

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 14, 1980

Senate called to order by the President.

Prayer by the Honorable Harold L. Silverman of Calais.

Senator SILVERMAN: Thank you, Mr. President.

Let us be at ease from the tensions and pressures from the day. In a relaxed manner I would like to relate a small story.

5 months ago I was in Israel, working with a group of 30 teenage young people from England. We were training them in their Hebrew Religious Heritage, and Hebrew Book of Law, in regards to family values, parental values, and responsibilities of building a home life in their future part in life.

One day at sunrise we hiked and climbed from the valley to the Gilboa Mountain Range. It was a 5 hour journey to the mountain summit, and carrying water, provisions and arms, for it is an unstable area near the West Bank, we were somewhat exhausted.

These young men and women on reaching the summit, overlooking the beauty of the farmland and vineyards of the Valley Biet Shann began spontaneously singing an ancient Hebrew melody and prayer.

We, who understood the transformation of the land below that laid desolate and barren for 2,000 years, into the now productive farmland and citrus vineyards of the past 40 years, were somewhat amazed at the young men and women knowing an ancient melody that we had not taught them.

A melody in prayer that had lasted for 2,000 years. From distant land to distant land, from generation to generation, through a history of persecution, assimilation, and at times, almost destruction, was again revived on this mountain range in the land of Israel. I would like to recite this prayer in the English translation. Let us bow our heads.

From the 19th century Rabbi, Sampson Raphael Hirash Edition, Hebrew Dailey Prayer Book, English Translation.

The Lord of the world, who was King before any creature was formed.

At the time when all came into being by his will, his name was proclaimed King.

And even after all things shall come to an end, he alone awesome will remain King, and he was and he is and he will be in glory.

And he is one and there is no second to compare with him, to place beside him.

Without beginning, without end and, His is the power and the dominion.

And he is my God, my living redeemer, a rock in my travail, at the time of distress.

He is my banner and my refuge, the portion of my cup when I call.

To his hand I entrust my spirit, when I sleep and when I wake.

And with my spirit my body also God is with me, I shall not be afraid.

In life on earth, the spirit of man and woman crave a goodness also, even in youth. Amen.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

Bill, "An Act to Require Fire Warning Equipment in all Residential Dwellings." (H. P. 1729) (L. D. 1848)

In the House March 11, 1980, Passed to be Engrossed as amended by Committee Amendment "A" (H-864) as amended by House Amendment "A" (H-878) Thereto.

In the Senate March 12, 1980, Bill and accompanying Papers, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: I move the Senate Recede and Concur.

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

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from York, Senator Farley.

Senator FARLEY: Mr. President and Members of the Senate: Usually I don't support this type of Legislation, mandating somebody to add cost to a dwelling.

I think we ought to look at this particular piece of Legislation though. The Committee Amendment is merely now on multiple dwellings of 2 or more, and any existing apartment building that renovates for more than 20% of the assessed valuation.

We're talking about units, we're talking \$15 and \$20. To build a new multiple dwelling building today, you're talking at least \$50,000 or \$60,000, and to renovate an existing building you're talking another \$15,000 or \$20,000 anyway, if you're taking the 25% factor.

These units only cost about \$15 or \$20 apiece. We may in effect be saving more than the cost of that unit, just in insurance. With the energy crisis ask people to burn wood or to save energy or oil, and people are getting into wood stoves to save those few pennies.

Today's generation don't have the expertise of a lot of our parents' did with wood stoves. You can pick up the paper at least once a week where a house has burned down or something with children because of these wood stoves.

We're giving them incentive to do these things. We ought to, at least, show some responsibility by putting something on the books that would protect these buildings and these lives.

I would hope today that you would Recede and Concur. I think this is a good piece of Legislation. It's one that I think it would make 33 of us look very, very responsible. Thank you very much.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion by Senator Shute of Waldo that the Senate Recede and Concur with the House on L. D. 1848, please rise in their places to be counted.

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

10 Senators having voted in the affirmative, and 16 Senators in the negative, the Motion to Recede and Concur does not prevail.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I move the Senate Adhere.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that the Senate Adhere.

Is this the pleasure of the Senate?

The Motion Prevailed.

Non-concurrent Matter

An Act to Provide for County Self-government. (H. P. 831) (L. D. 1038)

In the Senate March 11, 1980, Passed to be Engrossed as amended by Committee Amendment "B" (H-805) as amended by House Amendment "A" (H-827) Thereto, in concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "B" as amended by House Amendment "B" (H-886), Thereto, in non-concurrence.

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

Senator EMERSON: I move that we Recede

and Concur.

The PRESIDENT: The Senator from Penobscot, Senator Emerson, 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 Concerning Membership on the Board of Trustees of the Van Buren Light and Power District." (Emergency) (H. P. 1607) (L. D. 1718)

In the Senate, February 8, 1980, Placed in Legislative Files pursuant to Joint Rule 22, in concurrence.

Bill Recalled from Legislative Files pursuant to Joint Order (H. P. 1942).

Comes from the House, the Bill Substituted for the Report and subsequently Passed to be Engrossed.

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

Senator DEVOE: Thank you Mr. President. I move the Senate Recede and Concur.

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

Is this the pleasure of the Senate?

The Motion Prevailed.

Joint Orders

Expressions of Legislative Sentiment recognizing:

Katherine Lawlis, of Houlton, who will celebrate the 100th anniversary of her birth on March 11, 1980. (H. P. 1940)

Fort Fairfield High School Ski Team, coached by Dallas McCrea and Clarence Clark, which won the 1979-80 State Class C Ski Championship. (H. P. 1941)

The Caribou High School boys basketball team, runner-up in the 1979-80 Eastern Maine Class A Basketball Championship. (H. P. 1943)

Mae Ophelia Hadlock, of Kezer Falls, who marked the 102nd anniversary of her birth on February 19, 1980. (H. P. 1955)

Come from the House, Read and Passed.

Which was Read and Passed, in concurrence.

Communication
Senate Chamber
President's Office

Honorable Roland L. Sutton

Honorable Jasper S. Wyman

Chairmen, Labor Committee

State House

Augusta, Maine

Please be advised that Governor Joseph E. Brennan is nominating Edward H. Keith of Bangor for reappointment as the public member of the Maine Labor Relations Board and Donald W. Webber of Auburn and Gary F. Thorne of Old Town for reappointment as alternate public members to that same Board.

Pursuant to Title 26 MRSA Section 968, these nominations will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,
S/JOSEPH SEWALL
President of the Senate
S/JOHN L. MARTIN
Speaker of the House
(S. P. 802)

Which was Read and referred to the Committee on Labor.

Sent down for concurrence.

Orders

An Expression of Legislative Sentiment recognizing:

Darcy Arnold, of Stearns High School, the first school-girl to be named to the Bangor Daily News' all-tournament basketball team for 4 straight years. (S. P. 803) is presented by Senator Pray of Penobscot. (Cosponsors: Representatives Marshall of Millinocket and Birt of East Millinocket.)

Which was Read and Passed.
Sent down for concurrence.

Committee Reports House

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

Bill, "An Act to Create an Inland Fisheries and Wildlife Fund and Authorize the Commissioner to Charge other State Agencies for Services Rendered." (H. P. 1826) (L. D. 1930)

Leave to Withdraw

The Committee on Judiciary on, Bill, "An Act Concerning Removal of Sex Bias in Child Support Statutes." (H. P. 1715) (L. D. 1821)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Energy and Natural Resources on, Bill, "An Act to Establish Mandatory Energy Efficiency Building Performance Standards for the State." (H. P. 1712) (L. D. 1818)

Reported that the same be granted leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

Ought to Pass

The Committee on Local and County Government on, RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1980. (Emergency) (H. P. 1947) (L. D. 1995)

Reported that the same Ought to Pass pursuant to Joint Order (H. P. 1676).

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

The Committee on Local and County Government on, RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1980. (Emergency) (H. P. 1948) (L. D. 1996)

Reported that the same Ought to Pass pursuant to Joint Order (H. P. 1676).

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

The Committee on Local and County Government on, RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1980. (Emergency) (H. P. 1949) (L. D. 1997)

Reported that the same Ought to Pass pursuant to Joint Order (H. P. 1676).

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

The Committee on Local and County Government on, RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Waldo County for the Year 1980. (Emergency) (H. P. 1950) (L. D. 1998)

Reported that the same Ought to Pass pursuant to Joint Order (H. P. 1676).

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

The Committee on Local and County Government on, RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1980. (Emergency) (H. P. 1951) (L. D. 1999)

Reported that the same Ought to Pass pursuant to Joint Order (H. P. 1676).

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

The Committee on Local and County Government on, RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1980. (Emergency) (H. P. 1952) (L. D. 2000)

Reported that the same Ought to Pass pursuant to Joint Order (H. P. 1676).

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

Which Reports were Read and Accepted and the Resolves Read Once.

Under Suspension of the Rules, the Resolves Read a Second Time, and Passed To Be Engrossed in concurrence.

Sent down forthwith to the Engrossing Department.

Ought to Pass — As Amended

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Provide for the Education of Preschool Handicapped Children." (H. P. 1756) (L. D. 1882)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-895).

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

The Committee on Taxation on, Bill, "An Act to Equalize the Tax Burden Between Organized and Unorganized Territories for the Purpose of Funding the Maine Forestry District without Cost to the State." (H. P. 1853) (L. D. 1952)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-894).

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 Amend the Maine Securities Act." (H. P. 1779) (L. D. 1901)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-887).

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

The Committee on State Government on, Bill, "An Act to Clarify the Standard of Review for Agency Rulemaking." (H. P. 1768) (L. D. 1890)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-892).

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

The Committee on Judiciary on, Bill, "An Act Concerning Revisions in the Maine Juvenile Code." (H. P. 1847) (L. D. 1951)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-888).

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

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

Under Suspension of the Rules, the Bills, Read a Second Time and Passed to be Engrossed, in concurrence.

