

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred and Ninth
Legislature

OF THE
STATE OF MAINE

Volume II

First Regular Session

May 7, 1979 to June 15, 1979

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

June 14, 1979

Senate called to Order by the President.

Prayer by Father Valmont R. Gilbert, St. Augustine Church, Augusta.

Father GILBERT: Let us Pray! Almighty God, the Members of the Senate come together this morning, at the end of this first session of the 109th Legislature to thank you for the many inspirations, which you have given them during their many deliberations.

Aware of their responsibilities towards those who elected them to this office, they have tried at all times to make public opinion heard to serve our Democracy.

On this last day of deliberations, deepen in all here present the sense of responsibility to themselves and to those who depend on them, so that justice may flourish in our great State of Maine.

Be with these men and women as they return home knowing that they have done all in their power to serve you and to serve their fellow men. We ask this through Christ our Lord. Amen.

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

(Off Record Remarks)

Reading of the Journal of yesterday.

Senate at Ease

The Senate called to order by the President.

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

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

Recess

After Recess

The Senate called to Order by the President.

Papers from the House
Non-concurrent Matter

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

In the House, June 7, Passed to be Enacted. In the Senate, June 8, Bill and Papers, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body Insisted.

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

Senator KATZ: I move that the Senate Adhere.

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

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: I move the Senate Recede and Concur.

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

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, and Ladies and Gentlemen of the Senate: I realize the hour is very late, the day is very late.

I am really disappointed that we didn't seem to find all the supposed problems with this Bill until the very last minute. It got all the way to Enactment before somebody decided that it wasn't a good Bill, or decided something was wrong with it. I'm not exactly sure what.

I've heard many arguments put forward ag-

ainst this bill. All of which I think were answered. I would ask that when the vote is taken on the Motion to Recede and Concur, Mr. President, that it be taken by the Yeas and Nays.

I would honestly plead with the Members of the Senate this morning, if you're not already locked up in cement to take a look at House Amendment 584, which is the Bill. It's a good Bill. It's a Bill that the banking community supports which could possibly just maybe, get a little bit less government involvement in the farming business.

Just maybe we could get a loan through a commercial bank guaranteed by the Maine Guarantee Authority that just maybe the Federal Government wouldn't have to underwrite.

That seems to be the hue and cry every time we come down here. Less government involvement, less government this, less government that.

They come along with this little Bill, which I would remind you again has worked very well in the great State of Minnesota, a program very similar to this one. It's gotten the banking community back involved in the farming business for the first time in many years. I just don't understand the logic or the argument of killing this Bill.

There have been no trade-offs. There have been no games played with this Bill. I think that's very commendable on behalf of the sponsors. There was a potential for that. I just said to one of my fellow colleagues a few minutes ago, maybe I'm not a very bright politician, because I didn't play this Bill off against a couple of others.

I wish you would take a look at this Bill. If you have legitimate concerns I'd like to have them voiced on the floor of the Maine Senate this morning, so I can address them, other than some of the rather ridiculous arguments that I think were put forth against this Bill the other day.

This Bill came out of the Agriculture Committee with an overwhelming support of that Committee. Now all of a sudden, perhaps due to partisanship, perhaps due to legitimate concerns, we end up at the end of the session with this Bill about to go down. I would certainly hope that you would go along with the good Senator from York, Senator Hichens, and vote to Recede and Concur. Thank you.

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

Senator McBREAITY: Mr. President, and Honorable Members of the Senate. After our actions last Friday, coming from a farming community, I was a little concerned that maybe I might have made a mistake. So I took the Bill and amendment home with me and I went over it, over the weekend. I don't feel that we made a mistake last Friday.

This Bill creates a commission. It's made up of 2 officers from a financial institution, 1 dairy farmer, 1 farmer engaged in horticulture products, 1 poultry farmer, 1 public representative. Now I'm sure that people from financial institutions would favor this Bill because they would be on a board that would approve these loans and the State of Maine would guarantee them. They couldn't lose.

To be eligible you don't even have to be a resident of the State of Maine. You just have to indicate that you intend to be one. So we would have people from miles around, once they found this out, coming in and applying for these loans, and maybe getting one of them, and getting on a piece of land.

If you have anybody interested in farming, anyone in the State of Maine and they want to come up where I live. I can find them 25 farms right in my immediate area, that all they have to do is take over the FHA Loan. FHA would be glad to have them do it. I'm sure that the person that hasn't been able to pay for them would be glad to do it.

I just don't want the State of Maine to get into something like this. Guaranteeing loans on

farms. Believe me if you think the sugar beet deal was rough, you get into this one and see the administrative cost of taking these farms back once they're unable to pay.

Now I think that if anyone wants to farm, we have plenty of financial opportunities to do so. I believe this is a step in the wrong direction. Many of my farmers' problems up in my area is not that they haven't been able to get enough money. It's that too many people have been able to get this type of loan and get into the farming business, that didn't follow through. I believe that we have enough of that now. Thank you.

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 Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, and Ladies and Gentlemen of the Senate: The good Senator from Aroostook, my colleague, has read you part of the Family Farm Advisory Council. There's also a public representative and an Agriculture Economist on there, that would look after the giving of these loans. The argument about "people from miles around" be up here applying for loans for farms is just absolutely ridiculous.

If you look at the amendment, it says that a person must either be a resident of the State of Maine or show evidence that they're going to become a resident of the State of Maine. They must show evidence that they're going to be involved in farming in the State of Maine.

Now if you don't want to be a farming State, Well let's say so. I realize that this has been the subject of some discussion and everything like that. I'm probably wasting my breath. I just really don't like to have superfluous arguments put forth on the floor of the Senate when there are really other reasons for killing this Bill. Thank you very much.

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

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

A No vote will be opposed.

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

ROLL CALL

YEA—Carpenter, Clark, Conley, Cote, Devoe, Farley, Hichens, Lovell, Najarian, O'Leary, Pray, Shute, Silverman, Trafton, Usher.

NAY—Ault, Chapman, Collins, Emerson, Gill, Huber, Katz, McBreaity, Minkowsky, Perkins, Pierce, Redmond, Sutton, Teague, Trotzky, Sewall.

ABSENT—Danton, Martin.

A Roll Call was had.

15 Senators having voted in the affirmative, and 16 Senators in the negative, with 2 Senators being absent, the Motion to Recede and Concur does not prevail.

Is it now the pleasure of the Senate to Adhere?

The Motion Prevailed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I move reconsideration.

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

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

Will all those Senators opposed, please say

No.

A Viva Voce Vote being had.
The Motion does not Prevail.

Joint Orders

Emergency preamble. WHEREAS, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

WHEREAS, vocational education at the secondary school level has become a vital part of local education programs; and

WHEREAS, vocational education programs have grown and received strong support in many areas of the State; and

WHEREAS, some areas have nevertheless experienced problems involving the governance and administration of vocational programs; and

WHEREAS, these problems have resulted in the introduction of a variety of bills containing proposed solutions; and

WHEREAS, testimony was presented that the magnitude of the questions raised by these bills calls for a careful response based on a thorough study; now, therefore, be it

ORDERED, the Senate concurring, that a joint select committee to study secondary vocational education is created, composed of 15 members, as follows:

1. Three superintendents appointed by the Maine Superintendents Association, one each from a vocational center, a vocational region and a school sending students to a vocational center;

2. Two directors appointed by the Maine Association of Vocational Education Administrators, one each from a vocational center and a vocational region;

3. Two faculty members appointed by the Maine Vocational Association, one each from a vocational center and a vocational region;

4. One industrial arts teacher appointed by the Maine Association of Industrial Education;

5. One vocational guidance counselor appointed by the Maine Guidance Association;

6. One member of the State Board of Education appointed by the Chairman of the State Board of Education;

7. Two members of the Joint Standing Committee on Education appointed by the cochairman of the committee;

8. One state plan advisory committee member appointed by the State Board of Education;

9. One member of a local school committee or board of directors appointed by the Maine State School Board's Association; and

10. One active craft committee member appointed by the Maine Advisory Council on Vocational Education; and be it further

ORDERED, that all appointments to the committee shall be subject to approval of the President of the Senate and the Speaker of the House of Representatives; and be it further

ORDERED, subject to the Legislative Council's review and determinations hereinafter provided, that the committee shall conduct a comprehensive review of the laws relating to both vocational regions and vocational centers and any legislation introduced in the First Regular Session of the 109th Legislature which did not receive approval, review the areas where vocational schools are not operated and 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 membership of this committee shall be constituted not more than 30 days following the passage of this order and shall be reported to the Commissioner of Educational and Cultural Services; and be it further

ORDERED, that within 30 days thereafter the Commissioner of Educational and Cultural

Services shall call a meeting of the appointed members, at which meeting the members shall organize and elect their chairman and vice-chairman, and that the members of the committee shall receive \$25 per diem plus actual expenses in relation to each meeting attended; and be it further

ORDERED, that there shall be allocated from the Legislative Account a sum of \$7,000 for the per diem and expenses of the committee; and be it further

ORDERED, that upon passage of this order in concurrence a copy of this order shall be sent to the Speaker of the House, to the President of the Senate and to the Commissioner of Educational and Cultural Services, and that upon appointment of the committee, a copy of this order shall be sent to each member of the committee. (H. P. 1488)

Comes from the House, Passed as amended by House Amendment "A" (H-716)

Which was Read.

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

WHEREAS, the Department of Inland Fisheries and Wildlife is funded with dedicated revenues; and

WHEREAS, enactment of environmental laws and other statutory responsibilities have placed a great burden upon the personnel and financial resources of the department; and

WHEREAS, license revenues fluctuate dramatically, and generally do not keep up with inflation; and

WHEREAS, the department has almost expended its surplus account, and revenue shortfalls are imminent; now, therefore, be it

ORDERED, the Senate concurring, subject to the Legislative Council's review and determinations hereinafter provided, that a Select Committee on Fisheries and Wildlife be established, comprised of 9 members to be constituted and appointed as follows: One member of the Joint Standing Committee on Appropriations and Financial Affairs; one member of the Joint Standing Committee on Taxation; one member of the Joint Standing Committee on State Government; 2 members of the Joint Standing Committee on Fisheries and Wildlife; 2 members of the public representing sportsmen's associations; and 2 members of the public representing environmental organizations, all of whom shall be appointed by joint agreement of the President of the Senate and Speaker of the House of Representatives; and be it further

ORDERED, that the committee meet with the Department of Inland Fisheries and Wildlife to review operation and finances of the department; and be it further

ORDERED, that the committee shall consider, among other issues, alternatives for the long-term financing of the department; and be it further

ORDERED, that the committee shall 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 committee shall hold its organizational meeting upon the call of the President of the Senate, and shall choose a chairman from among its membership, and shall organize its study at that time; and be it further

ORDERED, that the members of the committee shall serve without compensation, but may be reimbursed for their reasonable expenses in attending meetings, procuring supplies, correspondence and other related and necessary expenditures; 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 be forwarded to each member appointed to the committee and to the Commissioner of Marine Resources. (H. P. 1517)

Comes from the House, Passed as amended by House Amendments "A" (H-698) and "B" (H-717)

Which was Read.

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

Communications COMMITTEE ON FISHERIES AND WILDLIFE

June 13, 1979

The Honorable Joseph Sewall
President of the Senate
State House

Augusta, Maine 04333

Dear President Sewall:

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

Bills received in Committee	62
Unanimous Reports	47
Ought to Pass	4
Ought Not to Pass	18
Leave to Withdraw	7
Ought to Pass as Amended	16
Ought to Pass in New Draft	2
Divided Reports	15
Recommitted	1

Sincerely,

S/Sen. ANDREW REDMOND
Chairman

Which was Read and Ordered Placed on File.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

June 13, 1979

The Honorable Joseph Sewall
President of the Senate
State House

Augusta, Maine 04333

Dear President Sewall:

The Committee on Energy and Natural Resources 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	84
Unanimous Reports	73
Ought to Pass	24
Ought Not to Pass	2
Leave to Withdraw	20
Ought to Pass as Amended	27
Divided Reports	11
Recommitted	1

Respectfully,

S/JAMES MCBREAIRTY
Chairman

Which was Read and Ordered Placed on File.

HOUSE OF REPRESENTATIVES

June 13, 1979

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

Augusta, Maine 04333

Dear Madam Secretary:

House Paper 1375, Legislative Document 1601, An Act to Clarify the Provisions Relating to Hearings on Juvenile Crimes and to Establish an Experimental Program for Education and Counseling of Juveniles, having been returned by the Governor together with his objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question: 'Shall this Bill become a law not-

withstanding the objections of the Governor?" Sixty-seven voted in favor and seventy-six against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Respectfully,
EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

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

An Act to Allow the Board of Environmental Protection to Regulate Activities Affecting Sand Dunes under the Alteration of Coastal Wetlands Program. (H. P. 1163) (L. D. 1468)

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" under Filing S-388 to the Bill and move its Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber now offers Senate Amendment "A" to L. D. 1468 and moves its Adoption.

Senate Amendment "A" (S-388) 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 Regulate the Sale of Business Opportunities. (S. P. 465) (L. D. 1499)

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

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

On Motion by Senator Chapman of Sagadahoc, the Senate voted to reconsider Adoption of Committee Amendment "A" to L. D. 1499.

Senator CHAPMAN: I now offer Senate Amendment "A" to Committee Amendment "A" under Filing S-381 and move its Adoption.

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

Senate Amendment "A" (S-381) 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 Emerson of Penobscot, the Senate voted to remove from the Special Highway Appropriations Table:

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

An Act Concerning Gas Tax Refunds. (S. P. 150) (L. D. 327)

An Act to Revise the Law Relating to Motor Vehicle Operators' Licenses. (H. P. 618) (L. D. 759)

An Act to Provide Reimbursement for Snow Removal on Accepted Ways. (S. P. 311) (L. D. 906)

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 Emerson of Penobscot, the Senate voted to remove from the Special Highway Appropriations Table:

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

This being an emergency measure and having received the affirmative votes of 26 Members of the Senate, with 1 Senator voting in the negative, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

On Motion by Senator Emerson the Senate voted to remove from the Special Highway Appropriations Table:

RESOLVE, Providing for a Study to Reexamine the Location of an Additional River Crossing in the Town of Skowhegan. (H. P. 168) (L. D. 199)

Which 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 Emerson of Penobscot, the Senate voted to remove from the Special Highway Appropriations Table:

RESOLVE, Providing for a Study to Determine the Need for and Location of an Additional River Crossing Between the City of Bath and the Town of Woolwich. (Emergency) (H. P. 920) (L. D. 1128)

This being an emergency measure and having received the affirmative votes of 26 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.

Committee Report House

Leave to Withdraw

The Committee on Public Utilities on, Bill, "An Act to Prohibit Unreasonable and Unjust Fuel Charges from Being Passed on to Consumers." (H. P. 1333) (L. D. 1580)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Bill Substituted for the Report and Subsequently Passed to be Engrossed.

Which Report was Read.

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

Senator CONLEY: Mr. President, I move that the Senate Substitute the Bill for the Report.

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

Senator DEVOE: Thank you very much, Mr. President. Mr. President, I urge the Senate to accept the Committee Report, Leave to Withdraw.

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

Senator KATZ: I oppose the motion and request a Division.

The PRESIDENT: A Division has been requested.

Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, and Members of the Senate, the Bill or the Report before us, I think is a very interesting Bill and is one that I don't believe that the consumer of this State should have to pay for.

I certainly would like to get the Bill before the Senate so that it can be debated. Therefore, Mr. President, when the vote is taken, I would request a Roll Call.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, if my recollection is correct, there are 2 Bills on the same subject. The Committee decided to deal with the other Bill which is still in process in the House of Representatives. It was the Committee's position, I presume that the other was the more desirable draft, on that basis, I ask you to vote against the motion.

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

Senator TRAFTON: Mr. President, and Members of the Senate. There are indeed 2 Bills that were presented to deal with the Fuel Adjustment Charge, however, they take a very different approach in dealing with the charge.

Obviously from the action in the other Body, Members of the Public Utilities Committee have re-evaluated their original position on this Bill, because it went under the hammer unanimously to Substitute the Bill for the Report. I too, would urge you as the Senator from Cumberland, Senator Conley, has urged you to allow us to debate this issue fully. At least allow this Bill to be before this Body.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you, Mr. President. I would differ with the Senator from Androscoggin's comments. The Committee discussed this matter fully. The Committee voted that this subject was going to be covered by L. D. 1567, which is presently down in the House.

I discussed this matter with the House Chairman of the Public Utilities Committee yesterday. His explanation for what had happened was that the sponsor of the Bill didn't want the Bill killed in the House. That he wanted it to come down here and be killed down here.

It's contrary to the original agreement that we had in the Committee. It's not the first time that an agreement in the Public Utilities Committee reached after extensive discussion with all committee members has somehow come apart in the other Body. This is not the first time. It's the umpteenth time!

I'm sure the Senator from Androscoggin is well aware of this. I oppose the motion to Recede and Concur. It's contrary to the discussions which I believe the Senator from Androscoggin, herself was part of in the committee. It's game playing of the worst sort. Thank you very much, Mr. President.

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

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

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

The pending question before the Senate is the Motion by Senator Conley of Cumberland, that the Senate Substitute the Bill for the Report.

A Yes vote will be in favor of substituting the Bill for the Report.

A No vote will be opposed.

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

ROLL CALL

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

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

ABSENT—Danton, Hichens, Martin, Minowsky.

A Roll Call was had.

10 Senators having voted in the affirmative and 18 Senators in the negative, with 4 Senators being absent, the Motion to substitute the Bill

for the Report does not prevail.

The Leave to Withdraw Report of the Committee Accepted, in non-concurrence.

Sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on, Bill, "An Act Making Adjustments in the Basic Need Standards and Payment Maximums of the Aid to Families with Dependent Children Program." (H. P. 587) (L. D. 734)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-707).

Signed:

Senator:

NAJARIAN of Cumberland

Representatives:

PEARSON of Old Town

JALBERT of Lewiston

CARTER of Winslow

CHONKO of Topsham

DIAMOND of Windham

BOUDREAU of Waterville

KELLEHER of Bangor

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "B" (H-708).

Signed:

Sensors:

HUBER of Cumberland

PERKINS of Hancock

Representatives:

MORTON of Farmington

SMITH of Mars Hill

HIGGINS of Scarborough

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

Which Reports were Read.

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

Sensor HUBER: I move acceptance of the Minority Ought to Pass, as amended, by Committee Amendment "B" Report and would speak briefly to my motion.

The PRESIDENT: The Senator has the floor.

Sensor HUBER: The effect of Committee Amendment "B" on this Bill, would be to raise the AFDC Standards to the equivalent of one hundred and one percent of 1969 Standards of Need. It would further change to more recent standards mainly 1973 Standards at approximately 1/4 million dollars additional costs, which would bring the standards up to a more recent date. I think it would allow considerably greater public appreciation of where this program actually stands.

The standards if Committee Amendment "B" is adopted would be 67 1/2% of 1973 standards, and the total costs of the Bill would be \$2,782,500.

Report "A" would increase the standards to an increment of 7% of 1969 standards and would also change to 1973 standards bringing that percentage to 68.5% of 1973 Standards of Need.

The total costs of Report "A" would be \$455,000 more than the Minority Ought to Pass Report, as amended, by Committee Amendment "B".

I think given our financial situation despite the merits of the program, I simply feel the Committee Amendment "B" is what we can afford at this time, if in fact we can afford anything without in practice taking one account to maintain another.

