

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 20, 1980

Senate called to order by the President.

Prayer by Mr. Paul Cates of the Friends Meeting House in East Vassalboro.

Mr. CATES: Let us pray! Dear God, as the members of this body begin their deliberations on matters which sometimes seem difficult if not impossible to solve, we thank you for the knowledge that all of us in this life are not alone, and that you are always with us.

Help all the members of this body to overcome narrow partisanship, to overcome narrow self-interest, and let this be true of all of us in our lives. Help the members of this body especially to serve the cause of truth and justice and the interests of all the people of this great State.

Our Father, infuse the members of this body and all the people of this State with your spiritual energy, for we realize that it is the lack of this energy of your spirit which is the true energy crisis of mankind, and that your presence will make everything in life, including the deliberations of this Senate go better.

We ask it on behalf of all the people of this great State of Maine, which is represented by all the Members of this Senate. Amen.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

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

In the House, March 18, 1980, Passed to be Enacted.

In the Senate, March 19, 1980, Failed of Enactment, in non-concurrence.

Comes from the House, that Body having Adhered.

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

Senator REDMOND: I move we Recede and Concur with the House.

The PRESIDENT: The Senator from Somerset, Senator Redmond, 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 request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you, Mr. President. Mr. President, Men and Women of the Senate: This is permissive Legislation, anticipating the serious funding crisis in one of the departments of our State Government. It has built into this measure numerous safeguards. It says that the Treasurer of the State 'may'. It requires the approval of the Governor, and has a time line of 1 year on any monies borrowed must be paid back within one year.

I would hope that this morning Members of this body would support the pending motion to Recede and Concur.

The PRESIDENT: Is the Senate ready for the question?

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

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

8 Senators having voted in the affirmative, and 19 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.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I move Reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate Reconsider its action whereby it voted to Adhere.

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.

Non-concurrent Matter

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

In the House, March 18, 1980, referred to the Committee on Business Legislation.

In the Senate, March 19, 1980, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Adhered.

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

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

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

Is this the pleasure of the Senate?

The Motion Prevailed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I move Reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves the Senate Reconsider its action whereby it voted to Adhere.

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.

Non-concurrent Matter

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

In the Senate, March 14, 1980, Bill and Papers Indefinitely Postponed, in non-concurrence.

Comes from the House, Passed to be Enacted as amended by C "A" (H-812) as amended by House Amendment "E" (H-868) and "G" (H-947) thereto, in non-concurrence.

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

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

Senator O'LEARY: Mr. President, a Parliamentary Inquiry please?

The PRESIDENT: The Senator may state his inquiry.

Senator O'LEARY: To the matter which we just tabled, a couple of weeks ago I offered a Senate Amendment "C" to the bill. I was wondering if that would still be in possession of the Secretary of the Senate?

The PRESIDENT: The Chair would advise the Senator from Oxford, Senator O'Leary, that this amendment to which he refers, appears to be the one that was Indefinitely Postponed. It is not in the possession of the Secretary of the Senate, therefore you would have to present that amendment again.

Senator O'LEARY: Mr. President, I don't believe the amendment was Indefinitely Postponed. I think that I withdrew the amendment because it was in conflict.

The PRESIDENT: That's correct.

Senator O'LEARY: If I wanted to in the future to present this amendment, then it would be possible?

The PRESIDENT: The Chair would answer in the affirmative.

Senator O'LEARY: Thank you.

House Paper

RESOLVE, Authorizing the Bureau of Public Lands to Convey the State's Interest in a Certain Parcel of Land in Augusta to the Maine Veterans Home, Subject to Certain Conditions. (H. P. 1987) (L. D. 2020)

Reference to the Committee on State Government is suggested.

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

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

Senator AULT: I move that the Senate Suspend its Rules and this bill be given its First Reading without Reference to Committee.

The PRESIDENT: The Senator from Kennebec, Senator Ault, now moves that the Senate Suspend its Rules.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I noticed.

The PRESIDENT: The Chair would advise the Senator that Suspension of the Rules is not debatable.

Senator CONLEY: I oppose suspension of the rules, Mr. President.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of Suspending the Rules, please rise in their places to be counted.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I request the Yeas and Nays.

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

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

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

The pending question before the Senate is the motion by Senator Ault of Kennebec that the Senate Suspend its Rules.

A Yes vote will be in favor of Suspending the Rules.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Ault, Chapman, Collins, Devoe, Emerson, Farley, Gill, Hichens, Huber, Katz, O'Leary, Perkins, Pierce, Redmond, Shute, Sutton, Teague, Trotzky, Usher.

NAY—Carpenter, Clark, Conley, Cote, Danton, Minkowsky, Najarian, Pray, Trafton. ABSENT—Lovell, Martin, McBreaity, Silberman.

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

18 Senators having voted in the affirmative and 10 Senators in the negative, with 4 Senators absent, the Rules are not Suspended.

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

Senator CONLEY: Mr. President, yesterday the Majority Floorleader took issue with the fact that a bill was submitted to this branch or to the Legislature on yesterday morning's calendar. Precisely I'll call the attentions of the Senate to L. D. 2109.

To many people in the State this is a very, very important bill, a very non-controversial bill. Yet, because of the facts of the lateness of

it being submitted, it was rejected by this body.

This morning we have another bill and again I agree it comes from the Chief Executive and it deals with the Veterans Home here in Augusta. I had words with some members of the Augusta delegation who were somewhat surprised that a bill of this nature would come in here, particularly when they weren't even consulted as to the fact that some land was to be taken. I personally didn't blame them.

My issue is not the fact that this bill is coming at this late date or it deals with the Veterans Home, or it deals with the City of Augusta. It think that if we can give a bill like this attention at such a late date, that we can also give attention to an item that we just recently Adhered to. That upsets me just a wee bit.

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

Senator KATZ: Mr. President, the matter is in front of us and is debatable, I would presume.

The PRESIDENT: The Chair would answer in the affirmative.

Senator KATZ: Mr. President, from time to time I have a sinking feeling that when I stand up to debate the Minority Leader turns me off, because he misinterpreted what I said yesterday about the so-called heating bill.

I, at least inference suggested Spring was upon us. Isn't this the first day of Spring, actually? I notice the buds are getting a little fatter, and that a bill pertaining to next winter's energy crisis probably could have been deferred until Special Session #1 or Special Session 2, or Special Session No. 3.

This bill this morning is a bill, if you'll excuse the expression of a different color. It pertains to an emergency situation, pertaining to the Veterans of this State. I must confess I had enormous pique over the staff work that brought it before us. I think common courtesy indicates that when a bill is introduced, the Senator representing the district should at least have some advance knowledge, and the Members of the House of Representatives representing the district should have advance knowledge.

But putting that aside this bill this morning is of significant interest and of very timely interest to the Veterans of the State. Mr. President, I would move that the Senate Reconsider its action whereby the Motion to Suspend the Rules Failed of Passage.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate Reconsider its action whereby it voted not to Suspend the Rules.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: A point of Order, Mr. President.

The PRESIDENT: The Senator may state his point of Order.

Senator CONLEY: It's my understanding that Suspending the Rules is not debatable, then it would also appear to me that to Reconsider why the Suspension of the Rules failed would also be non-debatable.

The PRESIDENT: The Chair would advise the Senator that's a very good question.

On Motion by Senator Clark of Cumberland, the Senate voted to Suspend its rules.

The PRESIDENT: The Senator from Kennebec, Senator Ault, moves that L. D. 2020 be given its First Reading at this time, without reference to Committee.

Is this the pleasure of the Senate?

It is a vote.

The Bill, given its First Reading without Reference to Committee.

The PRESIDENT: Is it now the pleasure of the Senate that under further Suspension of the Rules, that this bill be given its Second Reading, by title only at this time.

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: A Parliamentary Inquiry? If I object to Suspension of the Rules, I can't state my reasons, is that correct?

The PRESIDENT: The Chair would answer in the affirmative, Suspension of the Rules is not debatable.

Senator NAJARIAN: I would ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion to Suspend the Rules, please rise in their places to be counted.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I would ask for the Yeas and Nays.

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

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

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

The pending question before the Senate is Suspension of the Rules.

A Yes vote will be in favor of Suspending the Rules.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Ault, Chapman, Collins, Devoe, Emerson, Farley, Gill, Hichens, Huber, McBrearty, O'Leary, Perkins, Pierce, Redmond, Shute, Sutton, Teague, Trotzky, Usher.

NAY—Carpenter, Clark, Conley, Cote, Danton, Minkowsky, Najarian, Pray, Trafton.

ABSENT—Katz, Lovell, Martin, Silverman. 19 Senators having voted in the affirmative, and 9 Senators in the negative, with 4 Senators being absent, the Rules are Suspended and the Bill, given its Second Reading.

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

Senator NAJARIAN: Mr. President, and Members of the Senate: My only reason for asking that the Rules not be Suspended and to rush this bill through, it's been my experience that whenever this happens in the Legislature, we do our worst work.

We are intended to be a deliberative body and that's why we have a reading on one day, and a reading on the second day. The sponsor of this bill, I presume who made the motion that we Suspend the Rules, did not even give us any explanation of why it was needed, just rushing through. I just have some concerns about them.

I'm not for the bill or against the bill at this point, but I just think that it comes up awfully suddenly and that we ought to hear some reasons and just go a little slower on these things, that's all.

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

Senator CONLEY: Mr. President, and Members of the Senate, I would like to pose a question through the Chair if I may to some enlightened Senator, would they please explain to the Senate exactly what this bill does at this very moment?

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

The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: It's my understanding that this bill that came from the Governor's Office provides that the Veterans can borrow the money on a parcel of land in order to revert it back to the State, there can't be any liens on it or anything by the State before hand. The Statement of Fact, I believe explains it to you.

The PRESIDENT: The Chair recognizes the

Senator from Cumberland, Senator Conley.

Senator CONLEY: Could I pose another question through the Chair? How much land are we talking about, and where abouts is this land located?

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

The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: I think the land is out on the Cony Road and it's about 8.9 acres.

The Bill, Passed to be Engrossed, in concurrence.

(Off Record Remarks)

Committee Reports

House

Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Authorize Bond Issues in the Amount of \$4,000,000 in each of 3 Years for Court Facilities Improvements." (H. P. 1916) (L. D. 1985)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-942).

Signed:

Sensors:

HUBER of Cumberland
NAJARIAN of Cumberland
PERKINS of Hancock

Representatives:

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

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

Signed:

Representative:

SMITH of Mars Hill

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

Which Reports were Read.

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

Senator O'LEARY: Mr. President, I don't know if what I'm reading is correct or not, but I believe I see a total here of \$12,000,000. I would like an explanation from the committee, sir.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, has posed a question through the Chair.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President, Members of the Senate. The bill, as amended, would provide for the issuance of \$4,000,000 of bonds which would allow us to get a start on a subject which has been addressed by two studies of the State-wide Judicial System.

Last year you maybe remember there was a bill in for \$10,000,000. The same concerns and needs are now inflated to the neighborhood of \$12,000,000 if we were to address the entire subject. Without passage of this bill which would provide for \$4,000,000 bond issue in the fiscal year 1982 only, a start on this problem would be delayed probably an additional half year into the middle of fiscal year 1982.

This is simply a \$4,000,000 first step for the consideration of this Legislature on a State-wide problem which sooner or later we will have to address.

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

Committee Amendment "A" Read and Adopted, in concurrence.

Under Suspension of the Rules, the Bill, as amended, given its Second Reading, and Passed to be Engrossed, in concurrence.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Authorize Deductions from the Term of Imprisonment of Certain Persons Serving a Split Sentence." (Emergency) (H. P. 1917) (L. D. 1982)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 948).

Signed:
Senators:

COLLINS of Knox
DEVOE of Penobscot
TRAFTON of Androscoggin

Representatives:

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

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

Signed:

Representatives:

CARRIER of Westbrook
LAFFIN of Westbrook

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

Which Reports were Read.

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

Committee Amendment "A" Read and Adopted, in concurrence.

Under Suspension of the Rules, the Bill, as amended, given its Second Reading, and Passed to be Engrossed, in concurrence.

Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act Increasing the Minimum Handling Fee for Returnable Beverage Containers from 1¢ to 2¢." (H. P. 1973) (L. D. 2012)

Reported that the same Ought Not to Pass pursuant to Joint Order (H. P. 1726).

Signed:

Senators:

CHAPMAN of Sagadahoc
CLARK of Cumberland

Representatives:

BROWN of Bethel
HOWE of South Portland
ALOUPI of Bangor
JACKSON of Yarmouth
GWADOSKY of Fairfield
BRANNIGAN of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass pursuant to Joint Order (H. P. 1726).

Signed:

Senator:

AULT of Kennebec

Representatives:

SPROWL of Hope
DUTREMBLE of Biddeford
LIZOTTE of Biddeford

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

Which Reports were Read.

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

Senator CHAPMAN: Mr. President, and Members of the Senate: I would move that the Senate accept the Majority Ought Not to Pass Report.