Sent down forthwith to the Engrossing Department.

Ought to Pass in New Draft

The Committee on Education on, Bill, "An Act to Clarify the Education Law." (Emergency) (H. P. 1534) (L. D. 1683)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1944) (L. D. 1992).

Comes from the House, the Bill, in New Draft, Passed to be Engrossed as amended by House Amendment "A" (H-899).

The Committee on Education on, Bill, "An Act to Assist Private Secular Schools in Complying with the Federal Handicapped Laws on Program Accessibility." (H. P. 1709) (L. D. 1814)

Reported that the same Ought to Pass in New Draft under New Title: "AN ACT to Assist Schools Receiving Tuition Students in Complying with Federal Handicapped Laws on Program Accessibility." (H. P. 1945) (L. D. 1993)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed as amended by House Amendment "A" (H-900).

Which Reports were Read and Accepted, in concurrence, and the Bills, in New Draft, Read Once. House Amendments "A" were Read and Adopted, in concurrence.

Under Suspension of the Rules, the Bills in New Draft Read a Second Time, and Passed to be Engrossed in concurrence.

Sent down forthwith to the Engrossing Department.

The Committee on Business Legislation on, Bill, "An Act to Define "Expended for Charitable Purposes" in the Charitable Solicitations Act." (H. P. 1659) (L. D. 1768)

Reported that the same Ought to Pass in New Draft under New Title: "AN ACT to Amend the Charitable Solicitations Act." (H. P. 1953) (L. D. 2001)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed as amended by House Amendment "A" (H-898).

Which Report was Read.

On Motion by Senator Pierce of Kennebec, Tabled, Pending Acceptance of the Committee Report.

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act Relating to the Administration of the State Employees Group Accident and Sickness or Health Insurance Plan." (H. P. 1765) (L. D. 1897)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-889).

Signed:

Senators:

AULT of Kennebec
SUTTON of Oxford
MARTIN of Aroostook

Representatives:

KANY of Waterville
LUND of Augusta
BACHRACH of Brunswick
REEVES of Pittston
LANCASTER of Kittery
PARADIS of Augusta
MASTERTON of Cape Elizabeth
BARRY of Fort Kent

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

Signed:

Representatives:

DAMREN of Belgrade
CONARY of Oakland

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

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

The Committee on Fisheries and Wildlife on, Bill, "An Act to Increase Trapping Fees." (H. P. 1833) (L. D. 1937)

Reported that the same Ought to Pass, as amended by Committee Amendment "A" (H-890).

Signed:

Senators:

REDMOND of Somerset
PIERCE of Kennebec

Representatives:

JACQUES of Waterville
MASTERMAN of Milo
PETERSON of Caribou
DOW of West Gardiner
TOZIER of Unity
MacEACHERN of Lincoln

VOSE of Eastport
GILLIS of Calais

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

Signed:

Senator:

USHER of Cumberland

Representatives:

PAUL of Sanford
CHURCHILL of Orland

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

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

The Majority of the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Appropriate Operational Moneys for the Mattawamkeag Wilderness Park." (Emergency) (H. P. 1845) (L. D. 1950)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-896).

Signed:

Senator:

NAJARIAN of Cumberland

Representatives:

JALBERT of Lewiston
CARTER of Winslow
CHONKO of Topsham
DIAMOND of Windham
PEARSON of Old Town
KELLEHER of Bangor
HIGGINS of Scarborough

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

Signed:

Sensors:

HUBER of Cumberland
PERKINS of Hancock

Representatives:

SMITH of Mars Hill
MORTON of Farmington
BOUDREAU of Waterville

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

Which Reports were Read.

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

Sensor HUBER: Mr. President and Members of the Senate: I would move acceptance of the Minority Ought Not to Pass recommendation and would speak briefly to my motion.

The PRESIDENT: The Senator has the floor.

Sensor HUBER: Mr. President and Members of the Senate: This bill as amended, in Report "A" would essentially de-appropriate from the Parks and Recreation Department \$20,000 to provide for funds to tide over the operations of the Mattawamkeag Wilderness Park.

I think this goes against the priority listing of the department. I think it's a bad precedent. This funding was thrown out of the County Budget, by the County Delegation, and very shortly thereafter it was attempted to be inserted into the State Budget.

Although there is not an out and out appropriation on this bill, I think this is a bad precedent to start. I'm sure many other county parks which could be equally eligible for this type of funding. I would hope the Senate would accept the Ought Not to Pass Report.

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

Sensor PRAY: Mr. President and Members of the Senate: It was my understanding that the amendment pointed out that the revenues

would come from the Bureau of Parks and Recreations Snowmobile Account money. Now I'm not positive about this, perhaps the answer to my question could come from the Chairman of the Transportation Committee, the Senator from Penobscot, Senator Emerson.

While we were debating the highway proposal one of the proposals was that we utilize some of the money in the Snowmobile Account. I was under the understanding that the figure was 700 and some odd thousand dollars sitting there. It was my understanding that the money that was to be used for the Mattawamkeag Wilderness Park would come out of that account money. Could somebody let me know if that's where the \$20,000 is coming from?

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

Sensor HUBER: Mr. President and Members of the Senate: The amendment is under Filing H-896, and reads: "The Department of Conservation, Bureau of Parks and Recreation shall expend \$20,000 in the fiscal year '80-'81 only to assist Penobscot County in the operation and maintenance of the Mattawamkeag Wilderness Park."

I think other than specifying the Department of Conservation, the source of these funds is not otherwise specified.

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

Sensor PRAY: Mr. President and Members of the Senate: I know there has been a great deal of in-the-hallway discussion in reference to this bill, but I don't know if there has been very much discussion to the average member of this chamber as to exactly what Mattawamkeag Park itself is, what it exists of and comprises of. So I would just like to take a couple of moments to tell you a little bit about it.

The park itself is in a small town in the Northern part of Penobscot County, just north of Lincoln, in the Senatorial District of the presiding officer. In early 1970 a group of citizens in the town secured a grant from Washington, D.C. to construct the park on this public lot, within the Township of Mattawamkeag.

The park itself is located on the Mattawamkeag River and has about \$250,000 worth of improvement in buildings and other improvements of equal value in roads and trails and one thing or another. The park is utilized year around throughout the winter for snowmobiles. That really is the prelude to my question earlier as to whether or not this money came out of the Snowmobile Account.

It is an attempt, on a one-time basis, to give the town a little bit of breathing room so that they can study other alternatives to funding it. The Penobscot County delegation and a majority saw fit not to fund it, to it's full requirement to keep the park operational so they did leave \$10,000 to allow them to do a little bit of maintenance work, or security work to make sure that everything that's presently in the park is not vandalized, the buildings, and the facilities that are out there.

I would hope that we would not accept the motion made by the Senator from Cumberland, Senator Huber, at this time so that we would have an opportunity to perhaps, if this amendment presently does not take the money out of the \$700,000 that is sitting in the Snowmobile Account, which has never been used, we could look at the possibility of using those funds for some other funds that are available in dedicated accounts that come either from snowmobile registration of the 1/2 of 1% of the gas tax that goes into the Snowmobile Account.

It's my understanding that that money is set and has accumulated on a yearly basis to where it's close to \$1,000,000 at this time. The actions that have taken place in the Legislature pretty much precluded that to be utilized in a solution to the Highway Funding problem, but for \$20,000 to save a half a million dollar investment that government has made up in this section of Maine, I think is a very small request.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion by Senator Huber of Cumberland to accept the Minority, Ought Not to Pass Report of the Committee, please rise in their places to be counted.

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

8 Senators having voted in the affirmative, and 15 Senators in the negative, the Motion to accept the Minority Ought Not to Pass Report does not prevail.

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

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act to Create a Combination Nonresident Hunting and Fishing License." (H. P. 1832) (L. D. 1936)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-891).

Signed:

Sensors:

REDMOND of Somerset
PIERCE of Kennebec
USHER of Cumberland

Representatives:

JACQUES of Waterville
CHURCHILL of Orland
MASTERMAN of Milo
GILLIS of Calais
TOZIER of Unity
DOW of West Gardiner
MacEACHERN of Lincoln
VOSE of Eastport
PETERSON of Caribou

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

Signed:

Representative:

PAUL of Sanford

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

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

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act to Increase Registration Fees for Watercraft." (H. P. 1835) (L. D. 1939)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-872).

Signed:

Sensors:

REDMOND of Somerset
USHER of Cumberland

Representatives:

DOW of West Gardiner
JACQUES of Waterville
TOZIER of Unity
VOSE of Eastport
PETERSON of Caribou
GILLIS of Calais
MASTERMAN of Milo
MacEACHERN of Lincoln
CHURCHILL of Orland
PAUL of Sanford

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

Signed:

Sensor:

PIERCE of Kennebec

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-883), Thereto.

Which Reports were Read.

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

Senator PRAY: Mr. President, an inquiry, are we on L. D. 1939?

The PRESIDENT: The Chair would answer in the affirmative.

Senator PRAY: I move that we accept the Minority Ought Not to Pass Report.

The PRESIDENT: The Senator from Penobscot, Senator Pray, moves that the Senate accept the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of accepting the Minority Ought Not to Pass Report of the Committee, please rise in their places to be counted.

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

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: I request a Roll Call.

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

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

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

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate: Prior to going to the Roll Call, I certainly would be rather interested before debating this bill as to find out what the rationale was from the committee when they decided to increase the registration fees on watercraft 300%. It seems like a radical departure compared to what we have done in the past, on increments. Being fully cognizant of the fact the department is having difficulty, I think for the Record, the members who are in favor of this particular piece of Legislation should tell the rest of us exactly what went on since many of us could not attend the public hearing.

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

The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Mr. President, the Department of Fisheries and Wildlife has to administer the registration of watercraft. They also have to administer the enforcement of the laws on watercraft. So therefore, this is under their jurisdiction.

