

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

March 6, 1980
Senate called to order by the Secretary.

Prayer by Father Gilbert Patenaude of Saint Francis Xavier Catholic Church of Winthrop.

Father PATENAUDE: Let us pray! Almighty and merciful God, whose wise and amiable providence watches over every human event, be our light and counsel on this day. We pray thee to shower thy blessings upon our President, our Governor, our Senators, and all those who will have a part in the session of Legislature. Give them light, wisdom and strength. Grant that they may be enlightened by thy Grace, and always fulfill their duty to thee and to their country.

O God, protector of all those who trust in thee, without whom nothing is strong, nothing is holy, multiply towards us thy mercies that with thee as our ruler and guide, we may obtain all that is for our spiritual and material welfare.

This we ask through Christ our Lord. Amen.

Reading of the Journal of yesterday.

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

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

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

Recess

After Recess

The Senate called to Order by the President.

**Papers from the House
Non-concurrent Matter**

Bill, "An Act Relating to the Effective Date of Administrative Changes in the Employment Security Law." (Emergency) (H. P. 1762) (L. D. 1888)

In the Senate, February 20, 1980, Passed to be Engrossed, in concurrence.

Comes from the House, Passed to be Engrossed as amended by House Amendment "B" (H-830), as amended by House Amendment "A" (H-831) thereto, in non-concurrence.

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

Senator KATZ: Mr. President, I move that the Senate Recede.

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

Is this the pleasure of the Senate?

The Motion Prevailed.

House Amendment "B" was Read.

House Amendment "A" to House Amendment "B" was Read.

The PRESIDENT: The Senator has the floor.

Senator KATZ: Mr. President, it's my intention to support the passage of House Amendment "B" and to raise a question to the Chair as to whether or not House Amendment "A" to House Amendment "B" is germane to the matter at hand?

(Senate at Ease)

The Senate called to Order by the President.

On Motion by Senator Katz of Kennebec, Tabled until later in today's session, pending Adoption of House Amendments "A" to House Amendment "B".

Joint Order

An Expression of Legislative Sentiment recognizing:

George R. Chenell, Falmouth Town Council member since 1968, Planning Board member for 5 years, and Council and Finance Committee Chairman for several years. (H. P. 1910) Comes from the House, Read and Passed. Which was Read and Passed, in concurrence.

House Paper

Bill, "An Act to Further Define a Cord of Wood." (H. P. 1909) (L. D. 1976)

Comes from the House, referred to the Committee on Agriculture and Ordered Printed.

Which was referred to the Committee on Agriculture and Ordered Printed, in concurrence.

**Communications
Senate Chamber
President's Office**

March 5, 1980

Honorable Samuel W. Collins, Jr.

Honorable Barry J. Hobbins

Chairmen

Judiciary Committee

State House

Augusta, Me

Please be advised that Governor Joseph E. Brennan is nominating Judge John L. Batherston of Rumford for reappointment to the District Court.

Pursuant to Title 4 MRSA Section 157, this nomination will require review by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL

President of the Senate

S/JOHN MARTIN

Speaker of the House

(S. P. 783)

Which was Read and referred to the Committee on Judiciary.

Sent down for concurrence.

**Senate Chamber
President's Office**

March 5, 1980

Honorable Samuel W. Collins Jr.

Honorable Barry J. Hobbins

Chairmen

Judiciary Committee

State House

Augusta, Me

Please be advised that Governor Joseph E. Brennan is nominating Charles D. Devoe of Union to serve as a Commissioner of the Workers' Compensation Commission.

Pursuant to Title 39 MRSA Section 91, this nomination is subject to review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL

President of the Senate

S/JOHN MARTIN

Speaker of the House

(S. P. 784)

Which was Read and referred to the Committee on Judiciary.

Sent down for concurrence.

**Committee Reports
House**

The following Ought Not to Pass report shall be placed in the Legislative files without further action pursuant to Rule 22, of the Joint Rules:

Bill, "An Act to Appropriate Funds to the Department of Inland Fisheries and Wildlife. (H. P. 1827) (L. D. 1931)

Ought to Pass — As Amended

The Committee on Agriculture on, Bill, "An Act to Revise and Strengthen the Bee Industry Law." (H. P. 1745) (L. D. 1861)

Reported that the same Ought to Pass as

amended by Committee Amendment "A" (H-810).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A", as amended by House Amendment "B" (H-826) thereto.

Which Report was Read and Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" was Read. House Amendment "B" to Committee Amendment "A" was Read and Adopted, in concurrence. Committee Amendment "A", as amended by House Amendment "B" thereto was Adopted, in concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

The Committee on Business Legislation on, Bill, "An Act Relating to Group Self-insurers under the Workers' Compensation Act." (H. P. 1747) (L. D. 1863)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-815).

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

Which Report was Read and Accepted in concurrence, and the Bill Read Once. Committee Amendment "A" was Read and Adopted, in concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Education on, Bill, "An Act Concerning the Temporary Certification of Driver Education Teachers." (H. P. 1592) (L. D. 1702)

Reported that the same Ought to Pass in New Draft and under Same Title." (H. P. 1894) (L. D. 1967)

Signed:

Senators:

TROTZKY of Penobscot

GILL of Cumberland

MINKOWSKY of Androscoggin

Representatives:

CONNOLLY of Portland

FENLASON of Danforth

BIRT of East Millinocket

ROLDE of York

LEWIS of Auburn

LOCKE of Sebec

DAVIS of Monmouth

LEIGHTON of Harrison

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

Signed:

Representatives:

GOWEN of Standish

BEAULIEU of Portland

Comes from the House, the Bill, in New Draft, Passed to be Engrossed.

Which Reports were Read.

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

Senator MINKOWSKY: Thank you, Mr. President, I move the Majority Ought to Pass, in New Draft, Report of the Education Committee, and would like to speak to that particular motion.

The PRESIDENT: The Senator has the floor. Senator MINKOWSKY: Mr. President and Members of the Senate, if you look at L. D. 1967 it simply clarifies an inequity that has existed in present law.

In the State of Maine we have several qualified State Licensed Driver Education Schools. Certain school districts in the State of Maine have been disenfranchised simply because there is not a certified teacher or do they have a qualified program in that particular school district.

This will allow the private driving schools in the areas to become temporary certified and allow driving education in that particular school district. This has happened not only in

our School Administrative Districts in the public school sector, but also in the private school sector.

We thought we had rectified this particular proposal in our last session of the Legislature, but through some error with the misunderstanding with the Department of Education and Cultural Services, it came up again.

So all we are attempting to do as it states under Section 1, "when an instructor duly certified by the State Board of Education is not available, within an administrative unit, upon the request of the unit, the Commissioner of Education and Cultural Services, shall grant temporary Driver Education Teaching Certificate to a person licensed by the Secretary of State to teach Driver Education."

