

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 8, 1979

Senate called to order by the President.

Prayer by the Honorable Michael Carpenter of Houlton.

Senator CARPENTER: Let us pray. Our Heavenly Father, as we come to the end of the session, things will become more and more difficult for us.

Help us to rise above petty considerations. Have the perseverance, the even-tempereness, and the good judgment to do what we honestly feel is best for the people of the State of Maine. In God we pray. Amen.

Reading of the Journal of yesterday.

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

Recess

After Recess

The Senate called to order by the President.

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

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

Papers from the House
Non-concurrent Matter

Bill, "An Act to Create an Office of Housing Affairs." (H. P. 962) (L. D. 1240)

In the House June 4, the Bill, in New Draft, (H. P. 1469) (L. D. 1657) Passed to be Engrossed.

In the Senate June 5, the Minority Ought Not to Pass report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted.

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

Senator KATZ: Mr. President, I move the Senate Adhere.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate Adhere.

Is this the pleasure of the Senate?

The Motion Prevailed.

Non-concurrent Matter

Bill, "An Act Relating to Potato Quality." (H. P. 993) (L. D. 1230)

In the Senate June 6, Passed to be Engrossed as amended by Committee Amendment "A" (H-589) and Senate Amendment "A" (S-318), in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto (H-681) in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreaity. Senator McBREAITY: I move we Recede and Concur.

The PRESIDENT: The Senator from Aroostook, Senator McBreaity, moves 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 Authorize a General Fund Bond Issue in the Amount of \$16,500,000 to Assist Municipalities with Solid Waste Management." (H. P. 906) (L. D. 1131)

In the House June 6, Passed to be Engrossed as amended by Committee Amendment "A" (H-657).

In the Senate, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence. Comes from the House, that Body having Insisted.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreaity. Senator McBREAITY: I move we Adhere.

The PRESIDENT: The Senator from Aroostook, Senator McBreaity, moves the Senate Adhere.

Is this the pleasure of the Senate?

The Motion Prevailed.

Non-concurrent Matter

Bill, "An Act Concerning Maine's Maternal and Child Health Care Program." (H. P. 1128) (L. D. 1505)

In the House June 5, Passed to be Enacted.

In the Senate June 6, Bill and accompanying papers, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

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

Senator KATZ: I move that the Senate Adhere.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate Adhere.

Is this the pleasure of the Senate?

The Motion prevailed.

Non-concurrent Matter

Bill, "An Act Relating to Membership of Treasurer of State on Boards that Issue Debt." (H. P. 1065) (L. D. 1313)

In the House June 4, the Bill, in New Draft, (H. P. 1449) (L. D. 1647) Passed to be Engrossed as amended by House Amendment "B" (H-601).

In the Senate June 6, the Bill, in New Draft, (H. P. 1448) (L. D. 1646) Passed to be Engrossed as amended by Senate Amendment "A" (S-322), in non-concurrence.

Comes from the House, that Body having Adhered.

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

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

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

Is this the pleasure of the Senate?

The Motion Prevailed.

Non-concurrent Matter

Bill, "An Act to Provide for Licensing of Bottle Clubs." (H. P. 469) (L. D. 576)

In the Senate June 4, Passed to be Engrossed as amended by House Amendment "B" (H-562), in concurrence.

Comes from the House, Passed to be Engrossed as amended by House Amendment "D" (H-675) in non-concurrence.

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

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

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

Is this the pleasure of the Senate?

The Motion Prevailed.

Non-concurrent Matter

Bill, "An Act to Make Substantial Changes in the Forestry Statutes." (H. P. 1126) (L. D. 1396)

In the Senate May 31, Passed to be Engrossed as amended by Committee "A" (H-428) as amended by Senate Amendment "B" thereto (S-254), in non-concurrence.

In the House June 6, Passed to be Engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "B" thereto and House Amendment "A" (H-670), in non-

concurrence.

In the Senate June 7, the Senate Insisted. Comes from the House, that Body having Adhered.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreaity. Senator McBREAITY: Mr. President, I move we Recede and Concur.

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

Is this the pleasure of the Senate?

The Motion Prevailed.

Non-concurrent Matter

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

In the Senate May 18, Passed to be Engrossed as amended by Committee Amendment "A" (H-424), in concurrence.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-679), in non-concurrence.

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

Senator KATZ: Mr. President, I move the Senate Adhere.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate Adhere.

Is this the pleasure of the Senate?

The Motion Prevailed.

Non-concurrent Matter

Bill, "An Act to Provide a Special Restaurant Malt Liquor License in the Town of Georgetown." (S. P. 547) (L. D. 1614)

In the Senate May 11, Passed to be Engrossed.

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

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

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

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

Is this the pleasure of the Senate?

The Motion Prevailed.

Non-concurrent Matter

Bill, "An Act Concerning the Accountancy Statutes." (S. P. 175) (L. D. 367)

In the Senate May 11, Passed to be Engrossed as amended by Committee Amendment "A" (S-233) as amended by Senate Amendment "A" thereto (S-253).

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" and House Amendment "A" (H-680), in non-concurrence.

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

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

The PRESIDENT: 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

Bill, "An Act to Amend the Tree Growth Tax Law." (H. P. 1115) (L. D. 1244)

In the Senate June 5, Passed to be Engrossed as amended by Committee Amendment "B" (H-518) as amended by Senate Amendment "A" thereto, (S-301), in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "D" thereto (H-689), in non-concurrence.

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

Senator TEAGUE: I move we Adhere.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

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

The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: I request a Division.

The PRESIDENT: A Division has been requested.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I request a roll call.

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

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

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

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President, I would hope that the Senate would Recede and Concur this morning, and Adopt the House version of L. D. 1244, which is "An Act to Amend the Tree Growth Tax Law."

It's my understanding that the measure which the Senate passed, under Senate Amendment "A" to the bill, under Filing Number S-301, is approximately \$200,000 under funded, but the 2 main issues before us are 1: the level of reimbursement, and 2: where the money is coming from.

In the House Amendment "D" to Committee Amendment "A" of the Bill, under Filing Number H-689, I would refer you to the Statement of Fact, which illustrates that Number 1: all references to the severance tax have been eliminated, and that reimbursements to municipalities with a tax shift are as you find in the original Committee Amendment, have been phased in. We have 50% this year, 70% in 1980, and 90% in '81.

Because the new formula we're taking into consideration school funding, but most of all, one of the main benefits of House Amendment "D" to Committee Amendment "A" of the Bills is that we're going to be grandparenting in those towns who would be getting more money in 1978 than they would under the formula which has been incorporated within Committee Amendment "A", as amended, by Senate Amendment "A". That's under the new formula with a phase down program.

Secondly, where is the money going to come from. In Part II of the Budget, we have funded, reimbursement in the amount of \$500,000 for the first year of the Biennium and the same amount in the second year of the Biennium. The costs under the formula which has been Adopted by this Chamber, under Senate Amendment "A" to Committee Amendment "A" to the Bill is, as I alluded, to, is already underfunded by approximately \$200,000 or more.

So House Amendment "D" proposes to remove \$340,000 from the second part of the budget, to fund fully the first year of the Biennium. That necessitates, obviously, a making of a determination next year of where the rest of the money for funding reimbursement to municipalities the "Tree Growth Tax Loss" will occur, and where will that money come from?

That also does allow some flexibility with

reference to the increase in stumpage values, which is not incorporated into Senate Amendment "A" to Committee Amendment "A" of the Bill. I think the House version is a much more realistic approach and certainly much more responsibly funded, and much more beneficial to the municipalities who are suffering the financial shift or the burden of the shift from the "Tree Growth Tax Losses."

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

Senator TEAGUE: What House Amendment "D" does to Committee Amendment "A" is really take money from the second year of the Biennium. As you know in Part I Budget, we have \$500,000 for this year and \$500,000 for next year, which will be \$1,000,000.

This amendment will take the \$500,000 plus \$340,000 of next year's money making a total of \$840,000 this year. Then when we come back into Special Session, we will only have \$160,000 left for the towns. That means somewhere next January somebody will have to come up with more taxes or some kind of revenue to help the towns. I'd rather divide it evenly and have \$500,000 per year.

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

Senator SILVERMAN: Mr. President and Members of the Senate: Unquestionably what the Senator from Cumberland is saying is true. What the Chairman of the Taxation Committee is saying is true.

But I think it's wrong for the State to pass laws such as the Tree Growth Law and take municipalities that have no tax base whatsoever, and say the biggest part of your tax base which is land, is not taxable for your needs and services. In my own particular situation, coming from the County of Washington, I look at these figures of where say, Alexander, Maine loses \$5,600 because of Tree Growth, or Grand Lake Stream goes around \$10,000, or I can go right down the line to different plantations, in Northfield, \$11,000.

Now these areas have no way, no way of finding a tax base to provide for the services that we're mandating to them from Augusta. No way! This way of refunding from Augusta for the loss they have in Tree Growth is certainly not adequate. That's why I feel very strong that he House Amendment will, at least, pay part of what these local areas are not getting.

Now this isn't just Washington County, it's in every rural county in the State of Maine. I would hope that recognizing that problem exists, and recognizing it's going to be a much bigger problem, because some of these areas that I look at in Washington County that are not losing too much on Tree Growth are going to in the future, because as the larger landowners and now the small landowners realize they can go into Tree Growth, and have a substantial tax saving, they're starting to go in it, which means less and less funds for the tax base of these communities.

I would only hope that you would vote to Recede and Concur, recognizing that there is a major problem in this area. You're just not going to stamp it out. You're going to have to come up at the State level and replenish the funds that are now being lost because of the Tree Growth Tax throughout the State of Maine. Thank you.

On motion by Senator Katz of Kennebec, Tabled until later in today's session, pending the motion to Recede and Concur.

Senate at Ease

The Senate called to Order by the President.

Non-concurrent Matter

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

In the Senate June 5, the Bill, and accompanying papers, indefinitely Postponed, in non-

concurrence.

Comes from the House, Passed to be Engrossed, as amended by Committee Amendment "A" (H-536), as amended by House Amendment "A" (H-678) thereto, in non-concurrence.

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

Non-concurrent Matter

Bill, "An Act to Provide for the Licensing of Denturists." (H. P. 1365) (L. D. 1598)

In the Senate June 5, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-664), in non-concurrence.

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

Senator PIERCE: I move the Senate Adhere.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves that the Senate Adhere.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: I move the Senate Recede and Concur. I ask for a Division.

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

A Division has been requested.

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

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

7 Senators having voted in the affirmative, and 22 Senators in the negative, the Motion to Recede and Concur does not prevail.

Is it now the pleasure of the Senate to Adhere?

The Motion Prevailed.

Non-concurrent Matter

Bill, "An Act to 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)

In the Senate June 6, the Minority Ought Not to Pass report Read and Accepted.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" (S-290) as amended by House Amendment "A" thereto (H-684), in non-concurrence.

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

Senator PIERCE: Mr. President, I move that the Senate Adhere.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves that the Senate Adhere.

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President, for what it's worth, I move to Recede and Concur.

The PRESIDENT: The Senator from Cumberland, Senator Najarian, moves that the Senate Recede and Concur.

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: I think this bill is in a substantially different form than when we discussed it previously, last week sometime. The House put on an amendment, which would allow hospitals and nursing homes an expenditure limit of up to \$35,000,000. This is based on the amount that we requested last year. The original Bill that called for a cap of \$20,000,000, which was based on the amount approved.

So what the amendment does is allow them to standup to, or the Health Systems Agency or the Department of Human Services to approve up to \$35,000,000. As I said previously we have requests totaling \$170,000,000. Based on the past rate of approval, if half of those are ap-

proved, it will add to our State Budget next year \$5,000,000 in costs for medicaid and medically needy people.

I hope you all consider that very carefully, because that will be added to accounts in the budget that are already increasing at 20% every year. It's really an area that's completely out of control. I don't know if any of you have had time to read Portland Press Herald's paper this morning. It may be in all the papers about the H M O Conference that was held yesterday.

I agree with much of what was said at the Conference about the need for different Health Care Delivery Systems than what we have now, because currently there are no incentives for hospitals or consumers to look at costs, because of our insurance mechanisms.

I also agree that regulation is not the answer. I've done a complete turn around on that in the last few years. I used to think they had to be regulated like a Public Utility, but I don't think that will work either. What I think we need to have temporarily, at least, is some kind of cap on this until we can get HMO's in place in Maine.

We have one now which has just now going out to market their plans, the one in Farmington, which I'm hoping will be successful. It has been when they had a limited program for medically needy people, which was subsidized by the Federal Government.

Until we can get more competition within the Health Care System. I think we need to put a cap on what they can spend. I think this is a very generous amount. I don't suppose there's any chance of changing anybody's mind on this. Really. Frankly. I'm surprised this Bill got this far. I hope that you will vote to Recede and Concur.

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

Senator GILL: I think the reasons that Senator Najarian has brought up this morning with the amendment and raising it another \$5,000,000. We went from \$15,000,000 to \$20,000,000, now to \$35,000,000.

It just proves that nobody really knows where a cap should be. It's because we don't have that long-range health plan that the Health Systems Agency in the planning unit over to the department are trying to get together to provide us. We won't have that for a year. This bill is premature. They don't know where the cap should be. They could keep bringing amendments in to raise the cap from 5 to 10 to whatever. So I think we just should Adhere.

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

Senator CARPENTER: Mr. President, just to emphasize what the good Senator from Cumberland, Senator Najarian said. You heard earlier this week, I guess, Senator Gill tell you there were \$140,000,000. \$142,000,000, sorry, worth of requests or letters of intent already in. Now you're not willing to put a cap on what's going to be approved.

Just keep in mind that if you vote to adhere this morning, you're also voting for an additional \$5,000,000 in the next budget. Look at that Part II Budget, look at the overall budget. See how much money is in there for medical care. This is where it's going to, my colleagues in the Senate. I would hope this morning that you would consider putting this cap on.

As the good Senator from Cumberland, Senator Najarian said, it's up to \$35,000,000 now. The whole area is totally running away with us. It's running away with us in that budget. It's going to continue to run away with us, if we don't get serious, if we don't get tough, and start to put some lids on somewhere and close the lids down. Thank you.

The PRESIDENT: Is the Senate ready for the question.

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: I request a Roll Call.

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

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

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

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

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Carpenter, Clark, Conley, Minkowsky, Najarian, Pray, Trafton, Usher.

NAY—Ault, Chapman, Collins, Cote, Devoe, Emerson, Gill, Katz, Lovell, McBrearty, O'Leary, Perkins, Pierce, Redmond, Shute, Silverman, Sutton, Teague, Trotzky.

ABSENT—Danton, Farley, Hichens, Huber, Martin.

A Roll Call was had.

Senator O'Leary of Oxford was granted permission to change his vote from Nay to Yea.

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

Is it now the pleasure of the Senate to Adhere?

The Motion Prevailed.

Non-concurrent Matter

Bill, "An Act to Regulate Commercial Whitewater Outfitters." (S. P. 348) (L. D. 1094)

In the Senate June 6, Passed to be Engrossed as amended by Committee Amendment "A" (S-215) as amended by Senate Amendment "A" (S-227), "B" (S-229), "D" (S-316) and "E" (S-317), in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by Senate Amendments "B", "D" and "E", thereto, in non-concurrence.

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

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

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

Is this the pleasure of the Senate?

The Motion Prevailed.

On motion by Senator Katz of Kennebec, Under Suspension of the Rules, there being no objections, all items previously acted upon were sent forthwith.

Communication

House of Representatives

June 7, 1979

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

Augusta, Maine 04333

Dear Madam Secretary:

The House today voted to adhere to its former action whereby it Indefinitely Postponed Bill "An Act to Increase Real Estate Broker and Salesman License and Examination Fees and to Eliminate Ambiguities" (S. P. 443) (L. D. 1381)

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

Which was Read and Ordered Placed on File.

