

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 17, 1980

Senate called to order by the President.

Prayer by the Honorable Gerard P. Conley of Portland.

Senator CONLEY: May the good Lord bless this Senate today, and all those who walk and work therein. May that blessing spread like a lilt of Irish laughter across the land.

Like nature herself today we'll all be awa-rin'-o'-the green, and great St. Pardrick of Old Armaugh, if ye not be exhausted, with the tall tales told today, and the tiplin, the toppin,' and the brawlin' that sometimes besmirch your festal day, will ye kindly ask the Lord for all of us, Erin's sons and daughters of every race, and particularly those that face election, that he might give us a goodly share of the luck of the Irish. Amen.

Reading of the Journal of yesterday.

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

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

(Off Record Remarks)

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

(Off Record Remarks)

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

Bill, An Act to Establish an Environmental Health Program." (S. P. 698) (L. D. 1834)

In the Senate March 10, 1980, the Minority Ought Not to Pass Report Read and Accepted.

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (S-435) as amended by House Amendment "A" (H-885) Thereto, in non-concurrence.

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

Joint Orders

Expressions of Legislative Sentiment recognizing:

The descendants of patriarch Joseph Simon Daigle, who will be honored by the St. John Valley during 1980 Acadian Festival Week, June 21 to June 29, 1980. (H. P. 1959)

Frederick "Red" Barry of Bangor, widely known and respected as an educator, coach and one truly gifted in dealing with youth. (H. P. 1957)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

WHEREAS, the trucking industry's continued vitality in Maine is important in our rural State; and

WHEREAS, many Maine trucking companies have been forced to compete with foreign trucking companies which garage and maintain trucks in this State without obtaining Maine registrations for their trucks; and

WHEREAS, the laws governing the issue of which corporations involved in trucking are residents or domiciliaries of this State for taxation and regulatory purposes are ambiguous and difficult to enforce; and

WHEREAS, the State of Maine and its municipalities may be losing substantial revenue due to the regular operation of foreign trucking

companies in this State without concomitant tax liabilities; and

WHEREAS, the equitable regulation of that industry and its operations to assure that no segment of that industry obtains an unfair advantage in this State should be encouraged; and

WHEREAS, a thorough study of the ramifications of the State of Maine becoming a party to the International Registration Plan has never been undertaken; now, therefore, be it

ORDERED, the Senate concurring, subject to the Legislative Council's review and determinations hereinafter provided, that a Select Committee on the Regulation of Foreign Trucking companies operating in this State is created, composed of 8 members, as follows: Two members of the Joint Standing Committee on Transportation, one of whom shall be a Representative appointed by the Speaker of the House of Representatives and one of whom shall be a Senator appointed by the President of the Senate; 2 members of the Joint Standing Committee on Taxation, one Representative and one Senator appointed by the Speaker of the House of Representatives and President of the Senate; one member representing the Maine Motor Transport Association selected by that association; one member representing the Department of the Secretary of State, Motor Vehicle Division, appointed by the Secretary of State; one member representing the Maine Municipal Association selected by that association; one member representing the Public Utilities Commission appointed by the Chairman of the Public Utilities Commission; and be it further.

ORDERED, that the committee study the administration and enforcement of laws dealing with the regulation and taxation of foreign and resident trucking companies in the State of Maine; and be it further

ORDERED, that the committee consider, among other issues, the feasibility of Maine's entry into the International Registration Plan and other alternatives to assure that Maine companies are not in a disadvantageous position when competing with foreign companies operating in this State; and be it further

ORDERED, that the committee report its findings and recommendations, together with all necessary implementing legislation in accordance with the Joint Rules, to the Legislative Council, for submission in final form at the First Regular Session of the 110th Legislature; and be it further

ORDERED, that the committee hold its organizational meeting upon the call of the President of the Senate and shall choose a chairman from its membership and shall organize its study at that time; and be it further

ORDERED, that the members of the committee shall serve without compensation, but may be reimbursed for their reasonable expenses in attending meetings, procuring supplies, correspondence and other selected matters, subject to the approval of the Legislative Council; and be it further

ORDERED, that the Legislative Council, before implementing this study and determining an appropriate level of funding, shall first ensure that this directive can be accomplished within the limits of available services, that it is combined with other initiatives similar in scope to avoid duplication and that its purpose is within the best interests of the State; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order be forwarded to the chairmen of the Joint Standing Committee on Transportation and the other organizations to be represented on this select committee. (H. P. 1958)

Comes from the House, Read and Passed.

Which was Read.

On Motion by Senator Katz of Kennebec, Tabled, pending Passage.

House Paper

Bill, "An Act to Amend the Charter of the Limestone Water and Sewer District." (H. P. 1960) (L. D. 2008)

Reference to the Committee on Public Utilities is suggested.

Comes from the House, Passed to be Engrossed without reference to Committee.

On Motion by Senator Devoe of Penobscot, Tabled for 1 Legislative Day, pending Reference to Committee.

**Communications
Committee on Judiciary**

March 14, 1980

The Honorable Joseph Sewall
President of the Senate of Maine
State House
Augusta, Maine

Dear President Sewall:

In accordance with 3 M.R.A., Chapter 6, Section 151, and with Joint Rule 38 of the 109th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Charles D. Devoe to the position of Commissioner of the Workers' Compensation Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 109th Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the roll with the following result:

YEAS: Senators 3
Representatives 4
NAYS: Senators 0
Representatives 0

ABSENT:
Senators 0
Representatives 6—Reps. Hughes,

Joyce, Carrier, Laffin, Silsby, Stetson.

7 members of the Committee having voted in the affirmative and 0 in the negative, it was the vote of the Committee that the nomination of Charles D. Devoe be confirmed.

Sincerely,
S/SAMUEL W. COLLINS, Jr.

Senate Chairman

S/BARRY J. HOBBINS

House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of Charles D. Devoe be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Judiciary be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th Legislature, the vote will be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

YEA—None.

NAY—Ault, Carpenter, Chapman, Clark, Collins, Conley, Cote, Devoe, Emerson, Gill, Hichens, Huber, Katz, McBairty, Minkowsky, Najarian, O'Leary, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Trotzky, Sewall.

ABSENT—Danton, Farley, Lovell, Martin, Perkins, Usher.

No Senators having voted in the affirmative and 27 Senators in the negative, with 6 Senators being absent and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Charles D. Devoe is confirmed.

Committee on Judiciary

March 14, 1980

The Honorable Joseph Sewall
President of the Senate of Maine
State House
Augusta, Maine

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 109th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of John L. Batherson to the position of Judge of the District Court of Maine.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 109th Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The committee Clerk called the roll with the following result:

YEAS: Senators 3

Representatives 4

NAYS: Senators 0

Representatives 0

ABSENT: Senators 0

Representatives 6—Reps. Hughes,

Joyce, Carrier, Laffin, Silsby and Stetson.

7 members of the Committee having voted in the affirmative and 0 in the negative, it was the vote of the Committee that the nomination of John L. Batherson be confirmed.

Sincerely,

S/SAMUEL W. COLLINS, Jr.

Senate Chairman

S/BARRY J. HOBBS

House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of John L. Batherson be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Judiciary be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th Legislature, the vote will be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.
The Secretary will call the Roll.

ROLL CALL

YEA—None.

NAY—Ault, Carpenter, Chapman, Clark, Collins, Conley, Cote, Devoe, Emerson, Gill, Hichens, Katz, McBreaity, Minkowsky, Najarian, O'Leary, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Trotzky, Sewall.

ABSENT—Danton, Farley, Huber, Lovell, Martin, Perkins, Usher.

No Senators having voted in the affirmative and 26 Senators in the negative, with 7 Senators being absent, and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of John L. Batherson is confirmed.

Committee on Health & Institutional Services

March 14, 1980

The Honorable Joseph Sewall
President of the Senate
State House
Augusta, Maine
Dear President Sewall:

The Committee on Health and Institutional Services is pleased to report that it has completed all business placed before it by the second regular session of the 109th Maine Legislature.

Total Number of Bills Received in Committee

15

Unanimous Reports

11

Ought To Pass

3

Ought To Pass As Amended	4
Ought To Pass In New Draft	1
Ought Not to Pass	0
Leave To Withdraw	3
Divided Reports	4
Total Number of Amendments	8
Total Number of New Drafts	1
Total Number of Carry-Over Bills	1

Sincerely yours,

Senator Barbara A. Gill

Chairman

Which was Read and Ordered Placed on File.

Orders

An Expression of Legislative Sentiment recognizing: Lillian Wall, of Sonogee, winner of the Jefferson Award for years of public service on behalf of handicapped children. (S. P. 805) is presented by Senator Perkins of Hancock. (Cosponsor: Representative Bunker of Gouldsboro.)

Which was Read and Passed.

Sent down for concurrence.

(Senate at Ease)

The Senate called to Order by the President.

Committee Reports

House

Ought to Pass

The Committee on Energy and Natural Resources on, Bill, "An Act Adopting the Voluntary Energy Efficiency Building Performance Standards" (H. P. 1913) (L. D. 1978)

Reported that the same Ought to Pass.

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

Which Report was Read and Accepted, in concurrence, and the Bill Read Once, and Assigned for Second Reading, later in today's session.

The Committee on Energy and Natural Resources on, RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands, Georgia-Pacific Corporation. (H. P. 1895) (L. D. 1971)

Reported that the same Ought to Pass.

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

Which Report was Read.

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

The Committee on Local and County Government on, Bill, "An Act to Revise the Salaries of Certain County Officers." (Emergency) (H. P. 1946) (L. D. 1994)

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

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-913)

Which Report was Read and Accepted, in concurrence, and the Bill Read Once. House Amendment "A" was Read and Adopted, in concurrence, and the Bill, as amended, Assigned for Second Reading, later in today's Session.

Ought to Pass — As Amended

The Committee on Public Utilities on, Bill, "An Act Relating to the Provisions of the Charter of the Brunswick Sewer District." (H. P. 1707) (L. D. 1810)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-903)

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

The Committee on Public Utilities on, Bill, "An Act Increasing the Indebtedness of Veazie Sewer District and Amending the Charter of Veazie Sewer District." (H. P. 1820) (L. D. 1948)

Reported that the same Ought to Pass as amended by Committee Amendment "A"; (H-902)

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

Which Reports were Read and Accepted in concurrence, and the Bills Read Once. Committee Amendments "A" were Read and Adopted in concurrence, and the Bills, as amended, Assigned for Second Reading later in today's session.

The Committee on Energy and Natural Resources on, Bill, "An Act to Amend the Hazardous Waste Statutes in Order that the State May Respond to Danger to Public Health, Safety or Welfare and Allow Delegation of the Federal Program." (H. P. 1759) (L. D. 1884)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-905).

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

Which Report was Read.

On Motion of Senator Katz of Kennebec, Tabled until later in today's session, pending Acceptance of the Committee Report.

The Committee on Legal Affairs on, Bill, "An Act Relating to Games of Chance at Agricultural Fairs" (H. P. 1797) (L. D. 1919)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-910).

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

Which Report was Read and Accepted, in concurrence and the Bill Read Once. Committee Amendment "A" Read.

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

Senator CONLEY: Mr. President I wonder if perhaps the Chairman of the Committee or a Member of the Committee could explain to us exactly what this bill does now that we have had the referendum that repealed the slots?

