

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

INDEX

First Confirmation Session

August 3, 1979

INDEX

First Special Session

October 4-5, 1979

INDEX

Second Special Session

October 10-11, 1979

INDEX

Second Confirmation Session

December 7, 1979

INDEX

STATE OF MAINE
One Hundred and Ninth Legislature
Second Special Session
JOURNAL OF THE SENATE

October 10, 1979

In compliance with a proclamation of His Excellency, Governor Joseph E. Brennan, the Senators convened in the Senate Chamber at ten o'clock in the morning.

The Senate called to Order by the President.

Prayer by Reverend George C. Bland, Jr., South Parish Congregational Church, of Augusta.

Reverend BLAND: Let us pray! Dear God, what will best equip us in the minutes, hours, and days ahead, but the strong light of your truth.

Let us remember that we Americans viewed as part of a world community are never poor, but tremendously empowered. Conversely, we are in many ways uncertain, rather ignorant that there are answers to large questions we do not have.

In such a time you have shown us your way, to be lovers of justice and mercy, and to walk humbly in your sight, faithful to the trust given us.

You invite us, we feel O'God, to remember that giant obstacles are really great opportunities, brilliantly disguised as giant obstacles. In that spirit, let us go forth in your sight to the day's business. Amen.

The Secretary read the Proclamation.

STATE OF MAINE
PROCLAMATION

WHEREAS, there exists in the State of Maine an extraordinary occasion whereby Maine citizens are faced with the prospects of sharply increased prices and possibly inadequate supplies of the petroleum products essential to heat most homes during the coming winter; and

WHEREAS, adequate home heating is a necessary part of shelter and the lack of home heating poses a genuine and immediate threat to life, health and safety; and

WHEREAS, the Project Fuel Task Force drafted a proposal to provide such assistance, to relieve the hardships caused by higher prices to encourage energy conservation which has received legislative consideration but which requires further deliberations; and

WHEREAS, there exists a need for the Legislature to act in a timely fashion on this proposal;

NOW, THEREFORE, I, Joseph E. Brennan, Governor of the State of Maine, by virtue of the constitutional power vested in me as Governor, convene the Legislature of this State, hereby requesting the Senators and Representatives to assemble in their respective chambers at the Capitol at Augusta on Wednesday, the Tenth Day of October, 1979, at ten o'clock in the morning, in order to receive communications and enact an emergency fuel assistance plan.

Given at the Office of the Governor at Augusta, and sealed with the Great Seal of the State of Maine, this Fifth day of October in the Year of Our Lord Nineteen Hundred and Seventy-nine.

Joseph E. Brennan

By the Governor
Deputy Secretary of State
Linwood F. Ross

Which was Read and Ordered Placed on File.

The Roll being called, the following Senators responded to their names:

ROLL CALL

Chapman, Clark, Conley, Cote, Devoe, Emerson, Gill, Hichens, Huber, Katz, Lovell, Martin, McBreairty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Sutton, Teague, Trotzky, Usher, Sewall.

26 Senators having answered to the Roll Call, the President declared that a quorum was present.

sent.

Out of Order and Under Suspension of the Rules:

On motion by Senator Katz of Kennebec, ORDERED, that a message be sent to His Excellency, the Governor, informing him that in obedience to his Proclamation, a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.

Which was Read and Passed.

The President appointed Senator Katz of Kennebec, to deliver the message to his Excellency the Governor.

Subsequently, Senator Katz, reported that he had delivered the message with which he was charged.

Subsequently, a message was received from the House, through Representative Mitchell of Vassalboro informing the Senate that a quorum was present for the consideration of such business as might come before the House.

Out of Order and Under Suspension of the Rules:

On motion by Senator Pierce of Kennebec, ORDERED, that a message be sent to the House of Representatives informing that Body that a quorum of Senators is present for the consideration of such business as may come before the Senate.

Which was Read and Passed.

The President appointed Senator Pierce of Kennebec, to convey the message. The Senator then retired to the Hall of the House.