Senate Papers

Senator Usher of Cumberland, Cosponsors

Senator Gill of Cumberland and Senator Conley of Cumberland, presented, Bill, "An Act to Expand the Authority of the Maine Turnpike Authority to Convey Interests in Lands." (S. P. 618)

(Approved by a Majority of the Legislative Council pursuant to Joint Rule 27).

Which was referred to the Committee on Energy and Natural Resources and Ordered Printed.

Sent down forthwith for concurrence.

Committee Reports House

Leave to Withdraw

The Committee on Judiciary on, Bill, "An Act to Extend the Liability Limitations for Ski Areas to Cross-country Ski Areas." (H. P. 305) (L. D. 401)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read and Accepted, in concurrence.

Ought to Pass

The Committee on Local and County Government on, RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1979." (H. P. 1500) (L. D. 1674)

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

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

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

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

The Committee on Local and County Government on, RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1979. (Emergency) (H. P. 1509) (L. D. 1675)

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

Comes from the House, the Resolve Passed to be Engrossed as amended by House Amendment "B" (H-691).

Which Report was Read and Accepted, in concurrence, and the Resolve Read Once. House Amendment "B" was Read and Adopted, in concurrence.

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

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

Under Suspension of the Rules, all matters previously acted upon were sent forthwith.

On Motion by Senator Katz of Kennebec, Recessed until the sound of the Bell.

Recess

After Recess

The Senate called to order by the President.

Ought to Pass — As Amended

The Committee on Energy and Natural Resources on, Bill, "An Act to Recodify and Resolve Minor Administrative Problems in the Forestry Statutes; and Reorganize the Maine Forestry District." (H. P. 1127) (L. D. 1498)

Reported that the same Ought to Pass, as amended by Committee Amendment "A" (H-671).

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

Which report was Read.

On Motion by Senator McBreaity of Aroostook, Tabled until later in today's session, pending Acceptance of the Committee Report.

The Committee on Taxation on, Bill, "An Act to Encourage the Development of Small Scale Hydroelectric Facilities." (H. P. 867) (L. D. 1072)

Reported that the same Ought to Pass, as amended by Committee Amendment "A" (H-651).

Comes from the House, the Bill, and accompanying papers, Indefinitely Postponed.

Which Report was Read, On Motion by Senator Katz of Kennebec, Indefinitely Postponed, in concurrence.

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act to Make Allocations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1980 and June 30, 1981." (Emergency) (H. P. 1359) (L. D. 1595)

Reported that the same Ought to Pass.

Signed:

Senators:

REDMOND of Somerset
PIERCE of Kennebec
USHER of Cumberland

Representatives:

MASTERMAN of Milo
PETERSON of Caribou
DOW of West Gardiner
TOZIER of Unity
MacEACHERN of Lincoln
GILLIS of Calais
JACQUES of Waterville
VOSE of Eastport
CHURCHILL of Orland

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

Signed:

Representative:

PAUL of Sanford

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

Which Reports were Read.

On Motion by Senator Pierce of Kennebec, the Majority Ought to Pass Report of the Committee, Accepted, in concurrence, and the Bill Read Once. Under Suspension of the Rules, the Bill was Read a Second Time, and Passed to be Engrossed, in concurrence.

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act to Restrict the Use of Dealer Plates." (H. P. 406) (L. D. 510)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-607).

Signed:

Senators:

EMERSON of Penobscot
USHER of Cumberland
O'LEARY of Oxford

Representatives:

CARROLL of Limerick
HUTCHINGS of Lincolnville
McKEAN of Limestone
BROWN of Mexico
STROUT of Corinth
LOUGEE of Island Falls
ELIAS of Madison

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

Signed:

Representatives:

HUNTER of Benton
McPHERSON of Eliot
JACQUES of Lewiston

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

Which Reports were Read.

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

Committee Amendment "A" Read.

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

Senator EMERSON: Mr. President, is it possible to lay this on the Table until later in today's session?

The PRESIDENT: The Chair would answer in the affirmative.

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

Senate

Ought to Pass — As Amended

Senator Huber for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Increase the Reimbursement Rate to Residential Child Care Facilities." (S. P. 303) (L. D. 893)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-341).

Which Report was Read and Accepted and the Bill Read Once. Committee Amendments "A" was Read and Adopted.

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

Sent down for concurrence.

Ought to Pass in New Draft

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Establishing Expenditure Limits for Federal Funds Expended by State Departments and Agencies for the Fiscal Year Ending June 30, 1980." (Emergency) (S. P. 486) (L. D. 1557)

Reported that the same Ought to Pass in New Draft under Same Title. (S. P. 616) (L. D. 1678)

Which Report was Read and Accepted and the Bill in New Draft, Read Once. Under Suspension of the Rules, the Bill was Read a Second Time, and Passed to be Engrossed.

Sent down for concurrence.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Increase the Compensation for Legislators, Justices, Judges and District Attorneys." (Emergency) (S. P. 145) (L. D. 322)

Reported that the same Ought to Pass in New Draft Under New Title, Bill, "An Act to Increase the Expenses from Legislators, to Increase the Compensation for the Attorney General, Justices, Judges and District Attorneys and to Appropriate Funds for the Probate Court Systems Study." (Emergency) (S. P. 617) (L. D. 1679)

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

On Motion by Senator Katz of Kennebec, Assigned for Second Reading later in the day.

Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on, Bill, "An Act Relating to State-municipal Revenue Sharing." (S. P. 157) (L. D. 332)

Reported that the same Ought Not to Pass.

Signed:

Senator:

HUBER of Cumberland

Representatives:

PEARSON of Old Town
JALBERT of Lewiston
DIAMOND of Windham
HIGGINS of Scarborough
SMITH of Mars Hill
KELLEHER of Bangor

The Minority of the same Committee on the Same subject matter Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-340).

Signed:

Senators:

PERKINS of Hancock
NAJARIAN of Cumberland

Representatives:

BOUDREAU of Waterville
CARTER of Winslow
MORTON of Farmington

Which Reports were Read.

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

On Motion by Senator Katz of Kennebec, Tabled until later in today's session, pending Assignment for Second Reading.

Committee of Conference

The Committee of Conference* on the disagreeing action of the two branches of the Legislature, on Bill, "An Act to Allow Municipalities the Option of Charging Reasonable Service Charges on Certain Tax Exempt Property." (H. P. 982) (L. D. 1162) have had the same under consideration, and ask leave to report:

That they are unable to agree.

On the part of the Senate:

Senators:

TEAGUE of Somerset
PERKINS of Hancock
USHER of Cumberland

On the part of the House:

Representatives:

POST of Owl's Head
BRENERMAN of Portland
MARSHALL of Millinocket

Which Report was Read and Accepted.

Sent down for concurrence.

Committee of Conference

The Committee of Conference* on the disagreeing action of the two branches of the Legislature, on Bill, "An Act Relating to Resident State Police Troopers." (H. P. 841) (L. D. 1069) have had the same under consideration, and ask leave to report:

That the Senate recede from its action whereby it accepted the Minority Ought Not to Pass Report; read the Bill once; read and adopt Conference Committee Amendment "A" (S-333), submitted herewith; and Pass the Bill to be Engrossed as amended by Conference Committee Amendment "A" (S-333);

That the House recede from its action whereby it Passed the Bill to be Engrossed, as amended by Committee Amendment "A" (H-320); recede from its action whereby it adopted Committee Amendment "A" and indefinitely postpone same; read and adopt Conference Committee Amendment "A", submitted herewith; and Pass the Bill to be Engrossed as amended by Conference Committee Amendment "A", in concurrence.

On the part of the Senate:

Senators:

SHUTE of Waldo
PIERCE of Kennebec

On the part of the House:

Representatives:

POST of Owl's Head
WOOD of Sanford
GARSOE of Cumberland

Which Report was Read and Accepted.

Sent down for concurrence.

Committee of Conference

The Committee of Conference* on the disagreeing action of the two branches of the Legislature, on Bill, "An Act to Assist School Administrative Units in Addressing Problems Associated with Alcohol, Tobacco and Drug Use and Abuse." (S. P. 209) (L. D. 582) have had the same under consideration, and ask leave to report:

That they are unable to agree.

On the part of the Senate:

Senators:

GILL of Cumberland
NAJARIAN of Cumberland
TROTZKY of Penobscot

On the part of the House:
Representatives:

BEAULIEU of Portland
NORRIS of Brewer
ROLDE of York

Which Report was Read and Accepted.
Sent down for concurrence.

Enactors

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

An Act to Conserve Fossil Fuels by Promoting the Construction of Facilities for the Burning of Solid Waste for Production of Thermal Energy. (H. P. 876) (L. D. 1081)

An Act to Shift Local Leeway Payments to a Current Year Basis. (H. P. 1477) (L. D. 1663)

An Act to Establish a Solid Waste Management Subsidy for Municipalities. (H. P. 948) (L. D. 1181)

An Act to Provide Reimbursement of Sales Tax on Depreciable Machinery and Equipment Used in Aquaculture. (H. P. 1002) (L. D. 1236)

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

An Act Relating to Unemployment Compensation Benefits for Persons Collecting Workers' Compensation. (H. P. 819) (L. D. 1027)

An Act Concerning Abuse Between Family or Household Members. (H. P. 910) (L. D. 1133)

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

An Act to Provide Loans for Family Farms. (H. P. 925) (L. D. 1134)

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

Senator KATZ: Mr. President with respect to L. D. 1134 An Act to Provide Loans for Family Farms. I am a little concerned it is an interesting expansion of the prerogative of the Maine Guarantee Authority. It creates a structure for a new type of loaning, it creates a council, but there is no appropriation on it. I wish that somebody might address their attention to it and give me some in-sight as to whether it should be passed in its present form?

The PRESIDENT: The Senator from Kennebec, Senator Katz, has posed a question through the Chair.

On Motion by Senator Hichens of York, Tabled until later in today's session, pending Enactment.

An Act to Determine What Environmental Laws Apply to Radioactive Waste Materials. (H. P. 799) (L. D. 1004)

On Motion by Senator Katz of Kennebec, the Senate voted to Suspend its Rules.

On Motion by Senator Katz of Kennebec, the Senate voted to Reconsider its action whereby L. D. 1004 was Passed to be Engrossed.

On Motion by Senator Katz of Kennebec, the Senate voted to Reconsider its action whereby it Adopted Committee Amendment "A".

Senator KATZ: Mr. President, I offer Senate Amendment "B" to Committee Amendment "A" under Filing S-331, and would speak to my motion.

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

Senate Amendment "B" (S-331) Read.

The PRESIDENT: The Senator has the floor.

Senator KATZ: Mr. President, I think that this Amendment represents a compromise that is acceptable to the parties. It prohibits Maine Yankee from importing any fuel wastes. It limits their ability without a hearing to expand fuel waste into other counties or other loca-

tions. It says in effect that with respect to the disposition of radio-active waste materials on site it is permissible.

Senate Amendment "B" Adopted.

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

Senator TROTZKY: Mr. President and Members of the Senate: I am extremely concerned with this Bill, and I would like to explain why.

The concern right now in the nuclear field is where to dispose of nuclear waste. Now if every state has a veto power over the disposal of nuclear waste, in their state the nuclear program in this country is going to come to an end.

The other issue is should the Federal Government have complete presumption. In other words be able to store nuclear waste where they want without States having any say in it?

The issue that is right now before the Congress and has to be decided down there, balancing State's rights with the fact that we need nuclear disposal sites, in the country somewhere and we need a few of these.

If you look at what the Bill says, it says that State, meaning the State of Maine does not consent to the acquisition of any land in the State for the use of storing or depositing of radioactive waste materials except by an affirmative vote of the Legislature.

Now I ask you if every state were to pass a Bill like this, is any Legislature going to affirmatively vote for the storage of waste in their State? Politically I feel that everyone is going to say no, and then where do you end up at.

I think that nuclear power is important, an important part of the energy capacity of this country and I feel all this Bill does is it means an anti-nuclear Bill and the real issue has to be decided by the Federal Government.

This is the issue that they are working with now, so by passing this Bill, to me, is not in the best interests of the country. Therefore, I move that it be Indefinitely Postponed.

Mr. President the Filing Number is H-549 the Committee Amendment and it is the first part Section 15A which says that you have to have an affirmative vote of the State Legislature before consenting to disposal sites in the State of Maine. Ask yourself if every State were to pass a Bill like this?

The PRESIDENT: The Chair would ask of the Senator if his Indefinite Postponement Motion applies to Committee Amendment "A" or to the whole Bill?

Senator TROTZKY: It applies to the whole Bill.

The PRESIDENT: Then the Chair would advise the Senator that his motion is out of order. We must dispose of Committee Amendment "A" before we can take any action on the Bill.

Senator TROTZKY: Then I would like to Indefinitely Postpone Committee Amendment "A".

The PRESIDENT: The Senator from Penobscot, Senator Troitzky moves that Committee Amendment "A" be Indefinitely Postponed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, I would like to inform the Senate that this Amendment was sort of an accommodation between the sponsor of the Bill, who is certainly not any wide eyed flag waver. It was waved under the nose of the representatives of all the people involved in this and it seems to me to be acceptable to all parties concerned, at least those that I attempted to contact.

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

Senator TROTZKY: Mr. President and Members of the Senate: If one looks at the nuclear situation in this country today, right now because of the three mile incident, I think the power companies are in a very, very defensive position. I think that if, in quieter times, you asked them all if they would agree that this was a good amendment then the answer would

be no.

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

Senator SUTTON: Mr. President and Ladies and Gentlemen of the Senate: I would just like to suggest that this Senator is anything, but anti-nuclear. I believe until such time, as this question is addressed in Washington, that we should have the protection that this affords for the State of Maine and I would urge you to pass this Bill.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the Motion by Senator Troitzky of Penobscot, to Indefinitely Postpone Committee Amendment "A" please rise in their places to be counted.

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

2 Senators having voted in the affirmative and 24 Senators in the negative, the Motion to Indefinitely Postpone does not Prevail.

Committee Amendment "A" Adopted, in non-concurrence.

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

Sent down for concurrence.

An Act to Provide for Staggered Registration for Motor Trucks. (H. P. 767) (L. D. 970)

Comes from the House, Indefinitely Postponed.

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

An Act Concerning the Powers of the Board of Trustees and the Treasurer of the University of Maine and Concerning Real Property Belonging to the University. (H. P. 793) (L. D. 1001)

Comes from the House, Indefinitely Postponed.

On Motion by Senator Katz of Kennebec, Indefinitely Postponed, in concurrence.

An Act to Abolish the Legislative Council. (S. P. 86) (L. D. 171)

Comes from the House, Indefinitely Postponed.

Which was Passed to be Enacted and signed by the President.

Sent down for concurrence.

Emergency

An Act to Remove Wallgrass Plantation from the Maine Forestry District. (H. P. 1261) (L. D. 1512)

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

Emergency

An Act to Provide for Outside Audit of County Budgets. (S. P. 318) (L. D. 948)

This being an emergency measure and having received the affirmative votes of 24 members of the Senate, was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

On Motion by Senator Katz of Kennebec, Under Suspension of the Rules, all matters previously acted upon were sent forthwith.

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

On Motion by Senator Huber of Cumberland the Senate voted to remove from the Special Appropriations Table, Bill, "An Act to Make the Attorney Generals Explanations of Proposed Constitutional Amendments in Statewide Referenda more Available to the Voters." (H. P. 183) (L. D. 235)

On Motion by Senator Huber of Cumberland, the Senate voted to Suspend its Rules.

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

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

On Motion by Senator Huber of Cumberland, the Senate voted to reconsider its action whereby it Adopted Senate Amendment "A" to Committee Amendment "A".

On Motion by Senator Huber of Cumberland, Senate Amendment "A" Indefinitely Postponed.

Senator HUBER: I now present Senate Amendment "B" to Committee Amendment "A" and move its Adoption.

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

Senate Amendment "B" (S-342) Read and 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.

On Motion by Senator Huber of Cumberland, the Senate voted to remove from the Special Appropriations Table, Bill, "An Act Extending Reimbursement to Municipal Clerks in Municipalities for Revenue Lost Due to the Uniform Commercial Code." (H. P. 335) (L. D. 434).

