

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

***One Hundred and Ninth***

***Legislature***

**OF THE**

**STATE OF MAINE**

**SECOND REGULAR SESSION**

**January 2 to April 3, 1980**

**THIRD SPECIAL SESSION**

**May 22, 1980**

**THIRD CONFIRMATION SESSION**

**July 17, 1980**

**FOURTH CONFIRMATION SESSION**

**July 24, 1980**

**FIFTH CONFIRMATION SESSION**

**September 12, 1980**

**REPORT, HEARING TRANSCRIPT AND  
RELATED MEMORANDA OF THE JOINT  
SELECT COMMITTEE ON INDIAN LAND  
CLAIMS**

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

January 23, 1980

Senate called to order by the President.

Prayer by Pastor Andrew D. Kane of the United Baptist Church of Oakland.

Pastor KANE: Will you please take the literature that was given to you on top of the pile literature. May we read this together. Then we will finish with a prayer.

Jesus saw the crowds and went up a hill, where he sat down. His disciples gathered around him, and he began to teach them:

"Happy are those who know they are spiritually poor;  
the Kingdom of heaven belongs to them!

"Happy are those who mourn;  
God will comfort them!

"Happy are the meek;  
they will receive what God has promised!

"Happy are those whose greatest desire is to do what God requires;  
God will satisfy them fully!

"Happy are those who are merciful to others;  
God will be merciful to them!

"Happy are the pure in heart;  
they will see God!

"Happy are those who work for peace among men;  
God will call them his sons!

"Happy are those who are persecuted because they do what God requires;  
the Kingdom of heaven belongs to them!

"Happy are you when men insult you, and persecute you, and tell all kinds of evil lies against you because you are my followers. Be glad and happy, because a great reward is kept for you in heaven. This is how men persecuted the prophets who lived before you."

"You are like salt for all mankind. But if salt loses its taste, there is no way to make it salty again. It has become worthless, so it is thrown away and people walk on it."

"You are like light for the whole world. A city built on a hill cannot be hid. No one lights a lamp to put it under a bowl; instead he puts it on the lampstand, where it gives light for everyone in the house. In the same way your light must shine before people, so that they will see the good things you do and give praise to your Father in heaven."

Recently in an article in the newspaper, I heard the comment made that the most exciting thing that happened in the House was the prayer.

This might sound funny first reading it, first considering it, but I think as we talk about the salt which loses its taste that will be walked on, and the light of the world that you and I represent to many people as leaders in various capacities. That if politics comes before that which is true, we will all be failures.

Let us pray! Our God help us not to lose the taste of truth. Help us O' Lord to represent the people who have elected us and those who have not.

You have called us O' God into the ministry of this Senate, to effect people in truth, not in party, politics, or anything else.

God, may we come to you as individuals first, that that which is true, that light which you have given to each of us may shine before others.

Lord may we walk in that truth, that we may be truer to ourselves, and ultimately to you. We come together in the name of Jesus Christ, the truth, the son. Amen.

Reading of the Journal of yesterday.

Papers from the House  
Joint Orders

Expressions of Legislative Sentiment recognizing that:

Florence Michaud has served for 23 years as Town Manager of Frenchville and through her loyal and devoted service has contributed immeasurably to that community. (H. P. 1730)

May G. Hayward, of Machias, born in Wesley, will celebrate her 100th birthday on January 29, 1980. (H. P. 1731)

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

Senate Papers

Senator Minkowsky of Androscoggin (Cosponsor: Senator Conley of Cumberland) presented,

Bill, "An Act Relating to the Facilitation of the Collection of Child Support by Exempting Financial Records from Confidentiality Pursuant to the Law of Financial Institutions." (S. P. 713)

Which was referred to the Committee on Business Legislation and Ordered Printed.  
Sent down for concurrence.

Orders

Expressions of Legislative Sentiment recognizing that:

Brenda Lesieur of Brunswick has achieved the rank of First Class in Cadet Girl Scout Troop 475. (S. P. 714)

Kimberly Hanson of Brunswick has achieved the rank of First Class in Cadet Girl Scout Troop 475. (S. P. 715)

Jane Schneidewind of Brunswick has achieved the rank of First Class in Cadet Girl Scout Troop 475. (S. P. 716)

Barbara Brosnan of Brunswick has achieved the rank of First Class in Cadet Girl Scout Troop 475. (S. P. 717) are presented by Senator Clark of Cumberland (Cosponsors: Representatives Bachrach of Brunswick and Martin of Brunswick.)

