

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 7, 1980

Senate called to Order by the President

Prayer by the Reverend Gene Gillin of the Penny Memorial United Baptist Church of Augusta.

REVEREND GILLIN: The Lord our God has showed us what is good, and what he requires of us, to do justly, to love mercy, and to walk humbly with our God.

A lawyer came to him and said: Good teacher, what shall I do to inherit eternal life? He said: what does the law say, how do you read it?

He said: Thou shalt love the Lord our God with all your heart and soul and mind and strength and your neighbor as yourself. Do this and you shall live.

What therefore God has joined together, of the old and new, let no one put asunder.

Let's pray! O God our Father, gracious and eternal, we pray your spirit fall on this place today. Enable each servant of the Senate to hear the call of Maine, to serve the needs of all sorts of situations and conditions of men, in ways of justice and mercy, humility and love. Amen.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

Bill, "An Act Combining the Offices of Justice of the Peace and Notary Public and to Establish their Appointment by the Secretary of State." (H. P. 1718) (L. D. 1829)

In the House, March 3, 1980, Passed to be Engrossed, as amended by Committee Amendment "A" (H-798) and House Amendment "A" (H-808) in non-concurrence.

In the Senate, March 5, 1980, Bill and Papers Indefinitely Postponed, in non-concurrence. Comes from the House, that Body having Insisted.

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

Senator AULT: I move the Senate Adhere.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

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

The Chair recognizes the Senator from York, Senator Lovell.

Senator LOVELL: I wonder if I could be excused from voting for a Conflict of Interest, I'm a Notary Public.

The PRESIDENT: The Senator from York, Senator Lovell, requests Leave of the Senate to refrain from voting on this matter, because of a perceived Conflict of Interest.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I request a Division.

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

Senator KATZ: Mr. President, I do wish that the Senator would withdraw his request, because if his leave is granted, there's a lot of others of us sitting around here with the same conflict. The work of the Senate will be inhibited.

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

Senator LOVELL: I would withdraw my motion.

The PRESIDENT: The Senator from York, Senator Lovell, requests Leave of the Senate to withdraw his motion.

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

It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: I request a Division on the Motion to Recede and Concur.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by Senator Conley of Cumberland, to Recede and Concur with the House, please rise in their places to be counted.

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

10 Senators having voted in the affirmative, and 14 Senators in the negative, the Motion to Recede and Concur does not prevail.

Is it now the pleasure of the Senate to Adhere?

It is a vote.

(See Action Later Today)

Joint Order

An Expression of Legislative Sentiment recognizing:

Medomak Valley High School Basketball team, coached by Arthur Dyer, winner of the Boys' Class B State Championship. (H. P. 1912) Comes from the House, Read and Passed. Which was Read and Passed, in concurrence.

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

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

Recess

After Recess

The Senate called to Order by the President.

Communication
Senate Chamber
President's Office

March 6, 1980

Honorable Howard M. Trotzky
Honorable Laurence E. Connolly
Chairmen, Joint Standing
Committee on Education
State House
Augusta, Maine

Please be advised that Governor Joseph E. Brennan is nominating Mary E. LeBlanc of Madawaska and Gerald E. Talbot of Portland for appointment as members of the State Board of Education.

Pursuant to Title 20 M.R.S.A. Section 51, these nominations will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,
S/JOSEPH SEWALL
President of the Senate
S/JOHN L. MARTIN
Speaker of the House
(S. P. 786)

Which was Read and referred to the Committee on Education.
Sent down for concurrence.

Senate Papers

Senator Trafton of Androscoggin (Cosponsors: Senator Farley of York, Senator Cote of Androscoggin and Senator Danton of York) presented,

Bill, "An Act to Require Registers of Deeds to Provide Copies from the Records within a Reasonable Time." (S. P. 785)

Which was referred to the Committee on Local and County Government and Ordered Printed.

Sent down for concurrence.

House

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

Bill, "An Act to Create a Harvest Fee for Big Game." (H. P. 1839) (L. D. 1943)

Leave to Withdraw

The Committee on Judiciary on, Bill, "An Act to Allow Reasonable Attorney's Fees as a Remedy in an Action under the Maine Human Rights Act." (H. P. 1746) (L. D. 1862)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act Establishing a News Media Privilege." (H. P. 1810) (L. D. 1924)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

Ought to Pass — As Amended

The Committee on Public Utilities on, Bill, "An Act to Permit the Public Utilities Commission to Include in the Fuel Adjustment Clause Capacity Purchase from Small Power Producers and Cogenerators." (H. P. 1739) (L. D. 1857)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-834).

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

The Committee on Taxation on, Bill, "An Act Broadening the Elderly Tax and Rent Refund Act to Include Persons who are Currently Married as well as Unmarried under the Eligibility Standards." (H. P. 1653) (L. D. 1762)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-832).

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

The Committee on Taxation on, Bill, "An Act to Clarify the Law Concerning Income Taxation of Servicemen who are Maine Residents." (H. P. 1749) (L. D. 1865)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-833).

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

Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act Relating to Bonds and Notes Issued by Sanitary Districts." (H. P. 1588) (L. D. 1808)

Reported that the same Ought to Pass.

Signed:

Senators:

DEVOE of Penobscot
COLLINS of Knox
TRAFTON of Androscoggin

Representatives:

VOSE of Eastport
LOWE of Winterport
GAVETT of Orono
BROWN of Livermore Falls
CUNNINGHAM of New Gloucester
BERRY of Buxton
DAVIES of Orono

(Representative Nelson of Portland ab-

stained).

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-828).

Signed:

Representative:

McKEAN of Limestone

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

Which Reports were Read.

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

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: I would very much object to accepting the Majority Ought to Pass Report. I know that there was considerable battle over this bill, and things have come to light since that battle has taken place, that even further raise concerns I think about the bill.