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

Sensor NAJARIAN: Mr. President, I rise to oppose the adoption of Committee Amendment "B". As the Senator from Cumberland, Senator Huber has explained, Committee Amendment "A" allows for a 7% increase in AFDC Standards and those who signed that report thought that that was reasonable, because it follows President Carter's guidelines on

wages, etc.

These people have not had increases any where near 5%, some years they have not received anything.

I think that there is a lot of misunderstanding about this program and I would just like for the Record and for the members to give a few facts about the AFDC program.

There are roughly 19,270 families currently receiving income from AFDC. Over 40,000 children are involved here. The Federal Government pays 70% of each payment and the State 30%. The average size of families receiving AFDC payments is 3, one parent and 2 children. In fewer than 5% of all AFDC cases are there 2 adults, receiving the grant. The minimum length of time families receive AFDC payments is around two years. Over 30% of these families do not receive Food Stamps, that to me is incomprehensible, here are people living far below the poverty line and for some reason they have not been informed that they are eligible for Food Stamps. Only 10% live in Public Housing, only 10% of the 19,000 families have Public Housing available to them. So that means that all the rest of those families are paying current market rents for their housing.

Another thing, the US Department of Labor calculates that a 4 person family in Maine needs \$3,816. just for food, and \$4,155 per year for housing, including heating costs. In order to live at minimum decency that is a total of \$8,004. for minimum decency. O.K.

We pay a family of 4 current \$4,188 per year for housing, food and all their expenses. I do not think that the difference that divides these two reports at 6% and 7% is about as Senator Huber said \$400,000.

The need here is great. There has been a lot of dissatisfaction, a lot of public dissatisfaction with the AFDC Program, because they perceive a lot of cheating. I feel that that is the Executive Department's roll, they certify to us how many families are eligible and it is our responsibility to provide for those families. If there is fraud currently taking place, then it is up to the department, the Executive Department to take those families off the roll.

All we can do is give them the tools that they need to do that. We had one Bill on the Appropriations Table which would have provided 1 Attorney and 1 Investigator to investigate welfare fraud. They currently have over 1,000 complaints of welfare fraud which they do not have the manpower to investigate. My committee voted 7 to 4 to kill that Bill. That was the Bill to get the cheaters. That has not been funded. If we do not supply the Department of Human Services with the tools that they need to get people who are reputed to be cheating off the rolls then there is little else that we can do. It is our job to fund what is here adequately.

I have an amendment which I would like to offer rather than to see this thing go down the drain altogether, 2 amendments to offer. I hope that the Senate will be willing to compromise and that you have not taken a hard and fast party line on this position because we are talking about 40,000 children who would still be getting inadequate incomes even if we increase it to 10%. Thank you.

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

Sensor CONLEY: Mr. President, with the fear of sounding partisan I want to commend the Majority Party in this body for recognizing the needs in AFDC. I commend them because they have come a long way.

As I look at the report I notice that even one member from the other branch has joined the Majority in the signing of this report.

To simplify the measure we are talking about members of a family, of \$4. per month for a family of 4, \$4. per month—two gallons of milk. I would urge the Senate to support the Majority Report and defeat the pending motion and make it much easier for us all to get home a little earlier.

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

Sensor KATZ: Mr. President, to put things in their proper context. I am delighted to notice that the Democratic Party has now agreed with our Leadership, in accepting a change in the base year. It was hard for me to understand why the Democrats were so insensitive to the fact that going by 1969 standards was not the best thing in the world for mothers who were struggling with children who needed help.

We have voted to go to a 6% increase and changing the base year, because of the constraints of dollars. If the point of view of the proposed amendment which I presume sets it at 6 1/2% we'll be spending money that we just do not have, or at least we do not know that we have.

We have a very very real possibility of a loss of revenue sharing in the second year of \$8,000,000, we do not consider it prudent to spend the money when we do not even know we are going to have it.

We may very well have \$2,000,000 worth of obligations to Maine Indians if the Fed's do not take over the responsibilities for the Indian Tribes.

I think that it is not prudent for us to spend the money when we do not know whether we are going to have it or whether we will have to spend it out of pocket ourselves.

We will have responsibilities in the second year of this biennium connected with collective bargaining for State employees. There has been no provision made for that.

It is very very possible that our burden on school funding will require additional dollars in the second year, there is no provision for that.

I suggest that this budget is so darn tight that it is squeaking and compassion or not it is wrong to spend money that you do not have. A 6% increase although not acceptable to all of us is certainly the best compromise we have been able to understand and still retain some semblance of prudent money management during the session.

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

Sensor NAJARIAN: Mr. President, I would just like to speak a little bit about our current finances, I am getting a little tired of everybody crying poverty around here, and I just think that the Senate ought to know what we have available.

After we pass Part I and Part II, if we pass it, there will be \$29.7 million remaining.

If we pass AFDC at 7%, the Judges Bill; Pratt and Whitney Bill; the Retirement Study; and \$58,000 for Indian Housing; for \$4.5 million we will still have \$22,000,000 left. We could still do something about the Retirement System at 6.4 in the first year and still have about \$15,000,000 in the State of Maine.

I think that \$100,000 or two more in AFDC is much more important than \$100,000 additional to that Maine Veterans Home which I understand has been agreed upon, which they do not need and should not have, because they have not gotten their Certificate of Need yet. It is more important to put it into this kind of a program than into that.

Let's talk about priorities around here a little bit and about people's needs. I do not think that, you know, this could happen and that could happen.

Two years ago, I heard the same story. We did not have any money, we had to leave money in the till, we left here thinking that the \$6,000,000 leadership knew that there was \$9,000,000 had not been home two weeks there was \$12,000,000. We ended up giving a \$2,000,000 rebate, and having a \$30,000,000 surplus, to begin this year, I just do not want to see the same thing happen again. Thank you.

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

Sensor KATZ: Mr. President, the Senator from Cumberland, spoke so quickly and so

fluently that I think that what she was saying is that she does not intend to fully fund our legal responsibilities for making contributions to the Teachers Retirement Program, and that is the basis for saying that things are an awful lot rosier than they are.

I too, have some concerns about fiscal constraints, at the beginning of this session, I was already to seriously consider a Bill sponsored by the Governor to give \$22,000,000 worth of Homestead Exemption and now I find that we do not have \$22,000,000.

I was one of 5 Senators in this Body who voted against the distribution of that tax give away at the beginning of this session. Money that we very clearly could have used right now for all these programs that we are killing and human needs that are going unmet.

On the basis of the available funds I think that Republicans and Democrats could very well compromise on 6% and change the base year. I would predict that in the last analysis that is probably what we should do and what we will do.

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

Senator CONLEY: Mr. President when the good Majority Floorleader talks about our fiscal liabilities in the Teachers Retirement Fund and I am sure that that is an issue that we will be getting to a little later on down the day. We could take a look at the whole retirement fund, we know that we are \$800,000,000 short with respect to funding. So we do not have to pick away at that.

Again to put this in its proper perspective, we are not only talking about two gallons of milk, we can reduce it a little, it is five gallons of heating fuel for this winter, when people are going to be looking for some.

We are passing all kinds of energy relief measures, tax credits etc. I think that it is something that we should consider with respect to these people who have the toughest time in life.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of Accepting the Minority Ought to Pass, as amended by Committee Amendment "B", Report of the Committee, please rise in their places to be counted.

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

19 Senators having voted in the affirmative and 10 Senators in the negative, the Motion to Accept the Minority Ought to Pass, as amended, Report of the Committee in non-concurrence, does prevail.

The Bill Read Once.

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

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

Sent down forthwith for concurrence.

Enactors

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

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

An Act to Restrict the Use of Dealer Plates. (H. P. 406) (L. D. 510)

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

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

Papers from the House House Papers

Bill, "An Act to Revise the Tree Growth Tax Law." (H. P. 1566) (L. D. 1687)

The Committee on Taxation suggested.

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

On Motion by Senator Teague of Somerset, Tabled, until later in today's session, pending Reference.

Bill, "An Act Making Appropriation from the General Fund and Amending the Housing Mortgage Insurance Law." (Emergency) (H. P. 1563) (L. D. 1685)

Committee on Appropriations and Financial Affairs suggested.

Comes from the House, Passed to be Engrossed as amended by House Amendment "D" (H-722), without Reference to Committee.

Under Suspension of the Rules, the Bill Read Once, without Reference to Committee.

House Amendment "D" (H-722) 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.

Committee Reports

House

Ought to Pass

The Committee on Fisheries and Wildlife on, Bill, "An Act to Make Corrections and Clarify Provisions of the Inland Fisheries and Wildlife Laws." (H. P. 1564) (L. D. 1686)

Reports pursuant to Joint Order (H. P. 1399) that the same Ought to Pass.

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

Which Report was Read and Accepted, in concurrence.

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.

Senate

Leave to Withdraw

Senator Pray for the Committee on Labor on, Bill, "An Act to Require that Public School Employees Receive the Minimum Wage." (S. P. 353) (L. D. 1101)

Reports that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down forthwith for concurrence.

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

Communication

COMMITTEE ON LABOR

Sen. Joseph Sewall, President

Maine Senate

State House

Augusta, Maine 04333

Dear President Sewall:

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

Total number of bills received	116
Unanimous Reports	64

Ought to Pass	16
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Ought to Pass as Amended	9
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Leave to Withdraw	35
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Ought Not to Pass	4
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Divided Reports	52
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Sincerely,

ROLAND L. SUTTON

Chairman

Which Report 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

Non-concurrent Matter

Bill, "An Act Relating to Lending Institu-

tions and Selection of Title Attorneys." (H. P. 332) (L. D. 431)

In the House, June 13, Passed to be Enacted.

In the Senate, June 13, Failed of Enactment, in non-concurrence.

Comes from the House, that Body Insisted.

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

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

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

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you Mr. President. Mr. President, I oppose that motion and urge the Senate to Adhere.

The PRESIDENT: Is the Senate ready for the question?

The pending question is the motion by the Senator from Hancock, Senator Perkins that the Senate Recede and Concur, with the House.

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

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

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

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

The pending question before the Senate is the Motion by the Senator from Hancock, Senator Perkins that the Senate Recede and Concur.

A Yes vote will be in favor of Receding and Concurring.

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, Emerson, Gill, Katz, Lovell, Minkowsky, Najarian, Perkins, Pierce, Pray, Sutton, Teague, Trafton.

NAY—Carpenter, Chapman, Collins, Devoe, Farley, Huber, McBreairty, O'Leary, Redmond, Shute, Silverman, Trotzky, Usher.

ABSENT—Danton, Hichens, Martin.

A Roll Call was had.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I move Reconsideration.

The PRESIDENT: The Senator from Cumberland, Senator Conley moves that the Senate Reconsider its action whereby it voted to Recede and Concur.

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.

Non-concurrent Matter

Bill, "An Act to Increase Revenues Available to the Department of Inland Fisheries and Wildlife to Compensate for the Effects of Inflation on its Current License Fees and its Costs." (H. P. 1373) (L. D. 1600)

In the Senate, June 8, the Minority Ought Not to Pass Report Read and Accepted, in non-concurrence.

Comes from the House, the Bill, In New

Draft, (H. P. 1484) (L. D. 1671), Passed to be Engrossed as amended by House Amendment "C" (H-718), in non-concurrence.

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

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

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

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President and Members of the Senate: I wonder if someone might tell me what changes were made in this Bill, from the previous Bill that we voted on?

I know that in the previous debate there were mentioned we were going to have quite a lot of tightening up of the Department, they were going to chop funds here and there. After looking over the Committee of Conference Amendment the only place that I see that they chopped was 50¢ from the Town Clerks, which amounted to \$200,000.

If the Committee of Conference Amendment "C" is correct they reduced their entire budget from \$825,000 down to \$810,000. That is quite a reduction, about 2%. They took \$200,000 away from the Town Clerks from the original Bill, so maybe I am mistaken on this but I would like to have some clarification on it.

I see that the fees were changed over some, in the Bill, from the previous New Draft Bill that we were considering a couple of days ago. I see that the Resident Hunting License now only goes up 30%, the Junior Hunting License only goes up 30%, the Resident Combination Hunting and Fishing License only now goes up 30%. Then I see that the Non-resident Big Game License goes up 8%, and the Alien Big Game License that goes up 5%.

I wonder if this Committee had something against the residents in this State, as compared to non-residents? It would appear that way to me if these figures are correct.

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

Senator REDMOND: I would like to comment on the good Senator, Senator Shute, using those percentages. I am not much of a mathematician, however to put it simply, what we did the compromise was that we increased the resident's licenses by \$2 except the junior residents, we didn't increase them, or if we did we were supposed to increase them from \$1.50 to \$2. Junior residents 12 years old to 16 years old.

The non-resident is increased by \$5. In other words the resident who has a Combination License, his will be increased by \$4, \$2 for hunting, \$2 for fishing, in percentages well, I did not figure it.

This is supposed to increase the revenue, we have estimated by some \$800,000 and it will enable the Department of Fisheries and Wildlife to make both ends meet during 1980.

They are also planning to do some substantial cuts where it is possible, however this is why this Joint Study Order is on the calendar this morning, we hope to be able to do a study and see what course they will take with regards to their policy and so forth. So this is a very reasonable increase.

The Committee Bill we had increased the Town Clerk's fees by 50¢ to sell those licenses. In this we took that out, because there's another Bill we were hoping that with that other Bill the Town Clerk's would have been increased. I don't know what's happened with that other Bill. Thank you, I hope that you will vote for it.

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

Senator PRAY: Thank you Mr. President. Mr. President, and Members of the Senate: If we want to deal in statistics and percentages, the proposal that's before us today is really a 30% cut on what we were going to charge residents on the previous Bill as it came out of

committee. It's really a \$40 raise on non-residents to the proposal that came out of committee, depending on how you want to work the figures. I only bring that point to you to show you that when we talked about percentages, we can easily twist things around a number of ways.

One of the biggest issues that I deal with seems to be the County Budget. One of the biggest issues is pay raises, and continually addressing them on percentage bases. Usually when we do that after a while we kind of get a little bit of a disproportionment.

I stood here last week and opposed the license fee increase, based upon the fact that our revenues from that department, being dedicated revenues come basically 50% from the residents and 50% from the non-residents. It's my understanding of the compromise that has been worked out that the \$2 and \$5 is in keeping in line with that the overall figures with the dollars raised would stay somewhere within that perimeter or close to the perimeter of 50% coming from both segments of those who use that resource of Fisheries and Wildlife, and keep the department going.

Many of the sportsmen of the State of Maine desire to keep those revenues dedicated because as if they feel they have a better handle on the department. Since it basically is designed to promote and protect their interest in the Wildlife and the Fisheries of the State.

I think we also have to look retrospectively to what happened the last time we had a large increase vs. residents and non-residents. We increased the non-resident some \$14. A Bill which I voted against. We had a 30% decline in sales on non-resident licenses. To look at and to analyze that, what that means is that we have to take more money from Maine residents to make up that difference. If we continue to not try to keep some perspective on the increases on both sides of the balance we're going to end up having sometime to come back to the Maine residents and ask for a large increase to continue the funding of that department's dedicated revenues from those people who want to keep it dedicated.

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

Senator SHUTE: Mr. President and Ladies and Gentlemen of the Senate: I guess the Committee Amendment is a large increase for Maine residents. As I pointed out Maine residents give a much larger percentage increase in this new Committee Amendment than do out of State sportsmen.

Now the Maine residents go up 30%. When your non-residents go up 5, 8, 28, and 20%, it would indicate to me that Maine is getting the large share of the increase.

As far as the reductions in the Committee Amendment, I can only find 1 license fee in here that would have a reduction of over 30%. All the rest are very small, 10% or 5 or 10%. That's in the Junior Hunting License, age 10 to 16. Reducing Hunting Licenses from \$11 to \$9.50 is not a 30% reduction. Reducing the Junior Non-resident Licenses, that's an increase of 10%. Reducing the Resident Combination Hunting and Fishing Licenses from \$17 to \$16.50, that's not a 30% reduction. There are very few 30% reductions. There's only 1, as a matter of fact.

Where the big reduction came was \$200,000 out of the Town Clerks. That's where the department made their big cuts. They cut \$15,000 out of their own budget, and \$200,000 out of Town Clerk's money. So I would oppose the Motion to Recede and Concur and ask for a Roll Call, Mr. President.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate: There are many services mandated by the State of Maine to munic-

ipalities. This happens to be one of them.

Now if in the City of Lewiston, we were to handle about \$50,000 worth of licenses, Fish and Game or Combination Licenses at the present rate, this means an income of approximately \$2,500. This particular amount is not satisfactory, when you start taking into consideration municipal costs.

I don't think I'll be satisfied in voting on this particular Bill until I find out the status of the other Bill which will increase the Clerk's fees for handling these particular licenses of the Department of Inland Fisheries and Wildlife.

I just don't agree that all these mandates by the State of Maine for next to nothing in dollars is going to continue along these lines.

If you want us to handle these particular services for our local people, then you better make concessions of giving us adequate compensation to meet our operating expenses including salaries.

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

Senator SILVERMAN: Thank you, Mr. President, and Members of the Legislature. The approval of the wage contract by this Legislature imposed an annual financial obligation of \$725,000 on the department. No provision was made to fund the increase. Such provisions were made for General Fund Agencies, because of that whether we like to or not we have to properly fund the department. This vehicle, evidently will do that.

We can talk about percentages. I do not like to get into that area. It's \$2 for a resident and \$5 for a non-resident, and 40%, 50%, 60% don't exactly tell what it is. Its \$2 for a resident and \$5 for a non-resident.

If we were to up the non-resident higher, I would concur with the Senator from Penobscot, Senator Pray, we would be putting the department in a position where it could lose non-resident clientele. In turn force the residents to pay more to keep the department going. At this time I would say this is the best approach to keep the Fish and Wildlife Department financially sound. Thank you.

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

Senator SHUTE: I'd like to pose a question through the Chair to possibly somebody on the Business Legislation Committee, or the Committee that heard the Bill. I think it's the ICC Bill. It's my understanding from the lobbyists of the Maine Municipal Association that that Bill removes any increase fee for issuing hunting and fishing licenses, this Bill does also?

Could somebody on the Committee tell me if there is any provision in that Bill to provide the Town Clerks with any increase for providing this service?

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

Senator REDMOND: First of all I would like to clarify this matter. We are not reducing or eliminating the Town Clerk's fee to sell the license. It's remaining as it was, in this Bill. Perhaps someone else could clarify where the other Bill is, I don't know about that, but we're not eliminating that fee. That's going to remain as is.

Ladies and Gentlemen of the Senate, this is a rescue vehicle, designed to save our Fish and Wildlife Department from a financial disaster, that's just as certain as tomorrow is. Without the additional income, the Enactment of this Bill would provide the department to run through 1980 and meet its payrolls. This has been ascertained by Mr. Rodney Scribner, and confirmed by him.

Actions to assure the department of adequate operation funds is the responsibility of the Legislature. We cannot postpone it until next year. Letting it go would guarantee that the department would go broke. The need for new funds becomes much clearer if you compare the situation with your own living expenses.

The Legislature set up a license fee schedule

in 1976. It produces a fairly steady amount of income to the department each year. However, as we know inflation since '76 has been running at about the rate of 10% each year. While the department's annual income remains essentially unchanged each year.

The department has trimmed its budget in an effort to keep pace with inflation, but there's a breaking point. The new wage contract brought that breaking point from the future to the present. The approval of that wage contract by this Legislature imposed an annual financial obligation of \$725,000 on the department, but no provision was made to fund the increase. Such provisions were made for General Fund Agencies.

