

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 15, 1979

Senate called to Order by the President.

Prayer by the Honorable Bennett D. Katz, of Augusta.

Senator KATZ: We thank God for the friendships that have been forged during this Legislative session, for the companionship and the warmth of colleagues and staff.

We thank God for the growth that we have made individually during the session. We ask that God's countenance shine with kindness upon every Member of the Senate and all the Members of the Staff and our friends who have labored with us as we attempted to do God's work for the past few months. Amen.

Reading of the Journal of yesterday.

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

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

Tabled—June 14, 1979 by Senator Collins of Knox

Pending—Motion of Senator Collins of Knox to Reconsider.

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

Senator COLLINS: Mr. President and Members of the Senate: When we concluded last night, I was asked by leadership to work on a suggested compromise on this Bill. We did that last evening. The amendment that has been worked out is now in your books under Filing Number S-397.

To describe just briefly the nature of the amendment, we stripped off the emergency clause. We have at the request of the State Government Committee Chairman, included the other Constitutional Officers in this Bill, rather than have it in a separate bill, which is also on our table.

We have made one change relative to commuters, allowing actual mileage up to \$20 a day, instead of \$18 a day. We have trimmed down the District Attorney Compensation Sections. The Career Ladder increments have been paired, in different amounts, mostly \$200 or \$300 in various categories.

The big thing in the District Attorney changes is that we have put a cap on the salaries of any District Attorney at the level of a Judge of the District Court, rather than at the level of a Judge of the Superior Court. In terms of this coming year that means a cap of about \$2,070 less than the cap which is in the Bill without amendment. That cap is significant over the longer term, of course, because some of these career people will build up to it in time, although I believe there are none that will reach it this very year.

On the whole this Bill costs less than the previous position of the bills. I'm not sure of the exact figures. They told me at Legislative Finance last night that it was somewhere between \$60,000 and \$85,000 less.

The retroactivity feature is as of July 1, ahead of us for the Constitutional Officers. The retroactivity section of D. A.'s remains as it was.

I think in general this is the outline that we are proposing. We realize not everyone will be satisfied. Like every good compromise, most everyone will be at least a little bit dissatisfied.

On the whole I think this reflects the views that were expressed at least in part from yesterday's experience.

We have discussed it with leadership in the other body. Also with the District Attorneys.

We are commending it to you. I would therefore ask that we proceed with the pending question. If that passes, I will then make the necessary motions to offer this amendment.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: I guess I should express my thanks first of all for the hard work that Senator Collins of Knox went through in reassessing this entire L. D. I guess it's safe for me to say, I guess, my efforts were not entirely in vain yesterday, if he says that there is a savings to the taxpayers of \$60,000 to \$85,000.

I want to emphasize one particular point. That simply is, this Legislature cannot be blamed for the previous 2 Legislatures in not addressing the salary increases of our District Attorneys. They cannot expect to come to this Legislature and try to get anywhere from a 31% to a 44% increase in their salaries.

If we are following the guidelines set down by the President of the United States where the rank and file worker was capped at 7%. We got to these prosecuting prima donnas and give them that particular amount of money, then I don't think this is in the interest of the taxpayers of the State of Maine.

Now I'm fully cognizant their skills and their talents must be compensated for, but as I said yesterday we as legislators made the decision to adjust our life styles for the salaries we are getting plus what we have to earn outside of our regular Legislative duties.

The District Attorneys when they ran for that particular office, were fully cognizant that it paid \$23,500. I simply say, they had to adjust their life styles to serve the people of that particular district. If we are to change the system to compensate these people, allegedly for their skills and their talents then let's get them out of elected office. Let's put them in the Attorney General's Office, and pay them accordingly.

We have been watching the proliferation ever since we implemented the District Court System or District Attorneys' System. It has grown annually. Yet there never seems to be any satisfaction with these people. They are always asking for more.

I'll bet you anything if we were to take this issue and send it to the people, and let's include Part II to it also, they'd vote us down unanimously, regardless of the skills and talents. Even though 4 years have gone by since these people have been clammering that they haven't received a raise, that inflation has taken over on their budgets. Let's look to the rank and file person, 4 years ago we could buy gasoline for less than 40¢ a gallon. Maybe our food bill for the rank and file person was less than 30% of what it is today. Maybe home heating oil was under 25¢ a gallon at that time.

If they don't like the job that they have at the present time, predicated on the salary that they are getting, then that's just tough! Let them go out in the private sector and work like the other attorneys do.

When we take into consideration the first phase of that particular bill going from \$23,500 to \$25,500. That's giving them almost a 7½% increase. I simply say to them. If you didn't succeed in the past 4 years, be satisfied for what you can get this time. Again don't matriculate this into a lot of other L. D.'s to try to get this thing passed through. I just want to make that particular point clear, Mr. President, and Members of the Senate, for the Record, so these people will understand in the future when they come back that they better weigh, evaluate, analyze exactly what they're asking for, instead of asking for this horrendous increase for 8 District Attorneys.

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

Senator CHAPMAN: Mr. President and Members of the Senate: This amendment certainly doesn't address my concerns with regard

to the Legislative Expense aspect of this Bill. So as far as I'm concerned it's no compromise at all. It concerns me when we put several different issues into one Bill, hoping that the desires to support some will overcome the objectionable aspects of the others. I'd request a Division and hope the Senate will vote against this.

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

Senator LOVELL: I have noticed that on my W-2 Form at the end of the year, they add on the \$200 for Constituency Fees. I have to pay 50% income tax on that \$200. Is it necessary for the Constituency Fees to go on the W-2 form? I don't think it is. I would like to have the President contact Mr. Garside and see if he'll put on the salary. We get a salary of \$4,500. That \$200 isn't salary.

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

Senator KATZ: Mr. President, I ask that the Senate support this amendment, which to a very real extent is a compromise amendment. The only place you have if your way everytime is at Burger King, not in the Maine Legislature. This is a very, very important Bill. We're talking about the years 1961 and 1962. That through itself with the inflationary pressures in this country ought to bring you up short. The decision now on our shoulders is what they will get.

(Off Record Remarks)

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

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

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

21 Senators having voted in the affirmative, and 6 Senators in the negative, the Motion to Reconsider does prevail.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I now move that the Senate Suspend its Rules.

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that the Senate Suspend its Rules.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, a Parliamentary Inquiry. Do the Rules need to be Suspended to Adopt an amendment to this bill?

The PRESIDENT: The Chair would answer in the affirmative.

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

The PRESIDENT: A Division has been requested.

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.

22 Senators having voted in the affirmative, and 6 Senators in the negative, the Rules are Suspended.

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

Senator COLLINS: Mr. President, I now offer Senate Amendment "D" to L. D. 1679 under Filing Number S-397 and move its Adoption.

The PRESIDENT: The Senator from Knox, Senator Collins, now offers Senate Amendment "D" to L. D. 1679 and moves its adoption.

Senate Amendment "D" (S-397) Read.

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

Senator MINKOWSKY: Mr. President, I would ask for a Roll Call vote for the adoption of Senate Amendment S-397.

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

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

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

The Chair recognizes the Senator from Waldo, Senator SHUTE.

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

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

Senate Amendment "A" (S-398) Read.

The PRESIDENT: The Senator has the floor.

Senator SHUTE: Mr. President, and Members of the Senate. Senate Amendment "A" to Senate Amendment "D" makes a change in the legislative expenses. I'll explain what the change is.

Senate Amendment "A" does away with the meal and housing allowance. It gives each Legislator \$35 a day expense money, and 1 round trip per week. It gives commuters \$35 a day expense money for 5 days. For those that are staying here in Augusta, it gives those Legislators \$35 a day for 6 days. All Legislators get 1 round trip per week.

I talked about inequities on this Bill to some extent. Under this amendment there are still inequities. Those living closer to Augusta may get slightly more than what they would if they had to account for their expenses. Those living further away wouldn't quite get their expenses. The question is, is this more equitable than what we have on the books at the present time?

A person that has a round trip of 120 miles a day, which I have, 118 mine is, but 120 miles a day. This amendment brings their expenses exactly to what the amendment would allow, if you accounted for all your mileage and all your meals. If you live closer than 60 miles one way, you would make a little bit of money on this. So I guess the question is, is this more equitable than what we have at the present time? Or should we continue under the present system?

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

Senator COLLINS: Mr. President, I would say that the amendment offered by the Senator from Waldo, Senator SHUTE, does move toward a little bit more equity, but it seems to me that there still are a number of inequities in just about any system that you devise. I had a long discussion of this last evening with Bill Garside, who is our veteran Legislative Finance expert and knows what people have been claiming for expenses through the years. He's seen various practices tried from the vouchering system that would be preferred by the Senator from Sagadahoc, to what we have today. I just despaired at finding any perfect solution to this whole thing.

What the Amendment "D" that is before you offers without Senator Shute's amendment is a very small improvement in the role of the commuter. That was part of his concern. If we were to adopt the amendment that Senator Shute has proposed, it is my impression that there would be a slightly more expensive Bill. There would be a decided windfall to some of the folks that live within a 40 mile radius of Augusta.

I would point out to the Senate that any compromise of this type is tenuous. It has to find support in both Bodies. I've worked with this in view. I've conferred with people in both Bodies. We had this matter pre-engrossed just in case it had success. We can easily get into an extra day on this kind of a topic, if that's what we want to do. I submit we'll be doing our job much better if we do not change the amend-

ment that has been presented. Therefore, I would hope that you would vote No on Senator Shute's proposed amendment.

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

Senator CHAPMAN: Mr. President and Members of the Senate: I would urge the Senate to support the amendment offered by the Senator from Waldo, Senator SHUTE. If it takes us an extra day then I don't see that as any real reason to disregard something that might be a little more equitable, just because it's been pre-engrossed.

If we are going to give to people who stay here in Augusta \$35 a day without requiring any justification for how much they actually spend or incur for meals or otherwise, then why shouldn't the provisions of this amendment be fair and equitable to those who commute. Some admittedly shorter distances but some admittedly longer distances. At least it more approximates the salary approach to this issue which is what I think we should be talking about rather than an expense reimbursement.

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

Senator HICHENS: Mr. President and Members of the Senate: No matter how we try to change things, we seem to go from one extreme to another. I admitted that yesterday the arguments given by the good Senator from Waldo, Senator SHUTE, were very accurate. I could share his concerns, but I think the amendment we have before us this morning just threw the balance completely the other way.

There are a great many people in our Legislature who live within 50 miles of Augusta. If they are to receive the \$35 per day, they are the ones that are going to make the money, especially those who live very close to Augusta. The ones who are here paying for their rooms, have to pay for 3 meals a day aren't going to make any money even at \$35 a day. I can show you that very clearly in my expenses that I've had throughout the year.

Just this last week I gave up my room, and had the room for 3 days this week at \$20 a day. That left me \$5 a day for my meals. Even raising that to \$35, next year we can be sure our rooms are going up. We will not have any more than our expenses left over by the end of each day.

It was brought to my attention yesterday something that I hadn't thought about. The fact that we people who live here in Augusta, also have homes to maintain during the winter months. We have to keep those homes heated. We have to pay that expense while we are paying our expenses here. The people that are going home every night are living in one place and paying for those expenses. I would be very much against this amendment, even though my sympathies go with the people who travel. They have that privilege the same as we do of staying overnight or going home. I do not think this amendment is preferable.

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

Senator SHUTE: Mr. President and Members of the Senate: I told you when I presented this amendment, it wasn't perfect. It is not an easy solution to come up with a perfect accounting system for commuters and those that stay here. I know there are some inequities in this amendment. The question is are there more inequities in the amendment. The question is are there more inequities in the present law as it exists? I think there are more inequities in the present law.