If you look at 1808, I will read to you just the first sentence in the Authorization of Bond Section. It says, "any Sanitary District formed under this chapter may provide by resolution of its Board of Trustees, without district vote, for the borrowing of money and the issuance from time to time of bonds for any of its corporate purposes, including but not limited to", then they have a long list of things that they may issue bonds for, but it's not limited to that. The Minority Report requires at least an advisory referendum or a referendum on behalf of the people, within the district.

Since that time I've had placed on your desks a letter from the bond council. It's under the name of the good Senator from Penobscot, Senator Pray, because I couldn't find my stamp this morning. If you look at the letter from Ropes and Gray, there are some real serious questions raised about this bill and exactly what its implications are.

L. D. 1808 is a 7 page, very complex, couched in legal language bill. I'm really concerned about what we may be opening the door for in terms of these sanitary districts that do exist in some places in the State of Maine.

I'll quote to you just a couple of things from the Bond Council, who supposedly, I understand were in favor of this bill, who was the moving, driving force behind the bill. "We have not noticed any particular need for legislation such as L. D. 1808". That's one quote. It says "we have noted increasing market resistance to the bonds of Maine revenue districts. Causes of the resistance seems to be 1. The lack of any continuing supervision of such districts by any state agency". Well, this doesn't place them under any state agency. Even specifically says that you don't even need the supervision of the district voters in order to float a bond.

It says "on the other hand with a single exception", with a single exception, "the passage of L. D. 1808 will do no great mischief". Then they go on to suggest how to take care of that exception.

"But one serious reservation we do have, is in Sub-section 12016, the section would permit any single bond-holder to cause the appointment of a receiver for district properties in the event of default. To our knowledge the power to seize public assets would be unprecedented."

So I really wish that somebody could answer some of my concerns or possibly table this for a day or two, because the Chairman of the Committee, the Senator from Penobscot, Senator Devoe, is not here.

I would like to have some of the questions that were raised by this letter from bond council, at least answered before we go on and accept the Majority Report.

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

Senator KATZ: Mr. President, It's very clear that upon resolution of these problems, we are either to amend this bill, pass it, or kill it. Might I ask that perhaps in the absence of the good Senator from Penobscot, that we might

not without prejudice accept the Committee Report just to move it along, so it will be in a posture to do anything you want tomorrow.

The Majority Ought to Pass Report of the Committee, Accepted, in concurrence, and the Bill Read Once, and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Aging, Retirement and Veterans on, Bill, "An Act to Encourage Retirement of Wardens in the Department of Inland Fisheries and Wildlife." (H. P. 1831) (L. D. 1935)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

LOVELL of York

TEAGUE of Somerset

Representatives:

NELSON of Portland

PAUL of Sanford

REEVES of Newport

STUDLEY of Berwick

LOWE of Winterport

DELLERT of Gardiner

HANSON of Kennebunkport

HICKEY of Augusta

THERIAULT of Rumford

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

Signed:

Sensor:

SILVERMAN of Washington

Representative:

CHURCHILL of Orland

Comes from the House, the Majority Ought Not to Pass Report Read and Accepted.

Which Reports were Read.

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

Senator LOVELL: Mr. President, I would like to move that we accept the Ought Not to Pass Report, and speak very briefly.

The PRESIDENT: The Senator has the floor.

Senator LOVELL: I have a great deal of material here, but I'm not going into just about 5 or 6 minutes of it. I know that the Senator from Washington County is against the bill. He will probably give me some trouble.

I just want to call to your attention on this book here that we are \$47,000,000 in the Retirement Fund in the hole, that we need right away. We've only got \$6.2 million.

Now the Sportsmens Alliance of Maine, which is a very well known organization, the Sportsmens Alliance of Maine comes out and states: "other state employees have the same type of retirement and they have these provisions entered in their negotiation process. The Legislature should not be used as a means to get around the negotiation process. They should be consistent, to be consistent would be to allow negotiations to go forth and for your committee to report this bill Ought Not to Pass".

We also have a letter from Mr. Blodgett of the Retirement System and I am just reading a part of this. He says: "at the Board of Trustees meeting held on February 13 the board members present were unanimous in their opinion that the subject Legislation, An Act to Encourage Retirement of Wardens in the Department of Inland Fisheries and Wildlife, would result in inequitable treatment of members, permit a benefit for certain members and not for others, would not be consistent with other provisions of the MSRS Statutes and would be of no value to the system."

The Maine State Employees Association, and I'm not going to read all of this, either, I will just read part of it. They state: "we consider the proposed Legislation to be an attempt by a definite minority to circumvent the established dictates of the legislature and the mandates under which the Maine State Retirement System works," and so forth. "As state em-

ployees, we consider this proposal a flagrant attempt to pass special interest legislation that would more properly be handled under Collective Bargaining."

In the report that we have here of some hundred pages, I just want to read part of it, in regard to hazardous duty, policemen, firemen, they don't mention game wardens, but the game wardens though their work was hazardous, maybe it is, they shoot each other I guess once in a while, "the benefits have the weight of tradition behind them, but we agree that the reasons for providing these benefits should be re-examined, in the light of ever increasing costs. Providing heavily subsidized early retirement benefits is expensive and is only justified if it helps to achieve a specific personnel goal."

"Provisions as liberal as those in the MSRS are quite rare, even in government plans. This is an area in which we believe consideration should be given to reduction in benefits and perhaps any statements could be used to improve other benefits provided by the system."

Now I have a great deal of more material here, but I think that ought to be enough to win the bill.

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

Senator SILVERMAN: Mr. President and Members of the Senate: It's very difficult to debate the talented Senator from York, Senator Lovell, but there is a reason why I signed this Ought to Pass.

The Department of Fish and Wildlife has some major problems, they amount to \$2,000,000. The Commissioner is looking for what direction he's supposed to go in. He came to this Legislature with 12 bills. Some for raising income, some for reducing services.