You all have a penny, and I'd like you to look at that penny for just a minute. It doesn't look like very much does it especially with the

times that we are in right now, but that penny translates into \$5,000,000 when it gets to the consumers of this State, under this particular bill.

It occurs to me that we ought to have a Fiscal Note on this bill that would state that this would cost consumers if we accept the Ought to Pass Report, \$5,000,000 on extra costs for which they have nothing, no abilities to do anything about.

It does so because approximately or in excess of 500,000,000 containers of liquids under the container law are sold in this State each year. There's no question that there is a cost to handle returned containers, no question about that. I would suggest that these costs would vary greatly amongst the different stores. You have chain stores, you have Mom and Pop stores, you have stores on islands. The efficiency has got to vary greatly, depending on the various stores, but there is a cost to handle returned containers.

I maintain that the most efficient means of paying handling costs is in the product itself. At the same time if we have this cost incorporated within the product itself, we'd have the free market mechanism working and it would certainly work to keep the ultimate costs to the consumer as low as possible, we all know that.

But let's look at the handling charge provision in the current law, and just see how it works. This handling cost gets passed on to the consumers in the following fashion. Make no bones about it, this cost gets passed on to the consumer, and the consumer pays for it and pays well.

First, the distributor has to pay the handling charge to the retailer when the retailer returns back the empty containers. Currently he pays him the penny. This bill would want to make that 2 pennies. So the distributor pays a handling charge to the retailer when the retailer turns back the containers.

Now the distributor just isn't Mr. Nice Guy about this thing. He's got to get that penny from somewhere, and he gets it by adding it to his cost, which forms the basis of his mark-up on his product. He charges the retailer in his mark-up the 1¢ that he has to give back to the retailer when the retailer turns back the empty containers. So the 1¢ is in the cost of the product to the product to the retailer to cover this handling charge.

Now the retailer has a mark-up, he applies his mark-up to the cost of the product to him when it comes from the distributor, and there on he gets the price that he passed on to the consumer. So the consumer then ends up paying a price for the product the contents of these containers, that is 2 to 3¢ higher just because of the 1¢ handling charge paid by the distributor. A 1¢ increase in the handling charge, then can easily be reflected in a 2 to 3¢ increase in the ultimate cost to the consumer.

So perhaps instead of saying that 1¢ equals \$5,000,000 it may be more like \$10,000,000, by the time that it gets passed down to the consumer. I think that one could argue that position quite well.

Some members of the committee felt that the action that should be taken this session, was an outright repeal of the handling charge altogether. However a majority of the committee felt that the 1¢ handling charge was already in effect and should remain in effect without any further increase since this was part of the original law, when it was adopted.

Now let's look just for a moment at redemption centers. There were on the order of 90 or so, there are now something like 24 in the entire State. The committee found no evidence to support the proposition that the few remaining redemption centers in the State would become viable by means of a penny increase in the handling charge. Furthermore the representatives of the redemption centers and the retailers as well when questioned by the committee members during the hearing and work

sessions fully acknowledged that they would probably be back in future Legislatures asking for further increases in the handling charge in order to cover operating costs.

The majority of the committee felt upon considering all of the facts, received during the hearings and work session, that the redemption center approach which was created at the request of the retailers to assist retailers in handling the empty containers is just not a viable approach in Maine and never will be. That we should not therefore further subsidize redemption centers with an increase of handling charge.

If the retailers mean what they have been saying, that redemption centers are essential, then the retailers should be the force behind their continued existence. They can enter into contracts, with the redemption centers for agreed sums to handle their containers and most of the viable redemption centers now are those that have exactly these kinds of agreements in effect and where the area retailers have freely contracted to support a redemption center.

The free market place is the best place to handle this whole issue, if we are to keep it from being a biennial issue before this Legislature. I submit that all parties most particularly the consumer will be much better served.

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

Senator AULT: I oppose the motion of Senator Chapman, and hope that you will join with me so that we might accept the Minority Ought to Pass Report.

The people of the State of Maine voted resoundingly for this bottle bill, voted resoundingly to retain it. They want it and they want it to work.

I know that since it has gone into effect, the people that suffered the greatest hardship is the grocer and that is what we were told was going to happen when we passed the bill.

Redemption centers could have helped them, but it is my understanding that the number of redemption centers in the State of Maine has decreased drastically because they could not afford to stay in business. I believe that this extra cent is going to help those people go into business and stay in business and I think that it is going to help the grocer with the burden that he has suffered.

I would like to pose a question through the Chair to Senator Chapman, if I may. When I go in and buy a can of pop I give the grocer 5¢ deposit. Does he give the distributor 5¢ when he buys it from the distributor.

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

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President, I did not hear the question, would the Senator please restate it?

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

Senator AULT: When I pay my 5¢ deposit to the grocer doesn't he have to pass on the 5¢ deposit to the distributor when he buys the can of pop? If it comes back through the line, he gets the 5¢ back is that right?

I'll pose another question to the Senator. What do the distributors claim is the number of cans that are returned to the grocer? Do 100% of the cans come back?

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

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President and Members of the Senate. No, 100% of the cans do not come back, and that was a subject of considerable attention by the committee. Considerable thought was given to that as well as other aspects of this entire issue, as to whether

it could be addressed or whether those non-return deposits would inure to the benefit of the distributors could be used in some beneficial manner.

It was a difficult issue to address, it is another issue that perhaps should still be addressed in subsequent legislature. It is not the particular issue that we are addressing at this time.

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

Senator AULT: It is my understanding Mr. President, that some 15% of those cans do not get returned. Now that is a nickel and 15% of 500,000,000 I figure is 75,000 cans. Who pockets 5¢ times 75,000?

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

Senator PERKINS: Mr. President and Ladies and Gentlemen of the Senate. I would rise in support of Senator Ault's motion because I feel that there has been some misunderstanding I seem to feel here today that we are getting some of the arguments that were put forth when the people of Maine decided that they wanted to pass the Bottle Law.

The same arguments about pass through to the consumer and when they decided they would like to try to repeal it again, the same arguments were put forth again that this was going to be passed through to the consumer.

To further elaborate on the good Senator's intention, if in fact there are 500,000,000 containers sold and to take a conservative figure rather than to take Senator Ault's figure of 15%, let's take 10% that are not returned, because of crushing or breaking or some manner that they do not find their way back to the grocer shelves. I find that figure to be close to \$5,000,000. Now I find it incongruous that with the distributor holding \$5,000,000 surplus why a 1¢ on the thing should have to be passed through to the consumer.

The small grocer with the problems that he has got he is handling it the best that he can.

We addressed the decline of the redemption centers, I have one on an island where the people tend to be fairly consistent in their shopping habits and the people do contract with this one redemption center. They are still on the verge of bankruptcy because of the lack of income and they are contracting with all the grocers in their area. To say that it is poor management, or whatever it isn't.

I'll say to you that the people of Maine decided four years ago, or however many years ago it was, that the Returnable Bottle Law should be in effect, with this they then voided the free enterprise system, because they inserted this constant into it. So if you are going to insert this constant into it should we not then carry it to the next step and make sure that it does in effect work and the people who are affected most of the small grocers of this State of Maine should indeed be given some recompense for their work that they are having to do with it?

Mr. President, I would ask that when the vote is taken, it is taken by the Yeas and Nays.

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

Senator SUTTON: Mr. President and Ladies and Gentlemen of the Senate. A couple of things occur to me that I would just like to quickly bring to your attention.

We have had quite a bit of discussion about when is a fee a tax, and when is a fee not a tax, I would like to ask when is a deposit a tax?

Well maybe it is not a tax. If the money is not coming back to the State, but certainly it is a tax as far as the people who are going to be paying this is concerned.

If the deposit was coming to the State I think that I could probably buy it much better than I could under these circumstances. If the money was going to come to the State and the State was going to set up redemption centers. I think probably that there would be some merit to it.

I think that Senator Perkins, brought out a point that is really the bottom line to this thing.

He talked about \$5,000,000 whether that number is correct or not, I do not know, being held by the distributor, and there is nothing in this bill that shows that this money is going to go from the distributors, in behalf of either the merchant or the consumer. If I thought that that were the case I would support the bill.

The consumer is going to wind up paying for this bill, the merchant is still going to be in the same hole that he is in right now. The distributor is going to wind up with the money. I would certainly urge you to support the pending motion.

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

Senator CLARK: Mr. President and Men and Women of the Senate. I rise this morning to support the good Chairman of the Committee on Business Legislation and urge that you would accept the Majority Report from the Committee.

The Senator from Kennebec, Senator Ault, has addressed the issue of what is called 'float' and that refers to the deposit which the grocer or the buyers of beverages must pay to the distributor during the normal process of purchasing. That almost is an exclusive subject, exclusive of the issue before us. I think could and undoubtedly will be properly addressed in another Legislative session.

The issue before us more precisely is should 80% of Maine voters who voted and reaffirmed their vote recently relative to the Bottle Bill, be ignored?

It is my contention that when Maine citizens reaffirmed in a referendum last year their allegiance to the concept of returnable bottles, that they voted to retain the bill in its current form, for certainly those who were opposed to the retention of the Bottle Bill, employed some rather misleading advertising.

The issue came before the Joint Standing Committee on Business Legislation and I truly and fervently believe that that committee in all good conscience and all good deliberation responded to the issues which were presented at that long hearing at the Augusta Civic Center again.

For 8 years I have served on the Committee on Business Legislation and 8 years this issue has been before us. I think that it is appropriate particularly in light of the overwhelming vote in the referendum last fall, that the bill be retained in its present form.

The issue of increasing the handling charge, is an issue which impacts on everyone in the State. Impacts to the tune of \$5,000,000 for a 1¢ increase in the handling fee.

Personally the free market and enterprise system has worked well, in this state and good business, and sound marketing practices have prevailed. I would substantiate that statement by saying this. Redemption centers were created when the original bill was passed. Redemption centers proliferated and then redemption centers began to disappear. The answer to the obvious question is why, is simply because they were a non viable ingredient in the marketing system.

Government should not continue to subsidize an element in good marketing systems which is not viable. Which can't exist under current law, and does not serve the needs of the members of the market system, which includes the distributor, the grocer, large and small and Maine's consuming public. To subsidize an element of the marketing process, whether or not it is efficient or inefficient, whether or not it operates responsibly or irresponsibly, would not reflect positively on this Maine Legislature. I submit to you that Maine consumers should not be forced to return bottles to a redemption center, simply because a redemption center exists.

I agree that redemption centers those that are operating positively and are viable and there are those that are just that, provide a service not only to consumers but to grocery

stores, large and small. If indeed they provide that service and if indeed grocery stores chose to decline to receive returnables and in fact request or force their customers to return them to redemption centers. Then indeed grocery stores should enter into a business contract to reimburse that redemption center for the services that it is providing. That is the way that the market system and business practices work. Not just in this State but across this country, where capitalism we continue to hope is the pass-word.

Again the Committee on Business Legislation obviously is a very non-partisan way addressed this very important issue. Again we reaffirmed the vote of 80% or more of Maine's citizens in that we continue to support the Bottle System in its current form. I would hope that you would join with me in supporting the prevailing motion.

(Off Record Remarks)

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

Senator DANTON: Mr. President and Members of the Senate. I was not going to join this debate, but after the good Senator from Cumberland, Senator Clark, accused the repeal movement that took place last fall, of deceptive advertising, I thought that I should get up and say just a few words.

First of all and in fact I believe that there was another Senator, Senator Chapman of Sagadahoc, that made a TV statement at that time about deceptive advertising.

I think just to get the Record straight, just to get the Record straight. I made a commercial at that time, to repeal the Returnable Bottle Bill, I never supported it in the beginning, because I knew that we would be here debating such issues today. \$5,000,000 more onto the consumer. You could go to New Hampshire or Massachusetts and buy a case of beer for \$5 and you have to pay \$12 in the State of Maine.

Now if you do not think that that is ripping off the consumer, just think about it one minute. Now we are talking about \$5,000,000 more. Now we want the distributors to get involved.

Well, just let's talk about the deceptive advertising just for one minute that took place a few months ago, that everybody was accusing the repeal movement about.

First of all, all I said and I know what I said: If our present law is repealed there shall be a bill introduced to the next session of the Legislature which will work better and tax all litter producing businesses in the State of Maine. Burger King, MacDonalds, Dairy Queen, Pete Danton's Restaurant, the newspapers, everybody litters. It isn't just the cans and the bottles that litter our streets and roads and parks and beaches.

So I would like to get that straight for the Record. That was no deception on my part, as far as the voters are concerned they voted to keep the Returnable Bottle Bill, that is fine. It is OK by me, it just so happens that I do not drink any pop or beer.

I think that when you stop to think about it, right now the average user of soft drinks and beer it costs them \$100 per year in a family unit. Take this \$5,000,000 of my good Minority Leader taught me yesterday, he's pretty smart sometimes, and divide it by the million population and cut that in 1/2 and now you are adding a few more bucks on.