All the driving schools in the State of Maine are certified and registered by the Secretary of State. The only difference being is that many of these people do not have a degree, be it a BA Degree or some other degree. For some reason the school departments felt the only ones qualified to teach driver education would be the person who would have a degree.

When you look at this more objectively, over the long range only a certain element of our students in the public school sector are allowed to take driver education because of a quota basis. How about the hundreds of other students who take driver education have to go out and pay the \$70 to \$90, and still take the State examination, and still get the same educational background and driver safety and understanding of motor vehicle laws, just as well as the ones who take it from the school sector.

It seems to me that the ones who are in the private sector of business, who pay taxes and register their cars, pay high rates of insurance, are being discriminated against. This particular factor here will rectify that particular problem as far as the Education Committee was concerned.

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

Senator CLARK: Thank you Mr. President, Men and Women of the Senate. It's my understanding and experience that driver education is and has been for a long time a legitimate element in high school curriculum. It does concern me as a member of the educational community that the same teachers standards for certification are confronted with an obvious erosion, should the Majority Report be accepted here today.

I express concern and perhaps a member of that committee could respond to my concern, with the change in Section 1 of the word 'may' to 'shall', thus eroding any administrative latitude or flexibility from the Commissioner of Education and Cultural Services, and in fact, mandating that that individual do grant temporary driver education teachers' certification, which in, my opinion, is removing his flexibility and integrity as the person who makes that determination. Establishes by Legislative Fiat the credentialing systems, and threatens certified teachers with potential employment opportunity.

Senator Trotzky, the Senator from Penobscot, and I were talking prior to the convening of this session today, because we were encouraged to take our seats, I was unable to continue to listen to his explanation of the last sentence, in bold print, in Section 1 of the new draft, of L. D. 1967.

It reads: "nothing in this section removes from the local administrative unit the authority to establish criteria, in addition to certification by the Commissioner for the selection of qualified instructors." I wonder if, at this time, that good Senator could explain this to me? Thank you.

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

Senator TROTZKY: Mr. President and Members of the Senate, the issue here which overrides this bill is the issue that the private

commercial driving schools are saying that what the State's done is that it's encouraged and almost made it impossible for them to in many areas, to operate because the teachers in the public schools are being subsidized by public taxpayers money to give driving courses to the children in the schools.

Now, the way this issue developed, or this bill came about is that Gould Academy did not have a, qualified, certified driver education teacher. So the present law stated that when an instructor was not available, the Commissioner may grant temporary driver certification to a commercial driving school.

However, what happened is somebody came down all the way from Rumford to Gould Academy, and the result is that the Commissioner did not grant temporary driver certification to a commercial school located in that area. I don't know how far Gould Academy is from Rumford, probably 30, 40 miles away, 20 miles away? O.K.

Anyway, what this bill states is that when within an administrative unit there isn't a certified driver education teacher within that unit, the unit may request the Commissioner to grant temporary driver certification to a person in a commercial driver's school. Then it leaves it up to the unit. The Commissioner shall grant that temporary certification, then it leaves it up to the unit, whether the unit wants to hire that person or not.

The last statement in the bill states very simply that if a local unit doesn't want to hire someone within that unit, it has a right not to do so. It can hire someone from a commercial driving school.

So essentially we're leaving this up to local control. Looking at the education of teachers of commercial driving schools versus those who teach in High School, they both have to take 2 basic driver education courses, EDX 51 and EDX 52. The main difference between them is the teacher in the high school has gotten the education credits in the teachers' colleges or the University of Maine School of Education, and so, essentially, all we're doing is we're saying if there is none available in that unit that the Commissioner shall grant temporary certification to a local commercial driving school. It leaves it up to the local unit whether to hire that person or not.

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

Senator CLARK: Thank you, Mr. President, Mr. President, and Men and Women of the Senate. My response to the explanation which has been shared by the good Senator from Penobscot, Senator Trotzky, is that the last sentence in Section 1, which appears in bold type on this L. D. is totally inconsistent with any other teachers certification language. No one knows what additional criteria might involve.

Probably my bottom line concern reflected in L. D. 1967, and I readily admit it, is that I believe that this represents an intrusion into the employment practices of many local school units, which would place the certified teacher at a severe disadvantage.

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

Senator TROTZKY: Mr. President and Members of the Senate: I disagree with that statement that this is an intrusion into the local school units. This is the local unit that's left with the final control here. It's the local unit that's left with the final decision whether to hire, whether to go out if there is nobody within that unit, they can go outside the unit to a private commercial driving school.

If they find that somebody in that unit does have the qualifications to teach and they feel they would rather go to for certain reasons outside to the commercial driving school, they have that right to do it. But, this is local control.

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

Senator DEVOE: Thank you Mr. President, in looking at this L.D., I have a couple of questions which come to mind. I would like to pose them to any member of the committee.

If we assume that there is no qualified instructor within a local administrative unit, and a request has been made to the Department of Education, is it the committee's belief that the commissioner may designate or will designate temporary drivers teacher certification regardless of what criteria may have been adopted by that local administrative unit?

In keeping with the comments made by the good Senator from Cumberland, Senator Clark, I don't see any language in the last sentence of this LD that says that the Commissioner of Education is in any way bound by the promulgation of any criteria on a local level that the local administrative unit may have made.

It would seem to me that if the committee is concerned about local control, that it would want to have language in the statutes saying that the Commissioner must consider whatever criteria have been established by the local administrative unit, before it makes it's appointment on a temporary basis for a person to teach Driver Ed. I don't see any language in the last sentence which is in bold print, that says the Commissioner must follow those criteria.

It says: "in addition to certification by the Commissioner." Well, what exactly does that mean? Is the Commissioner bound by what the local unit sets up for additional criteria? If it isn't then what is the good of this language? Thank you very much.

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

Senator TROTZKY: Mr. President and Members of the Senate: I think to answer the first question, if there is nobody available the Commissioner shall grant temporary drivers certification to a person licensed by the Secretary of State to teach driver education. Now the State of Maine licenses private commercial driving schools. If they can teach adults to get on the road, why shouldn't they also be able to teach young teenagers to drive on the road?

So, in other words, the first part of the bill just forces the Commissioner to grant temporary certification to a private school, private commercial driving school if nobody is available within the unit.

The second part of this bill gives the power to the local unit to put other criteria, any criteria that it wants, that local unit, in the hiring of a qualified instructor. So again it gives the local unit, local control in the hiring of driver education teachers.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: In no way do I see that this bill threatens the driving instructors in our public school systems, as the good Senator from Cumberland, Senator Clark, has indicated.

When you look at the quota system that we have, that only certain children in the school system are able to take driver education because of the constraints of time, because of the vehicle.