As I see what this Legislature is going to do, it's going to kill all the bills, and tell the Commissioner of Fish and Wildlife you do what you think you have to do, but in no way are we going to be responsible here in the Senate or the House, in giving you a direction to go in.

One of those bills was L. D. 1935. It was giving that Commissioner and that department an opportunity to reduce services by \$319,000, 000 funds he does not have.

I would like to read the department's position on it. "The only way that the Maine Warden's Service can remain within our budget, if there are no additional revenues forthcoming, is through personnel reductions. The most acceptable method of this reduction would be in the Enactment of L. D. 1935. This would establish 2 desired results.

"First, it would reduce warden's services expenditures by \$319,614. Secondly, it would reduce personnel. The total resource users would be less adversely affected inasmuch as a personnel attrition that would be produced in this bill affects mostly supervisory personnel, not the bread and butter wardens working in the fields."

Unquestionably what the Commissioner would like is an opportunity to reduce its personnel at the high priced level in supervision. To be able to leave the young wardens who are out in the field working in the different counties managing fish and wildlife to be able to stay on the job.

If we go in the direction of killing this bill, then it leaves him with the opportunity of reducing personnel that are in the field. Certainly that's where we need our warden service for management.

Now, along comes, as the Senator said, the Maine State Employees Association. They are saying that this should be done in the Collective Bargaining Process. I'm quite certain if this bill is defeated here that they will try to do the same thing in the Collective Bargaining Process, but one major obstacle does occur.

In so-called labor organizations there is such a thing as called 'seniority'. I don't see any member in the high price bracket with seniority.

ty wanting to be out of a job. In turn, I guess, they bump people. So again you get down at the needed lower personnel, those wardens in the field, that are needed, that will be lost in the State of Maine.

Now, as far as the Retirement System goes, in no way is this going to affect the financial, shall we call, position of the Retirement System. The unfunded liability is being funded in this bill by \$34,000 a year from the Fish and Wildlife Program. So in no way does it affect that.

Whether you agree or disagree with the approach of the Department, I do think you have to recognize a Legislature is brought here to decide the policy for the State of Maine. I don't think we can just walk out and go home and leave the Fish and Wildlife Department \$2,000,000 unfunded and in turn, not any possibility of direction to go in, in the coming restructure or reorganization of that department. Thank you.

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

Senator PIERCE: Mr. President and Members of the Senate: The good Senator from Washington points out the Department of Inland Fisheries and Wildlife is in serious trouble. I certainly agree with him. Other than that though, I'm afraid that we disagree very severely.

We're not going to kill all the bills that have been proposed from the Select Committee. In fact, I think there is a very good chance that one of them, the Boat Registration Bill which will raise several hundred thousand dollars, will pass.

But regardless of that, even if we did kill that, I would still feel the same way on this bill. I don't think the department has a \$2,000,000 problem but I'm not going to go into a long story from the department that said they would be out of business in June, then moved it until next September, now has moved it until the following June, when they're still going to have \$800,000. I understand as of today they have approximately a \$3,000,000 cash balance. I won't get into that debate.

I would just like to point out that I agree with the Senator, this is very good for the department. My goodness, I thought there was a little bit more to this government than the Department of Inland Fisheries and Wildlife. This would be good for the young wardens moving up, but this is one of the worst pieces of legislation we could pass at this time.

I assume that the Senator from Washington did not read the report on retirement that just came out, because certainly his argument flies directly in the face of it.

I would just point out that one grain of sand does not a beach make. All that this does is help out a little bit in one department. I think we ought to give a little bit of thought to the thousands and thousands of retired people in this State, to the thousands and thousands of people who are working in this State, who have just learned that their Retirement Fund is in some real jeopardy. If that report didn't say anything else, it said bills like this are washing us right down the drain. This is absolutely one of the worst pieces of Legislation that's come before us. I would hope this Senate would kill it overwhelmingly. I would ask when the vote is taken, it be taken by the Yeas and Nays.

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

Senator TEAGUE: This bill, I'd like to nickname it, "Robbing Peter to pay Paul Concept." Peter being the Maine Retirement System and Paul being the Fish and Wildlife Department. The trouble is that Peter doesn't have any money to rob.

I would just like to read a memo that came on January 28, to the Aging, Retirement and Veterans Committee by Robert Town, the Actuary.

"The effect of the proposed Legislation would be an average increase of 22% in the ben-

efits of those eligible to retire, the range being between 15% and 28%. The cost of the additional benefits would increase the unfunded accrued benefit reserve of State Employees by approximately \$589,000, and would require an initial yearly contribution of approximately \$34,000 by the State of the Retirement Allowance Amount." I hope you would support the Ought Not to Pass Report.

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

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

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

The pending question before the Senate is the Motion by the Senator from York, Senator Lovell, that the Senate accept the Majority Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of accepting the Majority Ought Not to Pass 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 — Ault, Carpenter, Clark, Collins, Conley, Cote, Danton, Farley, Gill, Hichens, Huber, Katz, Lovell, McBreairty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Teague, Trafton, Trotzky, Usher.

NAY — Silverman.

ABSENT — Chapman, Devoe, Emerson, Martin, Sutton.

26 Senators having voted in the affirmative, and 1 Senator in the negative, with 5 Senators being absent, the Motion to accept the Majority Ought Not to Pass Report in concurrence does prevail.

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act to Clarify the Provisions Relating to Executive Conflict of Interest and to Establish Financial Disclosure Requirements for Policymaking Executive Employees." (H. P. 1774) (L. D. 1877)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-817).

Signed:

Senators:

AULT of Kennebec
SUTTON of Oxford

Representatives:

KANY of Waterville
LUND of Augusta
CONARY of Oakland
PARADIS of Augusta
MASTERTON of Cape Elizabeth
DAMREN of Belgrade

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

Signed:

Senator:

MARTIN of Aroostook

Representatives:

REEVES of Pittston
BACHRACH of Brunswick
BARRY of Fort Kent
LANCASTER of Kittery

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendments "A" (H-839) and "B" (H-840), Thereto.