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

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President and Ladies and Gentlemen of the Senate: This bill has nothing to do with the Slot Machines or I did not feel that it did when it was before the Committee, at least.

The sponsor of this bill wanted it; presented it to the committee because he had had some problems having to get games that were licensed in previous years licensed by the State Police. The Committee changed the bill quite a bit and now the Bill merely says that if a game was licensed in a previous year and is not contrary to State Law, they will license it in the following years.

The language in here requires that if there is any dispute between the operator of a game-of-chance and the State Police the Attorney General's Department will make the determination whether it is contrary to State Law or not. Prior to that the State Police made that determination indiscriminately.

Committee Amendment "A" Adopted, in concurrence and the Bill, as amended, Assigned for Second Reading later in today's session.

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

Senator Trotzky of Penobscot, was granted unanimous consent to address the Senate, Off the Record.

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

Senator Redmond of Somerset, was granted unanimous consent to address the Senate, Off the Record.

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

Recess

After Recess

The Senate called to order by the President.

Senate

Ought to Pass — As Amended

Senator Pierce for the Committee on Fisheries and Wildlife on, Bill, "An Act to Increase Compensation to Municipal Clerks and other Issuing Agents for the Issuance of Certain Fish and Game Licenses." (S. P. 682) (L. D. 1805)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-471).

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

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

Senator PRAY: Thank you Mr. President. Mr. President, and Members of the Senate, I notice in reading over the amendment that under agents, which have in the past been included as part of the price of the license, and that the agent or clerk was allowed to retain a fee, which was a part of that license. Now the amendment states that the agent or clerk will charge an additional fee over and above what the cost of the license is.

My concern would be in some municipalities around the State where you have several individuals that compete against each other to sell licenses basically to get clients into the store so that they may buy other goods as well, either a sporting goods store, or a groceries store, that under this change, that individual would not necessarily retain a fee of any sort if they so desire. Would that be correct? Would someone on the committee answer that?

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

Senator REDMOND: Are we on L. D. 1805?

The PRESIDENT: The Chair would answer the Senator in the affirmative.

Senator REDMOND: Mr. President, and Members of the Senate: I rise just to mention that most of us here recall the UCC when that change was made it was to a disadvantage to some of these municipal clerks. They used to get their fees. At the time I'd also like to mention that at that time the State was charging \$1 to sell those licenses. Since that change was made, the clerks were allowed to get 50¢. Now they're asking for 1\$, which is only the same fee that they used to get when the State was paying 7 or 8 years ago.

I think that it's only reasonable that we get them back in line, because about half of those town clerks don't get paid full wages. Some of them, these fees are part of their earnings, and others, the municipality gets the fees. So one way or the other, it doesn't make any difference. It's the municipal clerks or the municipality. If the clerks don't get enough fees, the municipality has to increase their wages. This is all I would like to make sure, that you keep that in mind.

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

Senator CONLEY: Mr. President, and Members of the Senate, I would pose a question again to the Chairman of the Joint Standing Committee on Fisheries and Wildlife. I would only ask how long will it be before you'll be taking this money that you're setting aside for

the agents and incorporating it as part of the fee to go back to the Department of Fish and Game? I just see this as one step up front, where you're saying that it's really not the running of the department, it's for the agent. Knowing the Legislature and knowing the Fish and Game Joint Standing Committee, and knowing the department itself, it will only be a matter of time when they'll be coming bouncing in here saying let's absorb it all into one package and take it away from the agents and make it part of the function of the Fish and Game Department.

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

Senator REDMOND: In response to the good Senator from Cumberland, I would say that this question is double barreled to me. In the first place in the rural areas, it wouldn't be practical for the department to sell licenses, because in Augusta, here, sitting in an office they don't know the people establishing residency and so forth, it's kind of difficult.

Therefore, I believe that it has been debated. It was debated at the public hearing, and the committee was well satisfied that the licenses should be sold more specially in the rural areas where they are spread out, they should be sold by the municipal clerks.

The other part, if I understand right, has something to do with the monetary part. This will not give any more money to the Fish and Game Department. This money goes entirely to those who are selling the licenses. Is this satisfactory?

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

Senator PRAY: Mr. President, and Members of the Senate, some of you who are not aware of the present fee system, I'll just give you a couple of examples that are in the Committee Amendment. As the present law stands. A Resident Junior Hunting License presently is \$1.50, of which the department gets \$1 and 50¢ is retained by the agency that sells or makes out the license. Under the amendment that we have here, the license will be \$1 and the agent will charge a fee of an additional \$1. Now in the past 4 or 6 years that I'm familiar with, the Junior License is something that's always been left alone. At this time I see we're going to have an increase on these people of almost, of 50¢ on theirs. Also the Junior Non-resident License is presently \$15.50. It gives you the impression that it's going down 50¢ because in the law books it would now state that the cost of that license is \$15.50 but again the agent will charge another \$1 over and above that.

As I stated a few moments ago that most people who sell licenses, and it's very competitive for agents, other than town clerks, because they want individuals within their place of business. So either they will buy the sporting goods or whatever goods they will sell.

Now in reference to the town clerks and the fact that they get to keep theirs. Most of the town clerks sell only residential licenses, which is an extension of government providing first of all, we mandate that they have to have a license. The government at that point, then specifies who will be the individuals who will dispense these licenses. In essence then it's the town clerks and agents.

I think that to have the increase to these individuals is not in the best interest of the people of the State. Thus, I move the Indefinite Postponement of this bill and all it's accompanying papers.

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

Senator REDMOND: I request a Division.

The PRESIDENT: The Chair would advise the Senator from Penobscot, that we are in the process of amending which takes priority.

Is it the pleasure of the Senate to Adopt Committee Amendment "A"?

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, I would pose a question through the Chair to anyone who may care to answer in reference to the difference between the Committee Amendment and the original bill which called for an increase in fees? Could someone tell us the difference?

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

The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: I cannot answer that immediately. I would have to look it up.

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

Senator PIERCE: Mr. President, and Members of the Senate: I think the basic difference is that originally the bill would have caused the fee increases to come from the department money, since this is dedicated revenue. Now under this new version it won't, there would be an increased fee to be paid by the public.

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

Senator MINKOWSKY: Mr. President, and Members of the Senate, I believe this is the same type of bill we debated last year. Of course, I guess I feel a little strongly towards municipal government and the amount of work we go through, in which to address collecting those fees, putting them into special accounts, saving up that money, then reverting it to the Department of Inland Fisheries and Wildlife.

I think it's perfectly justified for the municipal clerks to receive this additional 50¢ per license, but I disagree that the fee structure should be altered as the good Senator from Penobscot, brings out. Possibly it might be advisable, at least, during an interim period of time to table this particular bill so that that particular area can be rectified. Insofar as increasing those fees to the Junior Hunters or Fishermen in the State of Maine, that is unwarranted.

On Motion by Senator Pray of Penobscot, Tabled until later in today's session, pending Adoption of Committee Amendment "A".

Senator Trafton for the Committee on Judiciary on, Bill, "An Act to Revise the Small Claims Law." (S. P. 684) (L. D. 1807)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-470).

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

Divided Report

The Majority of the Committee on Judiciary on, RESOLUTION, Proposing an Amendment to the Constitution of Maine Repealing the Exclusion of Judges of Probate from the Governor's Authority to Appoint all Judicial Officers. (S. P. 778) (L. D. 1969)

Reported that the same Ought to Pass in New Draft under New Title: RESOLUTION, Proposing an Amendment to the Constitution Allowing Either the Constitution or Statutes to Determine the Manner of Selection of Judges of Probate and Justices of the Peace. (S. P. 804) (L. D. 2007)

Signed:

Sensors:

COLLINS of Knox
DEVOE of Penobscot
TRAFTON of Androscoggin

Representatives:

SEWALL of Newcastle
SILSBY of Ellsworth
LAFFIN of Westbrook
HOBBINS of Saco
STETSON of Wiscasset
JOYCE of Portland

SIMON of Lewiston

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

Signed:

Representatives:

CARRIER of Westbrook

GRAY of Thomaston

Which Reports were Read.

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

Senator CONLEY: Mr. President, before I make a motion on this I would like to pose a question through the Chair to anyone who may answer. Is this the bill that was allegedly not supposed to come before us during this session?

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

Senator COLLINS: Mr. President, I think the good Senator from Cumberland refers to a bill which will be heard tomorrow by the Committee on Judiciary. A bill that would transfer the functions of the Probate Court to the Superior Court. I anticipate that after that hearing that bill may very likely be withdrawn.

However, this particular measure that is now before this body relates to cleaning up the Constitution, vis-a-vis the half a job that was done in 1967. In 1967 the amendment then passed, dealt with only one part of the Constitution, with respect to Probate Judges. It said that "at such time as we establish full-time Probate Judges they would be appointed rather than elected."

For the second part of the Constitution that dealt with appointment of judges was not touched, and therefore created the very great ambiguity in the Constitution.

So in trying to clean that up the Judiciary Committee decided the best way to do it was to leave the question of election vs. appointment an open question, one that can be decided by the Legislature at such time as it may decide to establish full-time Probate Courts or any other type of Probate Court if it ever decides to do that. If it does not ever decide to do it, then they will remain elected as they are now.

At the same time, since this particular section deals with Justices of the Peace, and there was a conflicting Constitutional Amendment around on that, we put the whole thing into the same package, so that in the future, if the Legislature decides that it wants Justices of Peace appointed by the Secretary of State rather than by the Governor, or vice versa, it may make that determination.

So the general purpose is to clean up the Constitution, but to leave the doors open about the choices as to whether there will be appointed or elected Judges of Probate.

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

Senator CONLEY: Mr. President, I wish to thank the good Senator from Knox, Senator Collins, for his explanations. I have always marvelled at his explanations dealing with legal matters. I want to make sure, being a lay person, I want to understand this very, very, clearly.

As I understand the Constitution right now, it prohibits anything but the election of Probate Judges. Secondly, cleaning up the Constitution, does that mean that we're removing that from elective office as far as the Constitution is concerned and going to allow the Legislature to write statutory language as to whether or not in the future they should be elected or appointed?

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

Senator COLLINS: Thank you Mr. President. The answer is yes, but I need to qualify a little bit because the present Constitution has a very peculiar thing in it. In 1967 when the voters passed the amendment that the Legislature sent out, it said that the amendment that was then approved by the voters should become ef-

fective only when the Legislature established a new system of full-time Probate Judges.

The commission has been working on this matter for the past 7 years, came in with the recommendation. Many of us feel that it is too late in the session to deal with that recommendation because it is very far reaching. Therefore, I think the Committee on Judiciary is going to recommend that that bill be withdrawn.

We did feel that we ought to at least take step #1 in clarifying the Constitution. Because the Constitution now has 1 section hanging ready to become effective at such time as the Legislature acts, in a way that would then require that judges be appointed. Another section of the same Constitution that says that Probate Judges, in effect, must be elected. For us to sit here and not to take notice of a Constitution that has that great ambiguity, when we're spending a great deal of money and a great deal of time trying to decide what we ought to do about our Probate Courts in the future, seemed to us to be a rather negligent way to go. So we presented this amendment keeping the doors open on that controversial question of whether they shall be elected or appointed, but getting the Constitution all in one frame so that half of it won't say one thing and half the other.

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

Senator CONLEY: Mr. President, I again wish to express my thanks to the good Senator from Knox, for his explanation. I guess from what I hear from my constituents and a lot of them, many of them are concerned about the appointed powers of the Chief Justice, giving them that type of political power of appointing every Probate Justice or Probate Judge in the State.