I heard a lot of people here yesterday and the day before say they all wanted to help find a solution for the commuters. But any solution you come up with is not going to be perfect. Everyone wants to help on this, but they always find some reason not to help. It's easy to find reasons not to help.

Maybe some of the Senators or Legislators

who stay here could tell me why they stay 4 nights and get paid for 6 nights plus a round trip? Maybe some of them that stay here, if we figure our \$35 as in the bill expense money, \$17 meals and \$18 for mileage. If you are not here Sunday night, why are you entitled to the \$17 meal money? You're not here to eat meals. Is there some reason for that?

The good Senator from York, Senator HICHENS, says that this Bill isn't justified. It's not equitable. Can he tell me why if he doesn't arrive Sunday evening, that he's entitled to \$35. Or can he tell me why if he doesn't arrive Sunday evening that he's entitled to \$17 for meals under this Bill, if you are not even here?

I know this isn't a perfect solution. It doesn't make a real great deal of difference to me whether the amendment is adopted or not. For actual expense I've gained \$4 a week. I'm not going out so far on the limb for \$4 a week. Some of those that live closer to Augusta would gain a little more than that, by the same token those living in Augusta get an extra \$35 a week. Of course they are going to get their extra \$35 a week anyway whether they adopt this amendment or whether they adopt the present bill.

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

Senator HICHENS: Mr. President, I'm very pleased that the Senator from Waldo, asked that question of me, because it was something that I was going to mention and I forgot to mention in my original talk.

I have before me the Legislative Expense Account, which says check this box if overnight accommodations were occupied away from home immediately preceding the weekly session. I did not find out until yesterday that I was entitled to that \$25 the night before if I did not occupy the room.

I have occupied my room on except 4 Sunday nights during this Legislative Session. I did not put in a Bill for that \$25 for the night I was not here. Whether I'm entitled to it or not I don't believe that I should receive it, if I wasn't here the night before. I don't know how many others have collected for that \$25, but this is one Senator that didn't.

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

Senator SHUTE: I won't belabor this issue, but according to the Attorney General's opinion, you are entitled to that money, whether you are here or not. So you don't have to come up Sunday night to get the money. According to the law and according to the Attorney General's Opinion, that was given to Bill Garside, you're entitled to 6 nights a week if you have a room here in Augusta on a weekly or monthly basis, whether you are in that room or not.

Under the Opinion, 'occupied' means to hold that room for yourself. You don't have to occupy it physically.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator EMERSON.

Senator EMERSON: I want to say I'm very glad all this has taken place, because I've found out I've got \$400 coming to me.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

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

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

13 Senators having voted in the affirmative and 18 Senators in the negative, the Motion to Adopt Senate Amendment "A" to Senate Amendment "D" does not prevail.

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

Senator COTE: Mr. President and Members of the Senate: Before we take the Roll Call I would just like to point out one thing. I hope you're not deceived by this amendment. If you

look at the bottom of page 3, it says "further amend the bill by striking out all of the Emergency Clause". Then up above it says "the salaries will be retroactive". It's just a devious way of passing this bill, because the followers are going to vote for it. We here who are free thinkers will vote against it.

I don't like the way this amendment has been drawn up, regardless of the salaries, which way they go, one way or the other. In order to assure the Passage of this Bill, they've taken out the Emergency Clause. We know that they have the votes to pass it without it. They make it retroactive, which to me is shameful and deceitful.

The PRESIDENT: The pending question before the Senate is Adoption of Senate Amendment "D" to L. D. 1679.

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Ault, Carpenter, Clark, Collins, Conley, Devoe, Emerson, Farley, Gill, Hichens, Huber, Katz, Lovell, McBreairty, Najarian, O'Leary, Perkins, Silverman, Teague, Trafton, Trotzky, Usher.

NAY—Chapman, Cote, Minkowsky, Pierce, Pray, Redmond, Shute, Sutton.

ABSENT—Danton, Martin.

A Roll Call was had.

22 Senators having voted in the affirmative, and 8 Senators in the negative, with 2 Senators being absent, Senate Amendment "D" is adopted.

The Bill, Passed to be Engrossed, as amended, in non-concurrence. Sent down forthwith for concurrence.

Paper from the House Non-concurrent Matter

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

Recalled from the Governor's Office pursuant to Joint Order (H. P. 1581)

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

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

Senator PRAY: I move the Senate Recede and Concur.

The PRESIDENT: The Senator from Penobscot, Senator Pray, moves that the Senate Recede and Concur, with the House. Is this the pleasure of the Senate?

The Motion Prevailed.

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

Senator HUBER: Is the Senate in possession of L. D. 1242, "An Act to Provide Personal Care Assistance Services to Enable Persons with a Severe Physical Disability to Work"?

The PRESIDENT: The Chair would answer in the affirmative, on this 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) having been recalled from the Legislative Files.

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 L. D. 1242 was Indefinitely Postponed.

On Motion by Senator Huber of Cumberland, the Bill Passed to be Enacted, in non-concurrence.

Sent down forthwith for concurrence.

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

Paper from the House Non-concurrent Matter

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 for the Fiscal Years Ending June 30, 1980, and June 30, 1981. (Emergency) (H. P. 1533) (L. D. 1682)

In the House, June 13, Passed to be Engrossed as amended by House Amendment "A" (H-723).

In the Senate, June 14, Passed to be Engrossed, in non-concurrence.

Comes from the House, that Body having Adhered.

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

Senator KATZ: I move that the Senate Adhere, and I would like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator KATZ: Mr. President, in a session that has been filled with good faith compromises, this is a bill that simply cannot be compromised. As my interpretation of the law, and the interpretation of the law by my Party, we have no obligation to fully fund the requirements as passed along to us of the actuaries for the Teachers' Retirement Fund, not 90% of it, not 50% of it, not a negotiated percent, but all of it. Not next January, but now. So that confidence in government can be maintained.

There are relatively few thousands of retired teachers who are presently drawing from the fund. But there must be some 14,000 of them in line, who after a lifetime of teaching are looking to the integrity of the Teachers' Retirement Fund for the security that they are justly earning during their teaching professions.

I'd like to briefly go through the figures as I understand them. I understand that the cost of the Teacher Retirement Fund to the State is about \$56,500,000 during the biennium. I understand that about \$12,000,000 has already been appropriated in Part I. I understand that that leaves about a \$44,000,000 shortfall, which on this 101st day of the 109th Legislature is facing us.

The Bill in front of us includes the allocation of Revenue Sharing Funds, which adds up to some \$31,500,000. With the Federal Revenue Sharing Funds allocated that leaves a shortfall of \$12,800,000. That's the amount we're talking about, \$12,800,000 plus the allocation of the Revenue Sharing to the Fund.

I understand that my motion to Adhere, and I'm asking all Members of my party to the last member of this caucus to support the Motion to Adhere, will mean that we have not funded \$44,000,000 into the Teachers Retirement Fund, which we are required to by statute. I wish that I could put a bunch of keep out signs on the question of Public Employment Retirement Servicing, and say to future politicians: Please Do Not Intrude.

If you feel that \$56,500,000 is more than we can afford, talk about changing the Retirement Laws, but until then, keep faith! Keep faith with the people with whom promises have been made. Keep faith with the thousands who have already retired.

Keep faith with the some 14,000 who are in the process, as professionals, in pursuing a career that is not all that well paid. But who look forward to a retirement with some sense of dignity.

Now I realize that the motion to adhere means that we will be doing nothing. But it is my understanding that every leader in MTA who has been polled, has been saying either live up to the law or don't do anything.

It's a hard decision. Yesterday in the Senate to the credit of most Members of the Democratic Party, they left their leadership position and voted a position which I think they all think is right. I must say I had some sense of pride in that. The other end of the corridor is a rather different posture, where the motion to Adhere was completely, without exception, along party

lines.

This is a matter of individual conscience, rather than party solidarity. I hope that the Senate shares the sense of frustration that I feel today, in the fact we have not lived up to our obligation to thousands of people who have looked to us to live up to our responsibilities.

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

Senator NAJARIAN: Mr. President and Members of the Senate: I think that the Majority Leader is taking a rather extreme position.

The House position has \$6,400,000 allocated to the Retirement Fund for the first year or until July, 1980, which is certainly better than, going here, if you believe that this money is needed, than leaving here without putting anything in.

This will take us until next July. The study will begin this fall. Will be completed by December. If we can come back in January and address the second year of the biennium, based on the results of the study.

It has been brought to my attention that there is a lot of concern about the teachers, that if we don't do this, they won't be receiving their check, which isn't true. This additional money that we've been asked to put in simply, because of Revised Mortality Tables.

If we kill this Bill today and do not Recede and Concur with the House, we will not have allocated the Revenue Sharing Money of \$30,000,000 over the biennium, which is an irresponsible position to take. We will not have funded the money for the study. We will have nothing in the first year. So I think based on your concerns about the Retirement System that the responsible position to take this morning would be to Recede and Concur with the House and I so move.

The PRESIDENT: The Senator from Cumberland, Senator Najarian, has moved that the Senate Recede and Concur with the House.

Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, I oppose the motion to Recede and Concur, and request a Roll Call.

It's probably reasonable to say to the teachers: don't worry about your Retirement Fund. We're not going to do it in the manner required by law. But we're going to obligate some of it now. Don't worry, we'll come in January and do it then. But a succeeding legislature will say: look we're having some rather difficult financial times. Don't worry if we don't fund it this biennium. We promise you we will make it up next biennium.

The thought is appalling. If you take a look all over the United States at the Retirement Funds that have gotten into trouble, and the Retirement Funds that are even more grievously underfunded than the Maine Retirement Fund and the Teachers Retirement Fund, you can see the absolute folly of politicians making temporizing financial decisions based upon anything, other than the strict interpretation of the lawful funding in a timely manner.

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

Senator CONLEY: Mr. President and Members of the Senate: I think it's unfortunate that on this last day that we don't compromise on this package. We're talking about \$31,800,000 being dumped right into the Teachers Retirement Fund, in Revenue Sharing. We're talking \$6,400,000 from the General Fund on top of it. That is a good 90%. We don't have to appropriate the other 6.4. It's not necessary. Apparently the good Majority Floor leader believes in his own heart that it's not even necessary to appropriate the Revenue Sharing Money or the 6.4.

I think it's foolhardy not to Recede and Concur with the House, but on the other hand, we'll be back again. We'll have to address the problem. At least we'll know and we'll have more accurate figures before us as to exactly what is owed the Retirement Fund, or what has

to be put into the Retirement Fund. I would urge every Member of my Party to vote to Recede and Concur.

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 Cumberland, Senator Najarian, that the Senate Recede and Concur with the House.

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

A No vote will be opposed.

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

ROLL CALL

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

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

ABSENT — Danton, Martin, O'Leary.

A Roll Call was had.

5 Senators having voted in the affirmative, and 24 Senators in the negative, with 3 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.

Sent down forthwith for concurrence.

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

Senator HICHENS: Thank you, Mr. President. On this last day of our session, I think it very appropriate that we have received a copy or you will receive a copy when you get home, I presume of the Church World. When you get that copy I would like you turn to page 15, where there's an article entitled: "We are Examples for our Children", written by State Senator Barbara Gill.

I presume that she was asked to write this article because she was sponsor of the Bill, Parental Notification for Parents when children went to different centers for advice as far as abortions were concerned.