Some examples of costs incurred are as follows:

A Warden I will receive a total of \$4,137.64 in additional pay during the coming fiscal year.

A Biologist I will get \$2,496 additional pay.

A Clerk I the same. Similar increases were enacted for other positions in the department, which incidentally has 10 fewer permanent employees now than in 1975.

In the recent years the department has held \$1,000,000 in reserve. This is not a surplus, as some people view it, but a Contingency Fund to be used in the event of a woods closure, such as occurred in 1947 Forest Fire Disaster. Losing the sale of Hunting Licenses caused the department to run out of money. They had to borrow from the Governor and the Executive Council to pay the bills. We don't want this to occur again.

\$1 of the license fee under the new schedule would have been for the agent which already gets 50¢. I think I've made that clear.

The need is now. It can't wait. To postpone or ignore this request for an increase in income would be completely irresponsible. We'd put the Fish and Game Department on a collision course with financial disaster. I hope that we'll recognize the urgency of this situation, face up to our duty as responsible legislators and approve the passage of this Bill.

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 and Members of the Senate: In talking with people about this Bill, I suspect that perhaps this is a measure we are going to pass today. However, I find it interesting what nomenclature can do for you. If you think of the word skunk, you think in a certain direction; if you think of castor oil, you think in a certain direction; If you say the word compromise, you think in a certain direction. All of a sudden something that's bad, becomes O. K.

I don't think this bill is O. K. All of us on the record make comments, some of them we'd like to forget, some of them we'd like to remember, but they're carved here for us in the Legislative Record, so that people can sometimes chide us with the things we say. Once in a while we can look back at the Record and perhaps we said something that was meaningful.

When we debated the great Moose issue earlier this year, in the Senate on March 23, 1979, I made a few brief comments. This is probably one of the few times I care to quote myself. But I think perhaps I had a premonition then of what was going to happen. It's come true here in the last few days. I can just quote from the record: "I feel that I would like to make at least one comment about this Bill. I make it

mainly because this is going to be 1980 and I may be here to raise the question next time, and I may not. But at least I want to put in the Senators' minds, to tuck away and think about sometime in the future for those who are here. That is, that I suspect that the Department of Fisheries and Wildlife is going to get somewhere between \$300,000 and \$500,000 dedicated revenue as a result of this Bill.

In the Bill we have only required them to use \$85,000 for Moose Management. I mention that only in that I would hope that the Senators would keep in mind that obviously you'll have some hard figures on exactly how much they did get. But I would hate to see them go back to the Legislature for more increase in various hunting fees, fishing fees, and whatever. I hope that the Senate will take a long hard look at the exact dollars that this bill does give them because it obviously, I think, is going to be considerable.

They are dedicated funds. I think the Senator from Waldo raises a legitimate question, because I am sure that one of the arguments that the Department would have to keep the bill going. I do want only to put that question in your minds. So that perhaps in the future, sometimes when Bills are appearing to increase fees and so forth, you would take a long hard look at them."

Well it didn't take until 1980. Lo! and behold the department has come up with one much quicker than even I imagined that they would. There is no doubt in my mind at this point that the department does need some revenues. There is also no doubt in my mind that the department has had some darn poor management over the last few years or few months. I don't envy Commissioner Manuel what he has inherited.

I think for us at this point to put together some quick license increases is a real mistake. I think most of us when we defeated this original Bill thought so. It's not the correct way to approach it.

So what did we do? That Bill didn't pass. so they got together what they call a compromise. Junior Non-resident Fishing License up 125%. What the compromise really amounts to is that they put the wood to the Town Clerks and to the out of staters. A little less burden on the residents.

There are 88,000 people who bought Resident Hunting Licenses last year. There's 90,000 of our people who bought fishing licenses last year. They're probably going to grumble a little bit when they have to pay an extra \$2 for a license if we pass this. I don't blame them for that, but the fact of the matter is we still haven't solved the problem.

Everyone involved says what we need is a study and get some long-term funding and really solve this problem. Half our revenues come from out of staters. I remember the last time we raised the increases. We've got a pretty good price tag now on hunting and fishing non-resident licenses. If you all remember, there was quite a turmoil. There were a lot of letters to the editor. There were a lot of complaints.

Now we're going to raise them again. Mostly only by \$5, \$5.50, or whatever. \$65.50 now for a big game non-resident license. Maybe it's this \$5.50 and maybe it's the \$5.50 you're going to tag on when you're going to have to get more money next year. Sooner or later there's going to be the straw that breaks the camel's back. When Maine continued to get that reputation of putting it to out of Staters, and you combine this with the gas problem we're going to be having. I think it's darn poor long-range planning.

I submit that we have a new Commissioner. We have an awareness for the first time that there's a serious problem. We didn't know this 3 months ago. I think it's incredible that we didn't, that speaks for itself, that we didn't know not only do we have a problem, now they

say we have a dire problem, but 2 or 3 months ago, nobody even mentioned it.

They say well, have a study. I think that's the exact thing we should do is get that new commissioner to look at that department. I have every indication that he's very capable of doing that. Get the people who are concerned. Get the Legislators who are now aware of this problem, put them together and come back with a solution in January. I think it will have wholehearted support from nearly everyone in the Legislature.

I think the answer is to tack \$2 on now to our resident people. Come back in January. Say well this didn't answer our question. Let's tack \$2 more. Just ask yourselves what your people back home are going to say. They want to pay \$2 more this year. They want to pay \$2 more next year. If they're going to pay \$4 then I submit we ought to charge them the \$4 and do it in one full swoop.

If this is the answer that you think we should be making for this problem, then you can pass this Bill today. But I really think that a few months in the department doesn't go into any kind of deficit until almost mid next year. If you really think that this solution thrown together in the guise of a compromise is the right one, then you'll vote for this today. I would just submit that a more thoughtful solution should be worked out over the next few months, and a final answer found when we come back here in January.

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

Senator USHER: Thank you, Mr. President. Mr. President and Members of the Senate: I agree with many comments from the good Senator from Kennebec, Senator Pierce, but I was involved in this so-called compromise.

After listening to Rod Scribner, who I have a great deal of admiration for, the major concern was the second half of the fiscal year. Maybe we will have enough money to finish this fiscal year. But the second half we'll be operating in the Red for 6 solid months. Is this good management?

I agree with the select study committee. Maybe we can come up with some alternatives. But the alternatives won't even be put before the Legislature until next year. Next year's licenses they have to be printed this year. As a matter of fact they go out at the end of this month to be printed, to go out to the bidders.

So we're in a bind. We might have enough money to finish this fiscal year, but there's 6 months from July until the end of December of next year, we're going to be operating in the Red.

I agree with good management. But how can you do it with 6 months? This compromise is only a \$2 increase. It's about the lowest we could agree on. \$2 and \$5, I know many are discussing percentages, but what they take out of their wallet to pay their clerk is not percentages. They pay dollars. \$1 or \$2 more or less, not percentages. This is what they can accept the best.

I have changed my stance to agree with this compromise. I would hope that the rest of the Body would agree and go along with it.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Washington, Senator Silverman.

Senator SILVERMAN: Mr. President and Members of the Senate: I don't know what's happening in Republican Ranks, but when a Majority Republican Party Floorleader gets up and says we are going to run a department with the possibility of going into the Red. I question the fiscal responsibility.

Now it's very easy to sit on the Fish and Wildlife Committee for 5 months, and say we need a study. It was 4 years ago that I was part of a study for the Fish and Wildlife Committee. We studied it for one term. The final conclusion, and I'm quite certain it's in the record

somewhere was that either we have to continue to up the license fees to keep the department solvent or we have to put the department on the General Revenue Fund.

Now if the Majority Floorleader of the Republican Party wants to put the Fish and Wildlife Department, give them a percentage, at that time I think we said 10%, \$600,000, if he wants to put them and take funds away from the General Fund which we've been hearing they don't have to start with, if he wishes to do that, then why doesn't he submit a Bill to that effect.

I've said it and this is the third time, \$725,000 has to be raised by the department, when everyone of you here voted for a wage increase, which you did. When you voted that, you voted that you had to also raise the money to pay for it.

Now when you vote today on this Roll Call vote, you're going to show whether you voted to spend the money and then couldn't vote to raise the money. You want to take that back home to your constituents. As far as I'm concerned, I voted to spend the money because those wages were justified. Now I'm willing to vote to raise the funds to pay the Bill. Thank you.

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

Senator EMERSON: I don't intend to muddy the waters, but I think I'm going to. Yesterday we passed L. D. 240 through here which was an increase for fees for Municipal Clerks. We increased hunting and fishing licenses by 50¢. My question is to the Chair, which one of these Bills would take precedent, in case we enacted both of them?

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

Senator REDMOND: Mr. President, in answer to the good Senator from Penobscot, the Bill that we passed yesterday is the one that will raise the fee for the Town Clerks by 50¢ because it's out of this amendment. It's not included in this Bill. There's nothing here for the Town Clerks.

As far as this Bill is concerned, the Town Clerks remain the same as they were in the past. So with the 50¢ increase in that other Bill, then that would take care of the Town Clerks.

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

Senator PIERCE: Mr. President and Members of the Senate: I must confess if nothing else from the debate, I have learned that the all-wise Senator from Washington served for 1 term on the Fish and Game Committee, if nothing else I now know where the problem we face today began.

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

Senator SILVERMAN: Coming from Washington County, I can't pass that one up. I did not serve on the Fish and Game or Wildlife Committee. I served on the Performance Audit Committee. We were to audit all departments to see their problems. We found the problem in the Fish and Wildlife Committee was that they were being underfunded. There was no other source of revenue, because the license fees were reaching their plateau that people were going to start rebelling.

Therefore, we suggested that the General Fund would be the other source to gain money for the department. That, of course, was not approved and because of that it's still a problem today. Get away from the wise cracks and the words. That department is going to need more funds in the future. If the Moose Bill provides it everything will be taken care of. If it doesn't, watch the General Fund.

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

Senator COTE: I would just like to bring out one point. I don't know if they were underfunded or were they overspending?

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

Senator REDMOND: Just before we take a vote on this, I would like to reassure all the members of the Senate that this is no joke. I have in my hands here a graph that was prepared by the courtesy of my son who is an economist. He worked through the Office of the Commissioner of Finance and the Business Manager of Fish and Game.

What we have here is a need for increasing the fees. If we do not increase the fees in 1980, by May 1980 the Department will be at a zero level with no reserve or anything. It keeps on going down operating in the red to the point that where in June of 1981 it is going to be over \$2,000,000 in the red.

This is something that I would like you to keep in mind, and we should, it is our responsibility to take care of this problem because we have mandated them to pay that wage increase and inflation dictates us to keep pace with what is going on.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the Motion by the Senator from Somerset, Senator Redmond that the Senate Recede and Concur with the House.

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Carpenter, Chapman, Clark, Collins, Conley, Devoe, Emerson, Gill, Hichens, Huber, Katz, Lovell, McBreairey, Najarian, O'Leary, Redmond, Silverman, Teague, Trafton, Trotzky, Usher.

NAY—Ault, Cote, Farley, Minkowsky, Perkins, Pierce, Pray, Shute, Sutton.

ABSENT—Danton, Martin.

A Roll Call was had.

21 Senators having voted in the affirmative and 9 Senators in the negative, with 2 Senators being absent, the Motion to Recede and Concur 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 the Senate voted to Recede and Concur with the House.

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

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion does not Prevail.

Sent forthwith.

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

Senator KATZ: Mr. President is the Senate in possession of L. D. 1686, "An Act to Make Corrections and to Clarify Provisions of the Fish and Wildlife Laws?"

The PRESIDENT: The Chair would advise the Senate in the affirmative.

Senator KATZ: Mr. President I move that we reconsider our action under Suspension of the Rules, whereby this Bill was Passed to be Engrossed.

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

On Motion by Senator Katz of Kennebec, the Senate voted to Reconsider its Action whereby Bill, "An Act to Make Corrections and to Clarify Provisions of the Fish and Wildlife Laws" was Passed to be Engrossed.

Senator KATZ: Mr. President, I am going to move that this Bill and all its accompanying papers be Indefinitely Postponed.

The House neglected to put a couple of amendments on this morning. It is absolutely essential that we get the Bill down to them at once for a proper Amendment, this is the fastest way we have agreed we can get it down.

On the other hand there is a certain amount of jeopardy in this action, and I want the Senate to know before it pursues it, because the motion to Indefinitely Postpone repeals all the actions of this Legislature in Fish and Game particularly the Moose Hunting Season. I feel that we should get on the Record some kind of a commitment from the ring leaders or those who faught to protect this noble beast before the Senate votes to Indefinitely Postpone, even on a procedural basis.

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

Senator CONLEY: A funny thing happened to me on the way to the Senate this morning, and I have been awaiting this all morning long.

It is probably the shortest Moose Hunting Season that we have ever had.

I assume that all of the I O U's that some of the Senators may have had at the time that the Moose Bill was around have probably paid off, so there are no debts hanging out.

To confer with the Majority Floor Leader I agree that I will support the motion to Indefinitely Postpone and also vote for the Bill when it comes back for Enactment.

The PRESIDENT: Is it the pleasure of the Senate that this Bill be Indefinitely Postponed? It is a vote.

Sent down forthwith for concurrence.

Committee Report Senate

Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act to Reduce the Minimum Public Utility Monthly Electrical Charge to \$2 and to Prohibit the use by Electrical Utilities of an Estimated Meter Reading as a Basis for a Customer Bill." (H. P. 1193) (L. D. 1444) have had the same under consideration, and ask leave to report: that the Senate Recede from its action whereby it Accepted the Ought Not to Pass Report "B" of the Committee; Read the Bill Once; Read and Adopt Conference Committee Amendment "A" (S-387), Submitted herewith; and Pass the Bill to be Engrossed, as amended by Conference Committee Amendment "A";

That the House Recede from its action whereby it Passed the Bill to be Engrossed, as amended by Committee Amendment "A" (H-383); Recede from its action whereby it Adopted Committee Amendment "A" and Indefinitely Postpone same; Read and Adopt Conference Committee Amendment "A" (S-387), Submitted herewith; and Pass the Bill to be Engrossed, as amended by Conference Committee Amendment "A", in concurrence.

On the part of the Senate:
Senators:

DEVOE of Penobscot
EMERSON of Penobscot
FARLEY of York

On the part of the House:
Representatives:

DAVIES of Orono
LOWE of Winterport

Which was Read and Accepted.

Sent down forthwith for concurrence.

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

Communications HOUSE OF REPRESENTATIVES

June 14, 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 Joint Order relative to adding a New Joint Rule 6-A (S. P. 359).

The House also today voted to Adhere to its

former action whereby the Chair Ruled that 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) was in violation of Joint Rule 35.

Respectfully,
EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

COMMITTEE ON HEALTH AND INSTITUTIONAL SERVICES

June 8, 1979

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

The Committee on Health and Institutional Services is pleased to report that it has completed all business placed before it by the first regular session of the 109th Maine Legislature.

Total Number of Bills Received in Committee	89
Unanimous Reports	
Ought to Pass	15
Ought to Pass as Amended	28
Ought to Pass in New Draft	0
Ought Not to Pass	3
Leave to Withdraw	24
Divided Reports	18
Total Number of Amendments	42
Total Number of Drafts	1
Bills Carried-Over to the 2nd regular session of the 109th Legislature	1

Sincerely yours,
Senator BARBARA A. GILL
Chairman

Which was Read and Ordered placed on file.

Order

An Expression of Legislative Sentiment recognizing that:

The State Law Librarian and the personnel in the Law and Legislative Reference Library have provided the Professional expertise, dedication and enthusiasm that has made this session a success. . . . (S. P. 631) is presented by Senator Collins of Knox.

Which was Read and Passed.

Sent down forthwith for concurrence.

Enactors

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

Emergency

An Act to Expand the Authority of the Maine Turnpike Authority to Convey Interests in Land. (S. P. 618) (L. D. 1680)

This being an emergency measure, and having received the affirmative votes of 27 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

An Act to Establish Special Retirement Provisions for CETA Employees. (S. P. 268) (L. D. 809)

Comes from the House, Failed of Enactment.

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

Senator LOVELL: Mr. President and Ladies and Gentlemen of the Senate: This was a Committee of Conference Report, of 3 Senators and 3 Representatives. We came to agreement and we put the amendment on the Bill which passed the Senate without any problem. Then it went over to the other body and I understand the Chairman or the first named in the other body was not present so consequently it Failed of Enactment because it had no one to debate for the Committee of Conference.

Now this Bill doesn't cost the State one cent. The employee pays 6½% on the CETA Program after the first year. Then the employer pays 14% which in most cases will be the Federal Government, if it is the Town that is employing the person then the Federal Government will pay the 14% to the program, the Retirement Program.

Now the CETA employees have no other pension or no other form that they can use for Retirement purpose at a future date. Now many CETA employees are in a course of training and in that course of training they go into in many cases into State employment and will continue on and then after they get into State employment why they will pay and the State will pay. Until that time it costs the State nothing so I would like to Enact this. Mr. President, we Enacted it last time didn't we?

The PRESIDENT: The Chair would answer in the negative, not this Bill.

Senator LOVELL: Well I would like to see this Enacted here, sent back to the other body, and I feel sure that if the Chairman of this Conference Committee is there to debate the Bill, which we came to an agreement on the 6 of us, I am sure that it will get through the other body.

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

Senator MINKOWSKY: Mr. President. One question that I would like to pose through the Chair to the good Senator from York is, if it is not costing the State of Maine any money for our CETA employees, how much is it costing the Federal Government for these CETA employees, which is paid for through the taxpayers?

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

Senator LOVELL: Mr. President. In answer to the good Senator from Androscoggin. If a town employs a CETA person or if a police department or any department then the town pays the 14% to the Retirement Program, then they collect it back off of the Federal Government.

Now there are 120 CETA employees in the State of Maine, that want to get on this program as I understand it. Senator this is the very very nice lady from Cumberland, Senator Clark's Bill and maybe she is a little better informed on it than I am, all I did was listen to it, let her answer the question.

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

Senator CLARK: Thank you Mr. President, and Members of the Senate: I would attempt to respond to the inquiry by the gentleman from Androscoggin, Senator Minkowsky, in that there are currently 120 CETA enrollees in State Government, 738 at the other levels of government, whether they be State, County or Municipal or Private Non-profit.

There will be no cost to the taxpayers of this County which does include the Taxpayers in the State of Maine, quite naturally, unless those CETA enrollees become regular employees of whatever level of government they become regular employees in.

The Committee of Conference Report simplifies the buy back provisions, there will be no employer contributions and no employer contributions would be made until the CETA enrollees has been hired as a regular employee of the agency in question.

Therefore there is no retrieval of any employer contributions, so there is no danger of any precedent set here. I simply add that because there was a concern that had been previously expressed by a member of this Body and that issue had been debated in the other chamber. There is no pass through CETA funds for employee contributions this is through local governments.

The Committee of Conference Report includes language strengthening the prohibition of

using any but CETA funds for the employers contributions.

This has been supported by the Maine State Retirement System, and we have a memo here, from Mr. Blodgett who is the executive director of the Retirement Division, which re-emphasizes his support of the measure. I would hope that we also would Enact this this afternoon, and pass it down to the other body and perhaps they will see the error of their ways.

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

Senator HICHENS: I ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion to Enact this Bill, 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 5 Senators in the negative the Bill Fails of Enactment, in concurrence.

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 this Bill Failed of Enactment.