On Motion by Senator Huber of Cumberland, the Senate voted to Suspend its Rules.

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

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

Senator HUBER: I now present Senate Amendment "A" to Committee Amendment "A" under filing No. S-343 and move its Adoption.

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

Senate Amendment "A" (S-343) Read, and 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.

On Motion by Senator Huber of Cumberland, the Senate voted to remove from the Special Appropriations Table, Bill, "An Act Concerning the Rate of Return on the Investment Factor under the Railroad Excise Tax." (H. P. 530) (L. D. 651)

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

On Motion by Senator Huber of Cumberland the Senate voted to remove from the Special Appropriations Table, Bill, "An Act to Amend the Salary Range for the State Librarian and the Executive Director of the Historic Preservation Commission." (H. P. 1035) (L. D. 1272)

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

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

On motion by Senator Pierce of Kennebec, Recessed until 2:30 o'clock this afternoon.

Recess

After Recess

The Senate called to Order by the President.

On Motion by Senator Pierce of Kennebec, Recessed until the sound of the Bell.

Recess

After Recess

The Senate called to order by the President.

Orders of the Day

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

Bill, "An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine." (Emergency) (S. P. 581) (L. D. 1639)

Tabled—June 7, 1979 by Senator Collins of Knox.

Pending—Passage to be Engrossed.

On Motion by Senator Devoe of Penobscot, the Senate voted to reconsider its action whereby it Adopted Senate Amendment "B".

Senator DEVOE: Mr. President, I present Senate Amendment "D" to Senate Amendment "B" under Filing Number S-336 and move its Adoption.

The PRESIDENT: The Senator from Penobscot, Senator Devoe, now offers Senate Amendment "D" to Senate Amendment "B" and moves its Adoption.

Senate Amendment "D" (S-336) Read.

The PRESIDENT: The Senator has the floor.

Senator DEVOE: Mr. President, what this amendment does is simply correct a technical reference to the United States Public Utility Regulatory Policies Act of 1978. The existing statute is somewhat limited. We've put a period under Public Law 95-617. Otherwise everything is exactly the same in the statute.

Senate Amendment "D" Adopted.

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

Senator DEVOE: Thank you very much, Mr. President. Mr. President, I present Senate Amendment "E" to Senate Amendment "B" with a Filing Number of S-337 and move its Adoption.

The PRESIDENT: The Senator from Penobscot, Senator Devoe, now offers Senate Amendment "E" to Senate Amendment "B" and moves its Adoption.

Senate Amendment "E" (S-337) Read.

The PRESIDENT: The Senator has the floor.

Senator DEVOE: Mr. President, all this amendment does is to make the oath which jurors take in criminal cases, to be the same and be consistent with the oath that they take when considering civil cases.

Senate Amendment "E" Adopted.

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

Senator CHAPMAN: Mr. President, I present Senate Amendment "B" to Senate Amendment "B" and move its adoption, under Filing Number S-334.

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

Senate Amendment "B" (S-334) Read.

The PRESIDENT: The Senator has the floor.

Senator CHAPMAN: This amendment is to provide community school districts with the same authority to condemn property as presently exercised by School Administrative Districts and municipalities.

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

Senator CONLEY: Mr. President, in reviewing this particular amendment, it would indicate to me that it's certainly more than an error or an inconsistency.

It's also my understanding that this amendment was rejected by the Joint Standing Committee on Education. Therefore, I'd move its Indefinite Postponement.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that the Senate Indefinitely Postpone Senate Amendment "B".

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President, I believe the Education Committee did in their Errors Bill reject this. This is before us at this time because of that, so that we can consider it, right out front where we can make sure that we see what it is.

I would like to refer to some notes that were prepared by a Legislative Assistant on this subject. An Administrative Unit is defined in the statutes as "all municipal or quasi-municipal corporations responsible for operating or constructing public schools." The term Administrative Unit includes municipalities, SAD's and CSC's. Of these 3 municipalities, SAD's have been given the power of eminent domain specifically, in 20 MRSA, 3562, and 3562A.

CSD's have not been given this power specifically. Why has eminent domain not been specifically given to CSD's? Originally CSD's were authorized to operate only secondary schools. If the early CSD's were primarily collections of several towns, one of which might already have had a secondary school, there may have been no need for eminent domain.

Second, between the mid '50's and the early '70's, CSD's as far as their formation, there was virtually none. Even with the change in the law relating to cost sharing in 1972, few CSD's have formed. The lack of activity may also in part explain how the absence of eminent domain power has been overlooked.

There is one basis for arguing that CSD's have eminent domain power. In the Maine Revised Statutes 1964, sub-section 3562 includes language giving CSD's as administrative units, the power of eminent domain when the purpose is the enlargement or extension of any location designated for the erection or removal of a school house.

In a section of the CSD law which has been in the law with little modification since 1947, CSD's are referred to as the official schools in the participating towns and all provisions of the general law relating to Public Education shall apply to said schools.

I have not found that CSD's specifically have the power of eminent domain, nor that they were subsequently or then denied the power by the Legislature. Apparently the low level of activity on CSD formation, those 13 that presently exist, and the fact that originally they provided only standard education and this activity may not have required construction in all CSD's may partially explain why CSD's do not have the power specifically.

Shared cumulative inadvertence, however, may be a better explanation. I would urge the Senate would adopt this amendment.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: I appreciate the comments made by the good Senator from Sagadahoc, Senator Chapman. The only thing I disagree with the good Senator is the fact that this is information that should have been provided before the Committee on Education at a public hearing, so that we could get input directly from the Department of Education, from opponents and proponents of this measure.

This is no way of handling a substantive change, by putting this in the Errors and Inconsistencies Law. The Committee on Education did turn it down. I just cannot find my notes at the present time, as to what the entire rational was relevant to it. But I'm sure there has been contacts with the Department of Education as

to why we acted as we did.

But I think this is a very wrong way of circumventing the committee process. If you allow this amendment to be added on to the Errors and Inconsistencies Bill, you may as well do away with the public hearings we have and do away with the committee process as far as I'm personally concerned.

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

Senator KATZ: Mr. President, I don't go back into the 1920's but I do have some familiarity with the laws as they have evolved with Community School Districts, Coterminous School Districts, and School Administrative Districts. They all have certain powers.

The Community School District is not a much used phenomenon. It's been used a little more increasingly in the recent years. But as we started using Community School Districts, we kept turning up things that we hadn't done properly for them to make them consistent with the SAD's and what we call the Coterminous School District. In very occasion, as these inconsistencies turn up, we've taken care of them.

Now there are a lot of ways of taking care of inconsistencies. This is an appropriate one for an inconsistency. That's all this is, is an inconsistency. It's just a series of things, that we're turned up with respect to Community School Districts.

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

Senator CONLEY: Mr. President, the good Senator from Kennebec, Senator Katz, may look upon this as an inconsistency. I'm not so sure that it is.

The fact is, if it was such an inconsistency that the Joint Standing Committee on Education could very well have incorporated it in its Omnibus Bill. I feel that this is something that is being put in at the last minute. I don't like it being put in in this manner.

Now the good Senator from Knox, Senator Collins and I, in the last session tried to put an order in here that would pre-empt the Errors and Inconsistencies Bill practically in the Judiciary Committee. That way all the errors and inconsistencies would have been argued out by the Joint Standing Committee itself. In order to put a Committee Amendment on, it would have taken 2/3's votes of both Houses to accept it.

I just don't know what ramifications this is going to have amongst CSD's, but I am one person who is not too excited about giving the powers of eminent domain away that easily. That's exactly what this amendment does. I think if we're going to have a law dealing with this, then we ought to have a public hearing and let those CSD's come in and speak for it.

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

Senator KATZ: Mr. President, let me assure my friend, the Minority Leader, that all school units have the power of eminent domain. It's not used very, very often, but they have it. In order to operate a school system in the State of Maine, you need eminent domain. It's very apparent that no CSD previously have ever needed eminent domain or it's been overlooked.

But there's no difference in the prerogatives of these different kinds of units. There's a whole series of ways to form a school district. Locally, the Legislature has said to the school units, depending upon what you want locally, form your school unit. Form a Community School District. To avoid the constitutional limitations, we had in the old days, you can form an artificial school unit, which coincides with the perimeters of your single town, or join a School Administrative District.

I can assure the good Senator from Cumberland that there is nothing inappropriate in this. I don't have any idea, any idea in the world why the Committee on Education didn't accept this. If it had been, and it could have been an individ-

ual bill, if somebody chose to go that way, it would have been completely proforma. It would have been a unanimous Report Out of Committee. There's no problems about giving these devious powers to Community School District. Everybody else has them.

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

Senator CONLEY: Mr. President, I'm very much intrigued by the statements made by the good Senator from Kennebec. I would pose a question through the Chair to the Chairman of the Joint Standing Committee on Education and wonder if he could inform the Senate as to why the Committee rejected this amendment.

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

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President and Members of the Senate: The Committee decided in its Errors and Inconsistencies Bill that there should be no substantive changes in the law. We took that policy in our Errors and Inconsistencies Bill.

However, I do feel personally that if other school districts, if SAD's have this power of eminent domain, that CSD's should also. In the Education Committee, because we wanted no substantive changes in our bill, we omitted this amendment.

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

Senator CHAPMAN: Mr. President and Members of the Senate: Current law right now can be interpreted in one respect to be including and providing this coverage. It isn't specifically stated. That's what the desire of this amendment is.

Title 20, MRSA Chapter 357 reads: "community schools when established shall be considered the official schools of the participating towns and all provisions of the general law relating to public education shall apply to such schools."

When advised that that can be interpreted to include this, that it should be intended to, and this is to clarify and to rectify inconsistencies whereby the other municipalities and SAD's have specific reference.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate: We on the Education Committee have had many trials and tribulations with SAD's, Community School Districts, no matter what it is insofar as the makeup of the different boards, the functions of those boards, the powers of the boards, the disputes that materialize from one town to another, how much power they possess. I think that all ties into this.

I think basically by enacting or accepting this particular amendment we are circumventing the feelings of some people in some towns who might have some very strong feelings on this particular matter. I am not about to do that.

I reiterate one more time. This particular substantive change should have had a public hearing, regardless of how infinitesimal it appears to the Senator from Kennebec, Senator Katz. This is not the correct way to handle things toward the end of this Legislative Session.

Now if the Committee on Education in its wisdom, did it's job, and had a policy that addressed this particular type change and we refused to accept it, I don't see why the Legislature or the Errors and Inconsistencies Bill should be handling it in this particular manner. I would sincerely hope that the Senate would reject this particular amendment this afternoon. I would ask for a Division.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of the motion to Indefinitely Postpone Senate Amendment "B", please rise in their places to be counted.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: I would request a Roll Call.

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

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

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, I welcome a Roll Call. There is a Community School District, apparently down on the coast somewhere, that is in trouble, and is asking the Legislature for help. I'd be delighted to have the people down in that area of the State know who is going to get them out of trouble and who is going to say we don't care about you. I think the Education Committee made a mistake.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: I take personal offense to the remark made by the good Senator from Kennebec, that the Education Committee made a mistake. I think we have done a commendable job. I think we have screened, evaluated, analyzed, and evaluated and disseminated every single bill in its proper perspective before us. It's really a sad day in this Senate when an accusation of that type can be expounded upon this particular Senate, by the good Senator and former Chairman of our Education Committee along these lines.

It just doesn't make good sense, and appears to me now that this particular amendment has been extremely well lobbied, not predicated upon its merits but just the point of getting it through.

If this particular community school district that the good Senator from Kennebec, refers to, which I do not know which one it is, why doesn't he come out and tell us specifically which one it is, what the problems are? I'd certainly be very interested in finding out. But again I think we're using the wrong route in which to ram this particular thing through, because I think the end result is going to be some very serious ramifications on this particular matter.

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

Senator KATZ: Mr. President, I'd like to explain to the Senator from Androscoggin, Senator Minkowsky. I was brave enough to say the Education Committee made a mistake, it made an awful lot of mistakes during my time, which were pointed out to me on the floor of this Senate. Unless all of a sudden sheer perfection has descended, I think maybe this year's is capable of a teensy-weensy one. There was no malice in my heart when I said it.

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

Senator TROTZKY: The Education Committee, this term, I think, was very near perfection.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that Senate Amendment "B" be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

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

ROLL CALL

YEA—Carpenter, Clark, Collins, Conley, Cote, Minkowsky, Najarian, Pray, Trafton, Usher.

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

ABSENT—Danton, Farley, Huber, Martin, O'Leary, Silverman.

A Roll Call was had.

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

Senate Amendment "B" Adopted.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: I present Senate Amendment "A" to Senate Amendment "B".

The PRESIDENT: The Senator from Waldo, Senator Shute, now offers Senate Amendment "A" to Senate Amendment "B" and moves its Adoption.

Senate Amendment "A" (S-332) Read.

The PRESIDENT: The Senator has the floor.

Senator SHUTE: Mr. President and Members of the Senate: This amends the section of the Marine Resources law. The only thing it does is change Coastal Warden to Marine Patrol Officer.

Senate Amendment "A" Adopted.

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

Senator PIERCE: Mr. President, I present Senate Amendment "C" to Senate Amendment "B" under Filing Number S-335 and move its Adoption.

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

Senate Amendment "C" (S-335) Read.

The PRESIDENT: The Senator has the floor.

Senator PIERCE: Mr. President and Members of the Senate: I'll try to make a long story a short one here today. Those of you who served in the last session, especially the ones on Appropriations will remember that we had addressed several times the payback procedures for our contract students who go Out-of-State to Medical Schools and various schools.

One of the changes we made in the law last time, and perhaps Senator Najarian, especially, who was involved in this will recall, is that we, for the first time classified positions into primary care and specialized care area, and changed some of the procedures whereby if they came back for 4 years in Maine they would be forgiven, and certain other classifications would be forgiven half if they went in those areas and so forth.

That clearly was the only intent of change on the payback procedures. When it came the next year the Commissioner decided that there was at least some ambiguity in the law, although not in the intent, that the other students involved in the compact, the veterinarian students, dental students, optometric students, and so forth, did we in fact mean that they were broken down into primary specialized areas.

Obviously, I think no one will attest to the fact that they were. Because clearly the intent was that they weren't. Therefore, he took it upon himself to just continue in those areas to keep the payback procedures in force as they were. That was the Class of 1981.

We now have students awaiting admission specifically in this instance to Tuft's Dental School to the Class of 1982. The commissioner has asked that rather than continue to make this decision on his own, that there should be some clarification in the law to at least read into the record that the intent clearly wasn't to address other areas other than physicians and the change in the payback procedures.

Presently the Medical Advisory Committee, which was set up under that law is meeting on a regular monthly basis. In January will have a

full recommendation to the Legislature on whether or not in all these categories we want to recommend some payback procedure changes. In fact, this is getting to be an expensive procedure with all these contract students. I suspect we will have some substantive changes to recommend to the Legislature at that time.

In the meantime I think that this would at least clarify for those students who haven't been admitted, who are waiting admission at Tuft's Dental, whether they are going to be required or they aren't to pay back if they come to Maine for 4 years. This merely would leave the present law in effect as it is now. I think as it clearly was intended to be with this group of students, and not change anything. If we don't clarify we may have the Class of '81 in one set of payback procedures, the Class going in right now, the Class of '82 in some other set of payback procedures, and the Class of '83 under procedures which we have yet to recommend. That would make things even more confusing. This is simply, what this does is just make some sort of clarification for the benefit of the commissioner. In effect, does not change his present practices under the law.

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

Senator CONLEY: Mr. President, here is another amendment that certainly is one of great substance. In fact, I question the germaneness of this amendment even to the Errors and Inconsistencies Bill because it's my understanding that this very same bill was killed by the Committee of Education. Here it is back before us as an amendment.

