

# 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 25, 1980  
Senate called to order by the President.

Prayer by the Honorable Jerome A. Emerson of Corinna.

Senator EMERSON: May we pray! On this Spring day as new life promises to soon burst forth again, we are reminded of how great thou art.

As the closing days of this session are upon us, we would pray that our accomplishments have been for the good of those we serve. We would ask that a full measure of forgiveness be granted for the times we have been petty and selfish for we are but human.

Be with each of us when we go forth from this place to the corners of this State to carry on our own pursuits. This we would ask in the name of Jesus Christ, your son, our Lord and Saviour. Amen.

Reading of the Journal of yesterday.

**Papers from the House**  
**House Papers**

Bill, "An Act to Provide Compensation and Benefits Agreed to by the State and the Maine Teachers' Association for Employees in the Bargaining Unit of Instructors at the Vocational-technical Institutes." (Emergency) (H. P. 2027) (L. D. 2033)

Bill, "An Act to Provide Compensation and Benefits Agreed to by the State and the Maine Teachers' Association for Employees in the Bargaining Unit of Administrators at the Vocational-technical Institutes." (Emergency) (H. P. 2028) (L. D. 2034)

Come from the House, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Which were referred to the Committee on Appropriations and Financial Affairs and Ordered Printed, in concurrence.

Bill, "An Act Relating to the State Valuation of the Town of Patten." (Emergency) (H. P. 2031) (L. D. 2035)

Reference to the Committee on Taxation is suggested.

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

Under Suspension of the Rules, the Bill Read Twice, and was Passed to be Engrossed, in concurrence without reference to committee.

Sent forthwith.

**Communication**  
**House of Representatives**

March 24, 1980

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

Dear Madam Secretary:

The Speaker appointed the following appointees to the Joint Select Committee to Study the Proposed Indian Land Claim Settlement Agreement (S. P. 811):

Mrs. POST of Owl's Head  
Mr. DOW of West Gardiner  
Mr. HOBBS of Saco  
Mrs. MITCHELL of Vassalboro  
Messrs. PEARSON of Old Town  
VIOLETTE of Van Buren  
BROWN of Livermore Falls  
GILLIS of Calais  
Mrs. SEWALL of Newcastle  
Mr. STROUT of Corinth

Respectfully,  
EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on File.

**Senate Paper**

Senator Katz of Kennebec (Cosponsors: Representatives Birt of East Millinocket, Jalbert of Lewiston and Reeves of Pittston) presented the following Joint Resolution and moved its adoption:

**JOINT RESOLUTION IN HONOR AND RECOGNITION OF MRS. ELLA G. ANDREWS**  
WHEREAS, few women have given so much of their lives in the service of the Maine Legislature as Mrs. Ella G. Andrews of Hallowell; and

WHEREAS, Mrs. Andrews has provided technical support in the Office of Legislative Research with the deepest sense of dedication since 1957; and

WHEREAS, she is a person of unflinching good cheer, who, with untiring enthusiasm has served the members of 12 State Legislatures; and

WHEREAS, her efficient skill and professional manner in dealing with the intricacies of the law has proved a vital link in the legislative process; and

WHEREAS, now in her 25th year of state service, Ella, as she is fondly known, has announced plans to retire prior to another regular session; now, therefore, be it

RESOLVED, that We, the Members of the Senate and House of Representatives of this, the 109th Legislature now assembled in Second Regular Session, join in this special honor and tribute to Mrs. Ella G. Andrews for her many years of loyal public service with the Maine Legislature and to express our sincere best wishes and good luck on retirement; and be it further

RESOLVED, upon adoption of this Joint Resolution, that a suitable copy be presented to Mrs. Andrews in token of our esteem.

(S. P. 815)

Which was Read.

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

**Order**

On motion by Senator Ault of Kennebec (Cosponsor: Representative Kany of Waterville),

WHEREAS, the State Personnel System is a major component of State Government, involving the expenditures of over \$170,000,000 of state funds each year for personal services; and

WHEREAS, the health and integrity of this system and the efficient expenditures of these funds are the responsibilities of the legislative and executive branches; and

WHEREAS, the State Government Committee has been conducting a study of the State Personnel System pursuant to H. P. 1312, in the course of which it has met with management and labor negotiators; personnel officers from the Department of Personnel and the line departments; state employees; and personnel experts for other jurisdictions; and

WHEREAS, data gathered to date suggest that changes may be warranted in the personnel systems and procedures; and

WHEREAS, further committee work is needed to conclude the study, and the bulk of this may be done through subcommittees already established; now, therefore, be it

ORDERED, the House concurring, subject to the Legislative Council's review and determinations hereinafter provided, that the Joint Standing Committee on State Government shall conclude its study of the State Personnel System and submit a written report, including recommended changes that ought to be made either administratively or legislatively; and be it further

ORDERED, that the committee report its findings and recommendations, together with recommendations for implementing legislation, to the Legislative Council not later than July 1, 1980; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be for-

warded to members of this committee.

(S. P. 814)

Which was Read.

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

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

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

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

**Recess**

**After Recess**

The Senate called to Order by the President.

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

Joint Resolution in Honor and Recognition of Mrs. Ella G. Andrews. (S. P. 815)

Tabled—Earlier in today's session by Senator Katz of Kennebec, pending adoption.

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

Senator KATZ: Mr. President, there is a very small group of people in this State House that represent the glue that keeps the whole Legislative Process together. They are the professionals. They are the ones who are here when we come in in the morning, and they are here when we go home at night. They are the people who we don't see very often but who make the whole system work. I would be hard pressed to mention any other Legislative Staff person in my career who has better exemplified that kind of selfless dedication than Ella Andrews.

It is a pressure packed job, trying to get Legislation out, trying to get amendments out, trying to get Joint Orders out. Ella is representative of that group of very special persons in Legislative Research who has always greeted us with a smile, always reacted well under pressure and by gosh, when she leaves the State House she will leave a great big hole.

Which was Adopted.

Sent down forthwith for concurrence.

(Off Record Remarks)

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

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

**Recess**

**After Recess**

The Senate called to Order by the President.

**Orders of the Day**

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

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)

Tabled—March 24, 1980 by Senator Conley of Cumberland.

Pending—Consideration.

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

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

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

Senator CHAPMAN: Mr. President and Members of the Senate: I would urge that the

Senate vote against the Motion to Recede and Concur.

Just a few additional comments. This reportedly profound change in Maine's Tax Law was recommended by a Study Committee in 1975. The good Senator from Cumberland, Senator Najarian introduced Legislation very similar to this bill that we have before us a couple of years ago. Now, however, after 5 years, the Maine Estate Tax constitutes an emergency. Is it the true need for \$2.5 million more may be an emergency? That's possible for this year but to acquire such funds by imposing a new tax is not my desire and a new tax, is a new tax, is a new tax.

There are some people in these Chambers who sincerely believe in the approach taken by this bill. I am one of them but there are flaws in this bill. Flaws due to haste in addressing this issue in the very last days of this session. If the concept and approach are sound and good, then this surely will not change before another year. This matter could be addressed. So I would suggest that we wait a year and that we introduce it with full support of all affected parties. If we are concerned about timing, phase it in over 7 years so that we can still achieve that goal within the 8 year period.

There is always another opportunity which has been suggested by myself. If we do turn down this measure within a relatively short span another bill could be introduced by the Governor correcting these laws and could be supported by all parties today. This opportunity is available.

I just want to pose these questions, as you reflect on your vote. Is there a tax on life insurance now? The answer is no! Will there be a new tax on life insurance if this bill is passed? The answer is Yes! Who will be taxed? It's going to be the widows and dependents, named beneficiaries, who have worked hard enough for a future and have a rough enough time to deal with that future let alone having a tax on proceeds from life insurance.

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

Senator CLARK: Mr. President, Men and Women of the Senate: Today's Portland Press Herald briefly addresses the issues before us, Maine's Estate Tax. It suggests that the primary purpose is to prevent people from changing their residence to Florida to take advantage of lower inheritance taxes there.

I think it's appropriate here and now that we correct that misunderstanding. The primary purpose of the issue before us is not to prevent Maine's citizens from moving to Florida, but to allow Maine citizens to retain their Maine residence and to die in Maine, and to be treated fairly and equitably under the proposed measure.

It has been suggested that we are acting in haste. We are not! It has been suggested that the Chief Executive of this State will introduce an order correcting the situation which is an admission that the situation currently needs correction and I'm sure that he will.

Despite the fact that many of us may be under the misapprehension that there is an insurance convention held in this State Capital today, I would submit that all parties affected will not, should this measure be reintroduced, at another session support and similar measure unless there is a guarantee that there is a 100% insurance exemption incorporated into that measure.

When the Committee on Taxation deliberated on this issue many of us who have long worked with and for the insurance industry of this State to promote Legislation which benefits Maine citizens had to make a choice. Are we going to work toward meaningful and effective tax reform. Something many of us campaign on, an issue which is incorporated into both political party platforms. Or are we going to continue to support the status quo?

