

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 13, 1980

Senate called to order by the President.

Prayer by Doctor Peter L. Misner of the Winthrop United Methodist Church and Wayne Community Church.

Doctor MISNER: Let us Pray! Almighty God we pause at the beginning of the day to acknowledge your presence, and to seek your guidance in the work which comes today before this Senate.

We recognize before you that we have received the gifts of life and the responsibilities of high office, that through them we may serve the common good. Yet we hold these treasures in earthen vessels, and need a sense of vision beyond our own, and a strength beyond that which by our own power, we can bring to bear.

Therefore, we ask your guidance in the deliberations of the issues before this body. Grant that each issue may receive that level of concern and care we would have for the agenda of our personal lives, or of our closest companions.

You have given to us O'Lord, a great heritage, and a setting for life which is as beautiful as it is diverse. So may we work today that the tomorrows in the State of Maine may be better for our having walked this way. This we ask through the faith of our fathers, and in the name of Jesus 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 to Allow the Commissioner of Marine Resources to Exercise Limited Authority over the Conservation of Atlantic Salmon." (H. P. 1630) (L. D. 1740)

In the House, February 29, 1980, Passed to be Engrossed, as amended by House Amendment "B" (H-809).

In the Senate, March 11, 1980, Passed to be Engrossed, as amended by Committee Amendment "A" (H-785), as amended by Senate Amendment "B" (S-448) Thereto, in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference with the following Conferees appointed on its part: Representatives: Fowlie of Rockland, MacEachern of Lincoln and Gillis of Calais.

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

Senator KATZ: Mr. President, I move the Senate Insist and Join in a Committee of Conference, with the House.

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

Is this the pleasure of the House.
The Motion Prevailed.

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

Senators:

SEWALL of Penobscot
SHUTE of Waldo
PRAY of Penobscot

Non-concurrent 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)

In the Senate, March 7, 1980, Passed to be Engrossed, as amended by Committee Amendment "A" (S-429), as amended by Senate Amendment "A" (S-443) Thereto.

Comes from the House, Passed to be Engrossed, as amended by Committee Amendment "A" as amended by House Amendment "A" (H-884) thereto, in non-concurrence.

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

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

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

Is this the pleasure of the Senate?
The Motion Prevailed.

Non-concurrent Matter

Bill, "An Act Providing for Administrative Modifications to Property Tax Laws Administered by the Bureau of Taxation." (S. P. 779) (L. D. 1970)

In the Senate, March 5, 1980, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed, as amended by House Amendment "A" (H-865), in non-concurrence.

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

Senator TEAGUE: I move that we Recede and Concur, with the House.

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

Is this the pleasure of the Senate?
The Motion Prevailed.

Joint Order

WHEREAS, the Legislature on February 7th and 8th of 1980, accepted the ought-not-to-pass report of the Joint Standing Committee on Public Utilities on L. D. 1718, "An Act Concerning Membership on the Board of Trustees of the Van Buren Light and Power District;" and

WHEREAS, the action of the Legislature removed a provision of the charter of the Van Buren Light and Power District that has been a part of the district charter since its inception; and

WHEREAS, the removal of this provision may have a very serious and adverse effect upon the district; now, therefore, be it

ORDERED, the Senate concurring, that bill "AN ACT Concerning Membership on the Board of Trustees of the Van Buren Light and Power District," H. P. 1607, L. D. 1718, be recalled from the legislative files to the House. (H. P. 1942)

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

Orders

Expressions of Legislative Sentiment recognizing:

Barry Hollis, of North Berwick, Troop 312 who has achieved the high rank and distinction of becoming an Eagle Scout. (S. P. 794) is presented by Senator Hichens of York. (Cosponsor: Representative Wentworth of Wells.)

Stephen Gray, of North Berwick, Troop 312 who has achieved the high rank and distinction of becoming an Eagle Scout. (S. P. 795) is presented by Senator Hitchens of York. (Cosponsor: Representative Wentworth of Wells.)

Morris "Myer" Bloom, of Bangor, who will mark the one hundredth anniversary of his

birth on May 19, 1980. (S. P. 796) is presented by Senator Trotzky of Penobscot.

The Westbrook High School Girls' Basketball Team, Western Class A Champions for the 3rd consecutive year. (S. P. 797) is presented by Senator Usher of Cumberland. (Cosponsor: Representative Carrier of Westbrook, Representative Laffin of Westbrook and Representative Brown of Gorham.)

Which were Read and Passed.
Sent down for concurrence.

Committee Reports

House

Leave to Withdraw

The Committee on State Government on, RESOLUTION, Proposing an Amendment to the Constitution of Maine to Delete from the Constitution all References to Justices of the Peace and to Clarify the Status of Notaries Public. (H. P. 1721) (L. D. 1825)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read.

On Motion by Senator Katz of Kennebec, Tabled, pending Acceptance of the Committee Report

Ought to Pass — As Amended

The Committee on Judiciary on, Bill, "An Act Establishing the Child and Family Services and Child Protection Act." (H. P. 1787) (L. D. 1906)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-882).

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" Read and Adopted, in concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

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

The Committee on Local and County Government on, Bill, "An Act to Authorize Lincoln County to Raise Money for Capital Improvements to the Court House Annex." (H. P. 1819) (L. D. 1947)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-870)

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

The Committee on Business Legislation on, Bill, "An Act to Include Arrangers of Credit under the Maine Consumer Credit Code and to Amend the Law Concerning Agricultural Loans, Residences, Security and Fines." (H. P. 1784) (L. D. 1903)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-871).

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

The Committee on State Government on, RESOLUTION, Proposing an Amendment to the Constitution of Maine to Amend the Referendum and Initiative Provisions." (H. P. 1638) (L. D. 1747)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-881).

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

Which Reports were Read and Accepted in concurrence, and the Bills and Resolution Read Once. Committee Amendments "A" were

Read and Adopted, in concurrence, and the Bills, and Resolution as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Audit and Program Review on, Bill, "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law." (H. P. 1936) (L. D. 1988)

Reported that the same Ought to Pass pursuant to Joint Order (H. P. 1928).

Signed:

Senators:

McBREAIRTY of Aroostook
MINKOWSKY of Androscoggin

Representatives:

PETERSON of Caribou
TORREY of Poland
NADEAU of Lewiston
BAKER of Portland
BENOIT of South Portland
BERUBE of Lewiston
HUBER of Falmouth

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-874) pursuant to Joint Order (H. P. 1928).

Signed:

Senators:

PERKINS of Hancock

Representatives:

HICKEY of Augusta
GILLIS of Calais
HUTCHINGS of Lincolnville

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

Which Reports were Read.

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

Senator McBREAIRTY: Mr. President, Honorable Members of the Senate, I'd like to move the Majority Ought to Pass Report and would like permission to speak briefly to my motion.

The PRESIDENT: The Senator has the floor.

Senator McBREAIRTY: Thank you, Mr. President. The bill you have before you today is a result of over a year's work by the Audit and Program Review Committee.

During the past year a bi-partisan effort has been made to carry out the very difficult job assigned to us. 27 public committee hearings, 33 committee work sessions, 2 sub-committee public hearings and 6 work sessions for each sub-committee or a total of 67 combined hearings and work sessions have gone into the creation of L. D. 1988.

When you add the committee's effort to the work carried out by our 3 very capable staff people, I'm sure you will realize that a tremendous lot of work and research has gone into L. D. 1988.

When we passed the Sunset Legislation Law back in 1977, I had very mixed feelings as to its value. After working as Senate Chairman of the Audit and Program Review Committee, I am convinced that the Sunset Legislation passed by the 108th Legislature, can be one of the most valuable pieces of Legislation ever passed by the Maine Legislature.

Many of the recommendations in L. D. 1988 are not unanimous decisions by the committee. I'm sure we have items in the bill that may not be politically popular to many of us.

I am convinced that if we pass this bill intact as the other body did, we will have created a very valuable tool for Maine Legislature and the people of Maine. We will have created a very workable Sunset Law. Thank you.

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

Senator PERKINS: Mr. President and Ladies and Gentlemen of the Senate: I rise to oppose the acceptance of the Majority Report. I've worked with this committee not as much as I would like. In many areas they have tried very diligently to convince me of their position,

and in areas of compromise and others. My Report differs from theirs in 2 areas. One of the areas is Meat Inspection, and the other is in the area of potato branding.

While these are not areas that might not be of concern to many of us, they are a big monetary concern to the bill, because they are the major part of the savings. I find myself in a very peculiar position, serving on the Appropriations Committee on the one hand, and knowing the State's finances are none to the good, and would be very happy to have this money with which to work.

