

# 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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**First Confirmation Session**

**August 3, 1979**

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

June 13, 1979

Senate called to Order by the Secretary.

Prayer by Rev. Clayton Blackstone, Advent Christian Church of Friendship.

Reverend BLACKSTONE: Father we thank you for today, for all the possibilities that it holds, for all that there is to accomplish today. We would pray for these men and women. They are leaders in difficult times.

We would hold them before you today asking that you would give them strength, courage to be the men and women that we as citizens can look to to provide us with leadership in some rather shaky times.

Give them wisdom that the decisions that they make, may be decisions that set our State in the proper direction.

Again, Father, we hold them before you. We plead with you that you would help them to be men and women of character, men and women of strength, men and women who provide us with strong leadership. We pray in Jesus name. Amen.

Reading of the Journal of yesterday.

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

**Recess**

**After Recess**

The Senate called to Order by the President.

**Papers From the House  
Joint Orders**

Expressions of Legislative Sentiment recognizing that:

Donna Allen of Woodland has been selected salutatorian of the Class of 1979 at Woodland High School... (H. P. 1523)

Mrs. Charlene Espling has retired after 23 years of dedicated service in the New Sweden School System... (H. P. 1530)

Mrs. Kathryn Fox has retired after 39 years of dedicated service in the field of education, 30 years which was with the New Sweden school system... (H. P. 1531)

On July 1, 1979, Cape Neddick Light Station at York Beach will begin its 2nd century of service to the mariners who sail along the coast of Maine... (H. P. 1553)

Jill A. Hiltz, the daughter of Mr. and Mrs. Manley Hiltz of Chelsea, is the salutatorian of the 1979 graduating class of Erskine Academy... (H. P. 1546)

Michael R. Adams, the son of Mr. and Mrs. Richard Adams of Weeks Mills, is the valedictorian of the 1979 graduating class at Erskine Academy... (H. P. 1545)

William and Marguerite Church, of Biddeford, will celebrate their 70th wedding anniversary on July 3, 1979... (H. P. 1529)

Debbie Bires of Woodland has been selected valedictorian of the Class of 1979 at Woodland High School... (H. P. 1524)

Louise Sirois is valedictorian of the Class of 1979 at Van Buren District Secondary School... (H. P. 1527)

David LaPlante is salutatorian of the Class of 1979 at Van Buren District Secondary School... (H. P. 1526)

Anthony Ezzy, a fourth degree member of the Madawaska Council, Van Buren Knights of Columbus, has been in the order for 55 years... (H. P. 1525)

Matthew Cyr is salutatorian of the Class of 1979 at Van Buren District Secondary School... (H. P. 1528)

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

On Motion by Senator Katz of Kennebec, the Senate voted to reconsider its action whereby Joint Order relative to William and Marguerite Church (H. P. 1529) Was Passed.

Senator KATZ: Mr. President it is my understanding that this is a duplication of a previous order. I move Indefinite Postponement.

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

Sent down for concurrence.

**Joint Resolutions  
STATE OF MAINE**

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

**JOINT RESOLUTION REQUESTING  
EMPLOYERS TO GRANT A LEAVE  
OF ABSENCE FROM EMPLOYMENT  
TO ANY EMPLOYEE ELECTED  
TO THE  
LEGISLATURE**

WHEREAS, the public interest will be served by encouraging citizens from all walks of life and from all economic circumstances to serve in the State Legislature; and

WHEREAS, employers within the State can help in that effort by adopting employment practices which permit employees to serve in the State Legislature without loss of employment or other severe economic loss; now, therefore, be it

RESOLVED: That we, the members of the 109th Legislature, respectfully request employers in the State to grant, with or without pay at the employer's discretion, a leave of absence from employment to any employee elected to the Legislature, with the assurance that, upon completion of the term in office, the employee will be reinstated to the previous position or one of similar pay, seniority and benefits, if such position is reasonably available, and that neither the employer nor the employee-legislator shall be deemed in conflict of interest solely on account of this employment relationship; and be it further

RESOLVED: That duly attested copies of this Resolution be transmitted forthwith to the Chambers of Commerce throughout the State of Maine. (H. P. 1544)

Come from the House, Read and Adopted.  
Which was Read.

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

Senator O'LEARY: I move the Indefinite Postponement of this Joint Order.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, moves that this Joint Resolution be Indefinitely Postponed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, this sounds familiar to me. It's my impression it's almost a duplicate of a similar Joint Resolution that was passed about 10 days ago, which apparently was flawed and it's being re-introduced in the proper form. I request a Division on the motion to Indefinitely Postpone.

The PRESIDENT: A Division has been requested.

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

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

3 Senators having voted in the affirmative, and 21 Senators in the negative, the Motion to Indefinitely Postpone does not prevail.

Which was Adopted, in concurrence.

**STATE OF MAINE  
JOINT RESOLUTION REQUESTING  
THE STATE PRINCIPALS'  
ASSOCIATION TO ALLOW  
PARTICIPATION IN NEW  
ENGLAND CHAMPIONSHIP  
GAMES AND ORDERING A STUDY  
BY THE JOINT STANDING  
COMMITTEE ON EDUCATION**

WHEREAS, the State Principals' Association adopted a resolution on April 28, 1978 forbidding Maine secondary school athletes from competing in New England championship events; and

WHEREAS, the State Principals' Association met in April of this year, at which time they had the opportunity to reconsider the issue; and

WHEREAS, it is desirable that the State should encourage participation by qualified Maine secondary school athletes in New England championship events; now, therefore, be it

RESOLVED: That we, the members of the 109th Legislature, respectfully recommend and urge the State Principals' Association to reconsider its vote of April 28, 1978 and, at its April, 1979 meeting so as to allow qualified Maine secondary athletes to compete in New England championship events; and be it further

RESOLVED: That, subject to the Legislative Council's recommendations, the Joint Standing Committee on Education shall study the feasibility of establishing an Interscholastic Athletic Association to regulate the activities of, and participation by, Maine secondary school athletes; and be it further

RESOLVED: That the committee shall complete this study no later than 90 days prior to the Second Regular Session of the 109th Legislature and submit to the Legislative Council, within the same time period, its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

RESOLVED: That suitable copies of this Resolution be prepared and be transmitted by the Secretary of State to the State Principals' Association and the Joint Standing Committee on Education. (H. P. 1543)

Come from the House, Read and Adopted.  
Which was Read.

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

Senator KATZ: I move this Joint Resolution be Indefinitely Postponed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that H. P. 1543 be Indefinitely Postponed.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate: I think this resolution addresses a perennial problem that we're thinking about. I think it calls to your mind the debate we had earlier during the course of the year, relevant to the South Portland episode where they wanted to send their team to the New England's.

I think it proved the point that the State Principals' Association was not about to change their format, insofar as their activities. In this resolution just brings to mind what we feel they should maintain or what they should be doing insofar as future athletic activities in the State of Maine.

I believe it's of paramount importance that we address this during an interim period of time so that out of sight, out of mind won't be prevalent with the State Principals. I would ask for a Division, Mr. President, when the vote is taken.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Indefinite Postponement of H. P. 1543, 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 11 Senators in the negative, the Motion to Indefinitely Postpone does prevail.

Sent down for concurrence.

**Order**

An Expression of Legislative Sentiment rec-

ognizing that:

Dick Figoli, owner of Dick Figoli's Bowling Center, has given unselfishly of his time and resources to help the blind, the retarded and the handicapped... (S. P. 624) is presented by Senator Katz of Kennebec, cosponsored by Senator Ault of Kennebec.

Which was Read and Passed.  
Sent down for concurrence.

#### (Off Record Remarks)

#### Orders of the Day

The President laid before the Senate the First Tabled and Specially Assigned matter:

Communication—from the Committee on Education—Regarding confirmation of Thaxter R. Trafton to the position of member of the Board of Trustees of the University of Maine.

Tabled—June 8, 1979 by Senator Katz of Kennebec.

Pending—Placing on File.  
Which was Placed on File.

The PRESIDENT: The Joint Standing Committee on Education has recommended that the nomination of Thaxter R. Trafton be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Education be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th Legislature, the vote will be taken by the yeas and nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question?

The Doorkeepers will Secure the Chamber.  
The Secretary will call the roll.

#### ROLL CALL

YEA—None.

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

ABSENT—Danton, Katz, Martin, Redmond, Usher.

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

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

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

Tabled—June 8, 1979 by Senator Pierce of Kennebec.

Pending—Enactment.

Which was Passed to be Enacted, and having been signed by the President, sent down for concurrence.

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

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

Tabled—June 8, 1979 by Senator Pray of Penobscot.

Pending—Enactment.

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

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:

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

Which was Passed to be Enacted, 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:

#### Committee Reports Senate

##### Leave to Withdraw

Senator Collins for the Committee on Judiciary on, Bill, "An Act to Integrate the Activities of the District Court into the Superior Court." (S. P. 542) (L. D. 1602)

Reports that the same be granted Leave to Withdraw.

Senator Collins for the Committee on Judiciary on, Bill, "An Act to Establish the Maine Judicial Retirement System." (S. P. 452) (L. D. 1450)

Reports that the same be granted Leave to Withdraw.

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

#### Committee Report Senate

##### Ought to Pass—As Amended

Senator O'Leary for the Committee on Energy and Natural Resources on, Bill, "An Act to Expand the Authority of the Maine Turnpike Authority to Convey Interests in Land." (Emergency) (S. P. 618) (L. D. 1680)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (S. 354).

Which Report was Read and Accepted, and The Bill Read Once. Committee Amendment "A" Read and Adopted.

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

Sent down forthwith for concurrence.

#### 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 Establish Special Retirement Provisions for CETA Employees" (S. P. 268) (L. D. 809) have had the same under consideration, and ask leave to report: that the House recede from Indefinite Postponement, Read and Adopt Committee of Conference Amendment "A" (H-704) attached herewith; and Pass the Bill to be Engrossed as Amended by Committee of Conference Amendment "A" (H-704) in non-concurrence.

That the Senate recede from Passage to be Engrossed as Amended by Committee Amendment "A" (S-201), recede from adoption of Committee Amendment "A" (S-201), and Indefinitely Postpone Committee Amendment "A" (S-201), Read and Adopt Committee of Conference Amendment "A" (H-704) and Pass the Bill to be Engrossed as Amended by Committee of Conference Amendment "A" (H-704) in concurrence.

On the part of the House:  
Representatives:

BERUBE of Lewiston  
PAUL of Sanford  
GARSOE of Cumberland

On the part of the Senate:  
Senators:

LOVELL of York  
SILVERMAN of Washington  
CLARK of Cumberland

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as amended by Conference Committee Amend-

ment "A" (H-704)

Which Report was Read and Accepted, in concurrence.

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 State-municipal Revenue Sharing." (S. P. 157) (L. D. 332)

In the Senate, June 8, Passed to be Engrossed as amended by Committee Amendment "A" (S-340).

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

The PRESIDENT: Is it now the pleasure of the Senate to Recede and Concur with the House.

The Motion Prevailed.

#### Orders of the Day

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

JOINT ORDER—Relative to Joint Rule 6-A regarding Legislative Papers. (S. P. 359)

Tabled—March 20, 1979 by Senator Katz of Kennebec.

Pending—Passage.  
Which was Passed.  
Sent down for concurrence.

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

JOINT RESOLUTION—Urging Voluntary Cardiopulmonary Resuscitation and Basic Life Support Education in Secondary Schools. (H. P. 1271)

Tabled—April 2, 1979 by Senator Katz of Kennebec.

Pending—Adoption.

On motion by Senator Katz of Kennebec, Indefinitely Postponed, in non-concurrence.

Sent down for concurrence.

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

HOUSE REPORT—from the Committee on Labor—Bill, "An Act to Disqualify Recipients of Workers' Compensation." (H. P. 436) (L. D. 553) Leave to Withdraw.

Tabled—May 3, 1979 by Senator Pierce of Kennebec.

Pending—Acceptance of Report.  
Which was Accepted, in concurrence.

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

HOUSE REPORT—from the on Committee Labor — Bill, "An Act to Provide for Service Fees for Nonmembers Represented by Collective Bargaining Agents." (H. P. 893) (L. D. 1115) Leave to Withdraw.

Tabled—May 8, 1979 by Senator Katz of Kennebec.

Pending—Motion by Senator Pierce of Kennebec to reconsider Acceptance of Report.

On motion by Senator Pierce of Kennebec, the Senate voted to reconsider its action whereby it accepted the Leave to Withdraw Report of the Committee.

On motion by Senator Katz of Kennebec, the Senate voted to Substitute the Bill for the Report of the Committee.

The Bill Read Once.

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

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

Senator KATZ: Mr. President, I move this Bill be Indefinitely Postponed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves L. D. 1115 be Indefi-

nately Postponed.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, this gives the Legislature an opportunity to make an expression that it has already made in another format, namely the State Employee contracts that we have negotiated and enacted during this session.

This would make it the position of the Senate that we are not in favor of mandatory service fees in Collective Bargaining Contracts.

On Motion by Senator Katz of Kennebec, Indefinitely Postponed.

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

HOUSE REPORT—from the Committee on Labor—Bill, "An Act to Permit the Negotiation of Union Security Clauses in Contracts between the State and Bargaining Agents of State Employees." (H. P. 468) (L. D. 597) Leave to Withdraw.

Tabled—May 8, 1979 by Senator Katz of Kennebec.

Pending—Motion of Senator Pierce of Kennebec to Reconsider Acceptance of Report.

On Motion by Senator Pierce of Kennebec, the Senate voted to reconsider its acceptance of the Leave to Withdraw Report of the Committee.

On Motion by Senator Katz of Kennebec, the Senate voted to Substitute the Bill for the Report.

The Bill Read Once.

On Motion by Senator Katz of Kennebec, Under Suspension of the Rules, the Bill was Read a Second Time.

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

Senator KATZ: I move this Bill be Indefinitely Postponed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves the Senate Indefinitely Postpone L. D. 597.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, again this bill reflects an area that we discussed at length during the session. If this bill were enacted it would permit Union Security Clauses of all kinds of strengths and characters. I think the Legislature has made it clear that it does not wish that to be the case in Public Employee Contracts. Therefore, I urge the Senate to Indefinitely Postpone this measure, as a sign that we do not favor this type of clause in Public Employee Contracts.

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

Senator FARLEY: Mr. President and Members of the Senate: I'd like to ask a question of the good Majority Leader, what the purpose of what we're doing here now, is either to put on the record as to what the bill is or subverting the Leave of Withdraw Reports? Would we be able to submit these same Bills in the next session?

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

Senator KATZ: Mr. President, I know of no agreement within leadership as to what Bills will be accepted during the Second Regular Session, but that certainly is not the purpose of this exercise this morning.

On Motion by Senator Katz of Kennebec, Indefinitely Postponed.

On Motion by Senator Pierce of Kennebec, the Senate voted to take from the Unassigned Table:

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

Tabled—June, 6, 1979 by Senator Pierce of Kennebec.

Pending—Motion of Senator Pierce of Kennebec to Reconsider.