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

Will all those Senators opposed, please say No.

The Chair recognizes the Senator from Cumberland, Senator Clark.

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

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President I withdraw my request for Reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Katz, requests Leave of the Senate to Withdraw his motion to reconsider.

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

It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I move that all matters previously acted upon be sent forthwith.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that all matters be sent forthwith under Suspension of the Rules.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, it seems that this matter has not been disposed of, I would move reconsideration, and request a Roll Call.

The PRESIDENT: The Chair would advise the Senate the priority motion is Suspension of the Rules, which is not debatable.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I object to Suspension of the Rules.

The PRESIDENT: The Chair will order a Division.

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

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

16 Senators having voted in the affirmative and 13 Senators in the negative the Rules are not Suspended.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you, Mr. President. Mr. President, I would make an inquiry to you, does L. D. 809 as amended by Committee of Conference "A" still carry an emergency pre-

amble?

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

Senator CLARK: Mr. President I move that this be tabled until later in today's session.

The PRESIDENT: The Chair would advise the Senator that the matter is no longer before the body.

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

Orders

On Motion by Senator Huber of Cumberland, ORDERED, the House Concurring, that Bill "An Act to Provide a State Income Tax Credit for Installation of a Wood Stove," H. P. 851, L. D. 1051, be recalled from the legislative files to the Senate. (S. P. 632)

Which was Read and Passed.

Sent down forthwith for concurrence.

On motion by Senator Huber of Cumberland, ORDERED, the House concurring that Bill, "An Act to Provide Personal Care Assistance Services to Enable Persons with a Severe Physical Disability to Work" (H. P. 974) (L. D. 1242), be recalled from the legislative files to the Senate. (S. P. 633)

Which was Read and Passed.

Sent down forthwith for concurrence.

Orders of the Day

The Chair laid before the Senate Bill, "An Act to Revise the Tree Growth Tax Law." (L. D. 1687) tabled earlier in today's session, by Senator Teague of Somerset.

Under Suspension of the Rules, the Bill Read Once, without reference to Committee.

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

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

Senator TEAGUE: Mr. President I present Senate Amendment "B" to L. D. 1687 under filing Number S-392 and move its adoption.

The PRESIDENT: The Senator from Somerset, Senator Teague, now offers Senate Amendment "B" to L. D. 1687 and moves its adoption.

Senate Amendment "B" (S-392) Read.

The PRESIDENT: The Senator has the floor.

Senator TEAGUE: Mr. President, all morning long I have been hearing fiscal responsibility. The new Bill 1687 is not fiscally responsible it is a short fall of \$545,000 and if you want to break this down a little bit the 35% equals \$525,000 in the first year and the grand-fathering in is \$150,000 making the first years Total \$675,000.

The second year the 50% figure is \$750,000 and the grand-fathering clause in is \$870,000 if we add those two figures together we have \$1,545,000. It is a short fall in the Governor's Bill of \$545,000.

Senate Amendment "B", if you will turn to that it addresses this problem.

For the tax year 1979 there should be only \$400,000 which the State Tax Assessor shall pro-rate from the tax year 1980. There shall be \$600,000 available which the State Tax Assessor shall pro-rate in the second year of the biennium. I hope that you will all support this amendment.

Senate Amendment "B" Adopted.

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

Sent down forthwith for concurrence.

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

On Motion by Senator Pierce of Kennebec, recessed until 3 o'clock this afternoon.

On Motion by Senator Pierce of Kennebec,

recessed until 3 o'clock this afternoon.

(Recess)

(After Recess)

The Senate called to order by the President.

(Off Record Remarks)

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

Papers from the House

Joint Orders

Expressions of Legislative Sentiment recognizing that:

The Portland High School Bulldogs have won the 1979 State Class A baseball championship . . . (H. P. 1577)

June 16, 1979 marks the 50th wedding anniversary of Christine and Lawrence Damren of Belgrade . . . (H. P. 1576)

The Oak Hill High School Drama Club, coached by Bob Fuller, was selected as a finalist in the One Act Play competition for 1979 . . . (H. P. 1575)

The Lisbon High School Greyhounds have won the 1979 State Class B Baseball Championship . . . (H. P. 1574)

Mrs. Helen Jewett, of Pittston, served with distinction as Pittston's Tax Collector and Treasurer for 13 years . . . (H. P. 1573)

Rachel M. Lebrun, Joseph A. Kane, Celeste R. Provencher, Margaret T. Berard, Daniel P. Landry, Jeffrey S. Corkburn, Patricia A. Morin, Mary Ann Bourke Clancy, having demonstrated outstanding academic achievement, graduate in the top 10 of the Class of 1979 at Sanford High School . . . (H. P. 1572)

James Higgins, President of the Class of 1979 at Sanford High School has had a distinguished academic career . . . (H. P. 1571)

Come from the House, Read and Passed.

Which was Read and Passed in concurrence.

Papers from the House

Joint Resolution

In Memoriam WHEREAS, the Legislature has learned with deep regret of the death of those passengers and crew who lost their lives in a tragic air crash in Knox County on May 30, 1979 . . . (H. P. 1578)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

Joint Resolution

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND SEVENTY-NINE

JOINT RESOLUTION

RECOMMENDING THAT TAXI SERVICES BE ALLOCATED 100 PER CENT OF THEIR 1978 FUEL ALLOCATION

WHEREAS, due to the apparent shortages of gasoline, producers, suppliers and distributors have determined an allocation system based on a percentage of the fuel to users in 1978; and

WHEREAS, because they are considered vitally important to the State, certain users, among them farmers, truckers of fresh produce, loggers and mass transportation, have been allocated 100 percent of their 1978 allocation; and

WHEREAS, taxi services perform an equally vital function for the State, providing the only form of transportation for people who do not drive, in areas not served by mass transportation, and, frequently, in emergency situations; and

WHEREAS, the Governor and the Director of the Office of Energy Resources, through a fuel allocation program or the state set-aside program, may have authority to help alleviate

this situation; now, therefore be it

RESOLVED: That we the members of the 109th Legislature, on behalf of the people of the State of Maine respectfully recommend and urge gasoline producers, suppliers, distributors, the Governor and the Director of the Office of Energy Resources to use every possible means to ensure that taxi services are supplied with 100 per cent of their fuel allocation of 1978; and be it further

RESOLVED: That suitable copies of this Resolution be prepared and be transmitted by the Secretary of State to the Governor, the Director of the Office of Energy Resources and the Maine Petroleum Association. (H. P. 1579)

Comes from the House, Read and Adopted.

Which was Read.

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

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

SENATE REPORT — from the Committee on Election Laws — Bill, "An Act Relating to Political Fundraising by State Employees" (S. P. 270) (L. D. 811) Majority Report — Ought to Pass; Minority Report — Ought Not to Pass

Tabled—April 17, 1979 by Senator Pierce of Kennebec.

Pending—Acceptance of Either Report.

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

Senator PIERCE: Mr. President, I'd move the acceptance of the Ought Not to Pass Report, and speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator PIERCE: Mr. President and Members of the Senate: To refresh your memories, this is a Bill relating to Political Fund Raising by State Employees.

When this Bill first came out of Committee, it came out of Committee with a 12 Ought to Pass Report and 1 Ought Not to Pass Report, I was on the Minority Report. As it was about to start through the process, came our problems with the whole State Employee pay issue. I think most of us, no matter which side of the issue we were on, felt that that was not the proper atmosphere to deal with this Bill, because really they shouldn't be connected in any way. They're completely separate issues.

This is not a new issue. It's been around the Legislature for sometime. I know there are people on both sides of the issue that feel very, very strongly and I suspect will carry the debate here today on it.

I signed the Ought Not to Pass Report primarily to be consistent with the position that I had taken last session in opposition to this Legislation. I have no strong feelings about the Bill one way or the other. I do not think it's an earth shattering Bill. Whether it's Enacted or not Enacted, I don't think that not only am I not excited about it, I don't think basically that most State Employees are excited about it.

I had not supported the Bill in the past for some of those reasons. Also I felt that maybe in some instances, after talking to State Employees, I found that they felt a little edgy about having a supervisor or people who worked with them, maybe put the bite on them. While issuing no direct pressure, there was always that little innuendo there. Should they give or shouldn't they give? Even though this bill provides for this solicitation of Political Fund Raising to be not during working hours, if your boss asks you for a donation to somebody's campaign I think there is a little pressure there that maybe would make some people feel uncomfortable.

That was the basis that I've opposed the Legislation, both this session and last session. I do just want to make it clear, that it certainly has absolutely nothing to do with any of the issues that have faced us concerning State Employees this year.

I think we're fortunate in Maine to have Bureaucracy which leans more on the professional side than it does to be on the political side. I guess I'm happy to keep them that way, I think most of them are happy to stay that way. To further involve them in the political process in this type of Legislation, I don't think really is that beneficial to them. As I say I'm sure there's people who feel very strongly about this issue on both sides. I just wanted to let the Senate know why I signed the Minority Report on this particular Bill.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreaity. Senator McBREAIRTY: Mr. President and Honorable Members of the Senate: I would hope that you would not accept the Ought Not to Pass Report.

I guess I'm going to give my reason for co-sponsoring this Bill. Several weeks ago we voted on a State Employees Contract. That contract had a clause in it that would have forced State Employees to join the Union or pay 80% of the dues. It wasn't easy for me to vote against that contract, just because of that clause, but I did so because I felt strongly that those people should have the right to choose whether they joined or paid 80% or not.

I co-sponsored this Bill for the same reason, I feel that Maine State Employees should have the same rights as other people have as far as fund raising for political reasons.

This Bill lifts the restriction on solicitation of funds for political purposes for State Employees. State Employees now cannot solicit funds from any person for any political purpose. They are the only group of individuals so restricted. Teachers, municipal employees may solicit funds for political candidates, parties and causes. I believe employees at the University of Maine can't solicit funds.

The Bill will not lift restrictions preventing State Employees from coercing subordinates or fellow workers into contributing to any political party, candidate, or purpose, 5 MRSA, 679A continues to prevent this. The Bill continues to prevent State Employees from soliciting funds for a political purpose while on State time, State property or by using State facilities.

I guess I've given you my reasons why I co-sponsored the Bill and why I'm going to vote for it. I believe that they should have the same privileges that these other groups. School Teachers in the State of Maine have authority and the right to solicit. I consider our Teachers, State Employees because half the funds for their pay comes from the General Fund. So if they're allowed to do this, I can't see why other employees are not allowed the same privilege. Thank you.

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

Senator NAJARIAN: Mr. President and Members of the Senate: I really appreciate the sensitivity of Senator Pierce, in not wanting to make State Employees feel uncomfortable by passing this Bill.

When the Bill was originally tabled, he told me that the reason that he was going to do the tabling was because he wanted to recommit it to the Committee and make it a Unanimous Report. So I can confirm that the statement that he has just made this morning, that he doesn't care one way or the other about the bill, because he's been on both sides already.

I don't want to repeat what Senator McBreaity has said, but it's just really to me ridiculous to not give unclassified State Employees this right, when it is held by classified employees, University employees, teachers, municipal employees, etc. The one thing, the one restriction that I think has no rational reason is the fact that classified State Employees cannot even participate in fund raising for County or Federal Elections.

Now I can't see any reason why State Employees should not be able to raise funds for

Senator Cohen's reelection, Senator Muskie's reelection. I can't understand any conflict there, or for a Sheriff of Kennebec County, Cumberland County, or whatever, if they choose to.

I just think that the Legislature is being too paternalistic, too protective of the State Employees, which they are not doing for any other employees in the State. I don't want to have to in the Senate this morning start quoting some of the statements made by Senator Trotzky, or Senator Collins on the rights of the Minority, the statements that they made under the fair share. But I will if I have to, because they are a minority now.

If there is any danger of coercion, it certainly exists now when you have Unclassified employees who are political appointees, essentially not subject to this same restriction. I think it's time we stop treating our State Employees as little children and start recognizing that they are citizens of the State of Maine. That all we have to do is read the newspapers to know that they are not politically naive etc., etc., and give them this right. Thank you.

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

Senator TROTZKY: Mr. President and Members of the Senate: First thing, State employees are not second class citizens. They have the right to vote and they have the right to contribute as individuals to a political campaign. What this bill is going to do, if passed, it will allow Public Employees Unions to mount major financial efforts to oust those candidates for the Legislature who have not capitulated to their demands.

I contend that it's unhealthy for the taxpayer of the State of Maine. It's also unhealthy, this Bill, for the Senator from Penobscot.

The passage of this Bill will set up a very interesting system. It's symbiotic relationship between certain Legislators and the State Employee Unions. The way it works is that the State Employee Unions contribute to the Legislator. The Legislator turns around and votes for the State Employee Union. The Legislator is reelected, more financial support. It keeps going in this cycle. Up and up and up and up. Who pays for it? The taxpayer of the State of Maine.

So I feel again that this is unhealthy for the taxpayer of the State of Maine to pass this Bill.

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

Senator PRAY: Thank you, Mr. President, Mr. President and Members of the Senate: During our short break a few hours ago, I had the opportunity to go outside and enjoy a little bit of that beautiful day we've got out there. Noticed that an awful lot of windows are open in the State House and the Office Building. So I would take it that our State Employees are not out enjoying the beautiful day, probably hard at work.

The Bill was explained by the Senator from Kennebec, Senator Pierce. Kind of left me with an impression which was not that of my understanding of the Bill. As has already been pointed out, I think all this legislation does is bring on line a segment of our Public Employees with the rest of our Public Employees. Those have already been pointed out as the municipal, county, other State Employees, Teachers, and University Employees.

To address the concerns of the Senator from Penobscot, Senator Trotzky. As a businessman belonged to several Chamber of Commerces, several other business organizations who are constantly also asking for funds to take care of those individuals in the Legislature which do not see everything their way.

Perhaps we should address those fears of employees, particularly in the public sector of having the right to collect funds and to eventually vote to oust those candidates or those Legislators who vote against things that they feel are a priority to them, and we should also do

the same thing to perhaps businesses who collect funds through their political action committees and donates those monies to people who vote against their interests on either Labor Legislation or Business Regulations.

I think to hold that type of argument today. To say that Public Employees have almost all the rights. They have the right to do otherwise, but that we're not going to give them the right that we give the private sector, that we give business, that we give private employees is a very small, small thing to hide behind as a reason to vote against this.

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

Senator LOVELL: Mr. President, and Ladies and Gentlemen of the Senate: In the recent contract negotiations with the State Employees, first I might say that no Union or State Employee or anything ever did anything, but back my opponent in the 5 times I've run for the Legislature. The thing that got me most, I had to be brought down from the Senate Retiring Room by a policeman the second day that the crowd was out there in the hall. I was kicked and pushed and shoved, and pinched by the State Employees. Most of them stated: "We'll see that we get the Republicans out next time." So I don't think that any Republican wants to vote for this Bill.

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

Senator CONLEY: Mr. President and Members of the Senate: As a long time standing Union employee, the good Senator from York doesn't have a thing to worry about. One, I don't believe he's coming back anyway. Secondly, I would be more concerned about the Senator from Penobscot, Senator Trotzky, who has done everything that could come into one's mind to antagonize not only State Employees Unions, but every Union in the State.

But he doesn't have to worry either. Unions are about the craziest things going. They flip-flop just like Republicans. You don't have to worry about a thing.

We noticed the Bill was enacted this morning. 3 different occasions we voted for that Bill, 3 to 1. Yesterday it came in here, in the House of Bankers. We were able to turn it around. But alas! No one lost their faith. This morning the Bill came back in. As tradition would dictate in the Maine Senate, the Bill was enacted.

I wonder what union card the good Senator from Penobscot, is displaying this year in his billfold. If we believe in the rights of the individual to be able to express their preference whether it's Republican, Democrat, or some of those other people that some of my friends in the House on occasion support, the Socialists and I stand with them on occasion.

I'd suggest that we defeat the pending motion. That we give the free rights, the equal rights to everybody in this State, whether they are Public Employees, State Employees, who vote Republican year, after year, after year, while the Majority Party of this Senate continually denies their requests. I urge the Senate to vote against the pending motion.

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

Senator NAJARIAN: Mr. President and Members of the Senate: In response to the good Senator from York, Senator Lovell, I would like to say that a few years back a private employer in New York fired one of his employees, whom he knew to be in favor of working for the impeachment of President Nixon. There was no claim that the employee's political activity after hours was in any way affecting his performance on the job. Rather he was fired simply, because the employer didn't like his politics.

Private employers are not agents of any government. Therefore, are not limited by the Constitution. So when one of these fires an employee for political reasons, the employee has no legal recourse. Until relatively recently private employers were also free for the same

reason to fire people or to refuse to hire them because of their race or sex. That's why it was necessary to pass Civil Rights Laws. Statutes that would prohibit private employers from discriminating on the basis of sex, race, or religion. Without such statutes the Constitution could not prevent employers in the private sector from discriminating. So I say if the Republicans in this Senate vote to kill this bill, they'll be entirely consistent with their party throughout history.

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

Senator LOVELL: Mr. President and Ladies and Gentlemen: In brief reply, the contract that the Union brought up, there was 2,700 employees that didn't belong to the union. If they didn't pay 80% of the Union dues, they were going to be fired.

Well, I don't call that quite fair. I'm sure most of you folks don't. Now the good Senator from Portland, Senator Conley, well I don't know, he's a Union man, I imagine he must be, because he always gets an excellent vote. Nobody dares to run against him down there in Portland. So I'd say he probably was definitely a very strong union official with the railroad.

So I think the Republicans should stick together on this, and see that we don't get the State Employees involved. Because they get involved, some of the bosses in there are going to just say, you give \$5 or you're going to get a little drop in your job. Or you're not going to get so much extra. You've been loafing around 2 or 3 hours a day, and not doing much of anything. Now you either got to donate to the Union or else you're going to have to work a full day's work. So consequently I think that we should pass the Minority Report.

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

Senator COLLINS: Mr. President, I request a Roll Call and hope that the Senate will vote Yes on the pending motion.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President and Members of the Senate: The union bosses can do that now because they are not covered. They are free to do that right now. So this law, passing or not will not change the existing situation.

The PRESIDENT: Is the Senate Ready for the question?

The Chair recognizes the Senator from Washington, Senator Silverman.

Senator SILVERMAN: Mr. President and Members of the Senate: We have a political system where money can decide who gets elected to office. Over the years those who have had control of our government many times were those who were the managers of the large money operations in the State.

The State does a lot of business with private enterprises. Private enterprise who does business with the State, I think does well. That same private enterprise, same business, also contributes to political campaigns. Now they can contribute to political campaigns and do business with the State. Yet those who work for the State are not allowed at this time to be able to contribute through their organization to who they think might best represent them.

In a Democracy both sides are supposed to be treated equal. For many years the workers working in Public Office of our State has never had that opportunity. Senator Trotzky, I think did hit it right on the head when he said and I think it was as logical as could be that those who contribute through Unions will also work to vote out those who are voting against unions. That is true probably.

It's also another side. That those who contribute through big business work to vote out those who also represent Unions.

Now to be fair to those in labor and to be fair for those in ownership, I would think a Democ-

racy would allow both sides to financially contribute to those who are running in an elected campaign. To Senator Conley, you forgot about the Independent.

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

Senator CONLEY: Mr. President and Members of the Senate: I think people sometimes tend to put too much faith in the labor movement across the State and across the land. I would commend perhaps the leadership of the labor movement. I have found over the last 15 years or so that most of those that are card-carrying members like to sit on their duff and don't do a heck of a lot of work, one way or the other with the exception of the Maine State Employees who vote Republican anyway.