Why wasn't this amendment brought to the Judiciary Committee for the Committee to review it. Now for this to come in at the last moment is a disgrace. I move its Indefinite Postponement. I question as to whether or not it should be even considered by this Senate where it was already killed in a bill that was reported out of the Education Committee.

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

Senator TROTZKY: I don't believe this amendment was killed by the Education Committee. I believe it was ruled non-germane by the Speaker.

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

Senator CONLEY: This body Adhered to its position and the Bill was killed!

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

Senator PIERCE: Mr. President and Members of the Senate: That is correctly correct. The amendment was never rejected nor presented other than for informational purposes, as part of a larger amendment to a Bill which was killed. It was part of an overall Bill which ended up in non-concurrence between the 2 bodies and was killed. Certainly the Education Committee never rejected the amendment for it was never presented to them in that light.

This section of a larger amendment with 2 other changes in it was on another bill which was killed between bodies.

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

Senator NAJARIAN: Mr. President, I'd like to pose a question to Senator Pierce. My memory fails me. I can't remember what the present procedure is for paying back for these particular categories of students if this is not enacted.

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

Senator PIERCE: Mr. President, I suspect that it probably will not make that much difference whether this is enacted or not. For the Class of 1981 there was nothing on the books and the Commissioner made the decision to just continue with the present law. I would guess that if we didn't Enact this, he would probably be forced into the position of making

that same decision for the Class of 1982. At his request I'm just trying to make that slight clarification at this point.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the Indefinite Postponement of Senate Amendment "C", please rise in their places to be counted.

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

8 Senators having voted in the affirmative, and 13 Senators in the negative, the Motion to Indefinitely Postpone does not prevail.

Senate Amendment "C" Adopted.

Senate Amendment "B", as amended, Adopted.

The Bill, Passed to be Engrossed, as amended.

Sent down forthwith for concurrence.

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

HOUSE REPORTS—from the Committee on Fisheries and Wildlife — Bill, "An Act to Increase Revenues Available to the Department of Inland Fisheries and Wildlife to Compensate for the Effects of Inflation on its Current License Fees and its Costs." (H. P. 1373) (L. D. 1600) Majority Report — Ought to Pass in New Draft Under Same Title (H. P. 1484) (L. D. 1671) Minority Report — Ought Not to Pass.

Tabled—June 7, 1979 by Senator Katz of Kennebec.

Pending—Acceptance of Minority Report.

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

Senator REDMOND: Mr. President, I request a Division, and would like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator REDMOND: Mr. President and Ladies and Gentlemen of the Senate: All of us here in this body are to some extent managers or administrators of one form or another. As such we can and must face financial crisis as a matter of course, and deal with them in a rational manner taking into account the big picture. That is to say we must look first at the immediate past and follow the events that have brought us to this impasse.

Secondly, we must consider the current needs of the Department needs that must be met if the Department is to perform the duties mandated by law.

Thirdly, we must look down the road at the financial picture two, three and four years from now. Utilizing the best projections available to see what direction we are steering the department in, to see whether we are running it into the ground.

In addressing the first issue, we must consider how 4 years of the Longley Administration effected the Department, during this period Commissioner Marsh did his best to abide by Governor Longley's guidelines, to put it mildly he ran a tight ship.

License fees are the departments primary source of revenue and these fees haven't increase for 4 years. I am sure that I do not have to remind you what inflation has been over this same 4 year period. There are no moneys available from General Fund to help the Department keep pace with inflation, this brings us to the present situation. We must face facts such as the department must replace a large part of its fleet of vehicles. This is to be performed at 75,000 miles. My past experience tells me that this is very reasonable. To try to put off these kinds of investments will result in a greater long run costs.

Facts like the impact the recent wage contract has had on the Department an increase of \$705,000 in the first year alone.

There are those who will raise questions of cost effectiveness, and call for another survey of the financial management of the Department to this point I will only say that I have a

very high degree of respect for the efficiency and effectiveness and the professional character of the personnel in the department.

We know more today about our many fish and wildlife species in Maine because the Biologists have compiled much basic information. Information that can only be assimilated only by competent trained staff. We must maintain the high caliber of the Department staff.

Looking now to the near future it becomes clear that far from being an over financing, this is the bare minimum increase necessary. This situation was not unforeseen, the Department has been cutting costs of operation every year to postpone this increase. There are actually 10 fewer permanent employees in the Department now than in 1975. Even with this increase the Department will have to cut some \$800,000 from its budget next year just to meet its payroll and other expenses. Without this cut the department will run out of cash in 1980. Furthermore loses due to tight gasoline situation or the drastic decrease in license revenue that could occur, if we experience a drought as has happened in the past and sportsmen were restricted from entering our forests.

As you are all aware our Fisheries and Wildlife constitute one of the States most valuable resources. If we are to continue to reap the benefits from this resource far into the future, we must invest in sound management and proper conservation measures today. This is an investment that will pay off many times over in the years to come.

In closing, I strongly urge you to reconsider this sourly needed measure. The time to act is now, to buy some time until a long term solution to the underlying problem can be devised.

I also have an amendment to offer which would reduce the increase in junior residents licenses from \$1.50 to \$2.00 instead of \$3. If you will vote no to the Minority Report, this will make it easier for the young sportsmen who operate on a very limited income to go hunting with their dads and it will only reduce the total package of less than \$11,000.

The problem is finding a new source of funding for the debt, a source that can keep pace with inflation as it is not feasible to increase license fee every year to match the inflation rate.

Ladies and Gentlemen of the Senate, regardless of how you shift or transfer the money this does not manufacture new money. The Commissioner of Finance testified that this was not responsible handling of the Department funds, but even if this was feasible the fact remains that the Department will be broke early in 1981. Remember to operate the Department responsibly it must have operating funds or a checkbook balance of at least \$500,000.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

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

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

12 Senators having voted in the affirmative and 9 Senators in the negative, the Motion to Accept the Minority Ought Not to Pass Report does prevail.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: I move Reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves that the Senate Reconsider its action whereby it Accepted the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I move that this be tabled for 1 day, pending Reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the L. D. 1671 be

Tabled for 1 Legislative Day, pending the Motion of the Senator from Kennebec, Senator Pierce to Reconsider.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I would ask for a Division on the Motion.

The PRESIDENT: A Division has been requested.

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

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

13 Senators having voted in the affirmative and 12 Senators in the negative, the Motion to Table does prevail.

On Motion by Senator Pierce of Kennebec, Out of Order and Under Suspension of the Rules, ORDERED, the House concurring, that when the Senate and House adjourn they adjourn to Wednesday, June 13, 1979, at 8:30 o'clock in the morning.

(S. P. 623)

Which was Read and Passed.

Sent down forthwith for concurrence.

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

Committee Report House

Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature on, Bill, "An Act to Protect Management Personnel Whose Unjustly Discharged or Involuntarily Retired. (H. P. 748) (L. D. 957) have had the same under consideration, and ask leave to report:

That they are unable to agree.

On the part of the House:

Representatives:

THERIAULT of Rumford

BAKER of Portland

GRAY of Rockland

On the part of the Senate:

Sensors:

SUTTON of Oxford

LOVELL of York

PRAY of Penobscot

Comes from the House, the Report Read and Accepted.

Which was Read and Accepted, in concurrence.

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

Senator COLLINS: Mr. President is the Senate in possession of L. D. 964?

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

Senator COLLINS: Mr. President I would move that the Senate reconsider its action whereby it Insisted and Asked for a Committee of Conference.

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that the Senate Reconsider its action whereby on Bill, "An Act Relating to Dental Health." (S. P. 330) (L. D. 964) it Insisted and Asked for a Committee of Conference.

Is this the pleasure of the Senate?

It is a vote.

Senator COLLINS: I now move that the Senate Recede from its action whereby it Passed this Bill to be Engrossed.

The PRESIDENT: The Senator from Knox, Senator Collins, moves that the Senate Recede from its action whereby this Bill was Passed to be Engrossed.

Is this the pleasure of the Senate?

It is a vote.

Senator COLLINS: Mr. President, I now move that the Senate Recede from its action

whereby it Adopted Committee Amendment "A".

The PRESIDENT: The Senator from Knox, Senator Collins, moves that the Senate Recede from its action whereby it Adopted Committee Amendment "A".

Is this the pleasure of the Senate?

It is a vote.

Senator COLLINS: Mr. President, I now offer Senate Amendment "A" to Committee Amendment "A" and move its Adoption.

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

Senate Amendment "A" (S-345) Read and Adopted.

Committee Amendment "A", as amended, Adopted, in non-concurrence.

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

Senator GILL: Mr. President, I would ask that the Senate vote against passing this Bill to be Engrossed. If fact I would like to make the Motion to Indefinitely Postpone.

What we are doing is prolonging the petition attempt for the people. This gives them 60 days to get their petitions together. I think that it should be on the other foot, I think that the people who want the fluoride should be the ones on the petition drive and not the people who want to keep their water pure and clean.

I think that we are trying to forcefeed people fluoride and I object to that. There are many people who cannot, because of sensitivity, take fluoride. It will be in their water they will have no alternative but to take it. Fluoride causes some people with sensitivity many discomforts some of them skin eruptions, they could suffer from dermatitis because of it, eczema, gastric distress, headaches, there are many sensitivities that people can have come about. Also, people who do have, already, kidney diseases and diabetes and hypoglycemia, fluoride does not help their condition any.

What we are going to do is we are going to put fluoride in water when it is going to effect all these people in these instances and I object and I would ask that you Indefinitely Postpone this Bill.

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

Senator LOVELL: Mr. President and Members of the Senate. As a druggist for 50 years I have never seen fluoride hurt anybody, as far as the idiosyncrasies of the allergic things to fluoride they are few and far between.

In the last debate we mentioned towns that have had it since 1935; 45 and I have never heard any of them in Sanford, I never heard of people come down with any disease from it, or get any poison from fluoride unless they took a pint of it or something like that. I am sure that they will not. I think that we should pass this Bill and pass it now.

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

Senator COLLINS: Mr. President, we thoroughly debated this matter the other day and the only difference here, is that we are giving the local control proponents an even greater opportunity to take the issue to public referendum. I think that is the only thing that we need to consider here.

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

Senator GILL: In the Portland area we have already had referendums on fluoride. The people who wanted fluoride in the water supply have gone around and gotten petitions and they have come to referendum before the voters and the voters have voted fluoridation down.

This is a back handed approach to do it again, and that is all that it is, I wish that we would recognize that and vote this Bill Ought Not to Pass.

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

Senator LOVELL: Mr. President, this seems to be a Portland Bill, let's let the rest of the State do what they want to do, they have got 60 days, the voters, to vote whether they want fluoridation or not. If Portland don't want it they do not have to vote for it.

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

Senator HICHENS: Mr. President, I would reaffirm the statements of the good Senator from Knox. This has been debated well and this is a referendum petition bill, or whatever you want to call it. It is taking away local control that they have now, because it is putting pressure on them.

I think that we have good laws on the books which give local control to the people to the petition process and I do not think that there is any reasons that we have to change it now.

In going along with the remarks of the good Senator from York, if he wants some information as to the bad parts of fluoridation I can give him reams of material that I have down in my office, that can show that people have suffered bad effects from the use of fluoridation.

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

Senator CARPENTER: Mr. President. Just to counter the argument of my good colleague from the Committee, Senator Gill. If you read this Bill we also built into the Bill, that if fluoridation is voted upon one time it has to be two years before it can be brought up again in any form. So it is not a back handed approach, it is an alternative method with all the strictest local control and the good Senator Collins' amendment just further extenuate local control by giving the opponents, once the town fathers have said OK it gives the opponents an additional 30 days to gather that 10% of the signatures. I hope that you will oppose the pending motion. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the Motion to Indefinitely Postpone L. D. 964 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 15 Senators in the negative, the Motion to Indefinitely Postpone does not prevail.

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

Sent down forthwith for concurrence.

Enactors

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

An Act to Exempt Used Machinery from the Sales Tax. (H. P. 514) (L. D. 629).

On Motion by Senator Perkins of Hancock, placed on the Special Appropriations Table, pending Enactment.

An Act to Conform Land Use Regulations in the Unorganized Territory to Statewide Standards. (S. P. 415) (L. D. 1289)

An Act Relating to the Licensing of Auctioneers. (S. P. 430) (L. D. 1379)

An Act to Amend the Maine Traveler Information Services Law. (H. P. 1179) (L. D. 1535)

An Act to Protect Subcontractors from Non-payment on Certain Contracts with the Department of Transportation. (S. P. 594) (L. D. 1667)

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

An Act Relating to Nonprofit Hospital or Medical Service Organizations and Insurance Companies. (S. P. 357) (L. D. 1105)

On Motion by Senator Chapman of Sagadahoc, the Senate voted to Suspend its Rules.

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

Senator CHAPMAN: I move that the Senate reconsider whereby this Bill was Passed to be Engrossed.

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

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

Senator CONLEY: Mr. President, I was going to ask the Senator if he could explain why he wishes to reconsider.

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

Senator CHAPMAN: Mr. President and Members of the Senate: I intent to offer Senate Amendment "A" to Committee Amendment "A" under Filing S-347.

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

On Motion by Senator Chapman of Sagadahoc, the Senate voted to reconsider its action whereby it Adopted Committee Amendment "A".

Senator CHAPMAN: Mr. President I now offer Senate Amendment "A" under Filing of S-347 and move its Adoption.

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

Senate Amendment "A" (S-347) Read, and Adopted.

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

Sent down forthwith for concurrence.

Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1979. (H. P. 1481) (L. D. 1668)

Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Cumberland County for the Year 1979. (H. P. 1482) (L. D. 1669)

These being emergency measures and having received the affirmative votes of 23 Members of the Senate, were Finally Passed and having been signed by the President, were by the Secretary presented to the Governor for his approval.

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

Papers from the House Joint Orders

Expressions of Legislative Sentiment recognizing that:

Linda E. Abromson has served with devotion on the Portland School Committee...(H. P. 1516)

William R. Harris, South Portland, has retired after coaching for 25 years in the South Portland National Little League and dedicating his efforts and services to the physical and sportsmanlike conduct of the game of baseball and to the youth of South Portland...(H. P. 1515)

The Town of Kennebunkport has been presented for the second time with a Tree City USA Award for excellence in its community forestry program...(H. P. 1514)

Fort Kent Chapter of Maine Jaycees has been selected as the Number One Chapter in the State of Maine for 1979 by The Maine State Jaycees...(H. P. 1513)

Virginia D. O'Keefe of Orono, is retiring after 25 years of dedicated services at the Orono Public Library and to the citizens of that community...(H. P. 1512)

Anna Marie Roberts recently retired after

having worked in the Caribou municipal office, with splendid enthusiasm and dedication, since 1934...(H. P. 1511)

The Town of Wells is dedicating a new 70 acre recreation area in honor of Walter Marsh who, as chairman of the Wells Recreation Department for the past 5 years, has worked on this project with great affection...(H. P. 1510)

Garrett K. Tilton and Donald Varney both of Readfield, have been selected to share the honor of valedictorian of the graduating class of 1979 at Maranacook Community School...(H. P. 1520)

Comes from the House, Read and Passed. Which were Read and Passed, in concurrence.

Katherine E. Ault of Wayne, has been selected as salutatorian of the graduating Class of 1979 at Maranacook Community School...(H. P. 1521)

Which was Read.

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

Senator KATZ: Mr. President and Members of the Senate: The best way to have your daughter turn out to be a salutatorian, a brain, is to marry a beautiful and absolutely devastatingly smart wife and I congratulate the Senator from Kennebec,

Which was Passed, in concurrence.

Committee Reports House

Ought to Pass — As Amended

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Allocate Moneys for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance and Administration and the State Liquor Commission for the Fiscal Years Ending June 30, 1980 and June 30, 1981." (Emergency) (H. P. 1265) (L. D. 1514)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-695)

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

The Committee on Local and County Government on, Bill "An Act to Provide More Adequate Compensation to Municipal Clerks and Municipalities for Certain Duties Performed for the State." (H. P. 191) (L. D. 240)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-694).

