

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 21, 1980

Senate called to order by the Secretary.

Prayer by the Honorable Thomas M. Teague of Fairfield.

Senator TEAGUE: Let us bow our heads in prayer! Dear God enable us to see ourselves as we really are. Make us sensitive to the trials of others and let us bring good will into life's trying moments. Amen.

Reading of the Journal of yesterday.

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

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

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

Recess

After Recess

The Senate called to order by the President.

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

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

In the Senate, March 18, 1980, Passed to be Engrossed as amended by Committee Amendment "A" (H-882) as amended by Senate Amendment "A" (S-474) thereto, in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" and House Amendment "A" (H-959) thereto, in non-concurrence.

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

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

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

Is this the pleasure of the Senate?

The Motion Prevailed.

Sent forthwith to the Engrossing Department.

House Paper

Bill, "An Act to Make Additional Revisions to Salaries of Certain County Officers." (H. P. 2002) (L. D. 2023)

Reference to the Committee on Local and County Government is suggested.

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

Under Suspension of the Rules, on Motion by Senator Emerson of Penobscot, the Bill Read Twice and Passed to be Engrossed in concurrence.

Sent forthwith to the Engrossing Department.

**Communication
House of Representatives**

March 20, 1980

Honorable May M. Ross
Secretary of the Senate
109th Legislature
Augusta, Maine
Dear Madam Secretary:

The Speaker appointed the following conference to the Committee of Conference on the disagreeing action of the two branches of the

Legislature on Bill "An Act to Provide for Licensing and Regulation of Adult Foster Homes" (H. P. 1816) (L. D. 1927)
Mrs. PRESCOTT of Hampden
Mr. BRENERMAN of Portland
Mr. MORTON of Farmington

Respectfully,
EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

**Committee Reports
House**

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

Bill, "An Act to Prohibit the Generation of Electric Power by Means of Nuclear Fission." (I. B. 2) (L. D. 1984)

Leave to Withdraw

The Committee on Public Utilities on, Bill, "An Act to Adopt the Maine Municipal and Rural Electrification Cooperative Agency Act." (H. P. 1871) (L. D. 1961)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read and Accepted, in concurrence.

Ought to Pass — As Amended

The Committee on Fisheries and Wildlife on, Bill, "An Act to Clarify the Inland Fisheries and Wildlife Laws of Maine." (H. P. 1879) (L. D. 1962)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-919).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendments "A" (H-925) and "B" (H-956) thereto.

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

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

Senate

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

Bill, "An Act to Establish a Program of Funded Self-Insurance for Public Schools." (S. P. 787) (L. D. 1987)

Ought to Pass — As Amended

Senator Devoe for the Committee on Public Utilities on, Bill, "An Act Creating the Rangely Water District." (Emergency) (S. P. 722) (L. D. 1874)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-501).

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

Under Suspension of the Rules, on Motion by Senator Devoe of Penobscot, the Bill, as amended, Read a Second Time, and Passed to be Engrossed.

Sent down forthwith for concurrence.

Second Readers

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

House — As Amended

Bill, "An Act to Enable the State to Protect the People of Maine and its Natural Environment from Damages Resulting from the Discharge of Hazardous Matter." (H. P. 1780) (L. D. 1902)

Which was Read a Second Time and Passed to be Engrossed, as amended, in concurrence. Sent forthwith to the Engrossing Department.

Bill, "An Act to Amend the Laws Relating to Ambulance Service." (Emergency) (H. P. 1869) (L. D. 1959)

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

Sent down forthwith for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following: An Act to Amend the Maine Securities Act. (H. P. 1779) (L. D. 1901)

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

Orders of the Day

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

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—March 20, 1980 by Senator Pierce of Kennebec.

Pending—Consideration.

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

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

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

Tabled—March 20, 1980 by Senator Sutton of Oxford.

Pending—Passage to be Engrossed.

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

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

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 20, 1980 by Senator Pierce of Kennebec.

Pending—Acceptance of Either Report.

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

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

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 20, 1980 by Senator Pierce of Kennebec.

Pending—Acceptance of a Report.

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

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

HOUSE REPORT—from the Committee on Taxation—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); Ought to Pass As Amended By Committee Amendment "A" (H-954).

Tabled—March 20, 1980 by Senator Pierce of Kennebec.

Pending—Acceptance of the Report.

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

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

Senator COLLINS: Mr. President, I favor the general concept of this fairly radical effort to change our system of inheritance tax. Since the entire bill is now contained in the Committee Amendment, I think it's appropriate at this time that I express some views about 2 or 3 things that I think ought to be improved, in the bill, before I would like to support it in Final Passage.

As I understand this bill it has 2 chief objectives. One is to give us a little more revenue and the other is to reduce the number of personnel in the Bureau of Taxation by, to some extent, over the long haul, piggy-backing the Federal Estate Tax System of returns and concepts.

One of the features that would distress me as an active practitioner in the field who has to advise the taxpayers who pay these taxes is the reduction in payment time from one year after death to nine months after death. That has a very attractive ring to it because it adds a little front end revenue that's kind of nice to have when you're hard up. It also sounds good when you say it makes it just like the Federal timing. The fact is that under the present system it frequently takes more than a year for the Bureau of Taxation to process the returns that are filed and submit the bill for the tax.

The second thing is that if the bureau intends to rely on the Federal Estate Tax Return as its chief reporting vehicle then there is frequently an advantage to waiting to review that return and send the bill or know what the bill ought to be in that interim between the 9 months and the 1 year period. Sometimes there are also problems in raising all of the money at once. Frequently there are liquidity problems and the first thing you do is raise the money by selling securities or other assets so that you can meet the 9 months deadline for the Federal Tax and then you proceed with raising the rest of it for the State of Maine tax.

So these are practical problems that the people who have to live with this in the field must face and my preference would be to keep the 1 year system of due date.

I also have a question as to whether the act clearly makes the Federal Estate Tax a deduction in the list of expenses. I haven't had the time to study it that closely but I did not see that feature which is in the present law in a quick perusal.

I understand that there may also be questions about the treatment of life insurance in this act. The treatment that this act provides of an exemption in effect of \$50,000 I think is a fair one. There will undoubtedly be attempts to change that to exempt all life insurance or to use some other standard. Life insurance has a sort of holy atmosphere written around it, written around it by generations of very able lobbyists of course, and the fact that we have an outstanding life insurance company in Maine. I understand that feeling and I have certainly no objection to exempting a healthy slug of life insurance from tax, but in the final analysis what we tax is value, wealth, property. After someone is dead the money from life insurance is just like any other property. To say that the fellow who has a million dollars worth of life insurance, that his estate should pay nothing. Whereas the widow with a home and a small bank account should pay a significant tax just doesn't make any sense to me.