I'd like to relate a simple incident that took place a few years ago with me. Ever since I've been here I think I've sort of supported Legislation that sort of helped State Employees. It was right after a Legislative Session. We were getting ready to run for another session. Some fellow, I won't mention his name. He was one of the big organizers of the Maine State Employees Union came to me and he says, "I have a questionnaire here Gerry, and I want you to fill that questionnaire out, because we're going to consider as to whether or not what candidate we're going to endorse for the next session." I looked at him and I said "You mean after everything I've done for you people over the last 16 years, or 14 years, whatever the case was, you want me to fill out a questionnaire." I said you know what you can do for your endorsement. Let me tell you, they did exactly that! They did exactly that!

That meant maybe I had to go out and work a little harder. If people have such fears of Unions, they're seeing bogeymen. Bogeymen! Because there isn't one guy in the back row that can deliver you 10 votes. If you want the votes, you go out and you work for them. It's totally nonsense, because if anybody listens to them, you're wacky.

Sure they can provide you a few dollars. I don't question that a bit. Votes none! Not one! In fact I want to see a copy of their ballot when they come out themselves. So if you have anything to fear, it's certainly not the Maine State Employees Union. They couldn't deliver a bucket of wheat, but I still urge you to give the rights to those individuals who are employed by the State, the opportunity to donate to my opponent whoever he, she, or in the case of the good Senator from Washington County, Senator Silverman, the Independent.

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

Senator CHAPMAN: Mr. President and Members of the Senate: I remember this issue a couple of years ago. I remember taking a little trip through the State Office Building and making a survey of the workers that I happened upon. As I recall there wasn't one who was anxious to have this particular Bill enacted, not the ordinary State Employee that I happen to catch that afternoon.

I just want to say one more thing. That is when we're talking about the rights of Public Employees vs. Private Employees, I think there's a big difference between Public and Private Employees. That's this. In the case of Private Employees, private situation, the employees do not elect the management of the company. In the case of the Public Employees, in this case the State, those employees elect their management. I think that's a big difference and one we should take into account. I would urge the Senate to support the Minority Report.

The PRESIDENT: Is the Senate ready for the question?

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

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

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

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

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

Usher.

ABSENT — Danton, Martin.

A Roll Call was had.

17 Senators having voted in the affirmative and 13 Senators in the negative, with 2 Senators being absent, the Motion to accept the Minority Ought Not to Pass Report does prevail.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I move Reconsideration.

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

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

Senator O'LEARY: I know this motion is going to prevail, but I would like to make a couple of comments. I was Chairman of the Committee on Political Education at one time, in the company where I was employed, 2,300 employees arm twisting, cajoling, all to no avail. We raise a total of \$220, which is about 1/4 of what we have for State Employees. So using that as a basis of the amount of money that would be raised, it would be a total of approximately \$880. I'd say that if anyone was going to beat the good Senator from Penobscot, Senator Trotzky, with a donation of \$880, stand in line because I'll donate.

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

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion does not Prevail.

Sent down 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 Registration and Protection of Trademarks. (S. P. 43) (L. D. 29)

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-395) 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 Katz of Kennebec, the Senate voted to remove from the Unassigned Table:

JOINT ORDER — Relative to Joint Rule 6 and adding a New Joint Rule 35A. (H. P. 897) Tabled—March 20, 1979 by Senator Katz of Kennebec.

Pending—Passage.

Which was Passed, in concurrence.

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

Bill, "An Act to Provide Property Tax Relief through a Homestead Exemption Tax Credit." (H. P. 1343) (L. D. 1585)

Tabled—May 29, 1979 by Senator Katz of Kennebec.

Pending—Passage to be Engrossed.

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

Senator KATZ: Mr. President, because this is a part of the Governor's Program, I would yield for an appropriate motion to the Minority Leader.

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

Senator CONLEY: Mr. President, My preference would be that this Bill would be Enacted, however, I realize what hour of the day it is. I realize and congratulate the Chairman of the Appropriations Committee for the expenditures that have come before us have apparently depleted this fund. I know that there is absolutely no available dollars to implement this program. I would, therefore, move its Indefinite Postponement.

On Motion by Senator Conley 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 Exempt Certain Bulk Feed Bodies from the Sales Tax. (H. P. 573) (L. D. 721)

An Act to Create a Ground Water Protection Commission to Review the Laws Dealing with Ground Water. (S. P. 397) (L. D. 1215)

Which was 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 Concerning Health Services in Rural and Under Served Areas. (S. P. 473) (L. D. 1414)

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

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

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

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:

Papers from the House Joint Orders

Expressions of Legislative Sentiment recognizing that:

Mary A. Allen is salutatorian of the Class of 1979 at Sanford High School . . . (H. P. 1570)

Michael L. Brochu is valedictorian of the Class of 1979 at Sanford High School . . . (H. P. 1569)

Come from the House, Read and Passed in concurrence.

Orders

Expressions of Legislative Sentiment recognizing that:

The Director of Legislative Research and the personnel in the offices of Legislative Research and Legislative Information have provided the professional expertise, dedication and enthusiasm that has made this session a success . . . (S. P. 634) is presented by Senator Ault of Kennebec.

The coordinator and personnel in the Office of Legislative Staff Assistants have provided the professional expertise, dedication and enthusiasm that has made this session a success . . . (S. P. 635) is presented by Senator Ault of Kennebec.

Which were Read and Passed.

Sent down forthwith for concurrence.

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

Communication

COMMITTEE ON BUSINESS LEGISLATION
June 14, 1979

The Honorable Joseph Sewall

President of the Senate

State House

Augusta, Maine 04333

Dear President Sewall:

The Committee on Business Legislation 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	163
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Unanimous Reports	147
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Ought to Pass	27
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Ought to Pass as Amended	48
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Ought to Pass in New Draft	6
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Ought Not to Pass	10
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Divided Reports	13
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Bills referred to another committee	1
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Bills held in committee	2
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Sincerely,

S/JOHN D. CHAPMAN

Chairman

Which was Read and Ordered Placed on File.

Committee Reports

House

Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Provide a Grant to Community Health Services, Inc. for a Long-term Care Demonstration Project" (H. P. 1087) (L. D. 1343) 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-390) as Amended by House Amendment "B" (H-455); recede from Adoption of Committee Amendment "A" as Amended by House Amendment "B"; recede from Adoption of House Amendment "B" to Committee Amendment "A"; Indefinitely Postpone House Amendment "B" to Committee Amendment "A"; Indefinitely Postpone Committee Amendment "A"; Read and Adopt Committee of Conference Amendment "A" (H-729) attached herewith and Pass the Bill to be Engrossed as Amended by Committee of Conference Amendment "A" (H-729) in non-concurrence.

That the Senate recede from Adoption of the Minority "Ought Not to Pass" Report of the Committee of Health and Institutional Services; Substitute the Bill for the Report; Read the Bill twice; Read and Adopt Committee of Conference Amendment "A" (H-729) attached herewith and Pass the Bill to be Engrossed as Amended by Committee of Conference Amendment "A" in concurrence.

On the part of the House:

Representatives:

NELSON of Portland

BENOIT of South Portland

On the part of the Senate:
Senators:

PIERCE of Kennebec

PERKINS of Hancock

Comes from the House, the Report Read and Accepted, and the Bill Passed to be Engrossed as amended, by Conference Committee Amendment "A" (H-729)

Which was Read.

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

Senator COTE: I'd like to have an explanation just what this does.

The PRESIDENT: The Senator from Androscoggin, Senator Cote has requested an explanation of the Committee of Conference Report from any Senator who may care to answer.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President and Members of the Senate: First of all I would like to apologize to the good Senator for not bringing him up to date on it prior to this. We were rushing obviously under constraints of time to get this in at the last second, just got a majority in each Body and ran through with it.

This Bill originally was killed in this Body overwhelmingly. There was an amendment to be offered which never was offered at the time. Briefly the Bill originally would have called for four centers. Primarily, as usual the money was headed toward Portland, but the amendment would have placed it around the State in different Health Care Projects for long term demonstration projects, 2 urban and 2 rural. tion projects, 2 urban and 2 rural.

Since there is a rather large appropriation on the bill, at this late date, it's just doubtful that it will be funded, obviously. At least, since it was a worthwhile measure we felt that it ought to be out and compete with others that are still around in case there was some chance of funding.

Which was Accepted, in concurrence.

Divided Report

Six members of the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Allocate Money from the Federal Revenue Sharing Fund for the Fiscal Years Ending June 30, 1980 and June 30, 1981." (Emergency) (H. P. 1266) (L. D. 1524)

Report in Report "A" that the same Ought to Pass in New Draft under New Title: An Act to Allocate Money from the Federal Revenue Sharing Fund and to Appropriate Funds from the General Fund for Teachers' Retirement and a Study of the Maine State Retirement System and other Employee Benefits for the Fiscal Years Ending June 30, 1980 and June 30, 1981. (Emergency) (H. P. 1532) (L. D. 1681)

Signed:

Senator:

NAJARIAN of Cumberland

Representatives:

PEARSON of Old Town

JALBERT of Lewiston

CARTER of Winslow

KELLEHER of Bangor

DIAMOND of Windham

Six members of the same Committee on the same subject matter report in Report "B" that the same Ought to Pass in New Draft under New Title: An Act to Allocate Money from the Federal Revenue Sharing Fund and to Appropriate Funds from the General Fund to Teachers' Retirement and a Study of the Maine State Retirement System for the Fiscal Years Ending June 30, 1980 and June 30, 1981. (Emergency) (H. P. 1533) (L. D. 1682)

Signed:

Senators:

HUBER of Cumberland

PERKINS of Hancock

Representatives:

BOUDREAU of Waterville
SMITH of Mars Hill
MORTON of Farmington
HIGGINS of Scarborough

Comes from the House, Report "B" Read and Accepted, and the Bill, in New Draft (H. P. 1533) (L. D. 1682), Passed to be Engrossed as amended by House Amendment "A" (H-723). Which Reports were Read.

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

Senator KATZ: Mr. President, could you assist me? Are we on Supplemental Senate Journal 18, Federal Revenue Sharing?

The PRESIDENT: The Chair would answer in the affirmative.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: I move acceptance of Report "B" on this Bill.

The PRESIDENT: The Senator from Cumberland, Senator Huber, moves the Senate accept Report "B".

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President and Members of the Senate: I personally am not very delighted with either Report "A" or Report "B". Report "A" provided 3.2 million in each year of the biennium for the State Retirement System. Report "B", 6.4 million in each year unallocated. From what I've been able to gather, information I've been able to gather about this, there's no big crisis at the moment.

Also provided in this bill the \$150,000 for a study of the State Retirement System in order to determine whether this need exists or not, whether it's greater than 6.4 million each year in the biennium or whether it's something less.

There are several reasons why it isn't necessary to rush in and appropriate this kind of money before the study is done. Number 1, it's one man's opinion, that that's how much money is needed in both years of the biennium, 1 actually.

There is the composition of the State Board which practically everybody on it has a vested interest in seeing that the State Retirement System gets more and more and more money.

The investment return has been dismal in recent years to say the least, at 2%. I think it's imprudent to rush in and spend 12.8 million dollars based on one man's opinion. I am a little surprised that the Members of the Republican Party whom I would expect to be more cautious and conservative be joining this one man bandwagon.

I don't think in any case the way the picture looks right now, we're going to adjourn with \$17,000,000 unallocated. The study is expected to be completed by January of next year which would be adequate time for us to address any deficiencies that might exist for the teachers in the Retirement System.

One thing that I do oppose in Senate Amendment "A" is that the Legislative Council shall determine whose going to be participants in this study. With 5 Republicans and 5 Democrats I can see that this study is never going to get off the ground, even though everybody I think on both sides has never disagreed that a study should be done.

The amendment that was put on in the House says that the Department of Finance and Administration, it allocates \$150,000 to that Department. The amendment that was put on in the House also provides 6.4 million in the first year of the biennium. It says nothing about the second year of the biennium.

We would come back in January after the study. If they determined that another 6.4 million was needed, or 10 million or something less than we haven't done any damage one way or the other. The money will be there in any case. I think this Legislature would be willing to go along with whatever the study concerns, be-

cause members of both sides of the aisle are concerned about the Retirement System. It's just a little uncertainty about what amount of money might be needed, if any.

I don't see that there's any crisis. There's no need for anybody to get upset. Whether it's put in or nothing's put in, as long as money for the study is allowed to take place. That's why I would oppose the pending motion. I ask for a Division.

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

Senator LOVELL: Mr. President and Members of the Senate: I certainly would suggest that Report "B" be accepted. In the first place, as many of you may know, or may not know, I'm Chairman of the Retirement System and the Aging, and aging fast.

I feel in the first place we have taken in school teachers, who haven't paid and so forth. The count is \$100,000,000 short. Now since then they have had to sell bonds, which were yielding 4 and 5%, 6% and have lost \$10,000,000 on that. The State hasn't paid in their share. Governor Longley, I will admit, borrowed \$5,000,000 and paid it back. The state has not paid in their share each and every year. They should pay in 14% as compared to 6½% by the employees.

I definitely feel that this Bill should be passed. We should try to catch up on the Retirement Fund to take it out of danger. The new money that goes into the Retirement Fund will be invested in bonds, Double A, Triple A, that will yield 8, 9%, 9½%. So I feel definitely we should support Report "B".

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

Senator KATZ: Mr. President, I consider it to be one of the most crucial issues of this session. It involves the very confidence of our people in government. I just do not understand a party position which has moved from saying we won't put any money in at all in either year. But we'll assure you of our good faith. We're going to give you instead of 12.8 million dollars, we're going to give you a study. The study's not going to cost the Retirement anything because we're going to do it ourselves.

Now we've moved away from that position to a mid-point where we'll meet our responsibilities in the first year. We will assure you of our good faith in the second year. At least we're moving and I want to compliment the Democratic Party in its extraordinary flexibility in identifying where it should end up on this issue.

As I read the law, we have a responsibility to fund the Teachers Retirement Program based upon actuarial statistics. If there's one thing that this fund or any fund does not need, it's a bunch of politicians making expedient decisions about how much to put into the fund, based upon the availability of other projects that may be funded or not.

I think this is our obligation. A few minutes ago we talked about the rights of employees to solicit political funds. We had a long debate on that one. Well this is an important issue. It gets right to the guts of Public Employment Retirement. One of the first joint caucuses we had in this Senate, and as I recall it, it was a Joint Republican caucus, was on the specific subject of Public Employee Retirement, a "ticking time bomb"? Our answer to it after the caucus was, yes, it is a ticking time bomb!

I just do not understand the financial mentality that says don't worry about a thing, we won't short-change you of your dollar. We'll get around after a study. I've been involved in too many Legislative Studies, and seen too many Legislative Reports to hold up the proper and timely enactment of statutory responsibilities to Teachers' Retirement at this time.

A few minutes ago I heard the Republican Party lambasted here, because the Democrats are the friends of labor. Bosh! Absolute balderdash! It's not often I use that word. This is where your responsible approach is measured.

In living up to this big hunk of money, 12.8 million dollars, in a timely fashion in such a method that it does not reduce the confidence of those teachers who are out there, the thousands of teachers who have presently retired, and the thousands of teachers who are about to retire in years ahead.

They want to know the good faith of the 109th Legislature. This is an important issue. I would plead with the Democratic Party not to come up with some alternatives involving leaving the second year in surplus, with the good faith that we will probably take care of it in good time.

I want to see this money appropriated. Report "B" says let's not allocate it pending the report of the study commission, but let us appropriate it and allocate it. So that next year no economic down-turn, no internal crisis, no other priorities is going to deter this fund from being properly funded.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President and Members of the Senate: The Democratic Report puts \$6,400,000 in the first year of the biennium, in attempt at a compromise. There isn't one member of the Democratic Party on the Appropriations Committee who believes that is necessary. We were flexible, the Senator from Kennebec, was complimenting on that, or deriding us on that, I'm not sure which. It was an attempt at a compromise, something which I found is relatively foreign to the Republicans in this Branch.

If the Senator from Kennebec, has so little confidence in a study of the Legislature, then I don't know why he is supporting a report that provides for a Legislative Study of the State Retirement System. It just is inconsistent.

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

Senator SILVERMAN: Mr. President and Members of the Senate: For some reason I was destined to be on the Veterans Retirement and Pension Fund in this session. Naturally one studies it over the 5 months we're here. Certainly we have to come up with decisions we feel is best for the program.

In the Retirement Allowance Fund, which is the employer's part of this program. In 1976 there was \$15,800,000; in 1977, \$14,200,000; in 1978, around \$3,300,000; in 1979, that is going into a deficit.

Now financial management whether it's big money or little money has to consider that if we allow this to go into deficit, it's a precedent of what's going to be the economic financial status of the State of Maine. What's going to be the economic financial status of the fund.

Here we go again the fourth time in this decade jeopardizing the integrity of the Maine State Retirement System. I recall only a couple of years ago when we used the system to the tune of \$5,500,000 which we returned later. We said, let us promise not to do it again. Do you remember the danger it generated from the employees? The guilt that pervaded these halls because of the late night decisions to minimize employee relations and reactions? We did promise never to do it again.

Well, here we are again—questioning to fund our legal obligations under the law—depending on which position you support—one, would allocate funds for our obligation, another, would fund only half our obligation or \$6.4 million for the biennium—this is mismanagement at a scale. Never before since the System was founded forty (40) years ago, have we seen where the fund was going into a deficit.

As I speak to you at this moment—trust funds are being used to pay retirement benefits—which is legally a legislative and an executive responsibility—if anyone were to go to court on this they could possibly stop payment of these benefits to more than 10,000 retired state employees and teachers.

Furthermore, is it fair to some 25,000 current state employees and teachers who are taxed 6.5 percent of their wages to pay for a retirement system they think will provide for them in their later years that will not exist if we continue to use the policy of the Legislature to ignore its obligations under the law?

If we fail to meet our obligation in this biennium, then, we will see a decline of investment funds the employee contributions section of maybe \$15 to \$20 million— then, where are we in the State of Maine and where are employees— like Florida and other states or the Social Security System which is questionably at this time going bankrupt. Don't take my word— check the MSRS statute— Section 1062, Subsections 3 and 5— then tell me if we are violating the laws of this State. This is not an appeal on moral or ethical grounds— we swore to uphold the laws of this state— I call each of us to honor our sworn duty— now.

I bring this to your attention for a major reason. These decisions should not be made on debate at the floor of the Senate. These decisions should have been made years ago, when we over-taxed our Retirement System. Yet we have no way and in time put expenditures from our General Fund into the System to take care of the burdens we've placed on it, because of that, we, in this year, are going into a deficit at the employer's contribution level.

From a financial point of view, this, I think, would be considered mismanagement. Even though the funds are short, I think at this time, the Executive and both parties would look excellent if they held their ground and made sure that our Maine Retirement System was on financially strong ground. I would hope you would vote to support the Majority Floor Leader. Thank you.

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

Senator CONLEY: Mr. President and Members of the Senate: I would just like to state for the record that the Retirement Fund hasn't gone short overnight. It's happened over a long period of years. It's happened over a long period of years because Legislature, after Legislature, after Legislature began to pass certain bills that allowed people to draw on the system that really weren't entitled to it.

The good Senator from Kennebec, Senator Katz stated that back in the first days of this session that he voted to repeal a Bill that contained \$20,000,000 of rebate back to the taxpayers of this State. Well I say that's extremely noble of him. I think it's noble of him, but I ask you what about the integrity of the Maine Legislature of the 108th and the Governor at that time who promised the citizens of this State to give them a rebate and to return money to them.