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

Senator PIERCE: Mr. President, I would withdraw my motion to Reconsider.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, requests Leave of the Senate to Withdraw his Motion to Reconsider whereby L. D. 1567 was Passed to be Engrossed.

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

It is a vote.

Sent down for concurrence.

On Motion by Senator Pierce of Kennebec, the Senate voted to take from the Unassigned Table:

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

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

#### (Off Record Remarks)

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

Senator Hichens:

In these days of Legislative Session when warm days beckon us to go outside;

When thoughts are wandering to vacation places and at Maine's leisure spots we would abide;

When appetites enlivened by fresh berries and early crops of summer goad us on

Let's stop a bit and do some reminiscing—on legislative days that now are gone.

Remembering now our close association as winter days gave way to days of spring,

And as we labored faithfully together we saw the flowers bloom and heard birds sing.

Deliberating o'er the bills before us, we carefully considered one and all

And voted our own conscience on the issues—saw some pass and saw some others fall.

Successes mingled with our disappointments—Tho all of us could not always agree

On what was right and wrong for our constituents—but things that are to be—just are to be.

And e'er we say goodbye to one another lets pause to wish a Happy Happy Day

To colleagues who this week are sharing birthdays—and send our heartfelt greetings on their way,

To the Senator from Falmouth, David Huber and Bob Farley from the city Biddeford

Who like us sometimes share enthusiasm and at other times get feeling pretty bored.

With all the talk that's going on around us—but like us all have certain tasks to do

And probably wish that e'er their birthdays happened the Legislative Session would be through.

But it's their hard luck—or maybe their good fortune that we are here just long enough to say

To both of them—good luck—and may God's blessings be with you as you go along life's way.

Senator Farley of York was granted unanimous consent to address the Senate, on the record.

Senator FARLEY: Mr. President and Members of the Senate: 2 years ago it was on a Saturday. This year on a Sunday. I hoped I would escape the poetry of the good Senator from York, Senator Hichens, however, I haven't succeeded yet.

Senator Huber of Cumberland 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:

An Act Relating to the Identification and the Hazards of Chemicals in the Work Area. (H. P. 750) (L. D. 958)

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 1:30 o'clock this afternoon.

#### Recess

#### After Recess

The Senate called to order by the President.

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

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

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.

Senator HUBER: I now present Senate Amendment "A" to the Bill and moves its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now offers Senate Amendment "A" to L. D. 377, and move it's adoption.

Senate Amendment "A" (S-372) Read and Adopted.

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

Sent down forthwith for concurrence.

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

An Act Relating to Self-insurance under the Workers' Compensation Act. (H. P. 396) (L. D. 526)

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.

Senator HUBER: I now present Senate Amendment "B" to the Bill and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now offers Senate Amendment "B" to L. D. 526 and moves it's Adoption.

Senate Amendment "B" (S-370) Read and Adopted.

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

Sent down forthwith for concurrence.

On Motion by Senator Huber of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act to Provide for the Consideration of Environmental Economic Effects Associated with the Tidal Power Demonstration Project at Half Moon Cove. (H. P. 558) (L. D. 705)

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.

Senator HUBER: I now present Senate Amendment "A" to the Bill, and move its

Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now presents Senate Amendment "A" to L. D. 705 and moves its adoption.

Senate Amendment "A" (S-369) Read and Adopted.

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

Sent down forthwith for concurrence.

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

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

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" and move its Adoption.

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

Senate Amendment "A" (S-368) Read and Adopted.

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.

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

An Act to Require the Public Utilities Commission to Study the Safe and Proper Decommissioning of Nuclear Generating Facilities in Maine. (H. P. 632) (L. D. 783)

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" and move its Adoption.

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

Senate Amendment "A" (S-367) Read and Adopted.

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.

On Motion by Senator Huber of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act Relating to the Administration of School Dental Health Programs (H. P. 733) (L. D. 920)

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.

Senator HUBER: I present Senate Amendment "A" to the Bill and move its Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now offers Senate Amendment "A" to L. D. 920 and moves its Adoption.

Senate Amendment "A" (S-364) Read and

Adopted.

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

Sent down forthwith for concurrence.

On Motion by Senator Huber of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act to Appropriate Funds for Emergency Shelters and Services for Victims of Domestic Violence. (S. P. 316) (L. D. 946)

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" and move its Adoption.

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

Senate Amendment "A" (S-363) Read and Adopted.

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.

On Motion by Senator Huber of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act to Provide Additional Assistance to the County Law Libraries (S. P. 344) (L. D. 1032)

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.

Senator HUBER: I now present Senate Amendment "A" to the Bill, and move its Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now offers Senate Amendment "A" to L. D. 1032 and moves its Adoption.

Senate Amendment "A" (S-362) Read and Adopted.

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

Sent down forthwith for concurrence.

On Motion by Senator Huber of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act to Revise the Qualifications for Burial in the Veterans Memorial Cemetery. (H. P. 923) (L. D. 1138)

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 present Senate Amendment "A" to Committee Amendment "A" and move its Adoption.

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

Senate Amendment "A" (S-361) Read and Adopted.

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.

On Motion by Senator Huber of Cumberland

the Senate voted to remove from the Special Appropriations Table:

RESOLVE, Authorizing an Appropriation of \$165,000 to Provide Administrative and Other Initial Operating Expenses Incidental to the Construction and Operation of the Maine Veterans Home. (Emergency) (H. P. 1014) (L. D. 1248)

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" and move its Adoption.

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

Senate Amendment "A" (S-360) Read and Adopted. 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.

On Motion by Senator Huber of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act to Permit a Resident of an Intermediate Care Facility or a Skilled Nursing Facility who Receives Aid for the Medically Needy or Aid for the Categorically Needy to Give \$210 a Month from his Income to a Dependent Spouse. (H. P. 1054) (L. D. 1305)

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" and move its Adoption.

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

Senate Amendment "A" (S-379) Read and Adopted. Committee Amendment "A", as amended, Adopted, in non-concurrence.

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

Sent forthwith for concurrence.

On Motion by Senator Huber of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act Relating to the Management of the Department of Attorney General. (H. P. 1100) (L. D. 1352)

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.

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

The PRESIDENT: The Senator from Cumberland, Senator Huber, now offers Senate Amendment "A" to L. D. 1352 and moves its Adoption.

Senate Amendment "A" (S-358) Read and Adopted.

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

Sent down forthwith for concurrence.

On Motion by Senator Huber of Cumberland the Senate voted to remove from the Special Appropriations Table:

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

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 House Amendment "A".

Senator HUBER: I now present Senate Amendment "A" to House Amendment "A" and move it's Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now offers Senate Amendment "A" to House Amendment "A" and moves it's Adoption.

Senate Amendment "A" (S-357) Read and Adopted.

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

On Motion by Senator Huber of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act to Revise the Medical Examiner System. (H. P. 1151) (L. D. 1533)

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.

Senator HUBER: I now present Senate Amendment "A" to the Bill and move it's Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now offers Senate Amendment "A" to L. D. 1533 and moves its Adoption.

Senate Amendment "A" (S-356) Read and Adopted. The Bill Passed to be Engrossed, as amended in non-concurrence.

Sent down forthwith for concurrence.

On Motion by Senator Huber of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act Coordinating Regional and Intercity Public Transportation Programs. (Emergency) (S. P. 495) (L. D. 1556)

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.

Senator HUBER: I present Senate Amendment "A" to the Bill and move its Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now offers Senate Amendment "A" to L. D. 1556, and moves it's Adoption. (S-355)

Senate Amendment "A" Read and Adopted.

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

Sent down for concurrence.

On Motion by Senator Huber of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act Converting Lakeville Plantation into the Town of Lakeville and Removing Lakeville Plantation from the Maine Forestry District. (H. P. 1309) (L. D. 1563)

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

Senator HUBER: I comment in passing that the title of this Bill as it's going to be amended, will also be inappropriate.

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

Senator HUBER: I present Senate Amendment "A" to the bill and move its Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now offers Senate

Amendment "A" to L. D. 1563 and moves it's Adoption.

Senate Amendment "A" (S-380) Read and Adopted. The Bill, Passed to be Engrossed, as amended, in non-concurrence.

Sent down forthwith for concurrence.

On Motion by Senator Huber of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act Concerning the Continuation of Pilot Projects for More Effective and Efficient Delivery of Services to Preschool Handicapped Children. (Emergency) (S. P. 75) (L. D. 165)

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.

Senator HUBER: I present Senate Amendment "A" to the Bill and move its Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now offers Senate Amendment "A" to L. D. 165 and moves its Adoption.

Senate Amendment "A" (S-373) Read and Adopted.

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

Sent down forthwith for concurrence.

On Motion by Senator Huber of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act to Increase the Personal Needs Allowance for Recipients of State Benefits Residing in Adult Foster Homes, Boarding Homes and Nursing Homes. (H. P. 212) (L. D. 260)

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" and move its Adoption.

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

Senate Amendment "A" (S-377) Read and Adopted.

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.

On Motion by Senator Huber of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act to Authorize a Bond Issue in the Amount of \$2,500,000 for Energy Conservation Improvements for Local Government Buildings and Public Care Institutions. (Bond Issue) (H. P. 908) (L. D. 1132)

Senator HUBER: I might point out that as amended, again, the title will be inappropriate.

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 it's action whereby this Bill was Passed to be Engrossed.

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

The PRESIDENT: The Senator from Cumberland, Senator Huber, now offers Senate Amendment "A" to L. D. 1132 and moves its Adoption.

Senate Amendment "A" (S-378) Read and Adopted.

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

Sent down forthwith for concurrence.

(Senate At Ease)

The Senate called to order by the President.

On Motion by Senator Huber of Cumberland the Senate voted to remove from the Special Appropriations Table:

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

An Act to Increase the Compensation for Substitute Teachers. (H. P. 3) (L. D. 9)

An Act to Remove the Town of Medford from the Maine Forestry District. (H. P. 17) (L. D. 34)

An Act to Require the State to Assume all Administrative Costs for the Food Stamp Program. (H. P. 50) (L. D. 59)

An Act to Repeal the Tax on Marine Worms. (H. P. 62) (L. D. 70)

On Motion by Senator Huber of Cumberland, Indefinitely Postponed, in non-concurrence.

Sent down forthwith for concurrence.

On Motion by Senator Huber of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act to Increase the Amount which the District Court is Allowed to Deposit each Month into the District Court Building Fund from \$3,000 to \$10,000. (Emergency) (H. P. 101) (L. D. 108)

An Act to Increase from 3¢ to 5¢ Per Inhabitant the Amount Appropriated Annually for the State Stipend Fund for Agricultural Societies. (H. P. 118) (L. D. 128)

An Act to Increase the Mileage Reimbursement of Jurors. (H. P. 124) (L. D. 131)

An Act to Increase Mileage Reimbursements of Witnesses. (H. P. 125) (L. D. 135)

On Motion by Senator Huber of Cumberland, Indefinitely Postponed, in non-concurrence.

Sent down forthwith for concurrence.

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

#### Communications

#### COMMITTEE ON JUDICIARY

June 13, 1979

The Honorable Joseph Sewall  
President of the Senate

State House

Augusta, Maine 04333

Dear President Sewall:

The Committee on Judiciary 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 168  
Unanimous reports 124

Ought to pass 17

Ought to pass, amended 39

Ought to pass in new draft 3

Ought to pass in new draft & title 2

Ought not to pass 4

Leave to withdraw 59

Divided reports 44

Respectfully yours,  
SAMUEL COLLINS, JR.

Chairman

Which was Read and Ordered Placed on File.

#### COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

June 12, 1979

The Honorable Joseph Sewall  
President of the Senate

State House

Augusta, Maine

Dear President Sewall:

The Committee on Appropriations and Financial Affairs is pleased to report that it has completed all business placed before it by the first regular session of the 109th Legislature.

Total number of bills received 81  
Unanimous reports 71

Leave to Withdraw 20



Ought Not to Pass	24
Ought to Pass	8
Ought to Pass as Amended	13
Ought to Pass in New Draft	6
Divided reports	10
Committee Initiated Bills	
from Joint Orders	3
Joint Orders	3

Respectfully submitted,  
DAVID G. HUBER  
Senate Chairman

Which was Read and Ordered Placed on File.

#### HOUSE OF REPRESENTATIVES

June 13, 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 whereby it Indefinitely Postponed Bill "An Act Relating to Dental Health" (S. P. 330) (L. D. 964)

Respectfully,  
EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on File.

#### HOUSE OF REPRESENTATIVES

June 13, 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 Bill "An Act to Amend the Tree Growth Tax Law" (H. P. 1115) (L. D. 1244)

Respectfully,  
EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on File.

#### HOUSE OF REPRESENTATIVES

June 13, 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 Abolish the Legislative Council" (S. P. 86) (L. D. 171)

Respectfully,  
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 Restrictions on Eligibility under the Elderly Householders Tax and Rent Refund Act Based on Marital Status. (H. P. 24) (L. D. 41)

An Act Relating to Resident State Police Troopers. (H. P. 841) (L. D. 1069)

An Act to Provide for Environmental Education. (H. P. 1182) (L. D. 1434)

An Act to Establish a Maine Council on Families and Children, County Councils and a State Office for Children and Families. (H. P. 1254) (L. D. 1554)

An Act to Upgrade, Construct and Maintain Court Facilities. (H. P. 1519) (L. D. 1677)

An Act to Provide for the Registration and Protection of Trademarks. (S. P. 43) (L. D. 29)

An Act to Increase the Reimbursement Rate to Residential Child Care Facilities. (S. P. 303) (L. D. 893)

An Act to Provide a State Income Tax Credit for Installation of Renewable Energy Systems. (H. P. 851) (L. D. 1051)

An Act to Expand the Tourism Promotion Program. (H. P. 1386) (L. D. 1609)

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

An Act Amending the Law Relating to Elevators and Tramways. (H. P. 892) (L. D. 870)

An Act to Authorize Rental Housing to be Financed by the Issuance of Revenue Obligation Facilities under the Municipal Securities Approval Act. (H. P. 754) (L. D. 960)

An Act to Amend the Municipal Public Employees Labor Relations Act. (H. P. 1095) (L. D. 1345)

An Act to Revise the Physical Therapist Practice Act. (S. P. 593) (L. D. 1664)

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

An Act to Establish a Protection and Advocacy System for the Developmentally Disabled of the State of Maine. (S. P. 358) (L. D. 1106)

An Act to Amend Certain Provisions of the Employment Security Law. (H. P. 1096) (L. D. 1449)

An Act to Require that all Public Employees be Paid at Least the Federal Minimum Wage. (H. P. 435) (L. D. 552)

An Act to Amend the Law Relating to the State Board of Social Worker Registration. (H. P. 1018) (L. D. 1251)

An Act Relating to the Reporting of Use and Trafficking of Drugs in Maine Schools. (S. P. 469) (L. D. 1417)

An Act to Separate Ogunquit Village Corporation from the Town of Wells. (H. P. 753) (L. D. 959)

An Act Concerning Revisions in the Maine Juvenile Code and Maine Criminal Code. (S. P. 592) (L. D. 1661)

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

An Act to Make the Attorney General's Explanations of Proposed Constitutional Amendments and Statewide Referenda more Available to the Voters. (H. P. 183) (L. D. 235)

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

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

An Act Providing for Administrative Changes in Maine Tax Law. (H. P. 1068) (L. D. 1326)

An Act to Make Substantive Changes in the Forestry Statutes. (H. P. 1126) (L. D. 1396)

An Act Relating to Membership of Treasurer of State on Boards. (H. P. 1449) (L. D. 1647)

An Act to Establish the Maine Probate Code. (S. P. 1) (L. D. 1)

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 Restructuring the Oil Burner Men's Licensing Board and Providing for the Testing of Energy-related Equipment. (H. P. 1476) (L. D. 1662)

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

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

Senator PIERCE: Mr. President, I move adoption of Senate Amendment "B" under filing Number S-353.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now offers Senate Amendment "B" to L. D. 1662 and moves its Adoption. Senate Amendment "B" (S-353) Read and Adopted.