So these are my concerns about this bill and I mention them on the front end so that those who are anxious to have it passed may consider whether there is any room for amendment or improvement of this bill. Any bill as important and as significant in changing our system as

this needs to be held up to the light and looked at. That's my purpose here, not to obstruct it, not to get away from the general concept which I think is probably a good one, but to point out some of the things that I think the practising bar and families who had to plan their estates are going to be concerned about. Thank you, Mr. President.

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

Senator HUBER: Mr. President and Members of the Senate: I don't presume to comment on the merits of this bill, but I would like to at this time to point out some aspects of it which concern me and concern me considerably based on a very superficial look at the bill.

As I see it this bill would create a one-time savings of \$2.6 million. I suspect that at this point in the Legislature, the Legislature may very well yield to temptation to use this \$2.6 million for on-going programs, which in the next biennium would obviously be \$5.2 million of on-going costs. We have talked about this in the past, usually brought it to the attention of the Legislature. The Legislature chooses to ignore the fact which is one of the unfortunate facts that led us to the state we're in now.

In addition on page 18 of the amendment, which presumably would be a bill, there are losses of revenues which in 1982 would amount of \$1,348,000. In 1983 as I read this bill, the loss of revenue would be a continuation of the \$1,348,000 loss from 1982 plus another \$1,333,000 for a total of \$2,681,000. The total biennial loss of revenue would thus be \$4,029,000. Which if the Legislature acts as it usually does in spending the one time savings for on-going items, the total lack of revenue and additional costs occasioned by this bill and by unfortunately foreseeable Legislative Action would be a biennial cost of \$9,229,000. I just thought I would bring that to your attention.

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

Senator TEAGUE: The Taxation Committee worked hard on this bill. I think we had 7 work sessions on it. It came out of committee as a Unanimous Ought to Pass Report of the Committee.

Until today I really have not heard too many complaints about the changing into the Federal Estate Tax, and picking up the 3 months or \$2.6 million. The loss to the General Fund I sat down last night and took the bill and came out with different figures than were floating around this morning. I think what has happened is somebody took the twelve million six hundred and some thousand dollars and then started subtracting their \$1.3 million per year in it. What they should have done is started with a \$10,000,000 and started subtracting the \$1.3 million per year. So at the end of the year 1987 and 1988 we would have approximately \$2,000,000. So at that time we would be phased into the Federal Program, probably piggy-backed on the Federal Program. The Bureau of Taxation and the Inheritance Tax Division at that time would just have to have 2 employees where at the present time they are now having 8 employees.

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

Senator DEVOE: Thank you Mr. President. To follow up briefly on the remarks made by the Senator from Knox, Senator Collins.

Any time that the State piggy-backs a Federal Program I think the State is losing some flexibility in this whole field. Philosophically I kind of object to that because I think our Inheritance Tax System has been working fairly well now. I'm going to analyze this bill again over the week-end.

I haven't finished reading it, but I would mention that on page 4 of the amendment, where it does deal with deductions to follow up on the question raised by the Senator from Knox, I do not see a mention of the Federal Estate Tax being a deduction. At the present

time it is a deduction, less the amount credited on the Federal Estate Tax Return as a credit for State Death Taxes. Under the language of Section 4064, they say that the deductions allowable in computing the taxable estate are those described in the code. Yet the tax that ends up getting imposed by the code on the Federal Estate Tax Return is not a deduction in arriving at the Federal Estate Tax. So it may well be that there is an unintentional loophole in the committee amendment, which would prevent an otherwise non-taxable estate from having to pay a State Estate Tax because of its lack of ability to use the Federal Estate Tax paid as a deduction.

I'm also concerned that this is coming out at this late stage of the session where we are all in a rush trying to analyze this. I want to make some comparisons and I hope to be able to do it over the week-end of the impact.

I would point out right now that if this gets passed, there is going to be a segment of the population or a segment of Estates that go up to \$175,000 that are going to be liberated from any estate from any Inheritance Tax. The tax once it does get imposed is going to be at a rate greater than the present rate although there is going to be a larger exemption. I think overall the result is that those estates which are larger are going to pay a greater tax. Those estates which up to now have been paying some Inheritance Tax are going to be exempted when the total value of those estates does not exceed \$175,000.

Bear in mind, I think the most important thing is that when we piggy-back the Federal Estate Tax we lose flexibility that I think we should have that we have been using up to now. The question to consider is whether or not this is a desirable thing for the State of Maine to get involved in. Thank you very much, Mr. President.

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

Senator SUTTON: Mr. President, I would just make one observation and ask one question to the Chair. The observation is a little light, but I get a little nervous when lawyers start objecting to something.

Number 2, I am also aware that we are losing lots of wealth and assets from the State of Maine due to our present Inheritance Tax situation. I would just like to know if this particular bill has addressed that subject because those of us that are up here are not contributing anything directly to the wealth of Maine. But the assets and the folks that we might be losing to other states and I know that Florida has been brought to mind many times, do contribute to the bottom line of the State of Maine. I would like to know if this particular bill addresses that subject down the road.

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

Senator TEAGUE: In answer to Senator Sutton, this is exactly what this bill does. It phases the present Maine Inheritance Tax into the Federal Estate Tax Law and down the road 8 years we will be comparable with Florida. This is the proponents. I would just ask that the good Senator from Penobscot, when he is looking the bill over and so forth this weekend look down the road 7 or 8 years, and see if this isn't the best way to travel.

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

Senator CHAPMAN: Is the bill in posture to be amended at this time?

The PRESIDENT: The Chair would answer in the affirmative. Committee Amendment "A" has not yet been adopted.

Senator CHAPMAN: Thank you Mr. President, Mr. President, I would like to offer Senate Amendment "A" to Committee Amendment "A" under Filing S-502 and move its adoption.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, now offers Senate

Amendment "A" to Committee Amendment "A" and moves its adoption.

Senate Amendment "A" (S-502) to Committee Amendment "A" Read.

The PRESIDENT: The Senator has the floor. Senator CHAPMAN: Thank you Mr. President. Ladies and Gentlemen of the Senate, currently the State of Maine does not tax proceeds on life insurance paid to widows, widowers and other named dependents. Life insurance has not been considered as part of one's inheritance or estate in Maine, nor in more than half the States in this country. Life insurance does not involve succession to accumulated wealth but rather it is a contractual arrangement utilized primarily by lower middle income individuals to assure a minimum standard of living for one's family if they should die. Thus proceeds payable to named beneficiaries are not presently taxable under Maine law because these proceeds are not properly an inheritance but result from a contract with death unfortunately being the contingency which determines the time of performance of that contract.

