

# 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 19, 1980  
Senate called to order by the President.

Prayer by the Reverend Elmer Young, Chaplain at Pineland Center.

Reverend YOUNG: I have 4 very special people with me this morning from Pineland, and one of the Staff and hope that you will enjoy their company and they will enjoy their visit here to the State Office today.

Let us bow in prayer! Heavenly Father we come before you this morning by divine appointment. According to your word you have ordained that man should be led in government and in order. So as we assemble here this day with those who have been chosen by their fellow citizens to lead our great State, we ask for them special wisdom, special insight, that they may find and help with the needs of the blind, that they may have wisdom for the problems of the working man, and they may be able to offer help to the handicapped, training to the trainable, the provisions for those who are poverty-stricken, hope for the elderly, and O how many other meaningful concerns of these men and women who come before you and ask your direction.

We pray that you will fill their heads, their hearts, and their hands with an understanding and a love for their fellow man even as you have ordained, that they may see that the needs of our fellow creatures are met, according to your will and pleasure.

This which we pray for our State today, we ask also for our great nation. We pray that you will honor our land and continue to keep it a land of peace and plenty and freedom, that you will be able to heal our land and prosper us. We pray this especially today for those who lead our State. In the name of our Savior we ask it. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

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

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

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

**Recess**

**After Recess**

The Senate called to Order by the President.

(Off Record Remarks)

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

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)

In the House, March 17, 1980, Passed to be Engrossed as amended by Committee Amendment "A" (H-915).

In the Senate, March 18, 1980, Passed to be Engrossed as amended by Committee Amendment "A", as amended by Senate Amendment "A" (S-475) thereto, in non-concurrence.

Comes from the House, that Body having Adhered.

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

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

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

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

**House Paper**

Bill, "An Act Providing Standby Authority to Regulate Essential Oil Heating Deliveries." (H. P. 1984) (L. D. 2019)

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

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

Senator KATZ: Mr. President, we're in the final days of the session. Realistically I'm not quite sure how we can deal with a bill that pertains to controls of Heating Oil Dealers next winter. I don't think that justice would be subverted if we deferred action on this. Consequently, I move that this bill be Indefinitely Postponed, without Reference to Committee.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that L. D. 2019 be Indefinitely Postponed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion of Senator Katz of Kennebec that L. D. 2019 be Indefinitely Postponed, please rise in their places to be counted.

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

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

Sent down for concurrence.

(Off Record Remarks)

**Communications  
Committee on Education**

March 18, 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 Education has had under consideration the nomination of Gerald E. Talbot to the position of member of the Board of Education.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 109th Maine 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 10  
NAYS: Senators 0  
Representatives 0

ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Gerald E. Talbot to the position of member of the Board of Education be confirmed.

Sincerely,  
S/HOWARD M. TROTZKY  
Senate Chairman  
S/LAURENCE E. CONNOLLY, Jr.  
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Education has recommended that the nomination of Gerald E. Talbot be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Education 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, Danton, Devoe, Emerson, Gill, Huber, McBreairey, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Trotzky, Usher, Sewall.

ABSENT—Cote, Farley, Hichens, Katz, Lovell, Martin.

(Off Record Remarks)

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 Gerald E. Talbot is confirmed.

**Committee on Education**

March 18, 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 Education has had under consideration the nomination of Mary E. LeBlanc to the position of member of the Board of Education.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 109th Maine 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 10  
NAYS: Senators 0  
Representatives 0

ABSENT: 0

Thirteen members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Mary E. LeBlanc to the position of member of the Board of Education be confirmed.

Sincerely,  
S/HOWARD M. TROTZKY  
Senate Chairman  
S/LAURENCE E. CONNOLLY, Jr.  
House Chairman

Which was Read and ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Education has recommended that the nomination of Mary E. LeBlanc be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Education 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, Danton, Devoe, Emerson, Gill, Huber, McBreairty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Trotzky, Usher, Sewall.

ABSENT—Farley, Hichens, Katz, Lovell, Martin.

No Senators having voted in the affirmative and 28 Senators in the negative, with 5 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 Mary LeBlanc is confirmed.

#### Committee Reports House

##### Leave to Withdraw

The Committee on Local and County Government on, Bill, "An Act to Prevent the Exclusion of Manufactured Housing from Maine Towns by Unduly Restrictive Police Power Ordinances." (H. P. 1649) (L. D. 1758)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Public Utilities on, Bill, "An Act Requiring Public Utilities Commission Approval for the Purchase of Portions of Electrical Generating Facilities by Electrical Companies." (H. P. 1741) (L. D. 1859)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

##### Ought to Pass — As Amended

The Committee on Aging, Retirement and Veterans on, Bill, "An Act to Permit the Bingham Water District to Withdraw from the Maine State Retirement System." (H. P. 1678) (L. D. 1787)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 932).

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

The Committee on Aging, Retirement and Veterans on, Bill, "An Act to Empower the Board of Trustees of the Maine Veterans Home to Borrow Funds and to Issue Bonds, Notes and Other Evidences of Indebtedness." (H. P. 1781) (L. D. 1892)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 933).

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.

#### Divided Reports

The Majority of the Committee on Business Legislation on, Bill, "An Act to Improve Private Remedies for Violations of the Antitrust Laws." (H. P. 1077) (L. D. 1330)

Reported that the same Ought to Pass in New Draft Under New Title, "An Act to Improve Governmental Remedies for Violations of the Antitrust Laws." (H. P. 1975) (L. D. 2014)

Signed:

#### Senators:

CHAPMAN of Sagadahoc  
CLARK of Cumberland  
AULT of Kennebec

#### Representatives:

DUTREMBLE of Biddeford  
HOWE of South Portland  
BRANNIGAN of Portland  
GWADOSKY of Fairfield  
ALOUPIS of Bangor  
LIZOTTE of Biddeford

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

Signed:

#### Representatives:

WHITTEMORE of Skowhegan  
JACKSON of Yarmouth  
BROWN of Bethel

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

Which Reports were Read.

On Motion by Senator Pierce of Kennebec, Tabled until later in today's session, pending Acceptance of Either Committee Report.

#### (Off Record Remarks)

#### Senate

##### Leave to Withdraw

Senator Devoe for the Committee on Judiciary on, Bill, "An Act to Transfer Probate Jurisdiction to the Superior Court." (S. P. 775) (L. D. 1968)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

##### Second Readers

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

#### House

Bill, "An Act Prohibiting Nondegradable Connectors for Returnable Beverage Containers." (H. P. 1974) (L. D. 2013)

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

##### House — As Amended

Bill, "An Act to Establish a Modified Procedure on Matters before the Public Utilities Commission Relating to Contract Carrier Permits and Special and Charter Bus Licenses." (H. P. 1771) (L. D. 1891)

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

#### Senate

Bill, "An Act to Assure Compliance with Existing Laws Affecting Disabled Persons' Access to Certain Buildings Open to the Public." (S. P. 799) (L. D. 2003)

Which was Read a Second Time.

On Motion by Senator Pierce of Kennebec, Tabled until later in today's session, pending Passage to be Engrossed.

Bill, "An Act to Amend the Maine Guarantee Authority Act." (Emergency) (S. P. 780) (L. D. 1972)

Which was Read a Second Time.

On Motion by Senator Pierce of Kennebec, Tabled until later in today's session, pending Passage to be Engrossed.

#### Enactor

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

AN ACT to Permit the Department of Inland Fisheries and Wildlife to Borrow in Anticipation of Revenues. (H. P. 1836) (L. D. 1940)

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

Senator PIERCE: Mr. President, we have debated this bill at some length so I'm not going to go through any lengthy process today. I still don't think it's a good idea. The Treasur-

er of the State does not think it's a good idea. I just think it's sending a wrong signal to the Department. I would just ask for the Yeas and Nays on Enactment.

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 Enactment.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Carpenter, Clark, Najarian, O'Leary, Redmond, Trafton, Usher.

NAY — Ault, Chapman, Collins, Conley, Cote, Danton, Devoe, Emerson, Gill, Hichens, Katz, McBreairty, Minkowsky, Perkins, Pierce, Pray, Shute, Silverman, Sutton, Teague, Trotzky.

ABSENT — Farley, Huber, Lovell, Martin.

7 Senators having voted in the affirmative, and 21 Senators in the negative, with 4 Senators being absent, L. D. 1940 Fails of Enactment. Sent down for concurrence.

Under Suspension of the Rules, there being no objections, all matters previously acted upon were sent forthwith.

#### Orders of the Day

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

Bill, "An Act to Clarify the Education Laws." (H. P. 1965) (L. D. 2011)

Tabled—March 18, 1980 by Senator Huber of Cumberland.

Pending—Passage to be Engrossed.

On Motion by Senator Pierce of Kennebec, Retabled until later in today's session.

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

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

Tabled—March 18, 1980 by Senator Chapman of Sagadahoc.

Pending—Enactment.

On Motion by Senator Chapman of Sagadahoc, Retabled until later in today's session.

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

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

Tabled—March 18, 1980 by Senator Katz of Kennebec.

Pending—Enactment.

This being an emergency measure and having received the affirmative votes of 28 Members of the Senate, with No Senators voting in the negative, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

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

Tabled—March 18, 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 fifth tabled and specially assigned matter:

Bill, "An Act Relating to Motor Vehicle Warranties and Repairs." (H. P. 1777) (L. D. 1878)  
Tabled—March 18, 1980 by Senator Pierce of Kennebec.

Pending—Enactment.

On Motion by Senator Pierce of Kennebec, Retabled until later in today's session.

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

Bill, "An Act to Increase Interest Rates on Judgment Debts." (H. P. 1687) (L. D. 1795)  
Tabled—March 18, 1980 by Senator Pierce of Kennebec.

Pending—Enactment.

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

Senator COLLINS: Mr. President, I have had a few inquiries about this bill, and I think it would be well if I said just a word about it, as it now stands.

This has particular reference to the language of House Amendment 820, that was adopted by that body last week, and accepted in this body at engrossment time. You will recall that the bill itself increases the interest rate on judgment debts from 6% to 8% over the period from the filing of the complaint until judgment is entered. Likewise it increases the rate from 10% to 12% after judgment. This was an appropriate cost of living increase given the rapid escalation that inflation in recent days and over the years since 1971, when the 10% rate was established.

At the same time the other body adopted an amendment to allow the judge to waive all or a portion of such interest upon a showing of good cause for failing immediately to satisfy the judgment. This language is very similar to language adopted by that body upon recommendations from the Judiciary Committee during its consideration of L. D. 608 during the last session.

It is my view with regard to this amendment that such a waiver would be an extraordinary exercise of discretion on the part of the trial judge, and would be based upon a consideration of all the applicable circumstances surrounding the financial situation of the party against whom judgment was entered.

I would like particularly to call to the attention of this body the language in the Statement of Fact which reads as follows: "this amendment authorizes the court to waive in whole or in part the liability for interest on judgment debts if the non-prevailing party proves his inability to pay immediately." Thus there is an affirmative burden of proof placed upon those seeking relief from this waiver, to prove their lack of resources and also their continued impecunious state throughout foreseeable future years.

It was made clear in debate in the other body this language would in no way authorize a waiver when parties requested relief in situations where litigation involved a unique question of law or other issue requiring judicial clarification and interpretation.

I believe that the totality of the Statement of Fact of the amendment makes quite clear that it's intention is solely to provide relief to the individual consumers in very particular and well-defined circumstances. It is no way intended to create a broad loophole from payment of interest generally, which remains a critically important incentive in assuring that those parties who prevail in obtaining relief from our courts will not be unfairly penalized from the inevitable delay in obtaining such relief. Thank you, Mr. President.

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

Tabled—March 18, 1980 by Senator Pierce of Kennebec.

Pending—Consideration.

On Motion by Senator McBreaity of Aroostook, the Senate voted to Recede from its action whereby L. D. 1832 was Passed to be Engrossed.

On Motion by Senator McBreaity of Aroostook, the Senate voted to Recede from its action whereby it Adopted Committee Amendment "B".

On Motion by Senator McBreaity of Aroostook, Committee Amendment "B", Indefinitely Postponed.

Committee Amendment "A" (S-449) Read.

House Amendment "A" to Committee Amendment "A" Read.

On Motion by Senator McBreaity of Aroostook, House Amendment "A" to Committee Amendment "A" Adopted, in concurrence.

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

Senator McBREAITY: I present Senate Amendment "A" to Committee Amendment "A" and move its adoption.