But this article goes far beyond the reasons for that Bill. It is truly an outpouring of the heart and mind of what I consider a truly remarkable woman. I hope that each one of you will read it. I hope that you will distribute it to your friends and neighbors. Let parents and children throughout the State of Maine know just how a truly devoted parent and a widow who is raising her 2 sons without the help of a father really feels, toward her parents, toward her deceased husband, and toward her children. I truly recommend this article to everyone in the State of Maine. It's truly a privilege for me to stand here this morning, and say that it has been a privilege and a great opportunity to have served with Senator Barbara Gill.

Communication

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 on Bill "An Act to Grant the Public Utilities Commission Jurisdiction to

Review Adjustments under the Fuel Adjustment Clause" (S. P. 507) (L. D. 1567)

Respectfully,
EDWIN H. PERT
Clerk of the House

Which was read and Ordered Placed on File.

Orders

Expressions of Legislative Sentiment recognizing that:

The personnel of the Reprographics Division of the Bureau of Purchases have provided the professional expertise, dedication and enthusiasm to make this session a success. . . . (S. P. 640) is presented by Senator Katz of Kennebec.

The personnel of the Engraving Division of the Secretary of State's office have provided the professional expertise, dedication and enthusiasm to make this session a success. . . . (S. P. 641) is presented by Senator Katz of Kennebec.

The personnel of Kennebec Journal Printing have provided the professional expertise, dedication and enthusiasm to make this session a success. . . . (S. P. 642) is presented by Senator Katz of Kennebec.

Which were Read and Passed.

Sent down forthwith for concurrence.

Enactors

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

An Act to Provide More Adequate Compensation to Municipal Clerks and Municipalities for Certain Duties Performed for the State. (H. P. 191) (L. D. 240)

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 Relating to Current Funding of Special Education Tuition. (H. P. 410) (L. D. 527)

Comes from the House, Indefinitely Postponed.

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

Orders of the Day Unfinished Business

The following matter, in the consideration of which the Senate was engaged at the time of adjournment yesterday, has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 25.

The Chair laid before the Senate the Second Tabled and specially assigned matter for later in the day of June 14:

Bill, "An Act to Increase the Salaries of Constitutional Officers and the State Auditor by \$5,000. (H. P. 131) (L. D. 142) (Emergency)

Tabled—Earlier in the Day by Senator Katz of Kennebec

Pending—Consideration

On Motion by Senator Conley of Cumberland, the Senate voted to Recede.

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

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

Bill, "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) (Emergency)

Tabled—June 14, 1979 by Senator Huber of Cumberland

Pending—Enactment

This being an emergency measure and having received the affirmative votes of 28 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.

The Chair laid before the Senate the Second

Tabled and specially assigned matter:

JOINT ORDER—relative to a Joint Select Committee studying secondary vocational education. (H. P. 1489)

Tabled—June 14, 1979 by Senator Katz of Kennebec.

Pending—Passage.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: Is this the Study Audit that's going to cost us \$7,000, pay \$25 a day per diem for the Members of that particular committee? I'd like to make that inquiry, I don't have yesterday's calendar in front of me.

On Motion by Senator Pierce of Kennebec Retabled until later in today's session.

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

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—June 14, 1979 by Senator Katz of Kennebec

Pending—Passage

On motion by Senator Pierce of Kennebec, 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:

Paper from the House

Joint Order

WHEREAS, the citizens of Maine have a substantial need to continue and where possible to expand the availability of social, rehabilitation and certain related health services provided by local community agencies for residents of all ages and various income levels; and

WHEREAS, the cost of providing such services has increased dramatically for community agencies not only as a direct result of inflation eroding the value of the dollar, but also due to actions mandated by the State and Federal Governments; and

WHEREAS, citizens, through municipal and county government, are overburdened by high property taxes and demands to support such services are increasing, State Government action is needed to provide greater flexibility to combine local funds with available state and federal funds; and

WHEREAS, the Maine Legislature has appropriated \$1,836,124 in the Priority Social Services and Title XX Contingency accounts which now pay up to 100% of the cost of certain services without fully utilizing federal funds; and

WHEREAS, the Maine Legislature, with the intent of authorizing state funds to be matched with available federal funds, has enacted the Maine Revised Statutes, Title 22, section 6111, subsection 5, and the Public Laws of 1977, chapter 712, Part B, Department of Human Services, Children's Protective Services and Title XX Contingency Accounts; and

WHEREAS, up to \$7,500,000 of federal funds, which are available to the State of Maine, may be more effectively used and coordinated by the State to benefit Maine residents; and

WHEREAS, Maine residents and community agencies should know about and be given reasonable access to available funds; and

WHEREAS, more effective use and coordination of available funds would continue and expand service without tax increases by municipal county, state or federal governments; now, therefore be it

ORDERED, the Senate concurring, subject to the Legislative Council's review and determinations hereinafter provided, that the Department of Human Services, under the leadership of the Commissioner and the Deputy Commissioner for Social and Rehabilitation Services and without interfering with the per-

formance of its statutory duties, shall prepare a document containing a set of implementation guidelines which describes how services are to be provided, dollars allocated and funds disbursed under various state plans, and includes a description of:

1. How to continue and, where possible, expand the availability of social, rehabilitation and certain related health services provided by local community agencies to Maine citizens by more effectively using and coordinating the expenditure of state funds, particularly those appropriated for priority social services and the Title XX Contingency accounts. The guidelines shall provide for matching funds, as appropriate and to the fullest extent possible, with federal funds, particularly those available under the United States Older Americans Act or the United States Social Security Act, Titles XIX and XX;

2. How the department intends to improve accountability and simplify oversight of policy and funding decisions affecting such services;

3. How the department proposed to respond to proposed redrafts of, to related policy and practice matters and to the subject matter of L. D. 1293, "An Act to Establish the Maine Title XX Social Services Act," and L. D. 1501, "An Act to Permit Priority Social Services Program Money to be Used as Matching Funds for Federal Money," which were presented before the First Regular Session of the 109th Legislature; and

4. Any legislation necessary to implement the report; and be it further

ORDERED, that the guidelines throughout their development and implementation shall be prepared by the Department of Human Services with the joint advice of the Maine Human Services Council and the Maine Committee on Aging. The council and committee jointly shall conduct hearings during July 1979 in various areas of the State and they shall be a vehicle for affected parties to participate in preparation of the guidelines. The department shall report its guidelines no later than September 19, 1979 to the Joint Standing Committee on Appropriations and Financial Affairs; and be it further

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

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

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the committee. (H. P. 1584)

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

Communication
SENATE CHAMBER
President's Office

June 15, 1979

May M. Ross
Secretary of the Senate
State House
Augusta, Maine 04333
Dear Mrs. Ross:

I am pleased to authorize and direct you to serve on a full-time basis when the Legislature is not in regular or special session, as provided in Section 22 of Title 3 of the Maine Revised Statutes Annotated, for the 109th Maine Legislature.

Sincerely,
JOSEPH SEWALL
President of the Senate
Which was Read and Ordered Placed on File.

Enactors

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

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

An Act Concerning the Minimum Public Utility Monthly Electrical Charge. (H. P. 1193) (L. D. 1444)

An Act to Increase the Payment of Aid to Families with Dependent Children. (H. P. 587) (L. D. 734)

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)

An Act to Regulate the Sale of Business Opportunities. (S. P. 465) (L. D. 1499)

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

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

An Act to Provide a Grant to Community Health Services for a Long-Term Demonstration Project. (H. P. 1087) (L. D. 1343)

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

Sent down forthwith for concurrence.

Emergency

An Act Appropriating Funds for the Pratt and Whitney Industrial Training Program. (H. P. 1518) (L. D. 1676)

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

Senator PIERCE: Mr. President, I request the Yeas and Nays.

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

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

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

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: I'd like to pose a question through the Chair. Has there been a commitment to Pratt-Whitney for this Training Program, inducing them to come to the State of Maine?

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, it is my understanding that at the time that Pratt-Whitney was being lured to York County, the then Governor, Governor Longley, and the presiding officer of the body, and the presiding officer of the other body, and the Governor-Elect at that time made a commitment to this Training Program for Pratt-Whitney.

The question before us today as to whether or not we are going to honor a commitment made by those gentlemen.

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

Senator COTE: I went along with the Pratt-Whitney deal, but it was never brought out as far as I know, that there was a deal in some back room somewhere, where we are going to provide additional monies of what we gave them originally. I've heard about it just for the first time at this Session. It never was men-

tioned before. I can't see how a past session of the legislature can commit us in the future for a Bill of this sort. So I have to vote against it.

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

Senator LOVELL: Mr. President, Pratt-Whitney is one of the finest companies in the United States, has contracts all over the United States, and continuous work, no lay-offs. The average pay will be over \$200 a week for each person. They intend to employ very shortly 1,000 people which is \$200,000 a week payroll or \$10,000,000 a year payroll. That's what I'd like to see come to Maine. I think everybody in this Senate would like that kind of business come into Maine. So I urge you to vote for this Bill.

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

Senator MCBREAIRTY: I'd like to pose a question through the chair to anyone who might answer.

How will this money be handled? Presently in Aroostook County at our Northern Maine Vocational School, we have a program that we assume was going to train people for this type of job. Now they've gone out and borrowed some equipment from industries and they haven't any money to work with. If we had a little money we could be training people for this sort of thing. Now is any of this money going to help these Vocation Schools like we have and help these programs to do this. We can train them as well in Aroostook as you can in Southern Maine if we have some of the Funds.

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

Senator GILL: Mr. President and Members of the Senate: The facility that is being used over at SMVTI to train some of these people from Pratt-Whitney was an old building that VPI came up with the funding to renovate the building at a cost of I understand, \$25,000. The money that will be used will be for people to train people for jobs there. It won't go into the facility at the SMVTI. None of that money is allocated for that purpose at all. We won't get any over at SMVTI. You won't get any up at Northern Maine. It's to be used just for Pratt-Whitney trainees.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: I'd like to pose another question through the Chair. Did we not address the increase in appropriations to the VTI's in the Southern Part of the State of Maine to take care of the training of these people, without this additional appropriation you are asking for today?

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

The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President and Members of the Senate: I would answer in the negative. This commitment made by somebody on behalf of the State, as I'm told, appeared before the Appropriations Committee, for the first time, to my knowledge, by memo from the Chief Executive dated May 31, which I believe is Thursday, one day prior to the final vote on the Part II Budget. The other VTI considerations were made entirely independent of this.

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

Senator SILVERMAN: Mr. President and Members of the Senate: For many years now we in the State of Maine keep hearing, why do our children not have quality jobs? Why do we not have a tax base to properly fund the services? The reason is quite simple. Because there are those in the State that every time people in Economic Development are able to find an industry willing to come into this State,

to bring in higher wages, and try to improve our economy, there are those in the Legislature who will say, No! to any possibility of opening up the door to them.

Pratt-Whitney isn't going to help Washington County one bit. It might help some young people in Washington County be able to stay in Maine in York County. I do believe the time has come that Maine too has got to employ its young people. In order to do that you've got to bring in major corporations. Major corporations are going to expect the same open-door policies that they can receive in other states if they can't they're not going to come to Maine.

I think we've done a wonderful job to be able to get Pratt-Whitney to come to Maine. I think we ought to be able to at least fund a Training Program for some of their people that are going to work in Maine. Thank you.

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

Senator HICHENS: Mr. President and Members of the Senate: We have heard a couple of our Senators this morning refer to second-handed information as to the group who went down and talked with Pratt-Whitney and made those promises. I do not want to put the President on the spot, but I would like to have first-hand information as to what commitment was made to Pratt-Whitney if they came here to the State of Maine.