That is the only reason today that I am going to support the Senator from Sagadahoc, Senator Chapman, because I am going to maintain the same position that I maintained a few years ago, that the Returnable Bottle Bill that we passed was no good, that it was going to cause a hardship to the small businessman and cost the consumer more money. Here we are today in 1980 admitting that that is exactly what we passed.

The PRESIDENT: The Chair recognizes the

Senator from Somerset, Senator Redmond.

Senator REDMOND: I would not support the good Senator from Sagadahoc, Senator Chapman's motion, for the simple reason, that last summer I was asked by some of the people in my area that have redemption centers and I went and visited with them and I realized that those people are working hard, they are small businessmen just like many of us and they can't make a profit. Many of them have had to shut down and others are just barely existing.

Ladies and Gentlemen the issue here is not the bottle bill issue. The issue is whether we are going to let our free enterprise system work. No one is forced to go there and redeem their bottles. They are there to accommodate people and they ought to be justly compensated for it.

How many of those redemption center owners have you seen around here lobbying for this bill, you haven't seen any of them, because they do not have the means to do that, most of them are broke. Their place is shut down and they have loans at the bank that they can't pay because they cannot make enough money.

Now is this the sort of atmosphere that we want to create here in the State of Maine, have a few wholesalers and distributors be wealthy and forget about the other bunch of hardworking people. If this is what we want well let's have it, but as far as I am concerned let's spread it around a little bit and make other people wealthy so that we can all enjoy it together.

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

Senator PIERCE: Mr. President the redemption center issue is heavily involved in this issue and I would just like to pose a question to somebody who might answer it.

It seems as though I am hearing two things. On the one hand the redemption centers aren't coming into being really or there is such a small number because the penny is not enough and with 2¢ that would help them a great deal and there would be more.

On the other hand we are hearing that it really is the grocery stores that do not want the redemption centers and that is why.

I wonder if somebody might address that question.

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

Senator CHAPMAN: Mr. President and Members of the Senate. That is an interesting subject to address. As I said earlier in those instances where redemption centers seem to be the most successful are those instances where the retailers in that area support the redemption center. By support I mean they enter into contracts with them to use their facilities.

I think redemption centers have to have the support of the retailers in that area if they are going to succeed. We are down I believe to 24 now, that is not very many.

They were created by the original legislation, they were not able to survive under the original legislation obviously. I feel very sorry for the fact that some of them have gone out of business. I wonder if because we created something perhaps in error is that reason to continue it?

An increase in the handling fee such as what we are addressing here today, and I want to focus on the issue that we are addressing today and it is the handling fee, and not the deposits or other issues that we are discussing here. If the handling fee were increased it would be increased for the benefit of the retailer, and obviously the redemption centers. But I ask you, are the retailers going to be more likely to support redemption centers if they can get an extra penny themselves?

Perhaps the retailer is going to want to encourage more of these returns to come to their stores instead of supporting the redemption centers. I submit that the increasing of the handling fee is going to work harder on the re-

demption centers, because the retailer is going to see the benefit of that for their own pockets.

I still say the way to correct the situation for the redemption center issue is for the retailers to support them. I say that that is more likely to occur if we do not raise the handling fees, if we leave it alone, we are going to encourage those retailers in communities where they want redemption centers to support the existence of redemption centers with contracts to handle their returnable containers.

Now we talked a little earlier about the deposits and I did want to emphasize that I see that as another issue entirely aside from the issue that we are talking about today. It is an issue that will be addressed in the future I am sure. The handling of the deposit is just that it does come back to those consumers who return their containers. There is no question that some of the deposit money stays with the distributor and that is certainly cause for concern. This bill is not addressing that issue and will not affect it really one way or the other.

The handling charge is more like a tax in fact since there is no recovery, that is going to be passed right on to the consumer, the consumer is going to pay it. By the time that it gets to the consumer it is not going to be a penny it is going to have some mark-up added to it and it is going to be on the order of 2 or 3¢.

If there was an error made possibly in establishing the handling charge in the original Legislation it does not mean that we have to compound that mistake or even continue it. As I said some of the committee felt that it should be eliminated altogether, and I was one of those. It is interesting to note I believe that in the State of Oregon, where I think they had the first container law they don't have a handling charge arrangement as I understand it.

The distributors and the retailers and anyone else in the middle of this process have the full ability to price that product at any price they want, in their cost. They can charge what they want to recover what their handling costs are going to be. That's why they do on most every product they handle in their stores. So they can recover their costs in the free market system right now with methods that they have always been using. They don't need the super-impositions of a handling fee. I would urge that the Senate support the Ought Not to Pass Report of the Committee.

(Off Record Remarks)

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

Senator DANTON: Mr. President, and Members of the Senate: If there is anything I have enjoyed this last and final term, it's sitting next to a banker, because I've learned a little bit about finances, something that I never was too good with.

He talks about redemption centers, and how we have to help them out and help the free enterprise system. That's exactly what these guys that opened up the original ninety some odd redemption centers were, supposedly, businessmen, but the cash flow, as my seat-mate Senator Redmond from Somerset, just wasn't there.

You would go to the redemption centers, and I know I used to get complaints, and they'd be closed because they didn't have the money to pay for the bottles and cans. I see Senator Gill from Cumberland shaking her head. I know I used to see her at the one in Scarborough, waiting for them to open up. They didn't have the money to pay. They thought they were going to get there and make a fast dollar. That's not the case!

This penny isn't going to make things any better. It's just going to add it onto the consumer and the Mom and Pop stores. We can put it up to 2¢, but if the guy down the street will not agree and go up to 2¢ with them and he stays to the penny, you can be sure the other guy that

went up 2¢ will come down to the penny deposit, a penny increase. So let's not kid ourselves. I think Senator Clark from Cumberland said the right thing when she said we should allow the market place to reach its old level of funding under this bill. That's the way it should work.

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

Senator PERKINS: Mr. President, and Ladies and Gentlemen of the Senate: The Senator from Kennebec, Senator Pierce, asked a question and as with all questions there may be 2 sides to it. One side was addressed by the good Senator from Sagadahoc, Senator Chapman. There was another part to the question that says will they sign contracts and what is the stores relationship with the spender. The store's relationship is that the chains don't want any part of redemption centers because they are handling it themselves. They're big enough to handle it themselves and they do it, and they do it well. I have no fault to find with it. I think they do an excellent job.

It's the little groups that we're talking about today. It's not the chain. It's the little grocer. This is what good Senator Redmond spoke about. It was the little people. Here we are saying again let the chains take over again and so what happens to the little guy who does not have the storage space or the employees to deal with these problems that the people of Maine decided they wanted to do? If the people of Maine decided they wanted to do it, I'm sure that the people of Maine did not say in their failure to repeal that they did not want the Bottle Bill, they said they wanted the Bottle Bill, but the people of Maine also felt the little guy should be equal too. This is, I think, what this bill approaches.

The PRESIDENT: Is the Senate ready for the question?

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 Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I request Leave of the Senate to pair my vote with the Senator from Aroostook, Senator Martin. If he were here he would be voting Nay and I would vote Yea.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now requests Leave of the Senate to pair his vote with the Senator from Aroostook, Senator Martin, who if he were here would be voting Nay, and the Senator from Cumberland, Senator Conley, would be voting Yea.

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

It is a vote.

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

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

A No vote will be opposed.

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

ROLL CALL

YEA—Chapman, Clark, Cote, Danton, Devoe, Farley, Hichens, Huber, McBreaity, Minkowsky, Sutton, Trafton, Trotzky.

NAY—Ault, Carpenter, Collins, Emerson, Gill, Katz, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Teague, Usher.

ABSENT—Lovell, Silverman.

13 Senators having voted in the affirmative, and 15 Senators in the negative, with 2 Senators

being absent, and 2 Senators pairing their votes, the Motion to Accept the Majority Ought Not to Pass Report does not prevail.

The Minority Ought to Pass Report of the Committee, Accepted, in concurrence and the Bill Read Once.

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

Divided Report

Six Members of the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Authorize Bond Issue in the Amount of \$6,000,000 for Improvements to Vocational-technical Institutes." (Emergency) (H. P. 1757) (L. D. 1887)

Reported in Report "A" that the same Ought to Pass as amended by Committee Amendment "A" (H-943).

Signed:

Senator:

NAJARIAN of Cumberland

Representatives:

DIAMOND of Windham

MORTON of Farmington

CHONKO of Topsham

CARTER of Winslow

PEARSON of Old Town

Two Members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass as amended by Committee Amendment "B" (H-944).

Signed:

Senator:

PERKINS of Hancock

Representative:

HIGGINS of Scarborough

Two Members of the same Committee on the same subject matter reported in Report "C" that the same Ought to Pass as amended by Committee Amendment "C" (H-945).

Signed:

Representatives:

JALBERT of Lewiston

KELLEHER of Bangor

One Member of the same Committee on the same subject matter reported in Report "D" that the same Ought to Pass as amended by Committee Amendment "D" (H-946).

Signed:

Representative:

BOUDREAU of Waterville

Two Members of the same Committee on the same subject matter reported in Report "E" that the same Ought Not to Pass.

Signed:

Senator:

HUBER of Cumberland

Representative:

SMITH of Mars Hill

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

Which Reports were Read.

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

Senator HUBER: Mr. President, and Members of the Senate. I apologize for this lack of adhesion among my committee members, but basically I think these Reports are comparatively easy to explain. They run the gamut from Report "E" on which I am a signer which recommends that we defer this problem and address the problem of needed construction of VTI's, when we consider the many other major problems that we'll face in the next Legislature.

The Ought Not to Pass Report which I would like to move acceptance of would essentially defer this to the next Legislature. The other extreme is Report "C" at a level of \$12.5 million. This essentially addresses this type of construction need at all of the facilities.

The original bill which is Report "D", would provide a Bond Issue in the amount of \$6,000,000 for construction at Kennebec Valley VTI,

Northern Maine VTI, and Southern Maine VTI.

Report "A" which would require a Bond Issue in the amount of \$7,000,000 would add roof construction and reconstruction at Bangor.

Report "B" requires a Bond Issue of \$8,000,000 would add to this \$1,000,000 Bond Issue for Maine Maritime Academy. So I think the Reports range from essentially deferring the problem to the next session to the total of \$12,000,000 need which probably is a true need in the VTI System. In between are varying degrees of parochialism with selected items included.

In the next session of the Legislature we are going to face, I anticipate, perhaps simply from our General Fund Budget, expenditures and estimates of revenue a biennial deficit, perhaps in the neighborhood of \$32 to \$33,000,000. We also hopefully will face these obvious needs of our Retirement System. We may be facing further cuts by the Federal Government in the area of Human Services and elsewhere.

In sum I think we have monumental problems to face. Action in this body today has also added another area which is a continuation of the needs in the Judicial System in terms of construction. I really do feel that this VTI need is something that should be addressed not now but when we address all the major problems before us. I think at that time we should make sure that the priorities are sensible, in terms of VTI needs, develop a rational plan to face these needs, and the other serious problems that the next Legislature will face. I hope the Senate will accept Report "E" which would allow consideration of all of these problems simultaneously.

The PRESIDENT: The Senator from Cumberland, Senator Huber, moves that the Senate accept the Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President, and Ladies and Gentlemen of the Senate. I rise to support the Ought to Pass Report "B" of the Committee which I believe deals with the present problem which is the education of our post-secondary students of the State of Maine. I think we have an obligation to these students having developed the VTI's and the Maritime Academy to address the fact that these buildings have put off and put off and put off and put off, because the priorities have always seemed greater on the other side.

The time has come when we must face some of these priorities be it a leaky roof in Bangor, or building that really should be condemned because of fire hazards in Portland. Whatever they may be I think they are meritorious of our facing and addressing them at this point.

You will note that I did not sign the \$12,500,000 Report because I felt that this was indeed extreme. I have addressed the \$8,000,000 Bond Issue because I felt this was a middle ground which could indeed not be put off but must be addressed, if we are going to stay in the Vocational and Pro-Secondary Education Field for these students.

I therefore would oppose the motion of my Senate Chairman and ask you to go with me on an \$8,000,000 Bond Issue which must be passed by the people of this State of Maine. If they feel it meritorious they indeed will support this also.

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

Senator NAJARIAN: Mr. President, even though I signed Report "A" which is \$7,000,000 Bond Issue, I would go along with Report "B" for \$8,000,000. The reason for that is there is, even though Senator Perkins may in the eyes of some of you seem parochial in supporting that, the Maine Maritime Academy did request from the Governor \$950,000 for him to include in this year's biennial budget for construction of a fa-

cility in which to repair their boats and several other things. It was a legitimate request. The Governor deferred putting it into his budget, but I think it's perfectly appropriate to include it into this Bond Issue, it's something else that's needed. I hope you all support Report "B".

I would just go ahead and add that we are retiring bonds at the rate of about \$23,000,000 a year. If you add the \$4,000,000 for the Courts, this \$8,000,000 Bond Issue, and I think a \$7,000,000 on the Table, it comes to \$19,000,000. So even if all 3 were approved at this level, we still would be retiring more bonds than new bonds being authorized.