Which were Read and Passed.  
Sent down for concurrence.

Committee Reports

House

Ought to Pass

The Committee on Transportation on, Bill, "An Act to Amend the Law Regarding the Issuance of Registration Permits under the Motor Vehicle Laws." (H. P. 1629) (L. D. 1739)

Reported that the same Ought to Pass.  
Comes from the House, the Bill Passed to be Engrossed.

Which Report was Read and Accepted, in concurrence, and the Bill Read once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Aging, Retirement and Veterans on, Bill, "An Act to Make Corrections in the Law with Respect to Bridgton Academy, Gould Academy and North Yarmouth Academy." (H. P. 1597) (L. D. 1708)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-747).

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

The Committee on State Government on, Bill, "An Act Pertaining to the Granting of Preference in the Letting of State Contracts to State of Maine Resident Bidders." (H. P. 1620) (L. D. 1730)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-746).

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

Which Reports were Read and Accepted, in concurrence, and the Bills Read once. Commit-

tee Amendments "A" were Read and Adopted, in concurrence, and the Bills, as amended, Tomorrow Assigned for Second Reading.

Enactors

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

An Act to Dissolve Patten Academy. (H. P. 1604) (L. D. 1715)

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

Senator TROTZKY: Mr. President, and Members of the Senate: This Act dissolves Patten Academy. It should be noted that the Senator from Hancock, Senator Perkins's father was principal of this Academy.

I'm aware that they had a basketball team that went down to the Boston Garden, and I believe defeated the school representing Massachusetts there. Maybe the Senator from Hancock might enlighten us about the history of this Academy.

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

Senator PERKINS: Mr. President, and Ladies and Gentlemen of the Senate: Not that I am particularly, maybe the favorite son of Patten, but I would like to be considered a close second.

Patten, being my birthplace holds a very fond spot in my heart. I would also call to the Senate's attention, that Representative Harold Fenderson was the last Superintendent of Schools of Patten Academy. As these things come and go and pass, I think this should be one of the good things that is remembered in education in the State of Maine.

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

Senator CONLEY: Mr. President, it appears to me that it becomes the demise of an institution that has been breeding Republicanism.

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

Senator PRAY: Mr. President, and Members of the Senate: I would just respond that Patten is in my district. My seatmate is very incorrect about the fact of what Patten in recent years has been giving the people of the State.

I think that they have finally seen the light in recent years, and they are slowly voting Democratic more and more each time.

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, on Motion by Senator Katz of Kennebec, the Senate voted to consider the following:

ORDERED, the House concurring, that, when the Senate and House adjourn on Friday, January 25, 1980, they adjourn to Monday, February 4, 1980, at 12 o'clock noon. (S. P. 718)

Which was Read.

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

Senator CONLEY: Mr. President, this order is debateable?

The PRESIDENT: The Chair would answer in the affirmative.

Senator CONLEY: Well, it's my understanding that debate here this morning may be a little late. I've been informed that the muscles of the Majority Floorleader have been expanded throughout the evening, and have got the ducks back in line. But I'd like to address the issue, and that is to whether or not we should or should not recess for this period of time.

People are saying around here that things are different during this Special Session than they have been in the past. I personally haven't seen or witnessed anything different. The fact is that we only have a few bills before this session. If we compare 300 bills to 2000 that we have during a Regular Session. Yet I agree that we have 100 days during the Regular Session to debate legislation. Certainly we should be able

to handle 180 bills or 240 bills, whatever the case may be, within a 50 day period.

The problem that we have and we always will have and will continue to have is the mechanics of getting the legislature into motion. I don't care whether we take one week off, when we come back we're going to find the same problems.

Yesterday afternoon I went up to a hearing in the Judiciary Committee. Amazing, there was 3 members of the Committee sitting around. Yet there was a Bill scheduled for a public hearing. Now it seems to me if we have advertised in the press that we're going to have a public hearing on legislation, then it's the duty of those Representatives and Senators to be present for that hearing.