Which Reports were Read.

On Motion by Senator Ault of Kennebec, the Majority Ought to Pass, as amended, Report of the Committee, Accepted, in concurrence, and the Bill Read Once.

Committee Amendment "A" Read.

The PRESIDENT: The Chair recognizes the

Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I now offer Senate Amendment "A" to Committee Amendment "A" and move its adoption, and would speak to my motion.

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

Senate Amendment "A" (S-436) to Committee Amendment "A" Read.

The PRESIDENT: The Senator has the floor.

Senator COLLINS: Mr. President, you will observe from the calendar that in addition to the Committee Amendment, which is the principal thrust of the bill, there were 2 amendments placed on this bill, in the other Body.

Yesterday afternoon the sponsor of one of those Amendments a gentleman from York, Mr. Rolde, came to me and explained the amendment that he had sponsored in the other body has some errors in it, of a technical nature and requested I correct those by presenting the amendment that I have just offered, and by having Indefinitely Postponed House Amendment "A" which I will proceed to do, if the amendment I have offered as a substitute, is adopted.

The simple effect of the amendment I have offered is to include the Governor along with the other Constitutional Officers in the Disclosure Provision. The Disclosure Provision simply requires that those persons will have to file the same type of report that we as Legislators have to file, about the general categories of our sources of income.

Senate Amendment "A" to Committee Amendment "A" Adopted.

House Amendment "A" Read.

On Motion by Senator Collins of Knox, House Amendment "A" Indefinitely Postponed, in non-concurrence.

House Amendment "B" to Committee Amendment "A" Read and Adopted, in concurrence.

Committee Amendment "A" as amended by Senate Amendment "A" and House Amendment "B" Adopted, in non-concurrence and the Bill, as amended, Tomorrow Assigned for Second Reading.

Senate

Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act to Establish an Environmental Health Program." (S. P. 698) (L. D. 1834)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-435).

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

PRESCOTT of Hampden
NORRIS of Brewer
CLOUTIER of South Portland
BRENERMAN of Portland
BRODEUR of Auburn
CURTIS of Milbridge

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

Signed:

Senators:

GILL of Cumberland
HICHENS of York

Representatives:

PAYNE of Portland
MATTHEWS of Caribou
MacBRIDE of Presque Isle

Which Reports were Read.

On Motion by Senator Katz of Kennebec, Tabled for 1 Legislative Day, pending Acceptance of Either Committee Report.

Second Readers

The Committee on Bills in the Second Read-

ing reported the following:

House

Bill, "An Act Concerning the Temporary Certification of Driver Education Teachers." (H. P. 1894) (L. D. 1967)

Which was Read a Second Time.

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

Senator TROTZKY: Mr. President, I present Senate Amendment "A" to L. D. 1967, under Filing Number S-441 and move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, now offers Senate Amendment "A" to L. D. 1967 and moves its adoption.

Senate Amendment "A" (S-441) Read.

The PRESIDENT: The Senator has the floor.

Senator TROTZKY: Mr. President, all this amendment does is eliminates the last sentence in the Committee Amendment which Senator Clark of Cumberland, had found somewhat objectionable.

Senate Amendment "A" Adopted. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

House — As Amended

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

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

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

On Motion by Senator Danton, of York, the Senate voted to reconsider its action whereby Bill "An Act Relating to Group Self-insurers under the Workers' Compensation Act." (H. P. 1747) (L. D. 1863) was Passed to be Engrossed.

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

Senate

Bill, "An Act to Assure Advocacy Services for Children Committed to the Custody of the State of Maine." (S. P. 782) (L. D. 1977)

Which was Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

Senate — As Amended

Bill, "An Act to Appropriate Funds to the Health Facilities Cost Review Board." (Emergency) (S. P. 736) (L. D. 1915)

Bill, "An Act to Expand the State's Industrial Development Promotion Program." (S. P. 695) (L. D. 1831)

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

Sent down for concurrence.

Enactor

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

Emergency

AN ACT Relating to the Powers of Hospital Administrative District No. 1 in Penobscot County. (H. P. 1818) (L. D. 1946)

This being an emergency measure and having received the affirmative votes of 22 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 the first tabled and specially assigned matter:

HOUSE REPORT—from the Committee on Local and County Government—Bill, "An Act to Provide for County Self-government." (H. P. 831) (L. D. 1038). Ought to Pass with Committee Amendment "B" (H-805)

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

Pending—Acceptance of Report.

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

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

JOINT ORDER—relative to the Committee on Audit and Program Review studying the operation and proposed expansion of the Office of Energy Resources. (S. P. 772)

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

Pending—Adoption of Senate Amendment "A" (S-428).

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

Senator HUBER: Mr. President and Members of the Senate: I hope the Senate will oppose adoption of Senate Amendment "A" and I'll filibuster a little bit, so they can look at Senate Amendment "B" under Filing S-439, which I hope to have the opportunity to present somewhat later.

Basically, I think, this order stems from a frustration of the expenditure of roughly \$1.7 million in this State of Federal Funds with comparably minor State Funds in the amount of \$85,000, also spent in the Office of Energy Resources.

I share this frustration at the Federal Expenditures generally but feel this order could have just as well been directed to the food stamp program or any other program.

However, as you remember we were here last fall in a Special Session contemplating perhaps the anticipated expenditure of \$3,000,000 of Federal Funds, with the possibility of those Federal Funds in the fuel assistance category might be as high as \$6,000,000 to \$8,000,000. In fact, this year we're anticipating \$22,000,000 of Federal Expenditures for fuel assistance. Next year the estimates are that this may be as high as somewhere in the neighborhood of \$40,000,000 to \$50,000,000.