Subsequently, Senator Pierce of Kennebec, reported that he had delivered the message with which he was charged.

Out of Order and Under Suspension of the Rules:

On Motion by Senator Conley of Cumberland, ORDERED, that a message be sent to the House of Representatives proposing a Convention of both branches in the Hall of the House at 10:30 o'clock for the purpose of extending to His Excellency, Governor Joseph E. Brennan, an invitation to attend the Convention and make such communication as pleases him.

Which was Read and Passed.

The President appointed Senator Conley of Cumberland, to convey the message. The Senator then retired to the Hall of the House.

Subsequently, Senator Conley of Cumberland, reported that he had delivered the message with which he was charged.

Orders

On motion by Senator Conley of Cumberland, ORDERED, the House concurring, that three hundred twenty-five copies of the Legislative Record for this Special Session be printed, one copy for each of the members of the Senate, House of Representatives, the Secretary of the Senate and Clerk of the House, and the remainder to be deposited with the State Law Librarian for exchange and library use; and be it further

ORDERED, that suitable index be prepared for such Legislative Record under the direction of the Director of Legislative Research.

(S. P. 651)

Which was Read and Passed.

Sent down forthwith for concurrence.

At this point a message was received from the House of Representatives through Representative Garsoe, of Cumberland concurring in the proposition for a Joint Convention for the purpose of extending to His Excellency, Governor Joseph E. Brennan an invitation to make such communication as pleases him.

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

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

Recess

After Recess

The Senate called to Order by the President.

The Senate then retired to the Hall of the House, where a Joint Convention was formed. (For proceedings of Joint Convention, see House Report.)

After Joint Convention
In Senate

The Senate called to Order by the President.

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

Recess

After Recess

The Senate called to Order by the President.

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

Paper from the House
House Paper

Bill, "An Act Providing Funds for Emergency Home Heating Assistance for Certain Elderly and Low-Income Households and for the Winterization, Citizens' Assistance and Housing Rehabilitation Technician Programs and Correcting an Error in the Energy Inventory Reporting Law." (Emergency) (H. P. 1589) (L. D. 1691)

Committee on Appropriations and Financial Affairs suggested.

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

Under Suspension of the Rules the Bill Read Twice.

Under suspension of the rules, the Bill was Read Twice.

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

Senator HUBER: Mr. President, I present Senate Amendment "A" to the Bill and move its Adoption, and would speak briefly to my motion.

The PRESIDENT: The Senator from Cumberland, Senator Huber, offers Senate Amendment "A" to L. D. 1691 and moves its adoption. Senate Amendment "A" (S-400) Read.

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

Senator HUBER: Mr. President, and Members of the Senate. As I'm sure you are all aware, this Bill would provide a stopgap measure to face the emergency that many of our citizens may face this winter. It would provide a maximum of \$170 per household or \$75 per rental household, paid in 2 payments on December 15 and January 15.

In the Assistance Category, it would provide a total of \$7,500,000 of both General Fund monies and Federal Funds to the various groups addressed by the bill.

The total amount including winterization would be \$14,400,000. I believe, sincerely believe, this would tide our citizens over until the next session, Regular Session, hopefully, is in progress where we can address the many problems which will be caused by increasing energy costs and by inflation generally.

I know that higher levels of funding have been discussed. I sincerely hope that the State can afford this level of funding. The General Fund portion would be \$3,152,000. I quite frankly, don't see where this will be available, prior to the end of the Biennium, but I think it's an action which we must take to address the emergency situation before us.

It's not as much as many would like to do. It's what I would like to hope that we can

afford. I'm sure there will be discussion of this measure, and I'll try and address specific questions when we get to that point. Thank you.

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

Senator NAJARIAN: Mr. President, and Men and Women of the Senate. It should come as no surprise, I'm sure to anyone here that I and other members of my party find this amendment totally unacceptable. There are 2 very major and basic differences between this amendment and the Bill as proposed by the Governor.