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

Senator MINKOWSKY: Mr. President, and Members of the Senate. Of course I guess I am concerned with the \$8,000,000 Bond Issue put forth by the good Senator from Hancock, Senator Perkins, but I think another thing that concerns me more than that is in addition to the \$8,000,000 we are speaking of the high rate of interest on that particular bond issue which could be substantial.

I was wondering, we have recently passed some Bond Issues where we have placed a cap as to when those bonds shall be expended or sold, and if they are not sold within a particular span of time, then they would not be issued or they would dissolve. Does this particular Bond Issue that you have at the present time have a limitation of 5 years in which to address that particular part of the question?

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

Senator PERKINS: I would answer in the affirmative.

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

Senator SUTTON: Mr. President, in good conscience I feel I must make just a couple statements. I'm sitting here listening to this debate and this discussion and it's business as usual, at least since I've been here. I don't think we're addressing the fact that our Nation and our State is in a crisis, probably more so than most any of us remember in our lifetime.

I think it's only prudent that we give serious thought to the remarks of the Chairman of the Appropriations Committee by the time we come back next January those of us or those who are interested and fortunate enough to return next January, we are going to know a lot more than we do now. I really think some of the crises that we're looking at right now are going to be much clearer to us, the outcomes of them are.

There's probably no one in the Senate that's more interested in the VTI's than I am. There's probably no one in the Senate that uses the VTI's more than I do. So I'm very, very concerned about this serious matter or matters that they face.

I think we have to realize that this is not business as usual. We're at a 20% inflation rate. The State is facing deficits for the first time in a long time. The country is talking about a balanced budget for the first time in a long time. The Iranian thing is about to come to a head. We're facing some crises and I think we've got to start thinking a little bit and making some plans in that regard.

Your guess is as good as mine, of course, but I can't conceive of a year from now the interest rates being much higher than they are now. I guess it's possible, but by the same token, I think there is just as good a chance that they could be lower a year from now, which would be to our benefit. So I would like you to give some real, real serious thought not only on this issue but on some of these other issues.

I was going to say something on this other \$4,000,000 Court Issue, because I think we've really got to start being responsible and really concerned about where our State's going. Most

of our towns are in fairly decent shape, but they're not going to be if Federal Revenue Sharing is cut off to the State, and the State starts passing on some of the things to the towns. Thank you.

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

Senator HUBER: Mr. President, and Members of the Senate: I'd like to very briefly respond to one of the comments of the Senator from Cumberland, Senator Najarian. I believe the anticipated Bond Retirements for the next fiscal year referring to General Fund Bonds will be in the amount of \$17.3 million.

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

Senator GILL: Mr. President, over a year ago I was one of the ones that was very instrumental in closing a building down in SMVTI, because of unsafe hazardous conditions to the students that were involved there. We had another building down, the Tool and Die Shop. We did close the Welding Shop down for a period of time until they did make some adjustments, temporary adjustments, I might add.

The Tool and Die Shop down there is in about the same situation right now. At that point we had indeed tried to come up with some funding for these particular buildings down there. I know that Northern Maine was in the same straights because they were losing a building up there that they had leased and it was imperative that some decision be made over a year ago.

We went to the Governor a group of us did, and we talked to him to see if there was any possible way to raise some money to get these things going. I might respond to the good Senator from Oxford, Senator Sutton, that one year ago the interest rates were one heck of a lot lower than they are today. If we had gone ahead and been able to do this at that time, when it was actually as needed as it is now, it would be probably completed by this time. If we wait much longer, what's going to happen, the interest rate will keep rising. Everyday they keep rising. They're up to 19 and maybe more because I haven't read a paper for 2 days. But it's just an impossible situation.

I think I above all, I mean I'm ready to cut any new program that comes through here because we don't have the money to fund it. But I think we have to decide those priorities that have existed. We're going to get further problems increased because we don't have the money to put into renovations of those buildings. We're going to have further deterioration of those buildings. So another year down the road, we're going to be in worse shape than we are now. I think we have to address this now, and I'm looking for Report "B".

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

Senator CONLEY: Mr. President, and Members of the Senate: I know that a short time ago I read in the paper at a time that we were not in session where the Appropriations Committee had established a subcommittee to get out and look and review the problems within the VTI's of the State. All I know is what I read in the paper down my way where the many, many problems that SMVTI had, the problems that Central Maine had, and people in the Northern part of the State were experiencing. I hope we touched all bases.

Anyone who doesn't know today that we ignored the VTI's for the last 4 years because of the fact that we wanted to keep a close line on the money because the Chief Executive at that time wanted to make sure that we didn't go out on any spending spree.

Today we're paying for it. I would suggest to the good Senator from Oxford, Senator Sutton, to take a ride down into Southern Maine at SMVTI and see some of the dilapidated conditions that the buildings are in. We just can't expect to say that we're going to continue to run what we consider to be a first class, second-

dary, or post-educational classes for our children in this State when in all the reality we know that many of the buildings shouldn't even be open.

I think those are the hard things that we have to look at. I agree with the good Senator that it's not a great time to be spending money. If that's the case then what do we do with the school rooms? What do we do when the OPEC Nations raise the cost of fuel oil up to such a price that even those of us, some of us, who transport ourselves to these Chambers feel the real pinch in our back pocket, because we're only getting 13¢ a mile? God knows what it is for a gallon of gas.

What do we do with State Buildings, or our own homes, with the OPEC prices with respect to fuel oil? We know that somehow or another we have to make it and we have to adjust to it. I think we're going to have to make the financial adjustment to restoring these buildings and making them acceptable and at least livable and workable so that the students and the faculties of these institutions can feel at least safe.

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

Senator SHUTE: Mr. President, and Members of the Senate. We have 4 reports before us here today, and we started out with a \$6,000,000 Bond Issue. In one we have \$6,000,000, one \$12.5, one \$8 and one \$7. It seems as though every person on the Appropriations Committee or maybe every person took care of their own areas in this bill.

If you're going to really address the problem, you should be looking at Report "C" which is \$12.5 million and take care of all the problems, or not take care of any of them. I wonder if we pass, we're talking about passing Report "B" which actually we're on Report "D" or "E". Are we going to still stand by the 90% figure that we talked about quite a while ago here, whereby we would only bond 90% of the Bonds that we were retiring in the same year, or is this going to exceed this 90% level? I heard a lot of good words flying around here. I read a lot of good words in the newspaper about the Governor, the Majority Party and I suppose the Minority Party. We're going to only bond 90% of what we're retiring in the same year. I wonder if we add another \$8,000,000 worth of bonds to this, are we going to be in that 90% figure?

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

Senator KATZ: Mr. President, in response to the question according to the 90% formula we would be limited to not more than \$15.57 million. I think before we Enact any bonds we're going to Adhere to that limitation.

I want to tell you what happened a number of years ago when the State of Maine decided that it wanted to go into the business of Vocational Education first class. There was an extraordinary debate throughout the State as to whether or not we should support secondary vocational schools or post-secondary vocational schools. The professionalism came with post-secondary but there was a feeling that if we waited until after high school we would lose many of the kids. So we better have secondary vocational schools, and we did the only honorable thing, we did both.

I can't think of any program, any policy decision that we've ever made that was more expensive than deciding to do both. But a secondary level vocational school was in reach of every youngster in the State, at least geographically, and sprinkling the VTI's over. The missing component in this bond issue is any clear understanding of it's future burdens on the General Fund. Has anybody said a word about the future costs?

Here we are with a 'Biennial Mentality', that is trapped Legislature after Legislature into pursuing courses of action that did not have ultimate cost computed. I don't know what the

ultimate costs of a Bond Issue to construct new VTI buildings, and I would not under any circumstances accept the off-hand statements of any member of the department, not because of bad faith, but it's a pretty complicated question.

I can tell you that those of you who are lucky enough to survive the electorate and come back here are going to be facing the problems of the loss of Federal Revenue Sharing. You're going to be facing occupancy costs by soaring energy problems. You're going to be facing Retirement Costs that are going to stagger you, and you're going to be facing a question of a \$40 to \$60 million deficit in the Highway Department which may not be restricted to the Dedicated Revenue.

I don't know what's going to happen to this bill right at the moment on the motion Ought Not to Pass, but by golly, before this thing is enacted, if it ever does get enacted in any form, we had better take a look at the long range costs.

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

Senator CONLEY: Mr. President, and Members of the Senate. I'm not going to jump all over the back of the good Majority Floorleader this morning, but it does appear to me to be somewhat a little bit condescending, when he talks about this 'Biennial Mentality', as sort of a new catch-all, now that the good Senator is no longer going to serve in the Legislature. It sort of goes back to another catch-all that I heard a few weeks ago from the Committee on Education where there was a quote from a minister from the Bangor Area, who talked about human secularism. I don't understand that catch-all phrase either.

I do know one thing. I understand that each and everyone of us were sent here to represent all the people of the State, not just the people in the good Senator from Augusta's area, but all the people. I think that we have to weigh each financial decision, just as the way we weighed the financial decision when we passed L. D. 1994, the one that spread equal education throughout the State.

Yes, I made that hard decision, and I voted for it, and I voted against the repeal of the Uniform Property Tax and urged the people of the State to vote against it. I hate to have somebody look down at me and point their finger and say no, no, no, Gerry, no more. We can't do this. I think I have the mentality to be able to weigh what is right and what is wrong and how much it is going to cost the taxpayers over the next few years. Since we've already stated that we're not going to pass any more Bond Issues and 90% of those retiring this year, I think that's another thing that we keep in mind. But I just don't like that condescending attitude of looking down at all of us and saying, well, you're all little children and you really should pay attention to what I am saying to you.

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

Senator PERKINS: Mr. President, and Ladies and Gentlemen of the Senate. If I may partially respond to my Majority Floorleader query, with regard to Kennebec Valley Technical the Industrial Trades Building is indeed a new building, but it will be replacing partial using of an existing school building. So this is indeed a new building but we are pretending to try to run a facility or some semblance of a training school there then we must indeed have the four walls with which to do.

Northern Maine Vocational Technical Institute, we are now renting the building. So we are not without expense now, and this will mean indeed a new building but we are now renting. So this will be a displacement more indeed perhaps, but a replacement of a rental building.

Southern Maine Vocational, the good Senator from Cumberland, Senator Gill, has addressed this problem, and the fact that many of these buildings are in such poor shape that we either

have to repair, tear down, or build new. The repair is expensive and these buildings are in such poor shape that we either have to repair, tear down, or build new. The repair is expensive and these buildings which should be torn down, you are then putting your money to no avail.

Eastern Maine Vocational Technical Institute needs a roof. The roof is leaking so badly that on some days as with this week when we had the heavy rain, it is almost impossible to run the classes there.

So these are decisions we must have. The Maritime Academy is indeed a new building. We have one of the finest Maritime Training Facilities in the world in Maine. If we are to continue to have this we must progress and diversify our training areas. This is what this addresses.

I would only say in closing that I am confident that the people of Maine who will be deciding this issue will then address their pocketbooks and they will refer to the issue because they are indeed being given this choice.

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

Senator SUTTON: Mr. President, without getting into these cliché words and what have you. I kind of understand what some of them are except for the 'human secularism', I have a little trouble with that, but I certainly understand the others.

I think we do have to make some choices. I think we need to start making choices right now. Our choice should be right now we don't have enough information to make the type of choices we should have.

In Oxford County we just had a new school addition put before us and the citizens turned it down. That's going to cause some problems. We're going to be faced with a lot of problems from here on, and we're going to have to make some hard decisions. We're going to have to live within some of these problems. We're going to have to take these kids who want to have a Carpentry Course and put them up on the roof that's leaking and have them fix it. We're going to have to learn to use the facilities that we have whether they be in the VTI's or in some of our other institutions.

I haven't heard any discussion about how we're going to do this. All I hear is that we're going to have to do it, and we're just going to have to do it now and find more money to do it and what have you. This can't keep on! This is, I don't know whether you call it a 'Biennial Mentality', but I think it's a mentality that says that we've always had it, and we have had, but I don't think we're going to have it any more.

I don't think we can just sit back and address everything with where we're going to find the money to do it. I think we're going to have to start addressing things with how are we going to do without it, or how are we going to change it or how are we going to live with it. Not, where are we going to come up with more money to do it with!

This VTI problem is something that should go in with all our other problems but I think it would best be gone into next fall when we have some more answers and we can look at all the priorities that we are going to have to face.

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

Senator GILL: Mr. President, I rise to suggest again as the good Senator from Cumberland, Senator Conley, suggested to the good Senator from Oxford, Senator Sutton, to please go down to Southern Maine Vocational and visit the place. We have a Building Trades building that we got so cheap because the people that are going to school there are working inside doing the work in it, constructing it. They do work where they can. Every unit on that campus every subject that's taught, or every group that's taught on that campus works on the campuses in the trades they are being taught at.