Are we now saying the only ones who are qualified to drive a vehicle in the State of Maine are the ones who took their course from a certified teacher who has a degree in the school system, and the other kids who took their examination or took their driving tests from a private instructor are not as good.

This is what it really boils down to at the present time. I can assure you Mr. President, and Members of the Senate, that if to be certified by the State of Maine, to run a private operation the criteria there is extremely high and these people follow a very rigid curriculum, if I can use that word. Sometime the criteria is more stringent than it is as the part-time

teacher who allegedly is being threatened here, who is getting about \$8 to \$10 an hour, and using a public vehicle and public expense vs. the guy who owns his own operation, pays taxes, as I brought out earlier, and has quite a bit of other expenses, including high insurance rates.

The Senator from Penobscot, Senator Trotsky, explained it very, very clearly that there is no way possible that this is going to injure anybody except to give the largest amount of service to the greatest amount of kids in the State of Maine who are eligible and who want to take driver education.

In the last Section, nothing in this Section removes from the local administrative unit the authority to establish criteria, I have yet to see any criteria brought before the Education Committee that has been laid down by the local people, other than the teachers themselves who follow a very lax format, as far as I'm concerned, in what they do. You just watch some of these driver education cars running around the State of Maine in the school units, you make a correlation between them and what is going on with the private instructor, you will see one big difference, believe me.

I don't think in any possible way this particular piece of Legislation threatens the teacher or his or her part-time job, in so far as teaching driver education. I would hope the Senate would accept the Majority Ought to Pass Report.

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

Senator CLARK: Thank you, Mr. President, Men and Women of the Senate. The Statement of Fact on this measure reads as follows: "The purpose of this bill is to clarify the law concerning the granting of temporary certification for teacher driver education," and I would submit to all present that, in fact, it does just the opposite. It muddies it beautifully.

I cast no aspersions on the qualifications, success rate and integrity of those private driving academies operating within the free enterprise system, for obviously they are viable businesses. I do resist the allegations suggested by the good Senator from Androscoggin, Senator Minkowsky about those same qualities as they relate to certified public school driving instructors.

I would submit once again that this bill is not the result of a overwhelming or even a significant public outcry reflecting need, but that it is, in fact, very narrow special interest bill. Mr. President, I would request a Division on the pending question.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion to Accept the Majority Ought to Pass, in New Draft, Report of the Committee, please rise in their places to be counted.

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

18 Senators having voted in the affirmative, and 9 Senators in the negative, the Motion to accept the Majority Ought to Pass, in New Draft Report in concurrence, does prevail.

And the Bill, in New Draft, Read Once, and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Taxation on.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Undedicate the Highway Fund. (H. P. 1799) (L. D. 1921)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

TEAGUE of Somerset
CHAPMAN of Sagadahoc

Representatives:

MARSHALL of Millinocket
TWITCHELL of Norway
CARTER of Bangor
COX of Brewer

LEONARD of Woolwich
IMMONEN of West Paris

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Sensor:

CLARK of Cumberland
Representatives:
BRENERMAN of Portland
KANE of South Portland
POST of Owl's Head
WOOD of Sanford

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

Which Reports were Read.

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

Senator TEAGUE: Mr. President, I move that we accept the Majority Ought Not to Pass Report.

The PRESIDENT: The Senator from Somerset, Senator Teague, moves that the Senate accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you, Mr. President, Members of the Senate, it would appear that this is my day.

I would share with you my reasons for signing the Minority Ought to Pass Report. Again, I stand before you under no delusions, that I have even the faintest chance of being successful, but I am consistent. I have throughout my Legislative Career, which now spans 8 years, it doesn't seem that long, been an opponent of dedicated revenues, for I believe that dedicated revenues systems stand as a barrier to sound and sensible state budget making, and in fact, effectively prevents, the State from measuring the needs of one department against those of another. The needs of Maine people can best be met by abolishing dedicated revenues placing all state money in a single fund, the infamous General Fund, and parcelling it out, on the basis of comparative needs and priority.

The public hearing on this measure was an educational experience for me, as a Member of the Committee on Taxation. I was impressed with the opposition's points as they were made for I have heard of them before never having experienced an on sight confrontation, a gentle confrontation.

It is suggested that the people vote on bonds for Highway Funds continually and that that approval indicates support for dedicated revenues of the Department of Transportation prevails in the State of Maine.

It was suggested that the pork-barrel concept, an increasing political influence would prevail, should the DOT funds be undedicated.

It was suggested that the Committee on Appropriations and Financial Affairs could not handle the additional responsibilities and burdens of pursuing and setting the Department of Transportation Budget, which is presently overseen by a very competent committee, the Joint Standing Committee on Transportation.

It was suggested that this State Legislature act responsibly and vote for a tax increase. I responded to that gentleman's statement with this inquiry. We should act responsibly by voting for a tax increase and the gentleman responded Yes. He said: The Construction Industry in this State supports a tax increase on gas, and so do the truckers support a gas tax increase.

My response, I think, is reflective of the response that all of us would make. That is, who said? Of course, the Construction Industry in this State would support an increase in Maine's gasoline tax. Of course, the Trucking Industry in this State would support an increase in Maine's gasoline tax, for the DOT's revenues are dedicated. For what? For highway maintenance, construction, repair. Who benefits?

All the citizens of the State of Maine benefit, but who primarily benefits in the industrial economy of Maine? I would submit to you that it is indeed the Construction Industry and the Trucking Industry. That's not all bad! But I know in Senate District 11, approximately 35,000 to 38,000 and even 40,000 people who said one thing to me. That is, Nancy, don't vote for a tax increase on gasoline! Most of them say undedicate the revenues.

So, thank you for allowing me to take your time this morning to explain my exceedingly minority signature on this perennial measure.

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

Senator CONLEY: Mr. President and Members of the Senate: I don't think there has ever been a time that the bill coming from the Legislative Committee dealing with undedicating the Highway Fund has come before me that I haven't voted in support of it. Today, though, I changed my mind. I want to keep them locked in, locked in because I think this is the only way today that we can control what roads are going to be built in this State.

Primarily, because of Maine's overly-liberal approach, in contrast to it's customarily and more frugal attitude toward accepting federal dollars, for highway construction over the past 20 years, we now have an expanded highway system of a magnitude that it represents an unnecessary and unreasonable burden on the taxpayers of this State.

The one segment of the system that can be isolated and appropriately earmarked as the segment that "broke the camel's back" so to speak, is the new 4 lane I-95 especially those sections between Medway to Houlton and from Brunswick to Gardiner, which is also noted as the Conley-Danton Memorial Highway for those of you who weren't around a few years ago. In referring to those 2 specific sections, it was easy for the highway bureaucrats to convince and, actually show, whatever groups or clearance agencies necessary that this State could not pass up 90% federal highway construction dollars.