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

Sent down forthwith for concurrence.

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

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

Senator O'LEARY: Mr. President and Members of the Senate: I spent a number of years in County Government. I've followed this Bill with interest. I haven't spoken on it in the past, but we have asked for an opinion from the Attorney General. He will not give us an opinion at the present time. His off-the-cuff remarks are that it appears that it would be Unconstitutional. Therefore I would move the Indefinite Postponement of this bill and all of its accompanying papers.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now moves that L. D. 1038 be Indefinitely Postponed.

The Chair recognizes the Senator from Penobscot, Senator Emerson.

Senator EMERSON: Mr. President, and Ladies and Gentlemen. I'd urge you to defeat the Indefinite Postponement motion. The Local and County Government Committee spent many hours to try to come up with a Bill for Home Rule for counties.

This Bill is an Amendment to the present County Charter Statute. It does provide for Home Rule. It does provide for a Charter Commission to be established. It would put this out to referendum whether or not we'd have a Charter Commission. If a Charter Commission was established, you would be allowed to district a county into 3, 5 or 7 districts.

The Charter Commission would recommend a method of selecting county officers, either by appointment, or by election. The Charter would be presented to the people to a referendum vote again. If the charter was adopted for the county, then the matter of a budget would be presented by the Council. It could be recalled by a vote of a majority of the towns in the county.

This is Home Rule. Since I have been here all this session, I think one thing I've heard is the people were disgusted with the way we were handling county budgets now. This is a way to handle it differently. I would urge you to defeat the motion.

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

Senator O'LEARY: Mr. President, My grandfather told me a lot of years ago. If it walked like a skunk, looked like a skunk, smelled like a skunk, then it must be a skunk. Mr. President, those who are opposed to county government and do not want to see it entrenched any further will support my motion.

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

Senator FARLEY: Mr. President and Members of the Senate: I certainly don't oppose the principle behind the Bill. But I've always objected to coming in with County Bills affecting all 16 counties. At the present time I'm very reluctant to support this kind of a piece of Legislation with the problems we have in our county.

On that basis alone, I kind of wished the Committee on Local and County Government would have voted out different bills for different counties or something. To make one mass covering all 16 counties certainly endangers the bills and certainly lacks my support.

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: Would the Chairman of the Local and County Government Committee explain the House Amendment which is H-701 and the Bill for Self County Government.

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

The Chair recognizes the Senator from Penobscot, Senator Emerson.

Senator EMERSON: I don't have the amendment right before me, but I believe the original bill as it came out of the Committee spoke about the recall of the County Budget and that it would be by the towns and cities representing



a majority of the population. As I recall the House Amendment changes that to the majority of the towns and cities.

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. 1038, 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 York, Senator Farley.

Senator FARLEY: 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 York, Senator Farley.

Senator FARLEY: Mr. President and Members of the Senate: I think we're doing a very, very bad thing today by transferring authority at the present time from the Legislature into the hands of County Government to do what they want.

Some of you who have been here in the last 6 years are very aware of the problems we've had in our county. I don't know why they need this Bill. Half the time they do what they want anyway.

We have sent Legislative decrees down to the County Government to do what they want. They've played games with money. The 3 Members of the Senate from York County know the same thing from York County here.

I think until we get a better system or put this on an individual county basis, I think we're making a real big mistake by passing this type of Legislation. I wish from now on the Committee on Local and County Government would push these Bills out county by county. I don't particularly like voting against something that Penobscot County wants. By the same token I don't want Penobscot County voting for something that I don't want.

It's been a rule since I've been in the Legislature, when you send bills out to counties on county government take them individually. Because there's a lot of difference between the 16 counties. Some are in perfect harmony between the Legislative delegation and their County Government. In our case we don't. I don't want to give any more authority to the County Commissioners we have in York County than they have the right now. I would ask the Senate today, please defeat the Bill before us.

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

Senator EMERSON: Mr. President, and Ladies and Gentlemen. There's nothing in this Bill that mandates changing in County Government. It'll give the people in the county a chance to vote on it. It doesn't mandate, if they don't want it, they don't have to have it.

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

Senator MINKOWSKY: Mr. President, referring back to House Amendment 701, where it states, that within 45 days of final adoption of the County Budget, the Legislative bodies of a majority of the municipalities within the county may cause a budget to be recalled, was it the intent of the Chairman of the Local and County Government Committee to mean that the towns regardless of population, the majority of the towns can recall that particular budget, regardless of the population in those particular towns?

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

Senator EMERSON: Mr. President, I believe that's what it says.

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

Senator MINKOWSKY: It's a very important point, Mr. President. Since the large municipalities pay the greatest portion for the maintenance of County Government, I'm just wondering if this is a very, very fair appraisal. If they want to prorate it on the basis of the towns will pay the same amount as the larger municipalities then I think this would be a fair way of doing it. But whereas the larger cities pay the greatest portion of the County Budget, then it would seem to be the right way to have a small town which pays an infinitesimal amount to the County Assessment to have the right to recall that particular budget.

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

Senator O'LEARY: Mr. President, I've been searching through the Constitution here of the State of Maine. I'm sure that there are others here that are most familiar with the Constitution than I, but I believe in the Maine Constitution that only one body can levy taxes upon the people of the State of Maine. This is given to the municipalities through the power of the Legislature. I see no places in this Bill where the Legislature is going to delegate it's authority to levy taxes against counties.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the Motion by the Senator from Oxford, Senator O'Leary, that L. D. 1038 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, Conley, Farley, Gill, Minkowsky, Najarian, O'Leary, Pray, Silverman, Trotzky, Usher.

NAY—Ault, Chapman, Clark, Collins, Cote, Devoe, Emerson, Hichens, Huber, Katz, Lovell, McBreairey, Perkins, Pierce, Redmond, Shute, Sutton, Teague, Trafton.

ABSENT—Danton, Martin.

A Roll Call was had.

11 Senators having voted in the affirmative, and 19 Senators in the negative, with 2 Senators being absent, the Motion to Indefinitely Postpone does not prevail.

Which was Passed to be Enacted.

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

Senator PIERCE: I move reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Pierce now moves the Senate reconsider it's action whereby L. D. 1038 was Passed to be Enacted.

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

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

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

Senator HICHENS: I would like to move that this Bill and it's accompanying papers be Indefinitely Postponed, Mr. President.

I've been informed by the Division of Alcohol Enforcement that there is no way to police these Bottle Clubs under this present rule. That minors could go into them, they do not have any enforcement whatsoever over it. So I be-

lieve that this is a very bad Bill at this time.

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

Senator FARLEY: Mr. President and Members of the Senate: Presently Minors Law Enforcement cannot enter Bottle Clubs. The Bill at the present time, all it says is that the Bottle Clubs will close at 1 o'clock in the morning, unless the town votes to keep them open to 6 o'clock which is the present law.

I talked to the good Reverend Bubar this morning. He had some problems with it. I assured him and I want to assure the good Senator from York, Senator Hichens, this is a good Bill. It's the best we could get.

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

Senator HICHENS: Then I would pose the question to the good Senator from York, why is the Liquor Enforcement Division so concerned about the passage of this Bill?

The PRESIDENT: The Senator from York, Senator Hichens, has posed a question though the Chair.

The Chair recognizes the Senator from York, Senator Farley.

Senator FARLEY: Mr. President and Members of the Senate: At my last conversation with Captain Martin he wasn't that concerned. Obviously someone knows something that I don't. They can't enter these things now, can't enter under this Bill. All it says because there are some towns that are concerned, because under the law now they can stay open until 6 o'clock in the morning. Police are having trouble between 1 and 6 when the regular licensed bars close, with the people coming out of Bottle Clubs.

This Bill, all it does now is it closes them all at one o'clock and lets the towns vote, the City Council and the Selectmen to keep them open to 6 o'clock the way the present law is now. As I said and I'll repeat, it isn't what the good Senator from York, I'm sure, Senator Hichens wanted, but it is an improvement over the present law.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President and Members of the Senate: I must admit to being a little confused by the debate today. I had a visit the other morning from Captain Martin of Liquor Enforcement, who is very, very concerned that this Bill had been Indefinitely Postponed in this body. He said it was a Bill as Head of Liquor Enforcement that he thought very much should be passed, and was very concerned that we weren't going to pass it.

I happen to be in favor of licensing Bottle Clubs which this bill started out to do. Obviously we aren't going to do that in this Legislation. It seems to me that if this isn't half a loaf, or a quarter of a loaf, it is something. If the municipalities want the right, and this is all this gives them, the right to vote on whether or not a Bottle Club should be open between the hours of 1 and 6, they ought to have that right to vote on it. I guess I'm really confused. On the one hand the good Senator is saying Liquor Enforcement doesn't want this, after I've just had a personal visit from Captain Martin who said they very much did want it, did need it and he just couldn't understand why the Legislature was not passing it.

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 L. D. 576, please rise in their places to be counted.

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

4 Senators having voted in the affirmative, and 22 Senators in the negative, the Motion to Indefinitely Postpone does not prevail.

Which was Passed to be Enacted.

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

Senator PIERCE: Mr. President, I move reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now moves that the Senate reconsider its action whereby this Bill was Passed to be Enacted.

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

An Act Relating to Lending Institutions and Selection of Title Attorneys. (H. P. 332) (L. D. 431)

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

Senator DEVOE: Thank you very much, Mr. President. Mr. President and Members of the Senate. We've kind of treated this measure exhaustively. I would just like to summarize, if I can, a few points that I think we should all have in our minds when we vote on this Bill.

We've heard a lot of talk since we came here in January about the inflation quotient and doing things that are going to add to the cost to the ordinary taxpayer and consumer. I suggest to you that if this Bill is Enacted in its present form, you're virtually mandating that every person after the effective date of the statute who goes to a bank for a residential mortgage application is likely to have an added cost, added to the closing that is not now present.

We pointed out, I think, in earlier debate that the Bill talks about Searching the Title. Yet, Searching the Title is not the problem that this Bill is aimed at. It is Certifying the Title, after the Search in the Registry of Deeds and Registry of Probate has been completed.

I submit to you Members of the Senate that this Bill is not going to cure the problem that was raised by the proponents of the Bill at the hearing. In spite of the fact that the first line of the Bill says, "that every financial institution is going to be affected," we pointed out, and I had it admitted by the proponents of this Bill that Credit Unions and National Banks are not included. Furthermore Farmers Home Administration Loans are not going to be included.

Mr. President, when the vote is taken on this matter, I request a Roll Call. Thank you very much, Mr. President.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President, and Ladies and Gentlemen of the Senate. On behalf of the City of Augusta I would like to thank the Members of the money-lending fraternity for coming and enriching their coffers in the eating institutions and the others, because today we have several among us.

I would only like to call your attention to the fact that the good Senator from Penobscot, has stated that the prices of Title Searching for banks and for money lending for residential homes may go up. He does not add that at this present time the cost for Title Searching is set by the Money Lending Institutions who are among us here today.

Go back with me just a little, if you might, to the time when you and I and all others purchased our first piece of real estate. We walked to the money lending institution and we said to them we'd like to borrow. They said to us. The title will have to be searched to make sure that it's clear, and that we have a mortgagable piece of property.

Now go with me to the closing of this. When you go into the bank and they say everything is

all set. They pass you this like the good Senator from Cumberland was trying to fish for amendments. There are sheets of papers that are passed to you each time, sign your name here, please. Sign your name here, please. Sign your name here, please. All you have between you and signing your name is the bank themselves saying, sign here. You have no friend in the court to whom to look and say, should I indeed accept this at face value and sign without reading the small print? No, you don't.

The money lending institution sets the ball game, decides who will search your title, who is qualified. They are the ones that tell you to sign on the dotted line. You have no choice. You have no friend in the court. You are there alone mortgaging yourself for a long time, no help whatsoever.

This Bill will enable you to have a friend in the court. You can have your own Title Attorney Search the Title. This Bill eliminates the Money Lending Institutions from the classification system.

In this State Bar Exam given, it is either issued Pass or Failed. If you Pass, Maine Bar says that you are then qualified. It doesn't say that you are a Pari-legal and you may search titles for those select few, who are the money lending institutions, say are qualified. They say you are qualified.

If these lending institutions are concerned that some are or are not perhaps they should come into Senator Collins' Committee and submit to them Legislation which would clarify who is and who is not qualified. Who is a specialist in Title Searching and who is not a specialist. Because I submit to you that the price for Searching a Title from a money lending institution is the same whether a Pari-Legal Searches the Title or whether an attorney Searches the Title. I believe this Bill will clarify this.

When this Bill was submitted it was submitted as a consumer Bill and it still remains a consumer Bill. The fact that the attorneys are the ones voicing the objection makes it no less a consumer Bill. It means that we have somewhere hit the mark. The mark is coming mighty close to alleviating the problem where the money lending institutions control who will and who will not Search Titles in Franklin, Penobscot, and Hancock County.

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

Senator COLLINS: Mr. President, the attorneys back in my district requested that I support this type of Bill. I told them that I would support it, if it were not so cumbersome that it would damage the consumer. I had hoped it might come back from the other Body with amendments that would make it palatable, but it has not.

It is still in a position that is definitely going to make it more expensive for the consumer. As I listened to the Senator from Hancock, Senator Perkins, I had the impression that under current practice it was not possible to have your own attorney at a closing. That definitely is not the case. You can have your own attorney any time you want him at the closing.

This problem of whether you're paying 2 attorneys or 1 is the real problem. In general it's being solved because of the efforts that the Senator from Hancock, and his friends have made. I'm glad that is being solved in general.

But the Insurance Provisions of this Bill as it now stands will very clearly put attorneys and banks into a Conflict of Interest position and there will be additional insurance costs that are not now being incurred.

I presided over 800 or 900 closings in the last several years. I know that most of those closings involved at least 1 attorney present at the closing. Many of them 2, some of them 3, some of them 4 or 5, depending on how many entities, builders, mortgagors, Small Business Administration, whatever it may be, get involved. But I must urge you to vote against Enactment of

this Bill, in the interest of the Maine Consumer.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President, and Members of the Senate, I'll be brief because much of what has been said by the Senator from Knox, Senator Collins, the Senator from Penobscot, Senator Devoe, are remarks that I would want to re-emphasize. I would urge the Senate to not support Enactment on this Bill.