Not to say that the people who came, that travelled a great distance, were a little bit amazed to find that they had to sit around for a number of moments waiting for the House Chairman to go out and see if he could round up some more members for the legislative member to make her presentation.

I just feel personally when we come back in February we're going to be faced again with the same problems that we are now. Once we have the public hearings, we're going to be faced with Committee Amendments and they generally start off with, that after the enacting clause everything is repealed, and we start in with a re-draft or a new draft of an entirely new Bill.

So getting through the Legislative Session is not going to be expedited by any form of recess. I say that the people sent us up here to do our job. I think it should be done now. We're getting to act more and more like Congress. We're in here 10 days and we're already talking about taking a summer recess. I would urge the Senate to vote against the pending motion.

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

Senator KATZ: Mr. President, I think this legislature has done a pretty darn good job. More than any time previously the members of this Senate and the other body have gotten their bills in on time. They've accepted in good grace the harsh action of the legislative leadership, in attempting to restrict the number of bills in this Second Regular Session. We were hired here to do a job and I think, we've done it.

The fact is that right at this moment at the other end of the corridor there are close to 40 Bills scurrying around looking for sponsors. There's no way we're going to deal with those Bills next week. We're going to be delayed an additional week, anyway, if the sponsors come in the next day or two.

The major issues of this Senate, and the major issues of this session are money. Very shortly you'll be asked to deal with a supplement from the other body. It's the first time we've seen the Appropriations Bill.

Yesterday, for the first time, we saw the Bill for the Transportation Department. This legislature came prepared to deal with some pretty hard issues, and make some hard decisions. These issues aren't going to be faced until the committees have had a chance to work on them.

I suggest that next week can be spent to good advantage, by full time performance of the Committee on Appropriations; by full time performance of the Committee on Transportation, so that they come back and tell us after the recess what the issues are, what the alternatives are.

Now if we continue doing business as usual and come in here for 12 minutes next Monday and 7 minutes next Tuesday, and so on, there is no way the work of the committees can be full-time. I share the concern of the Minority Leader that some committee members are not adhering to duty but you have to admit that the working conditions aren't to great around here either.

I ask the Senate to join with me on a bi-parti-

san note and I call your attention, the members of the Minority Caucus, that some of the most vigorous support for this recess, has come from the leadership of the Majority Party down at the other end of the corridor. So that we can turn our committees' work loose full-time next week so that we can understand what the alternatives, and what the issues are. To give the executive Bills a chance to get some signatures on them, be put in the grist mill of the committee structure. So that leadership can refer the Bills for public hearings. We can get on with the work in an expeditious fashion.

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

Senator CONLEY: Mr. President, and Members of the Senate: I'd like to point out first, that the 40 pieces of legislation that the Majority Leader made reference to is: 1, haven't been all drafted. Sponsorship was assigned to them yesterday. Most of them have all been signed since yesterday afternoon and today. They are in the Legislative Process. I see the quizzed look on the Secretary of the Senate, staring at me, and I can assure her that most of them are down at the other end, at the House, at the other end of the hall. They'll have a lot of work down there.

I think the most important thing is that we're trying to subvert by taking a recess, trying to subvert what we took so long to do a few years ago, and that was to limit the number of days that we could be here in Augusta. Personally I don't know if we belong here. I really question as to whether or not we have a serious implication of a Special Session.

The fact is we have been called in. We have the legislation before us. I don't think that we should be subverting the law, the 50 statutory days to work, get in and get out.

There are no Bills right now that are sort of on loose ends. The Governor introduced, unfortunately, more Bills than any of the legislature. When Senator Katz, the good Senator from Kennebec, stated that we exercised power in not allowing Bills in, that's true. My feeling was, we're going to be here 50 statutory days, we're only going to deal with 300 Bills. We might as well deal with all of them. That was not the concern of the majority of the leadership, so therefore, most of them were rejected.

So now we're dealing with less than 200 or 250 Bills overall. We've got 19 Joint Standing Committees. Many of you have no Bills at all assigned to you. Many legislators are not sponsoring Bills. So as I stated yesterday there's a great deal of frustration. I also stated that even the press is frustrated, because they don't know how they're going to make tomorrow's headlines today, when there is damn little to talk about.