To refresh everyone's memory just a bit. One week ago today the Republican Leadership wanted to assist with State Funds the needy elderly. Actually only about 2/3's of the needy elderly. They proposed nothing for the needy elderly whose heating costs were included in their rental payment. Of course, nothing at all, for all the other needy families who, like the elderly, might find themselves unable to pay for both food and fuel this winter, but who by accident of birth, have not yet reached the age of 60.

To help 2/3's of the needy elderly the Republicans were willing to appropriate last week \$1,800,000. Now that's easy to understand that position, because that's politically safe to do and politically unsafe not to do. Because a large proportion of middle-aged, middle-income people have elderly parents and can sympathize and identify with that age group, because they will be elderly themselves some day. The elderly are a formidable voting body.

But the Republicans belatedly discovered that the anticipated Federal Emergency Crisis money could not be used exclusively for the elderly, but had to be used to assist all needy households and renters, regardless of age. Congress, at least, recognizes that children also need food and warmth, perhaps more food, even, than the elderly, and that middle-aged poor can get cold and hungry.

With that brief update we have the Senate Amendment before us now, which out of necessity and nothing more, incorporates almost as much money for AFDC and low-income families as the Governor's Bill, which is before us.

Since the amendment, over all, is only \$1,000,000 less than the bill, L. D. 1691, who do you suppose is bearing the brunt of the Republican obsession to appropriate no more than \$3,000,000 for this program?

Perhaps I should be more specific. I hate to get into too many figures, but I think they are revealing. It's not the AFDC households. There's only an \$86,000 difference there between the Bill and the amendment. It's not AFDC renters, there's only a \$30,000 difference there. It's not low-income families with 2 parents, \$115,000 there between the 2, again the Republicans putting forth less, for the working poor who have never qualified for any Government assistance before in the past. Finally not the low-income working poor who rent. The difference again is a mere \$43,000 less than the cost of last week's Special Session.

To summarize thus far, the Huber amendment proposes to spend \$362,000 less than the Governor's proposal for an estimated 32,000 needy families, as opposed to \$712,000 less for 25,000 needy elderly. Their commitment to the elderly has declined from \$1,800,000 last week to just over a little over \$500,000 today.

I don't think I need to spell out for anyone here what that means in terms of sincerity behind their rhetoric, or the priorities of the Republican Party in the Legislature, which brings me to the second major difference.

6 days ago they were willing to give the needy elderly, 2/3's of them, up to \$250 over a 3 month period, December, January and February. I heard no one say, on my Committee, the Leadership meetings, at the Public Hearings, by members of the public, that \$250 was too much.

However, the amendment before us today has reduced the maximum assistance for the

elderly and other households to \$170 over a 3 month period. Now has it been established that this reduced amount is all that's going to be needed? Not at all. In fact, the average payment last year on this same program was \$200 before the 60% increase in oil, a 100% increase in the cost of wood, 13% increase in the cost of food, etc. etc.

What the amendment does is start from the bottom line and look backwards. What it says is, we're only going to agree to appropriate \$3,000,000. to the estimated 57,000 eligible households into that fund. The figure of 170 and 75, bares no relation at all to need based on prior experience. In act, unless more than the anticipated \$3,000,000 is forthcoming from the Federal Government, that additional unmet need will be picked up by General Assistance, which will increase the property tax of the very people we're assisting under this program, as well as the additional thousands who will struggle through this winter, without any State or Federal help.

You can see from the above that not only are the Republicans not motivated by humanitarianism. Their proposal is not even rational or this is the greatest heresay, does not even make sound financial sense.

This amendment without benefit of double the Federal dollars collected, will cause increased taxes at the local level or reduce, in some communities, already reduced services, and will greatly increase the State's financial obligation under our General Assistance Program.