As I've said before, this bill before our committee was the subject of, a lot of times we tried in several instances to get amendments that we felt would make this Bill effective. We had difficulty. I can see now that there are considerable problems with the Bill.

I, too, feel that this will increase the costs to the consumer in the area of insurance costs, of having Title Insurance, insurance costs from the bank to check the policies that they would receive. Essentially the problem that exists right now, that is trying to be addressed, which I certainly don't condone is centralized in the Bangor Region. I think there are only 2 or 3 banks at the most right now. I see this as a law to affect all banks in the State as somewhat as I said before, is a sledge-hammer to kill a fly.

I think the problem is correcting itself. This process that we're going through right now certainly will add additional impetus to that, I would urge the Senate to vote against Enactment.

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

Senator CLARK: Thank you, Mr. President. For obvious reasons I shall attempt to be brief this afternoon. We've reached the Enactment Stage in L. D. 431. Those people who have opposed the process of this Bill through the Legislative maze, if you will, continue to oppose the Bill. Their forces have been increased in the lobby. I find that a welcome change, because as the good Senator from Hancock has indicated, that means that we may have struck a sensitive nerve.

Whatever the outcome on the pending motion this afternoon, I would again repeat that I hope that a very strong, clear, "clarion call," has been sounded across the borders of this State. That the current practices which prevail in lending institutions regarding what I consider their cozy "sweetheart" relationships or "closed shops" with certain title attorneys and certain firms of attorneys which effectively close out the free flowing market place relative to this whole issue of Title Searching is basically unfair. As we have mentioned in earlier debate, consistently violates good sound honest business practices.

Members of the legal profession in this State are willing to meet any set of reasonable standards regarding qualifications. I have no hesitancy to state that for the record. Members of the legal profession however, under current practices, which prevail in predominance in certain counties of our State, but also exist to some extent in all counties of the State mean that Members of the Legal Fraternity or Legal Profession are effectively barred from practicing their profession.

I have great faith in the legal profession. I think those attorneys who have qualified in Title Search and whose assistant Pari-legals and clerks are also empowered to Title Search under this Bill, will continue to meet the necessary standards of creditability and certification.

The cost of Title Search and the processes related therein have continued to increase, so the inflation quotient that the good Senator from Penobscot has alluded to in his remarks this afternoon may continue to exist. In other words lending institutions may require title insurance. Some lending institutions, and at this day, at this time, do require title insurance. It

is may and it's enabling and it is permissive. If the title attorney and his or her clerks or assistants meet the qualifications then I'm sure that Title Insurance will not be mandated.

Increased costs to Maine consumers. Well I think Maine consumers are willing to pay their increased costs like they ultimately pay for all costs. If they are given a choice, they're willing to pay the choice. The choice is their's. They may seek their own attorney, who will meet as I've mentioned reasonable standards or they may use the attorneys which are recommended by the lending institutions. I would invite you to support the pending motion.

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 Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I'd ask leave of the Senate, to pair my vote. If I were voting, I would be voting Yes, and the Senator from Aroostook, Senator Martin, would be voting No.

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

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

It is a vote.

The pending question before the Senate is the Enactment of L. D. 431.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

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

#### ROLL CALL

YEA—Ault, Clark, Conley, Cote, Gill, Katz, Minkowsky, Najarian, Perkins, Sutton, Teague, Trafton.

NAY—Carpenter, Chapman, Collins, Devoe, Emerson, Farley, Hichens, Huber, Lovell, McBreaity, Pray, Redmond, Shute, Silverman, Troitzky, Usher.

ABSENT—Danton, O'Leary.

A Roll Call was had.

12 Senators having voted in the affirmative, and 16 Senators in the negative, with 2 Senators pairing their votes, and 2 Senators being absent, L. D. 431 Fails of Enactment.

Sent down forthwith for concurrence.

#### Orders of the Day

On Motion by Senator Huber of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act Providing Funds for Young Women's Christian Association Fair Harbor Shelter in Portland. (S. P. 194) (L. D. 461)

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" and move its Adoption.

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

Senate Amendment "A" (S-371) Read and Adopted.

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.

On Motion by Senator Huber of Cumberland the Senate voted to remove from the Special Appropriations Table:

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)

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 adoption of House Amendment "A" to Committee Amendment "A".

On Motion by Senator Huber of Cumberland the Senate voted to Indefinitely Postpone House Amendment "A", in non-concurrence.

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

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

Senate Amendment "A" (S-374) Read and Adopted. 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.

On Motion by Senator Huber of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act Relating to the Vocational-technical Institutes. (Emergency) (H. P. 1393) (L. D. 1613)

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.

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

The PRESIDENT: The Senator from Cumberland, Senator Huber, now offers Senate Amendment "B" to L. D. 1613 and moves its Adoption.

Senate Amendment "B" (S-386) Read and Adopted. The Bill Passed to be Engrossed, as amended, in non-concurrence.

Sent down forthwith for concurrence.

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

Senator EMERSON: Is the Senate in possession of L. D. 1556?

The PRESIDENT: The Chair would answer in the affirmative.

Senator EMERSON: I would move that we Reconsider our action whereby we Passed this Bill to be Engrossed.

The PRESIDENT: The Senator from Penobscot, Senator Emerson, moves that the Senate reconsider its action whereby this Bill, "An Act Coordinating Regional and Intercity Public Transportation Programs" (S. P. 495) (L. D. 1556) was Passed to be Engrossed.

Is this the pleasure of the Senate?

It is a vote.

Senator EMERSON: I now offer Senate Amendment "B" and move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Emerson, now offers Senate Amendment "B" to L. D. 1556 and moves its Adoption.

Senate Amendment "B" (S-385) Read and Adopted.

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

Sent down forthwith for concurrence.

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

#### Enactors

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

#### Emergency

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. (H. P. 1265) (L. D. 1514)

#### Emergency

An Act Establishing Expenditure Limits for Federal Funds Expended by State Departments and Agencies for the Fiscal Year Ending June 30, 1980. (S. P. 616) (L. D. 1678)

#### Emergency

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

These being emergency measures and having received the affirmative votes of 22 Members of the Senate, were Passed to be Enacted, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

#### Emergency

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. (H. P. 1359) (L. D. 1595)

This being an emergency measure and having received the affirmative votes of 22 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.

#### Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1979. (H. P. 1500) (L. D. 1674)

#### Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1979. (H. P. 1509) (L. D. 1675)

These being emergency measures and having received the affirmative votes of 22 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:

#### Orders

On motion by Senator Troitzky of Penobscot, WHEREAS, the Allagash Wilderness Waterway was established by the legislature in 1966 for the protection and preservation of the natural scenic beauty and unique character of the waterway; and

WHEREAS, the Legislature has not reviewed the implementation of this intent since the inception of the waterway; and

WHEREAS, this unique area has become widely known for its natural character and the quality of its lakes and rivers, and the use of the area has increased tremendously in recent years; and

WHEREAS, Allagash Lake was included in the waterway with the intention that it provide an especially wild quality, wilderness experience, maintained by the difficulty of access to this area; and

WHEREAS, the extensive use of Allagash Lake at certain season, made possible by easy

and nontraditional forms of access, may be a threat to the unique quality of the experience the lake was intended to provide and may degrade the togue fishing, which provides important spawn stock for the Department of Inland Fisheries and Wildlife; and

WHEREAS, increased use on the entire waterway may threaten both the existing high quality fisheries and the wilderness recreational experience; and

WHEREAS, it may be necessary to further restrict some forms of access to the waterway in order to protect these important values; now, therefore, be it

ORDERED, the House concurring, subject to the Legislative Council's review and determinations hereinafter provided, that a Special Select Committee shall study the access to and use of the Allagash Wilderness Waterway. The Special Select Committee shall consist of 4 members of the Joint Standing Committee on Fisheries and Wildlife and 4 members of the Joint Standing Committee on Energy and Natural Resources; and be it further

ORDERED, that the Special Select Committee consult with the Department of Conservation and Department of Inland Fisheries and Wildlife, the surrounding landowners and the commercial interests promoting use of the waterway; 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. 625)

Which was Read.

On motion by Senator Katz of Kennebec, Tabled pending Passage.

On motion by Senator Trotzky of Penobscot, Cosponsored by Senator Minkowsky of Androscoggin and Senator Gill of Cumberland:

WHEREAS, the Interim Education Finance Commission has recommended further study of the use of income information in the school finance law; and

WHEREAS, bills have been introduced to significantly alter the present method of establishing the state's share of education costs through the inclusion of income data from each administrative unit; and

WHEREAS, any major changes in the school finance law may have significant effects on consolidated school districts which have formed under other laws; and

WHEREAS, without a thorough study of these topics the Legislature will be unable to assess carefully any future proposals of this kind; now, therefore, be it

ORDERED, the House concurring, subject to the Legislative Council's review and determinations hereinafter provided, that the Joint Standing Committee on Education shall study the use of income data as one factor in the determination of a community's wealth for purposes of school funding; and be it further

ORDERED, that the committee shall also make an assessment of the need, if any, for changes in the laws relating to the formation and subsequent governance of school districts; and be it further

ORDERED, that the Department of Educational and Cultural Services and the Bureau of

Taxation are directed to cooperate with the committee; and be it further

ORDERED, that the committee is authorized to select, with the approval of the President of the Senate and the Speaker of the House, a group of 8 persons including 2 school superintendents, the State Tax Assessor, a representative from the Maine Municipal Association and 4 members of the public to carry out any portion of the study deemed appropriate by the committee; and be it further

ORDERED, that persons selected by the committee may receive their actual expenses incurred in attendance at meetings authorized by the committee as part of its study; 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. 626)

Which was Read.

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

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

#### Enactors

The Committee on Engrossed Bills reports 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)

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

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

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)

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 Increase the Gain Time Deduction. (H. P. 1058) (L. D. 1308)

Comes from the House, Indefinitely Postponed.

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

Senator CONLEY: I move this Bill be Indefinitely Postponed.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that L. D. 1308 be Indefinitely Postponed, in concurrence.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, this Bill has been debated, of course. In its present posture grants the Warden of the prison the power to award one day per month reduction in sentence to those who earn it by meritorious work.

It's my understanding that it is in the posture it now has because of some inmate displeasure with the fact that some people get jobs and some people don't get jobs. The latest word

that I have from Don Allen, the Director of the Bureau of Corrections is that this bill has value to the system. It was the intent of the Judiciary Committee Members who supported this position that we need to encourage our Correctional System to create more jobs for the inmates to keep them out of mischief and hopefully to increase their value when they come out of those institutions. I would ask you to vote no on the pending motion and to Enact this Bill.

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

Senator CONLEY: Mr. President and Members of the Senate: I applaud the good Senator from Knox, Senator Collins for wanting to do something with the inmates in the Prison System. Unfortunately I believe that the Bill before us will do more to create distrust in the prison than anything else that we could do.

The problem is that they cannot create enough jobs within the prison to take care of the large number of inmates that are there. Therefore, it's going to create tremendously personality clashes with the inmates. We just feel that it would be a negative movement even though it appears to be something positive, it is far more negative, than doing anything good. So I would hope the Senate would join the other Body and Indefinitely Postpone.

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. 1308, please rise in their places to be counted.

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

14 Senators having voted in the affirmative, and 14 Senators in the negative, the Motion to Indefinitely Postpone does not prevail.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President, I ask for a Roll Call on Enactment.

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

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

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

The pending question before the Senate is Enactment of L. D. 1308.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Chapman, Collins, Devoe, Katz, Minkowsky, Pierce, Redmond, Silverman, Teague, Trotzky.

NAY — Ault, Carpenter, Clark, Conley, Cote, Emerson, Farley, Gill, Hichens, Huber, Lovell, McBreairty, Najarian, Perkins, Pray, Shute, Sutton, Trafton, Usher.

ABSENT — Danton, Martin, O'Leary.

A Roll Call was had.

10 Senators having voted in the affirmative and 19 Senators in the negative, with 3 Senators being absent, L. D. 1038 Fails of Enactment.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Having voted on the prevailing side, I move reconsideration.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves the Senate reconsider its action whereby L. D. 1038 Failed of Enactment.

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.



### Orders of the Day

On Motion by Senator Huber of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act Concerning the Uniform Processing of Employer Contributions into the Retirement System. (S. P. 108) (L. D. 213)

An Act to Increase the Compensation for Atlantic Sea Run Salmon Commission Members to \$25 a Day. (S. P. 120) (L. D. 229)

An Act to Create the Division of Small Business Assistance. (H. P. 263) (L. D. 339)

An Act to Improve Survivor Benefits under the Maine State Retirement System. (H. P. 260) (L. D. 341)

An Act to Exempt Nonprofit Medical Centers from Maine Sales Tax. (H. P. 289) (L. D. 365)

An Act to Establish a Solar Water Heater Demonstration Program for Maine Small Businesses. (H. P. 296) (L. D. 386)

An Act Relating to Forfeiture of Bail on Persons Who Have Left the State. (H. P. 304) (L. D. 415)

An Act to Increase the Size of the Human Services Fraud Investigation Unit. (H. P. 338) (L. D. 437)

On Motion by Senator Huber of Cumberland, Indefinitely Postponed, in non-concurrence.  
Sent down forthwith for concurrence.

On Motion by Senator Huber of Cumberland removed from the Special Appropriations Table.

An Act Appropriating Funds to Allow Maine State Retirement Members a Cost-of-Living Increase in Benefits. (S. P. 189) (L. D. 456)

Senator HUBER: I move that L. D. 456 be Indefinitely Postponed.

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

Senator SILVERMAN: Mr. President and Members of the Senate: In the final days of this session one of our greatest disappointments is our apparent inability to fund an increase in cost-of-living for our retirees. I know that the Appropriations Committee and the leadership has to make many difficult decisions and that many worthy programs had to be cut out. I do feel, however, that in failing to fund L. D. 456, we are backing out from a commitment made 2 years ago when we changed the basis for increasing retiree's pay.

As most of you know, increases for retirees are no longer based upon raises appointed to Active State Employees, because we adopted the Collective Bargaining System, it no longer was practical to base retiree increases upon raises for State Employees.

Under the new system retirees will receive an automatic 4% increase if the cost-of-living has increased by much more than 4% in the last 2 years. This year the cost-of-living may reach 12 or 13%. Now the only way retirees can expect to keep up is for us to provide through separate Legislation the difference between 4% and the actual cost-of-living increase.

Evidently we were unable to raise the money this year. Very soon we will have to raise this money. If we do not some of our retirees will be forced into the Welfare System. At 4% per year there is no way that many retirees can keep up with the cost of providing the basic necessities of life.

We must also remember that most retirees are not eligible for Social Security Benefits which increase each year at a rate which reflects close to the full increase in the cost-of-living.

I know that we all suffer disappointments at the end of the Legislative Session. This one, I think, hurts the most, because it hurts the retirees, who are now faced with a 12% possibly increased cost-of-living and are going to receive 4% due to the action of this Legislature.

Having served on the Pension Committee, Retirement Benefits Committee, and having put this as the first priority, coming from that Committee, I only hope that what is not being

done in this session, may be done and considered in future sessions. Thank you.