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

Senate Amendment "A" (S-486) to Committee Amendment "A" Read.

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

Senator CONLEY: Mr. President, I don't want to put anyone on the spot here this morning, but I wonder if the good Senator from Aroostook might fill us in as to exactly what the Senate Amendment does to the bill?

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair.

The Chair recognizes the Senator from Aroostook, Senator McBreaity.

Senator McBREAITY: Mr. President, Honorable Members of the Senate, my amendment will change the method of approving the rules that DEP and LURC promulgates to regulate roads, and it adopts the amendment that was put on in the other body.

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

Senator CONLEY: Mr. President, if I may again direct another question through the Chair. Does this mean that these roads will no longer come under the DEP or LURC?

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed another question.

The Chair recognizes the Senator from Aroostook, Senator McBreaity.

Senator McBREAITY: Mr. President, and Honorable Members of the Senate: The roads will come under—in the organized half of the State, they'll come under DEP and in the unorganized they'll come under LURC. Most of them will. The rules that they adopt will have to come back to the committee and this Legislature for approval.

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

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

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

Sent down forthwith for concurrence.

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

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

Tabled—March 18, 1980 by Senator Devoe of Penobscot.

Pending—Reference.

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

Senator DEVOE: I move that this bill be given its first reading at this time, without reference to committee.

The PRESIDENT: The Senator from Penobscot, Senator Devoe moves that L. D. 2008 be given its First Reading at this time, without reference to Committee.

Is this the pleasure of the Senate?

It is a vote.

Under Suspension of the Rules, the Bill Read Once and Assigned for Second Reading later in today's session.

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

House Report—from the Committee on Energy and Natural Resources — Resolve, Authorizing the Exchange of Certain Public Reserved Lands, Georgia-Pacific Corporation. (H. P. 1895) (L. D. 1971) Ought to Pass.

Tabled—March 18, 1980 by Senator Silberman of Washington.

Pending—Acceptance of the Report.

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

Senator CONLEY: Mr. President, and Members of the Senate, I wish to apologize to the Senate for the delay on this particular bill. However, it is my understanding that this evening there will be public hearings in both the Towns of Machias and Eastport dealing with this particular subject matter. Like the Senator from Washington, I think it would be certainly of interest to this body as to what the public input might be at these public hearings, and therefore would request someone to table this one Legislative Day.

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

Senator KATZ: Mr. President. I have been involved in tabling this bill and tabling this bill. There's no action that this Senate will take this morning on this bill, which will prevent the Legislature from gaining from the wisdom of the public hearings. I would hesitate to support a tabling motion. Sooner or later we've got to begin talking about this bill, and I suggest that the time we should begin talking is right now.

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

Senator TROTZKY: Mr. President and Members of the Senate: Georgia-Pacific bought out Hudson Paper Company's lands on Bigelow Mountain Range. With the Bureau of Public Lands a trade agreement has been reached whereby GP will trade the 9,000 acres, approximately a little more than 9,000 acres on the Bigelow preserve for 18 scattered small public lots in Washington County.

We've never had in public trades that I've seen, in the past, any problems with them. In this, some of the people in Washington County are upset because they see 10,000 acres of public land moving from Washington County into Somerset County.

However, let me state that in all the public land trades before we've not really been concerned about regional and county lines. These public lands are for the benefit of all the people of the State, and not for the people of just one county. We have traded across county lines before.

However, looking at the statistics since 1973 for Washington and East Hancock County together, including this trade, Washington County started off with 29,000 acres of scattered public lots and now would have after this trade 23,000 or a loss of 6,000 acres. Eastern Hancock County which joins Washington County went from 6,000 acres to 21,000 acres, therefore, in Eastern Hancock there has been a gain of 15,000 acres, in Washington County there has been a loss of 6,000. So for the total

combining the 2, that general area actually has gained about 9,000 acres of public land.

Some of these lands in Washington County are in the Northern part. There is some lake frontage, for example, on West Grand Lake. However, let me state that these lands really, there are no maintained roads going through these to the lake and they are not used to get to the lake. There is other public access to West Grand Lake, so the committee felt it was the best interest of the State that this trade go through.

There is an amendment passed on my desk this morning Filing Number S-489, Senator Silverman's amendment, in which he is going to try and strike his own deal between Georgia-Pacific and the Bureau of Public Lands. He wants to take out 1,000 acres and keep it in Washington County.

However, the regular procedure has been that the companies have negotiated in good faith with the Bureau of Public Lands, and they have come to an agreement, and if, for example, Senator Silverman negotiates his own agreement, it's not going to go through. These lands do not serve a public purpose right now.

I feel that it's good public relations to have this public hearing, which they are having this evening, however, this bill is at its First Reading, it still has to go back to the House for Enactment, and come back to the Senate. So, I hope the Senate would move this along. Let me say there will always be some people in Washington County who are going to oppose this trade because they see 9,000 or 10,000 acres of public land going into Senator Redmond's County of Somerset.

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

Senator REDMOND: Mr. President, in view of the fact that this is not only in my county but also very close to my heart, because I at one time owned a piece of land called Bigelow, jointly with my brother, and spent a good deal, quite a few years of my life there living in tar paper shacks and lumber camps making my living that way.

I will not elaborate on the details of my logging days. However, I have spoken to Mr. Lloyd Irland, and it's my understanding that there will still be better than 6,000 acres that are into management which means this piece of land will continue in supply the wood processing plants in the area and of course, the Madison Paper Mill is right close to that area.

I have spoken with Mr. Ken Taylor, a former resident of the area before it was flooded. He left me these thoughts, which I would like to read here today. "Dead River and Bigelow Plantations were settled in the early 1840's by the farmers and lumbermen who moved their families to the area. So richly blessed by good soil and abundant forests. It was a valley on the North Side of Bigelow Mountain through which the town, Dead River, flowed and it became a thriving rural community. A local story unproven by any authoritative historical account says that during Arnold's march through this area towards Quebec, during the Revolutionary War, a Colonel Bigelow climbed the mountain to see if they were within sight of the city and named it Bigelow Mountain."

The names of Daggett, Wing, Safford, Witham, Dural, Savage, Kirschner, were common. These long ago citizens would now be most happy to know that the beautiful mountain range overlooking their homes was to become protected in its natural state forever and would indeed become a State Preserve.

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

Senator CONLEY: Mr. President, I can't help after listening to the good Senator from Somerset, Senator Redmond, espouse on his notes here this morning. I make the statement that I would much rather have him belabor us on his logging days than he does spend his time belaboring us on Fish and Game matters.

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

Senator SILVERMAN: Mr. President and Members of the Senate: We in the State of Maine have our bureaucracy decide what type of deals will take place with public lots, but we also in our public lot situation have to have the State Senate and House and the Governor approve of it.

Bigelow, we all love it, Senator Redmond. We hope it becomes a preserve. We hope the woodlands can be used for your mills there, but when you come from Washington County, it kind of bothers you that some choice acreage, as beautiful as Bigelow, in our eyes, has to be placed in a trade for your preserve. We're saying if 10,000 acres come out of Washington and Aroostook County or Somerset County, then it is possible that it could be 9,000 acres or 8,000 acres, because the Bureau of Conservation consolidated a beautiful public lot in Township 18 in Machias, and to make this trade they are now taking 1,000 acres away from it.

I don't believe it's fair to the people that I represent in Maine, including Washington County, to take that 1,000 acres away by a bill that was pushed through here in the less than 3 weeks of the closing of a session, that the public in Washington County and throughout the State had no opportunity really to be a part of except a public hearing which I had to call them and they called me within 4 or 5 days before it, and 5 or 6 came up from Washington County, gave up a day's pay and so forth to be here.

I don't think that's good government. You can ram this bill through, you can get it signed and you can fool the people. That's possible in government, but I think it's very unfair to be putting this bill through at this time when the Bureau of Conservation will be in Washington County tonight to have public input. Doesn't the public count any more? Don't the voters have a say too? That's why we have the Bureau going down there.

Secondly, and I wonder if this is not a legal question. How can you give up some 10,496 acres of public lot for 9,358 acres? I question this, because if you're going to play those games, eventually you can own the most expensive piece of land in Maine and most of the acreage will be gone. I think you should be swapping acre for acre. I think that should be a legal decision before this bill passes, if it does pass. On that, I hope someone would table this for one day. Thank you.

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

Senator TROTZKY: Mr. President, we've had other swaps where we haven't swapped acre for acre, but we tend to look at value for value. For example, certain lake frontage could be worth quite a few acres.

First of all the bill did have a public hearing. It was advertised. On February 15, 1980 a new release was distributed to the Calais Advertiser, to the Machias Valley News, to the Saint Croix Courier, and many, many other papers throughout Hancock County and elsewhere in the State, Bangor Daily News and so on. On February 28, because there was concern over this trade, the Bureau of Public Lands issued an open letter explaining the trade and it was issued to the Bar Harbor Times, the Bucksport Free Press, Calais Advertiser, Ellsworth American, Weekly Packet, Quoddy Times, something called County-wide Machias, and so on. So there was an opportunity for the people of Washington County to express themselves. There was a public hearing.

The issue here is that some of the people in Washington County are seeing that in this specific trade 10,000 acres of public land is being swapped for about a little more than 9,000 acres in another part of the State, but in other trades before this, Washington County has gained. So looking at the totals, the total lands in both Eastern Hancock right along the border

of Washington County and Washington County itself, that area has gained 9,000 acres.

The other issue which has been brought up was brought up at the hearing why we swapped for land way over in Bigelow? When the Bigelow bill came in years ago, it was brought out that Bigelow wouldn't have to be purchased outright. It could be gotten, part of it, by swapping public land, which we have done before, but Washington and Eastern Hancock County and all the trade has gained land, gained public land.

The Bureau of Public Lands will continue to keep a presence in Washington County. Most of the lots that have been swapped were not swapped near the populated areas, but were swapped up in Northern Washington County.

There is a concern, Senator Silverman mentions for this block near Machias which the State has gotten control over, but again you have to negotiate with a company. The Georgia-Pacific Corporation is not negotiating with Senator Silverman. The Georgia-Pacific Corporation is negotiating with an agency of the State of Maine which is representing all the people of the State of Maine.

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

Senator CONLEY: Mr. President, I appreciate the remarks made by the good Senator from Penobscot, Senator Trotzky, but I must remind the good Senator that that agency happens to represent us, that we are the ones that directly represent the people, and in no time do I believe any department, any agency of the State should just automatically be rubber stamped.

Personally I'm not going to do anything to hold this bill up. I haven't made up my mind as to whether I'm going to support it in its final stages, but I do think that the good Senator from Washington, has raised some vital points.

I notice also that in the remarks made by the good Senator from Penobscot, Senator Trotzky, that he said that there were enumerable ads put out in newspapers throughout the State, or throughout that region calling for a public hearing or notifying the people of that area that there was to be a public hearing. Where was the public hearing held? Was it held here in Augusta? Was it held in Washington County? Was it held where the people themselves who live in that area would have had the most input?

Again, I think the agency of the State Department of Conservation is to listen to the people of that area, not some paper company, not necessarily. I've got nothing against Georgia-Pacific or whoever else is involved. The question is as I stated earlier that the citizens of that area are going to have their opportunity for some input, and it's going to be tonight because the agency that you speak of Senator Trotzky, is going to be down there in the flesh this evening to hear those people and to discuss with those people what this settlement means.

As I say I would at least like to read the Bangor Daily News tomorrow morning to see exactly what happened at those public hearings. That's all. I'm not trying to throw any smoke screen in front of this bill. I think what the good Senator from Washington, Senator Silverman, said you don't swap 6 pussy cats for 1 pussy cat. You sort of like to make sure that the hands are balanced equally. I would like an explanation as to why Georgia-Pacific is getting more acreage and that the State is losing, is coming out on the short end of that. Somebody should respond to those questions.

Again, the Department of Conservation is an agency but we are the ones who represent the citizens of the State. We are the ones who make the final determination as to whether or not public lots are going to be transferred.

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

Senator MCBREAIRTY: Mr. President, Honorable Members of the Senate: I voted with Senator Silverman yesterday to table this bill



so that they could go into Washington County tonight.

Now, this bill isn't going to be passed today, even though it's sent down to the other end of the Hall, because the sponsor of the bill is down at the other end of the Hall and has quite a lot of influence down there, and I doubt if it gets any further than the other end of the Hall tomorrow, if it's needed to be held. So I think it would be perfectly all right to pass it on to the other end.