It was easily and readily conveyed and accepted that the spending stimulus to the economy and the number of jobs such a program creates was necessary to Maine's well being. However, with all the rhetoric that was so liberally spread over the entire Maine populous, you won't find one ounce of discussion on what it was going to cost to maintain these beautiful new highway monuments, once built. This is because most Maine people were led to believe that Maine has had a bottomless Highway Revenue Fund, well so to speak, guess what has hit the fan?

We now have miles and miles of a beautiful new ribbon of concrete but the cost to maintain the total system is simply staggering. If consideration is given to the maintenance cost alone, and compared it with the very low traffic volumes between Medway and Houlton for example, Brunswick and Gardiner, one can quickly understand why the Highway Department today is in such a quandary.

To more clearly make that point consider only a few traffic volume and cost figures. Based on a 1978 Maine Turnpike Report it costs that authority about \$34,000 to maintain, remove snow and patrol one mile of 4 lane highway per year. Excepting this as a reasonable figure to apply to most any one mile section of 4 lane highway in this State, consider the following. Refer to the section of the turnpike from Augusta to Lewiston. It is 28 miles long. That length multiplied by the \$34,000 cost per mile to maintain, etc. amounts to \$952,000 per year. This then should be compared with the total revenues that this section of this highway generates, which is about \$1,000,000 per year.

It can be seen that revenues generated just barely meet maintenance costs. There is little money left to amortize the original cost of construction. Now to identify a more extreme ex-

ample of excessive costs, consider the Conley-Danton Memorial Highway, Brunswick to Gardiner, section of I-95. The yearly maintenance cost etc., is or will be approximately \$748,000, 22 miles times \$34,000 per mile, applicable state revenues received would probably amount to \$447,855 obtained by multiplying the total number of user vehicles 2,294,000 times the number of miles, 22 divided by an average mile per gallon 10, times the State assessed 9¢ per gallon.

Glaringly it is noted that the total use of this new roadway is generating revenues that produce only about one-half of the cost simply to patrol, remove snow, and to maintain it. This means that the State's significant financial burden for the construction of this highway section will have to be siphoned away from other money-generating sources such as the General Fund or monies from other road sections. Additionally it is believed that the 58 miles of new super highway from Medway to Houlton will produce like-cost burdens for minimal traffic use.

Therefore, the principal point made here is that Maine has developed a highway system which has a present maintenance cost burden that far exceeds the present use of that system. Unfortunately, it appears that this burden will stay with us for an unknown period of time.

I feel, as I've stated earlier, for us to undedicate, today, the Highway Funding System would only give those individuals outside who really have the political muscle through DOT to raise revenues to continue to lay this massive blue-ribbon of concrete throughout the State to further burden the taxpayers of this State. Therefore, for the first time since I've been in the Legislature, and I apologize to my good friend and colleague the Senator from Freeport, I shall vote against undedicating the revenues.

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

Senator SILVERMAN: Mr. President and Members of the Senate: When I was in the House I always stood out that the Highway Fund should be dedicated. For the first time I'm in agreement with the Senator from Cumberland, Senator Conley, that the Highway Fund should be dedicated.

The reason is that this time the State of Maine isn't playing games with it's financial situation. The days of the big spending are over. Now the days of reconstructing our State Government and coming up with an effective and efficient program are here in the '80's. The concept in the business world that those who use the product pay for it, is exactly what a dedicated fund will do. Therefore, I think it would be physically irresponsible to come out here today and undedicate a dedicated fund for transportation.

Sometimes there are those who work against the system. There are those who say too many highways were built in Maine, but if we look north, Bangor North, you will find the highways we have to drive on are in a state at times deplorable. Only by a dedicated fund, reaching out into rural Maine, can it be possible the areas that never received highway funding might in the future receive that funding.

If we are to look at the General Fund today, a fund that is doing, or is almost not able to handle the pension fund deficits, that is not able to handle human service needs, a fund that eventually is going to be placing the cost of education at the property level, and we are all seeing that, if we are going to share that fund with a highway system that is also in trouble, then I would say we've got bigger fiscal responsibility problems in this State than we have today. I'm sure today, they are problem enough.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of accepting the Majority Ought Not to Pass Report, please

rise in their places to be counted.

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

24 Senators having voted in the affirmative, and 2 Senators in the negative, the Motion to accept the Majority Ought Not to Pass Report in non-concurrence does prevail.

Sent down for concurrence.

Senate

Ought to Pass — As Amended

Senator Huber for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Appropriate Funds to the Health Facilities Cost Review Board." (Emergency) (S. P. 736) (L. D. 1915)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-433).

Senator Huber for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Expand the State's Industrial Development Promotion Program." (S. P. 695) (L. D. 1831)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-432).

Which Reports were Read and Accepted and the Bills Read Once. Committee Amendments "A" were Read and Adopted and the Bills, as amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

Senator Hichens for the Committee on Health and Institutional Services on, Bill, "An Act to Assure Advocacy Services for Children Committed to the Custody of the State of Maine." (S. P. 676) (L. D. 1783)

Reported that the same Ought to Pass in New Draft under same title (S. P. 782) (L. D. 1977)

Which Report was Read and Accepted and the Bill, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

Second Readers

The Committee on Bills in the Second Reading reported the following:

House — As Amended

Bill, "An Act to Provide Supplemental Funds to the Judicial Department." (Emergency) (H. P. 1635) (L. D. 1744)

RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Lands in the Unorganized Territory. (H. P. 1742) (L. D. 1860)

Which were Read a Second Time and Passed to be Engrossed, as amended, in concurrence.

Bill, "An Act to Provide Broad Public Representation on the Board of Pesticides Control and to Improve the Level of Information Available to it and the Public. (H. P. 1891) (L. D. 1966)

Which was Read a Second Time.

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

Senator McBREAIRTY: Mr. President and Members of the Senate: I offer Senate Amendment "A" to House Paper 1891 with filing number S-431 and move it's adoption.

The PRESIDENT: The Senator from Aroostook, Senator McBreairty now offers Senate Amendment "A" to L. D. 1966 and moves it's adoption.

Senate Amendment "A" (S-431) Read.

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

Senator TRAFTON: Mr. President and Members of the Senate: I would hope that the good Senator from Aroostook would at least explain his amendment.

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

Senator McBREAIRTY: Mr. President and Members of the Senate: Presently the way that the law is drafted the Commissioner would have sole authority in deciding whether to reg-

ister pesticides or not. All this amendment does is include the board in this decision and require a public hearing.

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

Senator TRAFTON: Mr. President and Members of the Senate: This bill has progressed not without some concern on my part. First of all the title: An Act to Provide Broad Public Representation on the Board of Pesticides Control. When you look at the amendment in fact we have only 2 members of the public who will be on this board.