At this point it's at the level of 3 times roughly our Federal Revenue Sharing. I think sooner or later the Federal Government is going to realize that it's sprung a massive leak in its budget, which has problems very similar to our budget. They're going to turn these fuel assistance funds back to the State, or leave us at least with the problem.

They are already considering cutting Federal Revenue Sharing. They have cut Title 20, with a federal expenditure for fuel assistance, at this level. I think they certainly will consider it in the future. So the \$1.7 million spent via the Office of Energy Resources is a large amount of money. It is an area devoted to conservation, to turning off the massive needs caused by increasing energy costs.

The Order, as it would be amended, by an amendment which I would hope to be able to present, would direct the Committee on Energy and Natural Resources to concentrate on this spending and to make sure it is done as effectively and as appropriate to the needs of the State of Maine as possible. It would let the Office of Energy Resources know that we're aware of this federal spending going on, and will try to direct it to be as effective as possible.

There are statutory requirements that that office reports to the Legislature, which I feel has not been carried out, very succinctly, anyway, and I think it is an area of extreme concern. I hope the Senate will not accept Senate Amendment "A", so that I can present what I feel is a more positive approach to a very real problem and an emergency problem with this State.

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

Senator O'LEARY: Mr. President, is the pending question the adoption of Senate Amendment "A"?

The PRESIDENT: The Chair would answer

in the affirmative.

Senator O'LEARY: I would move for a Division.

The PRESIDENT: The Senator has the floor. Senator O'LEARY: Mr. President and Members of the Senate: Senate Amendment "A" refers this Study to the Committee on Energy and Natural Resources and will accomplish a different end from that being proposed by the good Senator from Cumberland, Senator Huber.

I think that if you look at Senate Amendment "B" to this Order, I think this is presently in the statutes, anyway.

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

Senator TROTZKY: Mr. President and Members of the Senate: I would urge the Senate to adopt Senate Amendment "A" as offered by Senator O'Leary from Oxford.

There was concern in the Order that I introduced, there would be a freeze put on any new hiring by the Office of Energy Resources until the Performance Audit Committee took a look at that.

There was objection. Someone said this should be the Energy and Natural Resources Committee. That's what Senator O'Leary's amendment does. It asks the Energy Committee, Energy and Natural Resources to look at this before there is any new hiring.

Now, I personally at this time, object to the amendment or oppose the amendment that's being offered by Senator Huber. What Senator Huber's amendment does is just say, let's monitor the Office of Energy Resources. Let the Energy and Natural Resources Committee monitor it.

I don't think anything is going to happen. I've shown this Senate in that Order how this office has expanded from \$65,000 to \$1.7 million from about 6 people in state funding to about 47 people. Again, they intend to hire quite a few people in the near future. If we really intend to try and get control of government spending and some of these bureaucracies, this is an example of that with a small bureaucracy just starting to grow left and right. We've got to freeze the hiring until some Legislative Committee takes a good hard look at this.

Now in the amendment that is going to be offered by Senator Huber, he talks about this massive federal fuel assistance program. Well, when I look at the budget and all the programs by the Office of Energy Resources I can't find that program right here. I see programs left and right, Solar Program, Peak Research, Wood Programs, Gasohol Research, Fuel Management Programs, Energy Extension, Tidal Projects, Policy and Planning, Load Management, Business Industry, Residential Energy, go on and on. I could show you all the people we have here. It's unreal!

Computer Programmers, Research Associates, Data Entry Operators, Energy Audits Engineer, Load Management Specialists, Ride Share Coordinators, Resource Economists, Renewable Resource Planners, Planner II, Peak Program Facility Sighting Expert, Resource Planner, Publicity Representative I, Energy Conservation Specialist, Energy Extension Agent, Coordinator Solar Program, Energy Conservation Specialist, Program Assistants, Information Specialists, Emergency Energy Coordinators three, then or course, you have to have back up people. So you've got Steno III, Clerk-Typist II, Clerk-Typist II, Clerk-Typist II, Clerk-Typist I, Clerk-Typist I, Administrative Aid, Clerk-Typist III, then of course, you have the Director.

You have 4 different units here, they are divided into. One person is the supervisor of Conservation Programs. One person is the supervisor of Planning and Development. One person is the supervisor of Information Program. One person is the supervisor of Fuel Management Program. On and on this thing goes.

We just killed a bill in the Senate yesterday to give this office another \$200,000 in State funds. I said in committee I wasn't voting for that bill until the Energy and Natural Resources Committee, which is chaired by the distinguished Senator from Aroostook, Senator McBreairty, took a good hard look at this office. What do we do? We had them in for about a half an hour, or 45 minutes. You can't look at an office like that. You have to really take a good hard look at what positions they're looking for and hiring, take a look at the programs, taking a look specifically at the money. I don't believe there is any real oversight in that office.

Now I have no control of the Federal Budget. I look at the Federal Budget and I see the Department of Energy has 20,000 people. I'm sure they are spread all over the country and a large number in Washington. Now it's coming out to the states. So unless we put a good control on this office, you're going to see down the line, over there, not 47, you're going to see 60, and 70 people. The people of Maine are paying for that in taxes. They're paying for it. We pay federal taxes and we pay state taxes.

I'm saying if you want something done, put a freeze on that department until the Energy and Natural Resources Committee, of which Senator O'Leary and I serve on and also Senator McBreairty, take a good hard look at that department.

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

Senator HUBER: Mr. President and Members of the Senate: Senator Trotzky mentions this federal spending again. He apparently doesn't see the connection between conservation and fuel assistance, although they are administered by different departments, the lack of one will compound the need for the other.

The spending in the Office of Energy Resources is under almost 100% federal mandates. If it is not spent via the Energy Office in this state, and hopefully appropriate to the needs of this State, it will be spent in Washington, and they will teach us how to perhaps air-condition our houses, or avoid heat stroke.