The PRESIDENT: The Chair would advise the Senate that he was not a party to this discussion.

The three of us, the Speaker and myself went to Hartford to see the facility and to talk with the management people at Pratt-Whitney. We were shown their operations down there, which was extremely impressive.

The Chair does not recall this, but would have to say that Roger Mallar was very involved in these total negotiations, together with the Director of Development, whose name escapes me at the moment. Roger Mallar whose word I have complete faith in informs me that these negotiations, that Mr. Atkins and Roger Mallar were involved in this kind of commitment.

Apparently they had planned to use CETA Funds in this Training Program. These funds apparently are not available. In the opinion of the Chair, on word of Mr. Mallar, a commitment definitely was made. It's the hope of the Chair that this Legislature would back up the commitment, on what seems to be an extremely important industrial development for the State of Maine.

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

Senator HICHENS: Thank you for that response. I do not want to put you on the spot, but you had been mentioned as being one of those concerned. I thought we should have that first-hand information.

As you well know Pratt-Whitney has been established in the district in which I serve. I happened to be out of State at the time that the conference was made. I did not know they were going to have a conference with those people, the Governor did not inform me until after the decision had been made, that such a decision had been made.

It was received with very mixed emotions from the people in my district, from the people in North Berwick, from the people in Wells, South Berwick, and the immediate towns to the establishment of Pratt-Whitney. Still there is very much mixed emotions.

What bothers me the most is the reports that I've heard that they're going to bring their own trained personnel. They do not have intentions of training people of the State of Maine to work in their business, at the skilled jobs. Menial jobs will be taken by people in the area. Skilled jobs are going to be held by people they have trained elsewhere, and they are going to bring into the community with them.

I was very bothered this morning and dis-

turbed when I learned that one of the local contractors in my area had gone to the Pratt-Whitney Office in North Berwick and asked for a sub-contracting job, and was told that they were bringing in all their own sub-contractors, and were not interested in local sub-contractors, if they are coming in with that attitude it disturbs me very much. That is one reason I voted against that this morning.

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

Senator SUTTON: Mr. President, I've been a little concerned about this. This is a \$200,000 appropriation that we're talking about right now. I'm told that that's just for this year. That there will be another \$240,000 that's necessary next year. With the \$25,000 that has already been spent on the program, we're talking about a half million dollars that I would certainly not question the President's faith in the people who talk to him, but I've been listening and listening and listening. This is the first time today that I've heard anyone's name mentioned specifically in this over half a million dollar obligation that no one seems until just this moment to know where it came from. I just wanted to draw that to the Senate's attention.

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

Senator LOVELL: Mr. President, and Ladies and Gentlemen of the Senate: In 1954 good old Sanford was bought by Burlington Mills and threw 4,500 people out of work. Absolutely destitute, they had no pensions. They had nothing.

I went out and worked and as a result with others, we got in some 14 new industries. Actually to get in an industry into the State of Maine with a distance from the market that it is, it's a hard proposition.

If they're having a Training Program with \$200,000. Or if they're not having a Training Program for Maine people, I'm sure they're having a program for training Maine people. We're still going to get that payroll in Maine. Those people aren't going to be able to commute from Hartford, Connecticut to Maine. They're going to have to live in Maine in North Berwick and Sanford.

The Sanford people, we still have 1,500 Sanford people that are commuting to Portland, Biddeford, Rochester, Somersworth, Kittery, and all over to work, North Berwick is only 10 miles away. I think it will be a tremendous asset to the entire area of York County.

Also eventually to the entire State of Maine through their taxes from the payroll, which will be a tremendous payroll, and from other taxes, will much more than pay whatever we're going to give or let Pratt-Whitney have to get on their feet to get going.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is Enactment of L. D. 1676.

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 — Clark, Collins, Conley, Devoe, Emerson, Farley, Gill, Huber, Katz, Lovell, McBreairey, Minkowsky, Najarian, Perkins, Pierce, Pray, Redmond, Silverman, Teague, Trafton, Trotsky, Usher.

NAY — Ault, Carpenter, Chapman, Cote, Hichens, Shute, Sutton.

ABSENT — Danton, Martin, O'Leary.

A Roll Call was had.

22 Senators having voted in the affirmative, and 7 Senators in the negative, with 3 Senators being absent, L. D. 1676 is Passed to be Enacted.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I move reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, having voted on the pre-

vailing side, moves that the Senate reconsider its action whereby this Bill was Passed to be Enacted.

Will all those Senators in favor of Reconsideration please say yes.

Will all those Senators opposed, Please say No.

A Viva Voce Vote being had.

The Motion does prevail.

The Bill having been signed by the President, was 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 to Clarify the Education Law. (H. P. 1534) (L. D. 1683)

Emergency

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

Emergency

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

These being emergency measures and having received the affirmative votes of 26 Members of the Senate, were passed to be enacted.

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

Senator PIERCE: Mr. President, I move reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Pierce moves that the Senate reconsider its action whereby these Bills were Passed to be Enacted.

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

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The motion does not prevail.

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

Emergency

An Act Making Supplemental Appropriations and Other Necessary Adjustments from the General Fund for the Fiscal Years Ending June 30, 1980 and June 30, 1981. (S. P. 600) (L. D. 1673)

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

Senator MINKOWSKY: Mr. President and Members of the Senate: I deliberately held aside the Part II Budget, because I want to be on Record as to my feelings as opposing this particular document.

I think you will find if you look it over very closely that many of the items that are in this particular document, in order to make Part I look good, have been transferred over to Part II.

When I start analyzing the different positions, from what the Governor recommended at 222 positions, to what the Appropriations Committee recommended at 230 positions, take into consideration the present positions that are being funded, and adding on 130 new positions. I really think this is a very wrong thing to do.

When I first analyzed this I was under the impression that the Department of Human Services, which positions were Federally fully funded, are now going to be fully funded by the taxpayers of the State of Maine.

When this Legislature charged the Committee on Audit and Program Review to look over each one of the departments and sunset some of these particular things, because we felt we had a surplus of people wandering around these particular buildings, you are going against this particular mandate. What is the purpose of charging a Committee to go out and do this.

You're going to create 130 new jobs at the taxpayers' expense.

I look at another item, Mr. President, on page 16. It states that we're going to provide \$150,000 each year for Family Planning, or \$300,000 of the taxpayers' money. Why wasn't this document able to stand on its own merits as an L. D.? Why is it part of the Part II Budget?

If we feel this strongly towards Family Planning along these lines to give these non-profit organizations this kind of dough. Then let us consider the other side of the coin. And give the Birth Line people, or the Right to Life people an equal amount of money so they can project their points of view also.

I look at another non-profit corporation. It may be a small amount of money, the Cerebral Palsy Centers, but all of a sudden this particular document here, even though it only represents \$40,000 for the biennium, we're saying: It is the intent of the Legislature this item become part of the Current Services Budget.

I say to every one of these organizations non-profit should shift for themselves and make their points known every single year, before the Appropriations Committee. It's these small amounts, \$20,000 here, and \$40,000 there and another \$80,000 there. The end result, the people of the State of Maine are paying the cost of this thing, I object to this particular aspect of it.

We talked about Inland Fisheries and Wildlife, 60 biologists. Somebody says, well one way to do is to cut them back, because there is too many of them. There's not enough work. There's no real good job description, how are they getting hired? We talk about a surplus of people in DEP. In Human Services, under another one of their divisions, Health Engineering. Yet, we're creating 14 new jobs in Marine Resources. These will be all funded by the taxpayers in the State of Maine.

I think since the inception of the Maine Health Systems Agency we don't have to fund them one single cent. Yet we're throwing \$25,000 in there.

I think one thing I object to is what the Appropriations Committee has done in this particular document. That's why I refer to at least some of us feel like a mushroom, we're kept in the dark, and a little bit of offal's spread over us periodically to keep us vibrant. It's under the University of Maine. Here you're saying to provide additional operating expenses about \$8,000,000 for the biennium. Why don't you come out and tell the people of the State of Maine the truth? This is for salary increases. We'd be satisfied to know, but don't disguise it under additional operating expenses.

This is wrong, Mr. President, and Members of the Senate. I think maybe I had about 258 reasons why I was going to vote against this document, but I think what I've said so far will suffice.

I would only suggest one thing. Those people who vote for this particular document, when you're campaigning in April or May of 1980, why don't you take this thing along with you to show the taxpayers what you're doing. Let them evaluate if you should return on the next session of the Legislature. I'd ask for a Roll Call vote, Mr. President.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President and Members of the Senate: I too object very strenuously to the inclusion of \$300,000 for Family Planning Services. This was not a part of the Part II Budget, until after the Bill to pay for medical abortions in the State of Maine was defeated. It received a lot of press coverage. The fact that the good Senator from Cumberland had won after he had lost.

I object to \$300,000 to Family Planning Services when they are already receiving over \$500,000 for such work, which I feel is greatly

unnecessary going into our Public Schools, educating the teenagers, encouraging them almost to have sexual relations. Then telling them how they can be protected while having sexual intercourse. Then if they do get caught, almost promoting abortions.

I would read to you a paragraph from the article I mentioned this morning written by Senator Gill, in which she states: "Parents themselves feel guilty about accepting physical changes in their daughters and sons. They have difficulty discussing sex with their own sexual partners, their husband or wife. Their own sexual education was not a formal one, but learned through limited experience, but in spite of all this, parents are responsible. They are the best people for children to come to for help. They have more feelings for a child, than a stranger who might counsel your daughter for 10 minutes or 15 minutes, a stranger who has never seen your daughter before, and will never see her again."

I would add to that that these people in these Family Planning Services really don't care. It is a job for them. They are making money. This counselling service and this \$300,000 just adds to their income.

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

Senator TROTZKY: Mr. President, I looked at this document this morning. I can't just vote for it without mentioning one thing that disturbed me greatly. That's the Maine Commission for Women.

The Maine Commission for Women was funded, I believe at about \$2,500 per year in the last biennium. All of a sudden, I look here and I see \$60,000. Well, I want to find out what the Maine Commission for Women has been doing, because I'm concerned about discrimination, and as everyone else here doesn't like to see it.

I found a book that was produced by the Maine Commission for Women called *The Legal Rights of Maine Women*. I looked through it today. They have questions. What Maine law forbids employment discrimination based on sex? The answer is the Maine Human Rights Act forbids the legal discrimination in employment based on sex? The answer is the Maine Human Rights Act forbids the legal discrimination in employment based on sex. That if anybody has problems, any women, they should contact the Maine Human Rights Commission, because they can enforce the law.

Does Federal Law Prohibit Employment Discrimination based on sex? The answer is Yes. They took out Title 7 of the United States Civil Rights Act, and so on.

Keep going through this book, and it seems that women do have equal rights. Another question, may my employer pay me less than he pays men for comparable jobs? The answer is No. On and on it goes saying that women, if they have problems in discrimination, they can go to the Maine Human Rights Commission. We fund the Maine Human Rights Commission. So now I see a Bill here which ups the funding from approximately \$6,000 to \$60,000. I feel that this is really not necessary.

I think the other day I stood up for a Bill to fund libraries in the State of Maine. 5¢ per capita. I believe it came to \$50,000. The cornerstone of education is the funding of libraries. That was turned down. I cannot see where Maine Commission on Women has priority over many of the other bills that have come before us because we do have something called the Maine Human Rights Commission, which protects everybody. So here we single out women and pass \$60,000.