The amendment is essentially a do nothing piece of Legislation. A constituent of mine said he didn't want to see Maine become the Bangladesh or the Biafra of the United States, but it's pretty clear that more will have to be provided by both the State and Federal Government than this amendment proposes if we are to avoid here in Maine, deprivation, mal-nutrition, unnecessary illnesses with attendant increase in our State's medical costs.

What the democratic Governor and the Democratic Senate are hoping to avoid is suffering caused by inadequate heat or food this winter. The amendment does not provide sufficient funds to give me hope that that can be avoided, given the uncertainty and the timeliness of Federal dollars.

The Governor's proposal of last week offered the best program we have seen for the State to follow, but in a spirit of cooperation and compromise, he has reduced his original request by \$2,000,000.

The republican Senate Amendment has increased by only \$1,000,000. The Governor has met his adversaries more than half way. He has conceded twice as much. To do more would be unconscionable and he would have lost the support of his own party, here in the Legislature, but he has no intention of doing that anyway.

That's my summation of the recent past and the two reports before us.

If you are going to vote in favor of this amendment at least you know and the Record will show that its passage will primarily deprive the needy elderly of this State.

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

Senator KATZ: Mr. President, I am certain that the Senator from Cumberland, Senator Huber, will be responding to the remarks just made.

I would like to issue a special plea, as far as I am concerned, there are 33 Senators in this Chamber all of whom are honest, all of whom are well motivated, all of whom are trying to do the right thing. I hope the debate as it continues will respect the various points of view that are expressed.

If one side or the other wants to rap itself in a mantle of righteousness, and point to an opposite point of view, as being the work of the devil, good luck, but such is simply not the

case.

There are so many facets to this that can be discussed in a high level manner without suggesting that one person is more honest or honorable than the other, I think the debate should continue along those lines.

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

Senator CONLEY: Mr. President and Members of the Senate: Last November people in this State elected Joseph E. Brennan, as the Governor and as the Chief Executive to serve over this State for four years.

It would be easy for me to get rapped up in the rhetoric of going back over the history of the last session, and some of the bills that became extremely partisan. I suppose that we could raise a few, but I am not interested in doing that today, but I might point out that the Chief Executive generally did win out, it may have taken a little time, but he generally won out, because he won, we won, and the people won.

We here are called in the second time, within two weeks, to Enact emergency legislation with the energy crises upon us. As we sit here in our seats today the OPEC Nations are already talking about a further increase in fuel oil.

Those of us who are gainfully employed and those of us who have families have deep concerns ourselves, as to how we are going to make payments on fuel this winter. I do not believe that there is anybody in this Chamber that is not already talking about some way of cutting down and conserving on oil, to try to make the financial payments that we are going to go through December, January, February, and into part of March.

I do not know how long ago that it was, but I am sure that it was at least six weeks ago that the Governor first started talking about an emergency session and about introducing legislation to meet the needs of those people who can not provide for themselves. I would ask all of you on that one point alone do we agree or disagree? I think we all agree to that.

I think there is no one in this Chamber that wants to see money shoveled out to people to beat a system, so that they can get a little extra dough in their pockets.

The program has been well thought out, it is thought out into the point where no one receives cash, it is done through a voucher system. That people have to measure up to the standards and the needs, and the requirements that are being leveled by the Department of Human Services as to whether or not they are eligible for that need.

Let us look at the problem as it is. The Governor has stated that the average household this winter is going to experience an additional \$330 more in heating costs this winter. That is without taking into consideration what is presently going on with the OPEC Nations.

I know that last year my oil bill was over \$1,200. I have, for some reason, my wife keeps telling me that she is going to report me to the OER if I do not turn the thermostat down a little. I am like a lot of our senior citizens, I am getting there, and my blood gets a little cool a lot faster than the kids. Kids have a lot of energy that they can burn up and they stay warmer longer. The fact is that I look forward to at least a \$2,000 oil bill coming up this winter. I have questions in my mind as to whether or not I am going to be able to meet those payments.

