% of the tax loss can be reimbursed.

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

Senator FARLEY: Mr. President and Members of the Senate: I do not know what the effect of this Amendment is in the present law, and I do not know if I fully comprehend what the present bill before us, says. I do not have a lot of constituents that come under this piece of Legislation but the ones that I have gotten in touch me and asked me to stay with it and find our everything that goes on with this bill so that I will understand when I vote, so I would hope that someone would table this for one day so I could look at what affect the amendment has on the present bill.

On Motion by Senator Teague of Somerset, Tabled for 1 Legislative Day, pending Adoption of Senate Amendment "A" to Committee Amendment "B".

The Chair laid before the Senate: Bill, "An Act to Revise the Inland Fisheries and Wildlife Laws." (S. P. 573) (L. D. 1637) tabled earlier in today's session, pending the Adoption of Senate Amendment "A".

On motion by Senator Redmond of Somerset, Retabled for 1 Legislative Day.

On Motion by Senator Pierce of Kennebec, adjourned until 8:30 tomorrow morning.