I am not unalterably opposed to an exemp-

tion for life insurance proceeds for widows and orphans, or widowers, also. But I believe that the measure before us merits our attention to the extent that we can set aside this issue momentarily, reintroduce in the next session a measure which would readress the issue of an exemption, other than the \$50,000 life insurance exemption, which is incorporated into the measure before us. It is as viable to introduce that aspect of this topic in another session and to accept the bill before us as it is to set aside the bill before us and retain the status quo. Is it not? Thank you.

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

Senator REDMOND: Mr. President and Members of the Senate: I regret to have to take issue with the most eloquent and most persuasive speech of the good Senator, Senator Clark.

I have some mixed emotions on this and perhaps I should not vote on it, because I'm interested. I can see both ways. I can see where one part of this bill is good for the State of Maine. It's good for a certain class of people, but the only way I can see it, while I'm standing here in this chamber I'm representing some 30,000 people and this bill is going to get a couple million dollars tax. I'm going to vote against it.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

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

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

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

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President, and Members of the Senate, it has been suggested that we have a bill before us here addressing meaningful tax reform. I would suggest that we do, but right now at the present time at the expense of taxing life insurance. It's been further suggested that perhaps this is an error and could be addressed at another time, such as reintroducing a measure next session to correct this error. I say that's fine also, but what about the widows and widowers and dependents of those who are unfortunate enough to die in the meantime. I would suggest that now is the time to correct this error.

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

Senator DEVOE: Thank you, Mr. President, I request permission of the Senate to pair my vote with Senator Lovell. Were he here and voting, he would be voting against the motion and I would be voting for the motion.

The PRESIDENT: The Senator from Penobscot, Senator Devoe, requests Leave of the Senate to pair his vote with the Senator from York, Senator Lovell. If he were here, he would be voting Nay and the Senator from Penobscot, Senator Devoe, 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 Cumberland, Senator Conley.

Senator CONLEY: Mr. President, it was my understanding that the good Senator from York, Senator Lovell, wished to have his votes paired upon caucus positions. I would pose the question through the Chair, has the Majority Party taken a caucus position with respect to this bill?

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

The Chair recognizes the Majority Floorleader, Senator Katz.

Senator KATZ: Mr. President, the caucus has taken no position on this. While I'm on my feet I might indicate that I was a third party witness to a phone call this morning to Senator Lovell, and he sent you all his best greetings. It's in the 80's in St. Petersburg, and he wishes you all well.

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

Senator O'LEARY: Mr. President, I voted for this bill a number of times, but I have a concern, I think that hasn't been addressed. I would like one question answered by someone who is familiar with this piece of legislation. Does it have a grandfather clause.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: It does not have a grandfather clause.

The PRESIDENT: The pending question before the Senate is the motion by Senator Teague of Somerset, that the Senate Recede and Concur with the House.

A Yes vote will be in favor of the Motion to Recede and Concur.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Carpenter, Clark, Collins, Conley, Martin, Minkowsky, Najarian, O'Leary, Pray, Teague, Trafton, Trotzky, Usher.

NAY — Ault, Chapman, Cote, Danton, Emerson, Farley, Gill, Hichens, Huber, Katz, McBrairty, Perkins, Pierce, Redmond, Shute, Silverman, Sutton.

ABSENT — None.

13 Senators having voted in the affirmative, and 17 Senators in the negative, with 2 Senators pairing their votes, and none being Absent, the Motion to Recede and Concur does not prevail.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: I move the Senate Adhere.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman moves that the Senate Adhere.

Is this the pleasure of the Senate?

The Motion Prevailed.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: I move the Senate Reconsider its action whereby it Adhered, and urge the Senate to vote against me.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, 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.

The Chair laid before the Senate the Second 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 24, 1980 by Senator Pierce of Kennebec.

Pending—Consideration.

On Motion by Senator Emerson of Penobscot,

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 24, 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.

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

**Communications  
Senate Chamber  
President's Office**

March 25, 1980

Honorable Samuel Collins  
Honorable Barry Robbins  
Chairmen, Joint Standing  
Committee on Judiciary  
State House  
Augusta, Maine

Please be advised that Governor Joseph E. Brennan is nominating Jessie H. Briggs of Milo to be a Superior Court Justice.

Pursuant to Title 4 MRSA Section 152, this nomination will require review by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

Sincerely,  
JOSEPH SEWALL  
President of the Senate  
JOHN L. MARTIN  
Speaker of the House  
(S. P. 816)

Which was Read and Referred to the Joint Standing Committee on Judiciary.  
Sent down for concurrence.

**Committee on Taxation**

March 25, 1980

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

The Committee on Taxation 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	16
Unanimous Reports	14
Ought to Pass	1
Ought to Pass as Amended	9
Ought Not to Pass	3
Leave to Withdraw	1
Divided Reports	2
Recommittals	2

Sincerely,  
THOMAS M. TEAGUE  
Senate Chairman

Which was Read and Ordered Placed on File.

**Order**

An Expression of Legislative Sentiment recognizing: the Waterville High School hockey team, 1979-80 State Class "A" champions, their 2nd consecutive state title (S. P. 817) is presented by Senator Pierce of Kennebec, (Co-sponsors: Representatives Kany of Waterville, Boudreau of Waterville and Jacques of Waterville).

Which was Read and Passed.  
Sent down for 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 Reorganize the Department

of Mental Health and Corrections." (H. P. 1786) (L. D. 1904)

In the House, March 17, 1980, the Bill in New Draft (H. P. 1956) (L. D. 2006) Passed to be Enacted.

In the Senate, March 24, 1980, Bill and accompanying papers Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted and asked for a Committee of Conference.

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

Senator COLLINS: I move the Senate Insist and Join in a Committee of Conference.

The PRESIDENT: The Senator from Knox, Senator Collins, moves that the Senate Insist and Join in a Committee of Conference.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, I oppose that motion and request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion of Senator Collins of Knox that the Senate Insist and Join in a Committee of Conference with the House, 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 Insist does not prevail.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I move the Senate Recede and Concur and request a Roll Call.

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

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

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

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

The pending question before the Senate is the motion by Senator Pray of Penobscot, that the Senate Recede and Concur with the House.

A Yes vote will be in favor of the Motion to Recede and Concur.

A No vote will be opposed.  
The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

YEA — Carpenter, Clark, Collins, Conley, Danton, Farley, Martin, Minkowsky, Najarian, O'Leary, Pray, Silverman, Trafton, Usher.

NAY — Ault, Chapman, Cote, Devoe, Emerson, Gill, Hichens, Huber, Katz, McBreairty, Perkins, Pierce, Redmond, Shute, Sutton, Teague, Trozky.

ABSENT — Lovell.

14 Senators having voted in the affirmative, and 17 Senators in the negative, with 1 Senator being absent, the Motion to Recede and Concur does not prevail.

Is it now the pleasure of the Senate to Adhere?

It is a vote.  
The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: Having voted on the prevailing side, I move we reconsider our action whereby we Adhered and urge you to vote against me.

The PRESIDENT: The Senator from Kennebec, Senator Ault, 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 Increase Trapping Fees. (H. P. 1833) (L. D. 1937)

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

In the Senate, March 24, 1980, Failed of Enactment, in non-concurrence.

Comes from the House, that Body having Insisted and asked for a Committee of Conference.

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

Senator REDMOND: I move we Insist and Join in a Committee of Conference.

The PRESIDENT: The Senator from Somerset, Senator Redmond, moves that the Senate Insist and Join in a Committee of Conference with the House.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate: This bill was debated at great length yesterday along with several other Fish and Game matters so I won't get into the debate of it. I think we all remember the conversations that took place during that debate and would just remind you that overwhelmingly yesterday we voted against this bill on a Roll Call, and I would hope that we would remain consistent with our action.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion of Senator Redmond of Somerset, that the Senate Insist and Join in a Committee of Conference, please rise in their places to be counted.

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

19 Senators having voted in the affirmative, and 11 Senators in the negative, the Motion to Insist and Join in a Committee of Conference with the House does prevail.

**Joint Orders**

Expressions of Legislative Sentiment recognizing:

The Caribou High School Boys' Basketball Team, winner of the Sportsmanship Award at the 1979-80 Eastern Maine Class A tournament. (H. P. 2029)

Evelyn Young, who is retiring as Town Clerk of Newburgh, after serving with tireless dedication from 1972-1979. (H. P. 2033)

The oldest resident of Dixmont, Mrs. Merle Braley, who has received the Gold Cane Award at age 94. (H. P. 2034)

Come from the House, Read and Passed.

Which were Read and Passed in concurrence.

**Joint Resolution**

Joint Resolution in Memoriam:

Whereas, the Legislature has learned with deep regret of the death of the Honorable Raymond J. Spruce, of Milford, member of the 82nd Legislature. (H. P. 2035)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

**Communication  
House of Representatives**

March 25, 1980

Honorable May M. Ross  
Secretary of the Senate  
109th Legislature  
Augusta, Maine 04333  
Dear Madam Secretary:

The House voted today to Adhere on Bill "An Act to Improve Governmental Remedies for Violations of the Antitrust Laws" (H. P. 1975) (L. D. 2014)

Respectfully,

EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on File.