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

Senator LOVELL: Mr. President and Members of the Senate: As chairman of that committee, I am greatly disappointed too, because when we first passed the 4%, it was agreed upon in the Committee that whatever the cost-of-living was for the fiscal year ending July, 1979 that we would pay the difference from the 4%. It came to 3.3% or a total of 7.3%.

The Committee on Aging was unanimously for that Bill. In fact the Committee on Aging, Retirement and Veterans didn't get any money bills passed. I don't imagine we would need the Committee in the next session, because certainly if we can't get any Bills passed, there's not much sense of hearing the bills.

So consequently I would ask the Senate not to Indefinitely Postpone this Bill, but just keep it alive. Maybe we can amend it down a little bit.

Now you all over 65 like myself, we get an increase on cost-of-living on Social Security. I just got an increase a couple of months ago. The State Employees, the Public Employees, the School Teachers, how are they going to live without an increase? I think it's a shame, a down right shame not to give them the extra cost-of-living wage. I am ashamed of myself, my Committee, and the Senate for not helping out our retired Public Employees.

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

Senator PRAY: Thank you Mr. President. Mr. President and Members of the Senate: If you look at the Legislative Document before you, you'll see that I am co-sponsor of it. It was one of the legislative proposals that I had as my highest priority in this session. But as we have talked about the process in the last few hours in our caucuses and as to how the final decisions were arrived, which I think would not be necessary to again go over, I am going to depart from my support of this measure at this time, because of the concerns that I have of the monies that are available.

As I look over the list of bills that we have already dealt with, other very worthwhile items, I see a number of them that did not make it. I see a number of items that were drastically cut. L. D. 1242, dealing with physical disabled individuals to seek employment, a highly incentive Bill which would encourage those individuals to go back to work got zero. I would like to have seen them have gotten some money, the full amount of money as well.

I think we have to eventually face that decision that there is only so many dollars. It wasn't that long ago that the Senator from Washington, Senator Silverman, stood up on another issue dealing with retirement which I pleaded with this Senate to pass at that time, and to override the decision of the Committee on Veterans and Retirement and he accused me of playing political games.

I think aware of the situation at this time, of the necessity to fund certain programs, and not to fund others is not an easy choice. It would be a lot easier if we could just turn away at some time and fund everything. Those restraints that sometimes have to be experienced by us are not always the easiest choice to make. I would hope that you would follow the recommendation, at this time, and Indefinitely Postpone

this Bill. I would hope also that at a future day we can address this very sincere need. It's a very sincere need that I'm well aware of having a mother, 5 aunts and an uncle who have all been in the system. It is something that I am very well aware of.

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

Senator CONLEY: Mr. President and Members of the Senate: I don't think there's anyone in the Maine Legislature that wouldn't question the needs of this particular Bill, but when you are limited to the amount of revenues to expend, when one has established that the number of dollars available to spend on L. D.'s is 2.7 million. We come down to a total, I believe, of 3.1 for all the bills that have been passed or recommended to be passed, you take a look at this one LD, it would take half of the money that's been appropriated.

There's another problem that I have with this particular bill, because it's a flat percentage increase to those who have retired. Now if you take the individual who has retired at \$25,000 a year or \$20,000 a year. You come down to the individual who has retired at \$10,000. You give it that flat increase. What you're doing is to the fellow that's retired with the higher salary, also gets the large amount of money.

So it would be my hope that if this bill is re-introduced at another date, that there would be some type of sliding scale mechanism that would give more benefit to those at the bottom of the ladder than it would to those at the top.

I agree that it's a fine bill, under the times when we were affluent with dollars, I would support it in a minute. I would hope that the Senate would respond and support the recommendations as made by the Committee.

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

Senator HUBER: Mr. President and Members of the Senate: I guess it's time for my 'I told you so speech'. Since last fall when we passed the \$20,000,000 tax rebate the position looked very similar to what it looks like right now. The details have changed somewhat, but the fact is, to the extent we fund any L. D.'s, we are, in a sense, borrowing somebody's money to give it to somebody else. Whether it be Teachers Retirement, whether it be State Employees for second year funding of Teacher Collective Bargaining Agreements, whether it be AFDC, whether it be further milrate reductions in the Education Funding Formula for the second year of the biennium, whatever.

The Appropriations Committee did not recommend what is before the Senate today in terms of Teacher's Retirement. On the other hand I think the Appropriations Committee, in full knowledge, that whatever they would have recommended appropriating was, in a sense, borrowing money from some other account under existing law.

I think leadership made some difficult decisions. This is one of them that's before the Senate now. I think, really, as we address any of the subjects, and especially the subjects we address negatively, and we will address many negotiably, as we address them, I think you have to realize that this isn't like going to a bank or going to a surplus or whatever, it's going to somebody else's account and simply shuffling the money around, taking from one to give to another. I think that's the situation we've been in since last fall. I think it's the situation we're in right now.

There are some unavoidable bills that will pass. There are some virtually unavoidable bills that in fact, won't pass. Simply because of the situation. I think we are going to be on thin ice to the extent we pass any Appropriations Bills. As I say, this was not the committee's recommendation. The Committee made a mid-way recommendation in this area. I think leadership took a very difficult problem, took it on directly. I think they have at least thickened up the thin ice, to the point that we may be able to

get on through to the end of this biennium. I hope so.

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

Senator FARLEY: Mr. President and Members of the Senate: 6 weeks ago the Commissioner of Finance said we had \$22,000,000 to fund a Homestead Tax Relief Act. Now I know we don't seem to have that Bill in front of us. We don't have a Refund Bill. I can't find \$22,000,000 in Part II here. I want to know how much are we leaving in the 'kitty' when we leave here, because a lot of good bills here are biting the dust. I want to know where the money is, because the question's obviously going to come up on a few other bills.

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

Senator LOVELL: Mr. President, I think that we can well pass this bill, because of several things that have happened. We have agreed to take credit cards at the Liquor Store in Kittery. Now the VISA Cards and the various credit cards will stop thousands of people from Massachusetts and all over the Eastern part of New England to charge their liquor. We are sure getting paid for it through the VISA cards.

Now we're also going to get an increase in the Cigarette Tax. I feel quite confident that we've been getting an increase every year. We're going to get an increase in the Individual Income Tax. I paid \$400 more this year than I did last year. I'm sure many will be paying more. There's many other things that we can use that will build up a surplus. We'll have just enough surplus to take care of these State Workers that need our care. They need that extra 3.3% to live on, to buy fuel.

Wouldn't you feel awful sorry if somebody 75 years of age that was an ex-state employee froze to death in the house, because they couldn't get any oil. They didn't have any money to get oil. Please for the sake of humanity! We'll take in enough money in the coming year to handle this. For the sake of humanity, Please vote not to Indefinitely Postpone this bill.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Huber, that L. D. 456 be Indefinitely Postponed.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Ault, Clark, Collins, Conley, Devoe, Emerson, Gill, Huber, Katz, Najarian, Pierce, Pray, Redmond, Trafton, Trotzky, Usher.

NAY — Carpenter, Chapman, Cote, Farley, Hichens, Lovell, McBairty, Minkowsky, Perkins, Shute, Silverman, Sutton, Teague.

ABSENT — Danton, Martin, O'Leary.

A Roll Call was had.

16 Senators having voted in the affirmative, and 13 Senators voting in the negative, with 3 Senators being absent, the Motion to Indefinitely Postpone does prevail.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I move Reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate reconsider its action whereby L. D. 456 was Indefinitely Postponed.

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

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion does not prevail.

Sent down forthwith for concurrence.

On motion by Senator Huber of Cumberland removed from the Special Appropriations Table:

An Act to Reimburse Municipalities for Expenses Incurred in Enforcing Statutes, Ordinances and Regulations Relating to the Operation or use of Motor Vehicles, Streets and Highways. (S. P. 183) (L. D. 413)

Senator HUBER: I move L. D. 413 be Indefinitely Postponed.

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

Senator MINKOWSKY: Thank you very much, Mr. President. Mr. President, and Members of the Senate. Senator Cote of Androscoggin and myself were co-sponsors of this particular LD, L. D. 413. I think our basic reason at the time, when we co-sponsored this Bill, which we felt in a large municipality as in many municipalities in the State of Maine, that we are facing very trying times, insofar as our public Safety Departments are concerned.

Now L. D. 413, in it's wisdom, addressed a repayment to municipalities from the total fines collected through our District Court System. In essence, what it does, is it returns to the municipalities 25% of the total fines collected on the cases that that municipality has processed in our District Courts.

Now you must come to realize in our large municipalities which are organized and unionized, with our only major source of revenue being the tax base, that this is going to be quite a difficult task.

As I understand presently our Revenue-Sharing Program is somewhat in limbo. Yet our municipalities through a State Mandate are asked to enforce the 55 mile an hour limit. We are also asked to make appearances with our Police officers and pay them double time, time and a half, in District Court to testify against violations.

We are faced with vandalism of our equipment which is very costly to the municipality. Yet the State expects us to keep up with all their mandates. We are expected to purchase equipment on a regular basis so to pass inspection to meet the State Standards. The cost of gasoline has gone up tremendously. The repairs to that equipment has sky-rocketed. Adding all these things together, Mr. President, and Members of the Senate, I'm truly disappointed that the Appropriations Committee, in their wisdom did not really analyze this Bill as to what intent it had to service those municipalities that are in dire need.

I really wish that this item could be tabled for 1 more day, so that the leadership and the Appropriations Committee might reconsider this.

Another fact that comes to light, Mr. President, and Members of the Senate, is how they analyze the loss of revenue is far beyond my expectations. They had listed in the first year of the biennium \$440,000 lost, in the second year \$587,000. I question the authenticity of these particular figures.

I think this is where it would be very appropriate for the leadership as well as the Appropriations Committee to really screen this a little more closely before passing such quick judgment on this particular bill.

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

Senator COTE: I move that this Bill be Tabled for 1 Legislative Day.

The PRESIDENT: The Senator from Androscoggin, Senator Cote, moves that this item be tabled for 1 Legislative Day.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Tabling L. D. 413 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.

3 Senators having voted in the affirmative,

and 14 Senators in the negative, the Motion to Table does not prevail.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: I move that this item be Tabled until later in today's session.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, moves that this item be Tabled until later in today's session.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of tabling L. D. 413 until later in today's session, 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 16 Senators in the negative, the Motion to Table until later in today's session, does not prevail.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate: Again I'd like to state that no one in this Chamber is more concerned about the problems that we have in the larger communities of this State. In representing the largest community in the State, I have often pleaded with the Senate and the other Body when I was a member down there to try to recognize the very severe problems that we have in the larger communities with the Schools, the Fire Departments, Public Works Departments, Hospitals, all these things that are not generally found in the smaller communities. Therefore, the problems of trying to operate these departments, they're not confronted with.

We have a very, very, difficult problem in the larger communities because of the problems in the larger communities because of the problems of urban communities. I sympathize, extremely with the 2 good Senators from the City of Lewiston. I know what the local taxpayer is confronted with. It's my hope that sooner or later the Legislature will reconize it. Because if they don't recognize it they are certainly going to feel it, when some of the larger communities start facing bankruptcy or some other very serious causes with the problems of operating these larger communities.

There is some Legislation that's pending before this Body today that is going to give some type of relief. At least it's my hope that the Senate will Enact that Bill. It's my hope that perhaps in another day we may be able to increase some type of revenue in support back of the larger communities.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Cote.

Senator COTE: Mr. President and Members of the Senate: As I look over the Appropriations, I don't know by what rationale the Appropriations Committee voted against this bill. I'm wondering if it was because of the 2 sponsors. Because I notice other bills here whose sponsors are Members of the Appropriations Committee, did pretty well here. There's one for over \$11,000,000.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the Indefinite Postponement of L. D. 413, please rise in their places to be counted.

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

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

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: I move reconsideration.

The PRESIDENT: The Senator from Kenne-

bec. Senator Pierce moves that the Senate reconsider its action whereby it Indefinitely Postponed L. D. 413.

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

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion does not prevail.

Sent down forthwith for concurrence.

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

#### Order

On motion by Senator Ault of Kennebec, cosponsored by Senator Chapman of Sagadahoc, WHEREAS, educational institutions are one of the most valuable assets of any state; and WHEREAS, the loss of benefit to society that would result from the inability of an educational institution to function is unmeasurable; and

WHEREAS, many public educational institutions in this State are vulnerable to such an eventuality because of inadequate insurance protection; now, therefore be it

ORDERED, the House concurring, subject to the Legislative Council's review and determinations hereinafter provided, that the Joint Standing Committee on Business Legislation and the Joint Standing Committee on Education, shall jointly study the feasibility of establishing a state insurance program for public educational institutions; and be it further.

ORDERED, that the committees report their 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 committees. (S. P. 627)

Which was Read.

On Motion by Senator Pierce of Kennebec, Tabled pending Passage.

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

In the Senate, June 1, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-706), in non-concurrence.

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

Sent forthwith.

#### House Paper

Bill, "An Act to Authorize Bond Issue in the Amount of \$16,500,000 for Highway and Bridge Improvements." (H. P. 1560) (L. D. 1684)

Committee on Transportation suggested.

Comes from the House, Passed to be Engrossed without Reference to Committee.

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

Sent forthwith to the Engrossing Department.

#### Committee Reports House

##### Ought to Pass — In New Draft

The Committee on Education on, Bill, "An Act to Clarify the Education Law." (Emergency) (H. P. 930) (L. D. 1168)

Reports that the same Ought to Pass in New Draft under same title, (H. P. 1534) (L. D. 1683).

Comes from the House, the Bill in New Draft, Passed to be Engrossed as amended by House Amendment "A" (H-711)

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

House Amendment "A" was Read.

On Motion by Senator Trotzky of Penobscot, House Amendment "A" was Indefinitely Postponed in non-concurrence.

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

Sent down forthwith for concurrence.

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

#### Communication COMMITTEE ON TAXATION

June 13, 1979

The Honorable Joseph Sewall  
President of the Senate

State House

Augusta, Maine 04333

Dear President Sewall:

The Committee on Taxation 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 125

Unanimous Reports 116

Ought to Pass 5

Ought to Pass 27

Ought Not to Pass 17

Leave to Withdraw 67

Divided Reports 7

Bills Referred to Another Committee 1

Bills held in Committee 1

Sincerely,

THOMAS M. TEAGUE

Senate Chairman

Which was Read and Ordered Placed on File.

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

#### Papers from the House Joint Orders

ORDERED, the Senate concurring that "An Act to Require Premium Impact Statements for Certain Workers' Compensation Legislation." H. P. 956, L. D. 1222, to be recalled from the Governor's desk to the House. (H. P. 1562)

Comes from the House, Read and Passed.

Which was Read.

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

Expressions of Legislative Sentiment recognizing that:

Saturday, July 28, 1979, marks the 50th wedding anniversary of Willis and Lana May Getchell of Newport... (H. P. 1558)

The Winslow High School girls softball team has won the State Class "A" softball championship for 1979, its 2nd championship in 3 years. ... (H. P. 1559)

Come from the House, Read and Passed.

Which were Read and Passed in Concurrence.