This year the department is having problems with financing the department. Rather than asking an increase in hunting and fishing licenses which they have been doing traditionally, there is a Joint Select Committee which did a study on this and have come up with many recommendations, some of them, quite a few of them were killed in committee. This is one that was very highly recommended by that Study Committee. This would raise probably \$250,000 maybe for the department. This recommendation was made by that Joint Select Committee. Of course, we had a public hearing on it and it came out Ought to Pass by the Majority of the Committee. Does that answer your questions?

The PRESIDENT: The Chair recognizes the

Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, and Members of the Senate: I thank the good Senator for his explanation. Being aware of one thing, that we have a very, very limited season for boating in the State of Maine, and looking at the average rank and file person who is on a limited income maybe based a great deal on the inflationary fact they're facing in our State and Nation at the present time, and looking at all the other pressures that are being placed upon them, it seems to be the wrong way to approach by hitting the taxpayer once again with a 300% increase for a little bit of leisure time maybe 5 week-ends out of a course of a summer.

It appears to me that there are other mechanisms that are available to the department. If that Joint Committee did their job and was so highly recommended with this idea, that I don't think they have done their job very thoroughly.

When we look at the local taxes that we pay on the watercraft, the insurance we pay for the protection of the people that we might injure, the registration of the boat trailer, this gets to be quite an expensive proposal for the person who works for a weekly income. I would think that this is very definitely a bill that should be indefinitely postponed and should not be pursued any further since there are many other recommendations coming forthwith from that particular department, which might give them the necessary revenues.

I think first and foremost, if I understand my constituency correct, they better start curtailing part of their operation in so far as the number of wardens vs. the number of conservationist, and all the elite prima donnas they have in that particular department.

In that particular case, Mr. President, I think I would move for the Indefinite Postponement of this particular measure and all it's accompanying papers.

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

Senator REDMOND: A point of Order. I would like to tell the good Senator from Androscoggin, that this is not an increase of 300%, because this license is issued for 3 years. This cost of this license was \$5 for 3 years, now it's going to be \$15 for 3 years. So I wouldn't call that 300%.

You have to consider that the Fisheries and Wildlife have the responsibility of enforcing the boat laws and the safety laws that are mandated by the Legislature. They have to go and check to see if the boat has a carpet in it or a pail of sand. If the boat has enough life preservers.

I think that it would be doing a disservice to the department not to continue to fund this operation. You have to realize that the department this year was facing a minus of about \$2,000,000, when this committee was doing the study on it.

One of the bills we have before us today is to allow the department to be able to borrow some money, because there is a million dollars that is not there that used to be there, in anticipation of selling licenses. The only revenue that the department has comes from the sale of fishing and hunting licenses, boat registrations and so forth.

Part of balancing the budget includes forgetting about this million dollar reserve that the department had. This bill would allow in the case of a draught or something where the sportsmen delay in buying their licenses would allow them to borrow some money so they could operate and meet their payrolls and so forth. So I think that it's only reasonable that we pass this bill this morning.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President, Ladies and Gentlemen of the Senate: I have a couple of questions on this bill that maybe the Chairman of the Committee could answer. First, I notice

in the bill the Department of Inland Fish and Wildlife would receive about \$260,000 out of this increase, and the Department of Marine Resources will receive about \$87,000.

Now the Department of Marine Resources hasn't asked for any increased revenue in that department this year. I wonder if the committee considered letting the people that register their boat in the Tidal Waters of the State to register those at a \$3 fee per year vs. a \$5 fee, where we don't need the money.

Also, if you're going to continue to make each boat owner pay \$15 for 3 years, and there's a 60 - 40 split between the Inland Registration and the 40% on the Tidal Waters. Shouldn't the Marine Resources Department be getting a larger percentage of that money? Well it seems they are only getting about 20% of it, 30%. It seems as though they should get 40% if they're going to get any. They really don't need any, so I wonder if we couldn't have a different fee, registration fee for the Tidal Waters than we do for the Inland Waters?

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

Senator REDMOND: In reply to the good Senator from Waldo, Senator Shute, all I can say is that at the work session, the Commissioner on Marine Resources and the Commissioner of Fisheries and Wildlife, while we were working on this bill, they contributed very much to it. The Commissioner of Marine Resources was very well satisfied with the share that he is getting, on this particular watercraft registration issue.

There was no problem whatsoever. He explained that they didn't spend any more money than that. I don't want to go into any details because right off the top of my head I don't know the figures but there was no problem whatsoever, both commissioners were in agreement on it.

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

Senator PRAY: Mr. President, and Members of the Senate, I just want to raise a few points. First of all, it's always good to throw out the argument that enforcement costs money, which we all agree it does, but also, we have to understand how these laws are enforced. The Fish and Game Warden is also required to enforce the hunting and fishing laws. I don't think that too many game wardens run around this State or Coastal Wardens run around this State just on the purpose of being out on the lake to enforce the Boating Registration Laws. They are presently out there enforcing the Fishing Regulation Laws. So they're going to be there whether we increase this fee or if we don't increase this fee.

In reference to the economic situation of the department, believe me I personally can't think of a department that's closer and dearer to me, than the Fish and Game Department. If you remember correctly last year we were told that as of June of this year that the department would run out of money. Then later that was updated and we were told at September of this year, they would run out of money. Now it's my understanding present situations prevailing and no increased fees or anything else comes along that it will be June of next year, that they will run out of money.

Also to the comments of the good Senator from Somerset, Senator Redmond, who I have a lot of respect and admiration for, serving on the Fisheries and Wildlife Committee, and his belief in that department and his position of trying to assure that department of it's continuing ability to operate, is the fact that the department has requested numerous fee increases this year. They haven't just decided that they were going to ask for an increase on boat registrations, as he stated earlier. They have asked for fee increases on trapping which just went under the hammer a minute ago. There were numerous other proposals which have been slowly trickling out of that commit-

tee, one at a time, that have been asking for fee increases, which the committee has decided not to give it.

It's also my understanding that they still have proposals available to them to ask for other increases in the fees because of the numerous requests from the department were so many, and so many different LD's, that there may still be several of these fee increases bills lurking somewhere in the Legislative process.

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

Senator REDMOND: In reply to the request from the good Senator from Penobscot, Senator Pray, and the assumption that the Commissioner of Fisheries and Wildlife had stated that it would be a shortfall tremendously more substantial than there really was. The reason for that is because the Commissioner of Fisheries and Wildlife has implemented some drastic savings measures and he has put a moratorium on buying new equipment, new automobiles. He realized the situation last year. This Legislature enacted a bill that allowed the raise on the fees that we charge for fishing and hunting licenses.

The Commissioner's job was to come back this year and make his recommendations. He did put a moratorium on buying new automobiles because he realized that in the trade-in that he wasn't getting very much for the gas guzzlers. So as it is now for this year, this generated some sizeable amount of money. This is why the balance in the cash flow is much more attractive than he had predicted. So I don't believe though that it means that he has enough money to operate the department, because next year he's going to have to come back and make some adjustments.

There are also many uncertainties that we are betting on. We had a long meeting yesterday, the Committee on Fisheries and Wildlife with various members of the department. We are hoping that the Moose Bill will probably bring a substantial amount of money. We are also hoping that we will have following out this beautiful winter whereby our game have not had any hardships, that we should be well prepared next fall to advertise and get more people hunting and have good results. Therefore, it looks as if the department will not be in too much trouble. However we have taken into consideration that we have to be able to get some revenue out of some of these bills, such as the watercraft one.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Thank you, Mr. President. I don't want to belabor this issue very much longer. The Department of Marine Resources will only receive about 25% of the revenue out of this registration fee increase. As I understand it they have about 40% of the watercraft that will be registered.

If that's true the people operating on the Tidal Waters of the state are subsidizing the inland fisherman, through the subsidy of the registration fee increase that we don't need in that department. So I would like to know from the committee or the chairman if they would be agreeable to having an amendment put on this in Second Reading, allowing a \$3 registration fee for those boats registered in the Tidal Waters of the State. You can put whatever registration fee you want on your inland boats, because they are both registered through the same process, both registered through the Department of Inland Fish and Game.

We realize there is some administrative cost in that. So that's why you're getting some of our money that we should be getting. I think we should be allowed to have our lower registration fee, if we want, in that department.

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

Is there objection?

The Senator has the floor.

Senator REDMOND: Well, all I can say to the good Senator from Waldo, Senator Shute, is that he should have come to the hearing or some of these work sessions. We burnt oil and spent many hours working on this. We had the Commissioner on Marine Resources there, as I have mentioned before, he's satisfied with the distribution of this. If he wants to have all the details, we would have to table this bill so I can gather here all the information and not hold up this session here today, too long, because I have all the information in here, but it would be too long to enumerate that.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the Motion by Senator Minkowsky of Androscoggin, that L. D. 1939 be Indefinitely Postponed, along with it's accompanying papers, please rise in their places to be counted.

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

9 Senators having voted in the affirmative and 12 Senators in the negative, the Motion to Indefinitely Postpone does not prevail.

A Roll Call has been ordered.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Thank you Mr. President, Mr. President, I withdraw my motion to accept the Minority Ought Not to Pass Report.

The PRESIDENT: The Senator from Penobscot, Senator Pray, requests Leave of the Senate to withdraw his motion to accept the Minority Ought Not to Pass Report of the Committee.

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

The PRESIDENT: It is a vote.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: I move we accept the Minority Ought Not to Pass Report, and ask for a Roll Call.

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 motion before the Senate is the Motion by Senator Shute of Waldo that the Senate accept the Minority Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of accepting the Minority Ought Not to Pass Report of the Committee.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the roll.

ROLL CALL

YEA — Hichens, Huber, Martin, Minkowsky, Perkins, Pierce, Pray, Shute, Silverman, Traf-ton.

NAY — Ault, Carpenter, Chapman, Clark, Collins, Conley, Devoe, Emerson, Gill, McBreairty, Najarian, Redmond, Teague, Trotzky.