I'm not absolutely sure if I'm ready to recommend a change in the Constitution at this time to do that. However, I think it's something that should be talked about within the next few days before this bill gets down the road too far. In order to keep it moving along I would move that the Majority Report be accepted at this time.

On Motion by Senator Conley of Cumberland, the Majority Ought to Pass, in New Draft, Report of the Committee Accepted, and the Resolution, in New Draft, Read Once. The Resolution, in New Draft, Tomorrow Assigned for Second Reading.

Second Readers

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

House — As Amended

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)

Bill, "An Act to Increase Trapping Fees." (H. P. 1833) (L. D. 1937)

Bill, "An Act to Appropriate Operational Moneys for the Mattawamkeag Wilderness Park." (Emergency) (H. P. 1845) (L. D. 1950)

Bill, "An Act to Increase Interest Rates on Judgment Debts." (H. P. 1836) (L. D. 1940)

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

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

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

(See Action Later Today)

Bill, "An Act to Create a Combination Nonresident Hunting and Fishing License." (H. P. 1832) (L. D. 1936)

Which was Read a Second Time.

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

Senator PRAY: Mr. President, and Members of the Senate: Looking at the bill that's presently before us and the one that we just debated on the other page, and noticing that the 2 committee amendments contradict each other. The bill that we are presently addressing states that it creates a combination of hunting and fishing license. But also goes on to create several new licenses for the Fish and Game Department. It creates an alien small game license, an alien archery license, an alien fishing license, and an alien combination license, and it creates the combination license for non-residents of this country as well.

Looking at the figures that we have down here, for example, an alien big game hunting license goes from \$105 to \$105.50. I would suspect that it's the intention of the committee that the 50¢ be retained by the agent. On the proposal that's been tabled until later in the day, we have a bill that says it's going to be \$1 above the \$105. So if we adopt both bills I think we'd be taking the alien big game license and making it \$105.50 plus an agent's fee of \$1 above that. I wish somebody on the committee would take a look at the contradictions of the 2 amendments and decide whether or not if we're going to be increasing these fees by \$1.50, or by a \$1 in the version of the other bill.

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

Senator REDMOND: Mr. President, it's my understanding that the good Senator from Penobscot, Senator Pray, has a problem with this 50¢. The intent of the committee is not to charge, to increase the licenses by any more than what the actual figures are. What it amounts to is that he mentioned the previous bill that was tabled until later in the day did not read the same as the amendment.

These bills don't read the same as the amendments because the amendments were designed to make changes, to make specific changes in the bill. What it amounts to, we have a Legislative Aide; he checks these out. I have been assured that the 50¢; this is why they changed the wording. In the old wording it said clerks or other agents appointed by the commissioner to issue licenses and permits shall retain a fee of 50¢. This is crossed off in the amendment, then underlined, charge a fee of \$1 for each hunting license issued.

I don't know what other question there could be to that. I don't know what it has to be with L. D. 1936, "An Act to Create a Combination Nonresident Hunting and Fishing License." I just don't understand what the problem is.

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

Senator PRAY: Mr. President, and Members of the Senate, for the benefit of the Senator from Somerset, Senator Redmond, I'll try to be a little bit more specific.

On Committee Amendment Filing Number H-891, Section 1, paragraph H of the bill, it states that an alien big game hunting license, which is now in existence, will be changed from \$105 to \$105.50. On the bill which was tabled until later in the day, under Senate Amendment S-471, and Section 2 of the bill, again paragraph H, alien big game license is \$105, but the change of course, to that amendment is the fact that the agent shall charge a fee of \$1. On the other bill we're increasing the license by 50¢ which I suspect is to be retained by the agent. I noticed in reading the committee amendment there is no fiscal note, attached to the bill, I stand corrected. I see that they estimate that they will increase their revenues by approximately \$2,000 by increasing all of these licenses.

I remember not too long ago when I served on the Fisheries and Wildlife that the cost of licenses, I was wondering if the department may also have any idea as to the number of alien fishing licenses, alien small game licenses, that would be sold if this bill does go through, as to how much money the department will be

losing by creating a combination hunting and fishing license.

It's my understanding that the great computers that they have in the Taj Mahal can very quickly cross reference those individuals who buy from out-of-state who buy both hunting and fishing licenses, as to whether or not there are also any estimates from the department to bring in this additional \$2,000, as to how many of those individuals who now do not buy both a hunting and fishing license, will now buy one just because there's a combination, and supposedly, having some type of savings to them.

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

Senator O'LEARY: Mr. President, I guess we're all aware of the financial woes of the Department of Fisheries and Wildlife. However, it seems in the past any time that they wanted to put on additional wardens or add more biologists, they would come before the Legislature and ask for an adjustment in all the various licenses. They've used this as an excuse to hire more people each and every time. Each time there is a salary increase to these wardens and other personnel, it means more in the State Retirement System and now with negotiations this is going to be a continuing thing.

Every time that we grant them more money, they are going to catch up by adding more personnel, and I see no end to it. I move the Indefinite Postponement of this bill and all it's accompanying papers.

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

Senator REDMOND: I request a Division.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, and Members of the Senate: I posed a series of questions in reference to the creation of a combination non-resident hunting and fishing license, and it was in the sincerest of interest. My intention was not to kill the bill, but to become very clear as to the situation that now existed. As to whether or not the department was going to increase it's revenues or if it was going to decrease revenues because most of the individuals that I'm familiar with, my own clientele, who do come in both the fishing season and the hunting season, find no objections to buying both licenses separately. Many of them buy them during the summer time and then come in the fall. I do realize that this would be a savings to them. But the question is the department itself is in financial trouble, and came in with several proposals asking for license increases. Here we are basically giving the non-residents a break. So are there any figures that were submitted at the hearing by the department in reference to the number of individuals which presently buy one or buy the other? Why do they suspect that those sales will increase just because of perhaps a \$5 savings on buying the 2 licenses in a combination form?

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

Senator REDMOND: Mr. President, and Members of the Senate, the good Senator from Penobscot, likes to mention that his clientele would not care for this type of license. However, I would like to advise the good Senator from Penobscot, that all these bills were a result of quite an extensive study from a Joint Select Committee. I believe some of the Senators here in this body were on that committee. Perhaps they would like to elaborate a little bit on the results of that study.

These bills were given the public hearing as usual, and clientele of people who have resorts had a chance to express themselves or voice their opinions or call their Representatives. I can't see any problem. I think the reason why this combination was made was in order to perhaps sell a few more licenses. Some of the

aliens that come in or the non-residents buy a fishing license. Then perhaps fishing is more important to them than other things. However, while they are buying their fishing license, if we offer them a combination fishing and hunting perhaps we are inviting them to come back in the fall to generate more profits for resorts like that one of the good Senator from Penobscot, and others in the State of Maine.

So there are various reasons for this combination license. Members of the Senate, I would ask you to vote so we can pass this bill.

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

Senator O'LEARY: Mr. President, the Senator from Penobscot, Senator Pray, has a number of questions that I don't feel have been answered. I know that I would want figures on how many more people have been added to that department in the last 10 years, by step. I will at this time withdraw my motion to Indefinitely Postpone this bill, hoping that the answers that I do get in the next day or so will be satisfactory. So at this time, Mr. President, I would request permission of the Senate to withdraw my motion.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, has requested Leave of the Senate to withdraw his motion to Indefinitely Postpone.

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

It is a vote.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, and Members of the Senate, just to set the record straight, I think a few minutes ago what I stated was that individuals who in my private life I do business with, I stated that they would find this acceptable, not that they would be opposed to it. But at the same time those questions which I had asked were serious concerns as to the people of this State, who presently one of the few benefits that they get, the fact that they do have a reduced license fee vs. the non-resident, but they also have the advantage of having a combination license.

My serious concern was the fact that the Fisheries and Wildlife Department is operating on a marginal budget at this time. Everything depends on the sales of licenses in the future, the weather conditions, gasoline situation, so many of them which we're so unsure of nowadays. My real concern was in reference to the fact that that department legitimately giving people a break, would it benefit the department or would it not benefit the department? I think I asked the question twice and I have not received an answer. Unlike my good colleague, the Senator from Oxford, Senator O'Leary, who withdrew his motion, I would thus make the motion to Indefinitely Postpone unless some questions come along.

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

Senator CLARK: Thank you Mr. President. Thanks to an appointment by the President of this Chamber, I served on the Select Committee on Inland Fisheries and Wildlife and having felt it necessary to address the concerns that have been expressed as members of these bills came through this Chamber, because the good Senator from Somerset, had performed admirably, as a matter of fact he has done an outstanding job.

I would respond to the concerns of the Senator from Penobscot who sits right behind me relative to the break reportedly that we're going to be giving combination non-resident hunting and fishing licenses to aliens or out-of-state people.

It was a matter of long debate among that Select Committee of Inland Fisheries and Wildlife. It is administratively feasible to encourage this combination of licenses. It is positive financially to encourage this combination of licenses, and it also benefits positively financial-

ly that department. While the gains financially are not great, it does seem that it is an efficient way to address the entire issue of non-residency licenses. It received the recommendation of that Select Committee on Inland Fisheries and Wildlife.

I would resist an impending motion or any pending motion to Indefinitely Postpone this measure. If there does appear to be a discrepancy with reference to the bill which we have already tabled, relative to reimbursement of license fees for town clerks and so forth, and the increase which we see reflected in this Committee Amendment, under Filing Number H-891, then perhaps we ought to table this measure temporarily also and settle that minor issue.

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

Senator PIERCE: Mr. President, and Members of the Senate: The problem I see here is that the good Senator from Penobscot, has asked a correct question but he has based it on an incorrect assumption. He is assuming that the thousands of hunting and fishing licenses of non-residents are in the computer. They in fact, are not on computer. It would cost many thousands of dollars to put them on. So unfortunately there is no way the department can tell exactly which non-residents buy both now.

So what the committee did and what the department did was make an educated guess that they are actually going to increase their revenues by doing this. I can only say since the department feels this way, they're the ones that are going to be directly affected if they made a wrong calculation, that we should go along with them. I think the chances are that revenue will be increased somewhat at no cost in this instance to Maine taxpayers.

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

Bill, "An Act to Increase Registration Fees for Watercraft." (H. P. 1835) (L. D. 1939)

Which was Read a Second Time.

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

On Motion by Senator Chapman of Sagadahoc, the Senate voted to reconsider its action whereby it adopted Committee Amendment "A" to L. D. 1939.

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

Senator CHAPMAN: Mr. President, I offer Senate Amendment "A" to Committee Amendment "A" and move its adoption.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, now offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption.

Senate Amendment "A" (S-472) Read.

The PRESIDENT: The Senator has the floor.

Senator CHAPMAN: Mr. President, and Members of the Senate, we debated this a little bit the other day. It concerns me that we are asking a rather substantial increase in the fee, a 300% increase in fee from \$5 for a 3 year period to \$15 for a 3 year period by this bill.

My amendment would reduce this \$15 fee to \$9. I can understand that there are problems that need to be addressed, but I am also reminded that there are many boats that are small boats. The majority of registrations would be for small boats, so this fee is going to hit a lot of them, a lot of small boat owners significantly.