Now I see this further amendment which seeks to erode even further the power of that board. As I read the amendment it would take away a great deal of the control that our State would have with regards to these pesticides due to its mention of the standards of the EPA. I would like further explanation from the good Senator.

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

Senator McBREAIRTY: Mr. President and Members of the Senate: This does not erode the power of the board, this gives the board the right to make the decisions as to whether a pesticide is registered or not. Rather than have it left solely up to the one man, the commissioner. It seems that if we have a new board, that they should really be included in the decisions as to whether a pesticide is registered or not.

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

Senator DEVOE: Thank you, very much Mr. President. With respect to House Amendment "A" which has filing number H-829, I have just a couple of questions that I would like to direct through the Chair to any member of the Committee who may care to answer.

I think what concerns me particularly about this amendment, is that by limiting the academic field of study, or the scientist from UMO to one who is a specialist in Agronomy or Entomology may in effect be excluding many other kinds of academic fields who could have very valuable input into this question. For example, Botanists at the University. There may be some people in the Botany Department who have a particular knowledge of this problem. Micro-Biologist, Chemists, Bio-Chemists.

I do not pretend to be a scientist, but I have talked this morning with someone in the Forestry Department in the School of Forestry at the University. I read to him the new make-up of the board as it was going to be set out under filing number H-829. He expressed these concerns to me.

So I would like to simply pose this question to those of us yesterday who may have voted for this. That is: are we narrowing too severely the academic fields, from which a faculty person at the University of Maine may be chosen to serve on the board?

With respect to the phrase "commercial applicator" that seems to have a much narrower meaning to me than one dealing with "application of pesticides." Again this faculty person with whom I talked this morning said: it is extremely important and it became very evident to him during the hearings conducted concerning the Dennyville matter last summer, that there was no one on the board who had a knowledge of the delivery systems that are available to apply pesticides.

Again I would just raise this concern that has been expressed to me by someone at UMO who followed this matter last year, attended virtually all of the hearings and who has done a great deal of research in this matter. Thank you very much, Mr. President.

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

Senator CARPENTER: Mr. Speaker, Ladies and Gentlemen of the Senate: In response to a couple of things, first on the concerns of the good Senator from Penobscot, Senator Devoe. House Amendment "A" filing number H-829 is

a product of a great deal of deliberation and pulling and yawing and twisting and thrashing. There are things on there that I am not too crazy about and one of them quite frankly is the scientists from the University of Maine specializing in Agronomy and Entomology. That was the original third public member.

That is where the title got kind of messed up about public representation, broad public representation on the board of pesticides. That was a further compromise to the people who were opposed to this bill in any form whatsoever originally. I guess that you could say that that was a compromise to the lobby if you will. They wanted a scientist on there, helped to draft the amendment and I did not see Agronomy and Entomology until after it was pretty well written.

I agree with the good Senator from Penobscot, it does narrow the scope of the board down considerably.

To deal just for a second with the amendment that has been offered by the good Senator, Senator McBreairey, I guess in looking at it it does give the board considerably more power, than it does have now.

Presently the Commissioner of Agriculture not Stewart Smith, or not Joe Williams, but the Commissioner of Agriculture who 5 years from now it might be somebody who is either strongly pro-pesticides or strongly anti-pesticides, gives the Commissioner of Agriculture this power. This gives sort of watchdog authority over that commissioner. I would hope that we would not get a case of tunnel vision as to who the present Commissioner happens to be.

As the good Senator from Androscoggin, Senator Trafton, pointed out, the public membership on the board, has now been narrowed to 2 persons. What you have is a forest user, a farm user, an applicator, there are two persons who do know the delivery system, 2 public members, a scientist from the University of Maine specializing in those two fields, and somebody from the medical community. So I think that it is a pretty broad based board, if you will. At least you have got some people who have knowledge in the area as opposed to at the present time you have the people like the Commissioner of the Department of Fish and Game, who may or may not know anything about pesticides, and you have a number of commissioner level persons on there who may or may not know.

I think that the amendments may be altered somewhat in the other body anyway. I would hope this morning that we would probably go ahead and accept the amendment as offered by the good Senator from Aroostook, Senator McBreairey.

As far as the question by the Senator from Penobscot, Senator Devoe. I am not quite sure how we deal with that, if he wants to offer an amendment taking that University scientist off the board I would probably support it, depending on the wording.

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

Senator PRAY: Mr. President and Members of the Senate: We are pending consideration of Senate Amendment "A"?

The PRESIDENT: The Chair would answer the Senator in the affirmative. The pending question is the adoption of Senate Amendment "A".

Senator PRAY: Thank you, Mr. President. Mr. President and Members of the Senate: I would like to follow up the question by the Senator from Androscoggin, Senator Trafton, in reference to what actually the amendment does do.

A few years back when black flies were a great problem I worked very closely with the pesticides board, trying to find a solution to that problem. Seemingly things have worked out pretty well, because they have moved south, at least to southern Maine.

I do have a serious concern in reference to

the sentence that says, that the board shall not approve any such, refusal or cancellation or suspension and so on and so forth, of any pesticide registered by the United States. It is my present understanding that the board has the authority to supercede the Fed's with a more strenuous law.

At this time I feel a little uneasy because I feel that that sentence is saying, basically that if the Federal Government approves it then we can't reject it. My question would be to the sponsor is to whether or not that is a justified concern, does the amendment do that?

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

Senator MCBREAIRTY: I thought this was a very simple little amendment, but I guess that it isn't.

Presently, presently the way that the bill is drafted, the Commissioner of Agriculture would have the power to refuse to register any pesticide that he should wish to refuse to register, even though EPA had approved it, without anyone else involved whatsoever. One man would decide what pesticides would be registered in the State of Maine.

Now this amendment would include the board that we are creating with this bill, and they would help him decide after a public hearing as to whether a pesticide would or should be refused for use in the State of Maine. I think that we are getting it confused as to whether it is refusing it or approving it. I hope that, that explains it.

We had this recommendation in the Audit Bill, and with this bill, coming here today, we felt it would be better to take it out of our bill, and offer it as an amendment here. Now we made that decision several months ago, before this bill ever came up that the board should be included in the decisions as to what pesticides should be registered. Thank you.

On Motion by Senator Pray of Penobscot, Tabled for 1 Legislative Day, pending Adoption of Senate Amendment "A".

(Off Record Remarks)

Senate — As Amended

Bill, "An Act to Authorize a Bond Issue in the Amount of \$4,500,000 for Energy Conservation Improvements for Public School Buildings and the University of Maine." (S. P. 734) (L. D. 1913)

Which was Read a Second Time.