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

Senator O'LEARY: Mr. President. To some of the comments of the good Senator from Cumberland, Senator Conley, I would respond when we're talking about balancing acres in value and everything, we have to look at what we're actually getting.

The value placed on the land in the Bigelow Preserve has a value of \$1.5 million vs. the public lots that we are giving up in the County of Washington, in this trade has a value of a little less than half a million, I believe it is.

Now the Legislature has been directed and the people have had their say on this, we had a bill before our Legislature 4 or 5 years ago that directed the State to purchase Bigelow Mountain for a price of around \$4 million and the Committee on Natural Resources at that time voted against almost unanimously that bill because the price tag would have been closer to \$40 million.

One of the opponents of this trade at the public hearing was one of the circulators of this petition in Washington County. Had these things to say about it, realized and it was in the Gannett Papers that the State would trade lands to acquire, and it's right in the initiated bill. "The Department of Conservation including the several bureaus and agencies therein in the Department of Inland Fisheries and Game are hereby authorized and directed to acquire." Now if you look at Webster's Dictionary, to acquire means to purchase or trade. The only other way I know to get anything to acquire it would be to steal it and that's illegal, and the law already tells us what we're going to do. It directs the department to do this.

So we're talking about value, the value that the State is getting is about 3 times as much as we're giving away. I appreciate the concerns of the people in Washington County, but I don't see that we have any other choice but to go ahead and trade lands anywhere in this State, negotiate with these various companies, to fill out the rest of that Bigelow Preserve. After that I don't know what we're going to do.

I continually resent slurs made against some of the paper companies. Georgia-Pacific has been one of the better paper companies in the whole United States. As a matter of fact, I believe that they were one of the first to institute the practice of multiple use. Mr. President, I hope that the Senate will vote today to move this bill along.

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

Senator SILVERMAN: Mr. President, and Members of the Senate: I would like to read in the Record as they are speaking about values. I first brought up acreage, and certainly public lots are being short changed in acreage on this deal.

Now we talk values. For the 10,496 acres, the State of Maine land value is \$491,288, and the shore front value is \$67,500. That is what Georgia-Pacific is gaining, \$558,502.

Now the State estimates that Georgia-Pacific is giving 9,358 acres of Bigelow at a value of \$533,406. O.K. \$533,406 and then they include something that hasn't been mentioned, the Georgia-Pacific timber and grass rights on 6,620 acres I imagine somewhere in the State, worth \$222,000 for \$755,000.

So I don't know when you estimate values how you can estimate them on what the State puts as a value. Certainly Bigelow is worth

more than \$57 an acre. Certainly the lands that I want to take out of this 1,000 acres is worth more than \$36 an acre as they are in this presented to us.

Now the Joseph Sewall Company appraises the actual value of the Bigelow Tract at \$1,516,000. That is what Senator O'Leary mentioned, but I think the facts are not being told to the people. They're not even being told today in the Senate. I think this is being just pushed right down the people's throats as far as public lots go. As far as I'm concerned I don't think it's fair to the people in Maine as well as Washington County. You can do as you see fit, I think it should be tabled but it's up to you.

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

Senator TROTZKY: Mr. President and Members of the Senate: If we look at this balance sheet that Senator Silverman has been quoting from they say the State of Maine lands public lots are worth about \$533,000, however, Georgia-Pacific also retains the timber and grass rights on 6,000 acres of those public lots. That's worth something.

One of the arguments of the few people who came down to the hearing was that we'd like to retain those public lots so we can get firewood and so on, fuel wood. Because GP still retains the grass and timber rights, it's impossible for the Bureau of Public Lands to sell any of this fuel wood to the people of Washington County.

However, just looking at it, quoting from the same sheet that Senator Silverman was quoting from, Georgia-Pacific is giving up \$755,000 and State of Maine is giving up \$558,000. The State of Maine comes out ahead that way.

If you look at Sewall Company's estimates which are much higher, we still come out better. If you look at one lot we're giving out in Senator McBreaity's Aroostook County, looking at the topographical map, it looks like half swamp, so I think we're coming out of this pretty good.

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

Senator KATZ: Mr. President, I rise to speak for the Senate. It has been suggested that this debate should have been deferred for future time. But I call to your attention the debate which actually occurred this morning really should have occurred, irrespective of what happens at meetings and what happens in Washington County. Some facts have been considered. Some debate has occurred. There's only one sour note I'd like to point out. That was struck by the Minority leader, who usually upholds the integrity of the Senate so beautifully, but he suggested that this public hearing was held in Augusta. I don't know how he found out because I thought it was a well kept secret.

Looking at today's calendar I notice the bill pertaining to the Bingham Water District was held in Augusta. The bill that had to do with the Limestone District was held in Augusta, and even the infamous Mattawamkeag Wilderness Park hearing was held in Augusta because we hold all our hearings in Augusta, and we don't go out in the counties. I think the Legislative procedures that have been followed have been just exactly like any other, and I think that we move this bill along today to the people of Washington will still have the opportunity before final disposition of this bill to discuss it.

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

Senator CONLEY: Mr. President, I've been somewhat confused lately as to whether or not the gentleman on my right has been elected by the citizens of Washington County or the citizens of Kennebec County. He has become such an authority lately on Legislation that has been introduced dealing with Washington County.

I think my remark to the Senate is that I asked had the public hearing been held in Augusta. I did not say it was held here in Augusta.

I was dealing primarily with the Bureau of Conservation, as to whether or not when they

first discussed changing this land, as to whether or not they had public hearings in Washington County.

I think the integrity of the Senate, I am not questioning that integrity. I personally believe that we have something dealing with the number of acres that we are discussing here this morning, that the people in that community or within that region should have the most say, or at least they should have the opportunity of being heard on their own turf, by the Bureau of Conservation. I do not think that somebody from Plantation 5, or somebody from 29 Taylor Street who has no knowledge as to exactly what went on and what is going on down there should be making that decision.

I certainly think that if a public hearing is being held tonight as I stated earlier in both Machias and Eastport, that we would garner a little more light, or information as to what this is all about. I think that that is the course that I would like to follow, 1 day and then let the bill go one way or the other. I think that the citizens of Washington County those who are most concerned should have an opportunity of discussing this.

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

Senator SILVERMAN: Mr. President, I move that we table this bill for 1 Legislative Day.

The PRESIDENT: The Senator from Washington, Senator Silverman, moves that this bill be tabled for 1 Legislative Day.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: 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 the Senator from Penobscot, Senator Pray, that L. D. 1971 be Tabled for 1 Legislative Day.

A Yes vote will be in favor of tabling L. D. 1971.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Carpenter, Clark, Conley, Cote, Danton, Hichens, Najarian, O'Leary, Pray, Silverman, Trafton.

NAY — Ault, Chapman, Collins, Devoe, Emerson, Gill, Huber, Katz, McBreaity, Perkins, Pierce, Redmond, Shute, Sutton, Teague, Trotzky.

ABSENT — Farley, Lovell, Martin, Minowsky, Usher.

11 Senators having voted in the affirmative and 16 Senators in the negative, with 5 Senators being absent, the motion to Table L. D. 1971 for 1 Legislative Day, does not prevail.

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

Senator SILVERMAN: When it is proper I would like to offer an amendment.

The Ought to Pass Report of the Committee Accepted, in concurrence. Under Suspension of the Rules, the Resolve, Read Twice.

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

Senator SILVERMAN: Mr. President, and Members of the Senate. I would like to offer Senate Amendment "A" under filing number S-

489 to House Paper 1895.

The PRESIDENT: The Senator from Washington, Senator Silverman, now offers Senate Amendment "A" to L. D. 1971 and moves its adoption.

Senate Amendment "A" (S-489) Read.

The PRESIDENT: The Senator has the floor.

Senator SILVERMAN: Mr. President, I offer this amendment in behalf of the people of the State of Maine, including Washington County. That the 1,000 acres in Township 18, outside of Machias that is now a consolidated public lot, for the purpose of recreation, for the purpose of firewood cutting, management for local public people and for the purpose of continuing a policy that we are trying to keep the same number of acreage in trades, for those purposes, I offer this amendment and hope that we would move for its adoption.

I also say, personally do not care for the agreement made by the Bureau of Public Lands or the Department of Conservation with the Georgia-Pacific Corporation as far as it is concern for the people of Maine and the people of Washington County. Thank you.

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

Senator TROTZKY: Mr. President and Members of the Senate: I am a Real Estate Broker and it appears that Senator Silverman now is trying to become a Real Estate Broker.

What he is trying to do is take out of an agreement 1,000 acres and 1,000 acres just taking a rough estimate it has got to cost at least \$150. per acre. So immediately he is pulling out \$150,000 more or less from this trade.

Again I say that Georgia-Pacific Corporation negotiated in good faith with the Bureau of Public Lands over a period of time.

Now this parcel that he is talking about is referred to as 18EGBBP, The Bureau of Public Lands made this statement to us. The Bureau of Public Lands would have preferred not to include this 1,000 acre tract in the trade. Indeed negotiations were concluded around this specific tract. The Bureau of Public Lands had nothing else, nothing else, for which to balance the established value of Bigelow. So sometimes the State has to give up something that it might prefer to keep. It was the Department of Conservation view that the value of Bigelow was important here, and that it was essential to conclude a deal with Georgia-Pacific that this parcel be included.

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

Senator PRAY: Mr. President and Members of the Senate: I would pose a question through the Chair to members of the Energy and Natural Resources Committee. I can remember when the public hearing was held and there was a great deal of publicity in the papers as to the size of the turn out and the feels of the people from Washington County.

It is my understanding that at that hearing there was a great deal of opposition by the general public more so than there was of individuals in favor. Though I do understand of course, that the parties involved in the negotiations of course after having negotiated their settlement favored that settlement because that is the points that they reached.

The people themselves where opposed, I also in reference to the remarks of the Senator from Penobscot, Senator Trotzky, in reference to the position of the Bureau of Public Lands, as to their concerns and what they had to bargain away, once they bargained away there is no mandate that the Legislature has to follow suit and give it away also.

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

Senator MCBREAIRTY: Mr. President and Honorable Members of the Senate. I had a little hard time deciding how to go with the bill, because of the fact that some of this land is coming from Aroostook, I do not think that Public Lands, did a very good job in letting the

people know what was going on. I agree with the people who feel that way.

What helped me make up my mind to go with the bill, is the fact that the Washington County Delegation is split on it I guess, that some of them, feel that maybe they are safer with the land in private ownership than they are in public land, because they really do not know what is going to happen to it in public land, and in private ownership, usually the same policies seem to stay put for quite sometime.

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

Senator SILVERMAN: Mr. President and Members of the Senate: To the good Senator McBreaity, the Washington County Delegation has voted when you people unanimously came out of committee that this should pass, that they felt that the public should be made aware with proper information, and would hope that this bill does not pass, at this time and in this session, and could be considered at another date. This was right in the paper.

What bothers me again, the State values of a 1,000 acres of prime land in Washington County, at \$37. an acre. That is \$37,000 that my amendment is talking about on state evaluation.

Now this land can be used at this time, with management by the public for firewood, and Washington County with the low income 30% or more is low income and because of the high energy costs, is turning to fire wood in order to heat their homes. This is 1,000 acres of land that could be used for the public to get the people fire wood for their homes. Once it is turned over to Georgia-Pacific, Georgia-Pacific will need that land for its wood supply, there is no question of this. This is what this really amounts to.

I would think that with the vast holdings of land Georgia Pacific has in Washington County and we certainly compliment them in their well managed and recreational regions, they do everything to accommodate the public, but I do believe that in Township 18, in the Machias Area, there is no reason why that 1,000 acres has to be turned over in this Bigelow deal. Therefore I would ask you to vote for my amendment.

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

Senator O'LEARY: Mr. President and Members of the Senate: I am not going to make the same mistake that I made the other day, when I was talking about public lots, and not ask for a Division. I do ask for a division on this one Mr. President.

I tend to mix things up once and a while, I think that the little leprechaun in me when it comes to amendments someone has got to watch. Well this is a nice little amendment we have here because what this amendment will do is to negate the negotiations between the State and Georgia-Pacific. Then there will be no land swap, so I ask you to vote against the pending motion.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of adoption of Senate Amendment "A" to L. D. 1971, please rise in their places to be counted.

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

6 Senators having voted in the affirmative and 23 Senators in the negative, Senate Amendment "A" (S-489) Fails of Adoption.