Many of these boat owners are not well-to-do. Many of them rely on these boats for their livelihood. In the salt water many of the boat owners must own more than one boat, own 2, they have a skiff to get out to a boat that's on a mooring. This will increase their fee from \$10 to \$30.

The bill does address the revenue situation by an amendment which sets one third of the revenues to go to the Department of Marine Resources, and two-thirds to the Department

of Inland Fisheries and Wildlife.

At the present time the Department of Marine Resources is not in need of additional revenue. Many have said that these fee increases are nothing more than taxes. Maybe that's true but certainly there are costs and for those who earn their livelihood through use of boats, it's an additional cost of doing business.

While it is recognized that the Department of Inland Fisheries and Wildlife has its financial problems and this certainly perhaps is one way to address it, I ask the question of whether it is right for all boat owners to pay this financial price to support the Department of Inland Fisheries and Wildlife.

I'm advised that it isn't really feasible to segregate the fee schedule in a way to address the salt water users vs. the fresh water users. If that be the case that's why I'm offering this amendment which would provide a lower increase to all boat owners, an increase of 80%, instead of 300%.

In Maine we're privileged to enjoy a water resource that is unique and recognized across the country for its grandeur. I just hope we don't make it a subject of such a heavy governmental cost burden.

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

Senator MINKOWSKY: Mr. President, and Members of the Senate: I'm certainly delighted to see a little more reason and logic has prevailed in the amendment being offered today by the good Senator from Sagadahoc, Senator Chapman. But it still does not deter me from my thinking with all the money bills that are before us today for the Department of Inland Fisheries and Wildlife, that this is the right direction to move in.

If we sincerely believe that the great ponds and the lakes of the State of Maine really belong to the people of the State of Maine and for their benefit for a limited season in which we use them. Since it was clearly brought out in previous debates as well as by the good Senator from Sagadahoc, Senator Chapman, that we have many small boat owners in the State of Maine who are on limited incomes, I would think the most appropriate thing we could do and it is classified, I don't care how they look at it, as an additional tax, in addition to all the taxes other people are paying as I brought out last week for the gasoline to run that motor, for the trailer registration, for the municipal property tax on that particular boat and trailer and motor. These people are being racked very, very badly. Regardless how good this amendment does as a compromise I still would be opposed to the amendment, as well as the entire bill.

Another question comes up which was brought out in previous debate is the department seems to have at least \$650,000 in an escrow account from the collection of the gasoline tax dedicated to that particular department. It doesn't seem logical that all the money bills coming forth in that particular department and the amount of money they have lined up at the present time, that they are asking for all these increases.

It appears to me that they are using a numbers game in one respect. Let's put in all these increases and let's hope for the best. I think this is a very, very, wrong approach to use. On that particular basis, Mr. President, I would move that this amendment be Indefinitely Postponed.

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

Senator REDMOND: I would ask the President, was the last motion to Indefinitely Postpone this amendment, Senate Amendment "A" to Committee Amendment "A" to H. P. 1835, Filing Number, S-472.

The PRESIDENT: The Chair would advise the Senator that the pending motion is the motion by the Senator from Androscoggin, Sen-

ator Minkowsky, that Senate Amendment "A" to Committee Amendment "A" to L. D. 1939 be Indefinitely Postponed.

Senator REDMOND: Thank you Mr. President.

The PRESIDENT: the Senator has the floor.

Senator REDMOND: Mr. President, and Members of the Senate, I would only like to advise some of these people who are in opposition to trying to raise a little money for the Department of Fisheries and Wildlife that we did have that problem last year. The Legislature has faced its responsibilities. We compromised last year on a fee increase for hunting licenses and so forth, and it was in agreement with the Commissioner of Fisheries and Wildlife. Then we had this order that a Joint Select Committee would do the study. We have addressed the problem, and we have worked together, many of us we don't have everything we want but there are many compromises there. We think that we have a solution still for this year without any substantial increase.

Now we are gambling, I mentioned it here last week, there are weather conditions, the winter season was favorable. We're going to have a moose season next fall, hopefully. It's possible that if Saint Patrick gives us his blessings that perhaps we won't need to come for another fee increase next year. I hope that this Legislature continues to face its responsibilities, and vote for Indefinitely Postponing this amendment.

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

Senator KATZ: Mr. President, I do want to inhibit debate on this important measure, but I call to the Senate's attention that there is a choice between us involving a second session very late this afternoon. We already have 7 supplements before us.

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

Senator PRAY: Mr. President, and Members of the Senate, during the debate on this issue, I've taken the opportunity to go through some of the supplements that we have. I would just point out to you that we have another bill, this one from the Committee on Taxation but it deals with the Department of Fisheries and Wildlife to provide for an income tax check off for voluntary contributions to the Department of Inland Fisheries and Wildlife.

I guess perhaps one of the good things about the final days of this session that all the proposals come before you at one time. You have a chance to look at the boat registration fee increases, the increased fees from municipal clerks, the increased trapping fees, which was L. D. 1937. L. D. 1936, which was a combination non-resident hunting and fishing license, and that bill also creates new licenses such as a license for alien fishing, alien small game hunting. Then we also had L. D. 1940 which permitted the Department of Fisheries and Wildlife to borrow money in anticipation of revenues.

I understand the words of the Majority Floor-leader in reference to the items that are before us, but as I stated at the beginning of my remarks is that when they all come to you at one time, it does give a chance for some good round debate in reference to the total picture that we are looking at. I was happy that the Senator from Somerset brought up the fact that we had a \$5 increase to nonresidents last year, and a \$2 increase on residents last year.

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

Senator CHAPMAN: Mr. President, and Members of the Senate: This is indeed a compromise that I'm offering. It's not perfect, I'm not really that happy with it. I would like to exclude salt water registrations, but I do recognize that the Department of Inland Fisheries and Wildlife has some financial problems, and need to be addressed. Hence, the offering of this as a compromise.

If this is not accepted I would find myself opposed to the bill in its present form.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion by Senator Minkowsky of Androscoggin that Senate Amendment "A" (S-472) to Committee Amendment "A" be Indefinitely Postponed, please rise in their places to be counted.

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

12 Senators having voted in the affirmative, and 14 Senators in the negative, the Motion to Indefinitely Postpone does not prevail.

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

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

Senator MINKOWSKY: Very briefly, Mr. President, and Members of the Senate, I now move the Indefinite Postponement of this bill and all accompanying papers.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion of Senator Minkowsky of Androscoggin, that L. D. 1939 and all its accompanying papers be Indefinitely Postponed, 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 17 Senators in the negative, the Motion to Indefinitely Postpone does not prevail.

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

Sent down for concurrence.

Enactors

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

An Act Relating to the Reorganization of the Board of Trustees of the State Employees Group Accident and Sickness or Health Insurance Plan. (H. P. 1766) (L. D. 1889)

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

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 Establish Visible Emission Standards to Delete Certain Definitions under the Environmental Laws. (H. P. 1690) (L. D. 1800)

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

An Act to Appropriate Funds for an Increase in Board Rates for Foster Parents and Clothing Allowances for Children under the Care or Custody of the Department of Human Services. (H. P. 1754) (L. D. 1881)

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

Senator COLLINS: Mr. President, with respect to L. D. 1881. The Senator from Cumberland, Senator Huber, has kindly permitted me to say a word before he puts this on the Special Appropriations Table.

This bill is in conflict with tabled L. D. 1906 which is the Child and Family Protection Act. It is in conflict only with respect to technique not with respect to the purpose and theory and judgment as to values.

In the Child Abuse Act, we have proposed to omit from future statutory language the laundry list about the care of foster children, that is contained in L. D. 1881.

The present technique of listing care for foster children, has in it for example, an allowance for clothing \$11 per month, an allowance

for care \$132. per month, and so on and so on. It was our judgment in the study Committee and in the Judiciary Committee that this kind of itemization was not a good thing to stick into a general statute.

So we have designed L. D. 1906 to omit the laundry list feature and to leave those questions of funding up to the Appropriations Committee in its annual budgeting process. That committee has to do the same thing anyway, every year, and if it does not give the money, the money is not there to take care of the children.

We think that it is so easy in these days of rapid inflationary change for a clothing allowance or food allowance or any of these other allowances, to get out of date, so that it is better not to try to stick them into a statute.

So we attached to L. D. 1906 a note explaining this and saying in that note, that if L. D. 1906 does pass then it is intended to prevail over L. D. 1881. Prevail in the sense that it will not be in the statutes.

The money problem will be just the same. The money still has to become part of the Legislation Appropriation either through this bill, or through some other mechanism. Thank you.

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

RESOLVE, Appropriating Funds to Camden Community School, Inc. (H. P. 1645) (L. D. 1755)

On Motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Final Passage.

Orders of the Day

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

Senator PIERCE: Mr. President with regards to L. D. 1940 I move that we reconsider our action whereby this bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves that the Senate Reconsider its action whereby, Bill, "An Act to Permit the Department of Inland Fisheries, and Wildlife to Borrow in Anticipation of Revenues" (H. P. 1836) (L. D. 1940) was Passed to be Engrossed.

Is this the pleasure of the Senate?

It is a vote.

Senator PIERCE: This is going to be Fish and Game day and we might as well make it complete and when you see Senators Minkowsky and Pierce, and Clark, debating Fish and Game measures you know that there is something wrong somewhere.

I would just like to point out that in a letter to Governor Brennan earlier today—the Sportsmen's Alliance of Maine, I just want to give you a couple of quotes as to what they said: "Commissioner Manuel, has repeatedly given confusing, conflicting and ambiguous statements concerning the financial situation with his department. He has made it abundantly clear that he has no positive management goals, or objectives."

The letter is very heavy and goes on in that regard. I would just ask you, I've seen some of the bills, that we have debated here, if I've seen a bad one this is it.

We are now going to give this department which is already in financial difficulty an ability to go out and borrow more money. I submit that if we do that, first of all from all the figures that I have seen in looking at this department for months, there is no reason why they should have to go out and borrow. If they do, what you are going to see is the department getting deeper in the hole, and coming back to us, and saying not only are we in big trouble, we have now gone out and borrowed some money, we are in even deeper trouble. Asking for more and more fee increases.

So I would suggest that this is extremely in-

appropriate at this time, to give this department this ability. I would move the Indefinite Postponement of this bill and all accompanying papers.

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

Senator CONLEY: Mr. President and Members of the Senate: I wholeheartedly agree with the remarks made by the good Senator from Kennebec, it is unfortunate that I did not want to get into the fish and game business today, but I think that the department should be ready to look ahead as to what it's financial problems are.

I am one member of this body who's not really comfortable with what I have heard from figures being projected from that department we were supposed to come back here with a million dollar short-fall in that department, and it is my understanding now that they have \$1.3 million surplus, or a \$3,000,000 surplus and for us to pass enabling Legislation that would allow them to go out and borrow I think is just short of ludicrous at this time, and would support the motion to Indefinitely Postpone.

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

Senator SUTTON: Mr. President I would like to also support this particular motion to Indefinitely Postpone this bill, and all of it's accompanying papers.

It does seem ludicrous at a time when our State is in the trouble that it is in and all departments are suffering to start this very very dangerous precedent of giving anyone of them the ability to go out and borrow money under these circumstances, and I would certainly urge the Senate to kill this bill.

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

Senator REDMOND: I request a Division. I would like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator REDMOND: Mr. President, in view of compliance with the parliamentary procedure, where there is no Division/Roll Calls that are permitted in this body of government any longer, I wish although to express my thoughts on this very important issue, that we have before us here today.