Now wouldn't we look like a bunch of jackasses, if we had repealed the law appropriating \$20,000,000 to go back to the taxpayers. Come back in the new session and say we're going to take it away from you. I think we'd have been the laughing stock of the State. I think the taxpayers of this State would have been completely and totally upset and disturbed, if they're not already disturbed at the actions of the Legislature.

I've spoken time and time again in this Senate about the integrity of our new Chief Executive. He did not recommend dime 1, not dime 1, for this appropriation. He has asked this Legislature to wait until the study has been done. If needed, he will recommend to the next session the monies or an attempt at the monies to repay whatever has to be repaid, but that even isn't what's before us today.

I believe that the House Amendment currently holds to it to this Report "B", 6.4 million dollars in the first year of this biennium. \$6.4 million. Now we've been negotiating with the leadership over the last several days. Trying to put a compromise package together. We started off at \$3.2 million. We went to

\$4,000,000. We had another figure that we were willing to negotiate at that time. Not the \$6.4, but a lesser figure. But the Democrats of this Legislature have showed their good faith in this House Amendment that's attached to Report "B" committing \$6.4 million to the Teachers Retirement Fund, for the first year of the biennium.

Too often and too frequently since January 4, we have put ourselves in positions of becoming polarized where no one was willing to give or take. I can't imagine what is more fair than what is being proposed today. I personally would just as soon see it go without a dime. I would just as soon wait until next January. I am willing to buy the compromise at \$6.4 and meet any moral obligation that we have to that fund, legal or moral.

So therefore, Mr. President, I am willing to accept the Report that's before us and the Adoption of the House Amendment, so that we can resolve this problem and all of us get out of here early today.

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

Senator PERKINS: Mr. President, and Ladies and Gentlemen of the Senate: As a signer of Report "B" I urged your support in this, because the law as recited by the Senator from Washington, is painfully clear. It states that we have no choice.

In order to keep the Retirement System actuarially sound, \$6.4 million is needed this year. Report "B" does exactly this. Report "B" goes further than this and appropriates \$6.4 for the second half of the biennium.

This, I believe, is an honorable thing to do. This also lives up to the letter of the law. I, for one, will not be a part of anything less. The law says that we must keep the system actuarially sound. This same actuarial soundness was given to our State Employees. I think we owe no less to our retirees. I therefore, urge you to support Report "B".

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

Senator KATZ: Mr. President, the Minority Leader has done an absolutely superb job in telling us the perimeters of this issue. Compromise!

The Republican Party compromised in AFDC by going from 5% to 6%. We compromised beautifully the other night in clearing the Appropriations Table in an action that I thought was proof that the system works, when men and women of good faith sit down to compromise.

There is no compromise possible as far as the Republican Party is concerned on this issue. The law says that the amount paid and the method of payment is not up to negotiating between politicians in the last hours of a Legislative Session. As a matter of fact, it's not up to politicians at any time of the Session to negotiate how much, according to the actuaries this fund needs.

All around the United States, there's some absolutely horrendous examples of what happens when politicians stick their partisan and bi-partisan fingers into the pot of retirement. Take a look at Connecticut, where they put together a nice little package, a political package of getting rid of State Employees, of Bureaucrats who they wanted to get rid of by permitting retirement based upon your highest year. So they're able to go to somebody and say: 'hey, we want to get rid of you. We've got our own man to bring in. But we'll give you a promotion. This will boost your pay. We'll get you out. You'll get money. You'll get retirement.'

There is nothing that frightens me more about the future of government in our United States from a fiscal point of view than the burdens of Public Employee Retirement.

If we do not like the law and that sounds familiar doesn't it? Gee that sounds familiar "if you do not like the law", my Democratic

friends then change the law, but as long as the law is on the books live to it.

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

Senator LOVELL: Mr. President first thing that I would like to ask is for a Roll Call, a very quick Roll Call.

I also blame the Republicans on this, because over the years Republicans have been in power and they should have voted in the money.

Now the Democrats they have got up to thirteen and they should have some responsibility. They may even have the next Legislature, so I think that the Democrats should vote for this for the good of the State and for the good of the Retirement System.

We have got to keep that Retirement System, we have got thousands of people and teachers retired. So consequently I hope that you will vote for Report "B".

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

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

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

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President and Members of the Senate. At this point I do not think that there is any opposition to Report "B". The opposition might come to adopting the House Amendment to Report "B".

The House has already accepted Report "B". I do not see essentially any difference in either Reports.

Report "B" appropriates but unallocates 6.3 million in each year of the biennium.

The House Amendment appropriates but unallocates it for the first year of the biennium, but the money is still around here, so essentially there is no difference there.

The one difference in Report "B" and the House Amendment is who is going to arrange this Study. Is it going to be the Department of Finance and Administration or is it going to be the Legislative Council. I guess that that is where we are at now.

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

Senator KATZ: Mr. President, I kind of have the feeling that the Senator from Cumberland was kind of asking a question about the difference. Perhaps I might undertake to explain the difference.

The Republican version of the Report appropriates the money. The Democratic version of the Report leaves the money sitting in surplus. It occurs to me that there is a difference.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Huber that the Senate Accept Report "B", Ought to Pass, in New Draft, Report of the Committee.

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

A No vote will be opposed.

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

ROLL CALL

YEA—Ault, Chapman, Clark, Collins, Cote, Devoe, Emerson, Farley, Gill, Hichens, Huber, Katz, Lovell, McBreairey, Minkowsky, Najarian, Perkins, Pierce, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Trotzky, Usher.

NAY—Carpenter, Conley, Pray.

ABSENT—Danton, Martin, O'Leary.

A Roll Call was had.

26 Senators having voted in the affirmative and 3 Senators in the negative, with 3 Senators being absent, the Motion to Accept the Minority Ought to Pass, in New Draft, Report of the Committee does prevail.

The Bill, in New Draft, Read Once.
House Amendment "A" Read.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Najarian.
Senator NAJARIAN: Mr. President, I ask for a Roll Call on the Adoption of the House Amendment.

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

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

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

The pending question before the Senate is Adoption of House Amendment "A", to L. D. 1682.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President, I would strongly oppose the Adoption of House Amendment "A" under filing number H-723.

It seems to me that this amendment again provides only one year funding for Teachers Retirement. It essentially gets back to an equivalent recommendation to Report "A".

I think to show its good faith that the Legislature should appropriate both years of Teacher Retirement Funds in the amount of approximately 6.4 million dollars each year.

Report "B" without the amendment does not allocate the second year pending the results of the Retirement Study. I think that this is legitimate good faith encumbrance of these funds, should they prove necessary it seems to be a very real possibility in light of the new actuarial tables and mortality tables.

I think to do less than to appropriate this money is simply leaving the money in a nebulous surplus which could conceivably be used for the other purposes. I think that it is less than fair approach to this very real need.

The PRESIDENT: Is the Senate ready for the question?

A Yes vote will be in favor of Adoption of House Amendment "A".

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Carpenter, Conley, Cote, Najarian, Pray, Trafton, Usher.

NAY—Ault, Chapman, Clark, Collins, Devoe, Emerson, Farley, Gill, Hichens, Huber, Katz, Lovell, McBrearty, Minkowsky, Perkins, Pierce, Redmond, Shute, Silverman, Sutton, Teague, Trozky.

ABSENT—Danton, Martin, O'Leary.

A Roll Call was had.

7 Senators having voted in the affirmative and 22 Senators in the negative, with 3 Senators being absent, House Amendment "A" Fails of Adoption.

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:

Papers From the House

Non-concurrent Matter

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

In the House, June 13, Enacted.

In the Senate, June 13, Bill and Accompanying Papers, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

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

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

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

Is this the pleasure of the Senate?

It is a vote.

Non-concurrent Matter

Bill, "An Act to Make Corrections and Clarify Provisions of the Inland Fisheries and Wildlife Laws." (H. P. 1564) (L. D. 1686)

In the Senate, June 14, Bill and Accompanying Papers, Indefinitely Postponed, in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-726) and House Amendment "B" (H-727), in non-concurrence.

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

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

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

Is this the pleasure of the Senate?

It is a vote.

Non-concurrent Matter

RESOLVE, Authorizing an Appropriation of \$300,000 to Provide Administrative and Other Initial Operating Expenses Incidental to the Construction and Operation of the Maine Veterans Home. (H. P. 1014) (L. D. 1248)

In the House, May 7, Enacted.

In the Senate, June 13, Passed to be Engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto (S-360), in non-concurrence.

Comes from the House, that Body having Adhered.

(Senate at Ease)

The Senate called to order by the President.

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

Under Suspension of the Rules, L. D. 1051, and L. D. 1686 were sent forthwith.

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

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 Katz of Kennebec, the Senate voted to Suspend its Rules.

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

Senator KATZ: Mr. President, the Senate Amendment that I am about to offer under Filing Number S-394 reflects an agreement that the Constitutional Officers be taken out of this Bill. There is another Bill L. D. 142 which already incorporates these Constitutional Officers, and this was an agreement between members of Leadership earlier today.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now offers Senate Amendment "C" to L. D. 1679 and moves its Adoption. Senate Amendment "C" (S-394) Read.

On Motion by Senator Conley of Cumberland, Tabled, until later in today's session, pending Adoption of Senate Amendment "C".

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 Election Laws on, Bill, "An Act to Require each Primary Candidate to be a Resident of the District from which he is Running Prior to the Primaries." (H. P. 518) (L. D. 661)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-546).

Signed:

Senator:

PIERCE of Kennebec

Representatives:

GOULD of Old Town
STUDLEY of Berwick
WENTWORTH of Wells
SEWALL of Newcastle
BERRY of Buxton
SMALL of Bath

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

Signed:

Senators:

DANTON of York
FARLEY of York

Representatives:

BENOIT of South Portland
NADEAU of Lewiston
HALL of Sangerville
TIERNEY of Lisbon

Comes from the House, Bill and Papers, Indefinitely Postponed.

Which Reports were Read.

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

Senator TRAFTON: Mr. President, I would move that we accept the Ought Not to Pass Report of this Bill.

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

The Chair will order a Division.

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

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

The Chair recognizes the Senator from York, Senator Lovell.

Senator LOVELL: Mr. President. Could I ask a question on this?

The PRESIDENT: The matter is being voted on at the present time, the only motion in order would be to ask for a Roll Call.

Senator LOVELL: Well let's have a Roll Call then.

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 votes of 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 Lovell.

Senator LOVELL: I have not seen this Bill before, but the Ought to Pass Report states "that a primary candidate should be a resident of the district from which he is running prior to the primaries."

Well I certainly think that that should be. Now we have in Sanford for example: nobody would run in District 1132 well we had Ray Latourneau. He was 77 or something like that. He was in the Senate here. Then we had a nice young fellow, John Tuttle, who lived in the wrong district, but he moved over in an apartment in the right district. The Democratic Party named him. He didn't have any opponent and he was elected.

So it seems to me that we should pass the Ought to Pass Report so that a person has to live in the district prior to the primaries. If I'm wrong, well vote me down.

The PRESIDENT: The Senator from York, Senator Lovell, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from York, Senator Farley.

Senator FARLEY: Mr. President and Members of the Senate: I think the good Senator from York, Senator Lovell, has just pointed out the reason why we Ought Not to Pass this Bill. The problem being that in some cases districts now being small enough, you just can't find candidates to run. I would say somebody has to serve from that Legislative District. In the case that Senator Lovell pointed out, the gentleman who won the primary was unopposed by the Democratic primary. Then there was no Republican Candidate running for it.

So after the primary, the gentleman, Mr. Le-tourneau, who he won in the primary, decided he couldn't serve in the Legislature. They were stuck without a candidate at all. The candidate now serving that district had run in the primary in another district in Sanford and lost. He merely moved his residence into the district. The Democratic City Committee or that Town Committee then nominated him and he was put on the ballot. I think that's the reason we ought not to accept the Ought to Pass Report. Give ourselves some protection when this problem does occur.

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

Senator PIERCE: Mr. President, I could make a short story long, and I'll not do that today. Perhaps it would just suffice to say that this Bill requires a Constitutional change in order to complete. It has an amendment on there to do that. It takes $\frac{2}{3}$'s vote of each Body for us to do that. There is considerable opposition in the other Body to this Bill. Therefore, to save time, money, and energy, I would suggest that we go along with the Ought to Pass Report today.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Lovell.

Senator LOVELL: Mr. President, can I withdraw my request for a Roll Call?

The PRESIDENT: The Senator from York, Senator Lovell, now requests Leave of the Senate to withdraw his request for a Roll Call.

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

It is a vote.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: I would request a Division.

The PRESIDENT: A Division has been requested.

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

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

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

On Motion by Senator Conley of Cumberland, the Senate voted to take from the Table:

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) tabled earlier in today's session, pending the Adoption of Senate Amendment "C".

Senator CONLEY: Mr. President, may I inquire of the Chair what the pending motion is?

The PRESIDENT: The pending motion is

Adoption of Senate Amendment "C".

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, I ask leave of the Senate to withdraw my amendment from consideration.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now requests leave of the Senate to withdraw from consideration Senate Amendment "C".

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

It is a vote.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President and Members of the Senate: As I understand the Bill at the present time, yesterday we passed a Bill giving the State Auditor, State Treasurer, Attorney General, Secretary of State a \$5,000 a year raise. If that's wrong somebody can correct me. This Bill also has a Secretary of State, State Auditor, and State Treasurer in it for a raise, as well as the District Attorneys, and expense accounts for State Legislators.

I'm very much opposed to the bill until we straighten out some of the inequities in the State Legislators. I've been down to Legislative Finance about this Bill, the Legislative Expense Accounts. Much to my surprise, I've talked with a number of Legislators around here. They told me the reason they came over Sunday night was so they could get their 6 days expense accounts, which under this Bill would be 6 days times \$35. That amounts to quite a lot of money, plus their round trip.

Well according to the Attorney-General's opinion, you need not come Sunday night anymore. You can come Monday, and you can still get your 6 days, and you only have to be here 4 nights. You only have to be here 4 nights and you can get your 6 nights lodging. You don't have to be here 5, or you don't have to be here 6. You can come Monday and go home Friday afternoon.

Of course, the Attorney General's opinion that this was based on was based on the expense account, on the back side of the expense account. It gives certain sections of Title 3, Chapter 1, Section 2 of the statutes, which says; "that each Member of the Senate and House of Representatives will receive a meal allowance and house allowance in the amount of \$25." Of course, this is for the old bill, and laws we're presently operating under. "For each day in attendance at the session of the Legislature and for each day he occupies overnight accommodations away from home, immediately preceding attendance at the daily session of the Legislature."

The only word they left out in there was 'either', which in the statutes is a little different. The statutes say either. According to Webster's Dictionary, either means one of 2, it doesn't mean both days. It means 1 of 2 days.

So you can get paid 5 days under this bill, as it says either/or, but it doesn't say both, as the expense account says, because the expense account doesn't take the statute as it's written. It leaves out the word either. That's what the Attorney General's opinion leaves out.

Probably there's some good reason in the Legislature why those staying here receive 6 nights lodging, if they are only here 5 nights. I haven't found it out yet, but probably there is. Maybe it's because the majority of the people stay here at night. Maybe that's the reason. Maybe there's a reason why those staying here get their 6 nights lodging, plus one round trip.

Those that commute get 4 trips plus one round trip. Probably there's some reason for that.

Maybe it's the committee that studies these Legislative Expense Accounts. I've never seen a commuter on that committee yet. If you take a fellow that lives 30 miles away from the State House. That's 60 miles round trip. If he gets his room downtown, and it costs \$60 a week. He gets \$220.80 under this new Bill. If he travels back and forth, he gets \$139, \$139! The guy staying here gets \$220. Is there some reason for that? The fellow staying here comes in Monday morning and goes home Friday afternoon.

Tuesday of this week I was over here, as a matter of fact I was over here Monday working. I was over here Tuesday working. I saw some other people around here Tuesday working. Some of those that have rooms here. I know those that had rooms here got \$25 a day for that day. I didn't get \$25 a day. I didn't get mileage. I didn't get meals or anything.

Why should the people that commute not be treated in the same way that those that stay here are treated? We account for every mile of mileage that we put on our car. We get paid for that mileage. If we travel 60 miles, we get paid for 60 miles. If you spend \$10 or \$15 for a room, why shouldn't you get \$10 or \$15 for a room? Why should you get \$35 a day, other than that you have the muscle in the Legislature to get it?

Now there ought to be some sense of fairness in the Legislature. Just because you have the majority of the people staying here, and you can set your own expense accounts. Those that commute are fair in their expense accounts. Why should those that stay here get paid 6 days when they're here 4 days. Why should they get a round trip besides? There must be some reason that those that stay here are worth \$60 or \$70 more a week. I'd like to know why!

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

Senator COLLINS: Mr. President, the Senator from Waldo, Senator Shute, has brought to light some disparities between commuters and stay-over Legislators, that I had not been aware of before, and had not appreciated until he brought them to my attention.

I would point out however, that as far as Legislators are concerned, this matter does not become effective until the 110th Legislature. I would like to suggest to the Senate that we try to work out this disparity in a separate Bill next winter. I would suggest to the Senate that what we need to do is to bring the status of commuters up to the same financial status that applies to people who stay over.

You will remember, perhaps that this Bill in its original form, included a salary increase for the 110th Legislature. There isn't any salary increase in here. You look at some of the figures that were sighted by Senator Shute, about how much a room costs now. You look ahead 2 years, and 3 years. What do you think the room is going to cost then?

What we're really doing by not increasing Legislator's salaries for the next Legislature is paying them 28% less in real pay, than we and our immediate predecessors have been paid, because the present rate was set a couple of years ago. It hasn't been changed. The cost-of-living index keeps going up and up and up and the value of the dollar down and down and down. So we are really saying our successors aren't worth as much as we. We'll pay them in cheaper dollars and pay them less.

So this increment in expense account is not very handsome I agree with the Senator that the commuter ought to be treated fairly and equitably, the same as the stay-over person. I for one will do what I can to make it that way next January. We'll have plenty of time to do it.

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

Senator MCBREAIRTY: Mr. President and Honorable Members of the Senate: As I stated the other day, I worked 2 years ago, I think it

was on a sub-committee on salaries and expense accounts. I agreed with Senator Shute then and I agree with him now, as far as commuters are concerned. I think I can give him a reason why some of us come a day ahead who stay here in Augusta. Some of us drive 5½ and 6 hours. That's pretty hard to get here in the morning in time for work. So we do come a day ahead.

I, like Senator Collins, would like to see some work done on this and make it fair for commuters, because I don't believe now that it is.

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

Senator CHAPMAN: Mr. President and Members of the Senate: I'd like to strongly support what the Senator from Waldo, Senator Shute has said. I think he's brought out some very important points. I don't think we should put this issue aside until the 110th or the next year. I think if we're going to treat adjustments, we should treat them all at once, at the same time, right up front as salary and/or expense adjustments.

What disturbs me is that we're talking about an expense adjustment, a \$10 increase for those who stay over here. It does not show on the W-2 form, which is in effect is not subject to taxes. I offered an amendment the other day which was turned down, which would reflect or urge that the expense adjustment be based on actual expenses incurred. I can't for the life of me see what's wrong with that. There are those who travel a great distance, that aren't compensated for that expense. There are those that are here that share expenses with others.