The Bill, Passed to be Engrossed, in concurrence.

(Off Record Remarks)

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

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

Senator KATZ: I move that the Senate reconsider its action whereby L. D. 1971 was Passed to be Engrossed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate reconsider its action whereby L. D. 1971 was Passed to be Engrossed.

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

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion to Reconsider does not prevail.

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

HOUSE REPORTS—from the Committee on Health and Institutional Services— Bill, "An Act to Amend the Laws Relating to Ambulance Service." (H. P. 1869) (L. D. 1959); Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-906); Majority Report — Ought Not to Pass.

Tabled—March 18, 1980 by Senator Pierce of Kennebec.

Pending—Motion of Senator Gill of Cumberland to Accept the Majority Report.

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

Senator CHAPMAN: Mr. President and Members of the Senate: I would like to ask a question to anyone who can answer, about this bill, and particularly its amendment.

It appears to me, that while the State is looking for ways to save money and cut down personnel that we in this bill, are stipulating the State's involvement and the State's hiring and paying them to test ambulance personnel. Which has been and could be and could continue to be, effectively done at the local level. My question is really have I misconstrued the Bill, by making this observation?

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

Senator GILL: I am not sure whether Senator Chapman's question was directed at the original bill, or the amendment. The Committee Amendment takes care of some of the difficulties that a lot of people felt that the State was going to be licensing and testing people. They will be licensing, because that is the prerogative of the State.

As far as the testing the testing for the ambulance attendants will be done in the rescue squad by a person who is qualified to teach and test in that squad.

I do not know what he is talking about in additional personnel. If he would clarify that for me I would be glad to respond.

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

Senator CHAPMAN: Mr. President and Members of the Senate: In the amendment on the second page, section 9B it says: "the State shall furnish written and practical examinations for initial licenser and re-licenser, for basic and advanced emergency medical technicians, and shall administer them through regional coordinated examination teams. They shall be advertised and scheduled regularly and shall be administered at appropriate sites, and times as needed. Each member of an examination team shall hold a current license for at least a level for which the examination of others, and shall not administer practical examination to any member of the unit to which he belongs."

It seems to me that the State is taking over the examination of Emergency Medical Technicians and prohibiting the unit from doing this themselves.

Ambulance personnel, and I am very supportive of the work that they do, and I am not trying to lower any of their abilities or their qualifications at all, but are we not removing some of the local initiatives here? If ever there were a group of dedicated people with as fee a decor and an ability and a desire to improve



themselves in my view it is ambulance personnel. I guess, that I am just wondering why does the State feel that it needs to get into this picture and to take over some of these functions of testing and examination?

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

Senator GILL: As far as the licensing of the practical exam goes Senator Chapman and Members of the Senate, the practical exam is usually given by a team. What the example that was given to us before one of our Committee Hearings was that when two people are testing, and usually they are done in a regional area because the EMG testing is a more stringent test, than ambulance personnel would have. That one of them, if there are people from the local area, where one of the team, if there are people from the local area, where one of those team members live, he would not give the practical exam himself, his partner would. They do it in where one acts the part of the patient and one sees that the tester is using the proper technique. If it came about where in the team there was someone that came along that was from your town, if you were a tester and you were working on a team if there was someone from your town, you would be the patient and not the one providing the exam. It is just to get away from in that particular area the EMT that is a more rigid type test. Those people are required to know more, they are providing emergency medical services it is just not a matter of first response, or the ambulance attendant arriving. They are getting into more difficult areas and they work under the direction of a physician and the physician's license so they should be mandated to know more about their craft.

There are no additional personnel, the State is furnishing the tests, on both levels. The State will administer the test on the EMG level, to make sure that people are knowledgeable about what they are supposed to be doing in a situation that arises.

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

Senator CHAPMAN: I am not aware of any problems and maybe there have been some severe problems that have caused this type of action.

We are adopting this taking away the ability of local units to carry on this testing procedure.

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

Senator GILL: The problem came about because we passed a piece of Legislation two years ago. I think it was L. D. 1257 which took away the right of testing from the department. At that time, since then we have shifted Medical Care Development was the organization that was responsible for Emergency Medical Services. We have done a shift now where they are no longer a part of Emergency Medical Services. These are being taken care of within the Department itself.

Over-viewing the change over we came upon L. D. 1257 that had withdrawn from the Department the right to do these testings, so what we are trying to do is put it in the proper places at this point.

I understand your concern because I have had many letters of concern from people who are out in the field, but they were looking at the original L. D. that we had this year 1959. We have after the hearing process that we had we have worked in work shop and we have really come out with a Committee Amendment that takes care of some of the problems that existed for those people. The local people, the ambulance people, with minimal requirements the training of licensed ambulance personnel, will be done on the local level. Will be done in the local rescue squads. They can be taught there, and they can be tested there, but when we get up to the higher levels of training the State really should and most of them felt that they wanted to have a standard test provided at least by the State and practical exam adminis-

tered.

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

Senator SHUTE: Mr. President and Members of the Senate: I had a couple of letters from the ambulance that services my area and maybe these concerns have been taken care of.

One concern is, as stated in the letter, and I am not sure that this is still an emergency bill, it was when it started. Does the State at the present time, do they have a course that they are giving now that you have to pass, and if not when will that course be ready?

If this is an emergency measure, according to the letter, they would not be able to license any people for 5 months if the State doesn't have these tests available at the present time.

Two, can instructors give the tests at the end of the course, or do they have to make another trip to a regional center to take the test?

I think that this is a valid concern if you have good instructors giving the test I do not see any reason why they shouldn't be able to test the people when they have completed the course. Maybe that is taken care of in the amendment.

On Motion by Senator Perkins of Hancock, Retabled, until later in today's session.

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

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—March 18, 1980 by Senator Conley of Cumberland.

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

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

Senator PRAY: Mr. President I submit Senate Amendment "A" to Committee Amendment "A" under filing number S-483 and move it's adoption.

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

Senate Amendment "A" (S-483) to Committee Amendment "A" Read.

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

Senator PIERCE: I would ask the Senator from Penobscot, to explain the purpose of the Amendment. It would appear to me that this is something that the Committee discussed at length and rejected unanimously.

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

Senator PRAY: Mr. President and Members of the Senate: The amendment which I just submitted makes the effective date of the act, January 1, 1981. The purpose of that is several years ago, when the department passed a license increase mid-way through the season they had to change their licenses from one price to another. This would just state that on that date, effective January 1, when the new licenses come out and they start selling the new licenses that they would all fall in the same price category for the entire year. If we pass the bill, as presently stated these increases of changing what a clerk will charge will change 90 days after the Legislature adjourns.

The licenses have already been printed up for this year, they state on there either the 25¢ or the 50¢ that the agent will keep. If we pass it this way then it's the wrong bill.

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

Senator PIERCE: Mr. President I think either the good Senator from Penobscot, or myself has the wrong amendments and it may very well be me, could I have the Secretary read the filing number on the amendment.

The Filing Number S-483 Read.

Senator PIERCE: I would pose a question as to if this amendment is to the proper bill?

The PRESIDENT: The Chair would advise the Senator from Kennebec, Senator Pierce that apparently a mistake has been made, this amendment is not the proper amendment.

On Motion by the Senator from Penobscot, Senator Pray, Retabled, until later in today's session.

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

Senator PRAY: Mr. President is L. D. 1950 in the possession of the Senate?

The PRESIDENT: The Chair would answer in the affirmative L. D. 1950, "An Act to Authorize Operational Moneys for the Mattawamkeag Wilderness Park." Having been held at the request of the Senator.

On Motion by Senator Pray of Penobscot, the Senate voted to reconsider its action whereby:

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

The PRESIDENT: The Senator has the floor.

Senator PRAY: I now move that the Senate Reconsider Engrossment of this Bill.

The PRESIDENT: The Senator from Penobscot, Senator Pray now moves that the Senate Reconsider its action whereby L. D. 1950 was Passed to be Engrossed.

On Motion of Senator Pray of Penobscot, the Senate voted to reconsider it's action whereby it Adopted Committee Amendment "A".

The PRESIDENT: The Senator has the floor.

Senator PRAY: Mr. President, I now present Senate Amendment "B" to Committee Amendment "A" under filing number S-485).

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

Senate Amendment "B" (S-485) to Committee Amendment "A" Read.

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

Senator MCBREAIRTY: Mr. President and Honorable Members of the Senate: Looking at this amendment, I am afraid that Senator Pray has got the wrong amendment on the wrong bill again, because he is taking \$10,000 out of the Snowmobile Fund and I do not believe that that will go very well, further down the road.

That fund is a dedicated fund, there are thousands and thousands of dollars worth of free labor that has gone into cutting trails. This money is matching money to towns and snowmobile clubs for the purpose of maintaining those trails. I think that maybe this coming today might possibly get on, but believe me, before Enactment, there will be some opposition to it.

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

Senator PRAY: Thank you, Mr. President, Mr. President, and Members of the Senate, the amendment that now is before us and pending came from the recommendation of the Director of the Bureau of Parks and Recreation in a telephone conversation which I had with him this morning.

The bill as we had going through the Legislature would take \$20,000 out of their operating budget, and he specified that if the Legislature would specify as to these 2 accounts, then their department would not be in any type of financial problems.

In reference to the remarks made by the Senator from Aroostook, Senator McBreairey, in reference to the \$10,000 being matching funds, those \$10,000 are going to be matched, for the Mattawamkeag Wilderness Park. The funds out of the Municipal Recreation Fund, the Director says that this money is proper and can be given to this Park without any problems.

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

Senator SUTTON: Mr. President, I don't usually get involved in these types of things, but I

want this Senate to know and all the people of Oxford County that the Director of Public Parks does not live in my district, but there are lots of snowmobilers that do. I want everyone to know that I am unequivocally against this amendment and especially taking any money from the Snowmobile Fund, and I would urge it's defeat.

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

Senator O'LEARY: Mr. President and Members of the Senate: I had distributed to each of your desks a copy of a news in our local paper at home. What some of these snowmobilers do. They raised \$10,700 for the Oxford County Related Children in a ride-a-thon and such.

Mr. President and Members of the Senate: It seems like the Senator from Cumberland, Senator Usher done some checking around and found out that there was money in the Snowmobile Fund so he tried to raid it for \$250,000 for the Highways. I'm just wondering if the good Senator from Cumberland, Senator Huber, has any ideas of using this in the General Fund. We all know there is money there and I'm concerned not on this one piece of Legislation for \$10,000 I think it's perhaps worthwhile. Just as a warning that I'll never vote for highways or General Appropriations to use any of this money. I will not oppose this amendment, but the snowmobilers do a lot of good and I hate to see their fund raided.

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

Senator CLARK: Mr. President, Men and Women of the Senate: It's with surprise and yes, even dismay that I see the good Assistant Minority Leader's name attached to Senate Amendment "B", that would attempt seriously to invade the Snowmobile Trail Fund, which we all know is inviolate. I hope it remains that way.

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

Senator PIERCE: Mr. President and Members of the Senate: Just to take a little different approach for the moment, if this amendment will help bring this bill to it's knees, I think I'm going to support the amendment.

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

Senator TROTZKY: Mr. President, I'm not that concerned with the Snowmobile Trail Fund. Coming from a city I see they're going to take \$10,000 from the Municipal Recreation Fund. The concern I have is I would like to know something about that fund. How much money is in that fund, and how would this affect recreational activities in cities?

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

Senator CONLEY: Mr. President, the good Senator from Penobscot, Senator Trotzky just flushed me out of my seat. We don't have any snowmobiles on Taylor Street, I can assure you, but we do have a few parks. In fact, we have a playground right next door to the residence of 29 Taylor Street and if there was some way that I could amend it into this bill to shut it down I would do it.

However, that not being the case, I don't know we're all getting worked up over this little Snowmobile Fund, look at how we've been robbing the State Pension Fund for years. \$10,000 to take care of a little park somewhere up North to satisfy some of those citizens might be good for everybody, but I'll tell you one thing if the good Senator from Cumberland, Senator Usher can flush out \$250,000 for the DOT, and Senator Pray here from Penobscot can flush out \$10,000 for this little park. I would tell everyone sitting in here to keep their hand on your back pocket because tomorrow you don't know what's going to happen.