The bill before us, L. D. 1899 proposes to change our current practice by imposing a new tax life insurance proceeds to named beneficiaries. It is true that the committee's redraft exempts the first \$50,000 of life insurance proceeds, but who is to say that in our unpredictable inflationary times that \$50,000 is true financial security for a widow or a family of 2 or 3 or 4 or more dependents. The fact of the matter remains that the bill without this amendment may tax life insurance to the named beneficiaries of a decedent's estate.

If this amendment is accepted the Legislation will still generate approximately \$2,572,000 of new revenues without setting a precedent of having to impose a new tax. Now I would direct your attention to the Fiscal Note on the amendment, so as it would result in a loss of revenue of \$66,000.

Now I have a concern. I support the concept embodied in this bill. I think the direction which it is attempting to go is a good one. Once it is fully implemented down the line after the 8 years, the life insurance exemption that I'm offering will really be meaningless because at that time we will have piggy-backed upon the Federal Program.

I must express a concern that I have and one of the reasons, or another reason why I feel this is a very important amendment to be adopted. We all know that the State of Maine is facing some very serious financial times. Realistically I have concerns that this Legislation should we adopt it, may survive all those 8 years without being touched and that the goals that we want to achieve at the end of that period will be actually achieved. If someone somewhere along the line stops this goal, this process towards this goal, and it's changed, we have a situation without my amendment where life insurance is taxed. I just don't think that that's in the best interest of the citizens, the many people who have purchased life insurance with the knowledge that it was not to be taxed. I would urge that the Senate would adopt this amendment.

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

Senator CLARK: Mr. President, we've had a number of learned gentlemen speak on this measure this morning. The good Senator from Knox, Senator Collins refers to this measure as a radical effort to change our Inheritance Tax in the State of Maine. I would hope, without putting words in his mouth, that radical is not necessarily negative, for the Committee on Taxation used this as a sincere effort to bring Maine's Inheritance and/or State Tax, kicking and screaming into the 20th Century.

The good Senator from Penobscot, Senator Devoe, has suggested that when we piggy-back, so to speak, the Federal System, we will be losing flexibility, that we are currently enjoying. I would submit that that flexibility has re-

sulted in a massive exodus from the State of Maine when our citizens reach the age of 60, and seek residency in states other than Maine, their native domicile, mainly in Florida.

My dear and very good friend, Senator Chapman from Sagadahoc, has presented an amendment which would retain Maine's current exemption on all life insurance. While I substantively am not opposed to the adoption of this amendment, for I guess my sentiments are supportive of it, it does break with the main thrust of the efforts of the Joint Standing Committee on Taxation. That is that we during an 8 year transitory period, move our system of taxing the states to a Federal Credit System.

Most insurance is, I would assume and perhaps that is a presumption, between surviving spouses. A spouse would enjoy a \$30,000 exemption and that will continue to increase under the schedule contained in the bill before us. Also there would be according to the committee amendment a \$50,000 insurance exemption. That was an effort on behalf of the committee to address the concerns of the insurance industry in this State, namely obviously the life insurance industry. Then if you figure the marital deduction which is 1/2 the estate, or \$70,000 whichever is greater, this means that a surviving spouse with a \$50,000 homestead and \$100,000 worth of insurance, that spouse would pay no tax.

I simply say these words this morning because I think this measure represents a sincere and responsible attempt to address the needs whether they be in life or after life of Maine citizens, to address and eventually stop the exodus from Maine of those people whose estates not only would be tax-exempt should we eventually piggy-back the Federal Estate Tax Credit System, but those estates which don't stay in Maine, \$80,000,000 worth of estates leaving Maine recently and those are the people who can afford this kind of mobility. That leaves the rest of Maine citizens here in Maine with residency here in Maine and paying Maine's current estate tax, which I think is not really fair.

So I would hope that as the Members of this Chamber study this measure over the week-end that they study it positively and sincerely and hopefully not with an effort to defeat its ultimate passage but to address it should it need addressing and support it in Final Enactment. Thank you, Mr. President.

On Motion of Senator Collins of Knox, Retabled for 1 Legislative Day, Pending acceptance of Senate Amendment "A" to Committee Amendment "A".

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

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

Tabled—March 20, 1980 by Senator Shute of Waldo.

Pending—Enactment.

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

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

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

Tabled—March 20, 1980 by Senator Pierce of Kennebec.

Pending—Enactment.

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

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

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

Tabled—March 20, 1980 by Senator Pierce of Kennebec.

Pending—Enactment.

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

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

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

Tabled—March 20, 1980 by Senator Pierce of Kennebec.

Pending—Passage to be Engrossed.

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

Senator KATZ: Mr. President, I offer Senate Amendment "B" to L. D. 2014 under Filing S-500 and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now offers Senate Amendment "B" to L. D. 2014 and moves its adoption.

Senate Amendment "B" (S-500) Read.

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

Senator CONLEY: Mr. President, will the good Senator be kind enough to explain what Senate Amendment "B" does?

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

Senator KATZ: Mr. President, I had my hand on my microphone to do exactly that. The Statement of Fact clearly indicates this amendment removes the authority for the Attorney General to sue for indirect injuries but retains the authority for municipalities and political sub-divisions to sue for treble damages. It reflects my concern about an ever-expanding bureaucracy in the Attorney General's Office. On Motion by Senator Chapman of Sagadahoc, Retabled until later in today's session pending acceptance of Senate Amendment "B".

The Chair appointed the following conferees on the part of the Senate to the Committee of Conference regarding "An Act to Provide for Licensing and Regulation of Adult Foster Homes." (H. P. 1816) (L. D. 1927)

SENATORS:

PIERCE of Kennebec

GILL of Cumberland

CLARK of Cumberland

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

Papers from the House Joint Orders

Expressions of Legislative Sentiment recognizing:

The Patriots of Gray-New Gloucester High School, coached by Roger Lowell, winners of the Western Maine Class "C" ski championship for 1979-80. (H. P. 1994)

The Patriots of Gray-New Gloucester High School, coached by Alf Ehnstrom, winners of the Class "B" soccer championship for 1979-80. (H. P. 1995)

Karen Gilman, of Presque Isle, who has been chosen Miss Presque Isle for 1980, and will compete in the Maine Potato Blossom Pageant. (H. P. 1996)

Electra Brown, of Gorham, a Camp Fire volunteer for 52 years, who received the Luther Halsey Gulick Award for exceptional long-term dedication by outstanding volunteers. (H. P. 1997)

Diana L. Perkins, of Milford, who scored 1,137 points in 4 years for the Old Town High School girls' basketball team. (H. P. 1998)

The Winslow High School Hockey Team, which won the 1979-80 State Class B hockey championship, its 3rd straight state championship. (H. P. 1999)

The Patriots of Gray-New Gloucester High School, coached by Jim Tobin, winners of the State Rifle Championship for 1979-80. (H. P. 2001)

Margaret A. Emerson, of Farmingdale, who plans to retire on April 4, 1980 after 45 years of

dedicated service to the State. (H. P. 1993)
Come from the House. Read and Passed.
Which were Read and Passed in concurrence.