I suggest we kill this order, we put our shoulders to the wheel, we get down to work, get whatever legislation we want to pass down to the Governor, and let him take action on it. We can pack up and go home and spend the summer.

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

Senator DANTON: Mr. President, Members of the Senate: First, it's a pure admission that if we vote to recess we don't know what we're doing up here. That will be tomorrow's headlines. Then after we come back, we're still going to be operating at a snail's pace. Then the headlines will read: "Legislature Dragging it's Feet".

So we aren't going to win. But there's something that I would like to bring to your attention. I'm not wearing a "Yes, I'll be back button", because I'm not coming back. So I can stand here today and say anything I want and I will say it. It's been bothering me for a long time, and I'm going to get it off my chest and out of my chest.

I served for 3 terms in leadership, as the Assistant Minority Leader of this Chamber. My efforts for those 3 terms was to take and

streamline the legislature so we could come in, get our work done, and leave here expeditiously, without costing the taxpayers of the State of Maine, between \$20,000 and \$30,000 a day, take whatever figure you want. I've heard all kinds of figures.

Now when the State of West Virginia, with a population of 8 million, can go into session and get all their work done in 60 days, and the State of Maine has to be here for 100 days, and ask for extensions. Then we talk about the log jam at the end of the session, and the new legislators not knowing what's going on, I think there is something wrong with our system.

One of the first things that I would hope that the leadership would do, if we do vote to recess, is for the leadership to meet and change some of the rules that are in that book, as to how to move this legislature along.

Now when our present Governor and I were in leadership, setting right in that corner, we voted for a staff up on the 4th floor. It's a pretty expensive staff, I might add. I'd like to know what it costs us every year to have that staff. That was to get the work done, so we could get out of here. We were here until July 25 one year, some of you can remember. Now we want a recess. We want a recess because the work and the bills aren't printed up. It sounds sort of stupid to me.

I think that we should do something. Really, I'm not running for re-election. You know, I've had enough of it. I'm glad some of you are coming back, because I'd like to see Veterans here. But you have to do something to get this legislature moving. We waste too much time. There isn't a businessman in this Chamber that could run his business like we run this legislature and show a profit at the end of the year. You businessmen in this Chamber know that, as well as I do.

So I'm going to vote against the recess. I don't think I'll have my way, but I'll tell you one thing that should be done is we should take a good long hard look at how we run this legislature, change some of those rules, forget about allowing just one person to sign "Ought to Pass", on the Bill, especially if he is a member of the other body, and 3 members of this body, have signed "Ought Not to Pass". What kind of a chance does that Bill stand? Let's be truthful with one another. That's wasting time. Give the Chairmen in the committees more authority.

These are some of the things that I think this legislature should do. If we do vote for a recess, I would hope that the leadership would meet all during that recess and change the rules, and let's expedite our business here, and get out of here in a shorter period of time.

Thank you.

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

Senator NAJARIAN: Mr. President and Members of the Senate. I would just like to say for what it is worth that I don't think that a week's recess would be of any advantage to the Committee on Appropriations.

We have public hearings scheduled 5 days next week and have scheduled 5 days of public hearings for this week on the Federal Expenditure Budget and that was our plan from the beginning.

If the Governor's additional budget had been out on the first day it would not have made any difference, because our plan was to go through the Federal Expenditure Budget first and then consider the additional request from the Governor's office. So that the fact that it is now before us and will be printed won't make any difference, we will not consider it next week anyway.

It is my understanding from my seatmate that the Transportation Committee has not been ideal in spite of the fact that they have not had the Governor's recommended budget for that department. They have had 8 hearings this week and more scheduled for next week.

I can't see any particular advantage to recessing for a week and I hope we don't.

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

Senator KATZ: Mr. President, I would like to respond to the good Senator from Cumberland, and I acknowledge the fact that she and members of committee have been hard at work hearing the Federal component of the budget.

I must confess that's not what we are here waiting for. That is not what 184 people are here waiting for. We are here for the hard dollar decisions. I might suggest that having spoken to several members of the gentladies committee that it is certainly possible to defer action on the Federal component and to get down to the nuts and bolts of what we are here for and that is the budget.