However, I find myself also a little reluctant to pass on a piece of Legislation that would yield local control to the federal control. My very strong feeling is that any time that a yield is made in this direction there is a loss of control. When there is a loss of local control, the smaller communities and the smaller people of the State of Maine suffer. For this reason and others I feel it is imperative that we view this piece of Legislation and discuss the ramifications which will follow if we pass this bill intact.

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

Senator HICHENS: Mr. President, and Members of the Senate, two years ago the Committee on Agriculture heard a bill relating to meat inspection rules and regulations and upon their recommendation the Legislature and Governor passed the present law which has been found to be workable and satisfactory. Now the Audit and Program Review Committee, which in my personal opinion, has gone far beyond the criteria set up in the Sunset Law, suggests that the state give up control of meat inspection regulations and that everything goes under the federal government, to save the state money.

Just the other day, one of our members, debating the Environmental Health Bill, stated that the Republican members of the Senate were more concerned with costs than with the welfare of the people. Here is a prime example of that very charge. The Audit and Program Review Committee says that we will save several thousand dollars by eliminating State meat inspectors, with apparently no concern as to the risks to the health and welfare of Maine citizens.

The impact of giving up the Maine Meat Inspection Program is not totally clear at this point in time. Services such as retail food inspection in custom and inspected meat plants (about 35 in all), and testing of water supplies in meat plants by program inspectors would be eliminated. Random sampling for drug residues, inspection of custom plants and compliance surveillance of all retail and wholesale meat facilities would be greatly reduced. Costs of any necessary plant up-dating, blueprint approval, labeling changes and approval and a 54% increase in overtime inspection charges would be borne by plant operators and passed on to the consumer. A 60% increase in inspector salaries, as well as the additional costs of a large administrative hierarchy in the USDA, federal laboratory services and G.S.A. transportation costs would be done by taxpayers. Lost would be the accessibility and proximity of a local administrator, which allows plant management, inspectors and consumers alike to gain information, consultation and a judgment on decisions with a single phone call or a drive to Augusta.

USDA and Maine veterinarians working with Maine farmers have eliminated Brucellosis and Tuberculosis from Maine's cattle. Brucellosis is a contagious disease of cattle, swine, goats and man (undulant fever) which was again considered by the Agriculture Committee last year. Its reentry across Maine's borders would be a disaster for Maine dairy and beef industries, as well as a public health threat of major significance. TB is also a contagious bacterial disease of man and domestic

animals and again of major public health and financial significance. Blood testing of all cattle entering Maine and all cattle and swine offered for slaughter in this State are important steps in disease surveillance and control. Communications between meat program and animal industry veterinarians is crucial so that tracebacks, quarantines and other necessary steps can be taken immediately upon discovery of introduction of these diseases to prevent their dissemination throughout Maine.

In a letter received by the Audit and Program Review Committee from Dr. D. S. Ingraham, Director of the Bureau of Animal Husbandry, Commonwealth of Penna. The Dr. states:

"The major impact of a Federal takeover of inspections is the loss of an obligation on the part of the meat inspection program supervisors to see that the animal health surveillance programs are carried out completely in every plant. Under the present agreement in Pennsylvania and other states, federal meat inspection will obtain blood samples and will maintain identity of carcasses for Tuberculosis traceback purposes in as complete a manner as possible under the time limits and number of personnel available for this service. Much of the surveillance efforts for Brucellosis and Tuberculosis and the maintenance of the free status that has been achieved over many years and at much expense depends upon the cooperation of federal meat inspection."

When the program is carried out under a State Program, the animal health considerations are just as important as the inspections to judge fitness of the carcass for human consumption; therefore, there is no problem in achieving the surveillance levels necessary to maintain our eradication programs.

I feel that a conference of your animal health officials in the Department of Agriculture to understand the needs for a coordinated and obligatory program by the meat inspection service is essential to the future of our disease eradication programs. To revert back to an on-the-farm surveillance that is adequate to identify disease is much more expensive than a similar program carried out daily on slaughter livestock at your slaughter plants. While much of the appropriation would go toward the inspection program, a significant part of that appropriation has been used as a cost-effective disease surveillance that Maine cannot afford to do without.

Federal meat inspection program officers are very cooperative and try their best in their limited budget and manpower to achieve the animal health surveillance needs of state and federal disease eradication programs, but their programs suffer from budget costs and personnel restrictions. It is the animal health programs that will suffer first. By having Maine's State Program involved in a coordinated program this concern will not arise."

The slaughterhouse operators in my area, in York County, as well as those throughout the State have informed me that they are strongly opposed to this recommendation of the committee and you have a letter on your desk this morning, from the Bean Company in Bangor, which explains the problem if the State Inspection is discontinued. I therefore, hope that you will refuse to accept the Majority Report and will accept the Minority Report that is before us this morning.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate: I don't want to talk about meat inspection. I want to talk about potato inspection for just a second, to make sure everybody here understands exactly what we are doing this morning with the so-called Branding Law.

I've seen it said in the paper that if this bill passes Maine farmers will be allowed to put anything they want to in the bag, without any

regard for what the outside of the bag says. That's not true! It's not true at all. Let me explain to you exactly, exactly what you are eliminating this morning.

If you vote for the Majority Report, you're taking the Branding Law off the road. The Branding Law is the mechanism by which the State Department of Agriculture has tried and I think, unsuccessfully, that's the reason I'm supporting this particular version of this bill, tried for years to catch Maine farmers shipping bad potatoes. O.K.? They go into the warehouses and they spot-check, and if they find somebody putting up a bag of potatoes that's not in grade, then they can be fined.

The major thrust of the Branding Law has been to sit in rest areas in Pittsfield and Old Town. I see them every Sunday night on the road down. Any dummy driving a trailer truck that knows that he's hauling a load of garbage ain't ever gonna get caught, because there are too many ways around. This has been the biggest cat and mouse game, biggest shell game in the State of Maine, in my opinion, for the last 10 years, at least, or the last 6 years that I have been following it.

You listen to the C.B.'s on any evening when the trucks are rolling out of Aroostook County and you'll hear, where is the Branding Law set up? Pull in at one of the truck stops in Bangor, that is frequented by truckers, you'll see them all sitting there drinking coffee. What are you doing guys? Waiting for the Branding Law to go home. Either that or if they are in a hurry, if they're under a deadline, then they're running the back roads, up through Newport. I came down last year one time, and I thought, I wonder where the Branding Law is tonight, I had 3 trucks ahead of me, and they all pulled off at Newport. I said Aha! The Branding Law is in Pittsfield. Sure enough! That's where they were sitting.

So, in my opinion for the amount of money that we are spending, it is not doing the job. The person who knows that he has a bad load of potatoes back there is avoiding it or sitting home until after they go off. The persons that are getting caught are the persons who say, well, I didn't get an inspection certificate.

Now these are the only potatoes that are being checked by these people, are the ones that don't have the Federal State Inspection Certificate. If you have got the certificate, you pull into the rest area, show them the piece of paper and they don't look at your truck and you go on your way. There have been some indications in the past of Inspection Certificates that were used for different loads. I know of one load a couple years ago, that the Bill of Lading on the truck said it was carrying peat moss. Come to find out the second time he went through, because he went down the road and came back and went through again, the second time he went through the Branding Law happened to open the truck to look at the peat moss. That's about what it was, it was culled potatoes.

My point is it is not effective! It's not cost effective. It's not doing what everybody thinks it's doing. The ones that you are catching are the persons who tried to save \$45 to \$50 on an inspection, he says those are good potatoes, I know they're good potatoes, they start down the road, maybe they get a little bit of frost, maybe his grading wasn't quite as good as he thought it was, and the load is defective. Either that or the Branding Law Inspectors get ahold of a couple of bad bags. The farmer then has to haul them back to Aroostook County, with a tremendous amount of money lost in terms of freight, and gasoline and diesel fuel and all that, has to re-grade them, has to have an inspection certificate which is running about \$50 right now, per load, and then send them back out.

So what you're doing in essence, you're making criminals out of good people. The bad people you're never catching in the world. If I

had a truck driver who I told that he was hauling a load of trash, and if he got caught, he would never drive a truck of mine again, because I wouldn't want somebody with that little intelligence that he couldn't avoid the Branding Law, because they have always been stationary points. Pittsfield and Old Town. Pittsfield and Old Town. So you're not catching anybody shipping out of the Southern Part of the State.