I think we have the best chance of making the inevitable Federal Expenditures appropriate to this state, via the Energy Office. The Fuel Assistance Program worries me greatly, although it is not within the Office of Energy Resources, because unless we do whatever we can in the area of conservation and other alternatives to our current energy conservation patterns, sooner or later the cost of that program I'm convinced is going to fall on us. It's going to be yet another unaffordable item for the taxpayers of this State and State Government.

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

Senator NAJARIAN: Mr. President and Members of the Senate: Just Tuesday of last week, I believe it was we enacted the Federal Expenditure Budget, which included Federal Funds for the Office of Energy Resources for the next fiscal year. Prior to that, as is our usual custom, the Appropriations Committee held a public hearing on the use and amount of this money by the Office of Energy Resources. No member of my committee raised objections to any program that is being conducted over there.

It's my understanding that the Energy Committee was similarly briefed just about 10 days ago, and apparently no member of that committee, save one, the Senator from Penobscot, Senator Trotzky, has raised objections. No member of the Senate raised any objections when we voted to approve the expenditure of \$1.7 billion for this office only, well it was only 2 days ago when he introduced his Resolution originally, or his Joint Order.

In light of the fact that we gave our unanimous approval to this agency so recently it may be awkward to explain if this Joint Order passed, why we have changed our minds in

such a short time. If the Senate wants to provide concrete evidence for what I believe the people of Maine already suspect that we don't know what we're doing up here half the time, then passage of this Order would provide the smoking gun.

It really isn't fair to the employees of the Office of Energy Resources or to the citizens of Maine to raise doubts about the legitimacy of the activities of this agency, with nothing more substantive than airing doubts about the rapid growth of employees and budget without giving due consideration to the serious crisis this State and Nation faces, and its fairly recent origin.

The office is currently conducting approximately 8 programs with federal dollars that serve a legitimate public purpose. We all know that we could not afford these programs with state tax dollars. In any event the Federal Government has said in most instances either you do it or we'll do it. So we really couldn't save tax dollars by refusing to participate even if that were the Legislatures desire.

Oversight of the Office of Energy Resources is an ongoing annual responsibility of the Energy Committee as well as the Appropriations Committee. In addition to that we have provided for an in-depth review by the Audit Committee when this agency sunsets in 1985.

It would be nice to think that by that time, by the time that date rolls around, we will have achieved in this State complete independence from the use of foreign oil and this office will no longer be necessary.

With the achievement of their goals, which are promoting great energy conservation and development of indigenous fuel resources, the Office is daily working to put themselves out of existence.

In the meantime until that great day arrives, they need all the encouragement and assistance possible from the Legislature. We can continue to show our support for their work and purpose by defeating passage of this order.

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

Senator TROTZKY: I just want you to think and look at how this thing, if you've ever seen a graph that starts up like this and just starts going up. Well this agency is going to sunset in 1985, or Sunset Legislation is going to take a look at this, you imagine what this agency is going to look like in 1985.

I asked John Joseph, who is the director of that office, when he was in front of our committee, outside the committee room, I said, do you think that the Appropriations Committee really understands your \$1.7 million budget as to where all the money goes, and all the people who are being hired. His answer was probably not, because this committee is looking over budgets of millions and millions of dollars for many, many State agencies.

I say again, I'm not opposed to them spending 5 million over there or 10 million or whatever's needed, but I think this needs some legislative oversight. The only way you're going to get legislative oversight is when you put a freeze on the hiring and say, they don't hire anybody else until they justify it in front of some committee.

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

Senator FARLEY: Mr. President and Members of the Senate: First of all the good Senator from Penobscot, Senator Trotzky, has been on the committee since it started, 6 years ago was on the original Energy Committee, obviously it was a responsibility of his to see if it really bothered him. Why come back here 6 years and drag a red salmon in front of the Maine Senate?

Furthermore, I think when we started this, the problems why the Energy Committee was created, and the Office of Energy Resources, we had real serious problems. I think we could all have imagined that this budget and this department was going to grow. They are so wor-

ried about spending and costs now.

There is an article in the Kennebec Journal this morning. The headline says: "The Billboards are Slowly Coming Down". In 2 years it's cost us \$865,000 to take down 266 billboards. I want to know where the Senator from Penobscot, Senator Trotzky, was when that vote came along. I think the Department of Transportation could use the million dollars that we spent. Thank you very much.

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

Senator McBREAIRTY: Mr. President and Members of the Senate: I had no intent of getting into this debate, but I just would like to say that the Office of Energy has been very cooperative with our committee as far as I can see. If somebody wants to study it, that's fine with me, but I would be strongly opposed to freezing their right to hire somebody, in case government money comes along that we seem to want, and need somebody to administer it. So I oppose it. If we're going to freeze it, let's freeze all of them, because we've had a lot of departments and agencies that went up pretty fast over the years. Thank you.

The PRESIDENT: The Chair will order a Division.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, I request Leave of the Senate, to be excused from voting because of a direct Conflict of Interest.

The PRESIDENT: The Senator from Kennebec, Senator Katz, requests Leave of the Senate, to refrain from voting on S. P. 772 because of a perceived and direct Conflict of Interest.

Is it the pleasure of the Senate to grant his Leave?

It is a vote.

Will all those Senators in favor of adoption of Senate Amendment "A" to S. P. 772, please rise in their places to be counted.

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

6 Senators having voted in the affirmative, and 17 Senators in the negative, Senate Amendment "A" Fails of Adoption.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President, I now present Senate Amendment "B" to S. P. 772 and move its Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now offers Senate Amendment "B" to S. P. 772 and moves its adoption.

Senate Amendment "B" (S-439) Read.

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

Senator PRAY: Mr. President, we're now pending the adoption of Senate Amendment "B".

The PRESIDENT: The Senator is correct.