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

Senator KATZ: Mr. President, perhaps the Senator from Penobscot, Senator Trotzky, is unaware of the fact that in Room 327 at this moment, the Maine Commission on Women is having a press conference. There are a lot of press and cameras and lights. It might be well

for the Senator to walk in and express himself in there.

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

Senator HUBER: Mr. President and Members of the Senate: I'd like to respond briefly to some of the comments that were made on the Part II Budget.

The Senator from Androscoggin, Senator Minkowsky, mentioned that first of all, most of the items in the Part II Budget are in fact adjustments to Part I, which is what I have pointed out on numerous occasions, in this Chamber.

Virtually the only new programs are in the VIT's in this Part II Budget. He also mentioned the personnel and the pick-out. Again I would say that most of the personnel are required under existing law. Again bills that have had appropriations deleted or positions deleted. Sure enough they come back to us and they need the positions. This accounts for 1 and 2 first items here.

Taking some of the bigger position increases. At Kennebec Valley VTI there are 20 General Fund positions. These are not new positions. The fact is that this Part II Budget would make this a State operated VTI. These are people that already exist. They have not been General Fund positions, but they are not new positions. They have been funded by the State, but not General Fund positions.

Within the VTI's there are some new programs. Welding programs, wood-harvesting programs or expansions of existing programs. These are new positions. There are also staffing of buildings we've already built. I don't think we built these buildings simply to let them stand idle. I presume it was the intent of the Legislature in constructing the facilities to ultimately staff them. I think it makes reasonable sense.

A similar item is the Maine Youth Center. 18 positions to staff the Security Treatment Unit. Again I would presume the Legislature built this unit for some purpose, and expected it ultimately to be staffed.

There are a number of Federally funded positions. For example, under Human Services there are 14 positions under Regional Administration. Again, unfortunately we've lost Federal funding for these positions. They are existing positions. They do now become General Fund positions.

Child Protective Services was an existing program, is continued in this budget. The largest position count increase is in the Auditing of Medicaid Program bills for eligibility. These positions in fact will be Federally matched and we're actually talking 84 positions. Yet people complain because there is a 45 day period. If a bill is not processed by this period, the person automatically becomes eligible. This is one area that I think we can control, one of the fastest growing costs in State Government, and one of the largest single cost areas in State Government.

Family Planning has been mentioned. This is not a new program, it is an existing program. In the past 5 years the case load has increased from 14,000 to roughly 28,000, funding which does not approximate from the State level anywhere near \$500,000. Funding in the same period increased 52%. I'm sure you're all aware of what inflation has done in the same period. The fact is the programs have had to retrench, get away from any educational efforts, and simply do the clinical job before them.

If we are going to reach young people, adolescents, sexually active adolescents, they have to get out to the schools, the churches, to families. I would contend that despite the comments of the good Senator from York, Senator Hichens that the Family Planning Programs are pushing abortion, I would suggest that Family Planning is the alternative to abortion. Without adequate Family Planning Services we will have abortion. If you do not like it, you had better lend some support to Family Plan-

ning.

I think the budget is sound, it is large, it is primarily adjustments to Part I. Governor Brennan had a short period to prepare his Part I, did prepare a frugal Part I, the Appropriations Committee honored it in its entirety with respect to the frugality exhibited in this knowing it would have to be adjusted.

I think it was a good attempt in the short time that the Governor had to prepare his Part I Budget, most of the requests which were primarily in Human Services and Mental Health and Corrections and Education, plus a major change in the amount of roughly \$6,640,000 which is strictly a transfer from Part I to Part II of the BPI Capital Maintenance and Improvement Program.

I think that it is a sound budget, it funds existing programs and funds those things which are virtually unavoidable. I realize anybody can pick through the budget and pick things that they do not like. The Appropriations Committee represents a very broad spectrum of the Legislature, is in contact with the members of the Legislature. If the people who have last minute objections took the time at Public Hearings, open working sessions whatever took the time to discuss with the Appropriations Committee the various things that are discussed for a period of roughly six months, perhaps this resentment would not be so keenly felt. I do hope that the Legislature will see fit to pass this Bill.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: The one message apparently that the Appropriations Committee has not adhered to, is this: all around us, here in the State of Maine there are many communities through its citizens that are initiating many Propositions 13.

This is somewhat effective if you look around in the City of Auburn there will be one pending very shortly, right here in the City of Augusta, they have got the necessary petitions I understand.

They are not giving a hoot one way or the other if you have got to cut permanent positions at the present time, or not.

Look in the Town of Biddeford, the \$3,600,000 Budget. When that went to the people they cut it back \$600,000 the municipal government went bananas because of the cut back in municipal services, such as fire, police and public works personnel.

Now the message that I am trying to get across to the Appropriations Committee, in their wisdom, is they had better start analyzing from a State level what the people of the State of Maine are thinking about. I mentioned this last week when this was at the Engrossment stage. That unless you change your posture on this particular Bill was going to vote against it.

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

Senator PRAY: Mr. President and Members of the Senate: I have been listening to the debate of those who are opposed to the Part II Budget for one reason or another.

I am sure that we all are familiar enough with the Legislative process and we have all seen this Budget document around for the last several days as the Senator from Androscoggin, Senator Minkowsky just pointed out at the time that it was up for Engrossment that he expressed his concerns. I think fairly so, if he desires to vote against the enactment of this today that is also his right, but we must also understand that those of us that have particular problems with that legislation had the opportunity when the Bill was in the Second Reading to singularly address these issues.

The Senator from Penobscot, Senator Trotzky, expresses his opposition to the Budget, because of one minor part of the Bill. My question to him is why did he not address it at that time? We are all on top of Legislation or are supposed

to be, and if there was an overall objection a very, very strong objection that I had to any particular part then I would attempt to address that section that I opposed at that time and try to make it a more perfect document, even realizing the fact that I may not be able to receive, but an attempt anyway to express my dislike for that particular part of the Budget, and address it that way.

The message, I guess to those individuals it is kind of late to start saying that I am opposed to a section of it. Thus I am going to vote against the whole thing. We should have addressed each one of those items at that time.

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

Senator HUBER: Mr. President and Members of the Senate: Again responding to the Senator from Androscoggin, Senator Minkowsky. I would simply like to point out that after review of this time you do have an expenditure limitation originally sponsored by me, and defeated at this moment by the Senator from Androscoggin's party in the other body, and has he had an opportunity to express his desires in terms of expenditure limitations very shortly, I am sorry to see that failed.

The Appropriations Committee certainly is aware of the public mood, but we have major items such as the Pineland Consent Decree roughly in the amount of better than 1.6 million and a great number of similar items in this Budget, each one was considered as to whether it was avoidable. The Appropriations Committee felt that what is in this budget was unavoidable and was necessary, we are certainly aware of the need for limitation.

I suspect that this Legislature will do nothing in terms of limitation of its expenditures, a Constitutional Amendment or statute, but I certainly have tried to give it its opportunity.

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

Senator FARLEY: Mr. President and Members of the Senate: I would like to correct a statement made by the Senator from Androscoggin, Senator Minkowsky.

The Proposition 13 City was not Biddeford, but Saco. I would like to point out something while I am speaking on the subject, they in the city of Saco cut out \$70,000 for trash collection till about a month later they found out that to get rid of the trash collection they would have to spend \$80,000 in additional trash cans.

So, I think, you know that some times you can be "a pound foolish and a penny wise" or just the opposite.

There are times here that I do not particularly like either, Family Planning \$300,000. I think everyone here knows my position on the pro life versus the abortion issue. I think that the \$300,000 is well spent if it is going to avoid the problems that place these young ladies in that position. I think that in that particular case that that \$300,000 is well spent.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is Enactment of L. D. 1673.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President just to refresh your memory when I spoke the first time I requested a Roll Call when this Bill was to be Enacted.

The PRESIDENT: The Chair would advise the Senator that the purpose of ringing the bell was to call the gentlemen and the ladies in for a Roll Call.

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

Senator CONLEY: Mr. President, I just got my first refund from the good Majority Floor Leader for working so friendly over the last 6 or 7 months, it will not get me a total of 3c.

Mr. President, at this time I want to commend the Committee on Appropriations for the hard work that they have done all winter.

We can be nitty-picky on any matter. I can look at the Part I Budget and I am sure that there are many things in Part I that I did not like and I would like to see axed out of Part I. I am sure that Part II that I may find something offensive there. But we are working throughout the entire State.

Last night I want you to know that there were members in this Body that had me a little frizzed. I did not know what was going to happen to a certain bond issue, that dealt with the coast of Maine and a big part of that dealt with my community. Now it would be easy to be parochial and vote against it.

The issue has been raised here today with respect to Family Planning. Well for God sakes if you are opposed to abortions, how in God's name can you get up and say that you are opposed to something that is trying to prevent abortions? With respect to the positions I think that they were very well clarified by the Chairman on the Appropriations Committee.

This is I hope the last day of this Session, and if you want to go home without a Part II Budget to fund many needed services then vote, No. If you want to remove yourself from parochialism and look at the entire budget as it has been worked together join me in commending the Appropriations Committee for a fine job and let's enact this bill.

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

Senator DEVOE: Thank you, Mr. President and Members of the Senate: I want to thank the good Senator from Cumberland, Senator Huber for his very fine explanation of various parts of the Part II Budget.

I also want to compliment all the members of the Appropriations Committee, for what I am sure is a very thankless task much of the time.

I am very pleased to see that some extra funds have been allocated for the University of Maine Budget, and it is my profound hope that the trustees will allocate every penny of this to salary increases for the faculty and staff of the University of Maine. Negotiations have been going on and on and I am hoping that the passage of this Part II Budget will accelerate the eventual settlement of the negotiation process at the University not only in Orono, but at all of the campuses throughout the State.

I hope that all the members of the Senate join me in complimenting the chairman of the Appropriations Committee for the work that he and all the members of the committee have done this session. I truly appreciate it and I am happy to be speaking on the Record, Mr. President for that purpose. Thank you very much.

The PRESIDENT: Is the Senate ready for the question?

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

ROLL CALL

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

NAY — Chapman, Cote, Minkowsky. 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 Bill was Passed to be Enacted.

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 the Bill was Passed to be Enacted.

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

Will all those Senators opposed to Reconsideration 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.

On Motion by Senator Conley of Cumberland, under Suspension of the Rules, all matters previously acted upon were sent forthwith, except items being held.

(Senate at Ease)

The Senate called to order by the President.

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Amount of State Expenditure which may be made without Voter Approval. (S. P. 580) (L. D. 1640)

Comes from the House, Failed of Final Passage.

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

Senator HUBER: Mr. President and Members of the Senate: I am sorry to see this measure before us in the rather moribund condition that it is in at the moment.

I think that this Legislature has been presented the opportunity to exert a real first step in the limitation of State expenditures. As in the past Legislature this Legislature again has seen fit to not adopt this type of a measure.

I do hope that a more frivolous form of this measure is not initiated by the people as I suspect that it may very well be. I think ultimately the Legislature is going to have to adopt this type of measure to make it explain its own action to the satisfaction of its constituents, however, in the interest of time and reality I guess, I would move that the Senate Indefinitely Postpone this Bill.

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

Senator CONLEY: Mr. President, I am delighted that the other body acted so responsibly in defeating this particular measure. I think the worst thing that could ever happen is that we would propose an amendment to the State Constitution that would bind this Legislature in such a manner that we would not be able to handle emergencies that could come before us.

I am glad that the good Senator from Cumberland, Senator Huber has now moved to Indefinitely Postpone this paper.

The Chair will order a Division.

Will all those Senators in favor of the Motion by the Senator from Cumberland, Senator Huber that the Senate Indefinitely Postpone L. D. 1640, please rise in their places to be counted.