The Appropriations Bill that is on the supplemental that is in front of us, that is what we are interested in. We are interested in how to finance the Department of Transportation. Those two committees along with the Committee on Audit have assumed such enormous importance at this point in time, really have the capacity to aid in the orderly flow of legislation by deferring work on the minor considerations and get to work on that for which we are waiting for.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President, I would just like to pose a question through the Chair to the Majority leader, on what would he have us do since we have already advertised for next week for hearings on the Federal Expenditure Budget, and do not have the other budget before us to advertise for next week?

The PRESIDENT: The Senator from Cumberland, Senator Najarian has posed a question?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President I thought that you would never ask.

It is true that notices for advertising have gone out, but the ad's have not appeared in the paper. I have been informed that it would not be a very difficult mechanical thing to defer advertising on those Bills and to get down to the nuts.

The other body has sent us the Appropriations Bill forthwith, and it is my understanding that it will be printed and in the hands of the Committee tomorrow, so the alternative is there. I think that it is a very very meaningful and sensitive alternative, to put the important bills up front.

Now when we came in here I thought that it was a clear understanding that the Legislature would attempt to do the best job that it could in putting the important decisions on the front burner, instead of taking care of some extraneous material and hurriedly dealing with the important issues in the last two or three days.

We have the alternative in front of us and that's what this Joint Order is all about.

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

Senator CONLEY: Mr. President, it is unfortunate that the good Majority Floorleader the Senator from Kennebec, Senator Katz, hasn't through his long period of time served on the Appropriations Committee.

I at least had the opportunity for 4 years and I know that it will make no difference whatsoever when it comes to advertising or hearing on the Appropriations Act that what is finally decided is going to be decided somewhere in a back room in a hotel 22 miles outside of Augusta.

We know that there are going to be at least 15 meetings somewhere in the enclaves of Augusta, or the Holiday Inn or some other little place. Where the Senate Chairman of the Appropriations Committee and I would assume

the Majority Leadership of this Senate are going to make healthy decisions or recommendations as to what avenue will be pursued.

I do not think that we should clutter up this Senate Chamber with all this pontifical garbage about what has to be done and the hard facts of life. We have all and we are all well educated as to what role we will individually play.

So let's stop the foolishness; let's do the State's business; let's continue on as we have been; let's put our shoulders to the wheel; let the Senate Chairman and the House Chairman of the various committees that have bills get their hearings, get their members before them take act and then we will answer or resolve the so-called big questions when they come before us.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President, and Ladies and Gentlemen of the Senate. I have heard the Legislature on many occasions likened to a large freight train which is very hesitant to get started, but once it gets started it is very reluctant to stop. I guess this will be no different occasion than other years, the only question I would have to liken it to is that: In our situation here today, I find myself in the position of believing in the train and yet knowing the relationship of trains and the State of Maine, seeing the train service to all of our other parts of the State being stopped or lessened to a bigger degree than most of us would like. This apparently is happening with this Legislature, only the train is a little reluctant to get started.

I am persuaded that perhaps the way that the train has often been running is not the way to do and while I have been and have worked I thought quite diligently for the last two days to keep the train running I am persuaded by more seasoned heads then I that perhaps a different change in schedule would help the train. So therefore, this morning I will reluctantly vote with my leadership, though I might not like other politicians be reluctant in the future to say. What did the new schedule accomplish?

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the Passage of S. P. 718, please rise in their places to be counted.

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

17 Senators having voted in the affirmative and 11 Senators in the negative, the Joint Order was Passed.

Sent down for concurrence.

#### Orders of the Day

The PRESIDENT: The Chair laid before the Senate, the first tabled and specially assigned matter:

Bill, "An Act Relating to Agricultural Development." (H. P. 1719) (L., D. 1830)

Tabled—January 22, 1980 by Senator Minkowsky of Androscoggin.

Pending—Reference.

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

Senator MINKOWSKY: Mr. President and Members of the Senate. In one respect yesterday, I am certainly glad I brought to the attention of the Senate the way some of these Bills are being referred to various committees.