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

Senator PRAY: Mr. President, perhaps we should have had a Joint Convention before we

started this thing so we could explain this. The Municipal Recreation Fund is \$100,000. I would just like to point out to the Senator from Penobscot, Senator Trotzky, being from the city that he is, that smaller municipalities qualify as well. In this instance it's being directed that \$10,000 of it will go to one of the smaller Northern Communities. While the people in Southern Maine may try to raid the Snowmobile Fund for \$200 and some odd thousand those of us in Northern Maine have a little bit more sense of reality that \$10,000 is something that's a little bit more reasonable to attempt to get.

The Snowmobile's Trail Fund itself is a fund that was set aside. I'm sure many of you are aware of it. It is based upon a percentage of the gasoline tax which is presumed to go to snowmobile in good years, when we have lots of snow.

While the Mattawamkeag Wilderness Park itself has many miles of Snowmobile Trails, those trails are constantly being worked over and worked on for not just the people in the Mattawamkeag area but for the people throughout the State and a number throughout the State, including the City of Portland, Bangor, and elsewhere do utilize these trails through that park.

As we debated the bill the other day in reference to what is taking place and the attempts that have taken place we're back to public lots again. The Mattawamkeag Park was formed out of public lots. The Federal Government made close to a half a million dollar investment in this park. It's not in my district but I think it's of serious concern to the people of this State that we should attempt to preserve it until they have a chance to raise the needed monies to continue the operation of that park and that half a million dollar investment which government has made into it at this point.

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

Senator KATZ: Mr. President, I think the problem is not that we don't understand this amendment. The problem is that we do understand the amendment.

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

Senator USHER: Thank you Mr. President, Mr. President and Members of the Senate, for those of you who don't know, to help you rest easy, the request for \$10,000 is very minimal.

A month ago they had over \$990,000 in the Trail Fund. So I assume they are probably closing in on a million dollars right now as this year's registration. If the Director of Parks and Recreation endorses this, so do I.

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

Senator MCBREAIRTY: I would like to ask for a Division and ask for the Yeas and Nays. I'm sure everybody wants to be registered on this vote.

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

Senator TROTZKY: Was that a Division Roll Call?

The PRESIDENT: The Chair would advise the Senator that the Division Roll Call Motion is a unique motion that is reserved only to the good Senator from Somerset, Senator Redmond. So the Chair would answer in the negative.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you, Mr. President, Mr. President, Men and Women of the Senate. Senate Amendment "B" to Committee Amendment "A" does not deserve passage. The good Senator from Cumberland, Senator Usher, has alluded to many hundreds of thousands of dollars which are now residing in the Snowmobile Trail Fund. We who know about the Snowmobile Trail Fund and know about snowmobilers recognize that hundreds of thousands of dollars are already allocated and/or dedicated to the Interstate Trail System.

It's interesting to note that the Maine Snowmobiler's Association was unaware of this little bobble. I look forward to being recorded on this impending Roll Call.

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

Senator COTE: I'm very happy to know there's one department that doesn't spend their money faster than it gets it.

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 Pray of Penobscot, that the Senate Adopt Senate Amendment "B" to Committee Amendment "A".

A Yes vote will be in favor of adoption of Senate Amendment "B".

A No vote will be opposed.

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

#### ROLL CALL

YEA — Chapman, Collins, Conley, Danton, Emerson, Huber, Katz, Najarian, Pierce, Pray, Redmond, Trotzky, Usher.

NAY — Ault, Carpenter, Clark, Cote, Gill, Hichens, McBreaity, Minkowsky, O'Leary, Perkins, Shute, Sutton, Teague, Trafton.

ABSENT — Devoe, Farley, Lovell, Martin, Silverman.

13 Senators having voted in the affirmative, and 14 Senators in the negative, with 5 Senators being absent, Senate Amendment "B" (S-485) Fails of Adoption.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, I offer Senate Amendment "A" to Committee Amendment "A" under Filing Number S-482 and move it's adoption.

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

Senate Amendment "A" (S-482) to Committee Amendment "A" Read and Adopted. Committee Amendment "A", as amended, by Senate Amendment "A", Adopted, in non-concurrence. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

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

#### Recess

#### After Recess

The Senate called to Order by the President.

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

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

#### Recess

#### After Recess

The Senate, called to order by the President.

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

#### Papers from the House

#### Non-concurrent Matter

Bill, "An Act to Adjust License Fees, for In-

flation, for the Department of Inland Fisheries and Wildlife. (H. P. 1830) (L. D. 1934)

In the House, March 18, 1980, Passed to be Engrossed as amended by Committee Amendment "A" (H-927).

In the Senate, March 18, 1980, the Minority Ought Not to Pass Report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Adhered.

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

Senator PIERCE: Mr. President, I move that the Senate Adhere.

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

Is this the pleasure of the Senate?

The Motion Prevailed.

See Action later today.

#### Non-concurrent Matter

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

In the House, March 17, 1980, Passed to be Engrossed as amended by Committee Amendment "A" (H-912).

In the Senate, March 18, 1980, Bill and Papers Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Adhered.

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

Senator TEAGUE: Mr. President, I move we Recede and Concur.

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

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, I would ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion to Recede and Concur, 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 Recede and Concur does not prevail.

Is it now the pleasure of the Senate to Adhere?

The Motion Prevailed.

See Action Later Today

#### Joint Orders

Expressions of Legislative Sentiment Recognizing:

The Maine National Guard, which has been cited as the best in the nation for 1979 by the National Guard Bureau in Washington. (H.P. 1986)

The Sisters of Saint Martha for their dedicated service to the Van Buren Community Hospital over the past 20 years. (H. P. 1982)

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

#### Order

An Expression of Legislative Sentiment recognizing:

The 1979-80 Westbrook High School girls' basketball team, State Class A champions for the 3rd consecutive year. (S. P. 809) is presented by Senator Usher of Cumberland, (Cosponsors: Representatives Laffin of Westbrook, Carrier of Westbrook and Brown of Gorham)

Which was Read and Passed, in concurrence. Sent down for concurrence.

#### Enactors

The Committee on Engrossed Bills reports

as truly and strictly engrossed the following: 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)

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

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

An Act to Clarify the Law Concerning Abuse Between Family or Household Members. (H. P. 1911) (L. D. 1979)

An Act to Amend the Charitable Solicitations Act. (H. P. 1953) (L. D. 2001)

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

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 Provide for Local Management of Timber on Public Lands in Organized Towns. (H. P. 1603) (L. D. 1714)

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

Senator O'LEARY: Mr. President and Members of the Senate: Trustees and Guardians of the Public Lots. The other day I made a long dissertation on this bill and forgot to ask for a division. Today I won't make that same mistake again, as I did earlier. I would further ask on this Enactment that we would have a Roll Call.

Mr. President, and Members of the Senate, I think that as Guardians and Trustees of the public lots that belong to all the people of the State of Maine that we should look very closely at this piece of Legislation. It doesn't look anything at all like the original bill. The original bill said that the State would convey it's interest to the inhabitants of the Town of Osborn by quitclaim deed, the public lot or lots in that town.

If you look at House Amendment H-904, you'll see that now it doesn't include the Town of Osborn but it includes all the organized towns throughout the State where there is a public lot. Mr. President, these lots belong to all the people of the State of Maine. This was Public Law of 1973. There's not too much in the record at that time to say what the intent was of the Legislature. I'm not sure in my own mind that a lot of Members of the Legislature knew at that time just what was involved.

However, I'm concerned that if I had a public lot that was in my town, and I'm not sure whether we ever had one or not, but even if we did have I would still be opposing this piece of Legislation.

I believe very strongly Mr. President and Members of the Senate that this is the foot in the door, and I told you that the method of obtaining a bill from the department such as we have here was a shotgun approach. You either give us what we want or we'll get it one way or another. I don't like it! I don't think the members of the body would like it either.

The department was opposed to it. I think that the next time around you are going to see the unorganized, all of the plantations, and everyone else in here looking for the public lots.

If you look at page 2 of the amendment, it says "public reserve lands acquired through land exchanges may not be leased". That's what it says now, but they'll be back here another term and they'll be looking for these, too. They will not be satisfied with the leases. They will not be satisfied until they have their quitclaim deeds to these lands. In the future the public will be the ones to suffer.

If this is passed, Mr. President, I think that eventually the towns will get their way. They'll be strong enough and they'll have enough clout in the Maine Legislature to get exactly what they want. So I hope that you will vote with me

on a Roll Call to not Enact this piece of Legislation.

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

Senator McBREAIRTY: Mr. President, Honorable Members of the Senate, I would hope that you would vote for Enactment of this bill.

Prior to 1973 every town that organized got possession of their public lot, lock, stock and barrel, it was theirs. Since 1973 towns that organized did not get their public lots, and the management of them has been done by the Bureau of Public Lands. The Bureau of Public Lands has taken 75% of the income for managing and the Towns got 25%.

The Committee, Public Lands, and everyone concerned has been in agreement on this bill. What this bill will do is let the towns and Public Lands jointly manage these lots, and the income to the towns would increase from 25 to 50%.

Now when Public Lands stationed here in Augusta manages a lot in Allagash, Maine, there's quite a lot of that income that's wasted in transportation, and travelling back and forth. We feel, the Committee feels, the Majority of the Committee feels that if the towns can take part in the management of this after Public Lands have drawn up a Management Plan that it can be done much cheaper. Rather than take away from the public it will increase the income to the public, because of the fact that it can be partly managed locally. The income from this will go to help pay for the school systems in these towns. So I would hope that you would go along with this bill. Everybody seems to be in agreement but our good Senator from Oxford, Senator O'Leary.

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

Senator O'LEARY: Mr. President, I would have no quarrel with the percentage figures of 50 - 50 going to the municipalities, but to think that the expertise lies within these towns to manage these woodlands is something that I cannot buy. The towns would have to have a professional forester. So that's going to cut down on their income.

If you look at the leases, they shall be for a period not to exceed 15 years, and may be renewed if the Director determines that the management plans have been implemented and substantially, that word 'substantially', comply within a professionally acceptable manner. So the State is still going to have to be there looking at these lots continuously, or the management of them.

There's no need for this Resolve or Bill before us! I think as I said before, Mr. President, it is the beginning, it's a foot in the door approach and it will not satisfy these people. In order to protect the interest of all the people of the State of Maine, I think that the Senate had best vote not to Enact this piece of Legislation.

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

Senator TROTZKY: Mr. President and Members of the Senate: There are about 9, 10 or 11 of these plantations that have organized since 1973. That's all that we're dealing with here.

All this bill is a small effort towards local control, saying to these communities, if you'd like to manage that public lot in your boundaries, then you submit a management plan to the Bureau of Public Lands. If the Bureau of Public Lands approves of that management plan, then the town can manage it's lot and get 50% of the income.

These communities are in rural areas. There's Allagash, I believe there's Caratunk in Senator Redmond's district, there's the town of Osborn and so on. There are foresters in these districts and people who have cut wood all their lives. I feel it's just a small effort in local control and does not open up all the public lots to be raided by the local people.

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

Senator O'LEARY: I'll be brief, I have a note here asking about the Director of the Public Lands Division. He opposed this measure, and he was steadfast in his position for about 2½ or 3 weeks, when he finally got the message from the committee that he would have to negotiate. I think that he would still be in opposition if he had any choice.

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

Senator McBREAIRTY: Mr. President, Honorable Members of the Senate, most of these lots were managed for 100 years by these towns before public lands ever became Public Lands and the lots were there. They've protected them and managed them. All of the income before 1973 went to these towns.

Believe me it will be much easier for someone in Westmanland that's interested in those lots to prevent rustling of wood and this sort of thing. If we gave them a little more interest and a little more part in management of them. If the Public Lands comes up with a management plan and these towns don't comply with it, they have the right to revoke the lease at any time.

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 Enactment of L. D. 1714.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Ault, Carpenter, Chapman, Clark, Collins, Cote, Devoe, Emerson, Gill, Hichens, Huber, Katz, McBreairty, Perkins, Pierce, Redmond, Shute, Silverman, Sutton, Teague, Trotzky.

NAY — Conley, Danton, Farley, Minkowsky, Najarian, O'Leary, Pray, Trafton, Usher.

ABSENT — Lovell, Martin.

A Roll Call was had.

21 Senators having voted in the affirmative, and 9 Senators in the negative, with 2 Senators being absent, L. D. 1714 is Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Senator KATZ: Mr. President, directing the Senate's attention to Supplemental Senate Journal No. 1, a Non-concurrent Item, L. D. 1934, I move that the Senate reconsider it's action whereby it voted to Adhere.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate Reconsider it's action whereby it voted to Adhere, on Bill "An Act to Adjust License Fees, for Inflation, for the Department of Inland Fisheries and Wildlife." (H. P. 1830) (L. D. 1934).