On Motion by Senator Katz of Kennebec, Tabled for 1 Legislative Day, pending Passage to be Engrossed.

Orders of the Day

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

HOUSE REPORTS from the Committee on Transportation — Bill, "An Act to Amend Allocations from the Highway Fund for the Fiscal Years from July 1, 1979 to June 30, 1980 and from July 1, 1980 to June 30, 1981, Decrease the State Aid Bonus from 40% to 20%, and Revise Drivers' License and Examination Fees." (H. P. 1723) (L. D. 1827) EMERGENCY. MAJORITY REPORT — Ought to Pass as Amended by Committee Amendment "A" (H-812); MINORITY REPORT — Ought to Pass as Amended by Committee Amendment "B" (H-813).

Tabled—March 5, 1980 by Senator Katz of Kennebec.

Pending—Acceptance of Either Report.

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

Senator O'LEARY: Mr. President in order to get this bill before us, I would move the Majority Report. So that we can get it in amendable form I would like after we do adopt the Majority Report, give the bill its Second Reading so that we can attempt it at that time.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, moves that the Senate Accept

the Majority Ought to Pass, as amended, Report of the Committee.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I request a Division.

The PRESIDENT: A Division has been requested.

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

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Thank you, Mr. President. Mr. President and Members of the Senate, I have all intentions on voting Ought Not to Pass here on the proposals that are being considered.

I do think that perhaps for the benefit of debate that we should allow it to go to that point and amendments to be considered so that we could give some directions to the Transportation Committee which has been laboring long and hard over this issue. We have talked about it a great deal in caucus and out in the hallways, and in leadership meetings and what not. I believe that it would be to the benefit of the membership at this time if we did enter into communications and debate on this and to not allow this process to take place which the Senator from Oxford, Senator O'Leary laid before us. I think it would be an injustice to the issue that is before us.

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

Senator USHER: Mr. President, I do support the good Senator from Oxford, Senator O'Leary. I believe that the Transportation Committee deserves some direction. We have heard from the other body, that they do not want a tax increase in gas. We have heard that they want to recommend to send it back to committee. I am trying to keep the bill alive, I would like to see possible amendments proposed and the only way we can do this is to vote to accept the Majority Report.

Nobody wants a gas increase, that's what they claim. Everybody wants a tax break, nobody wants any cuts. How are we going to keep this department functioning?

I believe that we ought to have this opportunity this morning to present our side of the story, and offer different amendments.

The PRESIDENT: A Division has been requested?

Will all those Senators in favor of the motion to accept the Majority Ought to Pass, as amended, Report of the Committee, please rise in their places to be counted.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I request a Roll Call.

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

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

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

The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: Again, I make another request that we keep this bill alive. I think by killing the request to keep the bill alive is probably the easy way out.

I would like to ask the President what would be the status if we did kill the bill today, because the other body did refer it back to committee?

The PRESIDENT: The Chair would advise the Senator that the bill would go back to the other body in non-concurrence.

Senator USHER: I still say the Transportation Committee needs a vehicle to work with.

We must have something to work with. We're down to 13 days. I don't think we ought to go home without solving anything.

We have a very large department, we must keep it going. We still have a possibility of attaching an amendment that might go to referendum, and asking the people, if they would accept a gas tax.

Right now, I think the input we're receiving is just from the small amount of people. Let's get the true feelings, this is a Presidential Election, we can draw a lot of people out this year. We can also get their true feelings as to whether they want a gas tax or not.

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

Senator PIERCE: Mr. President and Members of the Senate: I don't know when I've seen a committee work as hard on a subject as I have the Transportation Committee, nor on a problem that approaches insoluble as this one has. They have worked long and hard on it.

However, I would take a different approach than my good friend from Cumberland, in that I think the clearest direction we could give the committee is to reject the Majority Report today, because really what you're talking about, we've all talked about the proposed amendments. We're talking about the bill or we're talking about various versions, which are very close to that.

If this basic approach is unacceptable to a majority of this Senate, then the committee should know as quickly as possible and that's today, because we do have only 13 days left, and everyone, it is going to be a very short one. So I would urge the Senate to give the committee some clear direction today, by voting not to accept the Majority Report.

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

Senator CONLEY: Mr. President, and Members of the Senate, I took note of the remarks made by the good Assistant Majority Floor-leader, the good Senator from Kennebec, Senator Pierce. In his own remarks he stated that the problem was insoluble.

Well, I think that perhaps it could be looked upon that way, but we're here to solve the problem. I've seen many problems come before us in years gone by that looked as though we would never come up with a resolve to them, but through hard work we were able to do it. Right now we're facing a \$2,000,000 shortfall in the DOT. God knows how much we're going to be short, what kind of a shortfall we're going to have in Fish and Game. Again, dedicated revenues, and the green light that's been put on over the years and they've given everyone just the right to go out and do almost anything they felt was good for the department or good for the citizens of the State, with respect to these various expenditures.

Only recently and we're going to be discussing this next week is going to be the shortfall that we have in the Teachers' Retirement Fund. Another very, very, testy issue that's confronting us.

We're here to face those issues! I stated earlier this morning of my deep resentment in the growth of the Highway System over the years, but the fact is we still have some type of responsibility to say, listen, fellas, it's time to tighten your belts, it's time to take a hard look at the administration of your department.

It's time to sit down with the Joint Standing Committee on Transportation and say here are some recommendations from us to you, that are fair and equitable, that the department is going to take a cut here, and that we're going to have to make some cuts in services to the communities of the State. But it's got to be a 50 - 50 thing, or a 70 - 30 proposal.

Now I think it's not too late, we still have time to do it. I would hope that we could keep this bill alive to do the job that the citizens of this State sent us up here to do.

The PRESIDENT: The Chair recognizes the

Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, If I may make just a couple points. Certainly I indicated that the problem was not insoluble. I said it was as close to anything as insoluble as I had seen.

My good friend talks about a \$2,000,000 shortfall. I'm not worried about a \$2,000,000 shortfall, I'm worried about a \$40,000,000 shortfall, I'm worried about a \$63,000,000 in the hole shortfall. That's what I'm worried about.

I'm not going to vote for a band-aid solution, and that's exactly what these proposals are. If we can't address a longer range problem in this time, I would rather go with no highway bill than the proposals I've seen before us.

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

Senator KATZ: Mr. President and Members of the Senate: I speak not as the Majority Leader but as the soft-spoken Senator from Kennebec.

The Minority Leader points out that we're here for action, and I agree completely. But the missing component here, the missing ingredient is that if we pass this bill in any amended form, such as we've seen, the greatest contribution we'll be making is to get out of here alive, to do something.

We won't be solving the problems of the department. We'll do no more, no less than we did last year, when we thought we were taking care of the shortfall for this biennium only.