Senator Collins of Knox was granted unanimous consent to address the Senate, On the Record.

Senator COLLINS: Mr. President, the Select Committee concerning the Indian Land Claims has arranged a Public Hearing for Friday next at 10 AM at the Augusta Civic Center. The committee invites any members of the Legislature to submit any questions that they may have about the proposal to any members of the Committee so that there will be a good opportunity to prepare those answers. Thank you.

#### Senate at Ease

The Senate called to Order by the President.

The President appointed the following conferees on the part of the Senate regarding Bill, "An Act to Increase Trapping Fees." (H. P. 1833) (L. D. 1937).

Senators:

REDMOND of Somerset  
PIERCE of Kennebec  
USHER of Cumberland

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

#### Senate at Ease

The Senate called to Order by the President.

On Motion by Senator Pierce of Kennebec, Recessed until 2:30 o'clock this afternoon.

#### Recess

#### After Recess

The Senate called to Order by the President.

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

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

#### Recess

#### After Recess

The Senate called to Order by the President.

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

#### Enactors

The Committee on Engrossed Bills reports as truly and strictly engrossed the following:  
AN ACT to Clarify the Inland Fisheries and Wildlife Laws of Maine. (H. P. 1879) (L. D. 1962)

AN ACT to Require Registers of Deeds to Provide Copies from the Records within a Reasonable Time. (S. P. 785) (L. D. 1981)

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 Increasing the Minimum Handling Fee for Returnable Beverage Containers from 1¢ to 2¢. (H. P. 1973) (L. D. 2012)

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

Senator CHAPMAN: I would urge you to vote No on the Enactment of this measure, I request a Roll Call Mr. President, when that vote is taken.

I'll just point out again that a handling fee is a mandated cost to the consumers, our constit-

uents, that that one penny additional we are mandating here translates to an easily \$5,000,000 cost that they must bear.

It's been suggested that perhaps it was a wrong thing to establish a handling fee in the first place when this law was first passed. I submit that 2 wrongs don't make a right, that we should not compound that error by passing this Legislation.

The free market place is the place where the cost of doing business should be addressed. This is a cost of doing business of handling these bottles, containers. If we don't defeat this measure I submit that it will be a biennial measure before this Legislature to raise it to 3¢, 4¢, so on depending on what inflation pressure seems to dictate. Once again the consumer will pay. I would urge the Senate to vote No on Enactment.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from York, Senator Danton.

Senator DANTON: Mr. President and Members of the Senate: Once again I will remind you that this is a \$5,000,000 tax, that we're passing onto the consumers if this bill becomes Enacted. I would like to point out one thing. I see some members of the news media in this Senate Chamber today. We had a 40 minute debate on this issue yesterday and I didn't see one word in a newspaper today that mentions the fact that the consumers of the State of Maine will be paying \$5,000,000 for this Bottle Bill.

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

Senator CLARK: Mr. President and Members of the Senate: Currently Maine's Beverage Container Law allows the retailer who belongs to a redemption center to refuse to accept empty containers from consumers. It was suggested in an earlier debate by the Senator from Somerset, Senator Redmond, that consumers are not forced to return their bottles to Redemption Centers, in fact that is exactly what does occur or can occur.

The Redemption Centers have requested an increase in the handling fee to 2¢. The purpose of that request is to keep the centers open to make this Bottle Bill work. I would submit to the Member of this Chamber that the Bottle Bill is working and it is working well.

Redemption Centers are frequently located a considerable distance from the centers of many municipalities. A substantial distance in fact from the consumer's normal retail market and some people particularly in these times of escalating gasoline and fuel costs, they find it difficult to get to the Redemption Center. What are they to do?

A second consideration is that the cost of operating Redemption Centers probably do vary considerably across the State because of the concentration of retail outlets and population in that area. What may be an adequate return for a redemption center in one area of the State may not be an adequate return in another. By imposing this increased handling fee, a standard fee, across the State the Members of this Chamber are encouraging redemption centers in locations where their service does not justify their cost and that flies in direct contradiction to all of the principles of the free enterprise system. I hope my colleagues that that is one statement that you consider seriously. I would hope that you would vote in opposition to the pending motion of Enactment.

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 PRESIDENT: 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, were he here he would be voting No and I would be voting Yes.

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 Nay and the Senator from Kennebec, Senator Pierce, would be voting Yea.

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

It is a vote.

The pending motion before the Senate is Enactment of L. D. 2012.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA—Ault, Carpenter, Collins, Devoe, Emerson, Gill, Katz, Martin, Minkowsky, Najarian, Perkins, Pray, Redmond, Shute, Silverman, Sutton, Teague, Usher.

NAY—Chapman, Clark, Conley, Cote, Danton, Farley, Hichens, Huber, McBreairty, O'Leary, Trafton, Trotzky.

18 Senators having voted in the affirmative, and 12 Senators in the negative, with 2 Senators pairing their votes, and none being absent. L. D. 2012 is Passed to be Enacted, having been signed by the President, was by the Secretary presented to the Governor for his approval.

(See Action later today)

#### Emergency

An Act to Provide a Cost-of-Living Adjustment for Fiscal Year 1980-1981 to Members of the Maine State Retirement System. (S. P. 677) (L. D. 1784).

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

#### Emergency

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

#### Emergency

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. (S. P. 790) (L. D. 1989)

#### Emergency

An Act Relating to the State Valuation of the Town of Patten. (H. P. 2031) (L. D. 2035)

These being emergency measures and having received the affirmative votes of 31 Members of the Senate, with No Senators voting in the negative, were Passed to be Enacted, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

#### Emergency

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

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

Senator KATZ: Mr. President and Members of the Senate: You will recall that this is the bill which seeks to increase the maximum limitation on any one industrial project under the Maine Guarantee Authority from \$2.5 to \$7 million. You will recall that when the Bill was first before us, it sought to increase the same level with respect to the Recreational Projects too. It was an indication that the bill was rather hastily drawn for one particular client. After it was drawn, after it was admitted, after it was lobbied, then people started to look at it as a possible useful tool for other projects.

Without retracing any ground that I have previously covered, I've been hearing that by and large other than a couple of projects that things

have gone well with the Maine Guarantee Authority.

I have a list of projects here that have been in default. There are 5 of a not very long list of projects which are in default at the present time. There is another one that is so far behind in payment they had to shut down. So this rather short list, 6 projects got into trouble.

The interesting thing in looking at who got into trouble, 3 of them are over \$1,000,000, 3 of the 5 that are in default are over \$1,000,000. It's the large project that could hurt the State of Maine. It's the big one that can hurt. In our haste and in our greed to get more jobs, I think we can get more jobs and still protect ourselves, because a limitation of \$7,000,000 from \$2.5 million is a rather hasty increase.

I suggest to you that if we are able to garner enough votes today to prevent this bill from being enacted as an Emergency Bill and it requires two-thirds, the proponents of the bill will have 1 of 2 courses of action open to them. They can take it down to the other body and remove the Emergency Enactor, in which case without any question they will have their day and will have won their way. But they will have delayed for their clients the opportunity to have access to our money. I am hoping that if you will join with me now, in preventing the Enactment of this bill that we will very quickly see a compromise that reduces the proposed increase from \$7.5 million to \$5 million. It is prudent. It is decent. It is honest and it's going far enough. I request a Roll Call, Mr. President.

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

Senator HICHENS: Mr. President, I am not going to prolong the arguments. You heard the debate the other day. The good Senator from Kennebec's amendment was presented to us. We turned it down. Then another amendment to take the Recreation part of it was taken out. I certainly hope that you will go along with this today and give us the two-thirds vote to give not only this company which is in question a chance but perhaps some other coming down the road.

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

Senator MINKOWSKY: The only thing I see today that will materialize if we did not Enact this particular bill as an Emergency Measure and send it back down to the other body is a devastating effect insofar as this particular firm starting its construction. I think the 3 month lead time that they would need at the present time would benefit the area as well as the people of the State of Maine in general. They are a nonpolluting industry, and I think a very viable industry that has a great deal of potential.

In speaking to some of the people involved with the corporation I think we can be well proud to have an organization of that type look to the State of Maine and its people for the talents and abilities we have to offer them as well as them offering us a very, very good living wage, much better than what we have and have been paid in some areas of just minimum wage jobs.

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 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 was ordered.

The pending question before the Senate is Enactment of L. D. 1972.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

YEA — Ault, Carpenter, Chapman, Clark, Collins, Conley, Cote, Danton, Devoe, Emerson, Farley, Gill, Hichens, Huber, Martin, McBreairey, Minkowsky, Najarian, O'Leary, Perkins, Pray, Silverman, Sutton, Teague, Trafton, Usher.

NAY — Katz, Pierce, Redmond, Shute, Trozky.

ABSENT — Lovell.

A Roll Call was had.

This being an emergency measure and having received the affirmative votes of 26 members of the Senate, with 5 Senators voting in the negative, with 1 Senator being absent 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 Ault.

Senator AULT: Mr. President, Supplemental Senate Journal No. 7 L. D. 2012, having voted on the prevailing side, I move reconsideration and urge everyone to vote against me.