I am not going to reiterate some of the points that I brought out yesterday relevant to this being referred to the State Government Committee.

In talking to a representative of the Governor's office, a little earlier this morning I brought the points out of the work that the Audit and Program Committee had done and the recommendations that we had made. This

particular report is not before this Legislature and it would seem rather ludicrous to have another reorganization Bill before us at this time carrying such a large appropriation.

I was assured by this representative from the Governor's office that this was not an attempt on his part or the administration to circumvent the work of the Audit and Program Review Committee.

I guess as I said it just happened to happen this way, where we in the Audit and Program Review Committee, ran a complete indepth evaluation of the Department of Agriculture, but in my estimation I do not see why we can't accept the report of the Audit and Program Review Committee and refer this particular piece of Legislation to the next regular session.

Another thing Mr. President, which I think is of significant value that you will find that the appropriation under the supplemental appropriation act amounts to \$615,000.

It is certainly incumbent upon the Appropriations Committee to address this particular thing compared to any other committee at the present time, especially the State Government Committee.

I certainly would want to make an effort if there was any decision to be made, that an attempt be made that this be referred to the Committee on Agriculture in lieu of the Committee on State Government.

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

Senator McBREAIRTY: Mr. President and Members of the Senate. The sub-committee, we did split up into sub-committees as far as the Audit and Program Review Committee was concerned, because there was no way that we could do the work without doing it by sub-committees.

Now the sub-committee on Agriculture has worked very closely with our new commissioner, and I do not feel that there is any conflict between the Audit and Program Review Committee and the Committee that the Governor has submitted.

I believe that some of the changes that we recommended has been left out of the commissioner's Bills, and some that he was going to recommend we left out of ours, I do not feel there is any conflict whatever.

As far as the Committee that it goes to, as long as it goes to some committee other than the Audit and Program Review Committee, I will be happy as can be. We do not have time to handle it anyway if we did have it. Thank you.

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

Senator HICHENS: Mr. President, yesterday I made a Motion to Refer this Bill to the Committee on Agriculture.

I did not debate on the reasons for that except that many farmers had been in touch with me, and asked that it go to Agriculture rather than the Committee on State Government.

I would like to refer to the Statement of Fact, and the fact that 5 of the sections of this Bill, definitely refer to agriculture, commodities and production and so forth, where only one of the factions of the Bill has anything to do with reorganization.

I think with that heavy weight directed toward agriculture that this Bill should go to the Committee on Agriculture, and I would once again make the motion that it be referred to the Committee on Agriculture.

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

Senator MARTIN: Mr. President and Ladies and Gentlemen of the Senate. I won't get hot and bothered as to exactly where this particular Bill will go, as I told you yesterday, I do serve on both Committees; Agriculture and State Government.

I would suggest however that if it does go to Agriculture or vice versa to State Government, that we get an AdHoc Committee of the oppos-

ing committee two or three members and also Senator Minkowsky's expertise from Performance Audit. That is just an open suggestion. I won't debate this point much further.

On Motion by Senator Hichens of York, referred to the Committee on Agriculture and Ordered Printed in non-concurrence.

Sent down for concurrence.

The PRESIDENT: The Chair laid before the Senate, the second tabled and specially assigned matter:

JOINT ORDER — relative to introducing a Bill "An Act to Remove Moose River from the Maine Forestry District." (S. P. 710)

Tabled—January 22, 1980 by Senator Pierce of Kennebec.

Pending—Passage.

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

Senator REDMOND: Mr. President, and Members of the Senate. I rise today to make a simple request, that you will allow this Joint Order relative to L. D. 4, An Act to Remove Moose River from the Maine Forestry District, to have a public hearing, and an opportunity to be voted up or down before bodies of this Legislature.

While some of you may feel that this Bill is insignificant or not truly of an emergency nature, I can assure you that it is of the utmost significance to my constituents, who desire only the opportunity to express their views to this Legislature. Is it too much to ask the elected representatives of the people of this State to give these people a few hours to express their feelings and to give them an opportunity to persuade you of this justice of their cause?

To my good friend, the Senate Minority Leader, I was hoping he'd be here, I'd make a special appeal to assist this municipality which bears the namesake of a large ruminant mammal of the deer family, which inhabits forested parts of Canada and Northern United States. Even if the majestic moose can get a fair shake in front of this legislature, maybe the people of Moose River can.