Joint Resolution

A Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of George Hutchinson, of New Gloucester, a prominent citizen, businessman and community leader. (H. P. 2000)
Comes from the House, Read and Adopted.
Which was Read and Adopted, in concurrence.

Communications

Committee on Business Legislation

March 19, 1980

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

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

Total Number of Bills Received in Committee	24
Unanimous Reports	22
Ought to pass	2
Ought to pass as amended	9
Ought to pass in New Draft	4
Ought not to Pass	3
Leave to Withdraw	4
Divided Reports	2

Sincerely,
JOHN D. CHAPMAN
Senate Chairman

Which was Read and Ordered Placed on File.

Committee on Judiciary

March 21, 1980

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

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

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

YEAS: Senators 3
Representatives 7
NAYS: Senators 0
Representatives 0
ABSENT: Senators 0
Representatives 3 REPS. Hughes, Silsby & Laffin

10 members of the Committee having voted in the affirmative and 0 in the negative, it was the vote of the Committee that the nomination of Edward F. Gaulin be confirmed.

Sincerely,
SAMUEL W. COLLINS, Jr.
Senate Chairman
BARRY J. HOBBS
House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of Edward F. Gaulin be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Judiciary be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th Legislature, the vote will

be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question?

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

ROLL CALL

YEA — None.

NAY — Ault, Chapman, Clark, Collins, Conley, Cote, Danton, Emerson, Farley, Hichens, Huber, Katz, McBrearty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Trozky, Usher, Sewall.

ABSENT — Carpenter, Devoe, Gill, Lovell, Martin.

No Senators having voted in the affirmative and 28 Senators in the negative, with 5 Senators being absent and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Edward F. Gaulin is confirmed.

(Off Record Remarks)

Committee Reports

House

Ought to Pass in New Draft

The Committee on Education on, Bill, "An Act Concerning Cost-sharing Agreements in School Administrative Districts and Community School Districts." (H. P. 1906) (L. D. 1975)

Reports that the same Ought to Pass in New Draft under New Title, "An Act to Eliminate the 'Pay-in' Inequity within School Administrative Districts and Community School Districts." (H. P. 1992) (L. D. 2022)

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

Which was Read.

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

Senator TROTZKY: Mr. President, and Members of the Senate, I would like to just quickly give an explanation of this bill. L. D. 1945 when it was allowed into the Legislative Process contained 3 parts, the first 2 parts stayed on L. D. 1945. The third part because it was distinct and very different we put onto another bill which had been the contents had been requested to be withdrawn by the sponsor.

So essentially what this bill is, it's a new Draft and a new Title, "An Act to Eliminate the 'Pay-in' Inequity within School Administrative Districts". When the Uniform Property Tax was repealed we eliminated the pay-in of cities which had schools. We eliminated the pay-in for SAD's, but we never eliminated the pay-in for schools within School Administrative Districts. This has been a sore spot throughout the State and consequently what this bill would do would eliminate that pay-in within districts.

Now the cost would be \$750,000. Of that, \$375,000 would be picked up on the mill rate through all the communities throughout the State. The other half, \$375,000 would be picked up by the General Fund and the School Finance Act. So the cost of this bill would be approximately \$375,000.

The Committee knew realistically that this could not be passed this session. It was a unanimous report of the committee. Last session it did not survive the Appropriations Table and it probably wouldn't survive the Appropriations Table during this session.

So, essentially in the Fiscal Note that's on here it states that this cost would be borne during the next biennium. In other words the law would be changed and be effective in the next biennium and would eliminate the pay-in within districts.

Now the problem you have here is that many of these SAD's, they want to split apart. For example, with Kennebunk and Kennebunkport, if this SAD splits apart, the State will have to

pick up about \$300,000 anyway. So essentially this is a preventive measure and it's received the unanimous support of the Education Committee last session and this session also. So I hope the Legislature would pass this bill.

The Ought to Pass, in New Draft, Report of the Committee, Accepted, in concurrence, and the Bill, in New Draft, Read Once, and Assigned for Second Reading later in today's session.

Senate

Ought to Pass

Senator Gill for the Committee on Education on, Bill, "An Act to Clarify the Status of a Certain School Renovation Project in the City of Waterville under the Education Laws and to Validate Proceedings Authorizing the Issuance of Bonds or Notes by that City." (Emergency) (S. P. 790) (L. D. 1989)

Reports that the same Ought to Pass.

Which Report was Read and Accepted, and the Bill Read Once.

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

Senator CONLEY: Mr. President, I move this bill be Recommitted to the Committee on Education.

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

Senator TROTZKY: Mr. President, coming upon Supplemental Senate Journal No. 7 the Committee on Education appears to have finished its work for the session, however, if the committee hadn't finished its work I would back that motion to recommit.

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

Senator CONLEY: Mr. President, I request Leave of the Senate to withdraw my motion.

The PRESIDENT: The Senator from Cumberland, Senator Conley, requests Leave of the Senate to withdraw his motion to recommit.

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

It is a vote.

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

Sent down forthwith for concurrence.

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

Communication

Committee on Appropriations and Financial Affairs

March 20, 1980

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

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

Total Number of Bills Received	22
Unanimous Reports	17
Leave to Withdraw	0
Ought Not to Pass	3
Ought to Pass	3
Ought to Pass as Amended	9
Ought to Pass in New Draft	2
Divided Reports	5

Respectfully submitted,
DAVID G. HUBER
Senate Chairman

Which was Read and Ordered Placed on File.

Committee on Education

March 21, 1980

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

The Committee on Education 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 22
(Includes two bills recommitted from First Regular Session)

Unanimous Reports 18
Ought to Pass 6
Ought to Pass as Amended 4
Ought to Pass in New Draft 7
Ought Not to Pass 0
Leave to Withdraw 1
Divided Reports 4

Respectfully yours,
Senator HOWARD M. TROTZKY

Senate Chairman

Which was Read and Ordered Placed on File.