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

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.

**Emergency**

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1980. (H. P. 2023) (L. D. 2032)

**Emergency**

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1980. (H. P. 2005) (L. D. 2026)

**Emergency**

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1980. (H. P. 2004) (L. D. 2024)

These being emergency measures and having received the affirmative votes of 25 members of the Senate, with no Senators having voted in the negative, were Finally Passed and having been signed by the President, were by the Secretary presented to the Governor for his approval.

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

**Committee Reports**

**House**

**Ought to Pass — As Amended**

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Provide Compensation and Benefits Agreed to by the State and the Maine Teachers' Association for Employees in the Bargaining Unit of Instructors at the Vocational-technical Institutes" (Emergency) (H. P. 2027) (L. D. 2033)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-976).

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

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Provide compensation and Benefits Agreed to by the State and the Maine Teachers' Association for Employees in the Bargaining Unit for Administrators at the Vocational-technical Institutes" (Emergency) (H. P. 2028) (L. D. 2034)

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

977).

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

The Committee on Taxation on, Bill, "An Act to Provide a State Income Tax Credit for Installation of Renewable Energy Systems". (H. P. 1770) (L. D. 1900)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-972).

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

Which Reports were Read and Accepted, in concurrence. The Bills Read Once. Committee Amendments "A" Read and Adopted in concurrence. Under Suspension of the Rules, the Bills as amended, Read a Second Time, Passed to be Engrossed, in concurrence.

Sent down forthwith to the Engrossing Department.

(Off Record Remarks)

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:

Mike Caramihalis, of Sanford, a high school "all-American" wrestler and winner of the 103 consecutive matches during his 4-year career at Sanford High School. (H. P. 2036)

The Sanford High School Wrestling Team, coached by Richard Faulkner, 1979-80 State Class "A" champions, its second consecutive title. (H. P. 2037)

The Falmouth High School Boys' Swim Team, winner of the State Class B Swim Championship for 1979-80. (H. P. 2039)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

**Joint Resolution**

Joint Resolution in Memoriam: WHEREAS, the Legislature has learned with deep regret of the death of Joseph C. Cavallaro, Jr., of South Portland, who gave his life in the service of the Portland Fire Department. (H. P. 2038)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

**Communications**

**Committee on Labor**

March 25, 1980

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

Dear President Sewall:  
In accordance with 3 M.R.S.A., Chapter 3, section 51, and with Joint Rule 38 of the 109th Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Gary F. Thorne of Old Town to the position of Alternate Public Member to the Maine Labor Relations Board.

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

YEAS: Senators 1  
Representatives 10  
NAYS: Senators 0  
Representatives 0  
ABSENT: Senators 2—Sen. Pray, Sen. Lovell  
Representatives 0  
Eleven members of the Committee having

voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Gary F. Thorne be confirmed.

Sincerely,  
**ROLAND SUTTON**  
 Senate Chairman  
**JASPER WYMAN**  
 House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Labor has recommended that the nomination of Gary F. Thorne be confirmed.

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

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

#### ROLL CALL

YEA — None.

NAY — Ault, Carpenter, Chapman, Clark, Collins, Conley, Cote, Danton, Devoe, Emerson, Farley, Gill, Hichens, Huber, Martin, McBreairty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Sutton, Teague, Trafton, Trotzky, Usher, Sewall.

ABSENT — Katz, Lovell, Silverman.

No Senators having voted in the affirmative and 30 Senators in the negative with 3 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 Gary F. Thorne is confirmed.

#### Committee on Labor

March 25, 1980

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

Dear President Sewall:

In accordance with M.R.S.A., Chapter 3, section 51, and with Joint Rule 38 of the 109th Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Edward H. Keith of Bangor to the position of Public Member to the Maine Labor Relations Board.

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

YEAS: Senators	1
Representatives	10
NAYS: Senators	0
Representatives	0
ABSENT: Senators	
2 Sen. Pray, Sen. Lovell	
Representatives	0

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Edward H. Keith be confirmed.

Sincerely,  
**ROLAND SUTTON**  
 Senate Chairman  
**JASPER WYMAN**  
 House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Labor has recommended that the nomination of Edward H. Keith be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on

Labor be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th Legislature, the vote will be taken by the yeas and nays.

A vote of Yes will be in favor of overriding the recommendation of the Committee. A vote of No will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question?

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

#### ROLL CALL

YEA — None

NAY — Ault, Carpenter, Chapman, Clark, Collins, Conley, Cote, Danton, Devoe, Emerson, Farley, Gill, Hichens, Martin, McBreairty, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Sutton, Teague, Trafton, Trotzky, Usher, Sewall.

ABSENT — Huber, Katz, Lovell.

No Senators having voted in the affirmative and 30 Senators in the negative, with 3 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 H. Keith is confirmed.

#### Orders of the Day

The Chair laid before the Senate:

Bill, "An Act to Amend the 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.

On Motion by Senator Emerson, of Penobscot, the Senate voted to recede from its action whereby it Indefinitely Postponed L. D. 1827.

On Motion by Senator Emerson, of Penobscot, the Senate voted to recede from its action whereby it Indefinitely Postponed Committee Amendment "A".

House Amendment "G" Read, on Motion by Senator Emerson of Penobscot, House Amendment "G" Indefinitely Postponed in non-concurrence.

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

Senator AULT: Mr. President I offer Senate Amendment "K" to Committee Amendment "A" under filing number S-519 and moves its adoption.

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

Senate Amendment "K" (S-519) to Committee Amendment "A" Read.

The PRESIDENT: The Senator has the floor.

Senator AULT: Mr. President and Members of the Senate: I certainly do want to commend Senator Emerson and his Transportation Committee on their diligent hard work in trying to find a solution to a 16.7 million deficit in the Transportation Department.

I propose this Senate Amendment as a solution to this problem after having seen the proposal that came, and was on our desks this morning which was Senate Amendment "H" which was accompanied with a fact sheet provided by Senator Emerson. This Amendment proposed to provide \$750,000 to help cover the deficit by taking \$500,000 from the boat fund and \$250,000 from the snowmobile fund.

I believe that now when the Maine Publicity Bureau and the State of Maine is trying to establish itself as a 4 season state, that the snowmobile fund and the boat fund are critical. That they should maintain their integrity.

I also understand that Senator Shute had another amendment that would reduce these sums but would still have robbed some money from the snowmobile and boat funds.

My amendment proposes not to take this money from these funds and to make up that \$750,000 difference by cutting an additional \$250,000 from Winter Maintenance and providing another \$500,000 by increasing the Certificate of Title fees \$2.00 apiece.

I urge passage of the amendment and would request a Roll Call.

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

Senator EMERSON: Mr. President, I am going to vote for this amendment, I would urge others to vote for it, but I am very frustrated, but I guess that I am smart enough to know after I get pounded enough to know when I am beat, and I think that I am beat here.

The amendment I talked about in our caucus and that I was going to propose took \$125,000 from the Snowmobile Fund for 1 year and it took \$375,000 from the Boat Fund for 1 Year. I sense that people are more interested in protecting their toys than they are in some other things.

It kind of frustrates me because Snowmobile people have a lobby and they will march up and down the halls here, protecting their funds, but we are apparently willing to put on a fee or increase for the same amount of money which will go on year, after year, after year and there is nobody looking after the common ordinary Joe, that is paying that. This bothers me some.

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

Senator KATZ: Mr. President and Chairman of the Transportation Committee is such a soft spoken gentleman that I had trouble understanding whether he said that he was backing away from his amendment, knowing that the handwriting was on the wall. If that is the case I would like him to say that again, or not say that again.

I would suggest in the words of the immortal American "We have not yet begun to fight." I think that there is a certain amount of courage in this Senate. I would like to find out where the priorities of the Senate are.

Whether they are with snowmobile or social services and roads, and bridges, and our commercial traffic, that is the life blood of our state. I would like to see where the vote is and I hope that he stands up and says let's go and see where the votes are.

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

Senator MCBREAIRTY: Mr. President and Honorable Members of the Senate. Many times we differ down here as to what is best for the State of Maine. Many times, it is because we live in different areas of the State of Maine and the economy is based on different things.

I just voted in favor of increasing the Maine Guarantee Authority Bonded Indebtedness Loans, or whatever you call it from \$2.5 million to \$7 million, because I was convinced that it might be an advantage to a town right now in the Southern part of the State.

Now I am sure that if you look out the window here today it would be hard for you to believe that where I live, that since November we have had good snowmobiling.

It would be hard for you to believe that many businesses in Northern Maine are based on the snowmobile businesses, that is hard to believe living here in Augusta, or Southern Maine, but it is. We have Sporting Clubs, we have snowmobile dealers, we have hundreds of jobs, in Northern Maine that come from the snowmobile business.

Now I am like Senator Ault, I think that Senator Emerson, has had the patience that many of us would not have to do what he has done, but living where I do, that Snowmobile Fund is important. There are businesses that have been started up, that depend on it, and if it is gone business is gone. Now, that is hard for you to believe down here in the Southern part of the State.