ABSENT — Cote, Danton, Farley, Katz, Lovell, O'Leary, Sutton, Usher.

10 Senators having voted in the affirmative, and 14 Senators in the negative, with 8 Senators being absent, the Motion to Accept the Minority Ought Not to Pass Report does not prevail.

The Majority Ought to Pass, as amended Report of the Committee, Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" Read. House Amendment "A" to Committee Amendment "A" Read and Adopted, in concurrence. Committee Amendment "A", as amended, by House Amendment

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

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Increase Interest Rates on Judgment Debts. (H. P. 1687) (L. D. 1795)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-804).

Signed:

Senators:

COLLINS of Knox
DEVOE of Penobscot
TRAFTON of Androscoggin

Representatives:

HOBBINS of Saco
JOYCE of Portland
SEWALL of Newcastle
SILSBY of Ellsworth
STETSON of Wiscasset
GRAY of Rockland
SIMON of Lewiston
HUGHES of Auburn

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

Signed:

Representatives:

CARRIER of Westbrook
LAFFIN of Westbrook

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-820), Thereto.

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. House Amendment "A" to Committee Amendment "A" Read and Adopted, in concurrence. Committee Amendment "A", as amended by House Amendment "A" Adopted, in concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Permit the Department of Inland Fisheries and Wildlife to Borrow in Anticipation of Revenues." (H. P. 1836) (L. D. 1940)

Reported that the same Ought to Pass, as amended, by Committee Amendment "A" (H-897).

Signed:

Senators:

HUBER of Cumberland
NAJARIAN of Cumberland

Representatives:

JALBERT of Lewiston
CARTER of Winslow
CHONKO of Topsham
MORTON of Farmington
DIAMOND of Windham
PEARSON of Old Town
KELLEHER of Bangor

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

Signed:

Senator:

PERKINS of Hancock

Representatives:

BOUDREAU of Waterville
SMITH of Mars Hill
HIGGINS of Scarborough

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

Which Reports were Read.

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

Senator PIERCE: Mr. President, I would move that the Senate accept the Minority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves that the Senate accept the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President and Members of the Senate: I would like to explain the proposed amendment, which would be in the other report.

Basically this department has seasonal income. It has, I think, through what I expect is poor planning gone through any available excess funds that formerly were available to the department. They see a cash flow problem in the coming fiscal year. This bill as amended, would allow them to borrow, if in fact they could borrow, up to 10% of their appropriated funds, not from the General Fund, but presumably from banks or whoever else would be willing to loan it to them. This provision would be granted up to 1 year only, simply to tide them through their cash flow problem.

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

Senator PIERCE: Mr. President, I would like to at least share a little concern I have with this bill. Since it's only effective for 1981, it probably doesn't matter a great deal whether we have it or not. It's my understanding that the cash flow situation of the department right now is close to \$3,000,000.

Even by their own projections by next June, which would be June of '81, it would still be about \$800,000. That doesn't count any increase in boat registration fees, which evidently I would expect is going through here. All the other fees, which they aren't figuring in such as the Moose Licenses and so forth.

So their cash flow situation, even in the most dire circumstances that I can think of, having looked into the situation, would never warrant their going out and borrowing. For them to have this authority, I think, gives them a little bit of a false sense security. It takes a management team that has inherited a situation which is not good to begin with, and gives them a tool which not only they don't need, I wouldn't want to see them use. So I would move since it is for that year only, that we wouldn't accept the report and we wouldn't put this law on the books, because I do think it is needless, and I don't think it's beneficial to them in any way.

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

Senator REDMOND: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by Senator Pierce of Kennebec, to accept the Minority Ought Not to Pass Report of the Committee, please rise in their places to be counted.

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

11 Senators having voted in the affirmative, and 12 Senators in the negative, the Motion to accept the Minority Ought Not to Pass Report does not prevail.

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.

Senate

Leave to Withdraw

Senator Gill for the Committee on Health and Institutional Services on, Bill, "An Act to Exempt from Registration Requirement Certain Substance Abuse Counselors Employed in that Capacity Prior to Enactment of those Requirements." (S. P. 767) (L. D. 1960)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.
Sent down for concurrence.

Ought to Pass — As Amended

Senator O'Leary for the Committee on Transportation on, Bill, "An Act Relating to the Licensing of School Bus Operators within 60 Days of Examination and the Timing of Inspections of School Buses by the State Police." (S. P. 737) (L. D. 1916)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-462).

Which Report was Read.

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

Senator MINKOWSKY: Mr. President, in my municipality, since we have a private contractor that handles the busing of our school children would somebody from the committee give me a complete overview of this particular bill so that we can understand exactly what's happening?

On Motion by Senator Emerson of Penobscot, Tabled until later in today's session pending Acceptance of the Committee Report.

Senator Huber for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Making Supplemental Appropriations from the General Fund for the Fiscal Years Ending June 30, 1980 and June 30, 1981, to the Department of the Attorney General for the Defense of Land Claims Asserted by the Passamaquoddy Tribe and the Penobscot Nation." (Emergency) (S. P. 719) (L. D. 1869)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-460).

Which Report was Read and the Bill Read Once. Committee Amendment "A" Read.

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

Senator KATZ: Mr. President and Members of the Senate: This apparently is the money to permit the Attorney General to deal with the Indian Land Claim Case.

Originally it was a sizeable amount of money, the committee has reduced it to \$65,000. It is my understanding that the Attorney General has told the Governor and Joint Leadership that \$65,000 simply is not adequate to his needs in dealing with this sensitive matter. I wonder if this might be tabled for a day until we resolve the question as to whether \$65,000 is or is not enough.

On Motion by Senator Conley of Cumberland, Tabled for 1 Legislative Day, pending Adoption of the Committee Amendment.

Ought to Pass in New Draft

Senator Martin for the Committee on State Government on, Bill, "An Act to Amend the Maine Sunset Law." (S. P. 773) (L. D. 1965)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 801) (L. D. 2005).

Which Report was Read and Accepted, and the Bill, in New Draft, Read Once. Under Suspension of the Rules, the Bill, in New Draft, Read a Second Time, and Passed to be Engrossed.

Sent down for concurrence.

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act to Amend the Maine Guarantee Authority Act." (Emergency) (S. P. 780) (L. D. 1972)

Reported that the same Ought to Pass.

Signed:

Sensors:

AULT of Kennebec
MARTIN of Aroostook
SUTTON of Oxford

Representatives:

LANCASTER of Kittery
BACHRACH of Brunswick
CONARY of Oakland
DAMREN of Belgrade

REEVES of Pittston
PARADIS of Augusta
BARRY of Fort Kent

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

Signed:

Representatives:

KANY of Waterville
MASTERTON of Cape Elizabeth
LUND of Augusta

Which Reports were Read.

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

Second Readers

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

House

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)

Which was Read a Second Time.

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

Senator DEVOE: I present Senate Amendment "C" under filing number S-461 and move it's adoption.

The PRESIDENT: The Senator from Penobscot, Senator Devoe now offers Senate Amendment "C" to L. D. 1988 and moves it's adoption. Senate Amendment "C" (S-461) Read.

The PRESIDENT: The Senator has the floor.

Senator DEVOE: Thank you, Mr. President and Members of the Senate. This Bill would restore language that is presently in the statute, relating to the testing of agricultural commodities.

At the present time it is being done at the experiment station at the University of Maine at Orono.

The Bill would propose to change the word 'shall' to 'may' and to give the Commissioner of Agriculture discretionary authority to order that testing be done at the experiment station at Orono.

That campus has had an experiment station effectively serving the needs of Maine agriculture since around 1890.

There has been some difference of opinion, between the head of the Department of Inspections in the Department of Agriculture and the experiment station at Orono. I think that those differences of opinion have pretty well been worked out, by negotiation as to the price, of testing of commodities.

I would point out that one of the consequences if we adopt this particular section, of L. D. 1988, is that it will make it virtually impossible for the professional staff of that experiment station to plan adequately on a year to year basis, both as to the number of personnel that it ought to hire for the coming fiscal year and also to plan over a period of two or three years for the purchase of testing equipment needed to handle in a professional manner that it has been accustomed, to the testing of commodities.

Members of the Senate it is with some trepidation that I ask you to amend this Bill. I know that the Chairman of the Committee is going to say that the Committee has worked long and hard and I appreciate that fact, but long before we ever had a Performance Audit Committee we had the Experiment Station at the University of Maine at Orono.

If we make it discretionary with the Commissioner of Agriculture what is going to happen is that it is possible that commercial testing labs, will be brought into the business of testing agricultural commodities. I would point out to you that commercial labs are subject to pressure from businesses that an impartial testing lab such as the University of Maine, has at the Experiment Station at Orono, is not subject too.

So for these reasons I would ask your very favorable consideration in accepting Senate Amendment "C". Thank you very much, Mr. President.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreaity. Senator McBREAITY: Mr. President and Honorable members of the Senate. Presently the budget at the Experiment Station at Orono is nearly \$3,000,000. The state inspection service costs us \$134,000. The testing lab, presently is charging \$3.00 per sample for private inspections and around \$15.00 a sample for the Department of Agriculture.

Now the department strongly feels that 'shall' should be taken out, and give a little bit of competition to the University of Maine.

I have no fears that the test won't still continue at the University of Maine, because I think that they can do it cheaper, but I do not think they presently are. So I would hope that you will not accept this amendment today.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President in addition to what the good Senator from Aroostook, has stated relevant to the report of the committee. This would allow the flexibility to the department, to negotiate a contract also with the private sector.

I think estimate that we have, it would be 1/2 the costs or basically an estimate savings of about 1/2 of what we are paying at the present time. I think that it is about time that the University of Maine did have a little competition from the private sector.

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

Senator HICHENS: Mr. President and Members of the Senate: I think today we have another good example of the arguments which I was giving you yesterday, regarding this Audit and Program Review Committee's deliberations.