(Senate at Ease)

The Senate called to Order by the President.

On Motion by Senator Huber of Cumberland the Senate voted to remove from the Special Appropriations Table:

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

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

(Off Record Remarks)

(Senate At Ease)

The Senate called to Order by the President.

On Motion by Senator Pierce of Kennebec, Recessed until 1:30 o'clock this afternoon.

Recess

After Recess

The Senate called to Order by the Secretary.

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

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

Recess

After Recess

The Senate called to Order by the President.

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

Committee Report

Senate

Ought to Pass — As Amended

Sensor Redmond for the Committee on Local and County Government on, Bill, "An Act to Require Registers of Deeds to Provide Copies from the Records within a Reasonable Time." (S. P. 785) (L. D. 1981)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (S-506).

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

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

Sensor KATZ: May I ask of the Chair, in as much as we are attempting to get all Legislation possible to Engrossing would it be appropriate to give this a Second Reading at this time?

The PRESIDENT: The Chair would answer in the affirmative, providing it meets with the approval of the Committee Chairman.

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

Sent down forthwith for concurrence.

Second Reader

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

House

Bill, "An Act to Eliminate the "Pay-in" Inequity within School Administrative Districts and Community School Districts." (H. P. 1992) (L. D. 2022)

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

Sensor Trafton of Androscoggin was granted unanimous consent to address the Senate, On the Record.

Sensor TRAFTON: Thank you Mr. President. Mr. President and Members of the Senate: Before we get embroiled in some of the hot issues of the day, I'd like to call to your attention a little treat that was left on your desks which hopefully is a bottle of sparkling water from the Poland Spring, which is in my district.

It was my pleasure on January 28th of this year to cut the ribbon on a new Bottling Plant, a 60,000 square foot facility which provided 25 additional new jobs for my area and represented \$1,500,000 dollars of investment in the Poland Spring area. There is also the potential down the road for at least another 10 positions.

The spring is 200 years old. It was discovered in 1793 and it was first bottled in 1845. I think it's appropriate to put this on your desk this afternoon because it's been called the drink of Presidents and I certainly think that now we can call it the drink of Senators. President Taft used to serve it regularly at his Whitehouse Galas. President Coolidge also drank pretty much exclusively the Poland Springs sparkling water and it's reputed that Roosevelt first introduced Churchill to the sparkling beverage at the Yalta Conference.

This is a prize winning beverage winning the 1904 World's Fair Prize. I would also tell you that the Poland Spring Bottling Company did a Presidential Preference Poll this year which might be of interest to you. They sent out 500 ballots to celebrities all across the country. They ask 4 questions. First of all who would the Democratic nominee be? Second, who would the Republican nominee be? Third, who was the likely winner? Then fourth, putting all that aside, who would you really like to see be President? They had some rather colorful answers, but I think you'll recognize the names that eventually prevailed.

The poll predicted that Carter would be the Democratic nominee, Reagan the Republican nominee and the winner would be Carter but that those people polled would really like to see Ford be President.

Finally I would just leave with you an evaluation of this beverage by the famous or perhaps infamous Mae West, and she said of this beverage: "It's the only thing I've ever been faithful to".

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

Papers from the House

Committee Report

House

Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Create the Maine Spruce Budworm Management Act." (Emergency) (H. P. 1846) (L. D. 1953)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1980) (L. D. 2015)

Signed:
Senator:

PERKINS of Hancock

Representatives:

KELLEHER of Bangor
CARTER of Winslow
SMITH of Mars Hill
MORTON of Farmington
HIGGINS of Scarborough
BOUDREAU of Waterville
JALBERT of Lewiston
CHONKO of Topsham

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under Same Title (H. P. 1981) (L. D. 2016).

Signed:

Sensor:

NAJARIAN of Cumberland

Representatives:

DIAMOND of Windham
PEARSON of Old Town

Comes from the House, the Bill in New Draft, (H. P. 1980) (L. D. 2015) Passed to be Engrossed as amended by House Amendments "A" (H-950) and "D" (H-960).

Which Reports were Read.

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

Sensor PERKINS: Mr. President, I would move the Majority Ought to Pass Report.

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

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Sensor NAJARIAN: Mr. President and Members of the Senate: I don't have any illusions about this Majority Report not being accepted, but I would just like to speak for a few moments on the Spruce Budworm Spraying Program for this year and next year.

We have been told over and over again by everybody that was involved in drafting the original bill that came to our committee that this was a progressive step. It was bold new directions that we were taking and that this year's spray program was quite different than what we have seen in the past. The new version in both Reports "A" and "B" establishes settlement corridors up to 4 miles which means, if an organized town wants to be withdrawn from the spraying area they can. That they cannot spray within 4 miles of the inhabitants.

The State is not putting any money directly into the spraying program this year, for the first time, and the Board of Pesticides Control has review powers but there's a question in my mind of how much power that we have given this Board and how objective it can be. The Budworm District is smaller and those actually being sprayed have to pay a larger share of the costs.

I guess I'm just a small town, city girl, but I examined the program as we're going to see it this year and I'm not convinced that this is any bold new direction. We'll still be spraying millions of acres as we've always done. They're planning to spray 1.6 million acres. They're still using 74, which is reputed to be a viral enhancer, on over 1.4 million acres. Only 200,000 acres with BP, the bacterial insecticide.

The General Fund cost is about the same as it's always been. Every landowner in the district over 500 acres is still required to pay a tax whether they want to be sprayed or not. The State is still administering the program, and the State still holds the liability. In all the really major and significant areas as far as I'm concerned it's business as usual.

The only difference would have been if you had accepted Report "B" which would have made next year voluntary participation. That means they would not have to pay the tax if they were not going to get sprayed. Secondly, the amendment that was put on in the House, which establishes an Environmental Health Unit. It yet remains to be seen whether this Senate is going to adopt that amendment.

So those are my concerns. I would like to see it voluntary in the Second year, because I don't think it's right to make people pay a tax when they don't want to be in the program and when they're not going to be sprayed. We are forcing these landowners to put up money at no interest cost to the larger companies who do want to be sprayed. They use that money for about 6 months, up-front money and they don't have to pay any interest on it. Eventually it's returned with no interest accrued to the people who put it up in the first place.

Secondly, it's my understanding from the report of the Budworm Committee, Subcommittee of the Appropriations Committee that the only reason they want to require everybody to be in it is to give the image to the public and to the Federal Government that there is widespread support for this program.