If you try to identify from knowledgeable people what happens to the budget for the next biennium if you pass something like this, the answers get a little fuzzy. How much of shortfall will there be? Does anybody here know? I've heard figures from \$24,000,000 to \$35,000,000 that's going to be facing the next Legislature when you come in.

I just have a personal feeling. Here again, my caucus is not unified. I have a personal feeling that the most responsible thing a Legislature can do is to face the tough decisions. The tough decision is not what can we do to get out of here, and maybe save the department for the balance of this biennium. A responsible decision is a decision that let's you clearly understand what your action here today is doing in moving you towards a final solution for the department.

There has to be some kind of an integrated response. There has to be some kind of a rational understanding of how our actions in the 109th Legislature are preparing the way for the 110th, either towards a solution of the problem or an exorciation of the department. That's the issue, and that's the basis of the vote here today.

I do want to say that I've never seen a committee work any harder, getting pushed and pulled and twisted and turned, when there isn't any real feeling in the legislature as to a focal point, but I'll make a prediction to this Legislature, and to this Senate, I predict that if we can get a sensible understanding of what the long range solutions to the funding of this department are, before we act, then the proponents of the amendment are not going to be as important, and they're not going to be as devicive. We'll pull together and get two-thirds vote for anything that's reasonable, as long as it's part of a long range solution.

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

Senator PRAY: Mr. President and Members of the Senate: I rise as the soft-spoken Senator from Penobscot.

I think that we have to have a clear understanding of the issue that's before us, and the Legislative Process that we're all aware of. Those of us who have short range and long range concerns, and I think that we all do. We all have the understanding that we cannot commit future Legislatures. We all have the understanding of today's problems that the problems that are facing State Government are

not present problems but on-going problems, that they are going to exist, the times are going to change, and the situation will have to be adjusted too.

No way 5 or 6 years ago, even in 1973 when we had the Oil Embargo were we prepared for what happened in the last 2 years. If any of us had a crystal ball, back then, we were not listened to. I am sure that some people at that time predicted what was happening was going to be to the severity of which it is today.

The process which we must concern ourselves here are those of us who have a concern through the Legislative Process, have the ability to offer amendments to offer solutions and proposals, both short range and long range.

I said earlier that I was supporting the motion to accept the Ought to Pass Report, though I did not support any of the alternatives that are presently being presented today. That does not give me the excuse to not offer some alternatives.

To those of us who are critical of the solutions being offered, then we must come up with some proposals of our own. We cannot just stand here and say that this is not the solution to the long range problems. We have to offer solutions. That's what we're here for. That's what the process provides for.

The shouting and the hollering, the political positioning and jockeying of those positions are not going to serve the people of this State. It's not going to serve the Members of the Chamber of either political party.

When buttons were in the fad and many people were wearing them, I had a button which came out of an issue about 4 or 5 years ago, which said we're all in this together. That's exactly where we stand today. I think that the proposals that are being offered, though they all do not have my support, that they do have support of some of the members here. We're going to have to compromise on those positions and come up with that solution.

So I would hope that we would not get into any great rhetoric, any shouting matches, and hollering back and forth across the aisle as to who can give the best speeches, but come up and offer these proposals and let's debate them.

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

Senator USHER: Mr. President and Members of the Senate: on L. D. 1921, which was in reference, there was a clear indication on the vote, we had 24 votes in favor of keeping it dedicated. So that's some direction there. All right, we still have a Dedicated Highway Fund. If that's the way you want to go, continue to support the Transportation Committee, keep this bill alive, so we can go back and work on it. Hard work never hurt anybody. We don't mind working hard, 5 days a week, that's what we're here for. We've got 13 more days, we can work 13 more days.

I have to disagree with the comment this is only a band-aid approach. Maybe a couple of issues are band-aid, but a lot of them are reflecting to long range. We had the Commissioner before our committee every day. He got an indication of where we stand and he was getting input from the general public also. He is making long range plans.

They used to have 3,200 employees, they have 2,750 or so. That's an indication he's trying to work with us. He has made a lot of cuts and a lot of these indicate that he is going to try to make it long range instead of just a band-aid approach.

How many other issues before the Legislature have been band-aid approach? They're that way because we're only here for a few days. We're not here all year, we're only here 50 days. We have to go for the short range approach on many issues.

You haven't even seen the Fish and Game Budget, which I happen to be a Member of that Committee too. That's probably going to come

in the last 5 days. How are you going to have a long range approach there?

We have to solve them for the amount of time that we have. If it's not enough time, then the Governor will call us back into Emergency Session, but let's try to solve what we have here today. Take advantage of our 13 days.

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

Senator DANTON: Mr. President and Members of the Senate: I've heard speeches, I've seen some anger, band-aid legislation, but no real solid solutions.

Back in 1971 we passed a gas tax in this Chamber. Pete Danton changed his vote from No to Yes. That was the last time we passed a gas tax.

Now you know Mr. President, and Members of the Senate, we're only kidding ourselves. We can juggle figures around, in fact, I did it for you yesterday. You can make figures say anything you want. 63,000,000, 2,000,000, doesn't make any difference. The Department of Transportation has a problem. The problem is very simple. It's Money, money. There's only one way you can raise money, that's through a gas tax and getting some money from the Fed's. That's the only way you can save it!

How do you expect the Department of Transportation in 1980 to operate at the same level that we gave them in 1971, whatever the gas tax is now, 9¢ or 10¢ a gallon, when minimum wage in 1971 was \$1.25, it's \$3.10 today. When gasoline was 34¢ a gallon, high test, it's a \$1.25 a gallon today. When vehicles probably were costing the Department of Transportation, just an ordinary Chevy or Plymouth whatever they were buying was costing them \$2,300, \$2,400, \$2,500, or \$3,000. They're paying \$5,000, \$6,000 today.

How do you expect that department to operate? Now it's very simple for us to criticize them, and to turn the vice on them, as my Minority Leader says. We can do those things. If we're going to be responsible and sensible, I think that that committee, the Transportation Committee that's trying hard, and I give them credit. They're trying hard. They have to sit down and they have to come back and they have to listen, we've met with this department, one more time.

Leadership meets the departments time and time again, they meet with Appropriations Committee time and time again, before they come out with a final package at the end of the session and then ram it down our throats and we buy it. This has to be done! It has to be worked out.

They need money! We have to do the responsible thing! Someone got up and said that's what we're here for, that's right! I know some of you are saying Danton can talk pretty big he isn't running for re-election. Well let me tell you, you can think that if you want, but there hasn't been a time that a gas tax has ever been introduced or been voted on in the Maine Senate that Pete Danton hasn't voted for it.

I know my Governor, and I respect his opinion, is against any tax whatsoever. That's fine! That's his opinion! That's how he feels. He has his job to do and we have our job to do. We should get on with it. I'm going to vote to keep this bill alive, because I think that they need something to work with. Something has to be done.