I think this road bill, we are not going to get a



bill, that will be any good for anybody. We are saying we are going to have a study and we are coming back in September, we are going to fix it all up. I think that we have got a choice of who are we going to hurt the most.

I think that we have had thousands and thousands of free hours put into the cutting of snowmobile trails in Northern Maine so that these businesses could survive from the people who come in to Northern Maine and do some snowmobiling. Some other part of the State it is skiing, some other it is boating in the summer time. This snowmobile funds in Northern Maine where I live is important and it is important to the businesses there and I hope that you do not take it away.

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

Senator EMERSON: Mr. President, I have been encouraged, the last 2 or 3 minutes and I have changed my mind. I am going to vote against this amendment.

In answer to Senator McBreairty, this amendment in no way or any amendment that I might present in no way takes any money away from the snowmobile people or the boat people that they have saved in the past. They will have those monies to use, it only takes \$125,000 away from the snowmobile people for 1 year. I do not believe that that would kill the industry.

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

Senator CONLEY: Mr. President and Members of the Senate: I spent a great deal of time this morning with the Senator from Penobscot, Senator Emerson, and with other members of this body, both with the Chief Executive and also meeting separately and we have been really working pretty hard.

I was somewhat surprised when I heard what I thought, the Majority Floorleader thought that he did not hear. I thought that we had all just come from the Augusta Mental Health Institute for a moment and we are all on 5 minutes leave. I know how hard the good Senator has worked over the months of this session trying to get a highway budget together. I am glad that sanity has been returned to all of us.

I would urge that the Senate vote against the pending amendment because I am sure that there is one that will be offered that perhaps it is not the best that we can offer but it is the best of both worlds.

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

Senator McBREAIRTY: Mr. President and Honorable Members of the Senate: We always have a hard time to refuse federal matching money. We spend money for all kinds of things because the Federal Government will match it. We spend it whether we need it or not.

Now this \$125,000 we are talking about, will be matched by local funds in my area and free work and donations by several snowmobile clubs, so that \$125,000 can be computed up into quite a considerable amount, of money.

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

Senator REDMOND: Mr. President and Members of the Senate: I will support Senate Amendment "K" presented by Senator Ault. I have very strong feelings about this amendment for the simple reason that other than coming to Augusta here my other job as most of you know is working for a bank up in Jackman. Under Title 36 which this Legislature enacted back in the 70's it was based on the finding of fact, that the Legislature hereby makes a finding of fact that the percentage relationship of gasoline tax paid by the segment of the non-highway gasoline user, the motor boat user is not less than 1% of the total gasoline tax. I know that you probably are all very familiar with this. Section 2903B relates to the non-highway and the snowmobile user as not less than 1/2 of 1% of the total gasoline tax.

Based on that the people up in the area that I serve have constructed their economy so they

can pay their bills, and live honorably. 50% of the economy of the Moose River, Jackman, Dennistown, areas, Rockwood depend entirely upon this winter business.

This is the reason why I am so interested in this. I have seen these people gathering snow off the revenge in order to have some snow to maintain the reputation of the winter wonderland of the State in that area. I have seen them work nights for days and days when they had some national events that were taking place in Jackman and they did and they built a business and they are living very honorably and they do not have to draw any unemployment checks.

Now this I believe those who try to compare the highway with the riding on snowmobiles, I do not think that it is very fair, because this is the recreational business which this Legislature has authorized to spend millions and millions, and millions of dollars over the years to advertise this State, as recreational area. I do not think that it is fair at all to try and compare riding on a snowmobile, why don't you say riding in airplanes, how many people ride in airplanes over this state here, for pure amusement?

Ladies and Gentlemen of the Senate I am very much concerned about our highways, our industries, the trucking industry, everyone in the State is concerned, we do not want potholes. I think that it is a very difficult task to try and find funds for this department without any money it is deplorable to find ourselves trying to rob from one to give to the other one. However I think that we have come to a compromise and this bill sounds very reasonable and I hope that you will vote for the amendment that Senator Ault has presented.

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 always marvel at the Senator from Somerset, Senator Redmond when he rises to speak in concern of Moose River comes back every time. I think that we have addressed the Forest District Tax, and numerous other things that relate to Moose River and I think that the Senator should be commended for his concern for the people in his district.

In looking over this wide variety of amendments to this bill that have been at least reprinted and supposedly a number of them will be offered today. I notice that on a number of proposals that the bottom-line figure is the same. So basically what we are debating as to where that money is going to come from. So far I have heard that one proposal and what we are attempting not to take that money from, is the snowmobile account, that is a segment of our society which I am well aware of. I have spent a lot of time over the weekend talking with them, in reference to the financial situation of the Highway Department and where priorities should lie and where the funds should come from.

In attempting to look at the amendment "K" and I was reading the fact sheet on amendment "J" I found out that I was rather confused particularly when I also tried to compare Senator Emerson's and Senator Shute's amendments to the same proposal. I would appreciate it if someone, perhaps the sponsor of Senate Amendment "K" could tell me where his amendment differs since the bottom-line figures are the same, as to where he picks up the additional amount of revenues which would not be coming out of the snowmobile account, because somewhere in through here I have the feeling that the people of the State of Maine are going to pay one way or the other, I think that we shouldn't just concentrate on the snowmobile account but that we should look at the total parameter of what we are talking about.

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

Senator AULT: I apologize to Senator Pray. I thought that I had explained that to him ear-

lier.

It will provide me with a chance to point out a couple of other things. I have one fact sheet on your desk which is marked corrected copy up in the right hand side, and I would like to point out to you that I propose to reduce the Winter Maintenance by a lesser amount than Senator Emerson's amendment does, for those of you who are concerned with Winter Maintenance. That is the \$25,000 that makes up for what was going to be taken out of the snowmobile fund. The \$500,000 that was going to be taken out of the boat funds is made up by the fee increase in Titles for Motor Vehicles.

While I am on my feet I would also like to point out if I may that as far as I am concerned, Senator Emerson's amendment proposes a gas tax increase in that it takes money away from the snowmobile funds and the boat funds that was to be returned to them and puts it in the Highway Funds. Whereas my bill, provides for a fee increase which I would think would be more acceptable to the Governor.

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

Senator TEAGUE: In the Committee Amendment presented by Senator Ault, I am looking at line 9 and it says: Winter Maintenance and in the actual reduction in his bill it says \$975,000 for the year 1979-1980. In the amendment sponsored by Senator Emerson in that same line, Winter Maintenance it says, actual reduction for 1979-80 is \$725,000 that is a \$250,000 difference and I would like to know which is the correct figure?

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

Senator AULT: I believe that Senator Teague is looking at the fact sheet that Senator Emerson distributed this morning for his earlier amendment and if you look at this amendment this afternoon the figure instead of being \$725,000 is \$1,000,000.

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

Senator EMERSON: Mr. President and Ladies and Gentlemen Confusion reigns. Forget the amendment that I was going to present this morning.

If I have a chance I am now going to present the Shute-Emerson Amendment, and I think that there will be plenty of people who want to do that.

I do not know where the figures between Senator Ault's amendment and mine vary in the manner of winter maintenance, because each of these whether you take it out of snowmobile and boat funds or whether you take it out of increased fees, the increase in income is 1/2 million dollars. So there is something wrong with the figures that somebody has prepared for us. They both should be the same, regarding winter maintenance, because we are getting income at the amount of 1/2 million dollars, both ways.

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

Senator O'LEARY: It is interesting Mr. President that there is nothing in here about snowmobiles the funds or anything else and I don't suppose that we should be discussing that for the issue is not snowmobile trails, versus our highways.

Mr. President, I oppose this amendment for a number of reasons. It attempts to take out of the State Police a mere pittance of approximately \$700,000, and it increases the costs to the municipalities in the State Highway Aid Construction by another \$695,000 a loss to the town of another \$200,000 in the Town Road Improvement Fund.

It never ceases to amaze to me Mr. President the operations of the Maine Senate. I have an amendment lying around here for a couple of weeks and it seemed all of a sudden there was a little bit of interest generated in it. It seems that last week the Maine Municipal Association was highly supportive of my amend-

ment and it looked like things might go.

Mr. President and Members of the Senate, the bottom line is the savings of \$990,000 in a State Police part of the allocations, but we're only going for around \$700,000. Mr. President, if I get an opportunity to present my amendment, I will hit it for \$1,000,000 which is close to the actual figure that is saved and through attrition there will be another 8 State Troopers that will leave and thus leaves plenty of opportunity for the department to operate. Whereas there is a total of 527 people within the Department of Transportation, who are eligible for retirement and through attrition there will be another savings of \$600,000. So we would not have to worry about the Snowmobile Fund, we would not worry about taking away on Highway State Aid Construction. We would not take from the Highway Town Road Improvement Fund. Mr. President, I move the Indefinite Postponement of this Senate Amendment "K".

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

Senator FARLEY: Mr. President and Members of the Senate: In order to pass the highway budget all of us are going to withstand a little bit of pain. Nothing here is perfect, all of us, those concerned about the snowmobilers, well I'm concerned about the license fee increase, and the driver examination fee increase. We're here for 2 months trying to get something passed. Now I'm telling you we're all going to have to compromise to get something done.