The Branding Law is not being eliminated. The amendment, as offered in the bill, by the good Senator from Aroostook, Senator McBreairey, keeps the Branding Law Inspectors checking the stores within the State of Maine. The same system applies, they go into the store and they find a bag of potatoes or maple syrup or eggs, or whatever else they inspect, and they're bad, then they get ahold of the farmer, the packer and they are punished.

So don't believe that you're really eliminating any quality control. Right now they have Federal State Inspectors in the State of Maine. Right now they what they call the PACA, the Perishable Agriculture Commodities Act. They have inspectors in the marketplaces. Believe me! If you get caught by the PACA with a bad bag of potatoes down in Boston, and you're going to pay and you're going to pay dearly.

So that's the quality control. That's the check that's being put on. This, in my opinion, is one way to save a few dollars and not harm the potato industry, not lower the quality of Maine products one bit. So just keep that in mind in case some of the people on the other side of the issue may be giving you a different argument.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: I'm that third member who is a non-farmer on that particular Committee on Audit and Program Review. I bring up that particular point because it has been stressed by a member of my party that I don't know that much about agriculture. Maybe he's absolutely correct in his evaluation.

I assure you Ladies and Gentlemen of the Senate, and I urge you this morning to accept the Majority Ought to Pass Report of this particular bill. It would be a tragedy, and no less than a tragedy if we did not go along with the Majority Report of this particular Committee.

Senator McBreairey pointed out clearly the bi-partisan support that was generated in that particular committee. The trust and confidence that we placed in each other, as to who had some working knowledge of the Branding Law, of the Meat Inspection Program, or many other things that are encompassing under this particular Legislation.

Granted, as in the case of Senator Perkins, who has a very comprehensive task on the Appropriations Committee, I also have other assignments, which meant in many cases, us 2 Senators could not attend all the hearings. We had to rely a great deal upon Senator McBreairey and other Members of the committee to fill us in plus the reports made available to us by our committee staff.

I believe first and foremost that before we start debating the merits of the Minority Report, as is brought out by 2 of our Senators, that first we should accept the report. Then go from that particular point. We are going to confuse more so this morning, this particular issue than the Audit and Program Review Committee has worked on very diligently for a year, if we start trying to break this particular thing up by segregating the Senate as to who is going for the Majority and who is going for the Minority Report.

I would urge the Senate Members to adopt the Majority Report. Then let's go from that particular point to try to satisfy the ones who have deep concern in their own respective areas of the State of Maine.

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

Senator MCBREAIRTY: Mr. President, and Honorable Members of the Senate. We seem to have a couple things going here so I don't know which one to tackle first. I guess the first one that was brought up was meat inspection, so I'll go on meat inspection.

Many of the questions brought up by our good Senator Hichens have been answered to the satisfaction of the committee. We presently have both State and Federal meat inspection. The Federal takes precedent over the State, 86% of our commercial meat handled in Maine today is handled or inspected Federally. Only 14% by Maine inspectors.

I have 1 commercial and 1 custom establishment in my district. They both came down to the committee hearing to protest our recommendations. They finally decided not to speak on the issue, and went home. One of them called Phil Petersen, and said go along with Jim on the bill. Phil, the first time had voted against our recommendation.

I have a letter that was put on my desk just a few minutes ago and I'll read just part of it. It says "the meat inspection program is also one of which the cost savings to the State by transfer to the Federal Government, will be substantial. While a few firms may be inconvenienced by the shift to Federal inspection, that inconvenience is, I feel, far outweighed by the savings to the State tax dollars, which amount to \$100,000 annually".

I would like to say that \$100,000 is going to go up because the Feds have frozen the level of support, and any increase that we pick up this year and from here on for sometime will be picked up fully by the State.

"You have noted I'm sure that several slaughterhouses are now under Federal inspection by their own choice, and are well satisfied. The Department supports this and other recommendations that do not provide a positive benefit cost ratio. Signed Sincerely, Stewart N. Smith."

As far as health and samples, we have no problem. There's been no problem getting the samples from the Federal Inspector.

Under our present law Senator Hichens mentioned that was passed last year, and takes effect on September 1 of this year, under that law, Maine law, as of September 1, 1980, every meat processor or custom slaughterer under the State inspection will have to meet Federal Regulations as of September 1, in order to be registered. If they don't meet the Federal Regulations as of September 1, they will be out of business.

If we go Federal as of September 1, for an example, and they do have any problems, they will have 18 months to submit a plan that will correct those problems, and another 18 to carry them out. So as far as my small custom people are concerned, I feel much safer for them under the Federal Regulations. Thank you.

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

Senator SUTTON: Mr. President, I would like to ask a question through the Chair to anyone on the Committee who would care to answer. I have had so many complaints, so many questions, and so many problems brought to me over the last year on the Lottery Commission. I am just curious if I could have a very brief reassurance that the Lottery Commission came through in such flying colors as it doesn't require any changes whatsoever.

The PRESIDENT: The Senator from Oxford, Senator Sutton, has posed a question through the Chair to any member of the Committee who may care to answer.

The Chair recognizes the Senator from Aroostook, Senator McBreairey.

Senator MCBREAIRTY: I guess some of the committee members felt that it was bring in point some million dollars I think that there has been attempts to eliminate it in the Legislature, and the Legislature did not choose to do so. So even though some of us would have been

in favor of eliminating, others weren't, this happens to be one of the split reports, so the majority went in favor of keeping it.

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

Senator HICHENS: Mr. President and Members of the Senate: In answer to the remarks given by the good Senator from Androscoggin, Senator Minkowsky, that we should accept the Majority Report and then try to amend that afterwards, I think that that is an effort which we can take care of this morning by accepting the Minority Report. Then we won't have to come up and try to alter the report afterwards.

This is being handled very exclusively and very correctly in the Minority Report which comes out this morning. In response to the good Senator from Aroostook, Senator McBreairey reading of the letter from Commissioner Smith, I think the Commissioner is looking ahead to the fact that if these positions are reduced that he's going to have a better chance of getting his Agricultural Bill through and getting positions in that.

I do not know the intent of the letter, but it sort of looks that way as the good Senator read it. So I hope that you'll go along and defeat the Majority Report and go along with the Minority.

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

Is there objection?

The Senator has the floor.

Senator McBREAIREY: Thank you sir. I'll try to be brief. I have to speak just briefly on the Branding Law. I have a note here this morning from Jeff Smith, who is Chairman of the Aroostook County Farm Bureau. They voted last night 14 to 1 in favor of my recommendation.

I have a letter here from the Maine State Farm Bureau Association. They voted in favor of the recommendation.

I have a letter from the Maine Potato Sales Association, which is made up of 28 associations and handle 85% of the potatoes in the State of Maine. They voted unanimously, 15 members present of the 28 voted, unanimous in favor of the recommendation.

I have here a letter from Bernard Shaw. I want to make it clear, this is his personal opinion. He isn't acting in his official position as President of the National Potato Council, but this is a letter from him in favor of the recommendation.

I have a letter here, the council hasn't officially taken a stand on a poll, I guess they split pretty well down the middle. I have a letter here from the executive director pointing out many, many problems in the way the thing is being handled now.

I have a petition that has 18 or 20 farmers names from I think, it's Representative Mahany's District.

I have a letter here from a farmer-trucker. He's in partnership with his dad, and his dad was chosen this past winter as National Farmer of the Year by the National Potato Council at a meeting somewhere out of state.

So I have a letter here from a farmer that gives some experiences that he had and they weren't very good experiences. This is just a sample of what I have in support of the Branding Law recommendation.

We are not repealing it. We are changing it for one year. We will be giving the consumers of Maine, we hope, much better protection than they are getting now. Other states have the Federal Branding Law. They have their own Branding Law. I don't know why the taxpayers of Maine should be worried about the consumers in other states, especially with the Branding Law that we have now.

You can ship a load of processing grade, which is the very lowest grade that you can legally ship out of Maine. You can throw the bags in the front of the load, take them outside to a

re-packer and he can re-pack those and put them on the market as U.S.#1. I have bags right here under my desk to prove that Maine potatoes are being put in bags by people, packers in Massachusetts. We don't know where they come from. So we have no quality control.

If we pass this bill, we will be doing one of 2 things. We will give the department a year to come up with a workable method of using the Branding Law, or we will give the farmers one year to come up with something to take the place of what we have now that's not very effective. Thank you.

(Off Record Remarks)

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

Senator MINKOWSKY: Mr. President, and Members of the Senate, I can assure all members of this body that the Committee on Audit and Program Review did not go beyond the scope of its responsibilities in addressing this particular Legislation. We were just caught in that particular bind where all these problems were existent and nobody took the time in the past to address them.