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

Which Reports were Read and Accepted in concurrence, and the Bills Read Once. Committee Amendments "A" Read and Adopted in concurrence.

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

Sent forthwith.

Ought to Pass in New Draft

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Upgrade, Construct and Maintain Court Facilities." (H. P. 927) (L. D. 1167)

Reports that the same Ought to Pass in New Draft under Same Title. (H. P. 1519) (L. D. 1677)

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

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

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

Sent forthwith.

Out of Order and Under Suspension of the

Rules, the Senate voted to consider the following:

Order

On Motion by Senator Gill of Cumberland, WHEREAS, the State has an interest in safeguarding the health of its citizens, especially that of its children; and

WHEREAS, there has been concern in some areas of the State that people not licensed to practice medicine have been the sole attendants at delivery; and

WHEREAS, in some of these instances there have been serious complications requiring medical intervention; and

WHEREAS, the State recognizes that its citizens may choose to have their babies delivered at home without involvement of a person licensed to practice medicine; and

WHEREAS, it would be desirable to ascertain the appropriate balance between these potentially conflicting interests; now, therefore, be it

ORDERED, the House concurring, subject to the Legislative Council's review and determination hereinafter provided, that the Joint Standing Committee on Health and Institutional Services study the question of lay midwifery; and be it further

ORDERED, that the committee report its findings and recommendations, together with all necessary implementing legislation in accordance with the Joint Rules, to the Legislative Council for submission in final form at the Second Regular Session of the 109th Legislature; and be it further

ORDERED, that the Legislative Council, before implementing this study and determining an appropriate level of funding, shall first ensure that this directive can be accomplished within the limits of available resources, that it is combined with other initiatives similar in scope to avoid duplication and that its purpose is within the best interests of the State; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the committee.

(S. P. 621)

Which was Read.

On Motion by Senator Katz of Kennebec, Tabled, Pending Passage.

Orders

Expressions of Legislative Sentiment recognizing that:

Bill Williams Jr., the son of Mr. and Mrs. Bill Williams Sr. of Poland and a member of Boy Scout Troop 125, has achieved the high honor and distinction of Eagle Scout... (S. P. 620) is presented by Senator Trafton of Androscoggin.

Julie Mason, of Augusta, has been selected as salutatorian of the class of 1979 at Cony High School... (S. P. 619) is presented by Senator Katz of Kennebec, cosponsored by Representative Lund of Augusta.

Which were Read and Passed.

Sent down forthwith for concurrence.

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

Communication

HOUSE OF REPRESENTATIVES

June 8, 1979

Honorable May M. Ross
Secretary of the Senate
109th Legislature
Augusta, Maine 04333

Dear Madam Secretary:

The House voted today to Adhere to its former action on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Maintain and Protect the Integrity of the Maine State Retirement System. (H. P. 780) (L. D. 973)

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

Which was Read and Ordered Placed on File.

Enactors

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

An Act to Remove Moose River from the Maine Forestry District. (S. P. 4) (L. D. 4)

On Motion by Senator Perkins of Hancock, placed on the Special Appropriations Table, Pending Enactment.

An Act to Clarify the Administration of the Department of Manpower Affairs. (H. P. 1470) (L. D. 1658)

An Act Regarding Laws Relating to Town Lines. (H. P. 1281) (L. D. 1534)

An Act to Encourage Free and Open Competition in Insurance Funded Repairs. (H. P. 874) (L. D. 1064)

An Act to Revise the Van Buren Light and Power District Charter. (H. P. 836) (L. D. 1068)

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

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

Paper from the House Non-concurrent Matter

Bill, "An Act Relating to Access, Copying and Release of Medical Records." (H. P. 935) (L. D. 1165)

In the Senate, June 1, the Majority Ought Not to Pass Report Read and Accepted, in non-concurrence.

Comes from the House, Passed to be Engrossed, as amended by House Amendment "A" (H-696), in non-concurrence.

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

Senator KATZ: I move the Senate Adhere. The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate Adhere.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: I would ask for a Division.

The PRESIDENT: A Division has been requested.

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

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

15 Senators having voted in the affirmative, and 10 Senators in the negative, the Motion to Adhere 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 it voted to Adhere.

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

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion to Reconsider does not prevail.

Committee Report House

The Committee on Taxation on, Bill, "An Act to Provide a State Income Tax Credit for Installation of a Wood Stove." (H. P. 851) (L. D. 1051)

Reports that the same Ought to Pass, as amended by Committee Amendment "A" (H-687).

Comes from the House, Passed to be Engrossed, as amended by Committee Amendment "A", as amended by House Amendment "A" (H-697), thereto.

Which Report was Read and Accepted, in

concurrence, and the Bill Read Once. Committee Amendment "A" Read. House Amendment "A" Read and Adopted, in concurrence. Committee Amendment "A" as amended, Adopted, in concurrence.

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

Sent forthwith.

Senate Paper

Senator Ault of Kennebec presents the following Joint Resolution and moves its adoption:

STATE OF MAINE

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

JOINT RESOLUTION COMMEMORATING THE TENTH ANNIVERSARY OF THE APOLLO 11 MOON LANDING

WHEREAS, it is highly appropriate for us at this time to commemorate the phenomenal achievements of our space program as exemplified in this year's celebration of the Tenth Anniversary of the Apollo 11 Moon Landing. Acknowledged as one of the greatest achievements of recorded history, the Apollo 11 Moon Landing was a feat of monumental proportions that displayed the very best of America's scientific genius and captured the imagination of thousands upon thousands of the earth's inhabitants; and

WHEREAS, the Apollo 11 Moon Landing dramatically played out a scenario that was fictionalized in science fiction, envisioned by countless farsighted scientists and conceived by the most brilliant minds in America's space program. On Sunday, July 20, 1969, the Apollo 11 Flight Commander, civilian test pilot Neil A. Armstrong, became the first man to set foot upon the moon and spoke the immortal words, "That's one small step for man, one giant leap for mankind;"

WHEREAS, the three representatives of humanity who made this historic venture included Commander Armstrong and Air Force Colonel Edwin E. Aldrin, Jr., on the moon and Air Force Lieutenant Colonel Michael Collins, who commanded the Service Module that orbited the moon for thirty-one revolutions. In landing on the moon and returning safely home, these three men proved for all time the reality of lunar landings for humanity and opened the way for further documentations of the vast sea of knowledge that exists between our world and whatever unknown vistas there are beyond our current comprehension; and

WHEREAS, in achieving this great plateau in our knowledge of space exploration, the Apollo 11 landing on the moon remains a hallmark of incredible dimensions for the future of the world as we know it today. Whatever the future may hold, whatever worlds may exist beyond our own, the Apollo 11 Moon Landing points like a beacon to the future of our entire civilization; now, therefore, be it

RESOLVED: That we, the Members of the 109th Legislature on behalf of the People of Maine and our nation of states take this opportunity to celebrate the anniversary of this event and honor the visionary individuals who made it a reality; and be it further

RESOLVED: That suitable copies of this Joint Resolution be prepared and transmitted forthwith to the National Aeronautics and Space Administration and to Commander Neil A. Armstrong, Colonel Edwin A. Aldrin, Jr. and Lieutenant Colonel Michael Collins.

(S. P. 622)

Which was Read and Adopted.

Sent down forthwith for concurrence.

Second Readers

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

Senate

Bill, "An Act to Increase the Expenses for

Legislators, to Increase the Compensation for the Attorney General, Justices, Judges and District Attorneys and to Appropriate Funds for the Probate Court Systems Study." (Emergency) (S. P. 617) (L. D. 1679)

Which was Read a Second Time.

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

Senator SHUTE: Mr. President, I present Senate Amendment "A" and move its Adoption.

The PRESIDENT: The Senator from Waldo, Senator Shute now offers Senate Amendment "A" to L. D. 1679 and moves its Adoption.

Senate Amendment "A" (S-349) Read.

The PRESIDENT: The Senator has the floor. Senator SHUTE: Mr. President and Members of the Senate: What this amendment does in the expenses being revised in this Bill, it would use the non-commuters the same way the commuters are used as far as vouching for their expenses.

Right now the commuters get \$12 a day for meals and up to \$13 a day for mileage. This bill here of course puts it up to \$17 for meals and \$18 for mileage, the bill does.

The only things the amendment does is split the 17 and 18 up, so that you get your \$17 a day for meals. If you want in your lodging expenses, you can go up to \$18 a day for lodging, the same as commuters go up to \$18 a day for their mileage.

If the commuters at the present time, if their travel expenses come to \$5 a day, they don't get \$18 a day, like the people staying here do. They get \$5 a day. This would make it fair and square, I think for everybody here. Of course, the people staying here still would get that extra overnight's lodging, which is \$35 a day, which they get now 6 days a week, where the commuters only get 4 days of travel plus one round trip. So those staying would still get their 6 days, they'd still get their round trip. I'd move adoption of the amendment.

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

Senator NAJARIAN: Mr. President, I rise to oppose this amendment primarily because the Appropriations Committee has debated this particular proposal several times. It is just not administratively feasible. I don't think there's any staff in State Government more fiscally responsible or conservative than our Legislative Finance Office. It's an administrative nightmare. That's one problem with it.

The second problem is, unfortunately, well, I would just say that cheating is simply not limited to AFDC recipients, but that occasionally it happens among Legislators if they happen to have a friend who has a motel or something who can give them a receipt when they actually didn't stay up anyway. So our Finance Office has not recommended that we follow this course.

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

Senator SHUTE: I really haven't heard any good reasons for not adopting this amendment. Just because some Legislators are double dipping on their expense money, or they were before they went into the \$25 per day allowance for those that stayed. I don't think that's a very good reason to change the law over so that nobody will have to cheat on their expense account.

Now if it costs somebody \$50 a week to have a room here, why should they get \$118 a week for the room? When you're a commuter if its costs him \$50 a week for gasoline, he gets \$50, he doesn't get \$118. He gets what he's allowed. He doesn't get an extra day either like the ones who stay here do, whether you're here or not some.

So I think I'd have to have a better reason so to not have people cheat on their expense accounts, we should keep it the way it is. I think anyone should come up with their expenses, turn their vouchers in and then Legislative Fi-

nance would pay them for it.

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

Senator KATZ: Mr. President, might I offer another reason, which is very easy to understand. This is an Emergency Bill, which requires the vote of 2/3's of both Houses. That might be a reason.

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

Senator COLLINS: Mr. President, it was my pleasure to participate in this whole manner to some extent because Senator Conley of Cumberland and I sponsored the original bill of which this is the outgrowth. I'm sure we all know from past experience that this sort of thing is subject to debate for many days.

If we're going to tamper with the judgment of the Appropriations Committee, we're going to be here for a long time, or else we're going to accomplish absolutely nothing.

We've been through a session in which the pay scales of State Employees through several different contracts have been increased. We've accepted provisions to increase pay scales in the administrative echelons of the Judicial Department. This bill is designed to complete the job except that it will not include any pay raise for Legislators who follow after us in the 110th Legislature.

I regret that that is so. I'm not satisfied with this Bill by any means, but I'm going to accept it. I think we ought to look upon this as a case where we ought to accept compromise that's been battled out in the Appropriations Committee, and go along with it, because it does an important piece of work for us.

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

Senator SHUTE: I won't belabor this issue, but I do just want to point out one more thing. If a person lives 50 miles from the State House, he can get the maximum allowance of mileage and his meal allowance. Now under the new plan which is 17 and 18. Or if a person stays over here and has a motel room, I'd like to show you what the difference is.

Now the person that lives 50 miles away, that's a 100 mile round trip each day, and 18¢ a mile, so you're allowed \$18. That's maximum, and your \$17 for your meals.

Now the person that lives 50 miles away and they get a motel room here in Augusta or share an apartment with someone else here in Augusta for half price, the commuter gets \$175 a week, under this new plan. The one that stays here gets \$228 a week. Now would you tell me why the difference. Why does a person commuting get \$53 less a week than the person staying? Is there some good reason for that? There must be. Other than having your expenses so you won't be cheating on them. I'd ask for a Roll Call, Mr. President.

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 Adoption of Senate Amendment "A" to L. D. 1679.

A Yes vote will be in favor of Adoption of Senate Amendment "A"

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Ault, Chapman, Devoe, Emerson, Gill, McBreaarty, Pierce, Redmond, Shute, Sutton, Teague.

NAY—Carpenter, Clark, Collins, Conley, Cote, Hichens, Katz, Lovell, Minkowsky, Najarian, Perkins, Pray, Silverman, Trafton, Trotz-

ky, Usher.

ABSENT—Danton, Farley, Huber, Martin, O'Leary.

A Roll Call was had.

11 Senators having voted in the affirmative, and 16 Senators in the negative, with 5 Senators being absent, Senate Amendment "A" Fails of Adoption.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President, I now offer Senate Amendment "B" to L.D. 1679, under Filing S-350 and move its Adoption.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, now offers Senate Amendment "B" to L. D. 1679 and moves its Adoption.

Senator Amendment "B" (S-350) Read.

The PRESIDENT: The Senator has the floor.

Senator CHAPMAN: This amendment would address the same issue of Legislative Expense Reimbursement, in the fashion that would respond to reimbursement for actual expenses incurred, and not just grant a flat amount of \$35 per day, or 17 and 18 respectively in the case of commuters.

It's my feeling that expenses are expenses. You shouldn't be reimbursed for them unless you've incurred them. If you have incurred them, then you should be reimbursed for them. There are those of us who live a long way away, over a 100 miles, as has been pointed out just previously. I think this expense reimbursement should properly reflect the expenses incurred by those people who commute a greater distance than 100 miles and they should be fully reimbursed.

Those of us who do not have to travel that far should not receive that full reimbursement. Those that incur the expense of staying here up to \$35 should be reimbursed. Those that share and do not incur that full amount of expense, I don't feel should be reimbursed for something they have not incurred.

This is the people's money. We get a salary and we also get expense reimbursement. Therefore, I feel that the expense reimbursement should be that, I'd urge the Senate to adopt Senate Amendment "B".

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

Senator NAJARIAN: Mr. President and Members of the Senate: Although there is a certain amount of logic to the good Senator from Sagadahoc, Senator Chapman's argument, this amendment I feel is worse than the other one. It would require us to have receipts for every sandwich we grab downstairs or over to the cafeteria. To keep track of all those and turn them in, it would be as I said before, a nightmare for the Finance Office to do that for 184 of us.

If the expenses which we were allotted, were more than our actual expenses, again it might make even more sense. But as a matter of fact, these expenses do not cover the costs for most of us up here as it is. So I don't think it would serve any useful purpose. Because if we were able to keep track of all these receipts and turn them in, it would still come up to this much and probably more. So I move the Indefinite Postponement of this amendment.

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

Senator CHAPMAN: Mr. President and Members of the Senate: I understand that, but again I would emphasize that we are talking about an expense reimbursement plan. Again not salary, yet we're talking about money that is not put on our W-2 Forms, that we have, that's used when we report our Federal Income Tax, State Income Tax. In effect by increasing expenses in the manner that we were doing, we're increasing salary tax free. I'm very concerned that we're doing the right thing, in keeping with our proper oaths of office.

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

Senator CLARK: Mr. President and Members of the Senate: I would inquire of the good gentleman of Sagadahoc, Senator Chapman as to why in this amendment, and I understand the other amendment which was tendered by the good gentleman from Waldo, Senator Shute. Why, if we're so concerned with actual expenses incurred, is there a limit on the amount of daily mileage allowance.

I know many of my colleagues in both the other Chamber and in this Chamber who commute more than 100 miles a day. I think it's a wee bit inconsistent, if not downright incongruous, that there's a limit on that actual expense incurred, beyond \$18 reimbursement for mileage a day.

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

Senator McBREAITY: Mr. President, and Honorable Members of the Senate, 2 years ago I worked on a sub-committee that went through this same process. I sympathize with Senator Shute and possibly Senator Chapman.