Expenses to me means reimbursed for incurred expense. I feel no problem in reimbursing somebody for the expenses they incur. But I don't like it. I don't think the people of this State like it, when we give people money without seeing them incur that expense. They're using it for what amounts to salary.

If we're going to talk about salary adjustments, let's put it up there and call it salary. There are inequities here. The way we're addressing it, I don't think is proper or in the full context. I just cannot support the bill in its present form.

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

Senator LOVELL: Mr. President, and Members of the Senate. I agree with the good Senator from Knox, Senator Collins. I come 100 miles each way. At my age I can't come up on Monday morning, I've got to come up on Sunday.

Now this is a Bill that pits the short distance people from the long distance people, like the good Senators from Aroostook County and so forth, and the good Senator from Knox, Rockland, the Senator from Washington County. Now the short distance Senators, fine! Maybe it's not quite fair to them, but let's not do anything about this now. It's too late in the session. It's not going to change anything. We can do it in the next session, in the special session. If Senator Collins says he'll do it, he'll do it, because I lived with him all winter.

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

Senator SHUTE: Mr. President, I've only been here 9 years. Each session, maybe even 2 sessions, there's one of these bills that come out. It's always 'let's do it next Session, or the next Legislature.' That's fine! Because you have a third new people coming in. You have to educate them all over again. What the commuters go through. The ½'s that stay know it, but the new ½'s coming don't know. They don't know how unfair the commuters are treated as compared to the people that stay here.

Now several people have said they come down the night before. They have long distances to travel. Well I have told you we have an Attorney General's opinion here that you don't need to come down the night before. You can still get your 6 nights as long as you occupy

your room. Under this Attorney General's opinion, it says: 'occupy' and I'll read it! "Occupy under MRSA #3, Section 2, would allow payment to a legislator who is incurred responsibility as a tenant to pay for overnight accommodations whether or not he actually occupies those accommodations."

All you have to do is reserve your room. You can get your \$35 a day. Don't worry about that. So there's no need to come down Sunday night any more. If this Attorney General's opinion hasn't been distributed to you, it should have been by leadership, so that you wouldn't make those extra trips down here Sunday night. You can still go home Friday afternoon, and get your 6 days, plus your mileage.

Now there comes a time when there's a sense of fairness whether you are the minority or the majority. I think now is the time to have a little bit of sense of fairness on the commuters. As I said before why should somebody living 30 miles away from Augusta get \$139 a week staying at home. He can come to Augusta and get \$220. Is that fair?

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

Senator LOVELL: Mr. President, and Ladies and Gentlemen. I wonder if the good Senator Shute wants to have an extension of the session or extra session to amend this Bill, and put a good deal of work to it. If he does, I would have a vote, certainly I don't want to stay any longer than midnight or one or 2 o'clock this morning. I think it would be best for him to just wait until next January. Then we'll take it up. Maybe it isn't fair. I don't know. I stayed at the Senator Motel. I paid for 7 nights a week there. \$75 a week for 7 nights a week, stayed there. Then I went to Florida once and I still had to pay my rent. I went to Florida twice, and I had to pay my rent for a week. So consequently, I think that the good Senator Shute just better rest quietly and let us get this Bill out of the way.

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

Senator COTE: I think there's an easy way out of this Bill. The expenses for the Legislature is just a drop in the bucket. I think we should Indefinitely Postpone the entire Bill.

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

Senator PIERCE: Mr. President, and Members of the Senate. It's no secret that for some time I have ardently worked to defeat Legislative Pay Increases. I don't feel any differently this year that we should in essence, many of us give ourselves a pay increase.

It's not my intention to try to kill this piece of Legislation today. I don't think that we should be giving ourselves a salary increase when we are not funding Senator Hichen's Office for the Deaf, or we are not even able to give 1% to retirees that the good Senator from York fought so hard for yesterday.

I come from the perspective in that I am a commuter. I am single. I don't have the obligations that many of you do have. I do realize that. I've also come to believe that while we shouldn't have a salary increase, I think that an increase in expenses at this point is a justifiable one and is something that's warranted. Whether or not that increase should be \$60 a week is something else indeed.

We had several pay Bills introduced into the Legislature this year that dealt with increasing expenses, that dealt with increasing salaries. You never saw one of them, not once, did we dare deal with that issue head on.

You are seeing it debated, basically, for the first real time on the last night of the Legislature, where a Legislator's increase of \$60 a week or so for many people is buried in a Bill with Judges and Attorney Generals and District Attorneys and everybody else in an effort to get it passed and slide it through.

It's a back door bill. There's no doubt about it. It's a subject we did not dare face head on. I

think that an expense increase would pass through this Legislature faced head on, because I think it's justified. Not only is it a back door bill, but was an attempt by some people to include it in another bill, an omnibus bill, where it was going to be doubly back doored, so nobody could touch it.

I submit that's the wrong way to approach this Legislation. There's nothing right about it. It doesn't do much for the people out there, their confidence in us, to pass a Bill this way. We say, well, it's for the next Legislature, but ½'s of us, or so are going to be here. So in essence, it's giving ourselves a raise. We just don't like to admit that.

I would hope and I would think a possible solution to this. We're going to be here whether we like to think it or not for several more hours today. I think the level of \$60 a week for expenses, increase, that's a huge percentage. The way we're doing it is not right.

I would think a solution might be to prevent Enactment at this point, and work out a compromise. Which I think can be done rather quickly and in the time we have left. It doesn't seem to me that the suggestion of the Senator, my friend from Knox, Senator Collins, we create a problem Enacted, and then work out a solution next year is the way to go. It seems to me you work out the problem, and create a solution. You don't do it backwards. I think for the time frame left we could work out something that's far more justified, far fairer to everyone concerned or at least give us the opportunity to take a whack at that, than Enacting this Bill at this time now. I would ask that when the vote is taken, it be taken by the Yeas and Nays.

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

Senator TROTZKY: Mr. President and Members of the Senate: I would suggest to the Members of the Senate, that all citizens in this State should be able to serve in their State Legislature no matter what their economic means are.

Those people who are opposed to increasing expenses now are also going to be opposed to increasing salaries. We're not arguing today about increasing expenses a great deal. What we're doing is trying to pass some Bill to allow any citizen in this State to serve in this Legislature.

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

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate. I've been here for 5 years. A few years ago, my first term in here on the State Government Committee as a Member of the other Body, we had a pay bill, we passed it. That's the salary we're getting now.

Two years ago in this Body I saw a modest pay increase killed. Now I've served here as I said for 6 years. I'm also in the situation of the good Senator from Kennebec, Senator Pierce, in one sense, in that I'm single and don't have any family obligations. I take out of my salary check on some weeks and give over to my expense account, on some weeks. I'm lucky if I get 2 meals a day.

Now I do sympathize with the Senator from Waldo, Senator Shute, and I do agree with him that it's not fair. I don't agree with him that next year, if we decide to wait and address this issue until next year that there'll be a big change in the Legislature. Next year it'll be the same Session of the Legislature as we're in presently, the same members of the Legislature.

I would be glad to lend my support to what the Senator from Knox, Senator Collins, has already said. A couple of weeks ago I got a little publicity, because I had put an ad in the paper looking for a part-time job, for the summer. I assumed that many people in this Legislature, and I know that many of my constituents thought this was a joke. It wasn't a joke! It was

dead serious! It's dead serious! I don't make money on my expenses down here that I can sock away all winter so I can live all summer.

This summer I'll go home and I'll work in a potato field, or perhaps some other job. I don't know exactly what I am going to do. They haven't exactly knocked down my door since the ad was in the paper. Maybe that says something about what they think about me. I don't know. I'll go home and I'll find a part time job. I don't often rise to support the remarks of the good Senator from Penobscot, but I do today.

Every person in this State ought to have the right, the ability to run for political office. I go to schools, I go everywhere. I talk to people and I say: you could come to Augusta, and you could do the job as well as I or Senator Chapman, or Senator Pray, or Senator Perkins, or anyone else. All you'd have to do would have the perseverance to listen, the common sense to listen; to debate the issues; to do a little bit of reading, and the financial ability to be able to stand it.

After 6 years, I am looking very seriously at having to get out. Why? Because I don't like it anymore. Certainly not! Because I can't afford it anymore!

Now I'm like the good Senator from Sagadahoc, Senator Chapman. I would much prefer the original Bill, which I think read \$8,100 for the session, for the term, I would much prefer that than what we're voting on. The leadership and the Appropriations Committee has seen fit that we won't have that to vote on.

As I said, there's a good chance that I won't run again. So I'm not voting for myself for an expense increase. Yes, I am one of those people. I don't intend to come down on Monday morning, because I can't get here, can't get here from there, unless you want to get up at 3 or 4 o'clock in the morning, and drive over what are bad enough roads in daylight.

So I would urge you to take a look at this Bill. Think about the people back home, regardless of party that might just be interested in running for this Legislature someday. Let's get a good mixture of people in this Legislature. We've got people down there in the other Body and in this Body also, whose positions are way to the left of us or way to the right of us. Does that mean that their opinions aren't important? Does that mean that their thoughts and their words shouldn't be heard on the floor of this Legislature? I don't think it does at all.

If all we want are \$50,000 a year people and above here, then let's say so and let's make statutes to that effect. If not, let's give the people of the State of Maine the ability to run for elective office. I think this is a semi-up front way of doing it. It's all on the record. It's all being publicized, I'm sure as to what we're doing about the legislative expense increase. I got some reaction this weekend when I was home. Not on the \$10 a day increase, but on the fact that the increase figures have been published along with our salary figures. They said I don't believe it. There must be a lot of that good graft under the table, huh! I haven't been offered any lately. I don't think any of the rest of you have been either.

But let's look at the hard realities. Senator Pierce says we're in effect, voting for a pay increase for ourselves. We may be. There'll be approximately 2% of us, if statistics run true to form that'll come back here. But every single man and woman in this Legislature will have to face the voters before that happens. I've got a pretty large degree of faith in them. Thank you.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: It was once described to me that politics is the art of looking for trouble, find it everywhere, diagnosing it wrong, and usually applying unsuitable remedies.

This document before us today, I think is that

classic example. It's an extremely encompassing Bill. We have just been talking about one single phase of this particular document, the commuters who travel back and forth. If we are so concerned with compromise, or the alleged backdoor approach, let us address another section of this Bill, also of elected officials and it's going to cost the taxpayers a bundle.

I'm only a lay person. I don't have the ability as many of our illustrious attorneys do. But I'm very interested on Page 4, Section 553B, which came out of the Appropriations Committee for the District Attorneys salaries.

In my limited knowledge exactly the encompassing duties of our District Attorneys system in the State of Maine, by being very cognizant of one factor, that is the proliferation of the District Attorneys system in Maine. I call your attention to this particular section. Let's just recap it very briefly. Possibly you might concur that we should take another look at this bill or send it back to the Appropriations Committee to have them reevaluate or reassess how they came out with this very encompassing document.

Let us take for example, Mr. President, and Members of the Senate, that the basic salary of a District Attorney is \$25,500 for an elected position, which a guy runs for and gets. He knows what the basic salary is. Let's add on to that additional sums. Let us add to that in addition to the annual salary as set forth in sub-section 1. Each District Attorney shall receive such additional sums for which he qualifies under the following provisions. Here are the following provisions:

A. \$740 for each full calendar year, or prior service as an elected or appointed Attorney General, Deputy Attorney General, and get this, a United States Attorney, we're really going all out, aren't we at the taxpayers' expense, or District Attorney within the State of Maine.

B. \$500 for each 50,000 persons constituting the population of his district, according to the latest Federal Census.

C. \$500 for each county within the district.

D. \$200 for each full calendar year of prior service as a part-time Assistant Attorney General, Assistant District Attorney, Assistant County Attorney, or Assistant United States Attorney.

Now I think this is a rather generous thing. But if you go on further, on Page 5. It says salary exception. "In no event shall the salary of any District Attorney exceed that of a Justice of the Superior Court". Yet, we go back to the previous page. We see that the salaries for the Superior Court Justices have been set for \$31,500 until June 30, 1979. \$33,705 until June 30, 1980. \$36,064 thereafter.

Now if this is not a classic example of the proliferation of our District Attorneys System or our Attorney Generals System in the State of Maine, then somebody in this State prove me wrong. If you are concerned with an austerity program, for the people of the State of Maine, who send us up here to represent them, then I say give this particular section very serious consideration, before Enacting it.

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

Senator COLLINS: Mr. President, the question raised by the Senator from Androscoggin, Senator Minkowsky, about the District Attorneys salaries, I think, deserve a reply. For many reasons now it has been the experience with our District Attorneys system that young men come into it fresh out of Law School, with no experience. They take on either full time or part time duties to learn how to try cases. After 2 or 3 years of this training and experience, they get a better opportunity in the private sector. They leave and go to work in the private sector.

We lose the value of their experience. The result is that the people of the State are frequently represented by a lawyer in Court who

has much less experience and much less ability than the Defense Attorney. Do you wonder why so many criminals get off?

Well this complaint, I think, we've been doing some things about this in our system, in our system these last few years. In my judgment the District Attorneys system is the weakest part of the picture. This Career Ladder Type of Salary Program is an answer to it.

If you start out in the system and you have a chance to advance. You get some credit for the time you put in, the experience you've put under your belt, then it may be worthwhile to make a career of prosecution.

Now you look at what is being paid in both the private and public sector. Recently the new Commissioner of Business Regulations in the State had an ad running in the newspapers, advertising for a new lawyer to take the place of John Quinn, a new, I forgot his exact title, but he's the fellow that prosecutes consumer frauds, finds them out, and so on. The salary range, where was the top part of it? \$34,000 was the top part of the range. I think maybe the bottom part was about \$29,000.

Now do you realize that \$34,000 is quite a lot more than we're paying the Chief Justice of the Supreme Judicial Court of this State, but here in the Executive Department we're advertising this kind of salary. I don't know how much the nominee is getting to start with. Probably \$29,000 or \$30,000 or somewhere. But she'll have a chance to work up to a salary that's higher than the Chief Justice.

In my judgment it takes a great deal more courage, a great deal more talent, a great deal more strain, to prosecute criminals, murderers, rapists, burglars, and all kinds of undesirable types, than it does to sit in an office and work out consumer fraud problems and from time to time go into court to prosecute those problems. They are both important jobs. I don't mean to belittle the consumer job, but I can tell you out of direct experience in the courts of this State, that the prosecutor has a much tougher job. We need to get to pay it.

I have in front of me what the salaries would be in the 8 districts of this State if we pass this bill. \$27,000, \$30,960, \$31,860, \$27,500, \$30,460, \$28,500, \$29,960, \$26,500. Anyone of those men, I know, I think, all but one of them, could earn more than that in the private sector. Of course, he knows what he's going to get when he runs. If we want competent men and we want a Career Ladder possibility for these younger men to follow up to learn and become talented so they are the equals and perhaps the superiors of those that defend the criminals, then we need to take a look at this kind of a program.

That's why it's here. It isn't perfectly structured. I think it can be improved a little. If it passes, I shall try to do that. I think it's a very important step for us to take. Certainly these people are worth what you pay the real good welder at the Bath Iron Works, or the person over in Consumer Protection. I urge you to support this measure.

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

Senator KATZ: Mr. President, might I inquire of the Chair whether or not there's a possibility that people should make plans to stay overnight?

The PRESIDENT: In the opinion of the Chair, it is beginning to look ever more prudent that they make a reservation for the evening.

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President, I don't want to prolong the debate, but I would like to say something in the defense of the District Attorneys which are certainly the one aspect of this Bill I think, that deserves our attention.

I was really shocked to find that the District Attorneys have not had any salary increase

since we created these prosecutor districts in 1973. In 6 years, they've remained at \$23,500. They're really orphans in this system. They're dependent upon the State Legislature to do something about their salaries. If we don't do something this session, it will be 8 years since they've had an increase. Some of them have been incumbent since that time. So I don't think that what this Bill recommends for the District Attorneys is in any way excessive.

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

Senator CONLEY: Mr. President and Members of the Senate. I suppose we could talk about this Bill all day long. Perhaps we could all strike out at certain portions of the Bill.

There's one thing I'm not a hypocrite. I'd just as soon have an L. D. put in here covering everyone of these items. I'd vote for it. I'd vote for them singularly, each and every one of them.

Year after year there has been a Bill introduced to increase the salaries of judges. Year after year faithfully this Legislature does exactly the same thing, it generally scuttles them! It's easy to attack judges! It's easy to attack District Attorneys! It's easy to attack Legislators! It's easy to attack public officials! But we still elect them and we expect them to do their best for the citizens of this State.

I'm sick of the hypocrisy! I'm sick of it! 2 years ago we voted down a Bill that would have increased the subsidies to Legislators who have to travel great distances, or whether they don't. What they are getting is pittance. It was killed on the last day of that session.

Last January the good Senator from Knox, Senator Collins, approached me. He asked me if I'd co-sponsor a Bill. That Bill was to increase the Legislator's salaries. Not for this session! The 110th Session, 2 years away. No one knows whether anyone presently serving is going to be in the 110th. I'm just really, upset, that people in this Chamber and those in the other Chamber become so pompous and place themselves out front, saying No! We can't have a salary increase! The voters don't want it! Baloney! Baloney!

Judges are people. We expect them to do a job. District Attorneys, we can't compete with private firms, who are all lobbying around here in the back of the hall, getting paid 40, 50, \$60,000 a year. We want to pay District Attorneys in a dark room. I'm sick of it! Let's stop being hypocrites.

That's why we're forced into the position we're in today. Because everyone has a constituency. Yes, Senator Collins respects the court. Yes, I respect Legislators. Yes, someone else respects District Attorneys, each one of us has built-in constituency, and we hope we may get them some little increase in their salary.

Now if you think that's wrong, then defeat this Bill. If you think that \$10 a day is too much for people who eat at the Blue Dolphin across the Street, at \$8.50 for a meal. I had 2 cheeseburgers over there the other day, it was \$8.50, not to count the tip. Now let's stop the nonsense!

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

Senator SHUTE: Mr. President and Members of the Senate: If it's hypocritical to want fairness in the Legislature, I guess I'm hypocritical. I don't think it's hypocritical to want fairness between the commuters and those that stay here.

Now I don't care if we're talking about District Attorneys, Judges, or Legislators. There's no reason that those that stay here can't be fair with those that commute. So I just wonder who's being the hypocrite around here!

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: It's too bad we have to speak of hypocrisy at times. I don't think I

want to have myself labeled in that particular classification.

My concern is for the constituency I represent. That's the taxpayers in that particular district. To use this 'Red Herring' of hypocrisy, I think, irritates me more than anything I've heard in this entire darn session.

We are just discussing and bringing to light what the Appropriations Committee came forth with. If I cannot get a constructive answer from them, then I'm not voting for this entire document. I'm a Legislator. I've been here maybe 14 years. I feel maybe the same way, to a degree, that Senator Conley does.

On the other hand, I'm not asking for the taxpayers to increase my particular salary. I'm elected. Why should I ask the taxpayers to pay the increased salary of District Attorneys, or anybody else who runs for these particular offices? They know from the beginning what they're going to get. It's up to them to decide at that particular point to either accept it or reject it.

Another part that I think we should have an explanation of from the Appropriations Committee is in the Part II Budget, on Page 29, where they list under Section 5, "the sums allowed to District Attorneys for salaries." How does this correlate with this particular Bill? Are we supposed to be left in the dark like a mushroom? Just being kept in the dark. I think it's about time we started getting some very constructive answers, even though this is allegedly the last day of this particular session! Until these answers come forth, I'm going to do what I think is right, not from a hypocritical point of view, but from the viewpoint of my constituency. That's to vote everything down at the present time.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, since the pending question is Engrossment, I withdraw my motion for a Roll Call.