#### Orders

Expressions of Legislative Sentiment recognizing that:

On April 25, 1979, the Portland School of Art received full accreditation from the National Association of Schools of Art for the maximum 5-year period and received full regional accreditation from the New England Association of Schools and Colleges for the maximum 5-year period... (H. P. 628)

Is presented by Senator Katz of Kennebec, cosponsored by Representative Payne of Portland.

Joanne Nelson of Brunswick has achieved the rank of First Class in Girl Scout Cadet Troop No. 475... (S. P. 629)

Is presented by Senator Clark of Cumberland, cosponsored by Representative Bachrach of Brunswick and Representative Martin of Brunswick.

Which were Read and Passed.

Sent down for concurrence.

#### Committee Reports House

##### Ought to Pass

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds for the Pratt and Whitney Industrial Training Program." (Emergency) (H. P. 1518) (L. D. 1676)

Reports, pursuant to Joint Order (H. P. 1485), that the same Ought to Pass.

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

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

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

Sent forthwith.

##### Ought to Pass — As Amended

The Committee on Energy and Natural Resources on, Bill, "An Act to Regulate Cone Burner Incineration for the Disposal of Municipal Solid Waste." (H. P. 1480) (L. D. 1672)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-713)

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

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

#### Orders of the Day

On Motion by Senator Huber of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act to Eliminate the Dependency Disqualification of Persons Receiving Survivor's Benefits from the State Retirement System. (S. P. 203) (L. D. 535)

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

An Act to Abolish County Subsidies to the Superior Court System. (H. P. 597) (L. D. 741)

An Act Appropriating Funds for Promotion of Direct Marketing of Agricultural Commodities. (H. P. 684) (L. D. 864)

An Act to Provide Student Loans to Candidates for Practice of Chiropractic in Maine. (H. P. 694) (L. D. 872)

An Act to Provide for Certain Signs to Assist Blind Persons in Elevators. (H. P. 708) (L. D. 882)

An Act to Establish a Demonstration Project to Create a Grant and Loan Program to Assist Older Citizens in Purchasing Medically Pre-



scribed Eyeglasses, Dentures and Hearing Aids. (H. P. 683) (L. D. 907)

An Act to Update the Insured Value Factor in the Computation of Legal Tuition Fees under the Education Statutes. (H. P. 732) (L. D. 919)

An Act to Create a Lake Restoration Fund. (H. P. 734) (L. D. 921)

An Act to Modify the Dispute Resolution Process under the Labor Statutes. (H. P. 824) (L. D. 1035)

On Motion by Senator Huber of Cumberland, Indefinitely Postponed, in non-concurrence.  
Sent down for concurrence.

On Motion by Senator Pierce of Kennebec the Senator voted to take from the Unassigned Table:

JOINT ORDER—Relative to recalling L. D. 412 from the Legislative Files to the Senate. (S. P. 343)

Tabled—March 16, 1979 by Senator Pierce of Kennebec.

Pending—Consideration.

On Motion by Senator Pierce of Kennebec, Indefinitely Postponed.

On Motion by Senator Huber of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act to Transfer the cost of Witness Fees from Superior Court from County Budget to the State. (H. P. 926) (L. D. 1140)

An Act to Extend World War Assistance to Single Veterans. (H. P. 942) (L. D. 1176)

An Act to Provide Moneys for Snow Removal at Private Airports Open to the Public. (H. P. 1043) (L. D. 1194)

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

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

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

An Act to Appropriate Funds for the Nursing Home Ombudsman Program. (H. P. 1074) (L. D. 1328)

On Motion by Senator Huber of Cumberland, Indefinitely Postponed, in non-concurrence.  
Sent down for concurrence.

On Motion of Senator Huber of Cumberland the Senate voted to remove from the Special Appropriations Table:

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

Senator HUBER: I move Indefinite Postponement.

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

Senator COLLINS: Mr. President, this Bill has no appropriations attached to it for the forthcoming biennium. It's quite true that there would be some additional cost in the future, but it would not be great.

What this Bill would do, and it came out of the Committee on Aging, Veterans and Retirement. What it would do would be to permit judges who had served for 20 years and reached the age of 60 to retire under the system.

I submit to you that it makes very good sense to pass this Bill. Very few judges are appointed at less than 40 years of age. In general, if a man or woman spends 20 years of their life in a job which is very demanding, which requires a great deal of mental strain, there frequently is a situation where they develop ulcers, hypertension, angina and other maladies that impair their youthfulness on the bench. But if they are not yet eligible to retire, and they obviously have no law practice lying around to go into, they have to hang on until they reach the age that the system now permits.

There are at least a couple of judges in this category that 2, 3 or 4 years from now, it would

be wisdom for them and wisdom for the State to retire them. If they have given 30 years of their lives to the State Service in this demanding post, I say that we ought to permit them to retire, so that healthier and younger people may come into those positions.

It's my understanding that the Appropriations Committee did not seek to axe this Bill. I do not understand why the leadership thought they had to axe a Bill that has no money attached to it in this coming biennium. The policy is sound. We ought to put that policy in force. I ask you not to kill this Bill, but to Enact it.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President and Members of the Senate: The feeling within the Appropriations Committee was that in as much as recommendations from both sides of the aisle are in favor of a study of retirement, that this could be included within that study although not directly germane to that study. If we have a task force which gets itself versed in matters concerning retirement, this may be an appropriate time to have the Judicial Retirement System also looked into.

At the same time there was no negative feeling about the bill, simply that inasmuch as a major study was going to be, I presume accomplished in the retirement area, this might be an appropriate time to do so.

The Governor has stated his interest in looking into the Judicial Retirement System. The study as outlined so far, certainly is broad enough to include this area. I think this was the feeling of the committee that that study should be accomplished by next January. If the Judicial Retirement System was included therein, the Legislature could act upon the recommendations of the commission at that time.

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

Senator COLLINS: Mr. President, it's my opinion, as a past Chairman of the Committee on Retirement for 4 years that this \$150,000 study that the governor is requesting is going to be very much a wasted money item. I'd much rather see that money go into something that would do something for people.

What it's really going to boil down to is a study of how to predict the Stock Market. We had an all-inclusive, all-pervasive tremendous study of this retirement system that originated in the 106th Legislature. The volumes and volumes of that study are still in this building. The committee that I chaired 4 years ago spent months and months and months going through that study. We Enacted a Reform Bill of the Retirement System.

Now another study. It receives continuing study from the committee that's here in the Legislature, but the real complaint is that the Stock Market hasn't acted the way we wanted it to. We really ought to face that reality.

The Retirement Fund, the State Retirement System is a separate system from Judicial Retirement. Judicial Retirement is not part of that system. We set about to see whether we ought to have a system for the Judiciary that was different, that was more related to the State's General System this year. We met a stone wall.

So we said we'll study that further when we study the governor's Bill on merging the District Court and the Superior Court Systems, because it all goes together. When you put groups of judges together that haven't been together, you have to look at retirement as part of the whole look-see.

So the order that covers that, covers Judicial Retirement. We certainly don't need 2 Judicial Retirement Studies going on. So why don't you chop that \$150,000 down to a reasonable size, if you must have a study of the Retirement System, learn how to predict the Stock Market, but leave this Bill alone. The policy of this Bill

is very simple and very clear. You work 20 years for the State. You reach the age of 60. If you're a judge and you've had the strain of that type of experience, and you're ready to retire, then I say you ought to be permitted to retire on a pension.

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

Senator KATZ: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Indefinite Postponement of this Bill, please rise in their places to be counted.

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

16 Senators having voted in the affirmative, and 9 Senators in the negative, the Motion to Indefinitely Postpone does prevail.

Sent down for concurrence.

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

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

Senator HUBER: I move Indefinite Postponement.

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

Senator HICHENS: Mr. President and Members of the Senate: I realize that this is probably an effort in futility to oppose the motion to Indefinitely Postpone L. D. 1265, but I am very much concerned for the people who are deaf and have hearing impairments in the State of Maine.

Up until about 4 years ago, I was very much unaware that there were very many people in our State who were deaf or had hearing impairments until I was asked to serve on a Subcommittee under the Department of Rehabilitation for the Deaf. I suddenly began to realize how many people there were throughout our State who had problems who were not getting any recognition whatsoever.

So a couple years ago we passed a Bill which gave them the right to interpret a service. This year I was asked to put in the Bill to set up an Office of Deafness and Communications Disorders. So that these people might be receiving the help that they need throughout different agencies throughout the State. So the many other hundreds throughout the State who do not even have any recognition could be discovered and be given the help that they needed also.

About 5 years we set up an Office for the Blind in the State. It's amazing how much help these people have received. This same type of an office for the people that are deaf would have the same results in our State. I believe it is a very imperative bill. One that we should Pass.

As I look over some of the Bills which have been approved, and on the Table we have "An Act Creating the House and Blaine House Commission," "An Act to Assist in the Use of Foreign Trade Zone," "An Act to Provide Ferry Service to Matinicus Plantation," "An Act to Provide for Full-Time Workers Compensation Commissioners to Organize the Administration of the Commission." They are all deserving, but they do not have the personal touch and the personal feeling that this Bill, which I am fighting for now would have.

Two or 3 weeks ago we passed 2 or 3 anti-abortion bills. Suddenly there was \$300,000 found for the Part II Budget to help in Family Planning Services. Now if money like that can be found all of a sudden, we can certainly find money to help out in a situation like I've just explained to you.

I've spoken to Members of the Appropriations Committee. I've spoken to Members of Leadership. I cannot find out how they received so many votes against this Bill. Then I was asked about priorities in the different Commit-

tees. In our Health and Institutional Services Committee we had 13 bills, which we were supposed to set the priorities on. The one that received the 13th priority is suddenly on this Table.

When I sent a note to one of the Members of the Appropriations Committee, and asking him a reason for that, he said that they did not see any list of priorities presented to them from the Health and Institutional Services Committee, as to what they felt were the most important Bills to be passed. I do not understand this, why we had to go through this priority selection. Then they were not even considered before these bills were put on the Table.

I certainly hope that you'll give this some consideration. That if it is possible, that the motion be defeated.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I request a Division.

The PRESIDENT: A Division has been requested.

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

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

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

Sent down for concurrence.

On Motion by Senator Huber of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act to Increase the Reimbursement Rate to Residential Child Care Facilities. (S. P. 303) (L. D. 893)

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" and move it's Adoption.

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

Senate Amendment "A" (S-366) Read and Adopted. 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.

On Motion by Senator Huber of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act to Expand the Tourism Promotion Program. (H. P. 1386) (L. D. 1609)

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, Committee Amendment "A" Indefinitely Postponed, in non-concurrence.

Senator HUBER: I now present Senate Amendment "A" to the Bill and move it's Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now offers Senate Amendment "A" to L. D. 1609 and moves its Adoption.

Senate Amendment "A" (S-365) Read and Adopted.

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

Sent down forthwith for concurrence.

On Motion by Senator Huber of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act to Create a Special Commission on State Mandates Imposed on Local Units. (H. P. 1083) (L. D. 1350)

An Act to Facilitate Operation of Department of Conservation Campsites. (S. P. 454) (L. D. 1370)

An Act Concerning Driver's Education for the Physically Disabled. (H. P. 1162) (L. D. 1427)

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

On Motion by Senator Huber of Cumberland, Indefinitely Postponed, in non-concurrence.

Sent down forthwith for concurrence.

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

An Act Concerning Retirement for State Prison Employees. (H. P. 1138) (L. D. 1404)

Senator HUBER: I move Indefinite Postponement.

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

Senator PERKINS: Mr. President, and Ladies and Gentlemen of the Senate, with regard to L. D. 1404, I have asked my Chairman and several others that this Bill, "An Act Concerning Retirement for State Prison Employees," realizing that experience is one of the prerequisites for an efficient Correctional System, and knowing the duress that some of our Prison Guards are under, I've asked that this problem be addressed in the \$150,000 which has been dedicated to the Retirement System.

On Motion by Senator Huber of Cumberland, Indefinitely Postponed, in non-concurrence.

Sent down for concurrence.

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

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

Bill, "An Act to Require that Holiday Pay be Considered Wages for the Purposes of Unemployment Compensation." (S. P. 309) (L. D. 902)

In the Senate, May 9, Passed to be Engrossed as amended by Senate Amendment "A" (S-161) Comes from the House, the Leave to Withdraw Report Read and Accepted, in non-concurrence.

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

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

The PRESIDENT: The Senator from Oxford, Senator Sutton, moves that the Senate Adhere. Is this the pleasure of the Senate?

The Motion Prevailed.

#### Enactor

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

An Act Relating to Requirements for Discharge into Class A Waters. (S. P. 566) (L. D. 1629)

Which was Passed to be Enacted.

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

Senator CONLEY: Mr. President, so the good Senator from Aroostook, Senator McBreairey, can go home in peace, I move Reconsideration.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves the Senate reconsider its action whereby L. D. 1629 was Passed to be Enacted.

Will all those Senators in favor of reconsider-

ation, please say Yes.

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion to Reconsider does not prevail.

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

#### Orders of the Day

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

An Act Concerning Telecommunications for the Deaf. (Emergency) (S. P. 152) (L. D. 329)

An Act to Provide Funds to Subsidize Adoption of Handicapped Children. (Emergency) (H. P. 278) (L. D. 387)

An Act to Assist in the Use of Foreign Trade Zones. (Emergency) (H. P. 944) (L. D. 1174)

These being emergency measures and having received the affirmative votes of 26 Members of the Senate, were Passed to be Enacted and having been signed by the President, were 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:

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

This being an emergency measure and having received the affirmative votes of 23 Members of the Senate, was Finally Passed 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:

RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law. (Emergency) (H. P. 764) (L. D. 972)

This being an emergency measure and having received the affirmative votes of 24 Members of the Senate, 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:

#### Committee Report Senate

#### Leave to Withdraw

Senator Carpenter for the Committee on Health and Institutional Services on, Bill, "An Act to Provide for the Development of Community Mental Health Services." (S. P. 475) (L. D. 1537)

Reports that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

#### Orders of the Day

On Motion by Senator Katz of Kennebec, the Senate voted to remove from the Unassigned Table:

HOUSE REPORTS—from the Committee on State Government—Bill, "An Act to Increase the Salaries of Constitutional Officers and the State Auditor by \$5,000." (Emergency) (H. P. 131) (L. D. 142); Report A—Ought to Pass as amended by Committee Amendment "A" (H-636); Report B—Ought to Pass as amended by Committee Amendment "B" (H-637); Report C—Ought Not to Pass.

Tabled—June 6, 1979 by Senator Katz of Kennebec.

Pending—Acceptance of a Report.

On Motion by Senator Ault of Kennebec, the Ought to Pass as amended by Committee

Amendment "A" Report of the Committee Accepted.

The Bill Read Once.

Committee Amendment "A" Read.

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

Senator AULT: I move Indefinite Postponement of Committee Amendment "A" and would speak briefly.

The PRESIDENT: The Senator has the floor.

Senator AULT: Committee Amendment "A" was adopted in the House but we have discovered since that the second page of the amendment was inadvertently left off. So I propose to Indefinitely Postpone it and replace it with Senate Amendment "A".

The PRESIDENT: The Senator from Kennebec, Senator Ault, moves that the Senate Indefinitely Postpone Committee Amendment "A". Is this the pleasure of the Senate?