Senator PRAY: It's my understanding that the question raised earlier by the Senator from Oxford, Senator O'Leary, is that present statutes already require what his order spells out. Could anybody expand on that? Perhaps the Committee on Energy and Natural Resources, or the Senator from Oxford?

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

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

Senator O'LEARY: In the conversation with our Committee Chairman last week, Senator McBreairty of Aroostook, he informed me that this is exactly what the present law is. So I was just waiting for the adoption of this amendment, so that we could kill the whole bill.

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

Senator O'LEARY: Whereas this now brings us right into being in the State Statutes at the

present time, I move the Indefinite Postponement of this Order and all its accompanying papers.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now moves the Senate Indefinitely Postpone S. P. 772.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Indefinite Postponement of S. P. 772, please rise in their places to be counted.

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

7 Senators having voted in the affirmative, and 17 Senators in the negative, the Motion to Indefinitely Postpone does not prevail.

Which was Passed.

Sent down for concurrence.

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

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)

Tabled—March 6, 1980 by Senator Pray of Penobscot.

Pending—Adoption of Senate Amendment "A" (S-431).

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

Senator MCBREAIRTY: Mr. President and Members of the Senate. I ask Leave to Withdraw Senate Amendment "A".

The PRESIDENT: The Senator from Aroostook, Senator McBreairty now requests Leave of the Senate to Withdraw Senate Amendment "A" (S-431).

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

It is a vote.

The Senator has the floor.

Senator MCBREAIRTY: I now present Senate Amendment "B" and move its adoption.

The PRESIDENT: The Senator from Aroostook, Senator McBreairty now offers Senate Amendment "B" to L. D. 1966 and moves its Adoption.

Senate Amendment "B" (S-444) Read and Adopted.

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

Sent down for concurrence.

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

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)

Tabled—March 6, 1980 by Senator Katz of Kennebec.

Pending—Passage to be Engrossed.

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

On Motion by Senator Katz of Kennebec, the Senate voted to Reconsider its action whereby it Adopted Committee Amendment "A".

Senator KATZ: Mr. President, I now offer Senate Amendment "A" to Committee Amendment "A" and move its Adoption.

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

Senate Amendment "A" (S-443) to Committee Amendment "A" Read.

The PRESIDENT: The Senator has the floor.

Senator KATZ: Mr. President, earlier on when we were talking about making our school buildings energy efficient we were dealing with

a case where oil was selling for 45¢ per gallon. Last month oil was up to 97¢ per gallon. So the whole picture as to the costs benefit ratio has changed.

This amendment is being introduced will give the State a chance to move up its energy efficiency of school buildings. The pay-off is enormous.

I am offering this amendment with one clear cut understanding that if it is indeed finally passed, by the Legislature, it will not offend the 90% reissuance of funds that we have set down as a policy, at least I hope we have. That this will fit within the 90% constraint.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: After reading the rationale relevant to this particular amendment I am in full concurrence with the evaluation rendered by the good Senator from Kennebec, Senator Katz.

As sponsor of this particular bill, originally I was a little dubious about increasing the bond issue by an additional \$2,000,000. But I guess looking at the entire thing as to what the costs effectiveness of this particular L. D. would be, that the people of the State of Maine would not have any objections when you look at the long-term benefits that I wholeheartedly endorse the amendment that Senator Katz has proposed.

Senate Amendment "A" to Committee Amendment "A" Adopted.

Committee Amendment "A" as Amended, by Senate Amendment "A", Adopted.

The Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

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

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)

Tabled—March 6, 1980 by Senator Conley of Cumberland.

Pending—Adoption of Senate Amendment "B" (S-434) to Committee Amendment "A" (H-812).

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

Senator CONLEY: Mr. President, I move that this item lay on the Table 1 Legislative Day.

On Motion by Senator Katz of Kennebec, Re-tabled, until later in today's session.

The Chair laid before the Senate the sixth 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 6, 1980 by Senator Pierce of Kennebec.

Pending—Motion of Senator Shute of Waldo that House Amendment "B" (H-809) be Indefinitely Postponed.

On Motion by Senator Shute, of Waldo, Re-tabled 1 Legislative Day.

The Chair laid before the Senate the seventh 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 6, 1980 by Senator Pierce of Kennebec.

Pending—Enactment.

On Motion by Senator Pierce of Kennebec, the Senate voted to Suspend its rules.

On Motion by Senator Pierce of Kennebec,

the Senate voted to Reconsider its action whereby L. D. 1720 was Passed to be Engrossed.

On Motion by Senator Pierce of Kennebec, the Senate voted to Reconsider Adoption of Committee Amendment "A".

Senator PIERCE: Mr. President, I now present Senate Amendment "B" to Committee Amendment "A" under filing number S-442 and move its Adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now offers Senate Amendment "B" to Committee Amendment "A" and moves its adoption.

Senate Amendment "B" (S-442) to Committee Amendment "A" Read and Adopted.

Committee Amendment "A" as amended, by Senate Amendment "B" Adopted, in non-concurrence.

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

Senator NAJARIAN: This bill has been tabled for several days and I had an opportunity to read the exactor yesterday, and what it does is authorize the Department of Transportation to purchase or lease freightcars. I am wondering if somebody could explain what the specific purpose of that is?

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

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate. The purpose of the bill, as amended, as the good Senator from Cumberland, mentioned many times, I think is still the same as it was when it started out, and that was to allow the State to use Federal Funds if they become available, to purchase railroad operating equipment if it became available. It now has been cut down to just freightcars. I guess, the emphasis behind this bill, came out of Aroostook County, a group of persons involved in the potato industry thought that rather than have this railroad operating equipment scrapped as it is being now, that there might come a time when they would be useful to any industry in the State of Maine and in particular in this case the potato industry. That if there was Federal Funds available to buy this operating equipment, that it might not be a bad idea for the State to buy it and lease it back to private individuals.