When we came back this morning from the Joint Convention down at the other end of the hall, the Majority Floor Leader said to me, "you know something Jerry, the Governor has got himself one hell of a good speech writer." I looked up at him and I said, "Well, Bennett no speech writer hired by the Governor wrote that speech, it was the Governor's speech." I was sort of pulling his chain at that time, but I found out afterwards that what I had said was

actually true, it was written by the Governor. He spoke to me of how concerned, how sincere, how genuine, how real the message was. I think that that is what we should weigh in its context today.

Are we here to make just a skimpy payment to help somebody get by for 1 week, 2 weeks, or 3 weeks or do we want to try to meet the needs which are not fully funded, just taking the figures of the average increase in fuel oil?

The years that I have been in this Chamber, I have wrestled many many times with some of the financial problems we have had. Everybody says that Jerry Conley is the big spender; Jerry Conley is the left winger; Jerry Conley is the guy who just wants to shovel it out through social service programs, he is not concerned about anything else.

Well, I started thinking of my concerns in the years that I have been here. I looked at an industry up in Penobscot County that was going to fold because of the fact of an unfair assessment of taxes that we had against them, Sobin Chemical. Jerry Conley voted to exempt them from the excess on the sales tax in the manufacturing of their product, so that we could retain an industry in this State, and employ some of our Maine citizens.

We had another industry down along the coast, Martin Marietta. We all know is one of the wealthiest corporations in America, but on the other hand they were going to be forced to leave the State of Maine, because of the fact of the unfair competition they were getting from Canada, cement being subsidized by the Canadian government, would have lost this plant to us down in Rockland. Jerry Conley voted to give them the tax exemption which made them more competitive to their Canadian neighbors.

Only too recently most of us voted to subsidize another major industry to come into this State, namely Pratt-Whitney, so that people in York County they would provide jobs and employment and make the State again a better State to live in, in a view of providing better jobs and better paying jobs.

It is strange it relates very similar to what the Governor said this morning that our government has never had any problem whatsoever of subsidizing Lockheed or Boeing or any other of these major corporations. In fact Chrysler currently is being addressed.

When we start talking about the benefits of humanity to those individuals who can not provide basic needs we have problems, problems addressing that type of subsidy.

I do not think that there is anybody in this Chamber, that really believes that. You know I have come from a community that is well the largest community in the State. In fact, and I do not want to see the dome blow off, but I come from Munjoy Hill. I suggest that a lot of you visit the hill, you should see Dick Pierce sneaking around up there once in awhile during the last election.

The fact of the matter is, that as there is in Lewiston, as there is in Waterville, and some of the other communities around the State, there are a lot of cold water flats still left. Those people are going to have it very, very difficult. They are going to have a tough winter ahead.

I do not think that the amendment that is being offered here today, by my colleague from Cumberland, Senator Huber, is going to meet 1/10 of those needs. I do not care whether you are republican or whether you are democrat or whether the people living in those cold water flats up on Munjoy Hill are republican or democrat, the coldness affects everyone just the same.

So if we want to try to provide the basic needs, I would urge the Senate to vote against the pending motion to accept the bill as it was voted on in its first reading.

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

Senator COLLINS: Mr. President, I have a question for any of the Governor's spokes per-

sons in the Senate.

I understood in the original bill offered last week, that the Governor was proposing a heating subsidy of about \$250, per household. In today's Bill on page 12, I find that the appropriations for home heating would provide \$200, for a 2 months period.

So I guess my question is, is it contemplated that the Governor would then in January ask us for another \$100, to cover the third month, so that this would in effect be asking for more than the original bill?

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

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President and men and women of the Senate. I think the Governor's intention is of course to address the needs when we come back in January. If the need exists and can be demonstrated then I presume that he may be asking us for more money.

Hopefully, you know, everything will go well, crisis won't be as bad as we anticipate and this will be sufficient, or additional Federal money will become available, six or eight million instead of the three that we are counting on now, to become available.

So I would not rule it out but I would not rule it in, either.