It is a vote.

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

Senator AULT: I now offer Senate Amendment "A" under Filing Number S-382 and move its Adoption.

The PRESIDENT: The Senator from Kennebec, Senator Ault, now offers Senate Amendment "A" to L. D. 142 and moves its Adoption.

Senate Amendment "A" (S-382) Read and Adopted. The Bill, Passed to be Engrossed, as amended, in non-concurrence.

Sent down forthwith for concurrence.

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

#### Order

An Expression of Legislative Sentiment recognizing that: Howard R. Neville has served with great distinction as President of the University of Maine at Orono from 1973 thru 1979 and, in his pursuit for excellence, the University has benefited, despite difficult times, thus setting a distinguished record of service for others to emulate. . . (S. P. 630)

Is presented by Senator Katz of Kennebec, cosponsored by Senator Devoe of Penobscot and Representative Gavett of Orono.

Which was Read.

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

Senator KATZ: Mr. President I guess that we all know that President Neville is leaving. He will be leaving this summer, but I would like to take just a moment to give you a notion of the level of his accomplishments during the years he has been the President of Maine's largest institution.

UMO has always been large by Maine's standards, but during President Neville's tenure it has become excellent. The number of merit scholars enrolled in UMA rose from a very small number to a level that now exceeds the level of any other New England State University. Which is certainly by any yardstick a measure of excellence. In the ability to transfer dollars for research the University's ability has increased from \$2,000,000 in 1973 to now it is a level that is over \$7,000,000. He has been a President of a Maine Institution and his activities have been directed with that in mind.

There have been 21 new programs related to Maine needs that have been begun during the Neville years. It has been an extraordinary time of improved excellence for the University and when President Neville leaves this summer to become the President of Albert University in New York State he certainly leaves with the gratitude of all those with whom he worked and all those that he served and all the people of the State of Maine.

Which was Passed.

Sent down forthwith for concurrence.

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 Clarify the Form of the Local Consent Resolution Regarding State Housing Authority Housing Assistance Allocation" (H. P. 402) (L. D. 508) have had the same under consideration, and ask leave to report: that the House recede from passage to be engrossed as amended by Committee Amendment "A" (H-503) recede from adoption of Committee Amendment "A" (H-503); Indefinitely Postpone Committee Amendment "A" (H-503); read and adopt Committee of Conference Amendment "A" (H-709) and pass the Bill to be engrossed as amended by Committee of Conference Amendment "A" (H-709) in non-concurrence.

That the Senate recede from passage to be engrossed as amended by Committee Amendment "A" (H-504) recede from Adoption of Committee Amendment "B" (H-504). Indefinitely Postpone Committee Amendment "B" (H-504); read and adopt Committee of Conference Amendment "A" (H-709) in concurrence.

On the part of the House:

Representatives:

Edward C. Kelleher

Robert J. Barry

Cecil O. Lancaster

On the part of the Senate:

Senators:

Richard H. Pierce

Bennett D. Katz

Mary Najarian

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as amended by Conference Committee Amendment "A" (H-709)

Which was Read and Accepted, in concurrence.

(Senate at Ease)

The Senate called to order by the President.

#### Orders of the Day

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

An Act to Exempt Purchased Meals for the Elderly Meals Program from the State Sales and Use Tax. (H. P. 357) (L. D. 452)

An Act to Appropriate Funds to Provide for Lobster Rearing Stations. (H. P. 475) (L. D. 592)

An Act to Authorize the Provision of Services to Developmentally Disabled Children. (S. P. 377) (L. D. 1157)

An Act to Revise the Service Requirements for Maine Veterans to Determine Eligibility for Veterans Benefits. (H. P. 943) (L. D. 1177)

Which were Passed to be Enacted, and having been signed by the President, were 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:

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

An Act to Provide Ferry Service to Matinicus Plantation. (H. P. 984) (L. D. 1193)

An Act to Provide for Art in Public Buildings and Other Facilities. (H. P. 1071) (L. D. 1224)

An Act Eliminating the Requirements for Licensing Retail Cigarette Outlets and Cigarette Vending Machines. (H. P. 1122) (L. D. 1452)

An Act to Encourage the Maine State Museum Commission to Acquire Works of Art Beneficial to the State. (H. P. 1171) (L. D. 1454)

An Act to Provide for Full-time Workers' Compensation Commissioners and to Organize the Administration of the Commission. (H. P. 1379) (L. D. 1604)

Which were Passed to be Enacted, and

having been signed by the President, were 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:

An Act to Strengthen Regional Library Systems. (S. P. 77) (L. D. 166)

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

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

Senator PIERCE: I now present Senate Amendment "A" to L. D. 166 under Filing Number S-359 and would speak to my amendment.

The PRESIDENT: The Senator from Kennebec, Senator Pierce now offers Senate Amendment "A" to L. D. 166 and moves its Adoption.

Senate Amendment "A" (S-359) Read.

The PRESIDENT: The Senator has the floor.

Senator PIERCE: Mr. President and Members of the Senate: L. D. 166 "An Act to Strengthen Library Systems", is a Bill which has interested Library people all over the State, I am sure that many of you have been lobbied on it.

They are presently funded partially by per capita appropriation of 10¢. This Bill originally sought to up that appropriation by 35¢ per capita.

Yesterday morning when I had read in the paper that this Bill had not survived the Appropriations Committee deliberations I talked with the state Librarian and we agreed that perhaps we might be able to save something by amending the Bill down considerably from 35¢ per capita request to a 5¢ per capita request.

We did feel that the Bill aimed to do good things from bookmobiles, having a common State Library Card etc., etc. Subsequently to that leadership last evening the Bill like so many others did not survive the process, however I did let leadership know at that time that I had committed myself to at least presenting this amendment although I am fully aware of where the amendment and the Bill are subsequently going.

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

Senator TROTZKY: Mr. President and Members of the Senate: "An Act to Strengthen Regional Library Systems" was one of the priorities of the Education Committee.

Although the Appropriations Committee has turned down a 35¢ per capita this is a very modest increase of 5¢ per capita. I hope that the Senate will go along with the amendment and with the passage of this Bill.

It is very difficult I know for many of you as it is for me who are not in leadership and see these Bills coming out of Appropriations and biting the dust and we have no say in this.

This Bill is needed for Libraries throughout the State in many of your communities it is a very modest hike in support for the Libraries in the State. I do hope that the Senate will go along with this.

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

Senator KATZ: Mr. President, I move the Indefinite Postponement of this Amendment and would speak to my motion.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that this Amendment be Indefinitely Postponed.

The Senator has the floor.

Senator KATZ: Mr. President I guess that there is no corner of State Government of which I have been more supportive of over the years and in which I have a greater amount of interest and a greater respect than the Library System. It is probably the least stuffy corner of Education, it has done some extraordinary things over the years and its glory days are ahead.

I must ask that the Senate vote with me for the Indefinite Postponement.

It is not a question of need, it is not a question of want, it is a question of the fact that this Bill was turned down by the Appropriations Committee; it was turned down by leadership, it has been turned down not based on merit but the availability of funds and I would urge the Chairman of Education, a Committee that has been rather well treated up until the final days of this session, with respect to the setting of the mil rate and so forth, to go along reluctantly with the motion to Indefinitely Postpone.

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

Senator TROTZKY: Mr. President and Members of the Senate: My first concern, for what reason that I came here to the Senate today, if we cannot even speak up on any of these Bills?

We saw the amounts of money that other state's have supporting their Library System and I think that this is a very moderate amount to increase the funding for Libraries in the State of Maine.

Again 35¢ we asked, the Education Committee weighed it very carefully passed the Bill and now it is being cut down to 1/7 of what we asked.

I think that we have the right to stand up once in a while and speak up on some of these bills which many of us have worked very hard on throughout the session. Especially where there is a need and I think that there is a need in the State of Maine to strengthen Libraries. Libraries are the cornerstone of the Educational System in the State.

The PRESIDENT: The Chair will order a Division.

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

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

14 Senators having voted in the affirmative and 11 Senators in the negative Senate Amendment "A" is Indefinitely Postponed.

Is it now the pleasure of the Senate that this Bill be Engrossed?

It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, has the Senator from Cumberland Senator Huber made a motion to Indefinitely Postpone? If not I so move.

The PRESIDENT: The Chair would advise the Senator that no motion was before the Senate.

On Motion by Senator Katz of Kennebec, L. D. 166, was Indefinitely Postponed, in non-concurrence.

Sent down for concurrence.

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

On Motion by Senator Katz of Kennebec, Recessed until 6 p.m.

#### Recess

#### After Recess

The Senate called to order by the President.

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

An Act to Provide Partial Reimbursement to Municipalities for Revenue Loss due to Property Tax Exemptions on State and County Property. (H. P. 849) (L. D. 1049)

An Act to Expand the State's Program to Promote Apprenticeships. (S. P. 354) (L. D. 1102)

An Act to Remove Wallgrass Plantation

from the Maine Forestry District. (Emergency) (H. P. 1261) (L. D. 1512)

On Motion by Senator Huber of Cumberland, Indefinitely Postponed, in non-concurrence. Sent down forthwith for concurrence.

On Motion by Senator Huber of Cumberland the Senate voted to remove from Special Appropriations Table:

An Act for Per Diem Compensation for Active Retired Judges. (Emergency) (H. P. 375) (L. D. 485)

Senator HUBER: I move Indefinite Postponement.

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

Senator COLLINS: Mr. President, if this Bill is being killed, because of it's price tag, it is indeed a false economy.

I learned, with at first some shock, this morning that every item brought to the Appropriations Table by the Committee on Judiciary was scheduled for the Executioner's Axe.

When I communicated this to the head of the Judicial Department, of the Chief Justice, and asked him if there was any one Bill that he thought was more important than any other, this was the Bill that he spoke of. He spoke with almost equal concern about the Bill that would have increased the pay into the District Court Building Fund. I told him that if we had any chance it would be for only one Bill. So this is it.

The reason that I say that it would be false economy to kill this Bill, is this. If you look at the report of the State Court Administrator and you look at the increase in case loads of litigation in this State you see that the increase is very steadily up, up, up. The case load is so great that the number of full active judges are having a very difficult time to keep up with it.

So the program of the Judicial Department for this department for the biennium was rather than ask for additional judges in the District Court and the Superior Court was to try to keep at work as many active retired judges, those that still had sufficient health to perform their duties as possible. The Chief Justice has actively pursued that policy. As a result we have some good active retired judges on duty, and 1 or 2 more in the wings.

Last week for example we confirmed the nomination of Edwin Smith of Bar Harbor, a very capable judge to serve in the District Court as active retired, 6 months ago we confirmed Simon Spill down in Biddeford. There are a couple of justices on the Supreme Judicial Court who are excellent trial judges that are willing to do that kind of work when they go off the bench.

What we're asking these men to do is to work for nothing. Some of them are willing to work a little bit for nothing. Simply having their retirement pay which they'll get if they don't do one stitch of work, but if we can offer them a little something in the way of compensation, then we can keep them at work in a degree that will permit the system to go on to keep up with itself without creating new Judicial positions that will in the long run cost a lot more than these active retired judge positions.

So we're talking about \$42,000. That \$42,000 I can assure you and that's the maximum figure, that \$42,000 is an excellent investment for the State of Maine, not only in the quality of it's Judicial System, in the expeditious handling of cases, in keeping up with the tremendous wave of criminal cases that we have. Not only that, but in the long run, it's going to save money for the State. If the Appropriations Committee doesn't understand that, it's understandable. If the leadership doesn't understand it, that's understandable because you folks aren't in the courts the way that I am, day after day when I'm not over here.

If you're in the courts all over this State the way that I am and the way that some other law-

yers are, you know that the system is demanding more and more and more judges. Here's a way to have it cheap. You ought to see the good business sense of having it. I urge you not to kill this bill but to enact it. Thank you, Mr. President.

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

Senator DEVOE: Thank you very much Mr. President. I would like to echo the comments made by the good Senator from Knox, Senator Collins.

The active retired District Court Judges are keeping the District Court System alive in this State. If you want to do something that will help slow down, delay the delivery of justice to people who use the District Court System, then you can vote to kill this Bill. If you want to do something that at minimum cost to the State, will result in greater efficiency, speedier handling of cases of the people of this State who use the District Court System, then I plead with you Members of the Senate, please pass this Bill.

Active retired District Court Judges are making a great personal sacrifice so that the business of the people of this State can be transacted efficiently, and so that the Court System will not be criticized for delaying justice in it's delivery to the people.

I plead with you please do not kill this bill, but pass it. So that we start treating active retired judges of the District Court who are making a personal sacrifice, who could stay home month after month and cash their retirement check and never drive a mile to do anything to help the people of this State. They are now driving thousands of miles each year, and not being compensated for it.

So I plead with you, please do something so that justice in this State does not slow down and so that the people who use the District Court System will continue to have speedy service from the judges. Thank you very much Mr. President.

(Off Record Remarks)

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

Senator HUBER: Mr. President and Members of the Senate: There were several unkind remarks concerning the Appropriations Committee from the good Senator from Knox, Senator Collins. I would like to inform him that this Bill was reported favorably from the Appropriations Committee. It's subsequent fate was a recommendation by leadership.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Indefinite Postponement of L. D. 485, 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.

This being an emergency measure and having received the affirmative votes of 18 Members of the Senate, with 6 Senators voting in the negative, and 18 being less than 2/3's of the entire elected membership of the Senate, L. D. 485 Fails of Enactment.

Sent down for concurrence.

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

#### Enactors

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

An Act Concerning Health Services in Rural and Underserved Areas. (S. P. 473) (L. D. 1414) Comes from the House, Indefinitely Post-

poned.

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

**RESOLVE**, Authorizing and Directing the State Director of the Bureau of Public Lands to Convey the Interest of the State in Certain Islands in Muscongus Bay. (H. P. 566) (L. D. 712)  
Comes from the House, Indefinitely Postponed.

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

Senator TROTZKY: I move that this Resolve be Indefinitely Postponed.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, moves that the Senate Indefinitely Postpone this Resolve.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I urge the Senate to vote No on the pending motion. I hope that the Senate will Enact this Resolve.

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

Senator O'LEARY: Mr. President, as a Member of the Committee on Energy and Natural Resources, I defended the position of having this Bill passed, but in good conscience I have serious doubts. I would urge that we follow the motion of the good Senator from Penobscot, Senator Trotzky.

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 L. D. 712, 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 11 Senators in the negative, the Motion to Indefinitely Postpone does prevail.

#### Emergency

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 System Study. (S. P. 617) (L. D. 1679)

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

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 More Adequate Compensation to Municipal Clerks and Municipalities for Certain Duties Performed for the State." (H. P. 191) (L. D. 240)

In the Senate, June 8, Passed to be Engrossed as amended by Committee Amendment "A" (H-694), in concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendments "A" (H-710) and "B" (H-714), Thereto, 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 Converting Lakeville Plantation into the Town of Lakeville and Removing Lakeville Plantation from the Maine Forestry District." (H. P. 1309) (L. D. 1563)

In the House, June 7, Passed to be Enacted.