This bill L. D. 1940, with it's amendment would not allow the Department of Fisheries and Wildlife to borrow from the State. They would have to borrow from other sources. As it is now the plan is to operate within their modest means.

Again I would like to remind everyone here in this Body, that we mandate to Fisheries and Wildlife various tasks, and they are operating under dedicated revenues.

The Commissioner has taken some steps, he has tightened his belt. I think that all I would like to say is, that I hope that this Joint Select Committee, that has worked on the problem, the Joint Legislative Committee on Fisheries and Wildlife. I hope that all this work that we have done and that information that we have received from the heads of each Department in Fisheries and Wildlife, came before our committee in work sessions. We have asked all the questions that we wanted and now suddenly there is a credibility gap that seems to be developing here.

To tell you the truth, I do not believe this. I believe that all these millions of dollars that are there may be there, have been there, and they may not have been there and the Commissioner may be a politician, there is no question about that, but all I can say is that the commissioner is doing a fine job, and he is trying hard. Our Committee on Fisheries and Wildlife, we are very well convinced that the need is there.

I would like to mention to you, that the Commissioner on top of being mandated all these chores that there was another bill, that I believe got killed in committee, that was recommended by that Joint Select Committee, to do the study, and that other bill would have allow-

ed the Commissioner to lay off some of his force, in order to save perhaps \$100,000. to the department. He was denied this, between the Maine State Employees and the Legislature and the pressures that were put on it did not come out of Committee, ought not to pass.

Now I'll tell you again, many of you here, are managers of businesses and private enterprise, I would like to see you stand up and say that if someone comes and dictates to you that you are going to spend hundreds of thousands of dollars and then not fund it. I would like to know what you would do about that?

Therefore, Ladies and Gentlemen of the Senate I hope that you will vote not to Indefinitely Postpone this bill.

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

Senator NAJARIAN: Mr. President and Members of the Senate: I do not have very strong feelings about this bill, one way or the other, but my committee did hold a public hearing on it along with 2 other bills from the Department of Inland Fisheries and Wildlife.

The problem that the Department of Inland Fisheries and Wildlife has is that their funds are dedicated, their revenues are seasonal and with their surplus dwindling, they believe that they could have a cash flow problem in his coming fiscal year. Other departments in state government when they have that problem can simply borrow from the fourth quarter, and move it up into the third quarter, etc. Because their revenues are dedicated they do not have the ability.

There is an amendment to the bill, which says that this is only possible for one year, the Treasurer of the State with the approval of the Governor, may negotiate a loan for the department. It does not allow the department themselves to do it, I think that there are some checks there. They have to be repaid within that year, and in accordance with the constitution they can not borrow more than \$2,000,000. etc.

I think there, are a lot of safeguards there, it's to help them in the event that they have a cash flow problem. The statute would be repealed, June 30, 1981.

On Motion by Senator O'Leary of Oxford, the Senate voted to Suspend Senate Rule 39 for the remainder of today's session.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: I request a Roll Call.

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

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

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

The pending question before the Senate is the motion by Senator Pierce of Kennebec, that L. D. 1940 be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Ault, Chapman, Conley, Cote, Devoe, Farley, Katz, Minkowsky, O'Leary, Pierce, Shute, Sutton, Teague.

NAY — Carpenter, Clark, Collins, Danton, Emerson, Gill, Hichens, Huber, McBreaity, Najarian, Pray, Redmond, Silverman, Trafton, Trotzky, Usher.

ABSENT — Lovell, Martin, Perkins.

Senator Farley of York, was granted permission to change his vote from Yea to Nay.

12 Senators having voted in the affirmative and 17 Senators in the negative, with 3 Senators being absent, the Motion to Indefinitely Postpone does not prevail.

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

(Off Record Remarks)

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

JOINT ORDER—relative to the Joint Standing Committee on Local and County Government reporting out a resolve authorizing and directing the Department of Business Regulation to study and report on current practices relating to siting of manufactured housing. (H. P. 1954)

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

Pending—Passage.

On Motion by Senator Katz of Kennebec, Retabled.

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

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)

Tabled—March 14, 1980 by Senator Conley of Cumberland.

Pending—Adoption of Committee Amendment "A" (S-460)

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

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

SENATE REPORTS—from the Committee on State Government—Bill, "An Act to Amend the Maine Guarantee Authority Act." (Emergency) (S. P. 780) (L. D. 1972) Majority Report—Ought to Pass; Minority Report—Ought Not to Pass

Tabled—March 14, 1980 by Senator Katz of Kennebec.

Pending—Acceptance of Either Report.

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

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

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

Tabled—March 14, 1980 by Senator Katz of Kennebec.

Pending—Passage to be Engrossed.

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

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

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

Tabled—March 14, 1980 by Senator Perkins of Hancock.

Pending—Passage to be Engrossed.

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

Senator CHAPMAN: Mr. President and Members of the Senate: I hope that you all had a chance to look at this bill, while it has been tabled.

You will note if you have, that there is nothing in this bill, now at the present time, with regard to implied warranties of merchantability, an issue that was of grave concern to many automobile dealers and many of you received calls. Those provisions have been stricken they are not in the bill in its present posture before you.

The Bill, contains two items now, and I would like to go through those two.

The first is a warranty repair reimbursement provision for car dealers. That insures the new dealers, that they will receive the repair rate on the warranty work that is the same as that which they have posted for their labor rate on non-warranty work. There have been instances especially with foreign car dealers where they were being forced to take rates that were lower than their warranty repair rate, causing problems and forcing them to adjust their non-warranty rate. This provision is supported strongly by the dealers particularly those that are in effect.

The second provision has to do with auto repair provisions. It merely states that the customer has the right if he/she so wishes to be informed of when the cost of repairs is going to exceed a certain amount which that customer wishes to set. In other words if they have a repaid bill, that is estimated to be \$100, they may tell the repairman if it is going to exceed \$125, please let me know before you go further.

This Bill and this provision gives the customer that right to have that request honored. If the repairs look like they are going to exceed that figure then the repair shop will have to call the customer to get the OK to proceed.

It further stipulates that the customer has the right to inspect any replaced parts something that is generally practical throughout the trade, but in some instances it is not.

Further that the repair shop can not use used parts unless they get the customers permission to do so. Again something that I think is general business practice but again in some instances, it is not carried on and it is causing some innocent people some grief.

That is all that this bill addresses now, those two provisions. The Maine Automobile Dealers Association has supported the bill. They are not lobbying you against it and I would urge that the Senate act favorably on this bill at this time. I would request a Division Mr. President.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Passage to be Engrossed, on L. D. 1878, 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 12 Senators in the negative, this Bill is Passed to be Engrossed, as amended, in concurrence.

There being no objections all items previously acted upon were sent forthwith.

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

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

Tabled—March 14, 1980 by Senator Pierce of Kennebec.

Pending—Enactment.

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

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

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

Tabled—March 14, 1980 by Senator Pierce of Kennebec.

Pending—Enactment.

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

Senator CHAPMAN: Mr. President and Members of the Senate: L. D. 526 came along January 5, 1980 without the signature of the Governor. Prior law allowed for group self-insurance but did not provide any guidelines or requirements for the net worth of the group, ratio of net worth of premium, conditions of

membership of any other safeguards against insolvency. The Workers' Compensation Commission had sole discretion in what it required in the way of security and re-insurance.

L. D. 526 did a good thing when transferred approval of group plans from the Workers' Compensation Commission to the Superintendent of Insurance. L. D. 526 further provided that the Superintendent may establish rules and regulations for group self-insurance. These rules and regulations should be finalized and effective by the end of the year.

The Governor obviously has serious misgivings about L. D. 526 as did I. There was absolutely no requirement to have these self-insurers, conform to the requirements of the Insurance Code as to reserves, surplus, claims paying, premiums, etc. The Governor also had misgivings about allowing diverse groups of employers to become group self-insurers. For example, a bank, paper company, sardine factory, boatyard could all become commonly insured as a group self-insurer under the provisions of L. D. 526, which is now Public Law Chapter 577.

As you know I tried to defeat L. D. 526 in the Senate last year because I had grave doubts as to the real value of this bill. The Governor obviously shared some of these concerns and the committee was appointed by the Governor to study the problem.

L. D. 1863 is a compromise bill suggested by this Committee. It does being group self-insurers under some of the provisions of the Insurance Code and requires a study of a problem of assigned risks. L. D. 1863 requires that self-insurers and group-self insurers pay fees the same as any other insurance company and requires that they join the Maine Insurance Guaranty Association which protects employees of group self-insurers and self-insurers who become insolvent.

It is an attempt to improve an inequitable situation and I hope it succeeds. The Business Legislation Committee must maintain a careful watch on this Legislation and the Superintendent of Insurance will of course be doing likewise in the discharge of his duties.

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

The Chair laid before the Senate the eighth 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 14, 1980 by Senator Ault of Kennebec.

Pending—Acceptance of a Report.

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

Senator AULT: Mr. President, I would move acceptance of Report B and speak briefly.

The PRESIDENT: The Senator from Kennebec, Senator Ault, moves that the Senate accept Committee Report B, which is Ought to Pass, as amended, by Committee Amendment "B".

The Senator has the floor.

Senator AULT: Mr. President and Members of the Senate: The Municipal Securities Approval Act is traditionally or has been used for industrial commercial projects or pollution control projects in communities. Because of the times of this energy crisis, the committee was unanimous in agreeing to open it up to the development of energy sources other than oil, such as coal, water, etc. Both reports supported this position.

The difference between these 2 reports is that Report A includes multi-family housing units, which is a far departure from the origi-

nal intent of the bill, not the original intent of the sponsor, but the intent of the unanimous consent of the committee.

I oppose Report A and support Report B without the multi-family dwellings because there is presently funding available through the State Housing Authority for apartment houses for families with incomes of \$20,000 or less.

If someone were to utilize the municipal revenue bonds to build an apartment house, he would be at an advantage over a developer that borrowed money in the traditional way at 17% or 18%, and would be able to charge lower rents than the person that borrowed the money at the traditional way.

Another problem is that the Federal Government and Congress is concerned with the proliferation of these municipal revenue tax free bonds because the Federal Government is losing money for more that are issued. It's also thought that if they do continue to proliferate, the interest rates actually will go up as more of them are on the market. So I ask your support in acceptance of Report B.

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

Senator DEVOE: Thank you very much Mr. President, and Members of the Senate. I rise to oppose the motion of the good Senator from Kennebec, Senator Ault.

As he has pointed out the big difference between Committee Report A and Committee Report B is that Report A includes multi-family housing. There are at present 3 communities in the State that I know of that have projects that can go if Report A is accepted, and that will go down if Report B is accepted. Those communities are Brewer, Lewiston, and South Portland.

One of the big objections to allowing housing to be included in this bill is it will give an unfair competitive advantage against existing landlords. I would point out, however, that Section 5328 of Title 30, gives to the Maine Guarantee Authority the power to determine if an eligible project does in fact create a competitive advantage. It then causes any landlord and permits any landlord to come in before it and argue that he is going to be disadvantaged if approval is in fact given to this multi-family housing project.

I would further point out that revenue bonds can only be approved by the local council or the Board of selectmen. This permits local control to be worked if the locality determines that the project is feasible and desirable for the community. I personally have complete faith in the ability of the local council of selectmen to properly judge the worth of any project that is brought before them.