This was another bill which was heard by the Committee on Agriculture last year. We decided, and the Legislature decided that the word 'shall' should be in that bill. I resent the fact that this committee has taken bills, which I personally think are the priority of the Agricultural Committee and over ruled them on the decisions that they make and Legislation which the Governor has made in previous sessions.

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

Senator McBREAITY: Mr. President and Honorable Members of the Senate: We studied the statutes very carefully before we started our work. We do not believe that we have overstepped our bounds in any area.

We were given the job of trying to make government more efficient and cut out any extra costs or duplications and that is the duties that we have carried out, Thank you.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of Adopting Senate Amendment "C," please rise in their places to be counted.

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

7 Senators having voted in the affirmative and 14 Senators in the negative, Senate Amendment "C" (S-461) Fails of Adoption.

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

Senator EMERSON: I now present Senate Amendment "A" to L. D. 1988 and move it's adoption.

The PRESIDENT: The Senator from Penobscot, Senator Emerson, now offers Senate Amendment "A" to L. D. 1988 and moves it's Adoption.

Senate Amendment "A" (S-457) Read.

The PRESIDENT: The Senator has the floor.

Senator EMERSON: Mr. President and Ladies and Gentlemen. This Senate Amend-

ment "A" would reinstate four positions in order to continue surveillance by the Branding Law Agents of potatoes being shipped out of the State of Maine. The L. D. removes these people.

Maine was once the number 1 producer of potatoes, in volume in the nation. Now it is fourth or fifth. Idaho is number 1.

Maine was once the producer of premium potatoes now the Idaho potato is the premium potato.

Maine production of potatoes is important to Maine's economy. It is gradually being reduced.

The Maine US #1 potato has a poor image in the eyes of the consumer. I hear from my friends and you hear from yours: Why can't we buy a good Maine potato?

Yet in spite of all of this, this L. D. would eliminate the enforcement of the Branding Laws, as imperfect as it is. It is the only tool that there is for any control of potatoes for export to out-of-state markets.

I represent several good size potato farmers, and there are many more in central and southern Maine. They are concerned about the future of the Maine potato industry. They are convinced that the only way to recapture lost markets for Maine potatoes is through better quality.

You will probably hear today, that those farmers are all south of Old Town and therefore not subject to inspection by the Branding Law Agents. This is partially true, however there is an agent in this area who gives some surveillance in storage facilities. In addition most of their producers are Federal Inspected and not subject to further inspection on this end. They would welcome any inspections and they could be carried out in Kittery, and you would be sure to get these people.

You will also probably hear that the majority of these farmers ship processing potatoes. A grade of potato lower than US #1 and that is true. They are willing to institute any kind of a ticketing or reporting program to assure that these potatoes do not reach the fresh market if that is a fear.

In general over Central and Southern Maine the majority of the potatoes are fresh packed or packed for the market.

These farmers that I represent are good farmers, as anyone must be to remain in business today. They are generally prosperous and they intend to be in business for a long time.

They are concerned about the future of the potato industry. They are concerned about the poor image of the Maine potato. They are concerned about losing the only tool, there is for any quality control, with nothing being offered to replace it.

I have heard reference to better programs for control and assuring the customer of getting a better produce. If there is a better alternative and there must be, it should be ready to be offered, when the present one is eliminated.

Recently there was developed a new variety of potato the 'Bell Russ' which has been declared to be the potato that can help recapture Maine's lost markets. A marketing order to control the quality of this potato has been voted in by the farmers. There is no compulsory inspection in this order. The only surveillance to assure control of quality in this potato marketing order is the Branding Law. What will become of this program if the Branding Law is not enforced?

Within less than a year, the Governor has appointed a Commissioner of Agriculture. A man who among his many qualifications for this job has been a farmer and a successful potato grower. This man is dedicated to changing the direction of Maine agriculture particularly the potato industry. This man is dedicated to changing the methods of marketing Maine potatoes, to insure better quality control.

At this time, Branding Law enforcement is the only tool he has available for any quality

control, this man needs this tool, this man wants this tool, and I ask you to seriously consider if you want to take this tool, away, with no better alternatives to offer. I sincerely solicit your support for this amendment.

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

Senator McBREAITY: Mr. President and Honorable Members of the Senate. I rise reluctantly to debate against my good friend, Senator Emerson, because he did invite me to his house last Sunday and we met with his farmers. We both hoped I guess that somebody could convince one or the other to go along together.

First I would like to say, that we are not going to repeal, the Branding Law. We are going to just give it a year of a different operation. Presently in the warehouses many farmers have refused to allow them in. If we continue as we are now, we are going to in the next year definitely have some court action, that will cost both the State of Maine and some farmers who can't afford it, some good cash.

Now I would like to give you a little run down, the only other thing that we are taking out are the truck stops. I would like to give you a little run down on the truck stops and how they are operating, because those truck stops are just a farce, as far as enforcing any kind of quality control.

I'll go through, I guess, I won't need to go through, very much, but starting in November of 1978.

They spend the first week: 3 days Pittsfield, 1 day Old Town. Now they operate from 3 in the afternoon until 11 at night, and their schedule has been exactly the same other than a few days, here that they run 24 hours.

Second week: Old Town 3 days, Pittsfield 1 day. Third week: Pittsfield 4 days, Old Town 1 day. Fourth week: Old Town 3 days, Pittsfield 1 day that is November. December—First week: Pittsfield 4 days, Old Town 1 day. Second week: Old Town 4 days, Pittsfield 1 day.

Now I could go on because they finally in March it is Old Town, Old Town, Old Town, Old Town, the same spot the same hours, the same days, week in and week out. It is exactly the same as through you put one State cop somewhere between here and Allagash, in one of the rest areas told him to enforce the speed law, and told everybody where he was. That is exactly how it is working.

I got something this morning to go a little further with the truck stop. I have a letter here that I got this morning, from the department. Now they do not open trucks, when it is below 10° above 0°. They do not open them, and they told me that and then this letter indicated that even if it might be higher if the chill factor is higher, and there is a wind, then it might even be 20° above.

Now let me give you the average temperatures: December, January, February, and March, for 1978-79. The average temperatures for December were 7.9° above. So many many days, or evenings, or nights, they would not open a truck anyway.

January the average was 7.2°, February 79, it was 4° above. So just imagine the days, and the evenings, and the nights, that you paid out of your tax dollars a bunch of people including the sheriff to sit up here side of the road and do nothing.

Now I could go on but I guess that I won't. I just hope that you won't accept this amendment. I know that Senator Emerson has some farmers and believe me they are good farmers and they told me that day; you know they were alright and they were doing a good job but they wanted to keep the boys in Aroostook in line.

Now I am going to take a little more of your time and give you what a US#1 is that we are shipping out of Aroostook County and what a

processing grade is that they are shipping out of Senator Emerson's district.

This I got from the U.S. Department of Agriculture, Food Safety and Quality Services. I got it from Edmond C. Magnuson Federal Supervisor of the Fresh and Vegetable Inspection.

Now this is a US#1, and one of the problems that we have and one of the reasons that we are getting so many complaints and blaming our farmers in Aroostook County is because they buy a US#1, it is in grade, but they expect to get something better. Now I'll give you US#1. This is the average of a load.

Total defects can be 8% including not more than 5% external, defects, 5% for internal defects, included in the above 5% for external defects not more than 3% dry rot. So a US#1 can be at least 3% dry-rot. Now in that 3%, you can have 1% soft rot. In addition to the above not more than 3% undersize. Now 17/8 inch to start with but you can have 3% undersize. Not more than 10% sprouts, not more than 10% slightly dirty. Total possible defects externally and internally, undersize, dirt and sprouts in any one lot, in any one load, and this is average can still grade US#1. 31%.

Now I won't go through this other side, but it gives you double tolerance in any one bag or you can have 16% and 10%. Down here in addition to all of the above, you can have 6% undersize, no limit on sprouts or the slightly dirt potatoes in any one sample. Now the average in this one bag can be 100% when you add them all up. That is your US#1.

Now the grade that they are shipping out of Senator Emerson's territory, you are allowed 11% double tolerance 1 1/2 inch minimum. You do not score for sunburn until after you have cut 10% away, you do not score a bruise until after you cut 15% away. You do not score for dirt, you do not score for hollow heart, you do not score for scab. Nothing is scored for sprouts. You do not score for cracks or discoloration. That is your two grades.

Now I promise whether I come back or not if this bill, is passed as we drafted it, to come back, with something that will improve that grade that we are putting out, that quality that we are protecting.

Now I am going to give you just a little more, because both loads are not inspected. You can drive by the Federal Branding Law, with bulk loads they do not look at them at all.

Now here is a bag pretty one, say: "Maine Potatoes," but down at the bottom it says, packed, x by AAA Packaging Cooperation Medford, Mass. Now you can have Canadian potatoes come in through the State of Maine. You can ship these processing out of the State of Maine and you can be packed in this bag. Now our branding law doesn't give us much quality control on that. We can pack New York, culls in it, you can pack Massachusetts culls, so we do not have any quality control. I hope that you would not accept this amendment.

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

Senator EMERSON: Mr. President and Ladies and Gentlemen of the Senate: I do not know who wrote the letter to Senator McBreairey explaining how the US#1, is graded or scored, but they did not I am sure, intend to clarify the situation any.

As I see it, the total tolerance in a load of potatoes is 8% in these different categories. There can be a double tolerance in 1 bag, which means 16%. That is what the US Standards for Grades of Potatoes says to me. That letter that he got was not intended I am sure to clarify this situation.

Now so that you will not think that the agents of the Branding Law, are sitting up side of the road in Old Town and playing cards every evening I would like to show you what they did do in the 1978-79 shipping season.

They worked 145 nights, they stopped 8,204 trailer loads, 1,803 of those loads were seed potatoes, which are not inspected, 4,922 of those

loads were inspected at the shipping point, and these potatoes aren't inspected, so that left 1,479 load that they did inspect. Of those they found 83 violations, which were 5.6%.