(H. "A" H-242)

In the Senate, June 13, Passed to be Engrossed as amended by House Amendment "A" and Senate Amendment "A" (S-380), 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 Adhere.

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

Is this the pleasure of the Senate?

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

Senator O'LEARY: Mr. President, I would move that the Senate Recede and Concur and I would like to make a couple of remarks.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, moves that the Senate Recede and Concur.

The Senator has the floor.

Senator O'LEARY: Mr. President, I've been in the Maine Legislature a number of terms. In each term of the Legislature we see come before us bills that want to remove certain plantations from the Maine Forestry Tax District.

I think, Mr. President, and Members of this Body, that the next term of Legislature, I shall introduce a measure that will remove all towns from the Forestry District. It's an unfair tax. 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.

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

2 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

Joint Resolution Urging Voluntary Cardiopulmonary Resuscitation and Basic Life Support Education in Secondary Schools. (H. P. 1271)

In the House, March 30, Adopted.

In the Senate, June 13, Indefinitely Postponed, 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 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

Joint Order, relative to adding a new Joint Rule 6-A, Placing legislative papers on calendar. (S. P. 359)

In the Senate, June 13, Passed.

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

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.

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

Senator O'LEARY: I must congratulate certain Members of this Legislature. I believe that they made the right move. I would move that

we Recede and Concur.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, moves that the Senate Recede and Concur.

The Chair will order a Division.

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

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

8 Senators having voted in the affirmative, and 18 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.

#### Committee Reports

##### House

##### Leave to Withdraw

The Committee on Business Legislation on, Bill, "An Act to Clarify the Powers and Authority of Nonprofit Hospital Associations to Give or Deny Participating Hospital Status Under their Hospitalization Plans." (H. P. 209) (L. D. 256)

Reports 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.

##### Divided Report

The Majority of the Committee on Education on, Bill, "An Act Relating to the Computation of the Local Allocation." (H. P. 98) (L. D. 112)

Reports that the same Ought Not to Pass.

Signed:

Senators:

TROTZKY of Penobscot

GILL of Cumberland

MINKOWSKY of Androscoggin

Representatives:

CONNOLLY of Portland

FENLASON of Danforth

GOWEN of Standish

BIRT of East Millinocket

LEWIS of Auburn

LEIGHTON of Harrison

BEAULIEU of Portland

DAVIS of Monmouth

The Minority of the same Committee on the same subject matter reports that the same Ought to Pass as amended by Committee Amendment "A" (H-456).

Signed:

Representatives:

ROLDE of York

LOCKE of Sebec

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

Which Reports were Read.

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

##### Orders of the Day

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

An Act to Provide State Income Tax Credit for Installation of Renewable Energy Systems. (H. P. 851) (L. D. 1051)

An Act Relating to Resident State Police Troopers. (H. P. 841) (L. D. 1069)

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

An Act to Provide for Environmental Education. (H. P. 1182) (L. D. 1434)

An Act to Establish a Maine Council on Families and Children, County Councils for Families and Children and a State Office for Children and Families. (H. P. 1254) (L. D. 1554)

An Act to Upgrade, Construct and Maintain Court Facilities. (H. P. 1519) (L. D. 1677)

An Act to Provide for the Codification and In-



dexing of State Agency Rules by the Secretary of State. (Emergency) (S. P. 510) (L. D. 1576)

On Motion by Senator Huber of Cumberland, Indefinitely Postponed, in non-concurrence.

Sent down for concurrence.

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

RESOLVE, Appropriating Funds for State Share of Access Bridge in the Town of Medford. (H. P. 405) (L. D. 509)

Which 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:

#### Committee Report House

##### Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act to Adjust Motor Vehicle Registration Fees." (Emergency) (H. P. 1318) (L. D. 1572)

Reports that the same Ought Not to Pass.

Signed:

Senators:

EMERSON of Penobscot

USHER of Cumberland

Representatives:

BROWN of Mexico

LOUGEE of Island Falls

STROUT of Corinth

HUNTER of Benton

ELIAS of Madison

McPHERSON of Eliot

HUTCHINGS of Lincolnville

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

Signed:

Senator:

O'LEARY of Oxford

Representatives:

CARROLL of Limerick

McKEAN of Limestone

JACQUES of Lewiston

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

Which Reports were Read.

On Motion by Senator Pierce of Kennebec, the Majority Ought Not to Pass Report of the Committee, Accepted, in concurrence.

#### Orders of the Day

On Motion by Senator Katz of Kennebec the Senate voted to remove from the Unassigned Table:

JOINT RESOLUTION Making Application to Congress Calling a Constitutional Convention to Propose an Amendment to the Federal Constitution to Require, with Certain Exceptions that the Federal Budget be Balanced. (S. P. 327) (L. D. 963)

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

Pending—Consideration.

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

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

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

Is this the pleasure of the Senate?

The Motion Prevailed.

On Motion by Senator Katz of Kennebec the Senate voted to remove from the Unassigned Table:

JOINT ORDER—Relative to the Judiciary Committee studying the Feasibility of Establishing a Land Court in Maine. (H. P. 1283)

Tabled—April 4, 1979 by Senator Katz of Kennebec.

Pending—Passage.

JOINT ORDER—Relative to the State Government Committee studying the Feasibility of combining the Offices of Justice of the Peace and Notary Public. (H. P. 1286)

Tabled—April 4, 1979 by Senator Katz of Kennebec.

Pending—Passage.

JOINT ORDER—Relative to State Government Committee studying the records management function of State Government. (H. P. 1295)

Tabled—April 10, 1979 by Senator Sewall of Penobscot.

Pending—Passage.

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

Sent down for concurrence.

On Motion by Senator Katz of Kennebec, the Senate voted to remove from the Unassigned Table:

JOINT ORDER—Relative to the Legal Affairs Committee studying the statutes relating to automobile graveyards and junkyards. (S. P. 524)

Tabled—April 30, 1979 by Senator Katz of Kennebec.

Pending—Passage.

On Motion by Senator Katz of Kennebec, Indefinitely Postponed.

On Motion by Senator Katz of Kennebec, the Senate voted to remove from the Unassigned Table:

JOINT ORDER—Relative to the Health and Institutional Services Committee studying the Existing Home Health Care Services in Maine. (S. P. 556)

Tabled—May 15, 1979 by Senator Katz of Kennebec.

Pending—Passage.

JOINT ORDER—Relative to the Audit and Program Review Committee studying Costs of Prisoner Incarceration (S. P. 562)

Tabled—May 23, 1979 by Senator Pierce of Kennebec.

Pending—Passage.

JOINT ORDER—Relative to the Committee on Local and County Government studying L. D. 1618 regarding County Charters and County Budgets. (S. P. 578)

Tabled—May 29, 1979 by Senator Katz of Kennebec.

Pending—Passage.

On Motion by Senator Katz of Kennebec, Indefinitely Postponed.

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

Senator MINKOWSKY: Mr. President, I move we reconsider our action on S. P. 562.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, moves the Senate reconsider its action whereby it Indefinitely Postponed Joint Order relative to Health and Institutional Services Committee. (S. P. 562)

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Penobscot, Senator Pray.

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

The PRESIDENT: The Senator from Penobscot, Senator Pray, moves that S. P. 562 be Tabled until later in today's session, pending the Motion by the Senator from Androscoggin, Senator Minkowsky, that the Senate reconsider its action.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I withdraw my request.

The PRESIDENT: The Senator from Penob-

scot, Senator Pray, requests Leave of the Senate to withdraw his motion to Table.

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

It is a vote.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, I request to withdraw my motion.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, now requests Leave of the Senate to withdraw his motion to reconsider its action whereby it Indefinitely Postponed S. P. 562.

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

It is a vote.

On Motion by Senator Katz of Kennebec, the Senate voted to remove from the Unassigned Table:

JOINT ORDER—Relative to the Joint Select Committee on Correctional Institutions submitting legislation regarding correctional systems. (S. P. 605)

Tabled—June 5, 1979 by Senator Katz of Kennebec.

Pending—Passage.

JOINT ORDER—Relative to the Committee on Energy and Natural Resources studying Solid Waste Disposal. (S. P. 607)

Tabled—June 6, 1979 by Senator Katz of Kennebec.

Pending—Passage.

On Motion by Senator Katz of Kennebec, Indefinitely Postponed.

On Motion by Senator Katz of Kennebec, the Senate voted to remove from the Unassigned Table:

JOINT ORDER—Relative to the Committee on Labor studying the Maine Workers' Compensation Act. (S. P. 613)

Tabled—June 6, 1979 by Senator Pierce of Kennebec.

Pending—Passage.

JOINT ORDER—Relative to the Committee on Health and Institutional Services studying the question of lay midwifery. (S. P. 621)

Tabled—June 8, 1979 by Senator Katz of Kennebec.

Pending—Passage.

On Motion by Senator Katz of Kennebec, Indefinitely Postponed.

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

#### Enactor

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

#### Emergency

An Act Extending Reimbursement to Municipal Clerks and Municipalities for Revenue Loss due to Amendment of the Uniform Commercial Code. (H. P. 335) (L. D. 434)

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

#### Orders of the Day

On Motion by Senator Huber of Cumberland the Senate voted to remove from the Special Appropriations Table:

An Act Relating to Current Funding of Special Education Tuition. (Emergency) (H. P. 410) (L. D. 527)

On Motion by Senator Trotzky of Penobscot, the Senate voted to Suspend its Rules.

On Motion by Senator Trotzky of Penobscot, the Senate voted to Reconsider its action whereby this Bill was passed to be Engrossed.

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

Senator TROTZKY: I now present Senate Amendment "A" under Filing Number S-383 and move its Adoption.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky now offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption.

Senate Amendment "A" (S-383) Read and Adopted.

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.

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

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

On Motion by Senator Trotzky of Penobscot, the Senate voted to Suspend its Rules.

On Motion by Senator Trotzky of Penobscot, the Senate voted to reconsider its action whereby L. D. 1636 was Passed to be Engrossed.

Senator TROTZKY: Mr. President, I now present Senate Amendment "A" to L. D. 1636 under Filing Number S-376 and move its Adoption.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky now offers Senate Amendment "A" to L. D. 1636 and moves its Adoption.

Senate Amendment "A" (S-376) Read and Adopted.

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

Sent down forthwith for concurrence.

#### Senate at Ease

The Senate called to order by the President.

#### Orders of the Day

The Chair laid before the Senate:

Joint Order relative to L. D. 1222 being recalled from the Governor's Desk. (H. P. 1562)

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

Senator KATZ: Mr. President, I move that this Joint Order be Indefinitely Postponed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate Indefinitely Postpone L. D. 1222.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, it is my understanding that there is some problem and I just recently became aware of the order, and I wonder if somebody could explain what the intent and the origin of it was, and perhaps any facts surrounding it?

The PRESIDENT: The Senator from Penobscot, Senator Pray, has posed a question through the Chair to any knowledgeable Senator who may care to respond.

The Chair would read the entire Title of the bill which is proposed to be recalled. "An Act to Require Premium Impact Statements for Certain Workers' Compensation Legislation." (L. D. 1222)

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I do not stand as a knowledgeable Senator on this particular subject, but it does appear to me that a Joint Order being introduced must have had some type of an agreement somewhere and I would if someone might be able to respond to that?

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

Senator KATZ: Mr. President, I was privy to a conversation in which it was suggested that the position which we had taken in this Legislation might cause some rather expensive forays into the New York market for evaluation...

On that basis I agreed to take a look at the possibility of recalling it from the Governor's

files, but I ran into a hornet's nest of opposition from the Chairman of the Committee who feels that the Committee did good work and naturally I always support the unanimous report from the Committee and on that basis I cannot support the Joint Order.

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

Senator PRAY: I want to assure the good Majority Floor Leader it was not a unanimous report out of the Committee. So he should feel free to float wherever he may want to float on this order.

Remembering the Bill when it was before the Committee it is a requirement for any Bill that deals with Workmens' Comp. to have an impact statement prior to having any Legislative action. The Insurance Commissioner appeared before the Committee and told us first of all that he felt that the Legislation was not necessary. Second of all that it was very time consuming because past experiences show that it would have to be sent to New York to get an accurate statement and it would take a great deal of time and a great deal of expense to the State, before we could make those decisions, and sometimes the Legislature does not always have the time to work with which we desire such as in the instances today. Again, just to remind the good Majority Floor Leader it was not a unanimous report.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the Motion by the Senator from Kennebec, Senator Katz that the Senate Indefinitely Postpone H. P. 1562, 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 9 Senators in the negative the Motion to Indefinitely Postpone 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 Indefinitely Postponed H. P. 1562.

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

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion does not Prevail.

Sent down for concurrence.

The Chair laid before the Senate:

An Act Extending Reimbursement to Municipal Clerks and Municipalities for Revenue Loss Due to Amendment of the Uniform Commercial Code. (H. P. 335) (L. D. 434) tabled earlier in today's session, pending enactment.

This being an emergency measure and having received the affirmative votes of 26 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.

#### Senate At Ease

The Senate called to Order by the President.

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

#### Enactors

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

#### Emergency

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

This being an emergency measure and having received the affirmative votes of 27 Members of the Senate, was Passed to be En-

acted.

The PRESIDENT: 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 this Bill was Passed to be Enacted.

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

#### Bond Issue

An Act to Authorize Bond Issue in the Amount of \$16,500,000 for Highway and Bridge Improvements. (H. P. 1560) (L. D. 1684)

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

Senator KATZ: Mr. President the Senate will recall that earlier a Bond Issue for \$22,000,000 was before us, and the members of my party at that time said that we were dissatisfied that it would represent a considerable increase over the amount of Highway Bonds that were going to be retired, during the biennium.

I think the fact that we are prepared today to vote for a Bond Issue in the amount of \$16,500,000 shows flexibility. The problem of the Highway Programs is not going to go away, I think that speaking for my party I can serve notice that if we get subsequent requests for relief to the Highway Program that it simply must be with greater reliance upon pay as you go.

I want to compliment the good Chairman of the Committee, Senator Emerson for bringing his troops together and giving us a last opportunity to give our people something.

The package that he has brought us is certainly not exactly what we wanted because it relies too heavily for our taste on bonding, but I would ask all members of my party to support this Bond Issue tonight.

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

Senator CONLEY: Mr. President and Members of the Senate: Perhaps one of the greatest hassles that we had in this session was over the previous bond issue that came before this Senate.

I would like to commend the good Senator from Penobscot, Senator Emerson for the first package that he brought into this Senate which was a Unanimous Committee Report.

The fact is that it does show that there is flexibility not only in this Chamber, and in the other Chamber, but also in the Chamber on the Second Floor. Again it would be my hope that in unison that we could enact this bond issue tonight and get it before the people.

This being a Bond Authorization Act and having received the affirmative votes of 22 Members of the Senate, with 3 Senators having voted in the negative, was Passed to be Enacted.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I move Reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Katz now moves that the Senate reconsider whereby this Bill was Passed to be Enacted.

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

Senator Katz of Kennebec, was granted unan-



imous consent to address the Senate, Off the  
Record.

On Motion by Senator Pierce of Kennebec,  
adjourned until 9:30 tomorrow morning.