Senator Emerson and the Transportation Committee have worked and worked and worked. Something for us acceptable for all of us. While I'm discussing this we've been trying to find money here one way or the other, for different reasons, either the Highway Fund or the General Appropriations Bill. Whether we realize it or not there are millions of dollars that belong to the State of Maine right out there in the State of Maine everyday. Let me give you an example.

When one of us has an accident with an older automobile and we file for a claim of \$900, we get the estimates, we sent them into the insurance company. The insurance company sends you a check for \$900 plus \$45 in sales tax. The man doesn't have his car fixed. He takes the \$45 right here in the State of Maine and puts it in his pocket.

Now you want to find some money that's available out there. There is millions out there.

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

Senator REDMOND: Ladies and Gentlemen of the Senate: I'll be very brief. I am willing to compromise on many occasions, but if any of you in this body of government is willing to compromise on something that's going to risk half of your occupation that provides your bread and butter, you go ahead and toy with taking money out of this Title 36 fund where these honest people are making an honest living.

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

Senator MARTIN: Mr. President, and Ladies and Gentlemen of the Senate: I wasn't going to speak on this issue today because of the more I hear I feel I have to. I'm one of those residents of Northern Maine where there is quite a bit of snowmobile activity. I'm also one of those small businessmen that the Senator from Aroostook Senator McBreairty alluded to. I own a restaurant that would probably benefit by Senate Amendment "K". I own a store that certainly would benefit by Senate Amendment "K".

I think the issue here this afternoon is priorities. We have to set priorities. Obviously in Northern Maine we have a lot of snow. Winter maintenance is expensive. TRI is very important. Social Services are very important. For this reason, Mr. President, I'm going to support the pending motion to kill Amendment

"K" and put it in its proper place.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: Just a point of clarification in listening to this debate. Does Senate Amendment "K" offered by the good Senator from Kennebec, Senator Ault, preserve the integrity of the snowmachine and boat account in its entirety?

Secondly, does the amendment that's being discussed by the good Senator Emerson, is this on anticipated revenues for the \$125,000 without dipping into the existing amount of funds that are available at the present time?

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

Senator AULT: I'd answer the first question in the affirmative. It does maintain the integrity of those 2 funds. While I'm on my feet I would urge you to vote against Indefinite Postponement and would request a Roll Call.

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

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

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

The pending question before the Senate is the motion by the Senator from Oxford, Senator O'Leary that Senate Amendment "K" 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 — Collins, Conley, Cote, Danton, Emerson, Farley, Gill, Huber, Katz, Martin, Najarian, O'Leary, Pray, Teague, Trafton, Trozky, Usher.

NAY — Ault, Carpenter, Chapman, Clark, Devoe, Hichens, McBreairty, Minkowsky, Perkins, Pierce, Redmond, Shute, Silverman, Sutton.

ABSENT — Lovell.

17 Senators having voted in the affirmative and 14 Senators in the negative, with 1 Senator being absent, the Motion to Indefinitely Postpone Senate Amendment "K" (S-519) does prevail.

The Chair recognizes the Senators from Penobscot, Senator Emerson.

Senator EMERSON: I now offer Senate Amendment "L" to Committee Amendment "A" and move its adoption.

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

Senate Amendment "L" (S-520) to Committee Amendment "A" Read.

The PRESIDENT: The Senator has the floor.

Senator EMERSON: Mr. President and Ladies and Gentlemen very briefly I'd like to explain this amendment. This amendment contains the same license and licensing fees that the Governor recommended originally. It includes a license fee for motorcycles of \$50,000.

Then if you happen to have Committee Amendment "L" in your hand, as far as the boat fund is concerned the boat fund presently is supplied with revenue by taking 1 1/4% of the gas tax, goes into a boat fund. From this fund the commercial fishermen are able to get their gas tax rebates. With any monies that are left, 20% goes to Marine Resources for research and 80% goes into Parks and Recreation.

This amendment would allow 1/2 of a percent to go into this fund. This would be a sufficient amount of money for commercial fishermen to get any gas tax rebates that were coming to

them and it would allow monies to go into Marine Research. This is only for 1 year, for the fiscal year 80-81.

As far as snowmobiles are concerned they presently get one half of one percent of the gas tax revenues. For one year this would allow them to get 1/4 of 1% which would amount to \$125,000.

Now as far as the cuts in the department are concerned this amendment would take \$225,000 out of the Motor Vehicle Department, would take \$400,000 out of the State Police and that would cause a lay-off probably up to maybe 15 State Police, through attrition, not a lay-off.

We would take \$300,000 from planning \$400,000 from administration for the department. The same as the Governor's proposal there would be a de-allocation of \$7 1/2 million from the State Aid Account. We would reduce the State Aid that goes to the towns for a total of \$695,000. We would restore all the Town Road Improvement Money, except \$200,000. Currently there is \$1,000,000 goes into Town Road Improvement. The Governor recommended nothing. This would restore \$800,000.

We would cut summer maintenance by \$2,000,000, winter maintenance by \$1,475,000, Bond Interest and Retirement by \$1,000,000 and Highways and Bridges by \$500,000. This is a compromise, that is a compromise of a compromise. Maybe a compromise of 2 or 3 compromises, but it seems to be what will affect the people that are involved the least. I urge you to support it.

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

Senator O'LEARY: Mr. President, this proposed amendment there is approximately a 60% increase in license fees. It still takes money out of the State Aid Construction. It still takes money out of the Town Road Improvement. It still leaves too much money in the State Police Account that's not to be used and doesn't return any into the General Fund. It does use the snowmobile money. It does use boat money. It reduces purportedly for one year the amount of money going into the fund.

Mr. President, I've been around here long enough in my 5 terms to know that once one Legislature does one thing it's awful hard to overturn that. So I move the Indefinite Postponement of this amendment.

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

Senator KATZ: Mr. President, Ladies and Gentlemen of the Senate: This Emerson amendment is a combination of many many hours of negotiation, compromise, yielding. It represents the best hope for us to get a consensus out of the Senate.

14 men and women of good faith voted for the Senator from Kennebec, Senator Ault's amendment. The position did not prevail. Your position is respected, but now as we move away from Senator Ault's amendment to the amendment offered by Senator Emerson, I ask all members of my Party to get behind the compromise.

The other point of view had a day in court. It failed. We've got to get on and do the people's business. I would hope that members of my Party would get solidly behind and oppose the Motion to Indefinitely Postpone.

Let me offer another invitation to the good Senator from Oxford, Senator O'Leary, who has been so conscientious in dealing with Highway matters that as this Roll Call evolves and I request a Roll Call, that he follow the pattern of voting. If it appears from the Roll Call, that this bill is going to be overwhelmingly accepted and this motion overwhelmingly defeated that he might be willing to join us to present a feeling of unanimity for those down at the other end of the corridor. This is very tenuous, it's very risky waters in which we're sailing. We've got to ultimately fund this program.

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 O'Leary of Oxford, that Senate Amendment "L" 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 — Carpenter, Cote, O'Leary, Redmond.

NAY — Ault, Chapman, Clark, Collins, Conley, Danton, Devoe, Emerson, Farley, Gill, Hichens, Huber, Katz, Martin, McBreairty, Minkowsky, Najarian, Perkins, Pierce, Pray, Shute, Silverman, Sutton, Teague, Trafton, Trotzky, Usher, Sewall.

ABSENT — Lovell.

4 Senators having voted in the affirmative, and 28 Senators in the negative, with 1 Senator being absent, the Motion to Indefinitely Postpone does not prevail.

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

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

Sent down forthwith for concurrence.

The Chair laid before the Senate:

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—Earlier in the Day by Senator Pierce of Kennebec.

Pending—Acceptance of Either Report.

On Motion by Senator Hichens of York, 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.

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

The PRESIDENT: Senator McBreairty moves that the Senate Reconsider its action whereby it adopted Committee Amendment "A".

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: I object and would request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion to Reconsider Adoption of Committee Amendment "A" please rise in their places to be counted.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, by the nature of the motion pending I would presume that the amendment offered by the good Senator from Aroostook, amends the amendment.

The PRESIDENT: The Chair would answer in the affirmative.

Senator KATZ: So if Senator McBreairty wishes to support his own amendment he's going to have to support reconsideration of the pending amendment.

The PRESIDENT: The Chair would advise the Senate that inadvertently Committee Amendment "A" was Adopted, and the Senator from Aroostook's amendment is to Committee

Amendment "A". So the Senate would have to Reconsider adoption of Committee Amendment "A" in order for the Senator from Aroostook, Senator McBreairty, to offer and to adopt Senate Amendment "A" to Committee Amendment "A". At the present moment Committee Amendment "A" is insulated.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, and Ladies and Gentlemen of the Senate, just to clarify this issue, I'm not mixed up at all. I know exactly what it is that has happened. I do oppose the good Senator's amendment. So I would appreciate it very much if you would not move to Reconsider.

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

Senator TROTZKY: Could I pose a question to the Secretary of the Senate, just to what the Filing Number of the amendment is. So we have some idea of whether we want to Reconsider or not?