Finally the law already allows project approval for housing which has a benefit to a recreation area. I would point out that that housing is more or less for what you would call second homes, vacation homes, homes built in the area of a ski area, condominiums. If the State is going to go on record for approving housing projects that are built in a recreation area, isn't it all the more suitable, isn't it all the more proper and desirable that first family houses also be approved, which will be the case if the multi-family housing Report A is accepted.

We all know that interest rates for private dwellings are at an unprecedented height. Money is sometimes not available locally even with the high interest rates. It seems to me that this Legislature ought to go on Record as approving Committee Report A so that multi-family houses can be built.

I would also point out to the Members of this Senate that at the last session of the Legislature we allowed the use of bonds to cover housing projects that were in the upper stories of commercial properties. In other words if you have a 2 or 3 story building, you have a commercial development, or enterprise taking place on the first floor, there's space on the

second or third floor that could be converted to apartments, we went on record at the previous session of the Legislature as approving that.

It seems to me that if we can foster housing on the second or third floor of commercial properties, if we can foster housing and encourage it to be built in the locality of recreation areas, why are we holding back in allowing multi-family apartments that will create better housing conditions than may exist for a lot of prospective tenants than they already have. Members of the Senate, I respectfully urge you to reject the pending motion and instead accept Committee Amendment "A".

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

Senator SUTTON: Mr. President, and Members of the Senate: I truly respect my good colleague from Penobscot, and his problems especially since one of the areas in question is in his area. But I would like to suggest to you that there are some real problems with this, notwithstanding where we already are in our other laws.

The recreation thing I wouldn't address particularly, except that if it is there I don't know quite how it got there, but if it is there, recreation areas are not usually in downtown areas or in areas within the municipalities where there is competition.

I'm really concerned about the free enterprise aspect of this thing. One of the things that came before us was the fact that if the folks that were going to put one of these multi-housing units weren't able to get the funding, their rent was going to have to be like \$100 or some dollars more, a fabulous figure. All you've got to do is put yourself in position of the businessman who has got to finance these things, like the rest of us would through private funds. Then you can see the terrible economic disadvantage to the man who is getting government funding.

It was brought up that the landlords in the area could come before the selectmen and petition that the property situation was unfair. That puts the whole monkey on the back of the landlord for proving this. I'm not quite sure that I fully agree with the good Senator from Penobscot that the selectmen are going to look favorably on some of the other landlords in the area when they petition them with this problem.

The interest rates are terribly high and I submit to you this is the very reason why we shouldn't do this, rather than why we should do it. We already have problems in our communities. I know we have it in my community where we have so much low income housing and subsidized elderly housing, all of which are good things, but we've got so much of it in our community right now that all the local landlords are in trouble. We have already shut down some very adequate and nice apartment houses and homes that have apartments in them because although the people in them like being there, they find that all the advantages, some of them, and most of them, are downtown in walking distance and what have you. They can't compete with the government subsidized housing in the other areas.

There are already all kinds of laws on the books now to help housing. I really feel that to add another nail to the coffin of the business people by putting the State into more guaranteeing of subsidizing through low interest note bonds, is going to be detrimental to the overall business condition and the other folks in the housing area. I certainly would recommend and urge you to go along and accept the Report B that is recommended by the Senator from Kennebec and myself.

The PRESIDENT: Is the Senate ready for the question.

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

Yeas and Nays.

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

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

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

The pending question before the Senate is the motion by the Senator from Kennebec, Senator Ault, that the Senate accept Committee Report B, Ought to Pass as amended by Committee Amendment "B".

A Yes vote will be in favor of accepting Report "B".

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Ault, Chapman, Collins, Emerson, Hichens, Huber, Katz, McBreairty, Pierce, Redmond, Shute, Sutton, Teague.

NAY — Carpenter, Clark, Conley, Cote, Danton, Devoe, Farley, Minkowsky, Najarian, O'Leary, Pray, Silverman, Trafton, Trotzky, Usher.

ABSENT — Gill, Lovell, Martin, Perkins.

13 Senators having voted in the affirmative, and 15 Senators in the negative, with 4 Senators being absent, the Motion to accept Committee Report "B" does not prevail.

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

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

Senator AULT: Mr. President, I offer Senate Amendment "A" to Committee Amendment "A" and move it's Adoption.

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

Senate Amendment "A" (S-468) to Committee Amendment "A" Read and Adopted, Committee Amendment "A", as amended, by Senate Amendment "A" Adopted in non-concurrence and the Bill, as amended, Tomorrow Assigned for Second Reading.

Senate at Ease

The Senate called to Order by the President.

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

There being no objections, all items previously acted upon were sent forthwith.

On Motion by Senator Pierce of Kennebec, Recessed until 4:30 o'clock this afternoon.

Recess

After Recess

The Senate called to Order by the President.

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

SENATE REPORT—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 14, 1980 by Senator Gill of Cumberland.

Pending—Acceptance of a Report.

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

The Chair laid before the Senate the tenth 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 14, 1980 by Senator Conley of Cumberland.

Pending—Motion of Senator Hichens of York that Bill and Papers be Indefinitely Postponed.

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

The Chair laid before the Senate the eleventh 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 14, 1980 by Senator Pray of Penobscot.

Pending—Final Passage

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

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

SENATE REPORT—from the Committee on Transportation—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). Ought to Pass As Amended by Committee Amendment "A" (S-462)

Tabled—March 14, 1980 by Senator Conley of Cumberland.

Pending—Acceptance of Report.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: Not to spend too much time on this bill and to reiterate many of the points that were brought out last week, or yesterday I should say. In my estimation after looking at the Senate Amendment, S-462, it seems to mandate more regulations for the private bus operator of the State of Maine and inhibit further the free enterprise system.

When I look at the term that they used under Section 1, 'shall not be a habitual offender', it seems to me that the Superintendent or the school committee or board in the various communities in the State of Maine certainly would not want a person who is a habitual offender driving school children around in those particular buses.

If it's correct, as the Chairman of the Committee had pointed out that there was only 2 known complaints during the course of the year, it would seem also to me that there is actually no validity in keeping this bill before us. So therefore Mr. President, I move that this bill and all its accompanying papers be Indefinitely Postponed.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate: This originally was a little gem of mine that I've had in 3 consecutive years and probably will end up putting in again if I have the fortune good or bad to be back here next session.

The initial bill, the original bill was to license school bus drivers, which they are not licensed now in many cases, though many of you may not be aware of it.

The bill has been changed and if you look at S-462 it says that you can't hire a school bus driver who has been a habitual offender. That seems to me fairly straight forward and fairly reasonable. It was something that came out of

the committee. It doesn't do what I wanted it to do but maybe it's a step in the right direction. There have been instances in the State of Maine where persons have been hired to drive school buses, who in the minds of, I think, all of us, are not qualified.

As the good Senator from Androscoggin, Senator Minkowsky, is concerned about the ability of some of his private bus companies to hire drivers, I suggest that they start looking elsewhere for drivers, other than in the ranks of people who are classified under our laws as habitual offenders.

The other thing is that it does take care of the inspection situation, I would certainly hope. The good Senator from Androscoggin, Senator Minkowsky, said that there were 2 complaints last year in this particular area. That's 2 complaints! That's 2 buses! That's 60 to 70 of our school children. I think that's enough for this Senate to be concerned about. We are mandating, Yes! We're telling the bus companies and the schools of this State that they have to do certain things. I don't really think it's too much to ask of them.

You look at S-462. It doesn't mandate anything that isn't the least bit reasonable. Thank you, Mr. President, I would request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion of Senator Minkowsky of Androscoggin, that L. D. 1916 be Indefinitely Postponed, please rise in their places to be counted.

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

1 Senator having voted in the affirmative, and 23 Senators in the Negative, the Motion to Indefinitely Postpone does not prevail.

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

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

Papers from the House Committee Reports House

Ought to Pass

The Committee on Local and County Government on, RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1980. (Emergency) (H. P. 1962) (L. D. 2010)

Reports 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 Piscataquis County for the Year 1980. (Emergency) (H. P. 1961) (L. D. 2009)

Reports 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, in concurrence, and the Resolves Read Once, and Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Education on, Bill, "An Act to Clarify the Education Laws." (H. P. 1758) (L. D. 1883)

Reports that the same Ought to Pass in New Draft under same Title (H. P. 1965) (L. D. 2011).

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

Which Report was Read and Accepted, in concurrence, and the Bill, in New Draft, Read Once.

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

Senator CONLEY: Mr. President, I wonder if the good Senator from Penobscot, Senator Trotzky, would be kind enough to tell us what we're clarifying now?

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

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, we're clarifying quite a lot here.

The Bill, in New Draft, Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Judiciary on, Bill, "An Act to Clarify the Law Concerning Abuse Between Family or Household Members." (H. P. 1911) (L. D. 1979)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-918).

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

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

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-914).

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

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds to the Department of Human Services, the Department of Mental Health and Corrections and the Department of Educational and Cultural Services for Insufficient Payments for Placement of Emotionally Disturbed Children in Residential Treatment Centers for the Fiscal Year Ending June 30, 1981." (H. P. 1868) (L. D. 1958).

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-915).

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

Which Report was Read.

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

The Committee on Taxation on, Bill, "An Act to Provide an Income Tax Checkoff to the Voluntary Contributions to the Department of Inland Fisheries and Wildlife." (H. P. 1825) (L. D. 1929)

Reported that the same Ought to Pass as amended by Committee Amendment "A". (H-912).

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

Which Report was Read.

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

Senator PIERCE: Mr. President and Members of the Senate: I would just like to ask perhaps if somebody could get up and defend this little jewel?

The PRESIDENT: The Senator from Kennebec, Senator Pierce, has posed a question through the Chair.

The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: This little jewel really isn't too much of a bill. The only thing on the Income Tax Report that you get back, that you

file with the State of Maine, there would be a box on the back of the State Income Tax. If you have a refund coming, you may check that box and the committee amendment says that you may check it for non-game animals.

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

Senator KATZ: Mr. President, might I ask of the Chair if the Senator from Penobscot, Senator Emerson, wishes to amend this bill to include a check-off for transportation, is this the appropriate time?

The PRESIDENT: The Senator from Kennebec, Senator Katz, has posed a question through the Chair to the Senator from Penobscot, Senator Emerson, if he may care to answer.

The 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 Labor on, Bill, "An Act to Provide for Improved Information on Workers' Compensation and to Provide for Full-time Workers' Compensation Commissioners." (H. P. 1795) (L. D. 1911)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-907).

Signed:

Sensors:

SUTTON of Oxford
PRAY of Penobscot
LOVELL of York

Representatives:

WYMAN of Pittsfield
TUTTLE of Sanford
MARTIN of Brunswick
McHENRY of Madawaska
BAKER of Portland
CUNNINGHAM of New Gloucester
BEAULIEU of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "B" (H-908).

Signed:

Representatives:

DEXTER of Kingfield
LEWIS of Auburn

Comes from the House, the Bill Passed to be Engrossed, as amended by Committee Amendment "A" (H-907).

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.

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

Senator SUTTON: Mr. President, I would like for the Record to make just a couple of statements about this bill. Although we have a rather preponderous Ought to Pass Report here, of which I am a member, I have never quite understood the bill, but I'm told by those who do understand it that it's very important. So I'd like to just for the Record make a couple of statements.