All of a sudden we found ourselves with some pretty keen perceptive people on this committee who are willing to sit down, weigh, evaluate, and analyze all these factors. That's why I say to you once again. If you want to save money and if you respect the time and the effort that this committee has placed on this particular bill, you should have no reservations about accepting the Majority Report and going from that particular point.

There was a concern raised by the good Senator, Senator Perkins, relevant to local control. In that particular issue, at some of the hearings I attended was discussed in detail. I assure you there is no infringement upon any area of local control.

We are in changing times in the State of Maine, these laws have not been kept up with the changing time. All we're doing now is to try to catch up, and about time really, what has been going on for a number of years. I certainly hope, since this committee from a bi-partisan point of view worked diligently in putting this particular piece together that at least we could obtain the unanimous vote of the Senate to accept that Majority Report.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

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

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

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

The pending question before the Senate is the Motion by Senator McBreairey of Aroostook that the Senate accept the Majority Ought to Pass Report of the Committee.

A Yes vote will be in favor of accepting the Majority Ought 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—Carpenter, Chapman, Clark, Collins, Conley, Cote, Danton, Emerson, Farley, Huber, Katz, Lovell, Martin, McBreairey, Minkowsky, Najarian, O'Leary, Pierce, Pray, Redmond, Silverman, Sutton, Trafton, Usher.

NAY—Ault, Devoe, Hichens, Perkins, Shute,

Teague, Trotzky.

ABSENT—Gill.

24 Senators having voted in the affirmative, and 7 Senators in the negative, with 1 Senator being absent, the Motion to accept the Majority Ought to Pass Report of the Committee in concurrence does prevail.

The Bill Read Once, and Tomorrow Assigned for Second Reading.

Senator Carpenter of Aroostook was granted unanimous consent to address the Senate, On the Record.

Senator CARPENTER: Mr. President, and Ladies and Gentlemen of the Senate, I just want to very briefly, since I have you all thinking now about potatoes, to very briefly call your attention to something that appeared in this morning's front page of the Bangor Daily News, and I believe has made the newspapers in other parts of the State, about an act of civil disobedience which took place in my home town of Houlton yesterday, where a group of farmers primarily from Southern Aroostook and Northern Aroostook, Saint John Valley, came down to the Canadian Border and blocked the border for a period of about 2 hours to protest the flood of Canadian Potato Imports that we've been suffering under all winter.

I think that it is just a symptom of a problem that we've got in the State of Maine. I want the Members of the Senate to be aware of it. I guess I wanted to cry out a little bit about the situation in the farming industry. For the 4th year in a row, the Aroostook County farmers are receiving less than half the cost of production. Think about that as we sit here and debate the issues of the day and worry about how we're going to keep State Government alive and rolling for the next year, think about whether you could live on half of what it cost you to live last year. I'll explain to you individually, if you wish, how the farmers are doing it.

We're in a disastrous, disastrous situation in the County this year. It has nothing to do with the quality of the product, has nothing to do with the amount of the product that's still stored in Aroostook County. I know some of you look askance at the farming community in Aroostook County sometimes. I really think that this morning or today in the 8 days we have left here I would hope that you would give some thought to the plight of my constituents, and Jim McBreairey's constituents, and Danny Martin's constituents, because they are a hurting lot right now.

We've asked for help from the Federal Government. It does not appear real positive that we are going to get it. Even if we did get it it would only be a stop-gap measure. I would predict in the next year or so you are going to see near revolt on behalf of the Aroostook County potato community at least, the farming community in the State. They're going to need some help and they're going to be looking for some help in the coming years. Thank you.

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

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act to Promote Hunting, Fishing, and Camping in Maine." (H. P. 1829) (L. D. 1933)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-853)

Signed:
Senators:

REDMOND of Somerset
PIERCE of Kennebec
USHER of Cumberland
Representatives:
JACQUES of Waterville
CHURCHILL of Orland
VOSE of Eastport

PAUL of Sanford
PETERSON of Caribou
DOW of West Gardiner
MacEACHERN of Lincoln
GILLIS of Calais
TOZIER of Unity

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

Signed:

Representative:

MASTERMAN of Milo

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-853).

Which Reports were Read.

The Majority Ought to Pass, as amended, Report of the Committee, Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" Read and Adopted, in concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

Divided Report

Six members of the Committee on State Government on, Bill, "An Act to Expand the Kinds of Projects Eligible for Financing Under the Municipal Securities Approval Act." (H. P. 1767) (L. D. 1898)

Reported in Report "A" that the same Ought to Pass as amended by Committee Amendment "A" (H-859)

Signed:

Representatives:

REEVES of Pittston
KANY of Waterville
BACHRACH of Brunswick
LANCASTER of Kittery
PARADIS of Augusta
BARRY of Fort Kent

Six members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass as amended by Committee Amendment "B" (H-860).

Signed:

Sensors:

AULT of Kennebec
SUTTON of Oxford

Representatives:

DAMREN of Belgrade
LUND of Augusta
CONARY of Oakland
MASTERTON of Cape Elizabeth

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

Which Reports were Read.

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

Senate Ought to Pass

Senator Perkins for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Provide Funds for Residential Energy Conservation." (S. P. 766) (L. D. 1963)

Reported that the same Ought to Pass.

Which Report was Read and Accepted and the Bill Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

Senator Cote for the Committee on Legal Affairs on, RESOLVE, Authorizing Roland and Lelia Bracy of Portland to Bring a Civil Action against the State of Maine on Behalf of Their Son, Erwin G. Bracy. (S. P. 758) (L. D. 1954)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-455).

Senator Devoe for the Committee on Judiciary on, Bill, "An Act Concerning Revisions in the Maine Criminal Code and Other Criminal Laws." (S. P. 750) (L. D. 1925)

Which Reports were Read and Accepted and the Resolve and Bill Read Once. Committee Amendments "A" were Read and Adopted and

the Resolve and Bill, as amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

Senator Chapman for the Committee on Business Legislation on, Bill, "An Act to Align Mortgage Loan Authority for Maine Thrift Institutions with Federal Regulation and to Provide Temporary Authority to Adjust Interest Rate Ceilings in Certain Consumer Credit Transactions." (S. P. 739) (L. D. 1917)

Reported that the same Ought to Pass in New Draft under New Title: Bill, "An Act to Align Mortgage Loan Authority for Maine Thrift Institutions with Federal Regulation and to Adjust Interest Rate Ceilings in Certain Consumer Credit Transactions." (Emergency) (S. P. 800) (L. D. 2004)

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

Divided Report

Six members of the Committee on State Government on, Bill, "An Act to Create a Board for Barrier Free Design." (S. P. 692) (L. D. 1812)

Reported in Report "A" that the same Ought to Pass in New Draft under New Title: Bill, "An Act to Assure Compliance with Existing Laws Affecting Disabled Persons' Access to Certain Buildings Open to the Public." (S. P. 798) (L. D. 2002)

Signed:

Sensor:

MARTIN of Aroostook

Representatives:

KANY of Waterville
BACHRACH of Brunswick
BARRY of Fort Kent
MASTERTON of Cape Elizabeth
REEVES of Pittston

Four Members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass in New Draft under New Title: Bill, "An Act to Assure Compliance with Existing Laws Affecting Disabled Persons' Access to Certain Buildings Open to the Public." (S. P. 799) (L. D. 2003)

Signed:

Sensors:

AULT of Kennebec
SUTTON of Oxford

Representatives:

PARADIS of Augusta
CONARY of Oakland

Three members of the same Committee on the same subject matter reported in Report "C" that the same Ought Not to Pass.

Signed:

Representatives:

LUND of Augusta
DAMREN of Belgrade
LANCASTER of Kittery

Which Reports were Read.

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

Second Readers

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

House

Bill, "An Act to Permit Optional Life Insurance for the Comaker of a Debt." (H. P. 1935) (L. D. 1986)

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

House — As Amended

Bill, "An Act to Increase the Limit on Compensation for Assistant District Attorneys in Prosecutorial District Number 7." (H. P. 1648) (L. D. 1765)

Bill, "An Act to Provide for the Reregistration of a Motor Vehicle when the Previous Registration has Expired for more than 30 Days." (H. P. 1724) (L. D. 1828)

Bill, "An Act to License Users of Ionizing

and Nonionizing Radiation Equipment." (H. P. 1682) (L. D. 1791)

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

Bill, "An Act to Expand the Kinds of Projects Eligible for Financing under the Maine Guarantee Authority Revenue Obligation Securities Act." (H. P. 1764) (L. D. 1896)

Which was Read a Second Time.