The Filing Number (S-503) Read.

#### Senate At Ease

The Senate called to Order by the President.

On motion by Senator McBreairty of Aroostook, the Senate voted to Reconsider its action whereby it adopted Committee Amendment "A".

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

Senator McBREAIRTY: Mr. President, Honorable Members of the Senate, I present Senate Amendment "A" to Committee Amendment "A" and move its adoption.

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

Senate Amendment "A" (S-503) to Committee Amendment "A" Read.

The PRESIDENT: The Senator has the floor.

Senator McBREAIRTY: Mr. President, and Honorable Members of the Senate, I have the floor but I'm not sure what I'm supposed to do. If it's to defend the amendment or tell what it does, it amends out the Maine Guarantee Authority and the 9 Member Board that's to administer the Loan.

I called the Commissioner yesterday, and asked if he wanted me to present this amendment, and he said that he did, so, I've done so.

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

Senator CARPENTER: Mr. President, and Ladies and Gentlemen of the Senate. I am afraid rather futilely I am going to protest this amendment and would ask for a Roll Call on acceptance of the Committee Amendment.

I do understand that I probably will lose this as this is very objectionable to the good Senator from Aroostook, Senator McBreairty. Many people within this bill included in the Committee Report that came out of the Committee that we just accepted is apportioned which does allow a bank to get a guaranteed loan, to approve a loan to a farmer which then could be guaranteed by the Maine Guarantee Authority.

If you think back to the last session the 109th we had a similar measure before us and it did die. I have no illusions whatsoever. I just think it's too bad that we worked very hard on this bill putting this bill together, and the committee was unanimous minus one. We had some of the most powerful lobbying groups in the State including the Maine Farm Bureau who were very supportive of it. Now they've turned around and we have a considerable division.

I do understand however that with this portion in the bill that the bill is in more jeopardy than it is without it. So I would simply ask for a Roll Call on acceptance of the amendment.

The PRESIDENT: The Chair recognizes the

Senator from Aroostook, Senator McBreairty.

Senator McBREAIRTY: Mr. President, and Members of the Senate, in the past few years we have had many auctions in Aroostook County held by FHA. We've had acres and acres of ground covered with farm machinery and most of it goes to Canada.

If our reorganization bill does what the Commissioner feels it will and he can pull the farming industry together so that we are working as a team, there may come a time when the State of Maine might want to get into financing farm machinery and farm loans, but until that happens I think it's a pretty risky business, and would rather not see the State get into it at this time.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: You may recall originally when this bill was brought before the Senate, I had reservations about a reorganization bill at the present time. I guess the reservations stem from the fact that we were in the process of analyzing the Department of Agriculture through the Audit and Program Review Committee. Several things have come out of this. I guess at the time I felt generally that reorganization was not in the best interest of the farm people in the State of Maine.

Later on during the month of February I happened to come across an article in one of our leading newspapers which analyzed this particular bill in its present posture as such. "The Agricultural Development Act, a piece of omnibus reform Legislation hatched in Augusta, is a master plan for rural Maine that invests in the State Agricultural Commissioner enough generalized powers to render him a country czar". This particular term frightened me a little bit because I'd never want to see that kind of power vested into any department head in the State of Maine, especially if we are trying to revitalize agriculture in the State of Maine.

He goes on to state: "in addition the Commissioner shall be responsible for the development of all aspects of rural life and the health, safety, welfare of Maine's rural community. The Commissioner shall take such action as he deems appropriate to preserve and enhance the quality of life of Maine farmers in rural communities, as well as of the other people of the State who benefit therein, directly or indirectly. Overall this Agriculture Reform Act is a bureaucrats dream, a blank check for the eventual drafting of any and all departmental regulatory initiatives, deemed worthy by the Maine Commissioner of Agriculture".

Now it has been stated previously that I am no farmer. I admit to that wholeheartedly. I know maybe I should not get involved in these particular issues, but I do have quite a bit of farm country in my Senatorial District and I guess I just want to alleviate some of the feelings and fears that have been expressed by others as to the scope and magnitude of this particular bill. Will it or will it not create a regulatory czar in the Department of Agriculture?

I realize we're in the last day of this particular session, hopefully. I never want to see anything go through quickly which would not be in the best interest of my district or the people of the State of Maine in general. I would hope possibly before this bill goes too much further that someone on the Committee on Agriculture who heard this bill in depth could clarify this particular issue and then I think we might feel a lot more secure to go from that particular point.

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

Senator CARPENTER: Mr. President, just to deal with the situation that the good Senator from Androscoggin brought up, we are not dealing with the bill at this moment. We are dealing with a particular amendment. I'd be glad at a later time to debate that issue but I'd

rather get the amendment out of the way and find out where we are or where we are not.

The bureaucracy question was raised by the Bangor Daily News, I'm very well aware of that. That is the question that was raised during committee work, committee hearings, and everything else, and I will deal with that.

Mr. President, I just want to clarify one thing in reference to the remarks of the good Senator from Aroostook, Senator McBreaarty, I just spoke with a representative in Commissioner Smith's Office. He does support the section of the bill that the good Senator is trying to amend out and did not wish this section to be taken out of the bill, but he like I can count. So we're very well aware of exactly where the numbers are in here but I just wanted to make sure it was very clear that he is not in favor of taking those sections out of the bill. By the same token he's not willing to come over here and perhaps lose the whole bill fighting over that section.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: Regardless of what the good Senator from Aroostook, says I think this particular amendment whether it's amended in or amended out is of paramount importance to the entire scope and magnitude of the bill. I think before we vote on this particular amendment that if he feels like clarifying it this is the time to do it.

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

Senator HICHENS: Mr. President, I'll agree with the good Senator from Aroostook, Senator Carpenter, that this section, which the good Senator from Androscoggin is relating to does not have anything to do with the amendment which we're speaking about right now. It will deal with the committee amendment and we'd like to discuss that later but the amendment right now is regarding the Maine Guarantee Authority and the financing of loans to people throughout the State.

I again agree with the good Senator from Aroostook, that the Commissioner does not want this taken out. He realizes that if it might jeopardize the whole bill that maybe it should be taken out, but he does not personally want it taken out because he realizes that following the recommendations of the Study Committee of the Maine Food and Farmland Study that this is an imperative part of encouragement for farmers or prospective farmers in our state to be given a chance.

This afternoon we've just voted on the Maine Guarantee Authority increase to help businesses. I think this part of the bill would help farmers get established in the State. So again I hope you will vote against the good Senator's motion from Aroostook, Senator McBreaarty, and have this portion remain in the bill.

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

Senator KATZ: Mr. President, the fact that this bill was accepted on a Committee Report and was moving along ought to say something, that there has been an extraordinary accommodation. 24 hours ago the likelihood of any accommodation was very, very slight. Just to put things in a perspective as to whether or not the passage of this amendment may jeopardize the bill, I'll say it darn well will jeopardize the bill, if it doesn't pass. So I'd ask you in the spirit of compromise to accept the amendment and let's move along and do what we thought was not possible yesterday.

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

Senator McBREAIRTY: Mr. President, and Honorable Members of the Senate, I hope that I didn't confuse people when I said that I called Commissioner Smith and asked if he wanted me to present this amendment, and he said Yes. That's what I intended to convey to you

people. I didn't ask him whether he favored it or not. I just asked him if he wanted me to present it, because he knew I had it and he said Yes. That's all I know about it.

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

Senator CONLEY: Mr. President and Members of the Senate: The good Senator from Kennebec, Senator Katz, has laid it right on the line. There's no question about it. If there is one issue that has had my hair curling the last week it has been this particular bill.

Yes, we'd like to have the whole bill. We'd like to have the original bill. The original bill called for an expenditure of over \$615,000 to reorganize or to organize the Agriculture. The fact is that we realize also too and the Governor does I'm sure that the bill as it now stands, it was figured that it's going to get this program going forward. Lord knows that the agriculture in this State needs some beefing up. So I would urge the Senate again as a final compromise to vote for the amendment pending before this Senate.

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

Senator CARPENTER: I request Leave of the Senate to withdraw my request for a Roll Call.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, requests Leave of the Senate to withdraw his request for a Roll Call.

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

It is a vote.

The Chair will order a Division.

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

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

19 Senators having voted in the affirmative, and 6 Senators in the negative, Senate Amendment "A", to Committee Amendment "A" is Adopted.

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

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

Sent down forthwith for concurrence.

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

#### Communication

#### Committee on Audit and Program Review March 25, 1980

The Honorable Joseph Sewall  
President of the Senate  
State House  
Augusta, Maine 04333  
Dear President Sewall:

The Committee on Audit and Program Review 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 1  
Divided Reports 1

The Committee has also held fourteen public hearings in preparation for its report to the 110th Maine Legislature under the requirements of the Maine Sunset Law.

Sincerely,

Senator JAMES McBREAIRTY  
Senate Chairman

Which was Read and Ordered Placed on File.