If the US#1 potato is as bad as Senator McBreairey seems to think that it is, there is somebody sending down stuff that is a lot worse than that.

In January of this year, the marketing news put out that there were 1,400 trailer loads of Maine potatoes that went into market and of those loads there were 798 of them stopped by the Branding Law people. So they are not all getting by the Branding Law people.

Then one more point just to let you know that every farmer in Aroostook County does not agree with the position. The Maine Potato Council, there was an article in the paper the Bangor Daily News, March 12, where there was evidently an opinion poll taken of the officers of the Maine Potato Council. The Maine Potato Council is the potato organization of the Maine Farmers, and those people were split 10 to 10 this article says. I'll read it: "an opinion poll of the Maine Potato Council Officers, reveal a 10/10 split Tuesday on a bill that would end State Branding Law Inspections on Maine potatoes before they reach the market." I could go on and read two or three pages but I do not think that I will at this time, I may have to later. Thank you.

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

Senator MCBREAIRTY: I am not going to take much more of your time, I am just going to give you a run down on one of those loads that they turned back.

I had a fellow come from quite a ways to meet me in Caribou the other day to give me this letter, I am not going to read it. He just says "I have farmed for 35 years I have shipped to the same receiver for 18 years, he likes my potatoes.

Now he sent two loads out, one his own truck and one a hired truck on Sunday afternoon. They turned the hired truck back, now that truck may have been from Florida and he wanted to get back to Florida, he did not want to go back up to Aroostook County we have a hard time getting them there now.

That load of potatoes that they sent back was on pallets, 270 bags to the pallet for 5, and 250 for the other 4. They get back there and the Branding Law is supposed to be there when the truck arrives and is supposed to see it unloaded. He was not there, they held the truck during Monday, they held it part of Tuesday, and finally the inspector called Augusta and got permission to unload the truck.

They took the pallets off from one side the inspector inspected the other side and it passed. It passed. They wracked over about 1,000 or 1,200 bags took out two barrels mostly fresh bruises from rehandling put the potatoes back in the truck and sent it down the road. That cost that fellow, pretty near the whole load, by the time that he paid that truck to go back and paid the rehandling, it cost him about \$1,100 and he got \$13,000, out of the load.

Now this has happened more than once. The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of adopting Senate Amendment "A" to L. D. 1988 please rise in their places to be counted.

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

5 Senators having voted in the affirmative and 15 Senators in the negative, Senate Amendment "A" (S-457) Fails of Adoption.

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

Senator HICHENS: I now present Senate Amendment "D" under filing number S-464 and move it's adoption.

The PRESIDENT: The Senator from York, Senator Hichens now offers Senate Amendment "D" to L. D. 1988 and moves it's adop-

tion.

Senate Amendment "D" (S-464) Read.

The PRESIDENT: The Senator has the floor.

Senator HICHENS: I am not going to repeat my arguments that I presented yesterday in favor of this amendment, but I would like to bring it to your attention again, the letter which was on all of your desks yesterday, and which I presume that many of you read. I would like to have portions of it put on the Record.

It said: "Maine is a good inspection team now and the quality of the State of Maine Inspection is not in question, what is in question is saving money, whether or not the State would save money by shifting the inspection to the Federal Government is moot. Would the Federal Government bring in its own inspectors? Would the state need elsewhere the men who are presently doing the inspection work? Or would it simply create jobs for them? Or would it terminate their employment?"

It is well known in the meat industry that Federal Inspection means increased costs, as one example there is a company in Washington that specialized in expediting routine business between meat packers and the USDA. Dealing with the Federal Bureaucracy has come to this. I would expect the Federal Inspection would eliminate companies and individuals because of increased costs, both daily and in capital expenditures such as building and equipment. Those remaining will be forced to increase prices to cover these costs.

There are only a few slaughterers in the state now. If only one or two more would decide to cease their slaughtering operations the competition for the farmers livestock would be reduced.

It is my understanding that any savings in implementing the new program in the Agricultural Department. It is not certain that there will be any money saved by using this new program, however it is certain that we are sacrificing a good program already in existence.

I think that this chance would work a hardship on the farmer, the small businessman in the meat business, and the consumer. All because we exchanged our good inspection team for a higher priced one with a doubtful savings of money to the State Government."

It was stated yesterday that only a few people are going to be effected if this amendment is not accepted, but I would remind you that there are over a 125 people that tried to crowd into that room, where the bill was heard, 25 people spoke against eliminating the Maine Inspection Law. After several people had left near the close of the hearing a hand count was taken with 75 people expressing that they were against having this taken out of our present laws.

By his own admission Commissioner Smith told me today, that he hopes that this amendment is defeated because he needs the position to implement his Agricultural Bill. If this is the reason that we are getting rid of this it is a poor reason and I hope that you will accept this amendment.

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

Senator MCBREAIRTY: Mr. President, Honorable Members of the Senate, I'll first answer the question as to who will be hired. We had both the Federal and State people at the hearing, and the Federal people tell us that any State Inspector that's on the job now and qualified would definitely be used in Federal Inspection. As far as Doctor Ellis, they had nothing but praise for Dr. Ellis. They said they would be glad to put him on.

There was definitely, definitely before that hearing information put out in the form of a petition that was very, very false and misleading, and did bring a lot of people in. I won't use the time that I could take to read that false information, but if anybody questions it they can have it.

I'm going to read you just a little bit. The people there were not all opposed. I talked with many people that have Federal Inspections, that's very happy with it. They had it by choice.

We had one fellow in, and somebody here must know him, by the name of Don Roy. He said: and I'll just read part of it, and if you want the rest you can have it; "because I feel strongly opposed to 2 inspections," and he underlined that, "systems, within the State, on March 25, 1973 both my plants became Federally inspected. The myth of Augusta compared to Washington as far as information and help is concerned is baloney. The problem in this State of ours with mileage between plants is understandable. I presume that because of the budget the reason why State inspected plants are in the shape they are in today is understandable."

With all the time allotted since 1967, the State of Maine inspected meat plants still have a long, long way to go to comply with equal to Federal in regard to sanitation and facilities."

Now I'll stop and point out right here that's why the bill was passed last year and went through Agriculture Committee, that requires them to be registered, because Ellis told us this same thing. He said I have no tools to date to enforce this, but with this law on the books, as of September 1, these people will have to come up to standard. He admitted they weren't.

"If the State inspected plants, with some exceptions, want to stay in fulltime business, they had better 1: get their act together, 2: spend some money on their establishments, 3: meet equal to requirements."

It is not feasible, sensible or fair to have 2 inspections systems. One favoring the operator who has had no desire to continually improve his establishment, and the other constantly upgrading and improving his sanitation and facilities to make it possible to produce a wholesome product.

If those of you here are sincerely interested in staying in business and willing to comply with Federal Regulations, which this State should be equal to, but isn't, it is not impossible to continue in business in a fair competitive nature. You cannot expect one operator to improve his facilities to stay in business and one operator not to improve facilities and call it Democracy.

Sure, some won't make it, but if a person has the desire to stay in the meat business, it is possible to become Federally inspected, without chaos."

As I told you yesterday, to meet federal standards, if we go under Federal, they will have a year and a half to submit the plans and another year and a half to carry them out.

Now there was one interesting thing that we run into in the review of this meat inspection. I'm sure you all realize that the State of Maine has environmental laws, probably second to none. Still in our review, we found that one State Meat Inspected Plant has a trap door in the floor, slaughters his animals, and kicks everything that he took out in to the stream.

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

Senator HICHENS: Mr. President, I think the good Senator from Aroostook has given us a good reason why we should support this amendment. His talk only refers to the commercial slaughterhouse, not the custom slaughterers that we have throughout the State. As I referred to yesterday that not only refers to the slaughterers, it refers out into the farm areas also, protects those who are buying from the local farmers, and also takes care of Brucellosis problems and the such.

In today's paper or on television last night, we heard about the problem they're having over in New Hampshire right now with some unknown disease that is killing their young calves. I think that this sort of thing is what comes under your meat inspection problems and would be taken care of hopefully through

that.

I have just received a note from the lobbyist from the Farm Bureau. They represent the farmers throughout the State, and he said the Farm Bureau supports this amendment, I hope that that will have a little significance on my arguments today.

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

Senator MCBREAIRTY: Mr. President, the commercial and the custom comes under the same regulations, regardless of whether we stay State or Federal. As far as the blood tests required, the Federal Inspectors are required to take the samples. Some of the custom slaughterers say they pay me to do this, so I'm going to continue to accept that pay, and I'm going to send the samples in. So they both come under the same regulations. Thank you.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of adoption of Senate Amendment "D" to L. D. 1988, please rise in their places to be counted.

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

7 Senators having voted in the affirmative, and 15 Senators in the negative, Senate Amendment "D" (S-464) Fails of Adoption.

The Bill, Passed to be Engrossed, in concurrence.

House — As Amended

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

Which was Read a Second Time.

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

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

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)

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

Bill, "An Act to Promote Hunting, Fishing and Camping in Maine." (H. P. 1829) (L. D. 1933)

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

Bill, "An Act to Revise and Clarify Certain Provisions of the Motor Vehicle Laws." (H. P. 1667) (L. D. 1778)

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

Sent down for concurrence.

Bill, "An Act Relating to Motor Vehicle Warranties and Repairs." (H. P. 1777) (L. D. 1878)

Which was Read a Second Time.

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

Senator PERKINS: I move that L. D. 1878 be tabled for 1 Legislative Day.

The PRESIDENT: The Senator from Hancock, Senator Perkins, moves that L. D. 1878 be tabled for 1 Legislative Day, pending Passage to be Engrossed.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion to Table L. D. 1878 for 1 Legislative Day, please rise in their places to be counted.

Will all those Senators opposed, please rise in

their places to be counted.

14 Senators having voted in the affirmative, and 7 Senators in the negative, the Motion to Table for 1 Legislative Day, pending Passage to be Engrossed does prevail.