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

Senator PERKINS: Mr. President, and Ladies and Gentlemen of the Senate: The good Senator from Cumberland is indeed correct in some areas but a little lacking on information in other areas. She said this is no great new departure from previous plans and I would differ with her on that, in that the plan as it stands now is 100% participation if you're in a Conservation District.

The plan proposed in either report here places the financial responsibility at 90% for those who are sprayed and 10% for those who are not sprayed. So I contend to you that there is a vast difference within these areas.

Her problem with the spraying, I think, is shared with many of us and were we able to address this in other fashions, all of us would be well pleased. We are unable to address this in other areas and this is the reason we are addressing it in this area.

The department itself addressed this situation and came up with a 2 year plan. This is the reason that the Majority Report came out with a 2 years plan also.

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

Senator NAJARIAN: I request a Roll Call.

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

Senator CONLEY: Mr. President, I would like to pose a question through the Chair if I may to the good Senator from Hancock Senator Perkins. What I know about the worm here, the worm you could put in a thimble, but I do read the papers and I do hear what's going on in Washington from time to time. It is my understanding that the Department of Agriculture no longer wishes to participate, the Federal Government no longer wishes to participate in the expenditure of spraying the worm?

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

Senator PERKINS: I find it interesting that a question is asked for someone closer to the authority than I, because it's my information from the Governor's Office that indeed the Department of Agriculture has not made a ruling on this yet. The Department of Forestry has said that they are reluctant at this time to participate in the spraying but the Department of Agriculture has made no decision as yet.

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

Senator CONLEY: Mr. President, I don't know why the good Senator from Hancock, Senator Perkins, would think that I had some close relationship with the Governor.

The PRESIDENT: The Chair would ask leave of the Senate to grant permission to refrain from voting on this issue due to the possibility of an apparent conflict of interest.

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

It is a vote.

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 Perkins of Hancock that the Senate accept the Majority Ought to Pass, in New Draft, Report of the Committee.

A Yes vote will be in favor of accepting the Majority Ought to Pass, in New Draft, 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 — Ault, Chapman, Emerson, Gill, Hichens, Katz, McBrearty, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trotzky, Usher.

NAY — Carpenter, Clark, Conley, Cote, Danton, Farley, Minkowsky, Najarian, Traf-ton.

ABSENT — Collins, Devoe, Huber, Lovell, Martin.

Senator Carpenter of Aroostook was granted permission to change his vote from Nay to Yea.

19 Senators having voted in the affirmative, and 8 Senators in the negative, with 5 Senators being absent, and one Senator abstaining the Motion to Accept the Majority Ought to Pass, in New Draft, Report of the Committee in concurrence does prevail and the Bill in New Draft Read Once. House Amendment "A" Read and Adopted, in concurrence. House Amendment "D" Read and Adopted, in concurrence.

Under Suspension of the Rules, the Bill, in New Draft, as amended Read a Second Time, and Passed To Be Engrossed, in concurrence.

Sent forthwith to the Engrossing Department.

On Motion by Senator Katz of Kennebec, the Senate voted to Suspend Senate Rule 39 for the remainder of the week.

Enactor

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

An Act Amending Criminal Laws and Procedures. (S. P. 750) (L. D. 1925)

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

Senator CARPENTER: Mr. President, and Ladies and Gentlemen of the Senate, I apologize for rising at such a late time on this bill. But I have a question and I don't see the good Senator from Knox in his seat. I wonder if someone could table this until later in today's session. I have a real problem with one section of the amendment or a potential, I would like to have the good Senator from Knox, Senator Collins answer a question for me.

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

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 Provide for Renegotiation of the Cost-sharing Formulas for School Districts." (H. P. 1817) (L. D. 1945)

In the Senate, March 20, 1980, Passed to be Engrossed as amended by Committee Amendment "A" (H-940), in concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment as amended by House Amendment "A" (H-964) thereto, in non-concurrence.

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

Senator TROTZKY: The House Amendment is just a technical correction for Board of Trus-

tees to the School Committee, which is what it should be. So I would move the Senate Recede and Concur with the House.

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

Is this the pleasure of the Senate?

The Motion Prevailed.

Orders of the Day

The Chair laid before the Senate: Bill, "An Act to Clarify the Inland Fisheries and Wildlife Laws of Maine." (H. P. 1879) (L. D. 1962)

Tabled—Earlier in the Day by Senator Conley of Cumberland.

Pending—Adoption of Committee Amendment "A" (H-919).

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

Senator PRAY: Mr. President, and Members of the Senate, I apologize. The Senator from Kennebec, Senator Pierce, just came over to me a few minutes ago and asked me if I had read the Committee Amendment and if there were any problems with it? I said No, opened up the amendment book and started looking at it. I may have answered the question a little early.

I do have one question on the Committee Amendment which I'm looking at. In Section 18, it talks about failure of registration of deer. Under 4A of that it says an individual is guilty of violating the law if the person keeps an unregistered deer at his home, which I have no problems with, or any place in storage, except for a deer registration station for more than 12 hours. The question I would like to ask somebody on the committee is if an individual is out on a hunting party and say he's up in the Keeloc area, Caucomgomoc Area, in the Northern Part of the State, which is close to 100 miles from some tagging stations, does that mean that that individual if he went on a week's hunting trip with a group of people, and the first day there he shot a deer that he would have to come out, immediately drive that 100 miles to register that deer or not?

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

Senator REDMOND: I would advise the Senator from Penobscot, good Senator Pray, I can appreciate his concern, this would be really disastrous if a man had to come out, a person had to come out and register his deer.

I would assure the Senator that that is not the case. He would not have to come out and register his deer, immediately. I cannot point it out in this, what paragraph or section of the law because there are some thirty or forty items in this Errors and Inconsistencies Bill. I would have to advise the Senator that we would have to take it up with the Legislative Aid.

I'm sure that we went over this very carefully. If there is any such a thing, it's an error in the Errors Bill. I suppose anything can happen this is not the intent, I'm sure we could correct that with an amendment when it comes back to us.

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

The Chair laid before the Senate: 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 Pierce of Kennebec.

Pending—Consideration.

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

The Chair laid before the Senate: Bill, "An Act to Empower the Board of Trustees of the Maine Veterans Home to Borrow Funds and to Issue Bonds, Notes and Other Evidences of In-

debtedness." (Emergency) (H. P. 1781) (L. D. 1892)

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

Pending—Passage to be Engrossed.

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

Senator KATZ: Mr. President, has this bill presently been amended? Has an amendment been offered?