One is that as I understand it, this is not going to require any new reports of employers or agencies that aren't already required by law. I'm speaking specifically of the First Section under Annual Report. I would like to also say that the only reason given of any significance, and which I accept is that these reports are already all due but there seems to be some question as to whether the Federal Government would accept the notion that the State really wants them.

The Department of Labor would like to have a new computer for compiling statistics from these various departments, and feel that a clear statement from the Legislature would

help them in that regard. So that is the reason that I support the first part of this bill.

Again, everything that is supposed to be required already and all we're doing is reinforcing our statement so that the Department of Labor may go before the Federal Government to get matching funds for a computer to compile this information.

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

Senator KATZ: Mr. President, I understand there is a second part of this bill that everyone has agreed on that had to do with the situation where a member of the board who has been hearing a case his term has expired, and there is presently no method for him to continue. So to further crystalize the debate on this issue, I'll move that Committee Amendment "A" be Indefinitely Postponed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that Committee Amendment "A" be Indefinitely Postponed.

On Motion by Senator Pray of Penobscot, Tabled until later in today's session, pending the motion of Senator Katz of Kennebec.

Divided Report

The Committee on Energy and Natural Resources on, RESOLVE, Authorizing the State to Convey its Interest in the Public Lots in the Town of Osborn to the Inhabitants of Osborn. (H. P. 1603) (L. D. 1714)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-904).

Signed:

Sensors:

McBREAIRTY of Aroostook
TROTSKY of Penobscot

Representatives:

KIESMAN of Fryeburg
PELTIER of Houlton
JACQUES of Waterville
DOUKAS of Portland
AUSTIN of Bingham
HALL of Sangerville
MICHAEL of Auburn
DEXTER of Kingfield
HUBER of Falmouth
BLODGETT of Waldoboro

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

Signed:

Sensor:

O'LEARY of Oxford

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

Which Reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreaity. Senator McBREAIRTY: Mr. President, Honorable Members of the Senate, I move we accept the Majority Ought to Pass Report.

The PRESIDENT: The Senator from Aroostook, Senator McBreaity, moves that the Senate accept the Majority Ought to Pass, as amended, Report of the Committee.

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

Senator O'LEARY: Mr. President and Members of the Senate: I know I have before me a lopsided report in opposition to my position.

However, I'd like to explain a little bit about this bill, and about our public lands, public lots. Like most States and the Federal Government, Maine disposed of its publicly owned land in the 18th Century. The following colonial custom enshrined in the Articles of Separation, Maine's Constitution and the later deed by which Massachusetts conveyed it's land to Maine. Maine's land agents reserved lots of 960 acres or up to 1,000 acres in each town before selling the balance to private parties.

Now these towns average in size about 23,000 acres, which is about a 6 mile square, 6 miles on each side. The lots we're talking about here are for a total of 960 acres. It's in 2 parcels. So

960 acres is equal to 1 mile wide, 6 miles long.

The intent was that the reserved lots that public reserved lands, or public lots would be conveyed to organized towns from municipal purposes. The public reserved lands have the character of a public trust. I would remind the Members of this body that we who are on the Committee on Natural Resources as well as this Legislature are the trustees for these public lots, and we should be careful that we don't do anything to disrupt it.

By 1878 all the State's lands had been sold except for about 400,000 acres of the public lots. On about 325,000 acres the timber and grass rights were also sold, leaving the State only the soil. Whether the rights have expired and what trees they covered will be decided by the end of this year by the Maine Supreme Judicial Court in the Case of Cushing vs. Cohen.

From 1878 to 1973 the State's policy was to give the 75,000 acres of lots with timber and grass, of which about half were in plantations, only minimal care. The policy of disposal was continued and the towns were given their lots and their boundaries upon organizing.

In 1973 the Legislature decided that the Public Reserve Lands in organized and unorganized territory should no longer be disposed of out of State Control. The growing public interest in land use in public access to land and in forestry argued for improved management of the State's owned land.

A Joint Select Committee on Public Lands studied the matter and recommended Legislation which passed as Chapter 628 Public Law of 1973. The written record is sparse on the reasons given by the Legislature for this change. But it is clear that a policy of managing the Public Reserve Lands as State Assets was intended. The policy of disposal was replaced with one of custody and management. This policy change has been made by the Federal Government and by most other states. In fact, many states have active programs for acquisition to build their public land base.

Maine has the least land in public ownership of any forested State. From 1973 to 1975 the Legislature made the following changes to implement it's policy of custody and management. It declared that public lots would be retained for State management and no longer given to towns or organizations. It provided that towns still owning their lots could no longer sell them. It provided for land trade to consolidate scattered lots into larger holdings. Under this program the major properties at Duo Build Mountain, Bigelow, the Mahoosic, Duck Lake, and others have been acquired or expanded.

These policy changes were declared legal by the 1973 Opinion of the Justices. It created a Bureau of Public Lands, a dedicated revenue agency to manage the public reserve lands. It reformed the methods of sharing revenues with the municipalities in order to provide sufficient funds. Under this authority the Bureau has added staff, conducted inventories, and prepared management plans where harvesting timber is needed.

Mr. President, I think that the biggest quarrel that any of these municipalities, that the State has taken their public lots, and declared them public lands have with any part of the acquisition is the amount of revenue retained by the municipalities. I would have no quarrel with changing that formula so that they were in on a 50 - 50 share. Further the Legislature has supported an aggressive department program of recovering timber and grass rights through donations and land trades. By this means the land now managed by the bureau extends to 250,000 acres, more than 3 times the acreage only 8 years ago. To turn away from the disposal policy has been seen as inequitable by the towns organizing since 1973. Now there are 7 towns in this category.

The Osborn Bill is an effort to seek a return of the pre-1973 policy. We expect it to be

amended to cover all towns organized since 1973. As I see an amendment coming along to do just this, I shall try to amend it to assist with the acquisition of these lands by the Unorganized Plantations, because I have in my desk drawer here a number of plantations seeking the same redress.

If passed and so amended, the Maine public will immediately lose about 10,000 acres of public land. Ultimately up to 43,000 acres could be lost. This would be one-sixth of the acreage now under State Management. So the stakes in L. D. 1714 are one-sixth of all the land now managed by the State for multiple use.

While many of the lots are not especially scenic, many contain water frontage, some still provide potential public water access. Most of the lots will provide significant multiple use in the future to benefit all of Maine's citizens.

The 43,000 acres at risk in L. D. 1714 is the acreage most accessible to where people live. It has been said that the State's position is an insult to towns, as long as they cannot manage the towns themselves.

I have never and as far as I am aware ever argued that the towns are incapable of managing the lots. I do not make the argument now. The case for the State retention of its public reserve lands is based on other more solid concerns.

To summarize my concerns why the 1973 - '75 policy of custody and management should be retained and this bill opposed. 1: the lands are of a public trust character and should be retained for the long term value to the State's people. In particular, they represent accessible lands for recreation and frequently present opportunities for water access. It would be incongruous to give away water access opportunities while the Bureau of Parks and Recreation is spending General Funds, Bond Issue, and Federal Funds to create them.

2: the State's minimal holdings of multiple use lands less than 2% of the State should not be diminished. The return to the pre-1973 disposal policy could mean the loss of one-sixth of the land now under state management.

3: granting the lots to the towns is no necessary. It will bring not general public benefits. Any legitimate local needs can be met through bureau management in response to local concerns if the current level of revenue sharing with plantations, towns, is a problem, it can be reformed.

4: the towns request to be given the lot has been authoritatively rejected 3 times. In 1977 the Legislature considered but did not pass a Resolve L. D. 687 to give the lot to the town. In May 1979 the Attorney General ruled that Osborn's claim of ownership or uncertainty of title were invalid. In October 1979 a law suit was brought by Osborn to halt a bureau cutting operation. On hearing the State's case, the judge concluded the town claim of ownership would probably not prevail and dismissed the case.

5: a precedent of giving State lands to local claimants would be most unhealthy and should be avoided. There has been accusations of mismanagement by the Bureau, Mr. President, and Members of the Senate, I disagree. I think that they have done what they were supposed to do. The direction that the Legislature has directed them to go. I look at this as being a bill that's before this body here today what I call a shotgun approach. I say that because I've used it myself before.

When a bill is held hostage and you're told to negotiate and you try to do the best you can and you're told to go back and do even better. I'm afraid of this foot in the door approach, Mr. President and Members of the Senate. I fear that half of our public lots will perhaps be leased to the various towns, plantations, and once this is done, with a little arm-twisting on the part of the municipal officers, the Legislature will be back here to convey the State's

interests in these lots to the towns, repeal that section that says they cannot sell, and the larger timber companies will own our public lots.

Now there was a statement made by the hired lobbyist for the Town of Osborn. He said he could see no hurried rush to get these lands. However, once it is lost to the State, it is forever gone. Looking ahead to my children, and grandchildren, and how the opportunity to have accessible recreation in the State multiple use of these public lots benefits of all the people of the State, I hope you will vote against the motion to accept the Majority Report.

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

Senator MCBREAIRTY: Mr. President, Honorable Members of the Senate. In the 6 years that I have served here in the Legislature, I don't believe I've ever seen a greater bi-partisan effort to reach an agreement on a bill as I've seen on this one.

Everyone seems to be in agreement, the committee, public lands, the towns involved. The only one that doesn't seem to be in agreement is our good Senator from Oxford.

Passage of this bill will not change the ownership of public lands in any way. Passage of this bill will allow towns organized after 1973 to enter into a joint management agreement with public lands which I believe will be beneficial to all concerned.

It's a little hard for public lands stationed here in Augusta to completely manage public lots in Osborn, Westmanland, or Allagash. This bill will allow the towns involved to do part of the managing under the supervision of public lands, and they will get a little more revenue from it, revenue that's now being wasted, travelling back and forth great distances between these lots and Augusta. Thank you.

On Motion by Senator McBreaity of Aroostook, the Majority Ought to Pass, as amended, Report of the Committee, Accepted, in concurrence, and the Resolve Read Once. Committee Amendment "A" Read and Adopted, in concurrence, and the Resolve, as amended, Tomorrow Assigned for Second Reading.

(Off Record Remarks)

Divided Report

Eight Members of the Committee on State Government on, Bill, "An Act to Reorganize the Department of Mental Health and Corrections." (H. P. 1786) (L. D. 1904)

Reports in Report "A" that the same Ought to Pass in New Draft under Same Title. (H. P. 1956) (L. D. 2006)

Signed:
Senator:

MARTIN of Aroostook

Representatives:

LANCASTER of Kittery

BARRY of Fort Kent

KANY of Waterville

PARADIS of Augusta

LUND of Augusta

BACHRACH of Brunswick

REEVES of Pittston

Two members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass as amended by Committee Amendment "A" (H-901).

Signed:

Representatives:

MASTERTON of Cape Elizabeth

DAMREN of Belgrade

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

Signed:

Sensors:

AULT of Kennebec

SUTTON of Oxford

Representative:

CONARY of Oakland

Comes from the House, Report "A" Read and Accepted, and the Bill in New Draft

Passed to be Engrossed.

Which Reports were Read.

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

Senator KATZ: I move this bill be tabled.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that L. D. 1904 be tabled pending Acceptance of Any Committee Report.

On Motion by Senator Conley of Cumberland, Tabled until later in today's session, pending acceptance of a Committee Report.