Senate

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 was Read a Second Time.

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

Senator PIERCE: Mr. President, I present Senate Amendment "A" under Filing Number S-463 and move it's adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce now offers Senate Amendment "A" to L. D. 2004 and moves it's adoption.

Senate Amendment "A" (S-463) Read and Adopted.

The Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

Bill, "An Act to Provide Funds for Residential Energy Conservation." (S. P. 766) (L. D. 1963)

Which was Read a Second Time.

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

Senator NAJARIAN: Mr. President, I present Senate Amendment "A" to L. D. 1963 and move it's adoption.

The PRESIDENT: The Senator from Cumberland, Senator Najarian, now offers Senate Amendment "A" to L. D. 1963 and moves it's adoption.

Senate Amendment "A" (S-465) Read.

The PRESIDENT: The Senator has the floor. Senator NAJARIAN: Mr. President, and Members of the Senate, this amendment simply deletes from this bill the phrase moderate income and restores a section of the Maine State Housing Law which was removed in the Sunset Bill. That section simply permits them to continue to gather housing data for their own internal purposes.

Senate Amendment "A" Adopted.

The Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

Senate — As Amended

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

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)

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 Expand the State's Tourism Promotion Effort. (H. P. 1680) (L. D. 1789)

AN ACT to Expand the State's Industrial Development Promotion Program. (S. P. 695) (L. D. 1831)

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

AN ACT Broadening the Elderly Tax and Rent Refund Act to Include Persons who are Currently Married as well as Unmarried under the Eligibility Standards. (H. P. 1653) (L. D. 1762)

On Motion by Senator Katz of Kennebec, Tabled until later in today's session, pending Enactment.

AN ACT Concerning the Temporary Certification of Driver Education Teachers. (H. P. 1894) (L. D. 1967)

AN ACT to Permit the Department of Transportation to Acquire Railroad Operating Equipment. (H. P. 666) (L. D. 1720)

AN ACT to Provide Broad Public Representation on the Board of Pesticides Control and to Improve the Level of Information Available to it and the Public. (H. P. 1891) (L. D. 1966)

AN ACT Concerning the Membership of the State Energy Resources Advisory Board. (S. P. 702) (L. D. 1838)

AN ACT to Amend the Kennebunk, Kennebunkport and Wells Water District Charter to Include the Town of Ogunquit. (H. P. 1821) (L. D. 1949)

Which were Passed to be Enacted and having been signed by the President were by the Secretary presented to the Governor for his approval.

AN ACT to Clarify the Law Concerning Income Taxation of Servicemen who are Maine Residents. (H. P. 1749) (L. D. 1865)

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

AN ACT Relating to Group Self-insurers under the Workers' Compensation Act. (H. P. 1747) (L. D. 1863)

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

Emergency

AN ACT to Permit the Public Utilities Commission to Include in the Fuel Adjustment Clause Capacity Purchases from Small Power Producers and Cogenerators. (H. P. 1739) (L. D. 1857)

Emergency

AN ACT to Clarify the Administration of the Department of Manpower Affairs. (H. P. 1762) (L. D. 1888)

Emergency

AN ACT to Appropriate Funds to the Health Facilities Cost Review Board. (S. P. 736) (L. D. 1915)

These being emergency measures and having received the affirmative votes of 22 members of the Senate, with No Senators voting in the negative, were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Orders of the Day

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

HOUSE REPORTS—from the Committee on State Government — Bill, "An Act to Expand the Kinds of Projects Eligible for Financing Under the Municipal Securities Approval Act." (H. P. 1767) (L. D. 1898) REPORT A — Ought to Pass as Amended by Committee Amendment "A" (H-859); REPORT B — Ought to Pass as Amended by Committee Amendment "B" (H-860)

Tabled—March 13, 1980 by Senator Ault of Kennebec.

Pending—Acceptance of a Report.

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

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

SENATE REPORTS—from the Committee on State Government — Bill, "An Act to Create a Board for Barrier Free Design." (S. P. 692) (L. D. 1812) REPORT A — Ought to Pass in New Draft in New Title, "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); REPORT B — Ought to Pass in New Draft in

New Title, "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); REPORT C — Ought Not to Pass.

Tabled—March 13, 1980 by Senator Katz of Kennebec.

Pending—Acceptance of a Report.

On Motion by Senator Gill of Cumberland, Retabled for 1 Legislative Day.

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

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)

Tabled—March 13, 1980 by Senator Ault of Kennebec.

Pending—Passage to be Engrossed.

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

On Motion by Senator Ault of Kennebec, the Senate voted to reconsider its action whereby Committee Amendment "A" was Adopted.

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

Senator AULT: Mr. President, I offer Senate Amendment "A" to Committee Amendment "A" under Filing Number S-469 and move its adoption.

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

Senate Amendment "A" (S-469) Read and Adopted.

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

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

Sent down for concurrence.

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

Bill, "An Act to Amend the Health Facilities Information Disclosure Act." (S. P. 732) (L. D. 1912) (Emergency)

Tabled—March 13, 1980 by Senator Pierce of Kennebec.

Pending—Enactment.

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

Senator HICHENS: Mr. President, and Members of the Senate, the Health Facilities Disclosure Act passed by the 108th Legislature was an attempt to reduce hospital costs by monitoring their budgets.

I read the report of the debate in the Legislative Record with great interest, and was amused to find that a tale by Dr. Zeuss, a children's author, was quoted. It seems that there was a town bee-watcher whose watch evidently did not improve the work of the bees, so a bee-watcher, watcher was appointed, but he didn't do very well either so finally all the citizens ended up on the watch, watches, watchering, watch. This tale was a very close parallel to the Disclosure Act, which created a Governor appointed Cost Review Board, and from the private sector a Voluntary Budget Review organization to watch hospitals budgets and each other. This act will sunset in 1982.

The little bill before us, L. D. 1912, adds a few more controls to that act, creates a little more paperwork, and increases the total cost to the hospitals a bit.

I have been asked to give my reasons for opposing this bill. The bill isn't very important, but my reasons are, to me, as they are matters of principle. I too, will use the work of Dr. Zeuss, by way of illustration.

This story concerns a king who was impatient with what came naturally out of the sky, snow, fog, rain and sunshine. So he asked his magicians to create a new substance. They worked very hard in committee and invented

oblek. At first it was just a pale green wispy cloud, but soon became vicious little green droplets, gummy, sticky, and threatening. In no time it was coming from the sky in such amounts, that it clogged up, stuck up, and strangled all activities in the kingdom, a really appalling mess this oblek. I suggest that hospitals and health care facilities are in an oblek condition today, caused by Federal and State Controls and paperwork.

The king seeing the error of his ways stopped them from falling and caused it to melt away by simply saying "I'm sorry", though that isn't easy for kings to say. This won't work for us but we can make a start today by refusing to impose any more oblek on our Health Care Facilities.

Some said that the Cost Review Board was created to prevent Federally mandated Medical Cost Review Processes being forced upon us. This argument and reasoning is used too often, and generally by those who wish to get State Controls on the books.

Incidentally since the Health Disclosure Act was passed in 1978, that threatening Federal scheme from which we were told we had to protect ourselves has been defeated twice in Congress. Secretary Califano who proposed it has been replaced. So much for defensive Legislation, except, and this is the sad part, we are stuck with a bill costing our hospitals over \$300,000 a year in Budget Review Cost.

Hospitals are in business for just one reason, to care for sick people. Yet in Maine hospitals contend that 10 to 18% of all paperwork is regulatory. This is just the paperwork demanded by government, not paperwork related to the care of the patients. The cost of this paperwork to the hospitals in Maine in 1979 was a staggering 6.6 million dollars.

Read, as I have, Representative Bachrach's testimony March 16, 1978 in relation to this act we are being asked to amend. She lists those boards, commissions, agencies and departments, regulating restricting and generally overseeing the conduct and cost of our hospitals. It is appalling!

Many of these controls are imposed by people whose only connection with hospitals is having been born in one. Bear in mind that these regulations are not at risk for expenses caused by the regulations.

Specifically L. D. 1912 gives the Cost Review Board powers refused to it by the 108th, a fact I learned from reading the earlier debate, not brought out at our hearing. They wish to control the methods by which the voluntary Budget Review Organization arrives at its conclusion, rather than being content with its performance and findings.

The bill changes the arrangement of payment of fees by the hospitals of having their budgets reviewed. The bill also asks for additional discharge data going back to 1972. Though not in operation for even a year the Board wants to change the rules without really giving the present plan a chance to work.

It's difficult to say whether any purpose other than a cosmetic one is actually being served, because contracts with Medicare, Medicaid, Blue Cross and other third parties make up 90% of our income and payments, there was really very little to review anyway.

Many of those testifying at the hearing stressed urgency, claiming that the Board cannot do its work until these changes are made. Yet it is interesting to note that the Governor evidently did not consider the mission of this Board or the appointments of its members urgent at all. Because of slowness in making appointments the Board did not start work until April, 6 months after the Governor took Office, and the Board was not actually complete until December.

I believe, of course, that we should make a constant and consistent effort to improve health care within our means. We must also get Federal and State Regulations, cost and paper-

ROLL CALL

work off the back of our hospitals. I move the Indefinite Postponement of this bill and all its accompanying papers.

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

Senator GILL: I would ask the Members of this body to vote against that motion, when it comes time to vote.

This particular piece of Legislation, this Legislation that we have before us now came about because of the delay in implementing the Board. The Legislation that was passed in 1978 became effective in July of '78. The first meeting of the Board did not occur until April of 1979, and the full membership has only been aboard since December of '79. They have not had a chance to work effectively as a Board until between April and December of '79. Within their work in trying to reduce at cost and look at hospital data that have come up with areas that we didn't address in the original L. D. the original bill that was passed in 1978.