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

Bill, "An Act to Declare the Right of the Public to Attend Judicial Proceedings." (H. P. 1728) (L. D. 1847)

Which was Read a Second Time.

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

Senator DEVOE: Thank you, Mr. President. Mr. President, and Members of the Senate, I would like to move that this item, L. D. 1847, "An Act to Declare the Right of the Public to Attend Judicial Proceedings," be Indefinitely Postponed, and I would like to speak to my motion briefly.

Today the courts are under increasing attack, virtually from every direction. Criticism is being levied against the courts, most of the time in out of state proceedings. We've been blessed with a good Judiciary here in Maine, and I think by and large we've been blessed up to this time with a fairly responsible media.

The introduction of this bill was prompted by the holding of the U.S. Supreme Court Case of Gannett vs. DePasquale a case arising in the State of New York, about a year or a year and a half ago.

We're dealing here with the Sixth Amendment Right, which a criminal defendant is given to have a jury trial, to have a speedy and a public trial, the right to an impartial jury, the right to confront his witnesses against him, and to have assistance of counsel.

Let's look for a minute at the context in which this statute if it were passed, would be put into play. The present law says that when a defendant thinks that something is going to happen that will prejudice his ability to get an impartial trial before the jury, may move to have certain stages of the proceeding closed. He may also assert that there has been such enormous publicity that his ability to get a fair trial is going to be prejudiced by a jury in that area so he may move for what is called a 'Change of Venue', in other words, a change in the location of the county in which his criminal case will be tried.

Up to now if the criminal defendant disagreed with the ruling of the court, it is his right and he has often asserted this, when a finding of guilty is returned by the jury, he appeals to the law court and as part of his appeal, he alleges that the judge abused his discretion in failing to change in the venue of a case.

Or he argues in a final appeal to the law court after the case has been argued before the jury that certain matters in pre-trial hearings such as suppression of evidence were reported by the media and that that tainted and colored the mind of the jury and made it impossible for him to get a fair trial.

These rights are always and have always been asserted by the criminal defendant after a finding of guilty has been returned by the jury, and after a sentence has been imposed on him by the judge. This is part of his appeal process to the law court, and in that appeal he can also allege that errors were committed by the presiding justice during the trial, which violated his rights and occasionally the law court agrees with the assertion made by the defendant and orders a retrial of the case because the presiding justice, did in fact, commit error.

Now this bill, if we pass it, is going to introduce a completely new element into the trial of

a criminal case. It is going to give the media or any member of the public because the bill, as it has been reported out by the committee, talks about the public.

Now the way I read it the phrase 'the public' means you or me, could go into court and say, judge, I object to your closing this. I have a right, I, as an individual citizen, but we didn't have members of the public coming before the Judiciary Committee. We had some members of the press. We may have had somebody from T.V. or Radio come before us.

So it at first blush appears that the media, in whom I have a very great respect, have taken it upon themselves to appoint themselves as the guardians of the public in this type of proceeding.

The Gannett case simply held that members of the general public including the press were not entitled to assert the rights that were guaranteed to the accused defendant by the Sixth Amendment. Now the defendant is the only one who can claim those rights in a final appeal of the case to the law court. The Gannett case held that the press and the general public did not have that right guaranteed to them by the Sixth Amendment. Needless to say, this caused a lot of furor, and the press has attacked the ruling in the Gannett case.

The reason that you have a pre-trial suppression hearing sometimes closed is that the court, when apprised of what is going to take place by council feels that there may be information reported in the press that would be of an inflammatory nature, and that might, if printed and receiving wide newspaper and T.V. and radio publicity, could possibly taint the mind of a potential juror. It is that evil that we are aiming against.

We in the Senate on the Judiciary Committee are faced continually with bills that want to restrict defendants' constitutional rights. I don't think that the situation in Maine warrants the passing of this rather novel piece of Legislation. It's going to introduce a new element into the criminal proceedings because if this statute passes, if a motion to close a portion of a pre-trial proceeding is made by the judge, an order is made, it's going to give news media the chance to interrupt that criminal proceeding, charge that the judge abused his discretion, and at that point appeal to the law court, the trial judges ruling that he abused his discretion in ordering that stage of the proceeding closed.

That right now does not exist. I think a far more feasible solution would be for this bill to be Indefinitely Postponed. I'm certain that Members of the Judiciary are following the progress of this bill. I know that consideration has been given to let the Criminal Rules Committee look at this problem and see if it can establish rules which can be changed easier than statutes.

For us now to put this on the books will create a right in the defendant as well because he can charge that the judge abused his discretion in denying the motion of members of the public.

You look anywhere in the Constitution. I don't think you will find that the right of access to a criminal trial on the part of the public is guaranteed. What is discussed in the Constitution is the right of the defendant to receive a fair trial.

So the issue is whether all members of the public, which includes every citizen in this State, as well as, a news reporter, is going to have an enforceable right to a public trial that he can assert independently of the parties to the litigation.

Now I know this is a very involved situation. I don't like being on the other side of the Committee Report with our good Chairman, the Senator from Knox, Senator Collins. I feel very strongly that if we pass this bill, and if we have perhaps irresponsible use of this bill by a member of the general public, what is now con-

sidered to be a somewhat cumbersome procedure, and that a very sensational criminal trial is, sometimes a cumbersome procedure, because of all of the motions, it's going to be cluttered up even more by members of the public trying to assert a right that is nowhere mentioned in the Constitution. Thank you very much.

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

Senator TRAFTON: Mr. President and Members of the Senate: I have listened with interest to the remarks of the good Senator of Penobscot, Senator Devoe. I find his remarks rather unusual in their argument, and certainly the bill that I would attempt to describe to you at this point has a very different purpose than what he seems to feel is included in the language.

First of all, let me just give you a layman's point of view about why this bill came before the Judiciary. Perhaps succinctly we could say that it's important for the public to have faith in the integrity of the court system. It's important for them to feel that lawyers operating in the Judicial arena and the judges who themselves are lawyers, and the public officials have integrity as they carry out the judicial process.

This bill attempts to clarify law. It does not in fact, conflict with any U.S. Supreme Court decision, either Gannett vs DePasquale or any other cases. It merely attempts to clarify State law in the wake of some very legitimate confusion over that particular case because of the multiple opinions that were issued in it.

I think it's helpful to look at the amendment, which I think, considerably improves the bill and clarifies some of the difficult issues that we faced in the bill.

Essentially we're saying that proceedings will be open, pre-trial proceedings, unless there is a standard applied in which they should be closed. Those standards are outlined very clearly in Section 457, Number 2. Those are unless an injury or damage to the accused's right to a fair trial will result from conducting the proceeding in public, that alternatives to closure will not protect the accused's right to a fair trial, and that closure will protect against the perceived injury or damage.

In section 3, it goes on to point out the exceptions. 1A, that this section will not limit the power of the courts to maintain decorum by ordering unruly spectators removed from the courtroom, by reasonably limiting the number of spectators, or by exercising similar powers of judges at common law. B, to require that a proceeding to determine the validity of the claim of evidentiary privilege as provided by the Maine Rules of Evidence be open to the public.

That's the heart of the bill, Ladies and Gentlemen. It does not create any new special rights for the general public. It merely sets a standard that will be applied uniformly in all pre-trial proceedings, if the proceedings are to be closed. It does not remove discretion from the judges. It merely asks that if they use their discretion either on their motion or on the motion of the defendant to close the trial that again the same standard is applied. I hope that you will support this bill today.

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

Senator COLLINS: Mr. President, I would like to add just one word to the very good exposition that has been made by the Senator from Androscoggin, Senator Trafton.

Since the Gannett case was decided, in the period from June to December 1979, there was a flurry of motions across the country to close pre-trial hearings. There were at least 80 that have been reported. Of those, about 40 were in fact, closed. I have no doubt that the 40 that were closed were closed for good and sufficient reasons, that the courts have always exercised in their concern to protect the fair trial rights

of the defendant.

One of the judges who was in the majority in the Gannett case speaking at a University Law School commencement last summer, suggested in general that it would be wise for the States to develop additional procedural policy and rules to express the wish of the public.

Some states have already done this. The Senator from Penobscot, Senator Devoe, suggests that what we are talking about here is novel. I would disagree with him in that respect. There are at least 7 states that have declared similar policy.

One of those states happens to be Arkansas, and a test of it's law went into the Federal Courts since the Gannett Case. The Federal Courts in that case, said that they didn't even need to get into Federal Law because the matter was controlled by the Arkansas Statutes, which provides "the sittings of every court shall be public, and every person may freely attend the same".