If it wasn't for being able to use the students and what they know, the cost would be far higher than what they are right now. I hate to wait any longer, because I stated a little while ago the interest rates have gone up. The needs are there. There have been people who have looked into the problem, and they have come up with these decisions here. It's not something that someone has just picked out of the air willy-nilly and said it would be nice to have a nice building down there. That has not happened. These are dire needs right now.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate: Earlier in this session, there was some discussion relevant to Bond Issues that had been passed by the people of the State of Maine but never were issued. The figure comes about of about \$160,000,000 more or less. The discussion further revolved around the fact could these bond issues be reallocated instead of putting out new Bond Issues?

I'm wondering if the Chairman of the Appropriations Committee could give me some insight relative to that particular question?

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

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

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

9 Senators having voted in the affirmative, and 15 Senators in the negative, the Motion to accept the Ought Not to Pass Report "E" of the Committee does not prevail.

The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: I would move the Ought to Pass Report "B".

The PRESIDENT: The Senator from Hancock, Senator Perkins, now moves that the Senate accept an Ought to Pass Report "B" of the Committee.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion of Senator Perkins of Hancock to accept the Ought to Pass, as amended, Report "B" of the Committee, please rise in their places to be counted.

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

13 Senators having voted in the affirmative, and 11 Senators in the negative, the Motion to Accept the Ought to Pass, as amended, Report "B" of the Committee, does prevail in non-concurrence, and the Bill Read Once.

Committee Amendment "B" Read and Adopted, in non-concurrence.

Under Suspension of the Rules, the Bill, as amended, given its Second Reading, and Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

Second Readers

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

House

Bill, "An Act to Establish the Municipal Cost Components for Services to be Rendered in Fiscal Year 1980-81. (Emergency) (H. P. 1985) (L. D. 2018)

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)

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

Bill, "An Act to Improve Governmental Remedies for Violations of the Antitrust Laws." (H. P. 1975) (L. D. 2014)

Which was Read a Second Time.

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

Senator COLLINS: Mr. President, I present Senate Amendment "A" to L. D. 2014, under Filing Number S-490 and move its adoption.

The PRESIDENT: The Senator from Knox, Senator Collins, now offers Senate Amendment "A" to L. D. 2014 and moves its adoption.

Senate Amendment "A" (S-490) Read.

The PRESIDENT: The Senator has the floor.

Senator COLLINS: Mr. President, the purpose of this amendment is to remove from the Triple Damage Provision of this Antitrust Measure that portion that relates to the attorneys fees and costs. It's my judgment that attorneys fees ought not to be tripled in this process. I think there is a danger of inciting successive litigation to at least a modest degree. I therefore think that this amendment will be an improvement in the bill.

Senate Amendment "A" Adopted.

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

House — As Amended

Bill, "An Act to Provide for Renegotiation of the Cost-Sharing Formulas for School Districts." (H. P. 1817) (L. D. 1945)

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

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)

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

Sent down for concurrence.

Enactors

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

An Act Concerning Revisions in Maine's Juvenile Code and other Statutes Relating to Juveniles. (H. P. 1847) (L. D. 1951)

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

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

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

Senator TRAFTON: Mr. President and Members of the Senate: I would direct a few questions to the sponsor perhaps of this piece of Legislation. I notice that this is dealing with the Maine Health Facilities Authority and yet we seem to be adding in Educational Institutions. I have some questions about how germane it is to add in the Educational Institutions. Also how does this affect the State? We're giving certain kinds of reduced interest rates and so forth. Does the State have liability here? In the long run will we be in some way competing with those projects that we attempt to issue bonding on, which we consider in the public interest with private Educational Institutions who are also seeking this very same bond? Is there a limit on the amount of bonds that can be issued under this category?

I feel there are a number of questions that should be discussed and I hope someone will provide the answers.

The PRESIDENT: The Senator from Androscoggin, Senator Trafton, has posed some questions through the Chair.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President and Members of the Senate: The Senator from Androscoggin, has posed a series of questions which had she asked me earlier I would have been happy to discuss with her, but since she wants to take the time to discuss them on the floor, I would be happy to do it that way also.

The Maine Health Facilities Authority has been in existence for some time. This will allow private educational institutions to come under it. What has happened in the other New England States, the other 5 it has worked the opposite way. They have Educational Authorities which the hospitals have then come under the same umbrella, so this is nothing very unique.

This is also something which the Executive Director of the Maine Health Facilities Authority is in support of. There are very few projects which have to be presently under his authority. By taking on a few other educational type projects, we can do this with no additional staff, basically no additional expense. It's one of the few times in State Government where you see something added on without additional employees and costs.

The main reason this came about is because Colby College is interested in building a dormitory and obviously in the present money market, there's almost no place they can get it without some kind of Legislation like this. In addition Bowdoin College was interested in doing energy renovations. I understand Bates College is also interested. So those 3 institutions got together with some other institutions and promoted this Legislation.

The State's Bonding Authority is not pledged under this. The present Health Facilities Act, I believe, has something like 60 outstanding pieces of bonds. There was no opposition at the hearing. It was a unanimous Committee Report. If there are any other specific questions I could answer I would be happy to do so.

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

Emergency

An Act to Amend the Hazardous Waste Statutes in Order that the State May Respond to Dangers to Public Health, Safety or Welfare and Allow Delegation of the Federal Program. (H. P. 1759) (L. D. 1884)

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

There being no objections, all items previously acted upon, with the exception of 1 Held Bill, were sent forthwith.

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.

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

Orders of the Day

On Motion by Senator Katz of Kennebec, the Senate voted to remove from the table:

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

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

Pending—Consideration.

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

Senator KATZ: Mr. President and Members of the Senate: No matter before the 109th Legislature has been so perplexing and difficult a solution than the question of how to fund a Department of Transportation whose revenues have constantly been under attack and are shrinking.

I just wanted to report to the Members of the Senate, that Republican Leadership has been meeting with the Governor during the past hour. We will be meeting later this afternoon again. We are attempting to arrive at an amicable solution to satisfy the very, very clear concerns of the Republican Senate Caucus that a long range solution to the funding problem is absolutely essential before any band-aids are applied to the department. We are not ready to debate it and on that basis I would urge that somebody table it until tomorrow morning.

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

Orders of the Day

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

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

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

Pending—Enactment.

This being an emergency measure and having received the affirmative votes of 26 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 second tabled and specially assigned matter:

Bill, "An Act to Align Mortgage Loan Authority for Maine Thrift Institutions with Federal Regulation and to Adjust Interest Rate Ceilings in Certain Consumer Credit Transactions." (S. P. 800) (L. D. 2004)

Tabled—March 19, 1980 by Senator Katz of Kennebec.

Pending—Enactment.

This being an emergency measure and having received the affirmative votes of 25 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 third tabled and specially assigned matter:

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—March 19, 1980 by Senator Conley of Cumberland.

Pending—Passage to be Engrossed.

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

Senator PIERCE: Mr. President, I present an amendment under Filing Number S-496 and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now offers Senate Amendment "B" to L. D. 2003 and moves it's adoption.

Senate Amendment "B" (S-496) Read and Adopted.

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

Senator CARPENTER: Mr. President, I present Senate Amendment "C" under Filing Number S-497 and move its adoption.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter now offers Senate Amendment "C" to L. D. 2003 and moves its adoption.

Senate Amendment "C" (S-497) Read and

Adopted.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, very briefly, what we've done is put the good Senator from Kennebec, Senator Pierce's amendment on there which clarifies one small section of the bill.

Senate Amendment "C" S-497 which we just adopted puts the responsibility for enforcing both Title 5 and Title 25 squarely on the shoulders of the State Fire Marshal. We heard a great deal of discussion here the other day about the fact that we had all sorts of laws on the books, but nobody was enforcing the barrier free concept.

I think the Record and the Legislation as presently amended will reflect very substantially that we do want the laws enforced. We do want the State Fire Marshal to take it upon himself to initiate action through the Human Rights Commission and ultimately probably in the Courts to insure that our buildings both private and public are being built barrier free. So that would be what the intent of this amendment is. I certainly hope that it would help the situation some.

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

Senator SUTTON: Mr. President, Ladies and Gentlemen of the Senate, I just want to be sure that the good Senator from Kennebec, Senator Pierce's amendment becomes all part of this situation. I'm a little concerned. His amendment says that the fire marshal shall not promulgate or does not adopt any rules to implement this sub-section but yet the second amendment says that the fire marshal shall insure compliance.

I just want to be sure that the fire marshal is not going to promulgate any rules and regulations, or do anything different than what's in the law right now. I just wonder whether he can to insure compliance, require that every business in the State of Maine submit their blueprints or drawings of expansion to new buildings for his survey approval or perusal. If that is the case then we're right back where we were the other day and I will oppose this amendment. If it's not the case and is still going to be strictly advisory for every business to submit their plans on a voluntary basis, I think that's fine. I wonder just what he's going to do to insure compliance with these 2 sections.

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

Senator KATZ: Mr. President and Members of the Senate: Just so that there is no confusion, I have the dubious distinction and great honor to be Chairman of Bills in the Second Reading, my amendment is merely a technical amendment, which otherwise should be disregarded just changing the word 'section' to 'sub-section'. So the concentration should be on the Senator from Aroostook's amendment.

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

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate: Specifically Senator Sutton, there are several pages, quite a few pages of statute presently on the books, regarding compliance with this law as to who has to come under the law and what action can be taken. But apparently the problem was that nobody was specifically charged with initiating the action.

So I decided in conjunction with the lobby on both sides of this issue that perhaps the Fire Marshal was where it should come since according to all parties involved he is currently looking at about 90% of the plans for life safety codes.

This does not change the voluntary submission of plans idea one bit, under L. D. 2003. What it does do I think very honestly, is that now if a builder has a question as to whether or

not he's in compliance or needs to be in compliance with barrier free design, I think that person then will submit his plans perhaps grudgingly, but voluntarily to get a check-off by the State Fire Marshal that I'm O. K. and I can go ahead and build my building. It's a little bit stronger than voluntary, I guess, but still not mandatory that he submit his plans.

We were very concerned that there are a lot of statutes that have been written that are not being enforced. The statutes are very clear as to who must comply, which buildings must comply, a number of actions, about 7 actions which can be taken by the court to insure or to take care of the problem after compliance has been met. So I think this bill will tell, we'll just give it in the hands of one person particularly in State Government to insure that compliance at least is initiated. I don't think that this does mandate in any way that plans be submitted.

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

Senator CONLEY: Mr. President and Members of the Senate: I can assure the good Senator from Oxford, that this does absolutely nothing, just like I said the other day. I am going to support it only because I think it might be a step in the direction for the next Legislature of putting some real meat into the law.

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

Senator SUTTON: Mr. President, and Ladies and Gentlemen of the Senate: As much as I respect the good Minority Leader I'm not really sure that I can completely, without question, understand what he is saying. I think there is a lot of teeth in this. I want to be on the record as my understanding that should this barrier free board and that's what we're really talking about, everyone talks about this bill being a nothing, but this bill is an awful lot. It sets up a barrier free board that we don't already have. I am assuming that this amendment and this bill if it's passed the way it is would allow the barrier free board to go to the fire marshal and say, such and such building is not in compliance with the Human Rights Statute, then he may take action. I will accept that personally as the proper following of the law.

I would be very upset to think that this bill and I do not believe in my mind this amendment gives the fire marshal the right to do anything more than react to either drawings submitted to him or problems brought to his attention and that he cannot go out in essence looking for trouble.

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

Senator GILL: Mr. President, the Human Rights Act now states that any violation of that chapter can be brought to the attention by any person, firm or organization responsible for the design to the proper authority. All this does is state that the fire marshal also can be the one but any person if they find this building is not barrier free can bring it to the attention of the Human Rights Commission, and go through the penalty provision that exists now in statute. This doesn't add anything to it at all. It just reaffirms that since the fire marshal has that we are giving him certain authority to look at voluntary compliance to see if people want to submit their plans to him, that he will have the authority to look at those plans that those people feel they want to volunteer to submit their plans to him that he also, like any other person, any other individual citizen in the State when they see something in non-compliance to bring it to the proper people's attention.

The Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

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

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

Tabled—March 19, 1980 by Senator Conley of Cumberland.

Pending—Passage to be Engrossed.

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

Senator AULT: I present Senate Amendment "B" under Filing Number S-495 and move it's adoption, and would speak briefly.

The PRESIDENT: The Senator from Kennebec, Senator Ault, now offers Senate Amendment "B" to L. D. 1972 and move its adoption.

Senate Amendment "B" (S-495) Read

The PRESIDENT: The Senator has the floor.

Senator AULT: Mr. President, this does remove the section that increases the amount from \$2,500,000 to \$7,000,000 under Recreational Projects.

Senate Amendment "B" Adopted.

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

Senator KATZ: Mr. President, the pending question I would presume is Engrossment? I would like to make a couple of brief remarks and I would request a Roll Call on the vote to Engross.

I want to express my thanks to the Senator from Kennebec, Senator Ault, for amending out the portion of the bill which would have, in the original bill, increased the limitation on an individual Recreational Project from \$2.5 to \$7,000,000. I never for the life of me could figure out why the proponent put that in the bill in the first place. I think it was a casual approach to the credit of the State.