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

5 Senators having voted in the affirmative and 16 Senators in the negative, the motion to Indefinitely Postpone does not prevail.

This being a Constitutional Amendment and having received the affirmative votes of 18 Members of the Senate, with 7 Senators voting in the negative, was Finally Passed, and signed by the President.

Sent down forthwith for concurrence.

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

Senator KATZ: Mr. President, is the Senate in possession of L. D. 1222, Bill, "An Act to Require Premium Impact Statements and so forth?"

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

Senator KATZ: Mr. President I move that the Senate reconsider its action, whereby it voted to Recede and Concur with the House.

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

and Concur with the House.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President a Parliamentary Inquiry?

The PRESIDENT: The Senator may state the Inquiry.

Senator CONLEY: Mr. President, it was my understanding that we sent everything forthwith, on matters that we had acted upon, this morning.

The PRESIDENT: The Chair would answer the Senator that the Bill had been held at the request of a Senator prior to the motion of the Senator.

The pending question before the Senate is the motion by the Senator from Kennebec, Senator Katz that the Senate reconsider its action whereby the Senate voted to Recede and Concur, on L. D. 1222.

Is this the pleasure of the Senate?

It is a vote.

Senator KATZ: Mr. President could you help me with the appropriate motion to push this Bill on its way and send it down to the House in non-concurrence?

The PRESIDENT: The Chair would advise the Senator that the proper motion is for the Senate to Adhere to enactment.

Senator KATZ: I so move.

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

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, if my ultimate goal is to send the paper down to the House, in non-concurrence, would not the motion to Adhere, put it in the Legislative File?

The PRESIDENT: The Chair would advise the Senator that the present position of the bodies is that the House has Indefinitely Postponed this Bill, the Senate has Enacted this Bill and the motion now is that we are Adhering to our posture whereby we enacted this legislation.

Senator KATZ: Thank you, Mr. President.

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

Senator CHAPMAN: Mr. President, I would like to inquire of anyone who might be able to answer, what the Fiscal Note is on this bill? I understand that there is substantial cost to implement this Bill.

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

Senator SUTTON: There is no Fiscal Note on this Bill, at this time. There was initially the way that the Bill was first written, but the Fiscal Impact Statement was changed from a dollar amount to a percentage amount and at that time, the Commissioner of Insurance told us it would not cost any additional amount of money.

The PRESIDENT: Is it the pleasure of the Senate to Adhere.

The Chair will order a Division.

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

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

13 Senators having voted in the affirmative and 7 Senators in the negative, the Motion to Adhere does prevail.

Sent down forthwith for concurrence.

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

Paper from the House Non-concurrent matter

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

In the Senate, June 14, Passed to be En-

grossed as amended by Senate Amendment "B" (S-392)

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "C" (H-734), in non-concurrence.

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

Senator TEAGUE: I move that we Adhere.

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

The Chair recognizes the Senator from Cumberland, Senator Clark.

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

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

The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: This is the Tree Growth Tax issue. The House Amendment "C" the only thing that this does it transfers \$500,000 from 1981 back to 1979-80.

We discussed this whole situation the other day, it is the Governor's Bill. There is a short fall of \$545,000 to this and I do not want to face coming in in January with this over my head.

We met with the Governor yesterday, and there was no give on his part, of where this \$545,000 would be coming from. So I would hope that you would vote against the motion to Recede and Concur.

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

Senator CLARK: Mr. President, I believe that the action of the other body is one which reflects considerably more fiscal responsibility than that which this Chamber has taken.

The Senate Amendment, the position to which the good Senator from Somerset, would have us Adhere to this morning, has a clause in the amendment which reimburses at \$400,000 in the first year, and \$600,000 in the second year and would pro-rate the claims. That \$400,000 represents only 60% of what it should have been or should be. The fact of the matter is that Maine Municipalities will be receiving less.

Receding and Concurring we are going to be taking care of 35% of the funding which is incorporated in both amendments, under an increasing schedule of reimbursement at the rates of 35%, 50%, 70% and 90%. At the same time grandparenting in those municipalities to avoid a sudden shift or a downward decrease in the reimbursement schedule.

The problem still remains as to the element of under funded liability. I would submit in all sincerity to the members of this Chamber that the Senate Amendment to which this Chamber wishes to Adhere, the impact of that position would also create an unfunded liability. For in fact unfunded liability is present in both positions.

The House position under House Amendment "C" does fund, however, the 35% reimbursement schedule in the first year of the biennium and it does leave the question of source of funding to be faced by the Legislature in the Second.

This Legislature will also be faced with some unfunded liability, should we Adhere. For example: In the Town of Perham they would be receiving normally \$663.85, they would now receive \$398. The Town of Ludlow would normally receive \$366.16 under Senate Amendment they would receive nothing, under the House Amendment they would receive \$220. Thus enabling some readjustments or at least a period of readjustment as the reimbursements schedule is implemented.

New Canada Plantation would normally receive \$1,762.22. The House position would have them receive \$1,057. Under the Senate position they're going to receive nothing. I would suggest that the House position in this is more responsible and does take into consideration: 1, full funding of the 35% reimbursement sched-

ule, and 2, a lessening of the shift in the reimbursement schedule. Certainly a time period to adjust their income schedules.

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

Senator CHAPMAN: Mr. President and Members of the Senate: I would respectfully differ from the Senator from Cumberland, Senator Clark and again support the motion made by Senator Teague.

The fiscally responsible position is to pass a Bill that is funded. The Governor's bill before us right now is underfunded. He knows it and acknowledges it. When asked further on this point, he indicates he wants to keep his options open as far as appropriate sources of such funding.

If we accept the House position, next year we're coming in here with a shortfall of \$545,000. Where is it going to come from?

We've established some priorities here today that aren't the same priorities that I have. We're just spent \$500,000 to support Pratt-Whitney's Project, with the education of their people. There's \$500,000 we could have used.

I don't think there's sincere commitment to fund this from the General Fund. I feel that one of the options we'll have present say next year is a severance tax. In any event the proposal that is before us now, the Senate posture is funded. We got \$1,000,000. It allows for \$400,000 to be spent in the first year pro-rated and \$600,000 in the second year pro-rated.

If we have more funds next year I'd be the first one to support making a better commitment next year when we know we have the funds. Why should we be making the commitment now to do something knowing we don't have the funds? No one is willing to make a commitment that those funds are going to come from any definite place.

I feel that the fiscally responsible position is to stand by the funds that we know we have rather than to make a commitment of not knowing where those funds are going to come from.

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

Senator CLARK: Mr. President, under the House Amendment which has been attached in the other Body, there is provision for a grandparenting clause which indicates, or the effect of which is that the towns of Maine municipalities cannot get more than their tax loss.

\$400,000 in the first year of the biennium is funding only at 60% of what the municipalities should be getting. Is that fiscally responsible? I would suggest to you that it isn't. I will repeat again that the majority of Maine towns will get less money. It really is that simple.

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

Senator McBREAIRTY: Mr. President, in the debate here, 2 of the towns that I represent were mentioned. One would take a cut of \$300 and the other one would get zero. I understood that the Senate amendment grandfathered these towns and they wouldn't take that cut. I'd like someone to answer that question.

The PRESIDENT: The Senator from Aroostook, Senator McBreairty, has posed the question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: If he would look under page 3 of 1687, the grandfathered towns. I don't have the list of the grandfathered towns with me and so forth, but mostly down the page it says "the amount shall be equal in the tax year beginning 1979, 90%, 1980 - 70%, 50% in 1981, and 1982 thereafter it would be zero. The towns could have taken the option of either A or B.

This was pro-rated deal of which the town had, the A or the B deal. You would have to look up your own town to see how it would benefit or lose money. I think at the end of the 3 or 4 years after this was out, the towns that were

grandfathered in would make more money because part of this bill was going into the year 1981. That is 70% would be reimbursed out of the General Fund. In the year 1982 90% would be reimbursed from the General Fund.

The problem we are having right now is the \$1,000,000. That's all we have to work with. It's fiscally responsible. If we have a million dollars to spend the million dollars, not \$1,545,000.

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

Senator SILVERMAN: Mr. President and Members of the Senate: Undoubtedly in the direction we're going at this time those who feel that the Tree Growth situation is being treated unfairly to those municipalities that have to absorb the extra expense because we have made a law that says they can't tax a 100% land that is in Tree Growth.

That's a law in helping to manage woodlands and provide our Forest Products for the Industry, but is it fair for the State to make that law? Then expect the municipalities to make up the difference. Of course, I have been against that. If the State believes in subsidizing woodland owners, then I think the State should be responsible to pay to the the municipalities that subsidy.

As I look from the area I represent I can go from community to community to community that is going to be costing them money because of Tree Growth, substantial money. If we went into 100% then they would be getting it back. Unquestionably if it's fiscally responsible for the State not to fund the extra \$500,000. Then why is it fiscally responsible for the communities who don't have this tax base to start with, to have to fund it? That's what we're talking about.

If we think we can pass the buck and put it on the property taxpayers back home in areas of rural Maine, then we can vote to pass the buck. I do believe the time is coming that you're going to find rebellion amongst the taxpayers, the property taxpayers of these areas that have to take a larger load of the tax base, because many areas because of a State law are not allowed to be taxed at 100%. I would only hope the State Legislature would be willing to pick up that subsidy if they think our Wood Products Industry needs that subsidy. Thank you.

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

Senator CLARK: Mr. President, I'll re-emphasize the disagreement between the Chamber. I'll take I guess New Canada Plantation perhaps is in Senator McBreairty's Senatorial District. I'll presume that. I just used it as an example. Their reimbursement reflecting their total tax loss is currently \$1,622.22. The House position which would fund about 90% of this by shifting the budgetary allocations all to the first year would reimburse that community to approximately \$1,057 under the Senate position that community will receive nothing.

A few days ago the good Senator from Somerset, Senator Teague, suggested that we're going to be fiscally responsible if we adhered to the Tree Growth schedule that is in Part I of the Budget. \$500,000 in the first year of the biennium, and \$500,000 in the second year.

If that in fact was the case a few days ago then how could we in the same breath today suggest that \$400,000 in the first year of the biennium is still as equally fiscally responsible. I would suggest to you that is underfunding the reimbursement schedule to the Maine Municipalities to the tune of approximately 20%.

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

Senator TEAGUE: In answer to the good Senator, what we did is take the biennium, the \$400,000 for one year, \$600,000 the second year. That adds up to \$1,000,000. This is the way that Senate amendment was formed. I know we subtracted the \$100,000 from the first year and added it onto the second year. A million dollars is a million dollars. You can either use it at 2 -

\$500,000 apiece. Or 1 - \$400,000 and 1 - \$600,000.

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

Senator CHAPMAN: Mr. President, I think my definition of fiscally responsible is a little different than some others. Is it fiscally responsible to make commitments to make good losses without funding them? Or is it fiscally responsible to make commitments to do what you can within the funds that you know you have appropriated? That's the Senate position. I'd like to do more. I'd like to see more funds appropriated, but they don't seem to be forthcoming.

I don't think it's fiscally responsible to pass a bill calling for \$1,545,000 and fund \$1,000,000 on it, saying that we'll look around somewhere for available sources of revenue next year to see if we can find it.