I would ask for any member of the Transportation Committee, who might want to elaborate on that explanation.

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

Senator USHER: Mr. President and Members of the Senate: To help clarify the bill where it has been worked on, with a couple of amendments to it.

The State in no way is going to be involved only by the administration of the program. The way that I understand the last amendment which was sponsored by a person in the other body, relieves the State of all authority, except to administer the whole program. They are to go to Washington to see if there are funds available, and if they are they will administrate it.

I understand that there are two businesses in the Aroostook area and this is concerned with agricultural mash, that is food for cattle, and rather than waste the material, there is quite a market for it and they wanted to use these railroad cars to ship it to different parts of the country and also to be shipped out across to another country. Thus the railroad cars would go to Searsport and the Portland area.

The cars are available through the Railroad Company there is 500 or 600 cars available, we understand. Some of them would have to be worked on and they would like to use Federal Funds, and they thought that if the Department of Transportation was seeking these funds the funds would be more readily available.

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

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

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

Tabled—March 6, 1980 by Senator Pray of Penobscot.

Pending—Adoption of House Amendment "A" (H-831) to House Amendment "B" (H-830).

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

Senator KATZ: Mr. President I request Leave of the Senate to Withdraw my request for a ruling on the germaneness of House Amendment "A" to House Amendment "B".

The PRESIDENT: The Senator from Kennebec, Senator Katz, requests Leave of the Senate to Withdraw his request on the germaneness of House Amendment "A" to House Amendment "B".

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

It is a vote.

On Motion by Senator Katz of Kennebec, House Amendment "A" to House Amendment "B" Indefinitely Postponed, in non-concurrence.

House Amendment "B" Adopted, in non-concurrence.

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

Sent down for concurrence.

(Senate at Ease)

The Senate called to order by the President.

The Chair laid before the Senate: 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), tabled earlier in today's session, on motion by Senator Katz of Kennebec, pending Adoption of Senate Amendment "B" (S-434) to Committee Amendment "A".

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

Senator PRAY: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Adopting Senate Amendment "B" (S-434) to Committee Amendment "A", 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 7 Senators in the negative, the Adoption of Senate Amendment "B" (S-434) to Committee Amendment "A" does prevail.

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

Senator O'LEARY: Mr. President, I present Senate Amendment "C" to Committee Amendment "A" and move its Adoption.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now offers Senate Amendment "C" to Committee Amendment "A".

Senate Amendment "C" (S-438) to Committee Amendment "A" Read.

The PRESIDENT: The Senator has the floor. Senator O'LEARY: Mr. President, this amendment accomplishes a number of factors.

At the present time the State Police Budget is funding 75% from the Highway Fund, and 25% from the General Fund.

What this amendment does is removes a million dollars from the State Police Fund when there is really a savings of \$990,000 in that fund by the \$300,000 that has already been removed.

This will reduce it another \$10,000 from the State Police allocation which will mean a total loss of 8 persons, in addition to those already within the department.

It restores the State Aid Construction to 100%. It restores the Town Road Improvement Fund, to its \$1,000,000 limit. It takes another \$300,000 from the Planning Division. It removes a million dollars from the top administration of the Department of Transportation. This will result in roughly 50 people being cut out of the positions within that department.

As much Mr. President as I dislike seeing people placed out of work, I think that this bill has no opportunity of passing whatsoever unless there are some reductions made within the department and it would place no additional costs back on the towns, although it still keeps in the fees that is increased in the original bill.

I think, Mr. President, that this is only perhaps as the good Senator from Kennebec, Senator Katz, says only a band-aid approach. We all know what is necessary to be done, but I do not think that the legislature will do anything differently at this time.

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

Senator USHER: Mr. President, as I was going through this amendment, while the good Senator from Oxford, was explaining it I see this as an additional \$2,000,000 cut. I do not believe that there is a need for this amendment.

The amendment that we have just accepted, Committee Amendment "B" was the additional \$2,000,000 that we did need, I think as the bill sets right now it is favorable by the majority of the committee.

By the looks of this it also singles in the State Police and they are short handed enough now. I do not think that we need any more cuts within the State Police, they are approximately 30 personnel short right now. I would oppose the Amendment and ask for a Division.

The PRESIDENT: The Chair would advise the Senate these two amendments are in conflict in their Fiscal Notes, that the choice then would be Senate Amendment "C" or Senate Amendment "B" because these two amendments are in conflict.

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

Senator O'LEARY: Mr. President, I would then withdraw Senate Amendment "C".

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now requests Leave of the Senate to Withdraw Senate Amendment "C" (S-438).

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

It is a vote.

Committee Amendment "A", as amended, by Senate Amendment "B" Adopted, in non-concurrence. Under Suspension of the Rules, the Bill, as amended, given its Second Reading, and Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

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

Senator HICHENS: Mr. President, I move that we reconsider our action whereby we voted to Adhere on L. D. 1829 and hope that you will vote against my motion.

The PRESIDENT: The Senator from York, Senator Hichens moves that the Senate reconsider its action on Bill, "An Act Combining the Offices of Justice of the Peace and Notary Public and to Establish their Appointment by the Secretary of State." (H. P. 1718) (L. D. 1829) whereby the Senate voted to Adhere.

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

Senator CONLEY: Mr. President, I move that this item be Tabled, pending reconsideration on the motion to Adhere.

The PRESIDENT: The Chair recognizes the

Senator from Kennebec, Senator Ault.

Senator AULT: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Tabling L. D. 1829, for 1 Legislative Day, please rise in their places to be counted.

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

15 Senators having voted in the affirmative and 11 Senators in the negative, the Motion to Table L. D. 1829 for 1 Legislative Day pending Reconsideration does prevail.

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

On Motion by Senator Pierce of Kennebec, adjourned until Monday, March 10, 1980 at 11 o'clock in the morning.