On Motion by Senator Pray of Penobscot, the Senate voted to remove from the Table:

Bill, "An Act to Provide for Improved Information on Workers' Compensation and to Provide Funds for Full-time Workers' Compensation Commissioners. (H. P. 1795) (L. D. 1911)

Tabled—Earlier in today's session, by Senator Pray of Penobscot.

Pending—The motion by Senator Katz of Kennebec, to Indefinitely Postpone Committee Amendment "A".

The PRESIDENT: The Senator has the floor.

Senator PRAY: It's my understanding that the present motion before us is the motion by the Senator from Kennebec, Senator Katz, that Committee Amendment "A" be Indefinitely Postponed.

The PRESIDENT: The Chair would answer in the affirmative.

Senator PRAY: Mr. President and Members of the Senate: I think that the Chairman of the Committee, Senator Sutton, basically did explain the bill very well as to what the bill is doing. There are minor differences between the 2 amendments. It would be my understanding that the intent of the Senator from Kennebec, by defeating Committee Amendment "A", he then would move Committee Amendment "B". So the question that we have at this time is the difference between those 2 amendments.

If you would look at them under Filing 907 and 908, the basic difference is in reference to the fact that the second section of Committee Amendment "A", the second section which is not in Committee Amendment "B", which points out that under Title 26, Section 42, that the Director of the Bureau of Labor is now required to make reports. The language in Committee Amendment "A" only runs in conjunction with existing statutes, stating how those reports will be made out. So I'd ask for a Division on the motion.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by Senator Katz of Kennebec, that Committee Amendment "A" to L. D. 1911 be Indefinitely Postponed, please rise in their places to be counted.

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

4 Senators having voted in the affirmative and 22 Senators in the negative, the Motion to Indefinitely Postpone Committee Amendment "A" does not prevail.

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

Second Readers

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

House

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

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

House — As Amended

Bill, "An Act to Revise the Salaries of Certain County Officers." (Emergency) (H. P. 1946) (L. D. 1994)

Bill, "An Act Increasing the Indebtedness of Veazie Sewer District and Amending the Charter of Veazie Sewer District." (Emergency) (H. P. 1820) (L. D. 1948)

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

Bill, "An Act Relating to the Provisions of the Charter of the Brunswick Sewer District." (H. P. 1707) (L. D. 1810)

Which was Read a Second Time.

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

Senator DEVOE: Thank you, Mr. President, Mr. President, at the express request of the sponsor of L. D. 1810 I now move that this Bill and all it's accompanying papers be Indefinitely Postponed.

On Motion by Senator Devoe of Penobscot, Indefinitely Postponed, in non-concurrence. Sent down for concurrence.

Bill, "An Act Relating to Games of Chance at Agricultural Fairs." (H. P. 1797) (L. D. 1919)

Which was Read a Second Time.

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

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

Communications

Committee on Transportation

The Honorable Joseph Sewall
President of the Senate
State House
Augusta, Maine

Dear President Sewall:

It is with pleasure that I report to you that the Committee on Transportation has completed all business placed before it by the Second Regular Session of the 109th Legislature.

Total Number of Bills	17
Unanimous Reports	12
Ought Not to Pass	1
Ought to Pass	8
Ought to Pass as Amended	3
Divided Reports	5

Respectfully,
S/JEROME A. EMERSON
Senate Chairman

Which was Read.

On Motion by Senator Katz of Kennebec, Ordered Placed on File.

Committee on Legal Affairs

March 17, 1980

The Honorable Joseph Sewall
President of the Senate
State House
Augusta, Maine

Dear President Sewall:

The Committee on Legal Affairs is pleased to report that it has completed all business placed before it by the second regular session of the 109th Maine Legislature.

Total Number of Bills Received in Committee	8
Unanimous Reports	7
Ought to Pass	2
Ought to Pass as Amended	3
Leave to Withdraw	2
Divided Reports	1
Total Number of Amendments	3

Sincerely,
S/MELVIN A. SHUTE
Senate Chairman

Which was Read.

On Motion by Senator Katz of Kennebec, Ordered Placed on File.

Committee on Agriculture

March 17, 1980

The Honorable Joseph Sewall
President of the Senate
State House

Augusta, Maine

Dear President Sewall:

The Committee on Agriculture is pleased to report that it has completed all business placed before it by the Second Regular Session of the 109th Legislature.

Bills Received in Committee	6
Unanimous Reports	3
Leave to Withdraw	1
Ought to Pass as Amended	2
Divided Reports	3
Recommitted	0

Respectfully,
S/Senator
Chairman

WALTER W. HICHENS

Which was Read.

On Motion by Senator Katz of Kennebec, Ordered Placed on File.

Committee on Labor

March 14, 1980

The Honorable Joseph Sewall
President of the Senate
State House

Augusta, Maine

Dear President Sewall:

The Committee on Labor is pleased to report that it has completed all business placed before it by the Second Regular Session of the 109th Legislature.

Total number of Bills Received in Committee	5
Unanimous Reports	4
Ought To Pass	3
Ought To Pass As Amended	0
Ought To Pass In New Draft	0
Ought Not to Pass	0
Leave to Withdraw	1
Divided Reports	1
Total Number of Amendments	2
Total Number of New Drafts	0

Sincerely yours,
S/ROLAND L. SUTTON
Senate Chairman

Which was Read.

On Motion by Senator Katz of Kennebec, Ordered Placed on File.

Committee Reports

House

Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act to Amend the Laws Relating to Ambulance Service." (H. P. 1869) (L. D. 1959)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-906)

Signed:

Senators:

GILL of Cumberland
CARPENTER of Aroostook

Representatives:

PRESCOTT of Hampden
MacBRIDE of Presque Isle
BRODEUR of Auburn
BRENERMAN of Portland
CLOUTIER of South Portland
NORRIS of Brewer
PAYNE of Portland

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

Signed:

Senator:

HICHENS of York

Comes from the House, the Bill Passed to be Engrossed, as amended by Committee Amendment "A" (H-906)

Which Reports were Read.

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

Enactors

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

An Act to License Users of Ionizing and Non-

ionizing Radiation Equipment. (H. P. 1682) (L. D. 1791)

An Act to Declare the Right of the Public to Attend Certain Pretrial Criminal Proceedings. (H. P. 1728) (L. D. 1847)

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

An Act to Provide for the Education of Pre-school Handicapped Children. (H. P. 1756) (L. D. 1882)

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

An Act to Clarify the Standard of Review of Agency Rulemaking and to Clarify Compliance Requirements with Conflicting Rules. (H. P. 1768) (L. D. 1890)

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

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

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

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

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

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

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

Emergency

An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine. (S. P. 770) (L. D. 1964)

Emergency

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)

Emergency

An Act to Clarify the Education Law. (H. P. 1944) (L. D. 1992)

Emergency

An Act to Assist Schools Receiving Tuition Students in Complying with Federal Handicapped Laws on Program Accessibility. (H. P. 1945) (L. D. 1993)

Emergency

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

Emergency

An Act Concerning Membership on the Board of Trustees of the Van Buren Light and Power District. (H. P. 1607) (L. D. 1718)

Emergency

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)

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

Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Waldo County for the Year 1980. (H. P. 1950) (L. D. 1998)

Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1980. (H. P. 1948) (L. D. 1996)

Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1980. (H. P. 1951) (L. D. 1996)

1999)

Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1980. (H. P. 1952) (L. D. 2000)

Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1980. (H. P. 1949) (L. D. 1997)

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

Bond Issue

An Act to Authorize a Bond Issue in the Amount of \$7,000,000 for Energy Conservation Improvements for Public School Buildings and the University of Maine. (S. P. 734) (L. D. 1913)

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

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

Papers from the House
Non-concurrent Matter

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

In the Senate March 14, 1980, Passed to be Engrossed as amended by Committee Amendment "A" (S-456).

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-909) Thereto, in non-concurrence.

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

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

The PRESIDENT: The Senator from Knox, Senator Collins, moves that the Senate Adhere. Is this the pleasure of the Senate?

The Motion Prevailed.

Joint Orders

Expressions of Legislative Sentiment recognizing:

Johnnie Laweryson, of Bingham, who has unselfishly served with great dedication for the past 52 years as a volunteer fireman in that community.... (H. P. 1964)

Dan Simoneau of Livermore Falls, member of the United States Olympic cross-country ski team.... (H. P. 1963)

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

Communications**Committee on Election Laws**

March 17, 1980

The Honorable Joseph Sewall
President of the Senate
State House
Augusta, Maine

Dear President Sewall:

The Committee on Election Laws is pleased to report that it has completed all business placed before it by the Second Regular Session of the 109th Legislature.

Bills received in Committee	3
Unanimous Reports	2
Ought to Pass	0
Ought to Pass As Amended	2
Ought to Pass in New Draft	0
Ought Not to Pass	0
Leave to Withdraw	0
Divided Reports	1

Respectfully yours,
Senator RICHARD H. PIERCE
Chairman

Which was Read.

On Motion by Senator Katz of Kennebec, Ordered Placed on File.

Committee on State Government

March 17, 1980

adjourned until 9:00 o'clock tomorrow morning.

The Honorable Joseph Sewall
President of the Senate
State House
Augusta, Maine

Dear President Sewall:

The Joint Standing Committee on State Government is pleased to report that it has completed all business placed before it by the Second Regular Session of the 109th Legislature.

Bills Received in Committee	31
Unanimous Reports	23
Ought to Pass	4
Ought to Pass As Amended	12
Ought to Pass in New Draft	2
Ought Not to Pass	1
Leave to Withdraw	4
Divided Reports	8
Bills Held in Committee	0

Respectfully yours,
Senator DAVID R. AULT
Chairman

Which was Read.

On Motion by Senator Katz of Kennebec, Ordered Placed on File.

Orders of the Day

The Chair laid before the Senate:

Bill, "An Act to Establish an Environmental Health Program." (S. P. 698) (L. D. 1834)

Tabled—Earlier in the Day by Senator Katz of Kennebec.

Pending—Consideration.

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

The Chair laid before the Senate:

HOUSE REPORT—from the Committee on Energy and Natural Resources— Bill, "An Act to Amend the Hazardous Waste Statutes in Order that the State May Respond to Dangers to Public Health, Safety or Welfare and Allow Delegation of the Federal Program." (H. P. 1759) (L. D. 1884) Ought to Pass as Amended by Committee Amendment "A" (H-905)

Tabled—Earlier in the Day by Senator Katz of Kennebec.

Pending—Acceptance of the Report.

The 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.

The Chair laid before the Senate:

Bill, "An Act to Increase Compensation to Municipal Clerks and other Issuing Agents for the Issuance of Certain Fish and Game Licenses." (S. P. 682) (L. D. 1805)

Tabled—Earlier in the Day by Senator Pray of Penobscot.

Pending—Adoption of Committee Amendment "A" (S-471)

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

The Chair laid before the Senate:

Bill, "An Act to Reorganize the Department of Mental Health and Corrections." (H. P. 1786) (L. D. 1904) tabled earlier in today's session by Senator Conley of Cumberland, pending Acceptance of a Committee Report.

The PRESIDENT: The Senator has the floor. Senator CONLEY: Mr. President, I know what I would like to do, but I am wise enough to know when I can't do it, so I am just going to sit down.

On Motion by Senator Katz of Kennebec, Retabled.

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

On Motion by Senator Pierce of Kennebec,