I want to express my concerns that my last concern with the bill now is the fact that this bill triples the limitation for any one project in a single sweep from \$2.5 million to \$7 million. If my Arithmetic is a little hazy nonetheless my heart is in the right place. I am deeply concerned about that. I think it is unwise to do at the time. I want to express my reservations about this enormously through a Roll Call at the time of Engrossment.

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

Senator AULT: I urge everybody to vote for passage of this bill I would point out to the good Senator from Kennebec, that the State Government Committee did include the Recreational Project in this bill because they did not want to let it apply to any single project in the State of Maine. They wanted to keep consistency in the law.

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

Senator SHUTE: Mr. President, is this Engrossment of the bill?

The PRESIDENT: The Chair would answer in the affirmative.

Senator SHUTE: Mr. President and Members of the Senate: Yesterday I voted to increase the \$2.5 to \$7 million. I think as far as I'm concerned that was a mistake on my part. I think any time you increase this 100% in one Session of the Legislature that's enough.

I don't think we're being fair with the people, we're being fair with the State of Maine when we go to a 200% increase in this in one Session, I would hope the Senate would vote against Engrossment of the bill.

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

Senator SUTTON: Just very briefly. I can appreciate the concern that if the concern was to do nothing I might be more sympathetic to it. But the concerns that I have heard from both my good colleague that we should be going to \$5

million instead of \$7 million. I would like to suggest that we have before us an opportunity to bring upwards of 300 jobs into the State, that there has been since 1961 when this limit was first set on it and then was changed upward and then back downward again there has been inflation, that the numbers are entirely different than they used to be, and that \$7 million is a realistic tool for our development, agencies of the State to use in trying to bring new jobs to the State and I would urge you to pass this.

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

Senator CONLEY: Mr. President and Members of the Senate: I too, would like to support the remarks made by the good Senator from Oxford, Senator Sutton. I was listening or watching TV the other night just prior to the primaries and former President Ford was on the tube. He was talking about how he was able to keep inflation under control while he was President. When he left office, he stated that inflation was only at 4%. I don't have to tell anyone in this body today what the inflation rate is. It's somewhere creeping in the area between 18% and 20%.

We certainly know what the prime rate is, at the bank these days. Anybody wants to try to make a loan, you'll be lucky if you can make a loan. I think that this bill does make sense, and I would appreciate it if everyone kept that in mind when they voted on the Engrossment and the Enactment.

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

Senator HICHENS: Mr. President, I too would rise to support Engrossment of this bill. It pleases me to think that the 2 members of the committee are so enthusiastic about it. Of course, I, as the sponsor of the good Senator from Cumberland, as cosponsor believe in the bill. I think that we must overlook some of the objections that have been given this afternoon for the necessity of something like this to bring in and encourage new business when we are losing so many businesses in the State. I think if we encourage new business to come in, this is the time to do it.

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

Senator SHUTE: Mr. President, and Ladies and Gentlemen of the Senate, I've only been around here 10 years but it seems so every year that I have been here we have some special case come along. We've got to do this or we're not going to get this business in. Or we've got to take sales tax off jet fuel or we're not going to get this in. We've got to take the sales tax off of oil for the cement plant, or we're going to lose a cement plant. Or we've got to take the sales tax off IMC we're going to lose IMC. We've got to have a new Loan Guarantee for this company of we're not going to get this.

I'm getting so that I'm kind of immune to these threats that come before the Legislature. It doesn't matter what company it is that wants to come into the State, they want a tax break, whether it's the aircraft company that's wanted to come into Bridgton, wherever it is down in Southern Maine. Everybody wants a tax break. I think that if we increase this 100% in one session that ought to be enough.

If you're going to increase it to \$7 million, why not increase it to \$25 million and let some larger industries in that are going to pay some money to the State? Why let marginal industries in at a low capital investment? Why not increase this to \$25 million or \$50 million and let some industries in here that are going to pay some wages in the State of Maine?

So I would urge the Senate to vote against the Engrossment.

The PRESIDENT: The pending question before the Senate is Engrossment of L. D. 1972.

A Yes vote will be in favor of Engrossment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Ault, Carpenter, Collins, Conley, Cote, Danton, Devoe, Emerson, Farley, Gill, Hichens, Huber, McBreaity, Najarian, O'Leary, Perkins, Pray, Silverman, Sutton, Usher.

NAY — Chapman, Clark, Katz, Minkowsky, Pierce, Redmond, Shute, Teague, Trafton, Trozky.

ABSENT — Lovell, Martin.

20 Senators having voted in the affirmative, and 10 Senators in the negative, with 2 Senators being absent, L. D. 1972 is Passed to be Engrossed, as amended.

Sent down for concurrence.

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

Senator CHAPMAN: Mr. President, is the Senate in possession of L. D. 2012?

The PRESIDENT: The Chair would answer the Senator in the affirmative, the Bill having been held at his request.

Senator CHAPMAN: Thank you, Mr. President, I now move Reconsideration of our Action whereby this was Passed to be Engrossed.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, now moves that the Senate Reconsider its action whereby, Bill, "An Act Increasing the Minimum Handling Fee for Returnable Beverages Containers from 1¢ to 2¢ (H. P. 1973) (L. D. 2012) was Passed to be Engrossed.

The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President, I would oppose the motion and ask for a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President, I would urge that the Senate vote Yes for Reconsideration. This bill is the one we discussed this morning with regard to the handling charge on the containers.

I'd like to address one additional point the point at which we left to debate this morning made by the Senator from Hancock, Senator Perkins with regard to the little person, I believe he referred to it, the small Mom and Pop store, and I have had time to reflect on that and I still feel much the same as I did earlier and want to re-emphasize I don't see where this person is helped by this bill.

Bear in mind that they buy the product that they sell from the distributor. The distributor includes in his overhead cost which makes up that cost of the product to the store his overhead. Part of his overhead is that 2¢ that he is going to be called on to give that store when he returns the empty containers. So that the 2¢ is charged to the small store owner when he purchases the product from the distributor and he gets the 2¢ back when he turns back the container. It just goes in a circle.

This doesn't really assist him. He does use that when he puts on his own overhead for the product when he sells it to the consumer of course. But he has a structure available to him that's available to everybody and that's the free market place structure that he can put a mark-up on that product which would be necessary to cover his costs. That mark-up can be anything that he wants that is necessary to make them whole and to cover whatever costs he feels he has.

I feel that if one thing works best for the little person it's the free market place. I hope that the Senate would reaffirm that today.

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

Senator CARPENTER: I would request that when the vote be taken it be taken by the Yeas and Nays.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from

Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President, I think that one of the main points of this bill has been overlooked. When we're talking about putting another penny on the bottle, we're talking about how many bottles there are not coming back to the distributor and amounts really to another profit.

Mr. President, the original bottle bill, I think I was one of the leaders in the attempt to kill it, and I was successful at that time. I didn't believe in the bottle bill at that time and I still don't, however, the people have spoken and I respect their opinion.

I'm aware that the State of Vermont has had a Bottle Bill, that was in effect perhaps 2 years ahead of ours. There was a Budweiser Distributor located in Manchester, New Hampshire. I think in that 2 years time the uncollected, unreturned bottles and cans, to just that one distributor was a total of \$300,000.

You double that by putting another penny on there. You're making him that much richer at \$600,000. If there was some way that the State could recover these dollars, then I would support this. I am in favor of the motion made by the good Senator from Sagadahoc, Senator Chapman.

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

Senator HICHENS: Mr. President, when the vote is taken, I would ask permission to pair my vote with the good Senator from Aroostook, Senator Martin, who if he were here would be voting for the bill and I would be voting against the bill.

The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: Mr. President, I move this item be tabled for 1 Legislative Day, pending consideration.

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

Senator CHAPMAN: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion to Table L. D. 2012 for 1 Legislative Day, please rise in their places to be counted.

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

14 Senators having voted in the affirmative, and 15 Senators in the negative, the Motion to Table does not prevail.

The PRESIDENT: The Senator from York, Senator Hichens, requests Leave of the Senate to pair his vote with the Senator from Aroostook, Senator Martin, who if he were here would be voting Nay, and the Senator from York, Senator Hichens would be voting Yea.

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

It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I would ask permission of the Senate to pair my vote with the Senator from York, Senator Lovell, I would be voting No and he would be voting Yes.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now requests Leave of the Senate to pair his vote with the Senator from York, Senator Lovell, who if he were here would be voting Yes and the Senator from Kennebec, Senator Pierce, would be voting Nay.

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

It is a vote.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President, I would urge the Senate to vote Yes on the Motion to Reconsider.

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

Senator AULT: Mr. President, I would urge the Senate to vote No on Reconsideration.

The PRESIDENT: The pending question before the Senate is the motion by Senator Chapman of Sagadahoc, that the Senate Reconsider its action whereby L. D. 2012 was Passed to be Engrossed.

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 Call.

ROLL CALL

YEA — Chapman, Clark, Conley, Cote, Danton, Devoe, Farley, Huber, McBreaity, Minkowsky, O'Leary, Sutton, Trafton, Trozky.

NAY — Ault, Carpenter, Collins, Emerson, Gill, Katz, Najarian, Perkins, Pray, Redmond, Shute, Silverman, Teague, Usher.

ABSENT — None.

Senator Katz of Kennebec was granted permission to change his vote from Nay to Yea.

15 Senators having voted in the affirmative, and 13 Senators in the negative, with No Senators being absent, and 4 Senators having paired their votes, the Motion to Reconsider does prevail.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President, I now move this bill and all its accompanying papers be Indefinitely Postponed.

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

Senator PRAY: Mr. President and Members of the Senate: I have sat by here in this morning's session and this afternoon's session and in between sessions and watched what has taken place. One of the things that I have marvelled at when the bottle issue first came up a few years ago to sit here and watch the lobby work some issues.

I think it's rather interesting to note that the same people today who are opposed to this attempt were the same people that were opposed to the Returnable Bottle Bill in the first place. The lobby hasn't changed, and the people who were opposed, the distributors who were opposed to the Bottle Bill in the first place hasn't changed a bit.

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

Senator TRAFTON: Mr. President and Members of the Senate: I wish to correct on the Record any impression that the Senator from Penobscot, may have that only people who opposed the Bottle Bill are opposing this bill. I consider myself one of the strongest advocates of the Bottle Bill in this Chamber.

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

Senator CARPENTER: Mr. President, I would move this item lie on the Table for 1 Legislative Day.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, moves that L. D. 2012 be tabled for 1 Legislative Day.

The Chair recognizes the Senator from Saga-

dahoc, Senator Chapman.

Senator CHAPMAN: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion of Senator Carpenter of Aroostook, to Table L. D. 2012, for 1 Legislative Day, please rise in their places to be counted.

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

14 Senators having voted in the affirmative, and 16 Senators in the negative, the Motion to Table does not prevail.

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: When the vote is taken, I would ask permission to pair my vote with the good Senator from Aroostook, Senator Martin, who would be against the motion and I would be voting for the motion.

The PRESIDENT: The Senator from York, Senator Hichens, requests Leave of the Senate to pair his vote with the Senator from Aroostook, Senator Martin, who if he were here would be voting Nay and the Senator from York, Senator Hichens, would be voting Yea.

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

It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President and Members of the Senate: I would request permission to pair my vote with the Senator from York, Senator Lovell. If he were here he would be voting Yes and I would be voting No.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, requests Leave of the Senate to pair his vote with the Senator from York, Senator Lovell, who if he were here would be voting Yea and the Senator from York, Senator Pierce, would be voting Nay.

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

It is a vote.

The pending question before the Senate is the motion by Senator Chapman of Sagadahoc, that L. D. 2012 be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Chapman, Clark, Conley, Cote, Danton, Devoe, Farley, Huber, McBreairey, O'Leary, Sutton, Trafton, Trotzky, Sewall.

NAY — Ault, Carpenter, Collins, Emerson, Gill, Katz, Minkowsky, Najarian, Perkins, Pray, Redmond, Shute, Silverman, Teague, Usher.

ABSENT — None.

Senator Minkowsky was granted permission to change his vote from Nay to Yea.

15 Senators having voted in the affirmative, and 14 Senators in the Negative, with No Senators being absent, with 4 Senators having paired their votes, the Motion to Indefinitely Postpone does prevail.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President, I move Reconsideration and urge the Senate to vote against me.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, moves the Senate Reconsider its action whereby L. D. 2012 was Indefinitely Postponed.

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

Will all those Senators opposed, please say No.

A Viva Voce vote being had.

The Motion to Reconsider does not prevail.

Sent down for concurrence.

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

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

Tabled—March 19, 1980 by Senator Pierce of Kennebec.

Pending—Passage to be Engrossed.

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

Senator NAJARIAN: Mr. President and Members of the Senate: I've been noticing around here in the Senate, especially these last few days that we all pick and choose which kind of bills we're going to be conservative and cautious on. So I guess this is my bill to be conservative on. I have the reputation for being a liberal spender and I want to puncture that reputation a little bit today.