So I feel that we are not doing something new or radical. I think that this Legislature has a right to express the public policy, a longstanding public policy, one that goes back to ancient England. You can find it stated in the writings of William Blackstone, perhaps the most prolific judge writer of our English legal precedence. In expressing this general policy that court proceedings should be open, unless there is good reason to close them, I think that we are carrying out a very fine tradition. I would hope that you would vote No on the pending motion.

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

Senator DEVOE: Thank you, Mr. President. This bill deals with one of the 3 branches of government, the Judicial Branch. Let's look at the other 2 branches, if you want to carry this to the extreme that this bill suggests.

If you vote for this bill it seems to me that you would also vote for a bill that said you could sit in the President of the Senate's Office, in the Speaker of the House's Office and monitor every discussion because the business of the public is being carried on there presumably.

Would you vote for a bill that said a news reporter should sit in the Governor's Office, because the business of the public is being carried on there as well. Now I ask you.

The courts today are under all kinds of attack. Why are we singling out criminal proceedings? That's a very small aspect of the total public business which the courts handle. Now I ask you to ask yourself. Would you also vote for a bill that declared to be public policy the right of everyone to sit in the Governor's Office on the second floor? To sit in the President of the Senate's Office, right close by, or to sit in the Speaker's Office, because public business is being carried on there as well?

Maybe that helps sharpen your perception. When this question occurred to me, it seemed to me to be a legitimate extension of the thesis that is submitted in this bill. I would humbly suggest that there is a good possibility that if we pass this bill now declaring the right of the public to attend criminal pre-trial proceedings, it's not beyond the realm of possibility that the 110th Legislature will have a bill saying the right of the public is hereby declared to have a media representative sit downstairs in the Governor's Office, to sit in the Speaker's Office and to sit in the President of the Senate's Office, because the faith of public officials is maybe being brought into question.

I personally do not agree with that, but if we carry to it's logical extension the remarks of the good Senator from Androscoggin, that it is important for the public to have faith in Judicial process and public officials in general, that's what we're talking about.

I don't know whether representatives of the media are thinking of doing that. I hope I haven't given them an idea. But ask your-

selves, Members of the Senate, is it impossible to consider? I say it is not impossible to consider. Why do we have to single out the judges? Why do we have to single out just one branch of the government that we have in this State to declare the public can sit in any time it wants to? If we're talking about faith in public officials then just extend this to it's logical conclusion.

I'm amazed frankly that the press hasn't demanded a right to sit in Governor Brennan's Office all the time, because public business is being carried on.

No one has addressed the question of why rules of criminal procedure can't be worked on to handle this matter. I'm not criticizing the media. I'm just saying we don't need this bill in the State of Maine today. Members of the Senate, I ask you to vote for the motion to Indefinitely Postpone. Thank you very much.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the motion of Senator Devoe of Penobscot, that L. D. 1847 be Indefinitely Postponed, please rise in their places to be counted.

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

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

Senator O'LEARY: I request a Roll Call.

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

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

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

The pending question before the Senate is the Motion by Senator Devoe of Penobscot, that L. D. 1847 be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Danton, Devoe, Hichens, O'Leary, Redmond, Shute, Usher.

NAY — Ault, Carpenter, Chapman, Clark, Collins, Conley, Cote, Emerson, Farley, Huber, Katz, Lovell, Martin, McBreairey, Minikowsky, Najarian, Perkins, Pierce, Pray, Silverman, Sutton, Teague, Trafton, Trozky.

ABSENT — Gill.

7 Senators having voted in the affirmative and 24 Senators in the negative, with 1 Senator being absent, the Motion to Indefinitely Postpone does not prevail.

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

Senate

Bill, "An Act to Remove Sex Bias and Facilitate Enforcement of Support Obligations." (S. P. 793) (L. D. 1991)

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

Sent down for concurrence.

Bill, "An Act to Amend the Probate Code." (S. P. 792) (L. D. 1990)

Which was Read a Second Time.

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

Senator COLLINS: I present Senate Amendment "A" under Filing S-458 and move it's adoption.

The PRESIDENT: The Senator from Knox, Senator Collins, now offers Senate Amendment "A" to L. D. 1990 and moves it's adoption.

Senate Amendment "A" (S-458) Read and Adopted.

The Bill, as amended, Passed to be Engrossed.

(See Action Later Today)

Senate — As Amended

Bill, "An Act to Amend the Maine Health Facilities Authority Act to Include Certain Educational Institutions." (S. P. 680) (L. D. 1798)

Bill, "An Act Increasing the Fees for Probate Proceedings." (S. P. 752) (L. D. 1928)

Bill, "An Act to Clarify the Board of Environmental Protection's Responsibility to Regulate Roads under the Site Location Law." (S. P. 696) (L. D. 1832)

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

Sent down for concurrence.

Enactors

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

AN ACT to Revise and Strengthen the Bee Industry Law. (H. P. 1745) (L. D. 1851)

On Motion by Senator Huber of Cumberland, placed on the Appropriations Table, pending Enactment.

Emergency

AN ACT to Amend the Health Facilities Information Disclosure Act. (S. P. 732) (L. D. 1921)

On Motion by Senator Pierce of Kennebec, Tabled for 1 Legislative Day, pending Enactment.

Orders of the Day

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

HOUSE REPORT—from the Committee on Business Legislation—Bill, "An Act Relating to Motor Vehicle Warranties and Repairs." (H. P. 1777) (L. D. 1878) Ought to Pass as Amended by Committee Amendment "A" (H-877)

Tabled—March 12, 1980 by Senator Danton of York.

Pending—Acceptance of Report.

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

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

Bill "An Act Relating to the Qualifications for the Licensing of Auctioneers." (S. P. 708) (L. D. 1844)

Tabled—March 12, 1980 by Senator Chapman of Sagadahoc.

Pending—Passage to be Engrossed.

The Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

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

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)

Tabled—March 12, 1980 by Senator Katz of Kennebec.

Pending—Final Passage.

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

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

HOUSE REPORTS—from the Committee on Transportation—Bill, "An Act to Revise and Clarify Certain Provisions of the Motor Vehicle Laws." (H. P. 1667) (L. D. 1776) Majority Report—Ought to Pass as Amended by Committee Amendment "A" (H-857); Minority Report—Ought to Pass as Amended by Committee Amendment "B" 9 (H-858)

Tabled—March 12, 1980 by Senator Katz of Kennebec.

Pending—Acceptance of Either Report.

On Motion by Senator Usher of Cumberland,

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 Cumberland, Senator Usher.

Senator USHER: Mr. President, I offer Senate Amendment "A" to Committee Amendment "A" under filing S-454 and move its adoption.

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

Senate Amendment "A" (S-454) Read.

The PRESIDENT: The Senator has the floor.

Senator USHER: Thank you, Mr. President, to briefly explain my amendment it was to clarify Committee Amendment "A" which is to limit the number of dealer plates to 3, it was very open ended before we did not want any service company to abuse it. They can not use any more than 3.

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

The Bill, as amended, Tomorrow Assigned for Second Reading.

On Motion by Senator Katz of Kennebec, the Senate voted to remove from the Unassigned Table.

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." (Emergency) (H. P. 1723) (L. D. 1827)

Tabled—March 11, 1980 by Senator Pierce of Kennebec.

Pending—Consideration.

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

Senator KATZ: Mr. President and Members of the Senate: This bill represents weeks and weeks of labor on the part of the Committee, that should have been paid by the hour, that has been badly bruised by attempting to solve the insolvable.

We have discussed the financial implications of the Highway Fund now for some weeks. We know that the Committee has labored to give a temporary band-aid solution to this biennium's problems in the fund and we know that there is significant sentiment here in this body that a temporary solution is not adequate. That we need some kind of a rational long-range movement to understand how to finance this department, at a time of declining revenues, and this bill does not do it.

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?

It is a vote.

The Senator has the floor.

Senator KATZ: Mr. President, I now move Indefinite Postponement, and Request a Roll Call.

The PRESIDENT: The Senator from Kennebec, Senator Katz has moved that L. D. 1827 be Indefinitely Postponed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate: I perhaps can congratulate the Majority Floorleader on one thing today and that is the fact that he has removed this bill from the Unassigned Table.

It is the first time in my years, that I have served in the Legislature, that when a Fiscal problem such as the one that is before us today, that we put on our blinders and closed our eyes in fact, and decided to go home, and allow gov-

ernment to fend for itself. I would ask if this is the responsible thing to do, with respect to the taxpayers of this State?