All it comes before us to do is clarify those particular sections that need to be clarified. I don't want to take time, it's getting late this afternoon, but I might explain one area where we tried to clarify a little bit. There's one portion of the bill that talks about Voluntary Budget Review Organization, means a non-profit organization established to conduct reviews of budgets of hospitals to determine that prospectively determined rate and charges are reasonably just and reasonably related to reasonable financial requirements.

Now, if anyone could explain the way this was written and what it actually means, there seems to be a lot of cloudy area in there and we tried to define just exactly what we were talking about. That's what they did in the bill. They came out and they explained exactly what reasonable financial requirements are. We deleted that language in there and we put in language that was very easy to understand.

We also had an area of the bill dealing with fees. We're allowing the Boards now to charge a fee for any review of a hospital. Only because hospitals coming before this Board have not in the past had to pay anything, so they have been going to the State Organization. By going to this Board they're getting away without paying and they're by passing the normal operation of things.

So it's only fair that when they are being reviewed by one or the other, they should be treated the same by either one of them. Everyone was in agreement with the language that we came out with in this bill. We did work with the hospital people. Again I know my committee has been accused before of letting other people, by Senator Pray, by letting other people come up with our language. We find in a particular instance like this, that if we get all parties together and come out with a reasonably acceptable piece of legislation that it really works very well. We did just this with this piece of Legislation. We brought all parties involved in together and we asked them to sit down and see what would be acceptable to all of them. It was acceptable to most of the committee and it was acceptable to them.

So I think it's just an opportunity for the hospitals to better look at themselves to try to reduce the cost before rate setting is put upon us by the Federal Government.

On Motion by Senator Conley, of Cumberland, tabled for 1 Legislative Day. Pending the motion by Senator Hichens of York.

The Chair laid before the Senate the fifth 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 13, 1980 by Senator Katz of Kennebec.

Pending—Final Passage.

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

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

Bill, "An Act to Amend Allocations from the Highway Fund for the Fiscal Years from July 1, 1979 to June 30, 1980 and from July 1, 1980 to June 30, 1981, Decrease the State Aid Bonus from 40% to 20%, and Revise Drivers' License and Examination Fees." (Emergency) (H. P. 1723) (L. D. 1827)

Tabled—March 13, 1980 by Senator Emerson of Penobscot.

Pending—Motion of Senator Katz of Kennebec that Bill and Papers be Indefinitely Postponed.

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

Senator EMERSON: I don't intend to debate this thing today, but I would like to inquire through the Chair, what will happen procedurally if this is Indefinitely Postponed?

The PRESIDENT: The Chair would advise the good Senator from Penobscot, Senator Emerson, that the bill would thence wing its way back to the House of Representatives in non-concurrence, if the motion to Indefinitely Postpone does prevail.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I promised the good Majority Floorleader that I would not raise my voice today on this particular item. When the vote is taken I request it be taken by the Yeas and Nays.

The PRESIDENT: The Chair would advise the good Senator from Cumberland, Senator Conley, that a Roll Call has previously been requested by the good Senator from Kennebec, Senator Katz, although same has not as yet been ordered.

The Chair recognizes the Senator from Penobscot, Senator Emerson.

Senator EMERSON: If this bill is Indefinitely Postponed, in this body today, will it be in effect, killed, never to be resurrected?

The PRESIDENT: The Chair would advise the Senator in the negative. The Chair would advise the Senator it is very difficult at times to permanently kill Legislation.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, a parliamentary inquiry, if we did kill the proposal today, under the motion from the Senator from Kennebec, Senator Katz, and the House Receded and concurred, then the fears of the Senator from Penobscot, Senator Emerson, would be correct. Is that not correct?

The PRESIDENT: The Chair would answer, if that were to happen, the Senator's assumption is probably correct.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, I would also presume if that scenario were pursued and the House did Recede and Concur, it would show something less than overwhelming support for the Legislation by Members of either body.

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

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

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

The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Katz, that L. D. 1827 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.

YEA—Ault, Chapman, Collins, Devoe, Gill, Hichens, Katz, McBreaarty, Perkins, Pierce, Redmond, Shute, Silverman, Teague, Trotsky. NAY—Clark, Conley, Emerson, Huber, Martin, Minkowsky, Najarian, Pray, Trafton. ABSENT—Carpenter, Cote, Danton, Farley, Lovell, O'Leary, Sutton, Usher.

15 Senators having voted in the affirmative, and 9 Senators in the negative, with 8 Senators being absent, the Motion to Indefinitely Postpone does prevail.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, I move reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves the Senate reconsider its action whereby it voted to Indefinitely Postpone L. D. 1827.

Will all those Senators in favor of reconsideration, please say Yes.

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion to Reconsider does not prevail. Sent down for concurrence.

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

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

Tabled—March 13, 1980 by Senator Trafton of Androscoggin.

Pending—Passage to be Engrossed.

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

Senator TRAFTON: Mr. President, I now offer Senate Amendment "B" under Filing Number S-466 and move its adoption.

The PRESIDENT: The Senator from Androscoggin, Senator Trafton, now offers Senate Amendment "B" to L. D. 1990 and moves its adoption.

Senate Amendment "B" (S-466) Read.

The PRESIDENT: The Senator has the floor.

Senator TRAFTON: Thank you, Mr. President. Mr. President and Members of the Senate, this is a very brief amendment, but I think it's very much in keeping with the underlying tenant of the whole newly Enacted Probate Code, which is to eliminate routine probate and administrative procedures that cause unnecessary delay and expense. This amendment before you today removes the mandatory requirement for bonding.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of adoption of Senate Amendment "B" to L. D. 1990, please rise in their places to be counted.

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

17 Senators having voted in the affirmative, and 6 Senators in the negative, Senate Amendment "B" (S-466) is Adopted.

The Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

The Chair laid before the Senate:

Bill, "An Act Relating to the Licensing of School Bus Operators within 60 Days of Examination and the Timing of Inspections of School Buses by the State Police." (S. P. 737) (L. D. 1916), tabled earlier in today's session by Senator Emerson of Penobscot, pending acceptance of the Committee Report.

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

Senator EMERSON: Mr. President, in explanation of L. D. 1916 and the amendment. The part relating to 60 day examination of school bus drivers has been stricken from the bill.

There has been a section added regarding requirements for a school bus driver, and the sec-

tion says that the school bus driver shall not be a habitual offender as defined in Section 22292.

The other section is regarding inspection of school buses. School buses go through an inspection procedure the same as other cars. In addition to that there is a voluntary inspection by the school bus owners by the State Police. This would make the volunteer inspection compulsory, two inspections a year compulsory by the State Police.

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

Senator MINKOWSKY: Thank you very much, Mr. President, and I would like to thank the good Senator from Penobscot, Senator Emerson, for his explanation.

I also was wondering about what I classified as an inconsistency since this bill has been before the Legislature about 3 different sessions, I remember so far.

In the first paragraph it states that such an examination by the Secretary of State shall prescribe that he determine his ability to operate the specific vehicle.

Mr. President, what I was referring to, it appeared, at least in my interpretation that if a person failed an examination he would not be eligible to drive a school bus carrying school children, but on the other hand, if this person under Section 2, "this section shall not apply to a substitute or occasional driver who is not regularly employed as a school bus operator."

Now what I'm thinking here if I did not pass an examination as a regular full time driver, carrying school children, I could qualify as a substitute or occasional driver.

Then the other concern I had with that particular bill, Mr. President, was we are talking of an \$8 fee for the examination. You must bear in mind that many of these private operators have many people take that examination, as apparently very common now that many of them do fail. Not only are we talking of the cost of the fee. We're talking of the cost of the equipment going down to the location to take the examination.

In fact, in one of my recollections recently we had sent a private operator had sent a school bus down to a location in Topsham for an examination. After they got down there and paid their fee, they were told they could not utilize that particular bus because even though it was designed for a school bus, it was not painted the school bus colors. So these people all had to come back, then take their examination all over again.

I am just wondering if this is basically a local problem that the good Senator had that sponsored the bill, in this area. It really doesn't apply to the rest of the State of Maine.

Another part that I wonder about is on the second page of the bill, the record shall include the drivers name, date of birth, and the date on which he was engaged in the operation of the school bus. Maybe some explanations could be given as far as that is concerned.

It seems also that we are imposing a great deal upon the free enterprise system of these people who have got buses to keep mandating all the time.

Even the Statement of Fact is inconsistent, it says, basically in one part here that the private operators are not complying but on the other hand it states, that since this practice is not at this time law, some private owners of school bus lease refuses to allow their buses to be inspected by the officers of the State Police. On the other hand it makes it clear that the State Police inspection is accepted generally with enthusiasm throughout the State. If the greatest majority of these private operators accept the State Police mandate for those inspections with enthusiasm then what is the problem?

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

Senator EMERSON: Mr. President and Ladies and Gentlemen. I am not sure that all of

Senator Minkowsky's fears are justified, because the amendment struck out section 1, and section 2, it did leave in section 3.

As I understood it there was perhaps 1 or 2 instances when this was necessary. There was some contract carrier in the Southern part of the State that would not allow his buses to be inspected by the State Police. They felt that they should be.

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

Senator MINKOWSKY: For a lack of a quorum I move that this item be tabled until the next legislative day.

The PRESIDENT: The Chair would advise the Senator that he is debating a tabling motion.

On Motion by Senator Conley of Cumberland, Retabled for 1 Legislative Day, pending Acceptance of the Committee Report.

The Chair laid before the Senate:

Bill, "An Act Broadening the Elderly Tax and Rent Refund Act to Include Persons who are Currently Married as well as Unmarried under the Eligibility Standards." (H. P. 1653) (L. D. 1762) tabled earlier in today's session by Senator Katz of Kennebec.

Which was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

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

Senator CONLEY: I move that the Senate stand Adjourned until Saint Patrick's Day, on Monday, March 17, at 9:30.

On Motion by Senator Conley of Cumberland, adjourned until Saint Patrick's Day, Monday, March 17, 1980 at 9:30 o'clock in the morning.