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

Senator CLARK: Mr. President, I would remind the good gentleman from Sagadahoc, Senator Chapman, that we have done that frequently in this Chamber this year. As a matter of fact we did that this morning, when we voted to provide those funds for the training of the Pratt-Whitney employees to fulfill a commitment on behalf of men of eminent position in State Government. I'm sure that we're going to find additional monies in the General Fund to fulfill the second portion of that commitment, I would suggest that if we're going to hold true to our word to the municipalities of this State that we would continue to reimburse them at a schedule which is in black and white, graduated in reimbursement percentages, but equally at least funded at 90% in good faith at their current 35 reimbursement schedule level.

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

Senator CHAPMAN: Mr. President and Members of the Senate: I would like to remind the Senator from Cumberland, Senator Clark that I voted against the funding of that bill for Pratt and Whitney this morning.

The PRESIDENT: Is the Senate ready for the question.

A Division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: I request a Roll Call.

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

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

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

The pending question before the Senate is the motion by the Senator from Cumberland, Senator Clark 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, Collins, Conley, Farley, Minkowsky, Najarian, O'Leary, Pray, Trafton, Usher.

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

ABSENT—Danton, Huber, Martin.

A Roll Call was had.

Senator Silverman of Washington, was granted permission to change his vote from Nay to Yea.

12 Senators having voted in the affirmative, and 17 Senators in the negative, with 3 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 PIERCE.

Senator PIERCE: I move reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator PIERCE, moves that 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.

Sent down forthwith for concurrence.

Enactor

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

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

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

Enactor

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

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. 1484) (L. D. 1671)

Comes from the House, Indefinitely Postponed.

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

Senator REDMOND: I move we Concur with the House.

The Chair recognizes the Senator from Kennebec, Senator PIERCE.

Senator PIERCE: I move that we Indefinitely Postpone this Bill and all accompanying papers, in concurrence.

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

Senator KATZ: Mr. President, I just want the Members of the Senate to know what's transpiring here. I can't say that I like it very much. The reason we're killing this Bill which includes the fees we agreed to is that they have them incorporated into an Errors and Inconsistency Bill. It may be in the final days of the session this is appropriate because of them, but I want you to know what was done. I'm quite sure that if this was not the last hour of the session, some of us would have some things to say about this.

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

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

Senator FARLEY: Is the Senate in possession of L. D. 1686?

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

Senator FARLEY: Mr. President, having voted on the prevailing side, I now move reconsideration.

The PRESIDENT: The Senator from York, Senator FARLEY, moves the Senate reconsider its action whereby Bill, An Act to Make Corrections and Clarify Provisions of the Inland Fisheries and Wildlife Laws. (H. P. 1564) (L. D. 1686) was Passed to be Enacted.

Is this the pleasure of the Senate?

It is a vote.

The Chair recognizes the Senator from York, Senator FARLEY.

Senator FARLEY: Mr. President and Members of the Senate: This is the piece of Legislation that the good Senator from Kennebec, Senator KATZ, has just mentioned. You'll find in that final amendment from the other Body that

the license fees that many of us did not support are now in that Bill there. I would suggest that we take a Roll Call on the pending motion for Enactment again, 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.

The Chair recognizes the Senator from Somerset, Senator REDMOND.

Senator REDMOND: Mr. President, I would like some explanation as to why the request for the Roll Call. I misunderstood or something. There's something I don't understand.

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

Senator FARLEY: Mr. President, it was not my intention to support a license increase. The action taken on this particular piece of Legislation a few minutes ago put us all in a position to support license increase, hence, the reason for the Roll Call.

The PRESIDENT: 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 Waldo, Senator SHUTE.

Senator SHUTE: Could I ask some Member of the Fish and Game Committee the license increase fees that are in this Bill, are those the last license increase fees we were considering in the Senate, the 30% increase fees?

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

Senator PIERCE: Mr. President, I would answer in the affirmative. They are the unwarranted increase in fees which we passed through this body yesterday.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Somerset, Senator REDMOND.

Senator REDMOND: I just wanted to make sure that we all understand. This is the same bill, L. D. 1686, which was debated at full length yesterday.

The House Amendment H-726, has been incorporated in the same Bill. What we are voting upon is the license fee increase that we debated and voted on yesterday.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is Enactment of L. D. 1686.

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, Clark, Collins, Conley, Devoe, Emerson, Gill, Hichens, Huber, Katz, Lovell, McBairty, Najarian, Perkins, Redmond, Silverman, Teague, Trafton, Trotzky, Usher.

NAY—Ault, Chapman, Cote, Farley, Minkowsky, O'Leary, Pierce, Pray, Shute, Sutton. ABSENT—Danton, Martin.

A Roll Call was had.

20 Senators having voted in the affirmative, and 10 Senators in the negative, with 2 Senators being absent, L. D. 1686 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 reconsider the following:

Paper from the House

Non-concurrent Matter

JOINT ORDER, Relative to a Review of the Committee on Inland Fisheries and Wildlife. (S. P. 1517)

In the House, June 13, Read and Passed as

amended by House Amendment "A" (H-698) and "B" (H-717).

In the Senate, June 15, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Indisposed.

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

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

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

Is this the pleasure of the Senate?

The Motion Prevailed.

Enactor

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

An Act to Increase the Expenses for Legislators, to Increase the Compensation for the Constitutional Officers, Justices, Judges and District Attorneys and to Appropriate Funds for the Probate Court System Study. (S. P. 617) (L. D. 1679)

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

Senator CHAPMAN: Mr. President and Members of the Senate: I would request a Roll Call.

This Bill contains the provisions with regard to Legislative Expense, which I find objectionable. Again, I want to point out that what we are doing here along with other good adjustments for the Constitutional Officers is increasing the expense without requiring a justification of that expense allowance to Legislators.

It disturbs me, I don't find that in the best interest of the people that we represent. If we're going to talk about a salary increase, I think that's what we should be talking about.

I just feel if this is the way this issue is going to be, there should be a record of how we stand.

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

Senator SHUTE: Mr. President and Members of the Senate: This is the Legislators' pay bill back again. This is the Bill that gives the people that stay here their extra \$35 for not being here. Those people were really going to support something to help the commuters and they certainly did.

This is the back door to a good pay raise, for those that stay in Augusta. We finally have it out in the open. Nobody has to be afraid anymore, when they put in their expense account whether they were here or not. They are going to get an extra days pay even though they do not deserve that on their expense account, because the law says you can have it.

Those same Legislators were really afraid that some commuters might get \$5 more than what their expenses actually were. They're not one bit afraid to vote for their own raise to give themselves \$80 to \$100 more a week, than what their expenses are. That's what you're doing here.

I wonder where all the support went, the support that I heard yesterday on making a more equitable Legislative Expense Account? The support went for the people that stayed here. I've heard a lot of rhetoric here about making things equal. We're going to do this. We're going to do that. But when it comes down to time to vote, it's every man for themselves. There is no possibility of ever equalizing or even making any fairness at all in the Legislative Expense Account, as long as you have 2/3's of the Legislators staying in Augusta, and picking up their extra money, they don't spend for their rooms. So I would oppose this Bill. I hope the Senate would go against Enactment.

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 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. 1679.

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, Clark, Collins, Conley, Devoe, Emerson, Farley, Gill, Hichens, Huber, Katz, Lovell, McBreairty, Najarian, O'Leary, Perkins, Pray, Redmond, Silverman, Teague, Trafton, Trotzky, Usher.

NAY — Chapman, Cote, Minkowsky, Pierce, Shute, Sutton.

ABSENT — Danton, Martin.

A Roll Call was had.

24 Senators having voted in the affirmative, and 6 Senators in the negative, with 2 Senators being absent, L. D. 1679 is Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval. Sent forthwith.

(Senate at Ease)

The Senate called to Order by the President.

On motion by Senator Katz of Kennebec, Reopened until the sound of the bell.

(Recess)

(After Recess)

The Senate called to Order by the President.

Orders of the Day

The Chair laid before the Senate:

JOINT ORDER—Relative to a Special Select Committee studying the access to and use of the Allagash Wilderness Waterway. (S. P. 625)

Tabled — June 13, 1979 by Senator Katz of Kennebec

Pending — Passage

Which was Passed.

Sent down forthwith for concurrence.

The Chair laid before the Senate:

JOINT ORDER—Relative to the Education Committee studying the use of income data for purposes of school funding. (S. P. 626)

Tabled — June 13, 1979 by Senator Katz of Kennebec

Pending — Passage

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

Senator PIERCE: Mr. President, I might ask the Chairman of the Education Committee, if he might explain who is going to be on this study and exactly what it is going to do.

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

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, and Members of the Senate: A group of 8 persons including 2 School Superintendents, a State Tax Assessor, a representative from the Maine Municipal Association, and 4 members from the public, these people are selected by the President of the Senate, and the Speaker of the House. They are to work with the Committee on Education in determining whether income data should be used in combination with property values to determine State subsidy to local education units.

The reason these people were chosen is that the Maine School Superintendent's Association has a sub-committee which understands very clearly the School Finance Act, and have testi-

fied on most of the Finance Bills coming before the Education Committee. We want the State Tax Assessor on that Committee to determine what data has to be available on income tax forms. Thank you very much.

Which was Passed.

Sent down forthwith for concurrence.

The Chair laid before the Senate:

JOINT ORDER—Relative to the Business Legislation and Education Committees studying the feasibility of establishing a state insurance program for public educational institutions. (S. P. 627)

Tabled — June 13, 1979 by Senator Pierce of Kennebec

Pending — Passage

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

Senator PIERCE: Mr. President, I wonder if either the Chairman of the Business Legislation or Education Committees might inform the Senate as to who is to be on the make up of the Committee to study this Joint Order, briefly.

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

Senator TROTZKY: This order was signed by Senator Ault, from Kennebec County. I really have absolutely nothing to do with this.

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

Senator CHAPMAN: Mr. President, and Members of the Senate: I am one of the signatories on this order, but I haven't made any further decision as to who should be on it at this point.

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

Senator PIERCE: Mr. President, I wonder if I might ask the Secretary to check S. P. 627 and inform the Senate as to what the make-up of the Committee is?

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

The Chair laid before the Senate:

JOINT ORDER—Relative to a Joint Select Committee Studying Secondary vocational Education. (H. P. 1489)

Tabled—Earlier in today's session by Senator Katz of Kennebec.

Pending—Passage.

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

Senator MINKOWSKY: Thank you very much, Mr. President. Mr. President and Members of the Senate, when I looked at this particular order originally, I thought we had some Good Samaritans amongst the Maine Superintendent's Association, and all the auxiliary organizations that will be part of this particular study.

But as I read down further, this calls for an appropriation of \$7,000 that these people who are paid by the taxpayers, who will be receiving a per diem of \$25 plus actual expenses. I believe this order is totally unnecessary. I believe this can be handled by the Education Committee, if it wanted to be so drafted that these people could appear before us, and we could accomplish the same purpose without charging the taxpayers \$7,000 to accomplish what's in this order. I therefore move the Indefinite Postponement of this order.

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

Senator TROTZKY: Mr. President and Members of the Senate: This is the most important Study Order of the Education Committee. I started off before mentioning that there are problems in different counties throughout the State in terms of Vocational Education, in Hancock County, in Washington County, in Aroostook County.

The Legislature passed laws years ago setting up Vocation Regions and Vocational Cen-

ters. We also, of course, have VTI's, in the State. We had a Committee put together to study the VTI's, which was responsible for a Bill which passed this Legislature, a very important Bill which was funded by the Appropriations Committee in terms of the governance of the VTI's.

Because we have problems in the Secondary Level of Vocational Schools, the feeling of the Committee was that this should also be handled in a professional manner as the VTI's were.