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I would urge the Senate to vote Yes.

The PRESIDENT: Will all those Senators in favor of Reconsideration, please say Yes.

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion to Reconsider does not prevail.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I want to depart from the Majority Floorleader this time. I would call the Senate's attention to Sup-

plemental Senate Journal No. 1, L. D. 1929, and move that the Senate Reconsider it's action whereby it Adhered, and would urge the Senate to Reconsider. In other words, Yes. When the vote is taken, Mr. President, I request it be taken by the Yeas and Nays.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that the Senate Reconsider it's action whereby it voted to Adhere on Bill, "An Act to Provide an Income Tax Checkoff for Voluntary Contributions to the Department of Inland Fisheries and Wildlife." (H. P. 1825) (L. D. 1929).

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

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

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, Ladies and Gentlemen of the Senate: In case the Minority Leader has confused the Senate as well as himself, I would urge you to vote No on the Motion to Reconsideration.

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

Senator CONLEY: Mr. President, I'm not confused at all. I've been listening to these 2 gentlemen on my right here the last couple of days with respect to some of this Wildlife that's running loose here in the Senate. I just think if people want to make some type of a check-off and it's a voluntary check-off, so be it. I'm not going to stop them from doing it.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that the Senate Reconsider it's action whereby it voted to Adhere on L. D. 1929.

A Yes vote will be in favor of Reconsideration.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Carpenter, Clark, Conley, Hichens, McBreairty, Pray, Redmond, Teague, Trafton, Usher.

NAY — Ault, Chapman, Collins, Cote, Danton, Devoe, Emerson, Farley, Gill, Huber, Katz, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Shute, Silverman, Sutton, Trotzky.

ABSENT — Lovell, Martin.

10 Senators having voted in the affirmative, and 20 Senators in the negative, with 2 Senators being absent, the Motion to Reconsider does not prevail.

#### Emergency

AN ACT to Align Mortgage Loan Authority for Maine Thrift Institutions with Federal Regulations and to Adjust Interest Rate Ceilings in Certain Consumer Credit Transactions. (S. P. 800) (L. D. 2004)

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

#### Emergency

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1980. (H. P. 1962) (L. D. 2010)

On Motion by Senator Emerson of Penobscot, Tabled until later in today's session, pending Final Passage.

On Motion by Senator Conley of Cumberland, there being no objections, all matters previously acted upon were sent forthwith.

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

#### Committee Reports House

##### Divided Report

The Majority of the Committee on Election Laws on, Bill, "An Act to Revise the Administration of the Election Laws." (Emergency) (H. P. 1641) (L. D. 1750)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-917).

Signed:

Sensors:

DANTON of York  
FARLEY of York

Representatives:

BENOIT of South Portland  
TIERNEY of Lisbon  
HALL of Sangerville  
NADEAU of Lewiston  
BERRY of Buxton

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

Signed:

Sensor:

PIERCE of Kennebec

Representatives:

STUDLEY of Berwick  
WENTWORTH of Wells  
SEWALL of Newcastle  
SMALL of Bath  
BROWN of Livermore Falls

Comes from the House, the Bill Passed to be Engrossed, as amended by House Amendment "A" (H-929).

Which Reports were Read.

On Motion by Senator Pierce of Kennebec, the Minority Ought Not to Pass Report of the Committee, Accepted, in non-concurrence.

Sent down for concurrence.

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

#### Communication Maine State Retirement System

January 29, 1980

Honorable Joseph E. Brennan

Governor of Maine

State House, Augusta

Members, 109th Legislature

Dear Governor Brennan and Members of the Legislature:

The Board of Trustees of the Maine State Retirement System submits herewith a report of the financial transactions of the System, and statement of the assets and liabilities for the year ended June 30, 1979. Also included are reports of the Actuary, the Investment Consultant, the Executive Director and the Group of Life Insurance Underwriter. This report is submitted in accordance with the provisions of 5 MRSA, Section 1031, subsection 9.

Membership on the Board of Trustees is comprised of seven voting members and the State Treasurer, who is an ex-officio, non-voting member. Voting members include two members appointed by the Governor, subject to review and approval of the Joint Standing Committee on Aging, Retirement & Veterans, and confirmation by the Legislature, one member appointed by the Governor from a list of three nominees submitted by the Maine Retired Teachers Association, one member elected by the Maine Teachers Association, one member elected by the Maine State Employees Association, one member appointed by the Maine Municipal Association, and one member who is a recipient of a retirement allowance through the System, selected by the foregoing members.

The book value of M.S.R.S. investments was \$247,923,507 at June 30, 1979. This amount was represented by bonds (\$111,107,155), common stocks (\$105,688,127), mortgage/type (\$25,128,498), insured guaranteed contract (\$5,000,000) and a time deposit (\$999,726).

Earnings on investments totalled \$16,881,885 during the year. The rate of return on the investments owned by the System for the year ended June 30, 1979, was 6.74% based upon the book value of investments.

Funds collected through the Augusta office are deposited in the State Treasury. During the fiscal year ended June 30, 1979, interest on cash balances held in the State Treasurer's "Cash Pool" averaged 9.54%.

Investments in common stock are made in anticipation that the market value will appreciate over the period of ownership. The market value of M.S.R.S. common stock at June 30, 1979, was \$117,082,848, which was \$11,394,721 more than the cost or book value.

The time-weighted rate of return on investments under management by the System's investment managers was 11.1% for the twelve months ending June 30, 1979. This measurement is based on the market value of securities and includes investment earnings.

The System's Actuary utilizes book value (adjusted for losses) on fixed income securities in computing investment return, and book value with five-year average market gains and losses in computing investment return on equities. The actuarially determined return on investments for the year was:

Fixed Income	7.96%
Equities	7.92%
All Assets	7.94%

The actuarial investment return on all assets (7.94%) is used in the determination of funding requirements by the Trustees.

The Board of Trustees adopted revised actuarial assumptions and mortality tables effective July 1, 1978, as follows:

Investment Earnings	8-½%
Salary Scale	5-½%
Cost-of-Living	4%
Mortality Tables (Group Annuity Mortality Tables)	
Teachers	1971 (set back 2 years)
State Employees	1971
Local District Employees	1951

The adoption of new mortality tables resulted in significant increases in appropriation requests of the 1978/79 and 1979/80 biennium.

The first regular session of the 109th Legislature adjourned leaving serious funding problems for the System; however, a special session of this same Legislature provided the funding requested by the Trustees for the first year of the biennium, and further provided for a select committee to study the Maine State Retirement System operation, including funding, contributions, benefits, investment policies and all other aspects of the System.

Very truly yours,

WILLIAM G. BLODGETT

Executive Director for

The Board of Trustees

Maine State Retirement System

Which was Read.

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

Senator KATZ: Mr. President, may I call this important report to the attention of the Senate. I notice it also comes along with Report of the Retirement System. I continue to feel this is the most important issue that will be facing the next and subsequent Legislatures, and I hope that you read the Report.

Which was Ordered Placed on File.

#### Committee Report House

##### Ought to Pass — As Amended

The Committee on Education on, Bill, "An Act to Provide for Renegotiation of the Cost-sharing Formulas for School Districts. (H. P.

1817) (L. D. 1945)

Report that the same Ought to Pass as amended by Committee Amendment "A" (H. 940).

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 Waldo, Senator Shute.

Senator SHUTE: Mr. President and Members of the Senate: I wonder if someone on the Education Committee might explain the new cost sharing formula that will be adopted under this. I understand there is a fairly substantial change in it.

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

Senator TROTZKY: Mr. President and Members of the Senate: The bill is now House Amendment H-940. Essentially what takes place is schools join together in SAD's and they agreed to a cost sharing agreement. However, during the time that the SAD is in existence certain things change. For example, valuations change. Numbers of pupils coming from different towns change. It's extremely difficult for the communities to get together and come up with a new plan to be turned out to the voters.

The way it works right now is if 10% of the number of voters in that SAD sign a petition or so on and then you get a meeting of municipal officers and members of School Boards and so on. They come up with a new plan. They have to have a two-thirds vote in order to turn out something to the voters.

All this bill does is it changes the 'two-thirds' to a 'majority' vote of that planning group. So it gives the communities a chance to come out with another plan, it's easier with a majority rather than two-thirds.

Another aspect too, is it makes each town equal in the SAD on that planning meeting, in that each town is represented by 3 people, whether it's a large community or a small community. However, when it's turned out to the voters to approve that plan, it's still on a one man, one vote basis, because the larger towns do have a greater number of votes. It makes it easier for this planning group, being petitioned by 10% of the voters in the SAD to turn out, a new cost sharing plan, to the voters in that SAD.

One of the reasons the committee unanimously felt that this is important is because right now you've got a petition drive, 'Can-SAD,' it's called to break up the SAD's. We felt that there was an easier method of renegotiating these cost sharing agreements it would bring possibly peace to some of these districts that are having problems.

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

Senator SHUTE: Ladies and Gentlemen of the Senate, I think when the towns went in the School Administrative Districts, they went in under the assumption that it would take a two-thirds vote of those attending the reorganization meeting before any new financial plan could be put before the voters.

Now we're changing the rules after the people have gone into the School Administrative Districts so they say, 2 large towns yes, 2 large towns, 2 small towns. Your 2 large towns could request a reorganization meeting, and have a majority of the vote at the meeting. Then of course, when it goes out to the voters, on the one man, one vote, they could reapportion the cost sharing formula anyway that they agreed to do it.

It's quite difficult right now once you say that you're going into a School Administrative District to go out of the School Administrative District. I would think it might be a step in the right direction if you gave those same people the right to get out a School Administrative District with just a Majority vote. Right now you're locking them into maybe a financial po-

sition that they didn't feel that they were going to be in when they voted to join the School Administrative District. They thought it was going to take a two-thirds majority on the reorganization plan to set up a new cost sharing formula. Now you're changing that and you may take it to a 80% valuation, 80% pupil, 20% evaluation. You can change that anyway you want to on this, it seems to me. So I would ask for a Division on acceptance of the Report.

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

Senator SHUTE: I would ask for Indefinite Postponement of the bill.

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

Senator TROTZKY: Mr. President and Members of the Senate: I hope that you will not vote to Indefinitely Postpone this bill.

Problems have come up. SAD's organized years ago. Things have changed during those times. They were locked in, once they organized and got together, they were locked in. You have a situation for example on Deer Isle in Stonington, where the valuations and number of pupils, both things seemed to have flipped over. The question as times change, some of these SAD's where their imbalance has been taking place should be able to renegotiate.

However, I say all we're doing here is we're allowing that planning group to come up with a plan to turn out to the voters. That's all you're doing here is changing it from a two-thirds to a majority. When it goes out to the voters, it's still on a one man, one vote basis. The large towns still have the strength over the small towns, but at least it allows a plan to come before them. If we don't do something, what we're going to have is some of these SAD's breaking apart. When they do break apart, the State is going to end up having to put more money in than they're putting in right now.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion of Senator Shute of Waldo to Indefinitely postpone L. D. 1945, please rise in their places to be counted.

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

2 Senators having voted in the affirmative, and 21 Senators in the negative, the Motion to Indefinitely Postpone does not prevail.

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.

#### Ought to Pass

The Committee on Taxation on, RESOLVE, reimbursing Certain Municipalities on Account of Taxes Lost due to Lands being Classified under the Tree Growth Tax Law. (Emergency) (H. P. 1983) (L. D. 2017)

Reports that the same Ought to Pass pursuant to Joint Order (H. P. 1937).

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

The Committee on Taxation on, Bill, "An Act to Establish the Municipal Cost Components for the Unorganized Territory for Services to be rendered in Fiscal Year 1981." (Emergency) (H. P. 1985) (L. D. 2018)

Reports that the same Ought to Pass pursuant to Joint Order (H. P. 1934).

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

Which Reports were Read and Accepted, in concurrence, and the Bills Read Once, and Tomorrow Assigned for Second Reading.