The PRESIDENT: The Chair would answer that this bill has been amended by Committee Amendment "A", in concurrence. The adoption of that amendment was subsequently Reconsidered. It is now on its Passage to be Engrossed.

On Motion by Senator Najarian of Cumberland, the Senate voted to Suspend the Rules.

On Motion by Senator Najarian of Cumberland, the Senate voted to Reconsider its action whereby it adopted Committee Amendment "A".

Senator NAJARIAN: Mr. President, I now offer Senate Amendment "A" to Committee Amendment "A" under Filing Number S-505.

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

Senate Amendment "A" (S-505) to Committee Amendment "A" Read.

The PRESIDENT: The Senator had the floor.

Senator NAJARIAN: Mr. President and Members of the Senate: I would just like to speak briefly to the amendment, and to tell you all that my intent here is simply to reduce the General Fund exposure to a lesser degree than would otherwise result without this amendment. The home is still going to cost a pretty penny in the years ahead.

I want it clearly understood the fact that this is a home for Veterans is not really relevant to this issue. My concerns would be the same if this were a home for the Daughters of the American Revolution or the League of Women Voters. The fact remains that the cost of this nursing home will be far in excess of any of the most expensive private nursing homes already built or proposed to be built in this State at the present time.

2: that according to the present thinking of Health Care Providers on nursing home care a home of this size, 200 beds will not provide the best environment conducive to recovery that the State could provide for individuals in nursing homes in their communities closer to their friends and families.

I would just like to briefly explain what the amendment does. The first section, it keeps the present language regarding the administrator of the nursing home intact, except for 2 areas. It removes the fact that we will provide a house for the administrator and that language. It also deletes the present requirement that they be State Employees.

The Committee Amendment said that the Veterans Home should be a public body, corporate, and sub-division of the State. I've just said the Maine Veterans Home is a Body Corporate and removed that language. The powers are still the same.

On borrowing money I've simply tightened up the language similar to what the Appropriations Committee proposed when we passed out the bill to allow the Fish and Wildlife to borrow \$1,000,000. It simply says that before they borrow money from the General Fund, that it should be approved by the Treasurer and the Governor. That's the extent of my amendment.

I know there were lots of concerns originally that my amendment had repealed everything in the current statute, which is not true. I think they have been satisfied on that. There were other concerns that my amendment might prevent them from getting their Federal Grant. Calls have been made to Washington and they have been told that it will not in any way jeo-

pardize getting their Federal Funds. My intent is to allow the Home to continue and not do anything that would prevent them from getting the money they apparently need to start up. I hope you will accept this amendment.

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

Senator CONLEY: Mr. President and Members of the Senate: I believe I've heard from every veteran in the State, perhaps in the country with the exception of the National Commander of the American Legion today. There's also some rumors floating around that we're out to kill this bill.

The fact is that the voters of the State ratified a Bond Issue to build this home. The fact is the will of the people is going to be carried out. The Amendment that has been offered by the good Senator from Cumberland, Senator Najarian, I believe expresses the same concerns that not only I and she have but I think many of us within this body. That is, to make sure that the loopholes are closed and that we don't find ourselves with a nightmare on our backs a few years down the road.

I'm still concerned as to what the real cost is going to be and it's going to be one that we are going to have to keep a very, very watchful eye upon. I myself would hope that the Senate would adopt this amendment.

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

Senator O'LEARY: Mr. President, I have no quarrel with what she's trying to do about the home for the administrator. Perhaps the extravagance of the quality of the building, I have no quarrels with that.

Mr. President, I'm concerned that a simple telephone call doesn't give me the answers that I want. I'm worried about the wording in this perhaps will jeopardize the Federal Funds that are supposed to be available for this project. Therefore, I move the Indefinite Postponement of this Senate Amendment "A".

On Motion by Senator Katz of Kennebec, Retabled for 1 Legislative Day pending the motion by Senator O'Leary of Oxford.

The Chair laid before the Senate:

HOUSE REPORTS—from the Committee on Agriculture—Bill, "An Act to 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—Earlier in the Day by Senator Pierce of Kennebec.

Pending—Acceptance of Either Report.

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

The Chair laid before the Senate:

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—Earlier in the Day by Senator Pierce of Kennebec.

Pending—Acceptance of a Report.

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

Senator KATZ: I notice the absence from the Chamber of the good Senator, whose constituency the State Prison is in, Senator Collins, I think it might be appropriate if somebody might consider tabling this for one day.

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

The Chair laid before the Senate: Bill, "An Act Relating to Games of Chance at Agricultural Fairs." (H. P. 1797) (L. D. 1919)

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

Pending—Enactment.

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

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

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

Pending—Enactment.

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

The Chair laid before the Senate: Bill, "An Act to Provide Funds for Residential Energy Conservation." (S. P. 766) (L. D. 1963)

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

Pending—Enactment.

On Motion by Senator Pierce of Kennebec, 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 Chapman of Sagadahoc.

Pending—Adoption of Senate Amendment "B" (S-500).

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

Senator CHAPMAN: Mr. President and Members of the Senate: I note the absence of the Members of the Bar here who would perhaps have better insight in this matter than I.

In reviewing the amendment, I see that it desires to remove the authority of the Attorney General to sue for indirect injuries, a provision that the Committee thought was essential to the bill in order to maintain the responsibility and the types of suit that might be brought. It further places the authority in the municipalities and the political sub-divisions to bring actions for treble damages.

I think this allows for these municipalities and political sub-divisions without the oversight or the keen sight, if you will, of a real responsible individual such as the Attorney General to bring suit. So I think we could have a proliferation, we could have a tendency to encourage attorneys on behalf of municipalities to bring actions that would possibly motivate them for reasons other than the case but for publicity purposes.

This amendment concerns me. I would like to feel that we would be in order to table this, if somebody would until the members of the Bar might add more to it than I, could be here.

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

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

Paper from the House Non-concurrent Matter

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)

In the Senate, March 20, 1980, Passed to be Engrossed as amended by Committee Amendment "A" (H-948), in concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-963) thereto, in non-concurrence.

The PRESIDENT: Is it the pleasure of the Senate to Recede and Concur with the House? The Motion Prevailed.

Enactors

The Committee on Engrossed Bills reports

as truly and strictly engrossed the following:

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)

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

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

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)

Which was Finally Passed and signed by the President.