Seriously, I urge you to give this Bill a fair hearing, and when the vote is taken, Mr. President, I request the yeas and nays.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Thank you, Mr. President, Mr. President, I'd like to pose a question through the Chair to the Chairman of the Taxation Committee. Seemingly we've had a number of issues in the few years that I've been down here dealing with the Forest District Tax, and I've always supported them because I've had a number of my own communities, that we have been able to remove.

In the beginning the former Chairman of the Taxation Committee who is no longer with us, the Senator from Washington, Senator Wyman, always kept saying that we were going to study it. Seemingly, we had a study that was passed by the legislature either a session or 2 sessions ago to study the Forest District Tax. I was wondering if the present Chairman is aware of that study or any other study, or any consideration that the Taxation Committee is giving the Forest District Tax?

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

Senator TEAGUE: If I remember right, in answer to the good gentleman, Senator Pray. We studied quite a lot of these communities that wanted to leave the Forest District Tax last year. It was a price tag, I think, on each one of them. It went to the Appropriations Committee. I think all these were killed in the Appropriations Committee last year. I don't know how this Bill would differ from the one we handled last year.

The PRESIDENT: Is the Senate ready for

the question?

The Chair recognizes the Senator from York, Senator Danton.

Senator DANTON: Mr. President, I'd like to ask the Senator from Somerset, a question through the Chair. If he'd like to have the hearing on this Bill before or after the recess?

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Mr. President, in reply to the good Senator from Saco, I think that where I have supported having a recess, and the reason for that is because I'm hoping that we will really get busy and solve the problems of our constituents in this State, after the recess, hopefully, I would like to have this after the Recess.

Ladies and Gentlemen of the Senate, this Bill to complete the reply to the good Senator from Penobscot, this Bill was heard by Taxation. I would like to note that it was reported out of the Committee on Taxation, unanimously Ought to Pass. It went through this body and the House overwhelmingly.

This legislature has already established, there is no question that it has recognized the problem. The matter before us today is whether we want to take corrective action to the problem or not. This is what we want addressed today.

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

Senator KATZ: Mr. President, yesterday this body showed it's deep concern for local matters. In our unanimous support of the Saco Bill, I would hope that if either chamber denies the privilege of the Senator from Somerset to get the two-thirds to get this Bill before the Legislature, I would hope that it's not going to be this body that denies him.

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

Senator DANTON: Mr. President, and Members of the Senate, the Majority Leader just convinced me to vote to allow the Moose River Bill in.

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

Senator PRAY: Thank you, Mr. President, Mr. President, and Members of the Senate, not to prolong this matter, but I would wish that the sponsor of this Order would table it and withdraw it so that we could address all the Forest District communities around the State that wish to come out from underneath it. Otherwise, if we allow this Order to go through, I have roughly 3 or 4 communities that have continuously attempted to get out. I would also like to introduce a similar Order for each one of those communities. So I think it would be better if we did it in one fall swoop, take all the communities that are under the Forest District Tax, and talk about repeal of it.

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 Passage of Joint Order relative to Moose River.

A Yes vote will be in favor of Passage.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Ault, Chapman, Collins, Cote, Danton, Emerson, Farley, Gill, Hichens, Katz, Lovell, Martin, McBreairty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague,

Usher.

NAY — Conley, Trafton, Trotzky.

ABSENT — Carpenter, Clark, Devoe, Huber.

25 Senators having voted in the affirmative, and 3 Senators in the negative, with 4 Senators being absent, the Joint Order was Passed.

Sent down for concurrence.

Senator Chapman of Sagadahoc was granted unanimous consent to address the Senate, Off the Record.

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

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

#### Papers from the House

##### House Paper

Bill, "An Act Adjusting Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1980, and June 30, 1981." (Emergency) (H. P. 1732)

Comes from the House, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed, in concurrence.

On Motion by Senator Katz of Kennebec, there being no objections all items previously acted upon were sent down forthwith for concurrence.

On Motion by Senator Pierce of Kennebec, Adjourned until 10 o'clock tomorrow morning.