#### Second Readers

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

#### House

Bill, "An Act to Amend the Charter of the



Limestone Water and Sewer District" (H. P. 1960) (L. D. 2008)

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

#### House — As Amended

Bill, "An Act to Permit the Bingham Water District to Withdraw from the Maine State Retirement System". (H. P. 1678) (L. D. 1787)

Bill, "An Act to Empower the Board of Trustees of the Maine Veterans Home to Borrow Funds and to Issue Bonds, Notes and Other Evidences of Indebtedness." (Emergency) (H. P. 1781) (L. D. 1892)

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

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 to Amend the Probate Code. (S. P. 792) (L. D. 1990)

In the Senate, March 14, 1980, Passed to be Engrossed as amended by Senate Amendment "A" (S-458) and "B" (S-466).

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-937) and Senate Amendments "A" and "B", in non-concurrence.

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

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

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

Is this the pleasure of the House?

The Motion Prevailed.

#### Non-concurrent Matter

Bill, "An Act to Provide for Licensing and Regulation of Adult Foster Homes." (H. P. 1816) (L. D. 1927)

In the Senate, February 26, 1980, Bill and Papers Indefinitely Postponed, in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-938), in non-concurrence.

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

Senator GILL: I would like to move we Insist and Request a Committee of Conference.

The PRESIDENT: The Senator from Cumberland, Senator Gill, now moves that the Senate Insist and Request a Committee of Conference, with the House.

Is this the pleasure of the Senate?

The Motion Prevailed.

#### Order

An Expression of Legislative Sentiment recognizing:

William T. Johnson, of Augusta, recipient of the Calumet Club's Outstanding Citizen Award for 1980. (S. P. 810) is presented by Senator Katz of Kennebec.

Which was Read and Passed.

Sent down for concurrence.

#### Orders of the Day

The Chair laid before the Senate:

HOUSE REPORTS—from the Committee on Business Legislation—Bill "An Act to Improve Private Remedies for Violations of the Antitrust Laws" (H. P. 1077) (L. D. 1330); Majority Report—Ought to Pass in New Draft Under New Title, An Act to Improve Governmental Remedies for Violations of the Antitrust Laws. (H. P. 1975) (L. D. 2014); Minority Report—Ought Not to Pass.

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

Pending—Acceptance of a Report.

The PRESIDENT: The Chair recognizes the

Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President, I move that the Senate adopt the Majority Report of the Committee. The purpose of this bill, formerly L. D. 1330, now in New Draft, L. D. 2014, the mere fact that we are still addressing this issue, shows that it was held over and it's one that has received a great deal of attention from the Business Legislation Committee.

The purpose is to amend the State Civil Antitrust Statute, to permit the Attorney General to bring suit on behalf of the State or it's political subdivisions to recover taxpayer dollars which are then spent on goods whose prices have been fixed and raised as a result of illegal business activity in violation of the antitrust laws.

Many of the goods the State purchases, it buys through middlemen. In fact, estimates by purchasing officials are that 90% of all State purchases are made through middlemen. Common violations of the antitrust Statute however, happen at the manufacturer level, between the manufacturer and the first level distributor. These are people the State does not deal with directly. Under current Antitrust Case Law most notably the decision, Illinois Brick vs. the State of Illinois, these are people the Attorney General has no power to sue.

This bill will allow the Attorney General on behalf of the State to sue when it or it's subdivisions have indirectly purchased goods from Antitrust violators. What the State, it's counties, towns and other subdivisions purchase are just about everything, concrete, bricks, bread, books, tires, paper, lighting fixtures. The list is long and varied. In the past year the Attorney General has uncovered and brought suit against distributors of building hardware, such as door knobs, hinges, and locks, and against the manufacturer and distributor of architectural drafting supplies, such as blueprint equipment, and specialized drafting tools. These suits have returned \$70,000 to the State and it's various subdivisions. The suits were successful only because the evidence against the wrong doers was so clear that rather than risk criminal prosecution, the parties chose to settle the suit and not contest the fact under current case law, where the Attorney General has no standing to bring Civil Antitrust Cases against persons that did not deal directly with the State.

The Attorney General will not always have such cooperative defendants, will not always have proof of a criminal as opposed to civil conspiracy. That's why it is desirable to provide the Attorney General civil remedy, which clarifies and strengthens the State's right to sue an indirect purchaser of goods that bear high price tags, as a result of illegal acts and violation to the Antitrust Statutes.

These acts can include price fixing, abuse of monopoly power, division of territory or customers, agreements not to compete, agreements to boycott a sub-distributor who does not sell an agreed upon higher price. Antitrust violations can take a myriad of forms, however, the end result is usually the same, higher prices and fewer businesses selling the desired goods.

This bill is designed to deter this illegal activity by operating the current Antitrust remedy of treble damages into the area of indirect purchasing. A manufacturer will think twice before engaging in an uncompetitive scheme if it has to pay 3 times over the higher prices that it cost.

The bill does, however, prevent the recovery of more than one set of treble damages for the same injury, that is a wrong doer will not have to pay treble damages more than once under State Antitrust Law.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, moves that the Senate accept the Majority Ought to Pass, in New Draft, Report of the Committee.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, at last count there was something over 60 attorneys downstairs on the second floor. It's the largest law firm in the State of Maine. It's probably a very expensive component of State Government now. I need some reassurance as to how much, potential cost we're adding on, how much pressure we're adding on for additional capacity to litigate.

I remember that department in my first term was an extraordinarily small department with limited responsibilities. Each Legislature adds something on. I would predict that if we keep adding on, it will be doubled in size at a very time we're trying to restrain government.

Could I have from some member of the bar present an idea of how broad gauged additional responsibility we may be adding on by this piece of legislation?

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

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you Mr. President. I will attempt to answer the question raised by the good Senator from Kennebec. It is difficult with certainty to ascertain how many more attorneys might have to be hired by the Attorney General's Office. It would depend upon the number of the possibly Antitrust Cases that they might try to prosecute in the Court. You could have a case that is relatively simple, and you would have a case that is terribly complex a la the Indian Land Claims Case. I don't happen to know how many hours of AG's Staff time has been taken in the Indian Case. It's really difficult to tell.

I think what this bill is trying to do is enable communities and other levels of government to have what might be similar to a class action started for them if there were a particularly outrageous violation of the Antitrust Law. Thank you very much, Mr. President.

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

Senator KATZ: I think it's clear that I'm expressing only my personal concern, because I see in this piece of legislation a very clear-cut expansion of State Government at a time when we're doing all we can to control things a little bit. So I'll have a chance to clear my conscience and vote No, I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion of Senator Chapman of Sagadahoc, that the Senate accept the Majority Ought to Pass, in New Draft, Report of the Committee, please rise in their places to be counted.

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

15 Senators having voted in the affirmative, and 8 Senators in the negative, the Motion to accept the Majority Ought to Pass, in New Draft, Report of the Committee in concurrence does prevail, and the Bill, in New Draft, Read Once, and Tomorrow Assigned for Second Reading.

The Chair laid before the Senate:

Bill, "An Act to Assure Compliance with Existing Laws Affecting Disabled Persons' Access to Certain Buildings Open to the Public." (S. P. 799) (L. D. 2003)

Tabled—Earlier in the Day by Senator Pierce 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:

Bill, "An Act to Amend the Maine Guarantee Authority Act." (Emergency) (S. P. 780) (L. D. 1972)

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

Pending—Passage to be Engrossed.



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

Senator KATZ: Mr. President, I offer Senate Amendment "A" under Filing S-493 and move it's adoption.

The PRESIDENT: The Senator from Kennebec, Senator Katz, offers Senate Amendment "A" to L. D. 1972 and moves it's adoption.

Senate Amendment "A" (S-493) Read.

The PRESIDENT: The Senator has the floor.

Senator KATZ: Mr. President and Members of the Senate: This is the Conley-Hichens Bill, which addresses itself to the prospect of a very, very meaningful new employer in York County.

If you adopted the amendment I proposed you will do 3 things. You will increase the maximum limitation under the Maine Guarantee Authority from \$40 to \$50 million total, which the original bill did. You will be striking out a proposal in the original bill, which sought to increase the maximum for any one project from \$2.5 million to \$7 million in the Recreational area. This amendment strikes out any increase in the Recreational area at all. I'm not sure what the proponents of the bill put it in there for, no one's asking for it. There's no apparent need for it. So I have taken the liberty to leave the Recreational area \$2.5 million, as under existing law.

The most important and controversial part of my amendment is that it would reduce the attempt of the bill to increase industrial projects from \$2.5 million under existing law for one project to \$7 million. My amendment with some reluctance increases it from \$2.5 million to \$5 million for one project.

One of the penalties of being here too long is that you find yourself catching up with your own good intentions. The most depressing memory I have of my Legislative Service was the night I voted wrong on the downgrading of Prestile Stream, which led to the fiasco that we've all had to deal with. Now my heart was just as "pure as the driven snow," and I was as hungry as anybody for more jobs, and I voted Yes on the downgrading of the Prestile Stream.

Because I am also such a Humanitarian I also sponsored the Constitutional Amendment that created the Maine Recreational Authority, which had a very, very difficult time. In the time I have been in the Legislature I have seen the State of Maine fund \$21,000,000 in Defaulted Loans, through the issuing of bonds. \$21,000,000 of mistakes. As a coincidence the mistakes I have seen have been mostly in the larger loans, and all of the projects were with good people. All of the projects were done with the single motivation of creating jobs.

When I saw this bill come along to accommodate a firm whom I bless for wanting to come to the State of Maine, I voted to let it in in Legislative Council, but I've had growing doubts about the wisdom of increasing the amount on any single project from \$2.5 to \$7 million.

Now let me explain how this works if I can. Nobody gets funded 100%. If somebody has a \$7 million project they don't get funded at \$7 million, they get funded a little less than \$7 million. The bond market apparently and the underwriters are reassured if there was some kind of a guarantee, whether it's 10%, 20%, 30% behind a project. This gives them an extra margin. So if anybody is able to be smart enough to sell bonds in this market at all, it legitimizes the offering.

I am absolutely confident that a \$5 million limitation will take care of any project presently before us. I have great doubts about the wisdom of the Senate in pursuing new jobs to expose the State to large potential losses. I don't mind a bunch of small losses, but large potential losses, in my mind, and maybe it's my feeling of personal guilt, have already added up to over \$20,000,000 just during my Legislative experience. On that basis I request that you support the amendment.

The PRESIDENT: The Chair recognizes the

Senator from Kennebec, Senator Ault.

Senator AULT: Mr. President and Members of the Senate: I believe that if you adopt Senator Katz's amendment, you'll do 4 things, the fourth being that Spencer Press won't come to the State of Maine. So I move the Indefinite Postponement of this amendment.

Right now the Maine Guarantee Authority provides only 90% of the funding of the cost of the project related to Real Estate and 75% of the cost of the project related to Machinery and Equipment. So if we raised the limit to \$7,000,000 they're not going to get \$7,000,000. They're going to get 75% of the cost of the equipment, which they contemplate as \$4,000,000, which means they would get \$3,000,000 and they're going to get 90% of the cost of the building and the real estate which would be 90% of \$5,000,000 which is \$4,500,000. I honestly believe if you want this company, which has a much better reputation than Freddie Vahlsing, Sugar Beet Operation, that you would vote against the Senator's amendment.

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

Senator SUTTON: Mr. President and Honorable Members of the Senate. I think I understand the concerns of the good Senator from Kennebec, Senator Katz, but I'm really concerned that the bottom line is that he's talking about being a little bit pregnant, I beg your pardon. Whether we're talking \$5 million or \$7 million, and it does make a big difference, because as Senator Ault said if we don't pass this bill, we're going to lose a potential, by the way, this doesn't guarantee that the Maine Guarantee Authority is going to approve this particular company that wants to come into the State, but given this piece of Legislation and the opportunity to we could be looking at a hundred new jobs.

Since the first of the year, we've lost 1,921 jobs in the State of Maine. I could tell you the towns and where they are and what have you but I'm sure you're not particularly interested in that.

The other aspect that I take a little question with from the good Senator from Kennebec is the mistake aspect of that he brought out. I don't believe that we can Legislate away mistakes. The Maine Guarantee Authority is going to have the responsibility of trying to decide whether a company warrants the use of our State's bonding. Regardless of what we decide here today, if they make a mistake we're in trouble.

I look at the Maine Guarantee Authority a little bit like the Small Business Administration and some of the other agencies that are kind of courts of last resort for funding of some operations. If they are, then you've got to expect a certain amount of losses, unfortunately. Of course, I think you all have legitimate questions in your own mind as to how much the State of Maine should accept in that regard.