I want to speak about this Bill because I've had serious concerns about it since the Legislature Enacted it in 1977. I would like to go through a little bit of its history and what we were told at that point and what's happened in the intervening period.

The Appropriations Committee had a hearing on this bill on April 17, 1979. We were told at that time that this Veterans Home would not cost the State anything. There was a Bond Issue in the amount of \$1.2 million and the Federal Government was going to provide \$3.9 million for a total cost of \$6,000,000. Now that was the original Bond Issue. They were going to break ground in July of '79.

In April 1979 they came in with the bill asking for \$300,000. They said this was to cover their architectural costs. The Appropriations Committee recommended \$165,000 because it was our understanding that that's what they had already spent. We were told at that time again that this would be no cost to the State and would provide 150 jobs for area persons. Fine, we gave them the \$165,000 and this Legislature Enacted it.

Now today we are faced with another request to allow them to borrow up to \$1,000,000, and there is another bill to convey 8.9 acres of State Land to the Maine Veterans Nursing Home. It's my understanding that they need this money in order to get the architectural plans drawn up in order to get the \$3.9 million of Federal Funds.

If we don't give them some money then I guess the project would stop, so in that case, I don't know that we have much choice in the matter. The bill is to allow them to borrow the million dollars, it says that they can borrow \$1,000,000 for any purpose related to the home. That, to me is pretty loose language. They may borrow money from Federal and State Governments and the agencies thereof, and from any other source. I assume that means the General Fund. Given the history of this outfit we wouldn't allow the Fish and Game Department to borrow \$1,000,000 from the General Fund, and the people who have been running this Nursing Home would make the Fish and Game Department look like Pete Marwick & Mitchell.

Now, I want to go on and tell you that we've heard a lot of talk about 'Biennial Mentality' around here and people questioning future costs of things. So in addition to the General Fund, I just don't think that they will be able to borrow \$1,000,000 from any bank, or \$300,000 unless this 8.9 acres of farm land is going to be appraised at \$300,000, because that's all the collateral they have got. So I assume that they will be borrowing from the General Fund or from the Maine Guarantee Authority, for which the State will be totally liable, which in that case makes me wonder why we need to convey the 8.9 acres of land to them.

Second, we can expect in Governor Brennan's next biennial budget in 1982, Fiscal Year 1983, expect to start up, providing all this goes O.K. now this time, to start off right in July I think of 1982 and it probably won't be filled. They probably won't fill it to capacity 200, right

off the bat, but at least the second year of the biennium we can expect to see a \$900,000 line item for the Maine Veterans Home and for every year thereafter will be at least that much.

The reason for that is that this is the most expensive Nursing Home that's ever been built in the State of Maine to date. The cost per patient per day is going to be around \$62. The Federal Government will pay \$12 for each Veteran. Then the remainder is made up of 70% Federal, 30% State. So you take 30% of \$50 per patient per day times 365 days times 200 and you come up to about \$900,000 per year.

Now these 150 jobs that are going to be created nobody told us they were going to be State Employees. So they are all subject to the personnel law. I think we might expect, since this is going to be a grand building because Federal Standards are much higher than the standards for Maine Nursing Home, space wise and everything, a massive run from AMHI to apply for jobs at this Nursing Home once it's built.

Another thing that we didn't notice when we passed this statute that I would like to read to you. It says the Administrator of the Nursing Home shall be encouraged to live on the grounds of the home in quarters owned and maintained by the home, if available, and if so he shall pay telephone and electrical charges attributed to his domicile, but shall not be required to pay rent, heating costs or repairs or renovations. So we're going to provide the housing for the administrator of this nursing home which is something we have never done before to my knowledge.

There's another reason to question the wisdom of a 200 bed nursing facility, because the State Health Plan recommends that no Nursing Home be larger than 120 beds and there is some controversy that even that may be too large because once they get that big they take on an atmosphere of an institution. You lose the individuality and the attention that's given to the patients.

At the same time that we are de-institutionalizing Bangor Mental Health and AMHI and Pineland, all of a sudden we're creating another State Institution. It's generally conceded that people should be as close as possible to their community to their families and to their friends, and here we are taking people from Presque Isle, bringing them down to Augusta, to live with people with whom they have nothing in common, except the war they fought together 25 years ago.

Well, anyway, I just think that these are the long term costs of this nursing home, that we were sold a bill of goods, that we have not seen the end of it, that we probably have no choice but to approve this. As we vote we just know that we're marching to meet the looming disaster that's going to meet us down the road. Anytime Veterans is mentioned around here, everybody seems to go berserk or you mention jobs and everybody does the same. All caution goes out the window. That's what happened in this case, and I guess we're stuck with it.

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

Senator CONLEY: Mr. President and Members of the Senate: I hope the Senate was listening to the remarks made by the good Senator from Cumberland, Senator Najarian. I again would use the phrase that the Majority Floorleader has used a few times this session, the 'Biennial Mentality.' I would like to know, you know the good Senator from Cumberland, Senator Najarian has mentioned what costs are down the road. The strange thing is that I went to the Legislative Finance Office today only to find that there is no way for them to estimate what the future costs are going to be to the State. Yet the Division of Human Services will tell you that in no way can under the pay plan through the Veterans, through Medicaid or Medicare will they ever be able to take in enough money to meet the costs of this facility

on a daily basis.

The good Senator from Cumberland, Senator Najarian, has stated that there will be 150 additional State Employees, at this Veterans Home. Can anyone verify that? Can that be verified? I never got that or those facts from the department, our Legislative Finance Office. I think there are many things in this Home that are going to come back to haunt us financially.

It's very, very patriotic to rap ourselves in the American Flag and get up and represent Veterans. That's Fine! There's nobody in here that's anti-veteran. But I think we're talking about a very substantial piece of change. We ought to know before we do anything exactly what we're talking about in dollars and cents. The strange thing about it when this Veterans Home first came before the Legislature several years ago, it was rejected by the Leadership and was not to go before the voters. Because of the fact that everybody engulfed themselves in the American Flag the thing went to the voters and it was approved. It was approved and we were told then that it would not cost the State one additional penny. That it would be supporting itself. That doesn't sound right, but it would be self-supporting.

Today we have all kinds of figures that are being thrown around. I think we should know, I think we should know I think that the taxpayers of this State should know what it's going to cost us before we go any further.

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

Senator O'LEARY: Mr. President, to listen to the words of my Minority Leader, and a member of my party that sits on the Appropriations Committee, I'm dismayed. We're talking about Veterans who have paid their dues, and perhaps will need a place to be taken care of.

I believe that as a member of the Committee on Veterans and Retirement, I've heard a number of bills that would rob the Retirement System and one of them I would remind the members of the Appropriations Committee costs the people of this State \$669,000 every year now, for people who never paid their fair share.

These people that served in the wars fighting for the freedoms that we enjoy, they're expected to pay their taxes and everything else to provide services to everything else going. Then it comes their day of need, they are being denied. Mr. President, I'm thoroughly disgusted.

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

Senator CONLEY: Mr. President, I say God Bless America! And God Bless the good Senator from Oxford County who I love. How many people in this Chamber are veterans? How many of us feel that this country owes us something?

We have property tax exemption for veterans. We have everything under the GI Bill that was passed by Congress for veterans. There are more free programs, on the books today for veterans than there is for minority groups in this country.

All I'm saying again to raise the question is where is the money coming from? How much is it going to cost us? Before we pass this bill we should know what it is in dollars and cents. I am not looking for any free ride in this society. I can tell you the good Senator from Oxford, Senator O'Leary, with 12 kids I haven't had so much as a trolley ride.

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

Out of Order and Under Suspension of the Rules, on Motion by Senator Pray of Penobscot, the Senate voted to consider the following:

Order

WHEREAS, an agreement has been pro-

posed for settlement of the Indian land claim case; and

WHEREAS, this proposed settlement requires careful examination before it is adopted since it will have far-reaching effects on the State and its citizens; and

WHEREAS, it is necessary that a committee be appointed to examine the proposed settlement, hold a public hearing on it and report recommendation to the Legislature; now, therefore, be it

ORDERED, the House concurring, that a joint select committee be appointed to study the proposed Indian land claim settlement agreement; and be it further

ORDERED, that the committee be composed of no more than 3 members of the Senate, to be appointed by the President of the Senate; and no more than 10 members of the House of Representatives to be appointed by the Speaker of the House of Representatives; and be it further

ORDERED, that notwithstanding Joint Rule 18, the joint select committee shall hold a public hearing on the proposed settlement agreement and shall report its recommendations to the 109th Legislature. (S. P. 811)

Which was Read

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

Senator PRAY: Mr. President and Members of the Senate: For those of you who have the opportunity to find Supplemental Senate Journal No. 11, among the numerous papers that we have on our desk, you'll see that this allows the President of the Senate and the Speaker of the House to form a Joint Select Committee to study the Indian Claim Proposal that was presented to us the other day by the Attorney General.

I think that we all understand that the timetable that we are working under, that action before us necessitates that we take action as quick as possible so that the Legislature can act one way or the other on the recommendation.

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

Senator COTE: Mr. President and Members of the Senate: I don't object to the order but I would object to the way it's being named, 3 from the Senate and 10 from the House. I think it should be 5 and 10 or 3 and 7.

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

Senator CONLEY: Mr. President, I would just point out that most of the Joint Standing Committees that we have are 10 Members from the House and 3 Members of the Senate.

Which was Passed.

Sent down forthwith for concurrence.

The Chair appointed the following Senators on the part of the Senate:

Sensors:

COLLINS of Knox

REDMOND of Somerset

CONLEY of Cumberland

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

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

Tabled—March 19, 1980 by Senator Sutton of Oxford.

Pending—Enactment.

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

Senator CHAPMAN: Mr. President, I would urge the Senate to vote favorably on Enactment. There has been some discussion on this so it would be only appropriate I believe to ask for a Division on the motion. I would just like to add one more comment. It seems that when you associate yourself with an issue why a lot of information naturally attracts to you.

One of the provisions of this bill would be to allow a person to ask a garage to be informed

when repairs exceed a certain level. I was given a copy of a repair bill here. The original estimate of the work was \$230. This was a garage here in Augusta by the way. The garage did call this individual and indicate that the repairs were going to exceed the \$230. That they were going to be somewhere around \$280 or \$290. This individual said O.K. He would go along with the repairs on that basis. When he went to get the car, and pick it up to his surprise the repair bill was \$439.

This bill would just merely give him the opportunity to be notified if the bill were going to exceed in this case the \$290. So that he could further approve them if he so wished, at higher level, but at least he would be notified. I would urge the Senate to vote Yes.

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

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: I would just add further to what the good Senator from Sagadahoc, Senator Chapman said, that this does give the option to the customer to have this in writing, and perhaps had my roommate who happens to be a Member of the Maine Legislature with pretty little blue plates on his car. He got taken in for about \$150 just today, and that's the repair bill that the good Senator from Sagadahoc, Senator Chapman is talking about. If that's happening to a Legislator who a garage might be a little bit leery of, what's happening out there day in and day out to the average customer? That was just a coincidence that that did happen today. I'm certainly glad he got his car because I'm tired of bringing him up here in the morning.

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

Senator PIERCE: Mr. President and Members of the Senate: I would just like to pose a question through the Chair to any Senator who may care to answer.

I understand through the lobbyist Severin Bellevue, that the Maine Automobile Dealers does in fact support this and I would just like to confirm that for the Record.

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

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: In response to the question, members of the Senate. That is true.

This Bill having received the affirmative votes of 21 Members of the Senate, with 4 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 president was by the Senate the seventh tabled and specially assigned matter:

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—March 19, 1980 by Senator Pierce of Kennebec.

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

On Motion by Senator Gill of Cumberland, the Majority Ought to Pass as amended, Report of the Committee Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" Read.

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

Senator GILL: Mr. President, I present Senate Amendment "B" to Committee Amendment "A" and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Gill, now offers Senate Amendment "B" to Committee Amendment

"A" and moves its adoption.

Senate Amendment "B" (S-478) to Committee Amendment "A" Read.

The PRESIDENT: The Senator has the floor.
 Senator GILL: Mr. President and Members of the Senate: The amendment that I just presented puts back into the bill, the 'Crash Management Course.'

We were told at one of the hearings that the Department of Transportation had deleted the 'Crash Management Course' from its operations, so we took it out of the language. We have been told subsequently that the Department of Transportation does give the 'Crash Management Course' and still continues to do it, so we have put it back in with this amendment.

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

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

House Reports — from the Committee on Agriculture—Bill "An Act Relating to Agricultural Development" (H. P. 1719) (L. D. 1830) Majority Report—Ought to Pass as Amended by Committee Amendment "A" (H-843); Minority Report—Ought Not to Pass.

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

Pending—Acceptance of Either Report.

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

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

HOUSE REPORTS—from the Committee on State Government—Bill, "An Act to Reorganize the Department of Mental Health and Corrections." (H. P. 1786) (L. D. 1904) Report A—Ought to Pass in New Draft (H. P. 1956) (L. D. 2006); Report B—Ought to Pass as Amended by Committee Amendment "A" (H-901); Report C—Ought Not to Pass.