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

Senator CONLEY: Mr. President, in further response to the good Senator from Knox, Senator Collins.

I believe that primarily his question addresses what is the eligibility period, from the three months but the payments, would have to be met or spread out over the three payments.

The eligibility is taken in from the first of December until February whatever the date is.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

The PRESIDENT: A Roll Call has been requested.

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

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

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

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

Senator HUBER: Mr. President, and Members of the Senate, as best I can remember, the various points brought up, I would like to attempt to respond.

First of all the Republican proposal has been termed unconscionable. It does provide \$14,400,000 in total aid both in Direct Assistance and winterization, as opposed \$15,800,000 in the Democratic proposal.

The Democratic proposal is the 2 months proposal at a higher monthly rate. As the good Senator from Knox point out may very well commit us to \$2,500,000 of what could be General Fund funds for the third month. Unfortunately, we cannot again repeal February.

I think the Republican proposal is a good-faith legitimate attempt to meet a need. It is a stopgap measure, to tie us into the Regular Session when we can deal with the effects of not only increased energy costs, but also inflation generally. Not only for those people who qualify for various Government programs, but also for those people who are somewhat above the limits and qualify for nothing. These are the people who will be hurt, if we spend our-

selves into a tax increase situation.

The wildly popular idea of cutting Government expenditures, when you come right down to it, and I'm sorry to bore you with this, roughly 42% of our budget is spent on education. As we cut education costs, or cut education spending, this will pop back up on the property tax. From the taxpayers viewpoint, he, I presume really doesn't care.

Mental Health and Corrections, we have swept under the rug for many years and are nip and tuck with Federal lawsuits and other lawsuits in this area. Maybe through management there are expenses that can be decreased in this department and hopefully over time we will do so.

Human Services has wildly escalating medical costs, and for at least the last 5 years has been held down very closely. Cuts in the Human Services Department will affect other groups, presumably for the benefit of the groups we're talking of now.

Those 3 Departments total 70% of our budget. Then you add in Retirement Payments. You add in Debt Service, 2 categories of obligation, which I presume the State is not going to renege on. I hope I assume correctly. Unfortunately, our action in the last week doesn't bode too well for Retirement. That's beside the point.

So now we're up to 80% of our budget, which in fact, you're not going to cut. Of if you do cut, it would be for example, in the case of Education, it would politically expedient, let the Legislature off the hook. Hook the taxpayer, the property taxpayer again, and pretend we didn't do it. That's no solution.

So you've got 20% of the budget now, which again, is subject to this politically popular cutting. So we'll cut the 20%, and you'll find the various things we look at will prove either or practically or politically largely uncuttable. I think that option goes out the window.

The other avenue open to us, obviously is to increase taxes and add to the burden of everybody, not only the 77,000 families affected by this bill, but the remainder of the families of Maine. We will add to their burden which is already complicated by inflation and by energy costs.

So those 2 options, I think are largely unpalatable. It again comes down to the choice of who do you want to harm for the benefit of whom? Basically what we are offering is half a loaf. It is the Governor's proposal, scaled down to what we hope we can afford. It is very strictly a half loaf. It serves the same groups. It is a 3 months program. It does not pretend to go under the guise of 2 month program, which hooks us probably into the third month.

It's been stated that it is only \$1,000,000 less, unless February occurs, which it generally does each year. It has been stated that the payment last year was at the \$200 level. I believe I'm correct in saying that the so-called E-Cap-funds were at the rate of between \$3,100,000 and \$3,500,000 last year, and that was it.

We're proposing in the assistance area a \$7,500,000 program, which serves a considerably expanded group, and many more Maine citizens. I think it is a legitimate and fair addressing of an emergency problem to allow us to get hopefully someday into a Regular Session situation, where with more time, and more calmness we can address the effects, not only of energy costs, which will increase, and will be back each year, but also inflation generally and the many other problems that do or will beset the State.

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

Senator NAJARIAN: Mr. President, and Members of the Senate. Just to briefly respond to some of the remarks made by Senator Huber.