I would just like to close by saying that what we're really talking, by the way, as far as the Recreational aspect is concerned I certainly agree with that, we don't need that. It does make a big difference in this particular case whether we're talking \$5,000,000 or \$7,000,000, both are big numbers. But I would rather take the chance and possibly secure for the State of Maine another 100 jobs.

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

Senator HICHENS: Mr. President and Members of the Senate: I had a prepared speech but these 2 gentlemen have said a lot of things that I was going to say. So I'm just going to speak off the cuff, so to speak. I would like to add to the good Senator Sutton's remarks that there were 100 jobs. We have been told that there would be 250 to 300 new jobs.

The Town of Wells has shown their support and their confidence in this company by appropriating money to set up their water system for

them. The land has already been acquired.

Last year the Legislature voted and the Governor passed a bill to subsidize the huge Pratt and Whitney organization which at that time I did not vote for, because I didn't think they needed subsidizing. We have already subsidized a company down in Rockland to help them over their difficult times. Here is a promising young company that wants to come in. They have shown that they are creditable, and I feel that we should go along and kill this amendment and give them all the support that we can.

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

Senator KATZ: Mr. President and Members of the Senate: The Senator from York is absolutely right. We have lent a helping hand to a couple of industries already. They were specific industries. They didn't change the law. They didn't expand the exposure. They didn't take the policy making out of the Senate's hands. This one does. This is a change in law.

Now, our Governor makes it very clear that one of his principle goals during his administration is economic development.

The Governor didn't ask for this bill in his call. His development people didn't ask for this law. The Maine Guarantee Authority didn't ask for this law. It's coming because one company, and I bless them, I really do, who wanted to come to the State of Maine, has a problem and the problem is not the State of Maine or the climate here. The problem is the extraordinary thing that's happening to interest rates.

But by responding this way you are opening things up and you are increasing our jeopardy. Because I am deeply concerned that this is an unwise thing to do at this time, and because I know any company says that if you don't do it our way, we're not going to come, and so did all the others that we voted on down through the years. Mr. President, I request a Roll Call on what I consider to be a most important vote.

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

Senator CONLEY: Mr. President and Members of the Senate: As most of you know, I co-sponsored this bill, adding my name to that of my dear, dear, warm friend, the good Senator from York, Senator Hichens, both of us the outstanding liberals of the Maine Senate, I might say.

When I spoke to the Committee on State Government, I stressed the simplicity of this bill, the need for it, the broad support which the measure has. I would state that the amendment offered by Senator Katz makes a significant change in the bill. It reduces the amount for which an individual business can receive the State's guarantee from \$7,000,000 to \$5,000,000. This change, I believe is unwarranted. The \$7,000,000 limit will enable the Maine Guarantee Authority to continue to do it's job in the 1980's.

In 1963 the Legislature allowed the Authority to guarantee individual projects up to a limit of \$8,000,000. That limit was lowered twice, down to the present level of \$2,500,000. These changes were made in light of one notorious experience that the good Senator made reference to involving sugar beets. While making these changes the Legislature made a number of other necessary adjustments to insure that such an experience would not occur again.

I submit Ladies and Gentlemen of the Senate, these latest changes were what saved the Maine Guarantee Authority. It's not the size of the individual guarantees, but the safety of them. What's the difference between 7 loans of \$1,000,000 and 1 loan of \$7,000,000. The point is we changed the law so that the Authority will not guarantee loans which are unsound. Changing the denomination of the specific guarantees which the Authority grants will not affect the State's credit rating and will not make the loans any more or less likely to default.

It merely limits the number of medium sized

industries which can benefit from this legislation. \$7,000,000 is a reasonable limit on the size of MGA guarantees. We were joined by Senator Ault and Senator Sutton when the committee voted on this bill.

Let me stress as I did to the committee, this is not a give-a-way program, or you can be sure my good friend, Senator Hichens would not be associated one iota with this bill. It will not cost the State one dime. It merely facilitates fulfillment of the original Legislative goal and the creation of the Maine Industrial Building Authority and its successor, the Maine Guarantee Authority.

Ladies and Gentlemen of the Senate, I too, was a Member of the Legislature back several years ago with the subject matter that the good Senator from Kennebec, Senator Katz, made mention of, that was the declassification of the Prestile Stream. I don't know, I've always looked upon the good Senator from Kennebec, as being a very bright individual. I've always considered myself to have been at least gifted with the average amount of common sense. But when the Sugar Beet Refinery went into default up in Aroostook, I couldn't understand at that time why I or Senator Katz or anyone else ever voted to declassify the Prestile Stream because actually it had nothing to do with the Sugar Beet Refinery. Yet we were told we would gather no allotment from the Department of Agriculture on a number of Sugar Beets that could be grown in the county, unless that declassification took place. Why to this day I still do not know.

I would like to add one more comment before we vote on this particular amendment. The good Senator from Kennebec Senator Katz, made the statement that the Governor did not want this particular bill, that it was let in through the Legislative Council. That is true, this bill was submitted through the Legislative Council, and it was voted to be allowed in so that the Legislature itself would have the opportunity to analyze and review this particular piece of Legislation.

I might say since that time that I received a communication from Mr. George M. Campbell, Jr., who is the director of Industrial Development in this State. I would like to read his communication to me, but I would also like to state this as I have stated before, it is you and I who do the Legislation, it is not the bureaucrats or anyone else. At least the statement did mean some sense to me and I'm only going to read a couple of paragraphs on it.

I quote: "these years of high inflationary rates, the impact on the Maine Guarantee Authority has been to effectively lower the financial ceiling. \$2,500,000 the present limitation for an individual project will no longer finance the same size or type of plant that could be built for this amount as little as 4 or 5 years ago.

This Legislation counters the impact on inflation that it has had on the existing MGA ceilings. The revision in the limitations of the authority will be of substantial assistance in promoting industrial expansion in Maine, and eventual improvement of the economy of the entire State. Consequently I would urge your support on this Legislation."

Finally Mr. President and Members of the Senate. I should also like to add in closing that I do not think that this company or this firm should be considered by this Legislature. Again that is the duty of the Maine Guarantee Authority. They are the ones who have to make that ultimate decision as to whether or not the guarantee is going on the line.

What we should really be concerned with is whether or not this bill before us makes sense, good economic sense, for industrial growth in this State, or whether it doesn't, I would state that the amendment that is being offered by the good Senator from Kennebec, Senator Katz is going to harm this particular bill before us, therefore I would ask and urge you to defeat

the pending motion.

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

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

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, in case there was any confusion, I would urge the Senate to vote in support of the pending motion to Indefinitely Postpone this Amendment.

The PRESIDENT: The pending motion before the Senate is the motion by the Senator from Kennebec, Senator Ault, to Indefinitely Postpone Senate Amendment "A" to L. D. 1972.

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, Carpenter, Chapman, Collins, Conley, Danton, Devoe, Emerson, Farley, Hichens, Huber, McBreairey, O'Leary, Perkins, Pray, Shute, Silverman, Sutton, Usher.

NAY — Clark, Gill, Katz, Minkowsky, Najarian, Pierce, Redmond, Teague, Trafton, Trotzky.

ABSENT — Cote, Lovell, Martin.

19 Senators having voted in the affirmative and 10 Senators in the negative, with 3 Senators being absent, the motion to Indefinitely Postpone Senate Amendment "A" (S-493) does prevail.

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

Senator KATZ: Mr. President, I would like to make two comments, and I want to thank the Ladies and Gentlemen who voted with me and shared my concerns.

In the first place to the proponents of this Legislation I would like to suggest that this is an emergency legislation and it will require two-thirds vote of this Senate, for Enactment.

The Second comment that I would like to make is that in any event I would urge the proponents to consider removing the increase of the recreational ceiling on this bill. Nobody wants it, it places additional jeopardy and if there is merit to my suggestion that somebody table it tomorrow and pursue that course of action.

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

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

Senator PIERCE: Mr. President, in reference to L. D. 1892 on Supplemental Senate Journal No. 8, I would now move we reconsider our action whereby this bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Kennebec, Senator Pierce moves the Senate reconsider its action whereby Bill, "An Act to Empower the Board of Trustees of the Maine Veterans Home to Borrow Funds and to Issue Bonds, Notes and Other Evidences of Indebtedness." (Emergency) (H. P. 1781) (L. D. 1892) was Passed to be Engrossed.

Is this the pleasure of the Senate?

It is a vote.

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

The Chair laid before the Senate:

Bill, "An Act to Clarify the Education Laws" (H. P. 1965) (L. D. 2011)

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

Pending—Passage to be Engrossed.

Which was Passed to be Engrossed, in concurrence.

The Chair laid before the Senate:

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

Tabled—Earlier in the Day by Senator Chapman.

Pending—Enactment.

On Motion by Senator Chapman of Sagadahoc, the Senate voted to Suspend its Rules.

On Motion by Senator Chapman of Sagadahoc, the Senate voted to Reconsider its action whereby L. D. 1844 was Passed to be Engrossed.

On Motion by Senator Chapman of Sagadahoc, the Senate voted to Reconsider its action whereby Committee Amendment "A" was Adopted.

Senator CHAPMAN: I now offer Senate Amendment "A" to Committee Amendment "A" under Filing S-487 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-487) to Committee Amendment "A" Read.

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

Senator CLARK: Thank you, Mr. President. Mr. President and Men and Women of the Senate, I'm not opposed to the adoption of Senate Amendment "A" to the Committee Amendment, but I would like to briefly explain to you why the dedicated revenue aspect of the Committee Amendment was included. That is simply that the Department of Business Regulations collects license fees from Maine Auctioneers. The revenue goes to the General Fund, and it's absolutely essential if the Department of Business Regulation, Division of Central Licensing is to continue to process Auctioneer Licenses for Maine Auctioneers that that cost be funded from the General Fund.

It's my understanding that the costs inherent in maintaining that service is approximately \$1,400. The revenue received from Auctioneer Licenses is approximately \$10,000. It would seem that the Legislature has a responsibility to fund the licensing aspect of maintaining Auctioneer Licensing in Maine.

Senate Amendment "A" to Committee Amendment "A" adopted.

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

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

Sent down for concurrence.

The Chair laid before the Senate:

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

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

Pending—Enactment.

On Motion by Senator Sutton of Oxford, Retabled for 1 Legislative Day.

The Chair laid before the Senate:

HOUSE REPORT—from the Committee on Health and Institutional Services—Bill, "An Act to Amend the Laws Relating to Ambulance Service." (H. P. 1869) (L. D. 1959) Majority Report—Ought to Pass as Amended by Committee Amendment "A" (H-906); Minority Report—Ought Not to Pass

Tabled—Earlier in the Day by Senator Perkins of Hancock.

Pending—Motion of Senator Gill of Cumberland to Accept the Majority Report.

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

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)

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

Senator PIERCE: A Parliamentary Inquiry, if someone had an amendment to offer, would it be offered before the Committee Amendment was Adopted?

The PRESIDENT: The Chair would advise the Senator in the affirmative, if it were to the Committee Amendment. The Committee Amendment is now in the posture of being amendable.

The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: I offer Senate Amendment "A" to Committee Amendment "A" under Filing S-481.

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

Senate Amendment "A" (S-481) to Committee Amendment "A" Read.

The PRESIDENT: The Senator has the floor.

Senator USHER: Thank you Mr. President, Mr. President, and Members of the Senate, what this does is resolve the problem of the 50¢ that was in the alien license in other Legislation. It conforms with all other licenses.

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

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

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Penobscot, Senator Pray, that this bill and its accompanying papers be Indefinitely Postponed.

The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: A Parliamentary Inquiry? The motion to Indefinitely Postpone, who made it?

The PRESIDENT: The Chair would advise the Senator that the good Senator himself made the motion.

Senator PRAY: I request permission to withdraw that motion.

The PRESIDENT: The Senator from Penobscot, Senator Pray, requests Leave of the Senate to withdraw his motion to Indefinitely Postpone L. D. 1805.

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

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

The Chair laid before the Senate:

#### **Emergency**

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1980, (H. P. 1961) (L. D. 2009) (Emergency)

#### **Emergency**

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

Tabled earlier in today's session by Senator Emerson of Penobscot, pending Final Passage.

These being emergency measures and having received the affirmative votes of 22 Members of the Senate with No Senators voting in the negative, were Finally Passed and having been signed by the President, were by the Secretary

presented to the Governor for his approval.

On Motion by Senator Pierce of Kennebec, adjourned until 9:30 o'clock tomorrow morning.