Emergency

RESOLVE. Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law. (H. P. 1983) (L. D. 2017)

Emergency

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

These being emergency measures and having received the affirmative votes of 22 Members of the Senate, with 1 Senator voting in the negative, were Finally Passed and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Bond Issue

AN ACT to Authorize Bond Issue in the Amount of \$8,000,000 for Improvements to Vocational-technical Institutes and the Maine Maritime Academy. (H. P. 1757) (L. D. 1887)

On Motion by Senator Perkins of Hancock, Tabled for 1 Legislative Day, pending Enactment.

Orders of the Day

The Chair laid before the Senate: An Act Amending Criminal Laws and Procedures. (S. P. 750) (L. D. 1925)

Tabled—Earlier in today's session by Senator Pierce of Kennebec.

Pending—Enactment.

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

Senator PRAY: I move this item lie on the table 1 Legislative Day.

The PRESIDENT: The Senator from Penobscot, Senator Pray, moves that L. D. 1925 be tabled for 1 Legislative Day.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I move this item lie on the table until later in today's session.

The PRESIDENT: The Chair would advise the good Senator from Kennebec, that it is presently late in today's session.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: I request leave of the Senate to Withdraw my motion.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, requests Leave of the Senate to withdraw his motion to table L. D. 1925 until later in today's session.

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

It is a vote.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I request permission to withdraw my motion.

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

1925 for 1 Legislative Day.

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

It is a vote.

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

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

Bill, "An Act to Establish \$10,000,000 as the Limit of the Maine Coastal Protection Fund." (H. P. 1618) (L. D. 1728)

Tabled—February 25, 1980 by Senator Katz of Kennebec.

Pending—Motion of Senator Katz of Kennebec to Reconsider Passage to be Engrossed.

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

Senator KATZ: I request leave of the Senate to withdraw my motion.

The PRESIDENT: The Senator from Kennebec, Senator Katz, requests leave of the Senate to withdraw his motion that the Senate Reconsider its action whereby L. D. 1728 was Passed to be Engrossed.

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

It is a vote.

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

"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." (Emergency) (H. P. 1759) (L. D. 1884)

Tabled—March 20, 1980 by Senator Katz of Kennebec.

Pending—Enactment.

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.

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

Senator PIERCE: Mr. President, a Parliamentary Inquiry, I wonder if there might be one more tabled later in the day item that we haven't taken up yet, L. D. 1962?

The PRESIDENT: The Chair would answer the Senator in the affirmative, the Chair was in error, there is one additional item.

Orders of the Day

The Chair laid before the Senate: "An Act to Clarify the Inland Fisheries and Wildlife Laws of Maine." (H. P. 1879) (L. D. 1962)

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

Pending—Adoption of Committee Amendment "A".

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

Senator PRAY: Mr. President, first of all I would like to make a Parliamentary Inquiry. It's my understanding that there are also an additional 2 House Amendments to the Committee Amendment?

The PRESIDENT: The Chair would answer the Senator in the affirmative, there are 2 House Amendments, i.e. "A" and "B".

Senator PRAY: Thank you Mr. President, Mr. President and Members of the Senate: First of all in reference to the concern that I raised a few minutes ago prior to this bill being tabled. In reference to that situation of an individual going on a hunting trip and having been successful in his bag of getting a deer as to whether or not he would have to come out of the woods to tag that deer.

I have been informed by the committee that the Chief Warden of the Fisheries and Wildlife Department when this issue was debated and discussed said that that was not the intent of the law. That the Department would not enforce such interpretation of the law. I would like to have that into the Record. Having stated that, now I would like to turn my attention to the 2 House Amendments.

I just have one question on House Amendment "A", which is under Filing Number H-925. My concern there is a section which seemingly the amendment that they are deleting and having a copy of the statute before me I cannot see the purpose of striking the words out of the existing law in reference to the officials with certain powers and duties of the Game Warden. The first section of the House Amendment crosses off the words 'and shall' receive for similar services the same fees as those of Game Wardens.

Just so that I would have an understanding of what the intent is could someone on the committee tell me what action we're taking by passing this amendment?

The PRESIDENT: The Senator from Penobscot, Senator Pray, has posed a question through the Chair to any Member of the Fisheries and Wildlife Committee who would care to answer, or for that matter to any knowledgeable Senator.

The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: I'd be delighted to give the good Senator an answer. However, I would have to refresh my memory. I would ask the good Senator again we could meet with the Legislative Aid, I'm not sure what this is all about. I don't know.

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

Senator KATZ: Mr. President, I'm sure we want to do things in proper form. If there's a possibility of resolving this before we go home, I think it would be essential to get an Errors and Inconsistencies Bill down to Engrossing if possible before we go home.

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

Senator PRAY: Mr. President, I am a little bit leery about passing something that I'm not sure of what it does. It will be back for Enactment before us. I would hate to have to have us back it up and everything at that time and kill the entire Errors and Inconsistencies Bill because of one small section of a bill which is several pages long as stated by the Chairman of that Committee a few moments ago. If the other Members of this Chamber are completely at ease and feel as if they can vote for something not knowing what it is then that's the way it shall be.

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

Senator KATZ: Mr. President, I wonder if this is something that can be resolved by a simple phone call to the department. Perhaps the Senate might be willing to stand in Recess for just a few moments.

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

Senator USHER: Mr. President and Members of the Senate: I just found the amendment that we were discussing. I remember now that we discussed it in committee that there was no fee involved. It just happened to be printed in.

The Marine Resources had a member there that gave testimony that there were no fees involved but it happened to be printed in the law. Then the Members of the Committee figured that we didn't need it in the law, seeing there was no fees involved so that's why we took it out.

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

Senator CONLEY: Mr. President, I would pose a question through the Chair to clarify this problem, would it be possible for us to have the

bill Pre-Engrossed both ways, then take care of the problem Monday?

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

Senator PRAY: Thank you, Mr. President, Mr. President, and Members of the Senate, I think the explanation by the Senator from Cumberland, Senator Usher, was completely satisfactory to me and I have no reservations with letting the bill go at this time. Looking at the wording of the existing law and what we're crossing out, his statement that there are no fees, I would have to agree with him, there are no fees that I know of that a Game Warden collects at this time. So there's no necessity in other wardens collecting it as well.

House Amendment "A" (H-925) to Committee Amendment "A" Read and Adopted, in concurrence.

House Amendment "B" (H-956) to Committee Amendment "A" Read and Adopted, in concurrence.

Committee Amendment "A" as amended by House Amendment "A" and House Amendment "B", Adopted, in concurrence.

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

On Motion by Senator Pierce of Kennebec, there being no objections, all items previously acted upon with the exception of one Held bill, were sent forthwith.

On Motion by Senator Pierce of Kennebec, adjourned until Monday, March 24, at 9:30 o'clock in the morning.