But if you pass a Bill that requires that I keep all these bills and expenses, I'd rather go with the \$25 I get now. When I came here in '74 I was getting \$25 a day. We could buy a pretty good steak at the Senator for \$3 or between \$3 and \$4. Now you pay \$8. So just one meal has gone up \$5 since I came here. So a \$10 increase, if that's what this Bill gives us is a very conservative increase.

Now I don't think mileage should be limited if these people commute up to the total expenses. Maybe we could take care of that in some other way. Please don't require that we keep expense accounts. If there's a dollar or two over, once we get this \$35 maybe it'll make up for what we've been losing the last couple years.

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

Senator SHUTE: Mr. President, and Members of the Senate: I would just remind the Senate that since that 3 or 4 years ago, the price of gasoline went up from 28¢ a gallon up to 88¢ a gallon too. Those that commute over 50 miles a day.

Well, I guess probably the one reason there is a limit on the commuters is more people stay here. They don't have too much sympathy for the commuters.

It's alright for those that stay here to pocket %50 or \$100 out of their expense money. You can, if you're 2 or 3 or 4 to an apartment. But those that go back and forth don't even get their gasoline money.

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

Senator CHAPMAN: Mr. President and Members of the Senate: In response to the remarks of the Senator from Cumberland, Senator Clark, I think she has a good point. I tried to work within the framework of the bill before us, but I agree that if someone has to commute more than 50 miles round trip, over 100 in the total round trip, they should be reimbursed. If this is adopted I will take steps to see that we put another amendment to address that situation.

As far as the lunch and the cost of food, no question about the fact that we have inflation before us. In looking back upon this last session, we're about to conclude. It seems to me the rare instance that I had a chance to get what my wife would consider an appropriate lunch, in order to accomplish the various duties that I was attending to. The expenses of having a good steak or whatever were not incurred, because I didn't have the actual time to enjoy them.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senator in favor of the Indefinite Postponement of Senate Amendment "B", 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 Sagadahoc, Senator Chapman.

Senator CHAPMAN: 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.

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

Will all those Senators in favor of Indefinite Postponement of Senate Amendment "B", please rise in their places to be counted.

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

17 Senators having voted in the affirmative, and 10 Senators in the negative, the Motion to Indefinitely Postpone does prevail.

Is it now the pleasure of the Senate that L. D. 1679 be Passed to be Engrossed?

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

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

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Passage to be Engrossed, of L. D. 1679, please rise in their places to be counted.

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

15 Senators having voted in the affirmative, and 12 Senators in the negative, L. D. 1679 is Passed to be Engrossed.

Sent down forthwith for concurrence.

(Senate At Ease)

The Senate called to Order by the President.

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

Senator KATZ: Mr. President, a little earlier in today's session, we dealt with L. D. 1600, a Bill that dealt with certain fees with respect to the Fish and Game Department. This was subsequently at my motion on a Division Tabled for 1 Legislative Day.

It is now my understanding that there are several other pieces of Legislation which in these waning moments are being held pending the disposition of this particular bill. I done wrong. It's going to be my duty to subsequently request unanimous consent, to reconsider our action, and it's going to take unanimous consent. If there's any objection it will not be accomplished, to reconsider our action whereby this was Tabled for 1 Legislative Day.

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

Senator CONLEY: Mr. President, I've been waiting all year long to support the good Floor leader from Kennebec, the good Senator, Senator Katz.

The PRESIDENT: Senator Katz of Kennebec, now requests Leave of the Senate to withdraw his motion to Table for 1 Legislative Day, Bill, "An Act to Increase Revenues Available to the Department of Inland Fisheries and Wildlife to Compensate for the Effects of Inflation on its Current License Fees and its Costs." (H. P. 1373) (L. D. 1600), pending the motion by Senator Pierce of Kennebec to reconsider.

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

It is a vote.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: I'd request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Washington, Senator Silverman.

Senator SILVERMAN: I request a Roll Call.

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

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

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

The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Pierce, that the Senate reconsider its action whereby it accepted the Minority Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of Reconsideration.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Carpenter, Collins, Conley, Emerson, Hichens, Katz, Lovell, McBreaity, Najarian, Perkins, Redmond, Silverman, Trafton, Trotsky.

NAY—Ault, Chapman, Clark, Cote, Devoe, Gill, Minkowsky, Pierce, Pray, Shute, Sutton, Teague, Usher.

ABSENT—Danton, Farley, Huber, Martin, O'Leary.

A Roll Call was had.

14 Senators having voted in the affirmative, and 13 Senators in the negative, with 5 Senators being absent, the Motion to Reconsider does prevail.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I move acceptance of the Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Kennebec, Senator Pierce moves the Senate accept the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Somerset, Senator Redmond.

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

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Washington, Senator Silverman.

Senator SILVERMAN: I request a Roll Call.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate: Earlier today we listened to the good Senator from Somerset, Senator Redmond, address the situation in the Fisheries and Wildlife Department. He basically made 3 points. I'd like to address a couple of those.

First of all he said we should look at the past track record to decide what we're going to be doing in the future in the necessities of the department. I have before me a great deal of fiscal information from the Department of Fisheries and Wildlife which is not to the most agreeable terms of their own figures.

But first of all looking back at the immediate past, when we had the last increase in licenses, there was a 30% fall-off on sales of non-resident licenses, which represents right around 50% of the department's budget.

If the Fisheries and Wildlife Department feels at this time and according to their statements that another increase in licenses, there will only be a decline of 7%. Thus I would believe that the expected revenues that they would anticipate by having an increase at this time in fees do not really reflect the past track record which the department has had.

Looking at the Appropriations Sheet from the Department of Fisheries and Wildlife, I notice that they have from July '78 through June '79 revenues of \$5,400,000. In 1979 through '80 they

expect \$5,900,000. They expect that same figure through '80 to '81 budget.

Traditionally in the past when I served on the Committee on Fisheries and Wildlife, when the license increases were asked in the past, we were always told to expect a 12 to 15% decline. We did that last time and we had a 30% decline. This time again, I reiterate the department expects a 7% decline in the sale of licenses.

So many other States around us, New Hampshire, the Province of New Brunswick, other Provinces of Canada are presently and have been in the past increasing their licenses. I have my own suspicion that if we continue to hold the line on license increases, not only can the department continue to operate, but because the neighboring areas of the State of Maine are increasing their fees, that our license sales and volumes would increase. Thus we would have an increase in revenues contrary to if we increase them along with these other areas.

I would have to state, also that I have a great deal of admiration and respect for the present and new Commissioner who was sworn in the first day of this week, Monday, kind of a man who jumped into the fire, with the figures that were being thrown around both at the Fisheries and Wildlife Hearing, and subsequently to that time a number of figures which have come forth showing different balances and different expenditures of which the department must face in the immediate future.

I think to properly address this situation, that we should at this time postpone any increase in the fees. We should give the new Commissioner an opportunity to institute an austerity program within that department. An opportunity to see what the true financial picture is, and to come back before this Legislature in the Second Session, then properly address the needs of that department. I think that it's very safe to say at this time, that that department does not have a handle on the situation as to what the true picture is.

The good Senator from Somerset, Senator Redmond, also stated that when we look into the future of 2 and 3 and 4 years down the road, and what the needs of the department are. I share those same concerns. Those very same concerns will probably find me in the future, supporting an increase in license fees, because the then true figures will be reflected and we'll have a handle on that situation which the department has.

The Senator asked us to put our faith and trust in that department. I find it kind of funny in a way that it was just a few weeks ago that that same Senator rejected the position of the department in reference to a buck only season, where he seemingly did not put the faith in the department at that time which opposed that bill.

I think at this time to pass an increase on to the people of the State of Maine on this fee, on something that we do not have a true financial picture, would be irresponsible actions upon the part of this Senate. I would hope that we would accept the Ought Not to Pass Report.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Mr. President, I do not want to lengthen the discussion here. However, I have during my days paddled my own canoe. I have had many operations where I could lay my hand right on the sore spot and make a change over night. This is how I used to conduct my operation. But as an enterprise or an organization grows you have to manage it. There's only one way you can manage it. That is the proper way.

Mr. President, and Ladies and Gentlemen of the Senate, I urge you not to take any drastic measure suddenly and decide that some Member of the Legislature knows more than our experts, Mr. Rod Scribner. I would take his

word. I think he knows what he's doing. He testified at the hearing. There's no question that we need an increase in income for that department.

Anyone can take and pick at various items and find where you can rearrange them. But when you deal with the department with a budget of that magnitude, we're talking about \$8,000,000 in a year, we could make shifts in one way or another, but you just can't generate any money.

There will be ample time for the new Commissioner to make the changes and to set new policies. I'm sure that he's probably well prepared for that. But at this time to leave the Department of Fisheries and Wildlife just partly funded for the coming years, I think we're passing up our responsibilities, Ladies and Gentlemen of the Senate. I urge that you go along with my request, because I don't know of any business manager that could operate under conditions like that, because he's got to make projections.

At this time we have a very fine, very well equipped Department of Fisheries and Wildlife. We have the most modern communications equipment. The wardens are in touch with the State Police, the County Deputy Sheriffs. They're in touch with the headquarters, even if they're up in any part of the woods.

The automobiles, as I've stated before, 75,000 miles, all of us who have had anything to do with some of these remote areas we don't want to fool around with a piece of equipment with more than 75,000 miles. It's easy to say, delay, postpone the exchanging or replacing some of this equipment, but it's not so easily done.

I urge you not to vote not to fund the department. We could make cuts. We can do all sorts of things in the future. We can do a lot of improvements, but Mr. Rodney Scribner, the Commissioner, I think he knows what he's talking about.

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

Senator SILVERMAN: Mr. President and Members of the Senate: During this session we passed on a \$31 a week raise to the State Employees. I don't know of anyone in this body that got up and said they were against it.

Now from the figures handed to me, it's costing the Department of Inland Fish and Wildlife around 3/4 of a million dollars because of that raise. Now it's very easy to be on spending and then not take the responsible side and say you've got to raise revenues in order to spend money. I think it's inexcusable, because it's very easy to go back and say I didn't vote for any tax increase, or any fee increase. But I did vote to up the cost of the department 3/4 of a million dollars.

You can't live with a forked tongue, as the Indians have trained me from Washington County. There is no forked tongue if you're truthful. It comes to the point, if you voted to increase the cost of that department with the pay raise, then you're going to, if you're honest with yourself, have to take the responsibility and vote to provide the revenues that will pay for that increase. Thank you.

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

Senator PRAY: Thank you, Mr. President, Mr. President, I'd like to address the remarks of the Senator from Washington, Senator Silverman. I have here before me a sheet, which came from the State Comptroller's Analysis Sheet, which at the end of April shows that department with a \$2,100,000 cash balance at this time. Out of that money is expected they have thus far taken the 2 month retroactive pay raise, and paid the employees of that department.

The proposal that if we fail to accept the present motion before us and the Senator from Somerset, Senator Redmond, is successful in moving his report, I'd like to have you realize where the money is going to come from. For a

resident combination license \$250,000; from resident hunting licenses, \$264,000; from resident fishing, \$270,000; that's from the residents. A little over 3/4 of a million dollars.

Now we're going to talk about the non-residents. Big game hunting license, for those of you who are not familiar with it, that is \$60.50, quite a lot higher than what Maine residents pay. That would bring in \$87,000 not counting the 30% fall-off that they had last time, we raised the licenses, 30% in sale of licenses. Fishing licenses for the 7 day license, \$63,000; \$27,000 for the season; \$27,000 for the 15 day license, and \$96,000 for the 3 day license. If we add that up we come roughly to a quarter of a million dollars. We're going to take 3/4's of it from Maine residents, 3/4's of a million from Maine residents, and 1/4 of a million from the non-resident.

I for one believe that we should try to keep the 50-50 split that we have. That department is funded by roughly half percent of the money coming from non-residents and half the money for the department coming from the Maine resident. I think it's good formula that we have. This formula that we have before us today does not address to continue that policy of continuing that department upon a sharing of revenues coming in from the sportsmen of Maine, both from out of State and in State. I think it's an unfair proportion to ask from Maine residents at this time.

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

Senator LOVELL: Mr. President and Members of the Senate: I hadn't intended to get into this debate. But I would point out to you that hamburger is \$2 a pound, and a good beefsteak is \$5 and \$6 a pound. The price of meat has gone up. Then we should raise the price to go out and shoot the meat, because we're going to eat the deer, and eat whatever you shoot. So consequently let's raise the price. That's inflation!

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

Senator SHUTE: It seems a month or two ago we passed a moose bill through here. I wondered if somebody on the committee could tell me how much revenue that little bill was going to increase the funds in the department.

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

Senator CONLEY: Mr. President, it's my understanding that law will not come into effect until 1980 or '81. So it won't bring in one red penny. Thank God!

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

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

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

The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Pierce, that the Senate accept the Minority Ought Not to Pass Report of the Committee.

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

A No vote will be opposed.

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

ROLL CALL

YEA—Ault, Chapman, Clark, Conley, Cote, Devoe, Gill, Minkowsky, Pierce, Pray, Shute, Sutton, Teague, Trafton, Usher.

NAY—Carpenter, Collins, Emerson, Hichens, Katz, Lovell, McBreairty, Najarian, Perkins, Redmond, Silverman, Trotzky.

ABSENT—Danton, Farley, Huber, Martin, O'Leary.

A Roll Call was had.

15 Senators having voted in the affirmative, and 12 Senators in the negative, with 5 Senators being absent, the Motion to accept the Ought

Not to Pass Report does prevail.

The Minority Ought Not to Pass Report of the Committee, accepted, in non-concurrence.

On motion by Senator Pierce of Kennebec, sent down forthwith for concurrence.

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

Communications
COMMITTEE ON EDUCATION

June 7, 1979

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

The Committee on Education 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	105
Unanimous Reports	85
Ought to Pass	4
Ought to Pass As Amended	21
Ought to Pass in New Draft	7
Ought Not to Pass	19
Leave to Withdraw	33
Referred to Another Committee	1
Divided Reports	20

Respectfully yours,
Sen. HOWARD M. TROTZKY
Chairman

Which was Read and Ordered Placed on File.

COMMITTEE ON EDUCATION

June 8, 1979

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

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 109th Maine Legislature, the Joint Standing Committee on Education has had under consideration the nomination of Thaxter R. Trafton to the position of member of the Board of Trustees of the University of Maine.

After public hearing and discussion of 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 results:

YEAS: Senators 3
Representatives 8
NAYS: Senators 0
Representatives 0
ABSENT: 2

Representative Joyce Lewis—Auburn
Representative Neil Rolde—York

Eleven members of the Committee having voted in the affirmative and none in the negative with two being absent, it was the vote of the Committee that the nomination of Thaxter R. Trafton to the position of member of the Board of Trustees of the University of Maine be confirmed.

Sincerely,
HOWARD M. TROTZKY
Senate Chairman
LAURENCE E. CONNOLLY, JR.
House Chairman

Which was Read.

On motion by Senator Katz of Kennebec, Tabled for 1 Legislative Day, pending Placing on File.

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

Papers from the House

Non-Concurrent Matter

Bill, "An Act to Provide for County Self-government." (H. P. 831) (L. D. 1038)

In the Senate, June 6, Passed to be Engrossed

as amended by Committee Amendment "A" (H-659).

Comes from the House, the Bill Passed to be Engrossed, as amended by Committee Amendment "A" (H-659), as amended by House Amendment "A" (H-701), Thereto, in non-concurrence.

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

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

The PRESIDENT: The Senator from Penobscot, Senator Emerson, 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 Remove Restrictions on Eligibility under the Elderly Householders Tax and Rent Refund Act based on Marital Status." (H. P. 24) (L. D. 41)

In the Senate, June 6, Passed to be Engrossed as amended by Committee Amendment "A" (H-653).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-653) as amended by House Amendment "A" (H-700), Thereto, in non-concurrence.

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

Senator TEAGUE: I move we Recede and Concur.

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

Is this the pleasure of the Senate?

The Motion Prevailed.