I would say that, I sense a huge concern among some Members that this program for 2 months may commit the State to a third month

when we come back. I seem to be hearing that we don't want to appropriate any more money for that third month whether the need is there or not. I will say if the need isn't there, it certainly won't be requested. Secondly, if you don't want to appropriate money for the third month, it will have to be an emergency, and it would take 2/3's of the Members of this body to pass anything. You certainly have the ability to stop that. So I think that you are certainly protected for that third if you don't think the money is needed or you don't want to appropriate it.

What Senator Huber has outlined on the State being in a deficit situation, just really is not very accurate. We have \$18,900,000 when we adjourned in June. We have appropriated \$6,600,000 for Teachers' Retirement which leaves, I believe about \$12,400,000 at this point, over the 2 year period.

I have heard raised in the last few days our obligation to the Teacher's Retirement System for the second year. But we have ordered a study on that. It could be that the study will indicate that the active teachers should be contributing more into the Retirement Fund based on their generous benefits. This was brought out at our Appropriation Hearing. It could be that the earnings of the Retirement System will increase and then reduce our obligations. So there are lots of iffy things here that could happen to the General Fund Benefits.

Collective Bargaining, I remind you, that it will be the Governor who will be sitting down negotiating with the MSEA, and AFSCME. I'm sure he will have our State finances very much in mind when they sit down to the table.

On the Indian Affairs, Congress could very well appropriate the \$1,800,000 prior to October 30, 1980. We have never addressed the inflation issue in the past in this Legislature, except to give an across the board 5% increase, etc., etc. I doubt that we will address it again in the next Regular Session. Thank you.

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

Senator MINKOWSKY: Mr. President, and Members of the Senate: In reading over both versions of this particular Bill, the Huber version of the amendment or the Governor's Bill, maybe as a rank and file person, I have a concern that we're all talking about putting something through to serve the interests of the elderly or our indigent people in the State of Maine.

I'm wondering what assurances do we have that the oil dealers will accept this particular program. For it says in both versions that "conditions for participation in the program by vendors, which shall include at least". Number 2 interests me. "For any remaining balances the customer is to be offered a reasonable deferred payment arrangement or a level of payment plan".

Now if we pass either one of these 2 particular versions, and we have this on the books, what assurance do we have that the oil dealers will participate in this particular plan, going by this particular guideline. Maybe somebody on the Appropriations Committee, or Leadership could answer this particular question, if it has not been addressed in the Bill at some other point.

The PRESIDENT: The Senator from Cumberland, Senator Najarian, asks leave of the Senate to speak a fourth time.

Is there objection?

The Senator has the floor.

Senator NAJARIAN: Mr. President, and Members of the Senate: I only rise in response to a question about the oil dealers' participation. As I understand it, it's voluntary, but the Governor's Office has been working very closely with the Oil Dealers' Association. I'm sure if they've had objections to any part of this Bill, they would be up here in the halls this morning.

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

Senator PRAY: Thank you, Mr. President. Mr. President, and Members of the Senate: I think perhaps one of the issues that we're really debating today is the flexibility of the Budget. I think that we have to look at more than just the State Budget and to the realm of flexibility. Because the other side of the coin is the flexibility that the people of the State of Maine have as far as flexibility within their own household budgets.

The energy situation we have today is not new. It was upon us in 1974. Nothing really was done. The people of the State of Maine though did respond to that situation. Since we live in this Northeast corner, our winters are colder and longer than elsewhere.

The consumer in the State of Maine over the last 5 years has cut his consumption by 23%. When we address conservation, we have to remember that in the last 5 years, we have conserved a great deal already. How much more conservation can we stand?

I think there is still leeway for us to take great steps in winterizing the low-income houses around the State. They usually are the oldest, and those in the least winterized conditions.

The flexibility of a budget when we talk about an average person in the State of Maine who pays roughly 10% in energy costs.