The PRESIDENT: The Senator from Kennebec, Senator Pierce requests Leave of the Senate to Withdraw his motion for a Roll Call.

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

It is a vote.

The Chair will order a Division.

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

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

15 Senators having voted in the affirmative, and 8 Senators in the negative, L. D. 1679 is Passed to be Engrossed.

The Chair will order a Division.

Will all those Senators in favor of Passage of L. D. 1679 to be Enacted, 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 11 Senators in the negative, L. D. 1679 Fails of Enactment.

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

Senator COLLINS: I move we reconsider, having voted on the prevailing side.

The PRESIDENT: The Senator from Knox, Senator Collins, moves the Senate reconsider its action whereby L. D. 1679 Failed of Enactment.

On Motion by Senator Collins of Knox, Tabled until later in today's session, pending the motion of the Senator from Knox, Senator Collins.

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

On Motion by Senator Pierce of Kennebec,

recessed until the sound of the bell.

(Recess)

(After Recess)

The Senate Called to Order by the President.

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

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

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

Senator FARLEY: I request a Roll Call on Final 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. 1549.

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, Carpenter, Chapman, Clark, Collins, Conley, Cote, Devoe, Emerson, Gill, Huber, Katz, Lovell, Najarian, O'Leary, Perkins, Pray, Silverman, Teague, Trafton, Trotzky, Usher, Sewall.

NAY—Farley, Hichens, McBreairty, Pierce, Redmond.

ABSENT—Danton, Martin, Minkowsky, Shute, Sutton.

A Roll Call was had.

23 Senators having voted in the affirmative, and 5 Senators in the negative, with 5 Senators being absent, L. D. 1549 is Passed to be Enacted.

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:

Paper From the House
Joint Order

An Expression of Legislative Sentiment recognizing that:

Charles and Barbara Stitham of Mars Hill will, on June 24, 1979, celebrate their 65th wedding anniversary . . . (H. P. 1580)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

Orders

On motion by Senator Katz of Kennebec, ORDERED, the House concurring, that in accordance with emergency authority granted under Title 3, section 2 of the Maine Revised Statutes, the First Regular Session of the 109th Legislature shall be extended by one additional legislative day. (S. P. 639)

Which was Read.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of Passage of this order, please rise in their places to be counted.

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

22 Senators having voted in the affirmative, and 2 Senators in the negative, this Order is Passed.

Sent down forthwith for concurrence.

Expressions of Legislative Sentiment recognizing that:

Corinne Walton, of Waterville, has been elected President of Military Order of the Cooties Auxiliary Grand of Maine . . . (S. P. 636) is presented by Senator Pierce of Kennebec, co-sponsored by Representative Jacques of Waterville.

The Finance Officer and the personnel in the Legislative Finance Office have provided the professional expertise, dedication and enthusiasm that has made this session a success . . . (S. P. 637) is presented by Senator Huber of Cumberland.

Which were Read and Passed.
Sent down forthwith for concurrence.

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

Communication
LOCAL AND COUNTY GOVERNMENT
June 7, 1979

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

Dear President Sewall:

The Joint Standing Committee on Local and County Government 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	84
Unanimous Reports	74
Ought to Pass	12
Ought to Pass as Amended	20
Ought to Pass in New Draft	2
Ought Not to Pass	16
Leave to Withdraw	23
Referral	1

Divided Reports	9
Bills held in Committee	1

Respectfully yours,
S/JEROME A. EMERSON
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 Order

ORDERED, the Senate concurring, that the following be recalled from the Governor's Office to the House: Bill, "An Act to Require Premium Impact Statements for Certain Workers' Compensation Legislation." (H. P. 956, L. D. 1222) (H. P. 1581)

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

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

Papers from the House
Non-concurrent Matter

Joint Order, relative to recalling H. P. 851, L. D. 1051, Bill, "An Act to Provide a State Income Tax Credit for Installation of a Wood Stove," from the legislative files. (S. P. 632)

In the Senate, June 14, Read and Passed.
Comes from the House, Indefinitely Postponed, in non-concurrence.

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

Senator KATZ: Mr. President, I understand that the House is presently in possession of this Legislative Document. The Order is not required.

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.

Is this the pleasure of the Senate?

The Motion Prevailed.

Non-concurrent Matter

Bill, "An Act to Increase the Salaries of Constitutional Officers and the State Auditor by \$5,000." (Emergency) (H. P. 131) (L. D. 142)

In the Senate, June 13, Passed to be Engrossed, as amended by Senate Amendment "A" (S-382), in non-concurrence.

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-731), thereto, in non-concurrence.

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

Non-concurrent Matter

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

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

Comes from the House, the Bill, in New Draft, RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Amount of State Expenditures which may be made without Voter Approval, (S. P. 580) (L. D. 1640).

Passed to be Engrossed, in non-concurrence.

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

Senator HUBER: I'd move the Senate Recede and Concur with the House, and would speak briefly to my motion.

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

The Senator has the floor.

Senator HUBER: Mr. President and Members of the Senate. The Senate, when this bill first came before it, was presented with 3 reports. The Senate accepted Report "A", which was the Majority Report in the form of L. D. 182.

This bill was a limitation only of General Fund expenditures, not of any dedicated funds.

L. D. 1640, which has been initially accepted by the House is also a Constitutional Limitation of State Expenditures, but includes certain dedicated funds.

When I originally presented L. D. 182 my attempt was to minimize the number of issues considered. However, I think if the other body is interested in a broader piece of Legislation, including not only General Fund expenditures, but also dedicated funds, I think that's fine. It is a broader piece of Legislation, but I would hope that the Senate would Recede and Concur. Hopefully we can Enact an effective limitation of a yardstick on State spending in this session.

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

The Motion Prevailed.
Sent forthwith.

Order

An Expression of Legislative Sentiment recognizing that:

The stenographers of the Senate have provided the professional expertise, dedication and enthusiasm that has made this session a success . . . is presented by Senator Ault of Kennebec.

Which was Read and Passed.

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 Clarify the Education Law." (Emergency) (H. P. 930) (L. D. 1168)

In the Senate, the Bill, in New Draft, (H. P. 1534) (L. D. 1683), Passed to be Engrossed.

Comes from the House, the Bill, in New

Draft, (H. P. 1534) (L. D. 1683) Passed to be Engrossed as amended by House Amendment "A" (H-711) and "B" (H-728) in non-concurrence.

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

Senator TROTZKY: I move the Senate Recede and Concur, with the House.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, moves the Senate Recede and Concur, with the House.

Is this the pleasure of the Senate?

The Motion Prevailed.

Sent forthwith.

Non-concurrent Matter

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

In the Senate, June 5, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-288) as amended by Senate Amendment "A" (S-307), thereto.

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-730) and Senate Amendment "A", thereto, in non-concurrence.

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

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

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

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: I move we Recede and Concur.

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

Is the Senate ready for the question?

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.

10 Senators having voted in the affirmative, and 13 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.

Sent down forthwith for concurrence.

Enactors

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

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

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

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

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

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

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

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

Senator KATZ: Mr. President, and Members of the Senate. I want to apologize if I've caused

any concern by setting this aside, but the work of the Senator from Cumberland, Senator Najarian, the Senator from Androscoggin, Senator Trafton, and the Senator from Cumberland, Senator Clark, was so long, so persistent and so effective. I felt their good work should not have gone unnoticed.

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

Emergency

An Act to Regulate Cone Burner Incineration for the Disposal of Municipal Solid Waste. (H. P. 1480) (L. D. 1672)

Emergency

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

These being emergency measures and having received the affirmative votes of 23 members of the Senate, 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 Concerning the Continuation of Pilot Projects for More Effective and Efficient Delivery of Services to Preschool Handicapped Children. (S. P. 75) (L. D. 165)

On Motion by Senator Huber of Cumberland, Tabled for 1 Legislative Day, pending Enactment.

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

Committee Report

House

Leave to Withdraw

The Committee on Local and County Government on, Bill, "An Act to Authorize a District Attorney and Assistant District Attorneys for Washington County." (H. P. 471) (L. D. 579)

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.

Orders of the Day

On Motion by Senator Katz of Kennebec, the Senate voted to take from the 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)

Tabled earlier in today's session, Pending the Motion of the Senator from Kennebec, Senator Katz.

Senator KATZ: Earlier today there was some concern that the full appropriations might have found it's way back in here. That is not the case. This reflects our collective opinions as to what we were voting on. Therefore, I move that we Recede and Concur, with the House.

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

This being an emergency measure and having received the affirmative votes of 22 Members of the Senate, with 1 Senator having voted in the negative was Finally Passed and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Joint Resolution, Recommending that Taxi Services be Allocated 100 Percent of their 1978 Fuel Allocation (H. P. 1579)

On Motion by Senator Katz of Kennebec, In-

definitely Postponed, in non-concurrence.
Sent down forthwith for concurrence.

The Chair laid before the Senate:

Joint Order—Relative to a Joint Select Committee Studying Secondary Vocational Education. (H. P. 1489)

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

Pending—Passage.

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

The Chair laid before the Senate:

Joint Order—Relative to a Select Committee on Fisheries and Wildlife studying the operation and finances of the Department of Inland Fisheries and Wildlife. (H. P. 1517)

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

Pending—Passage.

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

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

Senator CLARK: Mr. President, is the Senate in possession of L. D. 809?

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

Senator CLARK: Mr. President, I move that the Senate reconsider its action whereby this Bill, Failed of Enactment.

The PRESIDENT: The Senator from Cumberland, Senator Clark, moves the Senate reconsider its action whereby Bill, "An Act to Establish Special Retirement Provisions for CETA Employees." (S. P. 268) (L. D. 809) Failed of Enactment.

Is this the pleasure of the Senate?

It is a vote.

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

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

On Motion by Senator Clark of Cumberland, the Senate voted to Indefinitely Postpone Committee of Conference Amendment "A".

Senator CLARK: Mr. President, I present Senate Amendment "A" to L. D. 809, Filing Number S-396.

The PRESIDENT: The Senator from Cumberland, Senator Clark, now offers Senate Amendment "A" to L. D. 809, and moves its Adoption.

Senate Amendment "A" (S-396) Read.

The PRESIDENT: The Senator has the floor.

Senator CLARK: Mr. President, I would apologize to you and to the members of the Senate, for the mess that I've made of this Bill. The Committee of Conference was a Unanimous Report it was my understanding, following the Unanimous Adoption of the motion of the Senator from York, Senator Lovell, that the Emergency Preamble be removed from the Committee of Conference Report.

There were a great deal of misunderstandings and I failed to check the Committee of Conference Report. I did learn a lesson, however, today. That is that the Emergency Preamble precedes the Enacting clause. I shall be much more serious and less assuming in the future. Thank you.

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

Senator LOVELL: I verify the good Senator from Cumberland's motion. I was the one that made the motion that it should not be an emergency measure. So she is right, I urge passage.

Senate Amendment "A" 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. The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, is the Senate in possession of L. D. 526, a bill Concerning Self-insurance Workers' Compensation?

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

Senator KATZ: Mr. President, I apologize to the Senate, but I made my second mistake of the year. I had promised to table this Bill out of courtesy to a member who had to step out for just a moment. For that reason, I'll move that the Senate reconsider its action whereby this Bill was Enacted.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate reconsider its action whereby this Bill, "An Act Relating to Self-insurance under the Workers' Compensation Act." (H. P. 396) (L. D. 526) was Passed to be Enacted.

Is this the pleasure of the Senate?

It is a vote.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President and Members of the Senate, I appreciate the Senator from Kennebec, Senator Katz, allowing me to express again for the last time some of my concerns about this Bill.

I've discussed this before, I will not belabor it, but I feel very strongly about the issue. I'm very concerned that this Bill seems to be a subject for negotiation at this last hour. I think it's a very serious Bill. It disturbs me that a Bill of the import that this one has is being used in this fashion. I know I've got to be realistic, but I would like to go over some of my serious concerns about this Bill.

I'm very distressed and disappointed and dismayed that we have reached the point that we have on this Bill. I know some of you have indicated to me that you feel perhaps I am tainted in my views on this Bill, because of my insurance background. I can only say that that is not the case. I have some very grave concerns for the claimants under this Bill, for the benefits of Workers Compensation. I think they're the ones that are going to be hurt by the implementation of this particular Bill.

There is no regulation from the Insurance Department provided under this bill. Any groups formed under this Bill would use the services of the Insurance Department and Industrial Accident but they would pay no premium taxes whatsoever, for the use of these 2 State Agencies.

What if several self-insured groups developed and one failed. Will those in the group be assessed? Will other self-insured groups have to act to rescue the insolvent group? There is no Guarantee Fund or Insolvency Fund for such groups.

This bill, in my view is just not in good shape. It's not in sound form. It needs much more careful thought and study, something that I've mentioned several times. I've offered an amendment to this Bill earlier on and it was turned down.

The impact of this Legislation is really far-reaching and significant. I can't overemphasize the fact that I feel it should not be rushed, as this one apparently has by a lot of people, who went quizzed really, in my view don't know, really the consequences of the action and what they're talking about.

It's the classic example of 'haste makes waste'. Again I think it should be studied. Now we have a situation here where the Appropriation on this Bill, a request of \$27,000 is needed to implement this program has been reduced to \$5,000. Some think that that's a compromise, and that's the reason why this should be supported, because it's reduced by \$27,000 to \$5,000 of funding.

The Superintendent of Insurance advises me that in no way can the Bureau of Insurance regulate this for \$5,000, can't police it! They're required under self-insured plans that exist to annually review them. They can't do that. It amounts really to no regulation, no supervision, no oversight. I think it's going to bring about some less than responsible regulation.

The General Fund is going to lose substantial amounts of money beyond this \$5,000 appropriations. It's going to lose money, because of the loss of premium tax. The Superintendent of Insurance estimates that it very easily could be on the order of \$50,000 in the first year if a sufficient number of companies attempt to take advantage of a group organized.

Title 36, Section 2513 states that "every insurance company or association which does business or collects premiums shall for the privilege of doing business in this State and in addition to other taxes imposed for the privilege, shall pay a tax on all Gross Direct Premiums on contracts written on risks located and resident in this State, whether for insurance of life, annuity, fire, casualty, and other risks at the rate of 2% per year."

That money goes into the General Fund. That money will not come in, on any risks that seek insurance under this self-insured group that may be organized under this bill. Truly there's going to be a loss of revenue.

I think the thing that concerns me most is the fact that the Insolvency Fund will not apply to any self-insured group under this Bill. Those that support the Bill pointed out that over the self-retention level of coverage in the group, there is re-insurance. The re-insurance companies are going to take care of any sizeable claims, that there is protection for these re-insurance companies, and that there's bonding.

Well, re-insurance companies take all sizes and shapes. Some are United States companies. Some are foreign companies. They're not regulated by the State. They're outside of our control. They're unpredictable. To illustrate my special concern, because of the inapplicability of the Insolvency Fund, I want to refer to the statutes concerning the Maine Insurance Guarantee Association.

"The purpose of this sub-chapter is to provide a mechanism for the payment of covered claims under certain insurance policies to avoid excessive delay in payment, and to avoid financial loss to claimants or policy-holders because of the insolvency of an insurer."

Any insurance company that does business in the State has got to participate in support of this particular Maine Insurance Guarantee Association, to indemnify and make good on claims that are outstanding and that occur because of Insurance Companies that go insolvent. Believe me, they do!

Just last week the Reserve Insurance Company has gone bankrupt. It's going to be one of the largest ever. There are policies in the State of Maine and companies doing business in Maine will be putting funds to support the claims that will come up on policies in that company.

I'd like to refer to this section under the Maine Insurance Guarantee Association. It says "this chapter shall apply to among other things, to Casualty Insurance", which the Workmens' Compensation comes under. But there's an exception. "Except that this chapter shall not apply to contracts of reinsurance." These reinsurance contracts that are going to support this self-insured fund aren't subject to the Maine Insurance Guarantee Association. There's no guarantee.

Let's just go a little further. When this Maine Insurance Guarantee Association was set up, under the powers and duties of the Association, it said, they shall be obligated to the extent of covered claims, existing prior to the determination of the insurer's insolvency or rising after such determination". They are policies that are outstanding and that are going to last

for a period of time.

It goes on further to say! "this fund shall make good on any claims that arise because of that insolvency, up to the amount of the claim, or at least up to \$50,000". It's a limit. This law went further and made a special exception for Workmens' Compensation. It said "the association shall pay in full claims arising under Workmens Compensation Policies". They realize the magnitude and the importance of Workmens' Compensation Claims which can go into the hundreds of thousands of dollars. That those claims will be paid in full!

We have a situation here where we're going to encourage people to get into self-insured plans for Workmens' Compensation. There will be no guarantee at all for them. Who's going to be the loser? Those people that are going to be suffering claims and injuries and want the benefits to be provided.

I'm asking myself what is really prudent about this Bill. We're supposed to be acting responsibly in the interests of the people. I think we're rushing into a great many uncertainties here. This matter should be studied. There are too many uncertain matters about it, too many ramifications that are far-reaching, that with some study could be made sound and could be addressed properly.

The working men and women and their families are the ones that are being put on the lines here. It's their security that's being played with.

The pending motion before us then is Enactment again. We've asked for Reconsideration. On that motion I would request a Roll Call and urge the Senate to oppose Enactment.

(Off Record Remarks)

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator McBreairty.

Senator MCBREAIRTY: I wish to pair my vote with Senator Sutton. If he were here, he would vote against Enactment and I would vote for Enactment.

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

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

It is a vote.

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. 526.

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—Carpenter, Collins, Conley, Cote, Farley, Katz, Minkowsky, Najarian, Perkins, Pierce, Pray, Redmond, Silverman, Trafton, Usher.

NAY—Ault, Chapman, Clark, Devoe, Emerson, Gill, Hichens, Huber, Lovell, Teague, Trotzky.

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

PAIRED—McBreairty-Sutton.

A Roll Call has had.

15 Senators having voted in the affirmative, and 11 Senators in the negative, with 2 Senators pairing their votes, and 4 Senators being

absent, L. D. 526 is 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:

Enactors

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

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

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)

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

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)

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

Enactors

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

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

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

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

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)

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

Enactors

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

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

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

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

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)

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

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

Enactors

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

Emergency

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

This being an emergency measure and having received the affirmative votes of 27 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.

adjourned until 10 o'clock tomorrow morning.

Bond Issue

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

This being a Bond Authorization Act, and having received the affirmative votes of 25 Members of the Senate, with 2 Senators voting in the negative, 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:

Paper from the House Non-concurrent Matter

Bill, "An Act Relating to Political Fund-raising by State Employees." (S. P. 270) (L. D. 811)

In the Senate, June 14, the Minority Ought Not to Pass Report Read and Accepted.

Comes from the House, the Majority Ought to Pass Report Read and Accepted, and the Bill Passed to be Engrossed, in non-concurrence.

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

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

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

Is this the pleasure of the Senate?

The 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 Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President, I'd hope that we could adjourn tonight on a positive note. I hope that everybody will go along with the Motion to Recede and Concur.

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

Senator TROTZKY: A positive vote would be to Adhere to the Senate's position. Not to put future Legislators under undue political pressure from the unions.

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

12 Senators having voted in the affirmative, and 15 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.

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 its action whereby it voted to Adhere.

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

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion does not Prevail.

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

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

On Motion by Senator Pierce of Kennebec,