It even comes to me as a great surprise that one of those individuals who has labored so fruitlessly over the past months, the Chairman of the Joint Standing Committee on Transportation is not here in his seat when such an irresponsible motion is being made, by the Majority Floorleader. I am glad to see that he has entered the Chamber once my remarks have been spoken.

We still have several days left, before we adjourn. In years gone by, and having served in leadership, several of those years, under two different Governors it never was a time when we had Fiscal problems that we did not go down and sit down collectively with the Chief Executive and see if we couldn't resolve the problems before us.

I look back since the newly elected Governor, my friend, has taken office and there hasn't been one constructive proposal that came before this body that the Majority Party didn't strike out or slam down, because they felt that the Governor was wrong.

We could go back to the Maine State Employees working agreement negotiated through collective bargaining, that again the Majority Party of this Senate stuck their hands out to tell the Governor of this State that he could not negotiate the Fair Share provision within a contract.

The Maine State Supreme Court said that he could, but again the Majority Party said No in spite of what the court said. No you can not do it.

More recently when the Governor submitted last year, a program to take care of those in need of emergency fuel assistance, when we only had a short period and brief time to enact legislation. Again, the Majority Party said Governor Brennan No, and he calls us back again into special session and what do we do, we enact the same Legislation that the Majority Party shot down.

Two weeks ago, I heard the Majority Floorleader stand on the floor here, and say that we want to work more cohesively with the Chief Executive and with us, the Minority Party in this Branch.

Well I ask you this morning, is this the way that we address financial problems of the State? That we say close the door, kill the bill, go home, and we'll come back in a few weeks once there is a deficit.

I say No, and I think that if there is anybody sitting in this Chamber today who feels that they have a responsibility to their constituents they will agree with me. I was one member of the Senate who went before the Appropriations myself because I was in disagreement with one of the recommendations being made by the Chief Executive and that was to transfer \$2,000,000 from the General Fund into the Transportation Budget. I said No, you can't take away from Human Services programs that are needed to provide assistance to those individuals who have a difficult time meeting the necessities of life. That didn't mean that I was closing my eyes or that I was going to slam the door on the problems within DOT.

I am willing to sit down with the Majority Floorleader and his able Assistant the Senator from Kennebec, Senator Pierce, with the Governor, with the Acting Commissioner, with the Chairman of Transportation and start going through the Budget and say look let's try to make some cuts here. When we just say Hey, let's slap this bill on the Table and let's let it rot over there until we can bring it off, kill it, and then go home, doesn't make any sense whatsoever.

The fact that the good Senator from Aroostook, Senator McBreairty, may want to incorporate the DOT tomorrow in the Performance Audit Report and put them out of business altogether, because that is what we are doing. Only

we are doing it by inaction.

Well if this is the road that we want to pursue then I think that we all might just as well look forward to coming back here in a very short time. Personally I have a lot more important things that I would like to do this spring and early this summer.

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

Senator TROTZKY: Mr. President, I can't just sit quietly and watch the Minority Leader insult the Majority Party here.

The responsibility for inaction lies directly with the Governor of the State of Maine. The Governor made a promise, a campaign promise to the people of this State that he would not increase taxes.

So he is going to keep that promise, and the Democratic members of this Legislature, so that the Governor is not embarrassed will not vote for a tax increase.

Well let's look at what is happening to our roads in the State of Maine; this State of Maine has a million people; this State of Maine is a tourist state; This State of Maine has a lot of road all-over. It is also in the northern part of the country, we have got frost heaves and everything and the roads of this state every spring, with wear and tear and the natural processes break them up.

I went to the Transportation Department and asked them to go around this area in Augusta and show me what is going on on some of the roads in this State of Maine. Around Augusta, are a whole bunch of them, where roads are breaking up all over. I come down from Bangor, on the Route 95, the Maine Turnpike and I see what is happening to the Maine Turnpike.

Now let's take a look at reality of what is going on in other State's. We have a 9¢ gas tax in this State. Connecticut, has 11¢; Michigan has 11¢; New Hampshire has 11¢; Pennsylvania has 11¢; the State of Washington has 12¢. The responsible thing that this Legislature should have done was accepted in my opinion the Minority Report which was House Filing Number 813. What that did was it raised the gas tax to 11¢. It also made cuts in the Department of Transportation. It was a balanced amendment, it was the responsible way to go.

The Majority Party in this Senate can't go anywhere as long as the Democrats, the Democratic Party is going to support the Governor on this no tax increase.

The short-fall was about 16.7 million dollars. I believe that there was 1.7 million dollars on this amendment in cuts to the Transportation Department and there was a few cents gas tax which would have raised \$15,000,000 and this would have been a solution, but no one wants to face the reality of this issue.

If someone would move to Suspend the Rules, we could run through the motion. I think that this Senate ought to accept that Minority Report.

By the way I would also suggest to the Minority Leader that the Majority Party was right on the Fair Share issue.

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

Senator KATZ: Mr. President, all this could have been avoided if the Minority Leader realized that this was Thursday and not Friday.

I just simply have to respond, because what he identifies as the Republican point of view, is very clearly the point of view of Maine people.

Let me run through exactly where we are at, because he says that we have not been constructive. I have a sense of being about as constructive as I have ever been in this Legislature because we have been standing up for some of the things that we believed in.

The MSEA issue was a fascinating issue. I think that in retrospect, taking a look at our mail, we would say that the Republicans were representing the point of view of most people in the State of Maine. Maybe not in the capital

complex but I think overwhelmingly the sentiment of Maine people.

We raised an issue early on with respect to the Sears Island Project. We have done polling, 85% of the people who responded to our polls favor a coal generated plant at Sears Island and that is pretty constructive.

Last year we were concerned when the Emergency Fuel Bill came in, that we did not have the money and it was the Republicans who constructively put together a program, with the Democrats, that we could afford.

If there is anybody who wants to stand up now, and take credit for the Democratic point of view which would have committed us to spending money that we simply do not have, stand up now and be counted. Then tell us about the \$22,000,000 of the Federal money too.

We say that we were right on that issue, as we were right on the MSEA issue, and as we were right on the Sears Island issue.

Let's talk about the Retirement Program, Republicans last year asked that the full funding for the Retirement Program be put into the Budget and Funded. It was suggested to us, that we were being irresponsible. We were right on that issue. Again, and again, we were right.

Earlier this year, 4 weeks ago tomorrow, we said we were concerned about the proposal to expand the State work force. We were right in that issue and the Governor has been working with us very compatibly. As a matter of fact since that Friday, our relationship with the Governor has been completely compatible. We are working well together our dialogue with him is extremely good. As a matter of fact our dialogue with the Governor has been a little bit better than my dialogue with the the Minority Leader here today.

Four weeks ago, we said that there is a financial crisis, we were right at that time when we said there was a financial crisis. The reason that I know we were right is because so many of you came up to me afterwards and said that we were right.

Now if we are going to be loyal opposition, it is all right to criticize us now and then, but we do not have the Governor of the State of Maine, but for gosh sakes once in awhile say that we were right, because we have been right and right and right again on these economic issues.

Mr. President, I can suggest to the members of the body, that we felt that we might have had a uniform position with the Governor. The Governor is well aware of our attitude, we have discussed it with him at length. We felt that perhaps there was a chance, because the Governor on last Friday, had a press conference in which he identified the fact that he was going to have to go to his cabinet people and ask them as the managerial team, running the State of Maine to review what is going on in their departments because there are some serious economic times ahead. He has acknowledged it.

Our question is should we defer action on the Transportation Program until his management team has a chance to report? That is the only issue here today, and apparently the Governor chose not to recall this Bill from our consideration, but he is willing to have us act on it. He knows exactly where we are at, he knows exactly what we are doing here today. I am confident that once this bill is disposed of the managerial team will come together and make the recommendations that we need for responsible decision.

I am sure that the Governor is going to be right when he makes his decisions.

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

Senator CONLEY: Mr. President and Members of the Senate: I got up early this morning, much earlier than normal, we had to come up here for a meeting with the Chief Executive this morning at 7:30 and one of the first shining faces I ran into on the third floor was the very good friend the Majority Floorleader and his

assistant.

The Majority Floorleader said to me on the way to our meeting, he says: watch out because I am going to give you a boot today, right where it hurts the most. I didn't realize that it was going to be this particular item, but I have had my eye on him since January, for that boot, and I generally get it anyway. I really am pretty well toughened up on the carcass anyway over the years.

I can't stand here and allow that guy down there, the good Senator, that ever loveable Senator as the good book says, the Senator from Penobscot, Senator Trotzky, to stand up and make sure irresponsible statements.