We talk about the low-income, we're talking about 18.4%. Perhaps with the recent increases that are projected to come we could be talking somewhere around 23 to 25%.

I think the Governor of this State has made a commitment to the fiscal responsibilities which lie upon his shoulders. He's expressed his willingness that if the money is not there that he would recommend and present to the Legislature a budget proposal which would meet the income the State has.

But the people we address in this Legislation, the low-income, the elderly, do not have as much flexibility as we do here in Augusta to decide where the priorities lie.

It has been said for a few weeks around this corridor that we have been here that the question is food or fuel for many of these people. I think if all of you have taking the new style of campaigning as many of us have, and gone door to door and talked to literally thousands of people. We see some of the situations in which they live, through no choice of their own. Many of them are hard working people earning minimum wage, which still is a very meager income, due to the area of the country that we live in and the necessities of the cost of energy. The flexibility on their budget can nowhere be measured to the flexibility that we have here at the State Level.

I think to address the proposal as offered by the Senator from Cumberland, Senator Huber, falls far short from really assisting these people in the months ahead. Perhaps nature's own reminder yesterday with the small snowstorm that we had reminded us that we cannot always control the weather. That we cannot necessarily wait for December, January, and February to be the cold months, because it's just about the time that you expect it, snow jumps up early and there it is.

I talked to a few of my Town Managers this morning. The snowplows are out already, an excess of 5 inches of snow, additional costs. AFDC recipients, welfare recipients are down seeking assistance on fuel already, while we sit here in Augusta and play the political games.

I think if we are going to address this situation fairly, assess the concerns and the problems that these people have, that we have to meet them more than half-way. We see the costs and the increase to these people in an item of necessity. I think out of that item of necessity that it is only fair and right that the State and that this Body accepts the proposal that was offered by the Governor.

I'm sure that we all wish we could give more, but that is not feasible, so we must accept the best thing that comes before us. Thus, on that Mr. President, I move the Indefinite Postponement of the amendment.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: 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 pending question before the Senate is the motion by the Senator from Penobscot, Senator Pray, that Senate Amendment "A" be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

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

ABSENT — Silverman.

A Roll Call was had.

14 Senators having voted in the affirmative, and 18 Senators in the negative, with 1 Senator being absent, the Motion to Indefinitely Postpone does not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to Adopt Senate Amendment "A"?

The pending question before the Senate is the motion by the Senator from Cumberland, Senator Huber, that the Senate Adopt Senate Amendment "A"?

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

A No Vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

NAY — Carpenter, Clark, Conley, Cote, Danton, Farley, Martin, Minkowsky, Najarian, O'Leary, Pray, Trafton, Trotzky, Usher.

ABSENT — Silverman.

A Roll Call was had.

18 Senators having voted in the affirmative, and 14 Senators in the negative, with 1 Senator being absent, the Motion to Adopt Senate Amendment "A" to L. D. 1691 does prevail.

The Bill, as amended, Passed to be Engrossed, in non-concurrence, without Reference to Committee.

Sent down forthwith for concurrence.

Senate at Ease

The Senate called to Order by the President.

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

Recess

After Recess

The Senate called to Order by the President.

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 Providing Funds for Emergency Home Heating Assistance for Certain Elderly and Low-Income Households and for the Winterization, Citizens' Assistance and Housing Rehabilitation Technician Programs and Correcting an Error in the Energy Inventory Reporting Law." (Emergency) (H. P. 1589) (L. D. 1691)

In the House, Passed to be Engrossed without Reference to Committee.

In the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-400) without Reference to Committee, in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference.

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

Senator KATZ: I move the Senate Insist and Join in a Committee of Conference.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate Insist and Join in a Committee of Conference, with the House.

Is this the pleasure of the Senate?

The Motion does prevail.

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

Senators:

KATZ of Kennebec

PERKINS of Hancock

CLARK of Cumberland

On Motion by Senator Pierce of Kennebec, adjourned until 11:00 o'clock tomorrow morning.