Tabled—March 17, 1980 by Senator Katz of Kennebec.

Pending—Acceptance of a Report.

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

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

Senator DEVOE: Mr. President, is the Senate in possession of L. D. 2008?

The PRESIDENT: The Chair would answer in the affirmative L. D. 2008, "An Act to Amend the Charter of the Limestone Water and Sewer District," having been held at the Senator's request.

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

Bill, "An Act to Amend the Charter of the Limestone Water and Sewer Districts." (H. P. 1960) (L. D. 2008) was Passed to be Engrossed.

The PRESIDENT: The Senator has the floor.

Senator DEVOE: Thank you, Mr. President, Mr. President I offer Senate Amendment "A" to L. D. 2008 with Filing Number S-494 and would move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Devoe now offers Senate Amendment "A" to L. D. 2008 and moves its adoption. Senate Amendment "A" (S-494) Read.

The PRESIDENT: The Senator has the floor.

Senator DEVOE: Thank you, Mr. President. Mr. President this amendment has been discussed with the sponsor of the bill. He is agreeable to this amendment, which simply reduces the amount of compensation which the trustee of the Limestone Water and Sewer District could earn in any one year from \$700 to

\$500. Thank you, Mr. President.

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

Sent down for concurrence.

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

(Senate at ease)

The Senate called to order by the President.

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

Committee Reports House

Ought to Pass

The Committee on Local and County Government on, RESOLVE, Authorizing and Directing the Department of Business Regulation to Study and Report on Current Practices Relating to Siting of Manufactured Housing. (Emergency) (H. P. 1988) (L. D. 2021)

Reports that the same Ought to Pass pursuant to Joint Order (H. P. 1954).

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

Which Report was Read and Accepted, in concurrence and Under Suspension of the Rules, the Resolve Read Twice, and Passed to be Engrossed, 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 Revise the Administration of the Election Laws." (Emergency) (H. P. 1641) (L. D. 1750)

In the House, March 19, 1980, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-929).

In the Senate, March 19, 1980, the Minority Ought Not to Pass Report Read and Accepted. Comes from the House, that Body having Adhered.

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

Senator PIERCE: I move the Senate Adhere.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

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

The Chair recognizes the Senator from Kennebec, Senator Pierce.

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

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Conley that the Senate Recede and Concur, 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 16 Senators in the negative, the Motion to Recede and Concur does not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to Adhere?

It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: I move reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Pierce moves that the Senate reconsider its action whereby it voted to Adhere. Will all those Senators in favor of Reconsideration, please say Yes.

eration, please say Yes.

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The motion to reconsider does not prevail.

Joint Orders

Expressions of Legislative Sentiment recognizing:

Arthur C. Michaud, of East Millinocket, who has served 23 years as a member of the board of selectmen, serving 6 of those years as chairman. (H. P. 1989)

Sanford High School Boys' basketball team, coached by Bruce MacKinnon, runner-up in the 1979-80 Western Maine Class "A" tournament. (H. P. 1991)

Come from the House, Read and Passed.

Which was Read and Passed, in concurrence.

Communications Committee on Judiciary

March 20, 1980

The Honorable Joseph Sewall
 President of the Senate of Maine

State House
 Augusta, Maine

Dear President Sewall:

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

Bills received in Committee 29

Unanimous Reports 21

Ought to Pass 2

Ought to Pass, as amended 11

Ought to Pass in new draft 1

Ought to Pass in new draft & title 2

Leave to withdraw 5

Divided reports 8

Respectfully yours,

SAMUEL W. COLLINS, JR.

Senate Chairman

Which was Read.

On Motion by Senator Pray of Penobscot Ordered Placed on File.

House of Representatives

March 20, 1980

Honorable May M. Ross
 Secretary of the Senate

109th Legislature

Augusta, Maine

Dear Madam Secretary:

The House today voted to Insist and Join in a Committee of Conference on Bill "An Act to Provide for Licensing and Regulation of Adult Foster Homes" (H. P. 1816) (L. D. 1927).

Respectfully,

EDWIN H. PERT

Clerk of the House

Which was Read.

On Motion by Senator Pray of Penobscot, Ordered Placed on File.

Committee Report House

Ought to Pass — As Amended

The Committee on Taxation on, Bill, "An Act to Establish a Single Maine Estate Tax Based Upon a Percentage of the Federal Gross Estate." (H. P. 1769) (L. D. 1899)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-954).

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

Which Report was Read.

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

Enactors

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

An Act to Expedite Criminal Trials and Provide for the Election of Jury Trials. (H. P.

1733) (L. D. 1849)

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)

An Act to Provide Funds for Vocational Training to Aid Manpower Services for Economic Development. (H. P. 1717) (L. D. 1823)

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

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

An Act to Authorize Operational Moneys for the Mattawamkeag Wilderness Park. (H. P. 1845) (L. D. 1950)

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)

An Act Relating to Requirements for School Bus Operators and to the Inspection of School Buses. (S. P. 737) (L. D. 1916)

An Act to Reorganize the Sales and Use Tax Law and to Encourage Conversion of Coal through Treatment of Coal as Oil for Saltes Tax Purposes. (H. P. 1793) (L. D. 1918)

An Act to Revise the Law Concerning Sales Tax Exemptions. (H. P. 1908) (L. D. 1974)

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

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

An Act to Revise the Small Claims Law. (S. P. 684) (L. D. 1807)

An Act to License Users of Ionizing and Nonionizing Radiation Equipment. (H. P. 1682) (L. D. 1791)

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

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 Relating to Games of Chance at Agricultural Fairs. (H. P. 1797) (L. D. 1919)

On Motion by Senator Shute of Waldo, Tabled for 1 Legislative Day, Pending Enactment.

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

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

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

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

Emergency

AN ACT Making Supplemental Appropriations from the General Fund for the Fiscal Year Ending June 30, 1980 to the Department of the Attorney General for the Defense of Land Claims Asserted by the Passamaquoddy Tribe and the Penobscot Nation. (S. P. 719) (L. D. 1869)

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

Emergency

AN ACT to Extend the Period of Insurance and Coverage under the Maine Medical and Hospital Malpractice Joint Underwriting Association Act by One Year. (S. P. 764) (L. D.

1957) (Emergency)

This being an emergency measure and having received the affirmative votes of 23 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.

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution Allowing Either the Constitution or Statutes to Determine the Manner of Selection of Judges of Probate and Justices of the Peace. (S. P. 804) (L. D. 2007)

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

Senator O'LEARY: Mr. President everytime I see one of these Constitutional Amendments I tend to cringe a little bit.

I know that this one is supposed to straighten out the Judges of Probate and Justices of the Peace. However what really concerns me, Mr. President and Members of the Senate, is the fact that we do not send a message often enough to those people who think that they are smarter than the formers of our Constitution who saw the wisdom in electing more of our officials.

It seems that if these people are allowed to run along their merry way, there will be a ballot and it will have the United States Senator and maybe a President, Governor, your Senator and Representative on the ballot and that will be just about it.

Mr. President I hope that the members of this Senate will vote against Enactment of this Constitutional Amendment.

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

Senator COLLINS: Mr. President, if the Senator from Oxford, Senator O'Leary is truly in favor of more elective offices he would be supporting this amendment because the Constitution in its present state, says that if we get to the time when we have full-time judges of probate they shall be appointed.

Then there is another part of the Constitution that raises a question about whether that is really so or not.

This amendment actually moves in the direction that the Senator has espoused because it leaves it to the Legislature, if the Legislature, ever does establish a system of full-time probate court, leave it to the Legislature to decide whether or not those Judges shall be elected or appointed.

I think that the point raised by the good Senator is really not with a full understanding of what this particular amendment does, and I hope that you will support the enactment of the amendment.

The PRESIDENT: Is the Senate ready for the question?

This is a Constitutional Amendment, and in order for its passage it requires the affirmative vote of two-thirds of those members present and voting.

Will all those Senators in favor of passage of this Resolution, please rise and remain standing until counted.

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

20 Senators having voted in the affirmative and 3 Senators in the negative, and 20 being more than the required two-thirds vote, the Resolution was Finally Passed, and having been signed by the President was by the Secretary presented to the Secretary of State.

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

Committee Report

House

Ought to Pass — As Amended

The Committee on Energy and Natural Resources on, Bill, "An Act to Enable the State to

Protect the People of Maine and its Natural Environment from Damage Resulting from the Discharge of Hazardous Matter." (H. P. 1780) (L. D. 1902)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 957).

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

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

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

Communications

Committee on Public Utilities

March 20, 1980

The Honorable Joseph Sewall

President of the Senate

State House

Augusta, Maine

Dear President Sewall:

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

Total Number of Bills	30
Unanimous Reports	28
Ought to Pass	5
Ought to Pass as Amended	12
Ought Not to Pass	6
Leave to Withdraw	5
Divided Reports	2

Respectfully yours,

DANA DEVOE

Senate Chairman

Which was Read, and Ordered Placed on File.

Committee on Energy and Natural Resources

March 20, 1980

The Honorable Joseph Sewall

President of the Senate

State House

Augusta, Maine

Dear President Sewall:

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

Bills Received in Committee	17
Unanimous Reports	11
Ought to Pass	2
Leave to withdraw	2
Ought to Pass as amended	7
Divided Reports	6
Recommitted	0

Respectfully,

S/Senator

Chairman

JAMES McBREAIRTY

Which was Read, and Ordered Placed on File.

Enactor

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

An Act to Expand the Kinds of Projects Eligible for Financing Under the Municipal Securities Approval Act. (H. P. 1767) (L. D. 1898)

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

RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands, Georgia-Pacific Corporation. (H. P. 1895) (L. D. 1971)

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

Senator SILVERMAN: Mr. President and Members of the Senate: I would like to make

the motion to Indefinitely Postpone this Resolve and all its accompanying papers, I would speak to my motion and ask for a Roll Call vote.

The PRESIDENT: A Roll Call has been requested.

The Senator has the floor.

Senator SILVERMAN: Mr. President and Members of the Senate: In this late hour, toward the end of this session, I think that you are being very unfair to the people of the State of Maine including Washington County, to push this Resolve through.

I put an amendment on this bill, that was defeated asking you that 1,000 acres be brought out of this Resolve to protect the consolidated Public Lot in Township 18 outside of Machias. You defeated that amendment.

I would also ask you but I know that you would defeat that to recommit this bill, for further study and hearings because those of Washington County even though there was public hearings last night are far from satisfied with what is taking place in the State Legislature and the State's Senate today.

The County Commissioners in Washington County are opposed to this. The people in Washington County as they become informed on it, are opposed to this. The Representatives from Washington County unanimously feel that it should be resubmitted and the Senator from Washington County agrees with them.

You can shove this Resolve through, you can walk away and say we have got the power, the people can be forgotten and call that good government. I disagree with it, I was on a TV station today, in Bangor and the first thing that was brought up to me was the way that this bill was being placed through, our Senate, and how come the people do not stand a chance?

I said there and I'll say it now, once the bureaucracy gets together with the lobbyist and the big paper companies heaven forbid where the people stand in the State of Maine.

So I bring that message to you. I ask for your vote and I hope that we eventually work in behalf of the people, and in a way return government to the people, and not work on the deals made by the bureaucracy and the paper companies. Thank you.

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

Senator TROTZKY: Mr. President there was unanimous judgment of all the members of the Natural Resources Committee that this trade was in the best interests of all the people of the State of Maine.

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

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

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

The pending question before the Senate is the Motion by the Senator from Washington, Senator Silverman that L. D. 1971 be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Danton, Farley, Pray, Silverman.

NAY — Ault, Carpenter, Chapman, Clark, Collins, Conley, Devoe, Gill, Hichens, Huber, McBreairey, Minkowsky, Najarian, Perkins, Pierce, Redmond, Shute, Sutton, Teague, Traf-ton, Trotzky, Usher.

ABSENT — Cote, Emerson, Katz, Lovell, Martin, O'Leary.

4 Senators having voted in the affirmative and 22 Senators in the negative, with 6 Senators being absent, the Motion to Indefinitely Postpone does not prevail.

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

Orders of the Day

On Motion by Senator Pierce of Kennebec, the Senate voted to remove from the Unassigned Table:

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

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

Pending—Acceptance of the Report.

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

Senator PIERCE: Mr. President and Members of the Senate: The bill that we enacted moments ago, we now no longer need this legislation, so I would move its Indefinite Postponement.

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

The Chair laid before the Senate:

Bill, "An Act to Improve Governmental Remedies for Violations of the Antitrust Laws." (H. P. 1975) (L. D. 2014)

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

Pending—Passage to be Engrossed.

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

The Chair laid before the Senate:

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

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

Pending—Enactment.

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

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

(Off Record Remarks)

Senate at Ease

The Senate called to order by the President.

On Motion by Senator Pierce of Kennebec, adjourned until 10 o'clock tomorrow morning.