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

Senator NAJARIAN: Mr. President, on L. D. 1038, on our Supplemental Calendar that we just Receded and Concurred on, I would like to move reconsideration of that motion.

The PRESIDENT: The Senator from Cumberland, Senator Najarian, moves that the Senate reconsider its action whereby on Bill, "An Act to Provide for County Self-Government." (H. P. 831) (L. D. 1038) the Senate voted to Recede and Concur with the House.

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 prevail.

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: I now move that the Senate Recede.

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

Is this the Pleasure of the Senate?

The Motion Prevailed.

On Motion by Senator Najarian of Cumberland, the Senate voted to recede from Adoption of Committee Amendment "A".

The PRESIDENT: The Senator has the floor. Senator NAJARIAN: I now present Senate Amendment "A" to Committee Amendment "A" and move its Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Najarian now offered Senate Amendment "A" to Committee Amendment "A" and moves its adoption.

Senate Amendment "A" (S-352) Read.

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

Senator KATZ: Mr. President, I move the Indefinite Postponement and request a Division.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that Senate Amendment "A" to be Indefinitely Postponed.

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President, I hope that the Senate won't Indefinitely Postpone this amendment. The problem as I understand it, is that currently in its present form this bill reads that in order to have a budget recall in the counties, only a majority of the towns could do so. That would mean that the majority of the towns could represent far less than the majority of the voters in that county. There's some question about the Constitutionality of one man, one vote.

This would amend it to say that the majority of the municipalities in the county may cause the budget to be recalled if the municipalities so voted also represent a majority of the population of the county. It's also just a matter of principle where you could have several little towns being able to recall the budget which did not represent a majority of the population within that county. So I think it's not only a matter of one's Constitutionality, if that is a question. It's also a matter of principle. That's why I hope you will not vote to Indefinitely Postpone.

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

Senator EMERSON: As far as being Constitutional is concerned, I believe the Constitutionality would be regarding in the elected officials. I don't believe it would be regarding budget recall.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Indefinite Postponement of Senate Amendment "A" to L. D. 1038, please rise in their places to be counted.

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

18 Senators having voted in the affirmative, and 7 Senators in the negative, the Motion to Indefinitely Postpone does prevail.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I move the Senate Concur.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves the Senate Concur.

Is this the pleasure of the Senate?

The Motion Prevailed.

Sent forthwith to the Engrossing Department.

Enactors

The Committee on Engrossed Bills reports as truly and strictly engrossed the following: An Act Relating to the Identification and the Hazards of Chemicals in the Work Area. (H. P. 750) (L. D. 958)

On motion by Senator Perkins of Hancock, placed on the Special Appropriations Table, pending Enactment.

An Act to Define Suitable Work after the First Twelve Consecutive Weeks of Unemployment. (H. P. 823) (L. D. 1023)

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

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

Committee Report
House

Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on, Bill, "An Act Concerning Arbitration Involving Municipal Fire and Police Departments." (H. P. 1191) (L. D. 1463) have had the same under consideration, and ask leave to report:

That they are unable to agree.

On the part of the House:

Representatives:

TUTTLE of Sanford
NADEAU of Lewiston
McMAHON of Kennebunk

On the part of the Senate:
Senators:

SUTTON of Oxford
TROTSKY of Penobscot

Comes from the House, the Report Read and Accepted.

Which was Read, and Accepted, in concurrence.

Orders of the Day

The Chair laid before the Senate:

Bill, "An Act to Amend the Tree Growth Tax Law." (H. P. 1115) (L. D. 1244)

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

Pending—Motion of Senator Conley of Cumberland to Recede and Concur

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

Senator TEAGUE: I hope we do not Recede and Concur with the House. Since this was debated this morning, I got a call from the Speaker of the House, we met outside. Then we set up a meeting with the Bureau of Taxation with Jim Norris, Ray Halprin, the Speaker, and myself. We tried to come out with a compromise. The compromise was that this would be phased in at 35% for 1979, 50% for 1980 and 70% for 1981, then 90% for 1982.

He was willing to do this and so forth, but he wanted the House Chairman of Taxation to O.K. this amendment. The House Chairman was agreeable to this amendment. So I hope we defeat the motion to Recede and Concur and vote to Adhere.

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

Senator CLARK: I hope that the prevailing motion would indeed prevail. Senate Amendment "A" to Committee Amendment "A" of this Bill is actually underfunded. The problem is that it also does not provide any provision for grandparenting in the formula for 1978.

Should the Senate Adhere, quite a few towns will be losing money, because they'll actually be getting less. Because the formula will be adjusted so that the percentage will increase, but their evaluations will decrease. For the towns in my Senatorial District, in many towns that means less money.

I think that the House Amendment "D" which has been attached to Committee Amendment "A" of the bill is a much more logical approach providing for a phase-in and grandparenting in one of those towns, so that they indeed will not be losing money, as the State reimburses them.

The PRESIDENT: A Roll Call has been ordered.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President, I'm still a little bit confused about this Bill. If we Recede and Concur, I understand there's a short fall next year of about \$850,000. I wonder if somebody could tell me where that money is coming from, or am I under the wrong impression on this Bill?

Would it be the intention next year to put the severance tax on at the next session of the Legislature to take care of that, or would it come out of the General Fund?

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

Senator CLARK: House Amendment "D" to Committee Amendment "A" of the Bill removes the Severance Tax. The 109th Maine Legislature in the Second Regular Session would have to address that. In the same breath I would also say that Senate Amendment "A" is also under funded. Where will we get that money?

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

Senator TEAGUE: In answer to the gentleman from Stockton Springs, the way Senate Amendment "D" reads, is that we have \$500,000 in the Part I Budget of this year, \$500,000 in

the Part I Budget of next year. They are taking \$340,000 of the Budget from next year, adding it to this year, making a total of \$840,000, which would have to come out of this year's appropriations.

When we come in in January next year, we will have \$160,000 left to work with. So this means that this money will have to be addressed, and come from the General Fund some way, whether it comes from the Severance Tax, whether it comes from an increase in income tax or sales tax, it will have to come from somewhere.

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

Senator SILVERMAN: Mr. President and Members of the Senate: If we Recede and Concur, naturally we are going into the area of helping the municipalities that have had the burden of extra taxes placed on them because of the Tree Growth Tax.

If we Adhere and I understand the caucus decision was in that direction, then the House Adheres, we have done nothing in this session to improve the cost of the municipalities. That's many of the towns and townships that many of you represent. You've done nothing to improve their position as far as Tree Growth Tax, which means we mandate more services on them. They have to come up on the property tax and pay for those services. But the people who are not in Tree Growth take an ever more expensive burden of taxation than those who are in Tree Growth, can in a very lawful way be dismissed from that increase in Taxation.

Now it's got to a point, and I certainly campaigned heavily in these types of District last time. The number one concern with the people there was Tree Growth. It's got to the point if this Senate or the House is not going to do anything in this area, then you're asking for a referendum by the people. I would hope that the lobbyists for the large paper companies recognize what they're getting into.

Senator Teague from Taxation says that there will be a shortfall in the second part of the biennium if we Recede and Concur. He is correct. But I would rather see that shortfall made up when we return in the Special Session, if that's what you call it now, and reimburse these communities, because the State of Maine has the taxing power to raise the funds to help these communities. These small communities have no taxing power. What taxing power they have, the land, you have taken away from them. It is becoming a rather desperate situation. I would only hope that you would Recede and Concur. It's your decision.

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

Senator TEAGUE: In answer to the good gentleman from Washington I would say that this just factor of the Total Tree Growth Bill, which the Taxation Committee worked on, which is L. D. 1244. There are 5 items. It tightens up the definition of Forest Lands. It requires sworn statements from the landowner. It eliminates the mandatory 500 acre classification that must be under the Tree Growth Tax Law. Land within 250 feet of salt water will be excluded from Tree Growth Law. The State Tax Assessor may set growth rates by region instead of county. The Tree Growth Formula Stumpage Rate will be set annually by the State Tax Assessor, and the discount factor will be dropped from 20% to 10% until 1982.

I think if the other end of the House wants to kill this whole bill, just because of this money factor, that's their privilege.

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

Senator SHUTE: Mr. President, I'd like to pose a question through the Chair to the good gentleman from Washington County, Senator Silverman. Next year when there is a shortfall, I wonder if you could tell us exactly which tax you want to increase for the shortfall?

The PRESIDENT: The Chair recognizes the

Senator from Washington, Senator Silverman.

Senator SILVERMAN: I do not want to increase the property taxes of these municipalities at the local level that can't afford any more. Now if you're saying to increase at the State level, if you look real carefully, after the Part II Budget, there's still a \$29,000,000. Do these people merit part of that?

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

Senator CLARK: Mr. President. Senator Teague from Somerset, is correct when he says that the current program is funded with \$500,000 in Part I in the first year of the biennium, and \$500,000 in the second year of the biennium. The fact of the matter is that the Bill in its present posture with Senate Amendment "A" attached is under funded. There's no provision for proration or prorating.

The features included in House Amendment "D", which is attached to the Bill in the other body. If sufficient money is not appropriated from the General Fund, and these two \$500,000 refunds or fees or sums of money, which are going to be funding Tree Growth reimbursement are funded from the General Fund and from no other source, then the Legislature, as I mentioned, shall have to do something from alternative sources, or from General Fund sources, which we anticipate we will be dealing with and addressing in the Second Regular Session.

It's difficult to tell how much we're going to need, as I mentioned earlier today, because stumpage value is going up, but with House Amendment "D" we have fully funded Tree Growth Reimbursement in the first year of the biennium. That I think is responsible.

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

Senator CHAPMAN: Mr. President and Members of the Senate: I would support the statements made by the Senator from Somerset, Senator Teague. Certainly if at present, as we have it before us with our Senate action, it is underfunded. It seems to be a question of some disagreement, whether we are or whether we aren't. But there certainly is no question but what we will be underfunded if we Recede and Concur. We'll be underfunded big.

When we come back next year, we're going to be faced with tackling that. I think the wisdom, the best position is to stand by what we have done so far, which is reasonable within the projections that I received earlier. I certainly had entertained the objective that we fully refund the loss to the communities. It was my hope that we could take better steps toward that end, but stay within the funding that we have in Part I. My particular views did not prevail in that regard. Certainly the position that the Senate has adopted so far, in my view, is a far better position. I would urge that the Senate hold that position.

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

Senator CLARK: I concur with the sentiments expressed by the good Senator from Sagadahoc, Senator Chapman in that we should fully fund the tax loss experienced by the communities. The fact is, under Senate Amendment "A" we're going to only be refunding 50%. Under House "D" which was attached to the Bill in the other body, we're going to be funding on an increased funding formula. We're going to be going from 50% this year to 70% in '80 and 90% in '81. The 40% differential is 40% more that the State will be refunding from the General Fund sources to the communities who are suffering under the Tree Growth Tax Loss that they are currently incurring and increasingly incurring as citizens of our State, who enjoy owning 10 acres or more are placing their lands in Tree Growth which is in fact, a very lucrative tax shelter.

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

Senator CONLEY: Mr. President, I would

pose a question through the Chair to the good Senator from Somerset, Senator Teague. I would ask is there a Fiscal Note on the Bill?

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

Senator TEAGUE: The Committee Amendment "A" and Committee Amendment "B" both have a fiscal note of \$500,000.

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

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Carpenter, Clark, Conley, Cote, Minowsky, Najarian, Pray, Silverman, Trafton, Usher.

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

ABSENT—Danton, Farley, Huber, Martin, O'Leary.

A Roll Call was had.

10 Senators having voted in the affirmative, and 17 Senators in the negative, with 5 Senators being absent, the Motion to Recede and Concur does not prevail.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I'd like to again inquire with respect to Joint Rule 20. I'd pose a Parliamentary Question. On Senate Amendment "A" to Committee Amendment "B", where it states that 35% and inserted in its place the figure 50% raises the cost, it's my understanding, an additional \$200,000. Shouldn't that be shown in the Bill?

(Senate At Ease)

The Senate called to order by the President.

The PRESIDENT: The Chair would advise the Senator from Cumberland Senator Conley, that the Fiscal Notes on all this Legislation are available on the rostrum. In the opinion of the Parliamentarian, this fulfills the requirement of Rule 20.

Is it now the pleasure of the Senate to Adhere?

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, I move the Senate Insist.

The PRESIDENT: The Senator from Penobscot, Senator Pray, moves the Senate Insist.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: I request a Division.

The PRESIDENT: A Division has been requested.

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

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

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

Is it now the pleasure of the Senate to Adhere.

The Motion Prevailed.

(Senate At Ease)

The Senate called to Order by the President.

On motion by Senator Pierce of Kennebec, Under Suspension of the rules, there being no objections, all items previously acted upon were sent forthwith to the House.

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 McBreaity of Aroostook.

Pending—Consideration.

On motion by Senator McBreaity of Aroostook, the Senate voted to Recede from its action whereby it Indefinitely Postponed L. D. 666.

On motion by Senator McBreaity of Aroostook, the Senate voted to Recede from its action whereby it Indefinitely Postponed Committee Amendment "A".

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

Senator McBREAITY: I offer Senate Amendment "D" to Committee Amendment "A" and move its Adoption.

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

Senate Amendment "D" (S-348) Read and Adopted.

House Amendment "A" Read.

On motion by Senator McBreaity of Aroostook, House Amendment "A" Indefinitely Postponed, in non-concurrence.

Committee Amendment "A" as amended, Adopted, in non-concurrence.

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

Sent down forthwith for concurrence.

The Chair laid before the Senate:

HOUSE REPORT—from the Committee on Energy and Natural Resources — Bill, "An Act to Recodify and Resolve Minor Administrative Problems in the Forestry Statutes and Reorganize the Maine Forestry District." (H. P. 1127) (L. D. 1498) Ought to Pass as Amended by Committee Amendment "A" (H-671)

Tabled—Earlier in the Day by Senator McBreaity of Aroostook.

Pending—Acceptance of Report.

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

Under suspension of the Rules, the Bill was Read a Second Time.

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

Senator McBREAITY: Mr. President, I offer Senate Amendment "B" to L. D. 1498 with a Filing Number of S-351 and move its Adoption.

The PRESIDENT: The Senator from Aroostook, Senator McBreaity, now offers Senate Amendment "B" to L. D. 1498 and moves its adoption.

Senate Amendment "B" (S-351) Read.

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

Senator CONLEY: Mr. President, I can't find that amendment but I was looking at it a little earlier today. It's a very, very lengthy amendment. I wonder if the good Senator from Aroostook, might try to waltz us through it.

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

The Chair recognizes that Senator.

Senator McBREAITY: Mr. President, Honorable Members of the Senate. L. D. 1498 recodifies the statutes of the Bureau of Forestry. This amendment will correct any conflicts which have arisen, due to the Bills we passed or are in the process of passing this session.

Senate Amendment "B" Adopted.

The Bill, Passed to be Engrossed, as amended, in non-concurrence. Sent down forthwith for concurrence.

The Chair laid before the Senate, the Fourth Tabled and Specially Assigned.

Bill, "An Act to Restrict the use of Dealer Plates." (H. P. 406) (L. D. 510)

Tabled—Earlier in the Day by Senator Emerson of Penobscot.

Pending—Adoption of Committee Amendment "A" (H-607).

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

Senator COLLINS: I offer Senate Amendment "A" to Committee Amendment "A" under Filing S-338 and move its adoption.

The PRESIDENT: The Senator from Knox, Senator Collins now offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption.

Senate Amendment "A" (S-338) Read.

The PRESIDENT: The Senator has the floor.

Senator COLLINS: Mr. President, this amendment simply removes some of the embroidery from the Dealer Plate Law so that the dealer's wife will not be identified with such a fancy personal designation.

Senate Amendment "A" Adopted.

Committee Amendment "A", as amended, in non-concurrence.

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

Sent down forthwith for concurrence.

The Chair laid before the Senate:

Bill, "An Act Relating to State-municipal Revenue Sharing." (S. P. 157) (L. D. 332)

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

Pending—Assignment for Second Reading.