Therefore, all the bills that affected the Vocational Schools were killed in committee. They were put into one Study Order to look at the total Vocational System in the State of Maine. The Committee is representative, I think, of the public and the education establishment, made up of Superintendents, Directors of the Maine Association of Vocational Education, Administrators, Industrial Arts Teacher, a Vocational Guidance Counsellor, a member from the State Board of Education, 2 members from the Joint Standing Committee on Education, a member of a Local School Committee, a whole group of people who are familiar with Vocational Education. I would hope the Senate would not Indefinitely Postpone this Order.

The price tag of \$7,000 was put on his order. Maybe it should be amended down, but I think if we are going to get a professional study with good results, I think it should have some price tag on it.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: If this is not a classic example of double dipping, I don't know what is. Here are all professional people, whether they are superintendents, people from the Maine Association of Vocational Education, people from the Association of Industrial Arts, Maine Guidance Association, all people who are presently paid for through our school system. Now they are coming in for additional appropriation of \$7,000, are asking to be paid \$25 a day for per diem, plus expenses. Where these people have been testifying before our committee all during this session and glad to give us their information at no charge at all because their salaries are already compensated for in school budgets.

Why should we now have a special Study Order addressing this, and allowing them to get per diem plus actual travel expense? If they want to amend this out by taking the \$7,000 out, fine! Let them come up here at their own expense, that's just great, because they are going to be compensated anyway through their own school budgets. To go back to this particular route, I think, is an atrocious gimmick. I think it should be Indefinitely Postponed, unless you want to change it to amend out that particular \$7,000. The motion still carries, Mr. President, for Indefinite Postponement.

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

Senator TROTZKY: Mr. President, Senator Minkowsky from Androscoggin said something which is inaccurate. He said these people are coming in and asking for money. These people are not coming in anywhere and asking for anything. This was the Committee's bill, the Committee's Order.

This originated from the committee. That's how the bill came out. The majority of the committee members feel that we are going to get what we pay for. Consequently, if we have a problem in Vocational Education, which we do, and it's a serious problem. It's a serious problem. In Aroostook County, they're ready to split up the Vocational Region. We've got a situation with, I can't recall the price of the building down in Hancock county, but I'm sure it's over a million dollars. The building is sitting there fully equipped. It's not being used by anybody, any student.

We've also got a situation in Senator Sil-

verman's area in Washington County there's a problem in Vocational Education, and other regions that are getting established right now. So it's a small price to pay to get Vocational Education moving in the State of Maine.

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

Senator KATZ: I've got great news, Mr. President. House Amendment, H-716, very clearly, if you read it, says that the compensation will be subject to the approval of the Legislative Council. The Legislative Council does not intend to pay any per diem to those who are on a public payroll. I agree with the Senator from Lewiston completely. It would have been inappropriate.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: The good Senator from Kennebec has always been a very straightforward, ethical man. Since he's on the Council, I will take him at his word, that the council would follow the amendment to the letter and not compensate these people who are presently involved in Public Education.

I still maintain one thing, Mr. President. I withdraw my motion on this particular issue, but I still think the Education Committee could have handled this particular Order themselves among others. In the meantime these people would come and testify and provide us with the very, very same information that they would if they were on that particular committee of 15 people. I withdraw my motion, Mr. President.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, requests Leave of the Senate to withdraw his motion to Indefinitely Postpone this Joint Order.

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

It is a vote.

Which was Passed; as amended, in concurrence.

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

JOINT ORDER—Relative to the Business Legislation and Education Committees studying the feasibility of establishing a state insurance program for public educational institutions. (S. P. 627)

Tabled—earlier in today's session by Senator Katz of Kennebec.

Pending—Passage.

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

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

Order

On motion by Senator Katz of Kennebec, Co-sponsored by Senator Conley of Cumberland:

ORDERED, that the Secretary of the Senate be authorized to furnish 100 15¢ postage stamps for each member of the Senate for the purpose of distributing various reports of the Departments of State and other public documents such as they may desire to mail to the citizens of the State.

Which was Read.

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

Senator KATZ: Mr. President, I call the Senate's attention that happily and equitably, this Joint Order refers not only to commuters but non-commuters. That's the fairest way of handling it.

Which was Passed.

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:

Roger and Kay Mallar celebrate their 25th wedding anniversary on June 15, 1979... (H. P. 1585)

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

Order

On motion by Senator Pierce of Kennebec, **ORDERED**, the House concurring, that notwithstanding Joint Rule 21, the following bills may be retained by the committees to which they have been referred during the course of the interim between the first and second regular sessions of this Legislature and may be considered by those committees during that time under the supervision of the Legislative Council and shall be reported to the appropriate House on the first day of the Second Regular Session:

Business Legislation

(H. P. 1305, L. D. 1586 An Act to Establish the Insurance Regulatory Commission)

(H. P. 1077, L. D. 1330 An Act to Improve Private Remedies for Violations of the Antitrust Laws)

Health and Institutional Services

(H. P. 1089, L. D. 1466 An Act to Provide for Licensing and Regulation of Adult Foster Homes)

Taxation

(S. P. 414, L. D. 1314 An Act Providing for Administrative Modifications to Property Tax Laws Administered by the Bureau of Taxation)

Which was Read and Passed.

Sent down for concurrence.

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

Communication

HOUSE OF REPRESENTATIVES

June 15, 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 Failed to Finally Pass **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)

The House also voted to Adhere to its former action on Bill "An Act to Revise the Tree Growth Tax Law" (H. P. 1566) (L. D. 1687)

Respectfully,

EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

Enactor

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

An Act to Allow Direct Purchase by Citizens of Certain Bonds. (S. P. 549) (L. D. 1373)

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

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

Communication

HOUSE OF REPRESENTATIVES

June 15, 1979

Honorable May M. Ross

Secretary of the Senate

109th Legislature

Augusta, Maine 04333

Dear Madam Secretary:

The House today voted to Adhere to its former action whereby it Indefinitely Postponed Bill "An Act to Require Premium Impact Statements for Certain Workers' Com-

pensation Legislation" (H. P. 956) (L. D. 1222)

Respectfully,

EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

(Senate at Ease)

The Senate called to Order by the President.

A message was received from the House of Representatives through Representative James E. Tierney of Lisbon Falls, the Majority Floor Leader, that the House had transacted all business before it and was ready to adjourn sine die.

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

Committee Reports

House

Leave to Withdraw

The Committee on Public Utilities on, Bill, "An Act Relating to Motor Carrier Reform." (H. P. 1381) (L. D. 1606)

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.

The Committee on Local and County Government on, Bill "An Act to Clarify Certain Statutes Relating to Municipalities." (H. P. 318) (L. D. 395)

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.

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 a Special Select Committee studying the access to and use of the Alagash Wilderness Waterway. (S. P. 625)

In the Senate, June 15, Passed.

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

The PRESIDENT: Is it the pleasure of the Senate to Recede and Concur, with the House?

The Motion Prevailed.

Non-concurrent Matter

Joint Order relative to the Education Committee studying the use of income data for purposes of school funding. (S. P. 626)

In the Senate, June 15, Passed.

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

The PRESIDENT: Is it the pleasure of the Senate to Recede and Concur, with the House?

The Motion Prevailed.

Out of Order and Under Suspension of the Rules, On Motion by Senator Katz of Kennebec:

ORDERED that a message be sent to the House of Representatives informing that Body that the Senate has transacted all of the business which has come before it and is ready to adjourn without Day.

Which was read and passed.

The President appointed Senator Katz of Kennebec, to deliver the message, the Senator then retired to the Hall of the House and subsequently reported that he had performed the duties with which he was charged.

Out of Order and Under Suspension of the Rules, On Motion by Senator Pierce of Kennebec.

Ordered that a Committee of three be appointed to wait upon the Governor to inform him that the Senate is ready to receive any communication that he may be pleased to make.

Which was Read and Passed.

The President appointed on the part of the Senate the following Committee:

Sensors:

KATZ of Kennebec
CONLEY of Cumberland
LOVELL of York

The Committee then retired to wait upon the Governor, and subsequently reported that they had performed the duties with which they were charged and that the Governor was pleased to say that he would join the Senate forthwith.

(Senate At Ease)

The Senate called to order by the President.

The Sergeant-at-Arms escorted Governor Joseph E. Brennan to the rostrum, amid the applause of the Senate.

The PRESIDENT: His Excellency, the Honorable Joseph E. Brennan, Governor of the State of Maine.

Governor BRENNAN: Mr. President and Members of the Senate: It gives me great pleasure to be here for the fourth time this Session. I know that it will give you great pleasure to know that my remarks will be considerably shorter than they were when I delivered my Inaugural Address, my Budget Message, and my Legislative Message.

Although we have had our fair share of problems, the accomplishments of this first Regular Session of the 109th Legislature, in my judgment are impressive. What has been done in the past 6 months will have a lasting and positive effect on the lives of the people of the State.

We have kept faith with the people. We have not raised taxes this Session. We have achieved fair, equitable, and long over-due pay raises for secretaries, the prison guards, clerks and all the workers in State Government.

We have passed a responsible Highway Program, that will promote safety and also promote economic development. We have taken a major step toward revitalization of our Fishing Industry by passing a bond issue to promote Fish Pier Construction.

We have expressed faith in Higher Education, our Vocational Institutes and our schools. We have demonstrated a commitment to human needs of less fortunate citizens. We have acted in many other areas far too numerous to mention in ways to uphold our responsibilities to the Public that looks to us for leadership, and allows each of us to look back on the past 6 months with pride in our accomplishments.

We have learned to work together. We have cooperated and compromised. It has been a constructive session. I commend all of you for your diligent efforts on behalf of the people of this State. I wish you all a happy and pleasant summer. Thank you very much.

The Sergeant-at-Arms escorted Governor Joseph E. Brennan from the Senate Chamber, amid the applause of the Senate the members rising.

The PRESIDENT: Before Adjourning with-out day, the Chair would like to take this opportunity to thank every Member of this Senate for their friendship and support during the long winter months. I think we have accomplished a great deal, frankly, in a non-partisan open fashion. I do give you my sincere thanks, and look forward to working with you next winter.

Also, I would like to thank the staff for their high-grade efforts, their extremely good efforts. When the work was needed, they were always there to do it. They do it in such a capa-

ble fashion that it's hard to discern, but they're some great staff. I thank you all very much.

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

Senator LOVELL: Mr. President and Members of the Senate: I, too, want to thank the staff. When I first came in the Senate in 1960, I never thought I'd see the day that I would be Adjourning the Senate.

I think the Staff has done a tremendous job, probably the best job that I've ever seen in my years in the Senate.

As far as the Secretary is concerned, I think she's the best looking Secretary we've ever had in the History of the State.

As far as the President's concerned, I could ask for no better. We had a man that can stand up there day after day like President Sewall has, and listen to some of us here talk, do just about everything. He stands up there and smiles. He's really wonderful.

I also feel this is the first time in my career that I have ever seen 4 fine, beautiful ladies in the Senate. Everyone of those ladies in the Senate are good debaters. I congratulate the Senate for having 4 such fine ladies.

As far as the rest are concerned, well, I just can't say, you're all fine people. You've all done well. You've all done what you thought was best for the State of Maine, even Gerry Conley, right down the line. There's really no differentiation between the Democratic and Republican Party. It's just that there are a few more Republicans than there are Democrats, but nevertheless I think that we have accomplished a great deal this Session.

I now Adjourn the Senate Sine Die.

On Motion by Senator Lovell of York, at 5:03 P. M. on Friday, June 15, 1979 the Honorable Joseph Sewall, declared the Senate of the First Regular Session of the 109th Legislature, Adjourned Without Day.