In the absence of the Majority Floorleader, last year, he went down to the Legislative Research Office, and had them type up a Joint Order telling the Taxation Committee, or the Transportation Committee to report out a 2¢ tax increase on gas. In the absence of the Majority Floorleader, who almost had a fit when he heard about it later in the afternoon. He was perplexed, he almost had a stroke. I stood on the floor and I said Senator Trotzky, and you'll never forget those ringing words, No, No, No, Senator Trotzky, No tax increase and the same thing holds today.

I do not know what poll the good Senator from Kennebec, has taken but we do not want a government by polls. We run it by action, we run it by what we tell our votes throughout the year what we support, and the people of Maine do not want to see more taxes, they want to see less. They do not want to see more windfall profits tax to the oil companies of this country, they want to see it coming back, as the newsletter of the former Governor said; back into the pockets of the taxpayers of Maine."

We want to make life a little easier we are not doing it by shutting the door on this particular bill, this morning. I would only suggest that either we establish a Joint Standing Committee immediately to work with the Governor and to work with the department, and try to bring about a more sane approach to running State Government and running the Department of Transportation.

Governor Brennan did not create all the problems within DOT or within any part of the State, they were there when he got here.

The Retirement Issue, I am sure that the good Senator from Kennebec, would get up and say that this problem obviously was one that was created years before the Governor ever came to Augusta, as a Legislator.

Yes, I would agree the popular thing would be with the general public would be to say, MSEA and the GOP was right, but the court said differently and we run the country or the state by the laws as they are interpreted by the courts. If we want to change the laws, then let's get a bill, in and change it. Put one in I'll let you, put it in tomorrow Senator.

I just hope that we use better judgement than slamming the door without doing anything at all. Again I would ask and certainly urge the Senate to do something about it. I am willing to, members of my party are willing to. I am sure that the good Chairman of the Joint Standing Committee on Transportation is willing to.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Emerson.

Senator EMERSON: Mr. President and Ladies and Gentlemen of the Senate: Before you vote I would like to issue one word of caution. If we turn this bill down, I have been trying to determine, how the department would operate, in what manner it would operate, without a bill. As near as I can tell, in addition to the cuts that were in the amendment that we adopted, there would have to be about \$1,500,000 more cuts, because in the governor's bill there is some fee increases. We would have to make up for that, with cuts.

I asked them where they might cut, and they

allowed that they might cut another 4 million out of the town road improvement funds which would make that -0-. They would cut another 4 million, this would be upon the Governor's recommendation, out of summer maintenance which would reduce that by \$2,500,000. Then since the program that we adopted had in it a reduction in the bonus in State-aid, that they would have to find about a million and one more reduction in State-aid and we do that by reducing the State's allotment to 75 rather than 100%.

So we could have that to face if we kick it out without any action. Thank you.

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

Senator PRAY: Mr. President and Members of the Senate: First of all I would like to say I welcomed the remarks by the good Senator from Penobscot, Senator Emerson, for bringing a little sanity back to the debate and to what we are about to do.

I think that we have been given a few of the alternatives of what is possible and what is probable. We can do as the Majority Floorleader has done. We can shy away from our responsibilities as elected members of the Legislature. Action is called for, we as Legislators take action each day, on the legislation that is before us. Government must do something in reference to the highway situation, the funding. Not necessarily the governor, but we must.

The Governor has presented a proposal to us, and now we have the option and the opportunity to chance that. I think for us to do otherwise, then we are shirking away from those responsibilities, which when we ran for office we sought.

I also would like to take a moment, a year or so ago when we debated the highway issue, at that time, I had some Statistics and figures. I would like to have let some of you people know exactly what is at stake, in your Senatorial Districts. Now I noticed that the Senator from Penobscot, Senator Trotzky was quick to his feet, very adamant about his position.

I also find by checking the number of total state highways and designated State-aid roads in his district that he comes out on the short end, he doesn't have too much, 22.45 miles of road. We could compare that with some of the other members of the Majority Party in this Chamber, such as Senator Redmond, who has 773.76 miles of road in his district; the President of this Chamber has 686.5 miles in his district; the Senator from Waldo, Senator Shute, has 681.4 miles in his district; the Senator from Hancock, Senator Perkins, has 648.5 miles in his district; the Senator from Oxford, Senator Sutton, has 571.5 miles in his district and sixth on the Majority Party for most miles in his district, the Senator from York, Senator Lovell, who has 358.8 miles in his district.

When we start adding these figures up and those of us who live in the rural districts have a number of constituents that have to travel those highways. For us today to feel that we can just say no to the proposal and to kill it, and send it back to the planning board somewhere else and not to take our own action, as I stated earlier is very irresponsible.

I happened to notice that the Senator from Kennebec, Senator Katz, perhaps more so as the Majority Leader than as personal representative also happens to be on the low end of mileage. Those who are debating the issue and saying no to the proposal are not those who have the highway miles at stake.

I would hope that with the comments made by the Senator from Penobscot, Senator Emerson, we would allow ourselves to actually weigh what is at stake by defeating the proposal that is before us at this time. I think that it is a grave mistake to the people and it casts a little bit of shame upon us in this chamber.

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

Senator EMERSON: So that we will know exactly what we are doing, and know the consequences I would hope that we would table this one more day, and maybe we can get our thoughts straight by then.

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

Senator PIERCE: Mr. President and Members of the Senate: I would suggest that regardless of how many miles that we all have in our district, one of us doesn't have any more at stake here than the rest of us. It is the state of Maine that has something at stake, because if we are not affected by representing the rural areas, necessarily, we are affected in so many other ways, by the tourists that travel our roads, by taxes, by so many other things. So we all have a great deal at stake.

I think that the governor early off, identified the highway problem as the toughest problem of this legislature would face this year. I think that he was right on target, and that has certainly proved to be true.

I know the good Senator, the Chairman of the Transportation Committee, Senator Emerson, has put in more hours on this bill than anybody in this Chamber. As most of us have been Committee Chairman either here, or House Chairman in the other body, when you are a Committee Chairman no one feels quite as deeply, as that person, you feel a great sense of responsibility for the particular issue that you are dealing with. I know that the weight on this Senator's shoulders has been great because he does feel a great sense of responsibility and wants to solve this question before we do go home.

I am fully confident that we are going to solve the problem. His concerns with the fee increase not going into effect, if we did not solve the problem for the next 7 or 8 or 9 months, that would be true. I have every confidence that we are going to solve it in a matter of weeks, and that argument will not be effective at that point.

I would suggest that not only is it not irresponsible not to do away with this bill today, it is absolutely the responsible thing to do at this point. It is responsible because we are not bailing out, we are not putting another band-aid on. We are saying that we are not going to dump this whole problem onto the 110th legislature, when they are going to have a 25, 35, 45 million dollar deficit we just can't do that. We have got to take some more time and look more carefully at the problem before we do go out of here.

I would hope that we do not table the bill again, today, and that we do not pass the bill today. I think that the Governor is fully aware that there aren't the votes in either body to enact the present bill. If we do do away with it, we are as ready as we have been for sometime to sit down with the governor, at any time, with the people from transportation in any way that he may want to call on us, we certainly will answer the call.

I do not think that this should be a partisan issue, and I understand that the good Minority Leaders joy in baiting the Senator from Penobscot, but really this is not a partisan issue, this is a problem that we have got to solve. It's a problem that we have been working very closely with the Governor on and we are willing to continue to work closely with him on.

It is just a tough problem that probably isn't going to be solved in the next few days, but we're all heading down the same path together. It's something that we've got to do, I think we can do in the next few weeks.

As the Senator from Augusta pointed out, there is a lot of managerial responsibility here, and more involvement, I think, than we've seen up to this point. So we will solve the problem. I hope we don't put a band-aid on it today. I hope we put this particular bill to rest, because I think that is the responsible thing to do.

On motion by Senator Emerson of Penobscot, 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

Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committee on Local and County Government report out a resolve authorizing and directing the Department of Business Regulation to study and report on current practices relating to siting of manufactured Housing. (H. P. 1954).

Comes from the House, Read and Passed.

Which was read.

On Motion by Senator Katz of Kennebec, tabled for 2 Legislative Days, pending Passage.

(Off Record Remarks)

On Motion by Senator Trafton of Androscoggin, the Senate voted to reconsider its action of earlier in today's session whereby Bill, "An Act to Amend the Probate Code" (S. P. 792) (L. D. 1990) was Passed to be Engrossed.

On Motion by Senator Trafton of Androscoggin, tabled for 1 Legislative Day, pending passage to be Engrossed.

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

Orders of the Day

On Motion by Senator Pierce of Kennebec, adjourned until 1 o'clock tomorrow afternoon.