We're in 1980 and we haven't done anything since 1971. Let's face it, Senator Katz from Kennebec, and Senator Conley from Cumberland, and Senator Pray from Penobscot, and Senator Pierce of Kennebec, and you, Mr. President, let's face it!

We've been tapping into that highway fund, little by little as the years have been going on. For boat ramps, airports, rest areas, and what have you. The true purpose of that dedicated revenue has really gone. We're using that highway fund for more things than just building roads, bridges and re-surfacing and culverts

and what have you. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, again I would only state what we should be concerned with primarily today is the shortfall of \$2,000,000 to get us through the next 18 months of this biennium.

It's obvious that we can establish a Joint Study Committee, dealing with the Department of Transportation to look into what the fiscal problems are going to be for the next biennium, or the next Legislature.

Those who have really showed the greatest concern about what's going to happen in the next Legislature are 2 very prominent leaders of this Session, the good Senator from Kennebec, Senator Katz, and the good House Minority Leader from Cumberland, Representative Garsoe, have chosen not to run for re-election. It's very nasty of them to leave the financial problems that we're facing today with us for the next session.

So I would suggest that they let us try to iron out the problem of the \$2,000,000 and then like I say, establish some type of a Joint Standing Order, where we take a very hard look at what is going on.

It's not only in Transportation, as I stated earlier. Several other departments are having very serious problems, and I think that we have to deal with those. So it would be my hope that we at least keep the bill alive and perhaps be able to resolve it within the next 13 days.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the Motion by the Senator from Oxford, Senator O'Leary that the Senate accept the Majority Ought to Pass, as amended, Report of the Committee.

A Yes vote will be in favor of accepting the Majority Ought to Pass, as amended, Report of the Committee.

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, Danton, Emerson, Farley, Huber, McBreairey, Minkowsky, Najarian, O'Leary, Pray, Silverman, Trafton, Usher.

NAY — Ault, Chapman, Cote, Hichens, Katz, Lovell, Perkins, Pierce, Redmond, Shute, Sutton, Teague, Trotzky.

ABSENT — Devoe, Gill, Martin.

16 Senators have voted in the affirmative, and 13 Senators in the negative, with 3 Senators being absent, the Motion to accept the Majority Ought to Pass as amended, Report of the Committee, in non-concurrence does prevail.

The Bill Read Once.

Committee Amendment "A" Read.

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

Senator EMERSON: I now present Senate Amendment "B" to Committee Amendment "A" and move it's adoption.

The PRESIDENT: The Senator from Penobscot, Senator Emerson, now offers Senate Amendment "B" to Committee Amendment "A" and moves it's adoption.

Senate Amendment "B" (S-434) to Committee Amendment "A" Read.

The PRESIDENT: The Senator has the floor.

Senator EMERSON: Mr. President, I somehow get the feeling that I understand how General Custer must have felt at the Battle of the Little Big Horn.

I spent some time this morning trying to put some words together to explain this amendment. I don't think after listening to the debate, I don't think I'll read those words, because I don't think the amendment stands much chance, but I would like to read the last paragraph.

In my opinion nobody on the committee believes that this is a good solution or the right solution, but with the options we had and the absence of any substantial increase in revenue, it seems to be the best solution that a majority of the committee could agree upon.

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

Senator PRAY: Mr. President and Members of the Senate: In the beginning of the debate in reference to the solutions to the problems, I feel that this definitely is a step but I am concerned as to where the cuts are being made, in reference to the cuts that are necessary.

I, for one, believe that we should take a sincere look at the Department of Transportation and we should decide where the budget should be cut. It definitely should be cut. I am not going to support a gas tax increase, I am not going to support a raid on the General Fund. I believe it is time that the Department of Transportation realizes that all of government is suffering from the same problems.

I am concerned at the amount of money that's being taken from State Aid, the Winter Maintenance Program. It's my understanding that this basically is pretty much coming through as a savings because of the winter that we have had and that it would be an on-going savings to the department.

I believe that a little bit too much is being taken and passed back to the municipalities. I would much rather see us take a hard look at the State Police, take a hard look at those who are tearing up our highways, that would be the Trucking Industry. See a little bit more pressure put on those people, a little bit more revenues out of those people to take care of the problem. Then to look at the cuts in the department that can be made. So I would ask for a Division on the acceptance of this amendment.

On Motion by Senator Conley of Cumberland, Tabled for 1 Legislative Day, Pending Adoption of Senate Amendment "B" to Committee Amendment "A".

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

Bill, "An Act to Allow the Commissioner of Marine Resources to Exercise Limited Authority over the Conservation of Atlantic Salmon." (H. P. 1630) (L. D. 1740)

Tabled—March 5, 1980 by Senator Conley of Cumberland.

Pending—Motion of Senator Shute of Waldo that House Amendment "B" (H-80) be Indefinitely Postponed.

On Motion by Senator Pierce of Kennebec, Retabled for 1 Legislative Day.

The Chair laid before the Senate the third tabled and specially assigned matter:

Bill, "An Act to Permit the Department of Transportation to Acquire Railroad Operating Equipment." (S. P. 666) (L. D. 1720)

Tabled—March 5, 1980 by Senator Pierce of Kennebec.

Pending—Enactment.

On Motion by Senator Pierce of Kennebec, Retabled for 1 Legislative Day.

Out of Order and under suspension of the Rules, the Senate voted to consider the following:

Papers from the House

House Papers

Bill, "An Act Adopting the Voluntary Energy Efficiency Building Performance Standards." (H. P. 1913) (L. D. 1978)

Comes from the House, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Which was Referred to the Committee on Energy and Natural Resources, and Ordered Printed in concurrence.

Bill, "An Act to Clarify the Law Concerning Abuse Between Family or Household Mem-

bers. (H. P. 1911)

Comes from the House, referred to the Committee on Judiciary and Ordered Printed.

Which was Referred to the Committee on Judiciary and Ordered Printed, in concurrence.

Enactors

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

Emergency

An Act to Constitute and Validate the Establishment of the Monson Utilities District." (H. P. 1798) (L. D. 1920)

This being an emergency measure and having received the affirmative votes of 24 Members of the Senate, with No Senators voting in the negative, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

The Chair laid before the Senate: Bill, An Act Relating to the Effective Date of Administrative Changes in the Employment Security Law." (Emergency) (H. P. 1762) (L. D. 1888), tabled earlier in today's session, on motion by Senator Katz of Kennebec, pending Adoption of House Amendment "A" to House Amendment "B".

On Motion by Senator Pray of Penobscot, Tabled for 1 Legislative Day.

On Motion by Senator Pierce of Kennebec, adjourned until 12 o'clock noon tomorrow.