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

Sent down for concurrence.

The Chair laid before the Senate:

Bill, "An Act to Provide Loans for Family Farms." (H. P. 925) (L. D. 1134)

Tabled—Earlier in the Day by Senator Hichens of York.

Pending—Enactment.

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

Senator PIERCE: Mr. President and Members of the Senate: On behalf of the Majority Leader who is not in the Body at the moment, I would move the Indefinite Postponement of this Bill and all accompanying papers. If the debate is as lively in here as it was in our caucus, I'm sure it's going to be a pleasure to sit back and enjoy it.

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

Senator HICHENS: I would certainly oppose that motion. I just can't understand why you would want to Indefinitely Postpone a Bill which provides loans for family farms.

We know in the State of Maine as well as in other places in the United States that our family farms are fast disappearing. It is going to cause a catastrophe in the near future if these farms continue to disappear as they have in the last decade.

The Food Farm Study Commission has gone over this in the last year, having been appointed by this Legislature to look into the problems. One of their high priorities is to encourage family farms.

Now I began farming 45 years ago this year, having come from a city. I went to Agriculture School and it was hard sledding in the depression time to start farming. I think probably I never succeeded as I might have succeeded if I'd had an opportunity as this, because there were no loans available in those days. I had to struggle for many, many years to get up into a position where I could make any profit at all.

In this day and age with the price of equipment, for the price of farms, it is almost impossible for someone to make a fresh start. Now this bill says that anyone who has more than \$50,000 in assets cannot get a loan. It is for

people who have less than \$50,000. I'd challenge anyone to start a farm for less than \$50,000 or a farming operation.

I believe that this is a good bill, that this gives people a chance. I cannot understand why anyone would want to oppose giving these people a chance to start a decent business, something that is going to eventually help the whole State of Maine.

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

Senator MCBREAIRTY: Mr. President and Honorable Members of the Senate: I reluctantly oppose this enactment of this bill. This Bill has no Fiscal Note, even though it creates a commission, with per diem legal staff expenses, administrative costs and many more items.

This bill will get the State of Maine into guaranteeing farm loans. Just to give you one instance, in order to be eligible you have to show evidence of residency or intention of becoming a resident of Maine.

Now we just had a lengthy debate over Tree Growth Tax. Believe me if you get your State of Maine into farm mortgages, you'll have more lengthy debates in a year or two than you have now.

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

Senator CARPENTER: Mr. President, and Ladies and Gentlemen of the Senate: I implore you to look at the Bill, which in essence is House Amendment 584. There is no Fiscal Note on this Bill. This Bill has been changed from a Direct Loan Program to a Guarantee Program. That's why there is a Fiscal Note on the amendment simply says there is no need for a Fiscal Note, because of that change.

This bill is a start-up. It's going to help young people getting started in the farming business. Believe me, when I go through Aroostook County and I think the good Senator from Aroostook, Senator McBreairty, will agree with me at least in principle on this. There are darn few young people starting farming in Aroostook County clean. In other words, they haven't been left anything by their parents, they don't have the equipment. They just go out and say I want to be a farmer and I want to start. It can't be done.

Now I heard the argument against this bill a little while ago somebody said to me. Well, I don't want the government to get any more involved in the farming business. This bill is designed specifically to keep the Government out of the Farming Business.

The banks aren't financing that many farmers in Aroostook County or in the State of Maine any more. Farmers' Home Administration is. This bill is patterned after a bill which was set up in the State of Minnesota a couple of years ago. The word, and this is via former Commissioner Joe Williams to the man who runs the program in Minnesota is the banks are once again actively involved in the farming business. There have been no defaults.

Basically, what you're looking at here is a council being set up to look over the loan applications. The Maine Guarantee Authority is simply being extended into the farming business, away from commercial and industrial property. I know exactly what their track record has been in that sort of endeavor. But because they have not had a good track record, and I would challenge that their track record in the last year or two has not been bad. But say 5, 10 years ago, 5 to 8 years ago, it was not good. I would challenge you to show me evidence where this program would place the burden on the Maine Guarantee Authority, that they could not handle.

The bill provides that the Commissioner of Agriculture shall provide and both previous commissioner, I understand and the present commissioner, the new commissioner have told us they can provide the staff to do the paper work. I think this is what the good Sen-

ator from Aroostook, Senator McBreairty, was referring to as far as legal help or legal authority or legal council.

There is a per diem set up. The Commissioner has assured us that he can find the money within his budget to handle this. There's a panel set up of 2 officers of financial institutions, a dairy farmer, 2 other types of farmers, a public representative, and an economist to oversee this program.

We have a very serious situation my friends in the State of Maine. If you took a median age of the farmers in the State of Maine, I guarantee you it would be upwards of 50 years of age. We have an age group there that's going to be getting out of farming, due to retirement and due to death in the very near future. We just don't have the young farmers coming along.

This bill is co-sponsored by a couple of Democrats and a Republican trying to help young farmers get a start. Because believe me, it's no longer a matter of going out and buying some seed, be it potato seed or anything else. It's a matter of one tremendous, tremendous investment. It's an honest attempt to get away from Government Financing which many people object to, the Farmers Home Administration.

This bill would encourage the lending institutions to get back into the business. It's a guarantee program. I would hope very much that you would pass this bill and move it along it's way. Thank you.

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

Senator MCBREAIRTY: Mr. President, this bill does need a Fiscal Note, because it creates a commission that meets several times a year. They get \$40 per day per diem, they get expenses. So it does require a Fiscal Note.

Now if you want to check a track record, you check the track record of FHA. You check the track record of the auctions that we have had, that sold the equipment that FHA bought plus the farms. Now if you don't think this is getting the government into the farm mortgage business, go ahead and try it.

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

Senator EMERSON: I doubt if we need this bill, and this extra financing. We do have an FHA Program. I know that young people can get started under this, because I've seen my niece and nephew for instance, just bought a farm. They probably didn't have \$10,000 worth of equity. I've seen other young people get started up, through FHA Program. I think that this other program is not necessary.

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

Senator MINKOWSKY: Mr. President, I would just like to pose a question through the Chair. Are we saying that we are taking taxpayers money through the Maine Guarantee Authority to guarantee loans of this type?

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: I guess the answer would have to be yes. I don't know where the money would come from. The Maine Guarantee Authority money which they have admittedly dumped into some very poor projects over the years is all taxpayers money. There's no question about that.

They would not be lending this money to the farmers. They would be simply guaranteeing the private Financial Lending Institutions Loan. It's a guarantee situation, similar to what you have now in home financing through the VA or various other programs.

I want to emphasize if you're concerned about the FHA, the Farmers Home Administration, and the track record they have in the

farming business, and believe me without the Farmers Home Administration today in Aroostook County, you wouldn't have much of a farming operation. Believe me you wouldn't. With the interest rates being what they are and some of the tremendous losses some of our farmers have taken over some of the last years.

But I emphasize this is not a loan program. This is a guarantee program. I would again point out to you that this pattern, very similar to a program that was set up in the State of Minnesota, which has had tremendous success, small numbers 35 and 40 a year. No defaults. Zero defaults. It's been a very good program. Once again, once again, has gotten the financial community involved in the farming business. The banking community, to my knowledge, in the State of Maine is supportive of this Bill. Mr. President, I would ask for the Yeas and Nays when the question is taken.

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

Senator MINKOWSKY: Mr. President, does this mean basically that we'll be lending from \$50,000 and up for a family farm development? We're guaranteeing at least \$50,000 and up. The reason I bring this out is the statistics I came across in order to have any type of farm today, in today's economy, if you're going to raise, cattle at all, and even family farms that are presently existing are just on the verge of bankruptcy. They have assets totalling maybe \$100,000 to \$150,000. I just cannot visualize in today's economy even though a person may be young, dynamic and ambitious, that they're going to succeed on this particular basis. I would like to have that particular point clarified, if I might, Mr. President.

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

Senator HICHENS: There's no limit as far as I know or any minimum or maximum as far as the loans are concerned. Anyone who has more than \$50,000 assets cannot borrow. It's for these people. These young graduates from an Agriculture School, perhaps, or a young couple who wants to start farming who have less than the \$50,000. This gives them an opportunity to get a start.

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

Senator MCBREAIRTY: Mr. President and Honorable Members of the Senate: I hope somebody will correct me if I'm wrong in what I'm going to say. If I understand correctly, they would borrow this money from a bank. They'd pay the high rate of interest that a bank charges, plus some to the Guarantee Authority. Don't they have to give them a little bit to be involved. This would be a tremendous interest rate to start farming under, believe me.

The PRESIDENT: Is the Senate ready for the question?

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

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

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

The pending question before the Senate is the motion by the Senator from Kennebec, Senator Pierce, that L. D. 1134 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, Cote, Devoe, Emerson, Gill, Lovell, McBreairty, Minkowsky, Perkins, Pierce, Redmond, Silverman,

Teague, Trotzky.

NAY—Carpenter, Clark, Conley, Hichens, Najarian, Pray, Shute, Sutton, Trafton, Usher.
ABSENT—Danton, Farley, Huber, Katz, Martin, O'Leary.

A Roll Call was had.

16 Senators having voted in the affirmative, and 10 Senators in the negative, with 6 Senators being absent the Motion to Indefinitely Postpone does prevail.

The Chair recognizes the Senator from Aroostook, Senator McBreaity.

Senator McBREAITY: I move Reconsideration.

The PRESIDENT: The Senator from Aroostook, Senator McBreaity, having voted on the prevailing side, moves the Senate reconsider its action whereby L. D. 1134 was Indefinitely Postponed.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, I realize that I don't have a snowballs chance of turning around that last vote. I just want you to all keep in mind we can give \$200,000 to Pratt and Whitney, which the leadership of the Legislature favors. We can do a lot of things for industry, Tree Growth Tax, for the Pulp and Paper people. We've got a couple of programs up in Aroostook County and in other parts of this State. We honored the young men standing in the back of this room earlier this year that wear blue coats. I used to wear one.

Now I want to know how these kids are going to get started, and where your food is going to come from, just a few years from now? Some day there will probably be a program like this. It obviously won't come this session. I'm sorry that this bill has gotten tangled up. We get it all the way to Enactment. Then all of a sudden, there were objections raised, objections raised by people who aren't even in the Chamber tonight. That bothers me a little bit.

If anybody would just go ahead and take a look at this amendment, and understand what this bill does. We might have been able to change the votes around. Thank you very much.

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

Senator SUTTON: Mr. President, just very briefly, I have changed my mind on this bill. I did look at the amendment. I hadn't. I see there is a mortgage on there that we keep and a mortgage on land the day is gold. Helping the small man, the farmer or small businessman with that type of guarantee is, I think, in good judgment.

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 Provide for Staggered Registration for Motor Trucks." (H. P. 767) (L. D. 970)

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

Pending—Enactment.

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

The Chair laid before the Senate:

"An Act to Define Suitable Work after the First Twelve Consecutive Weeks of Unemployment." (H. P. 823) (L. D. 1023), tabled earlier in today's session, pending Enactment.

On Motion by Senator Pray of Penobscot, Re-tabled for 1 Legislative Day.

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

Enactor

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

Emergency

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1979. (H. P. 1483) (L. D. 1670)

This being an emergency measure and having received the affirmative votes of 25 members of the Senate, with 1 Senator voting in the negative, was Finally Passed and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Papers from the House

Non-concurrent Matter

Bill, "An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine." (S. P. 581) (L. D. 1639)

In the Senate, June 6, Passed to be Engrossed as amended by Senate Amendment "B" (S-328) as amended by Senate Amendments "A" (S-332), "B" (S-334), "C" (S-335), "D" (S-336), and "E" (S-337).

Comes from the House, the Bill Passed to be Engrossed, as amended by Senate Amendment "B" (S-328) as amended by Senate Amendments "A" (S-332), "B" (S-334), "D" (S-336), and "E" (S-337) and House Amendment "C" (H-705), Thereto, in non-concurrence.

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

Senator COLLINS: Mr. President, I'm going to move to Recede and Concur with the House. Before reaching that point I would just report to the Senate that as the bills comes back to us there are only 2 changes.

One is that we have lost the Senate Amendment that was offered by the Senator from Kennebec, Senator Pierce, that had to do with the graduate medical and other students. I've conferred with that Senator. We believe that the matter can be lived with, in spite of that loss.

The other change is House Amendment "C", which is a correction in the Arithmetic in the Budget of Hancock County, a \$10,000 error was made and has been corrected.

In order to pass the correction of the Hancock County Budget error in Arithmetic, it was necessary the amendment has not been printed for 24 hours to suspend Joint Rule 19A. I would therefore move that the Senate also suspend Joint Rule 19A with respect to House Amendment "C".

On motion by Senator Collins of Knox, Joint rule 19A suspended.

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

The PRESIDENT: The Senator from Knox, Senator Collins now moves that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?

The Motion Prevailed.

Joint Orders

Expressions of Legislative Sentiment recognizing that:

The Oak Hill High School Boy's baseball team, coached by Bill Fairchild, won the Mountain Valley Conference Division III Championship for 1979... (H. P. 1535)

The Oak Hill Boy's Tennis Team, coached by Jim Ford, won the Mountain Valley Conference Championship for 1979... (H. P. 1536)

Mark Johnson of Wales is Valedictorian of the Class of 1979 at Oak Hill High School... (H. P. 1537)

Any Black of Litchfield is salutatorian of the Class of 1979 at Oak Hill High School... (H. P. 1538)

Bob Barriault won 3rd place in the shotput and 4th place in the javelin, for Oak Hill High

School, at the 1979 State Class "C" Track meet... (H. P. 1539)

Central High School Girl's Softball Team is the Eastern Maine Class C Champion for 1979... (H. P. 1540)

Drummond Erley Jr., son of Drummond and Joy Earley of Hudson received high honors for 4 years and is Salutatorian of the Class of 1979 at Central High School... (H. P. 1541)

Melody F. Blackwell, daughter of Delvin and Joan Blackwell of East Corinth, received High Honors for 4 years and is the Valedictorian of the Class of 1979 at Central High School.

Comes from the House, Read and Passed (H. P. 1542)

Which were Read.

On motion by Senator Pierce of Kennebec, Passed in concurrence.

Committee Report

House

Ought to Pass—As Amended

The Committee on Taxation on, Bill, "An Act Providing for Administrative Changes in Maine Tax Law." (H. P. 1068) (L. D. 1326)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-702).

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

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

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

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

Sent forthwith to the Engrossing Department.

On Motion by Senator Perkins of Hancock, the Senate voted to remove from the Special Appropriations Table, Bill, "An Act to Conserve Fuels by Promoting the Construction of Facilities for the Burning of Solid Waste for Production of Thermal Energy." (H. P. 876) (L. D. 1081)

On Motion by Senator Clark of Cumberland, the Senate voted to Suspend its Rules.

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

On Motion by Senator Clark of Cumberland the Senate voted to reconsider Adoption of Committee Amendment "A".

Senator CLARK: Mr. President, I present Senate Amendment "A" to Committee Amendment "A", under Filing Number S-346 and move its Adoption.

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

Senate Amendment "A" (S-346) Read.

The PRESIDENT: The Senator has the floor.

Senator CLARK: Thank you, Mr. President. This amendment is an amendment which I am doing. It's a technical change, 2 words were left from the Committee Amendment. I'm doing it rather than the good Chairman of our committee, Senator Teague, who is very busy with other things today. It has, other than that, no effect on the bill, other than it includes the intent of the Committee on Taxation, meaning that the bill was not directed solely to major industries in the State, but to commercial as well as industrial activities.

Senate Amendment "A" Adopted.

Committee Amendment "A", as amended, Adopted, in non-concurrence.

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

Sent down for concurrence.

Senator Pierce of Kennebec, was granted unanimous consent to address the Senate, Off

the Record.

On Motion by Senator Pierce of Kennebec,
adjourned until Wednesday, June 13, at 8:30
o'clock in the morning.