#### Enactor

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

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Cumberland County for the Year 1980. (H. P. 2022) (L. D. 2031)

This being an emergency measure and

having received the affirmative votes of 24 Members of the Senate, with 4 Senators voting in the negative, was Finally Passed 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 Cumberland, Senator Conley.

Senator CONLEY: Mr. President, Under Suspension of the Rules, I move that this bill be signed by the President and sent forthwith.

The PRESIDENT: The Chair would advise the good Senator from Cumberland, the good Minority Floorleader, that the President has every intention of signing that bill forthwith and sending it immediately out of the Chamber.

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

#### Order

An Expression of Legislative Sentiment recognizing:

Cora Horton, of Blue Hill, on the 90th anniversary of her birth. (S. P. 818) is presented by Senator Perkins of Hancock, (Cosponsor: Representative Bordeaux of Mount Desert).

Which was Read and Passed.

Sent down forthwith for concurrence.

#### Senate at Ease

The Senate called to Order by the President.

#### Committee Report

#### House

#### Divided Report

Ten Members of the Committee on Taxation on, Bill, "An Act to Exempt from Maine Income Tax Interest Earned on Accounts in Maine Financial Institutions." (H. P. 1722) (L. D. 1826)

Report in Report "A" that the same Ought to Pass as amended by Committee Amendment "A" (H-973).

Signed:

Senators:

TEAGUE of Somerset  
CHAPMAN of Sagadahoc  
CLARK of Cumberland

Representatives:

CARTER of Bangor  
COX of Brewer  
IMMONEN of West Paris  
TWITCHELL of Norway  
POST of Owl's Head  
LEONARD of Woolwich  
WOOD of Sanford

Two Members of the same Committee on the same subject matter report in Report "B" that the same Ought to Pass as amended by Committee Amendment "B" (H-974).

Signed:

Representatives:

BRENERMAN of Portland  
KANE of South Portland

One Member of the same Committee on the same subject matter reports in Report "C" that the same Ought Not to Pass.

Signed:

Representative:

MARSHALL of Millinocket

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

Which Reports were Read.

The Ought to Pass, as amended, Report "A" 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.

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

Senator CONLEY: Mr. President, I would pose a question to the Chairman of the Joint Standing Committee on Taxation and ask what

the loss of revenue is on this particular bill?

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

Senator TEAGUE: On the Committee Amendment "A" the loss is \$2.7 million.

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

Senator KATZ: Mr. President, would I presume this will go on the Appropriations Table prior to Enactment?

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

Senator HUBER: Mr. President and Members of the Senate: I believe the good Senator from Kennebec presumes correctly.

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

Sent down forthwith to the Engrossing Department.

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 Appropriate Money for the Maine Energy Resources Development Fund and to Permit the use of Those Funds for Demonstration Projects." (H. P. 1713) (L. D. 1819)

In the House, March 4, 1980, Passed to be Engrossed as amended by Committee Amendment "A" (H-811).

In the Senate, March 5, 1980, the Majority Ought Not to Pass Report, Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted.

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

Senator TROTZKY: Mr. President, this bill has a price tag of \$200,000 on it. I move the Senate Adhere to its position.

The PRESIDENT: The Senator from Penobscot, Senator Troitzky, moves the Senate Adhere.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I have the greatest respect for that outstanding Senator from Penobscot, Senator Troitzky, but I think he's somewhat of a liberal. He just voted for a \$2.7 million bill and this little horse chestnut only is going to be \$200,000. Therefore I would move that the Senate Recede and Concur.

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

Senator O'LEARY: Mr. President, as a Member of the Committee on Energy and Natural Resources I remind this body that all 3 Members of this body as well as the Majority voted Ought Not to Pass on this Report. At the time that I moved the acceptance of the Ought Not to Pass Report a month and a half or so ago, in the statement I made on this Senate floor was that they had the funds available to do this. This wasn't necessary. There has been placed on everyone's desk for 1980 Appropriate Technology Small Grants Program New England Region, United States Department of Energy. There's no need for this bill.

The PRESIDENT: Is the Senate ready for the question.

The Chair recognizes the Senator from Penobscot, Senator Troitzky.

Senator TROTZKY: Mr. President, I request a Division. But I would also like to state that we put a freeze on the Energy Office. They've got already \$1.7 million, got 47 employees. Let them do with what they have. Enough is enough!

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion of Senator Conley of Cumberland to Recede and Concur, please rise in their places to be counted.

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

12 Senators having voted in the affirmative, and 17 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.

#### Joint Orders

Expressions of Legislative Sentiment recognizing:

The Bangor and Aroostook Railroad Company for transfer of their ownership in the model train used at Montreal World's Fair to the State of Maine. (H. P. 2040)

Clarence H. "Slim" Prescott, life-long resident of Dexter, who recently retired as Chief of the Dexter Fire Department after 38 years of dedicated service. (H. P. 2045)

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

#### Enactor

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

AN ACT Relating to Bonds and Notes Issued by Sanitary Districts. (H. P. 1588) (L. D. 1808)

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

Senator CONLEY: Mr. President and Members of the Senate: This bill got lost somewhere along the way, but I hope that the Members of this Senate will not forget the debate that took place with respect to this bill.

One of the big objections that I have against this Legislation is that it does not allow the voters of the community dealing with the sanitary district the opportunity of initiative referendum on the bonds. I would remind the Senate that it's practically the same body who a couple of years ago wanted to put ceiling caps not only on State Government but also on Local Government.

Yet we have a body such as these sewer districts that are responsible almost to no one. In fact we've been told that in many cases, these people are appointed as commissioners. It seems to me that for the protection of those residents, that reside in districts such as these that they should be given that opportunity. Therefore I will vote against the Enactment of this bill. I would request a Division.

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

Senator DEVOE: Thank you very much, Mr. President, Mr. President and Members of the Senate: No testimony at the hearing on this particular bill was presented that would give any support for the views just expressed by the Senator from Cumberland, Senator Conley.

My recollection of the testimony at that hearing dealt with the technical aspects, the wording of different sections of the statute. The aim of this bill is to permit sanitary districts to get slightly lower borrowing costs so that the rate payers in the district will get the benefit of lower interest rates on bonds and notes that are issued by the district.

There was no testimony that would give any credence to the views expressed by Senator Conley, that district trustees are being irresponsible. We have 8 to 10 sanitary districts in this State. There was not one shred of evidence offered by anyone around this State that the trustees of their particular district were in fact being irresponsible.

There was further testimony at the committee hearing dealing with the fact that virtually everyone of these projects that cause a district to borrow on either bonds or notes are mandated whether by State Projects what we ourselves have passed, under our Environmental Statutes, or various Federal Environmental Statutes.

So there is no real thing to be gained by putting these out to referendum. The Federal procedure requires that full notice be given at various stages of the development of the plan

locating the site, the route to be followed, the location of the plant. The Federal requirements certainly require notice to the residents of the district. Plans are always available at the District office for review by citizens and for input by citizens.

Members of the Senate, I urge you very much to vote for the passage of this bill.

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

Senator CONLEY: Mr. President, there is something about this particular bill that bothers me. I can't put my finger on it. We presently have enabling legislation on the books. This bill comes in and practically strips that whole section of enabling legislation. I honestly can't see what great difference there is in the present legislation that's on the books, than the bill before us. There is something there.

This bill came to the Legislative Council to be introduced late in the session. People from the Scarborough area from whence this bill initiated have called me at my home on weekends. They have come up here to Augusta. They are concerned about this present legislation.

Now, if there's no fear with respect to this bill, and the fact is that we presently have enabling legislation on the books, would the good Senator from Penobscot, Senator Devoe, please explain why these people are so upset?

Secondly, I just feel that if people within the community that apparently are very, very seriously concerned with respect to this bill that they should be given that opportunity. Secondly, it was my understanding that members of the Joint Standing Committee on Public Utilities Committee, that many of them favored incorporating within this statute or within this particular bill exactly what I have stated, a 'referendum clause.'

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

Senator DEVOE: Thank you very much, Mr. President, I do not understand why the people of Scarborough were so upset on this particular bill. What testimony there was by the people of Scarborough dealt as I recall it with the location of the treatment plant that is to be built by this district.

There was also in committee some preliminary discussion of the possible desirability of having a 'referendum provision'. The first discussion dealt with whether we should have a 'referendum provision' for every project, whether it's mandated by State Law, by Federal Law or a simple need to expand the service area of the district that is not prompted by State or Federal Laws but simply by local growth.

A member of the committee is a soil scientist and he has dealt with other districts in his professional capacity as a soil scientist, was quite familiar with the notice provisions that are in the Federal Laws dealing with Environmental Projects. He convinced the committee that under existing federal rules and regulations there was more than ample opportunity for members or residents in a sanitary district area to acquaint themselves with the details of the planned project, to have input, to attend meetings, question the trustees, and in general to have their views heard.

Now when a district hears the views of the local population that does not necessarily mean that the trustees have to change around the project. It means that there is an opportunity for the trustees to consider the wishes of the people in the district.

Now when the testimony was presented or the discussion in the committee was presented by Representative Brown, the committee decided that in view of existing federal rules and regulations it would not be necessary to write a 'referendum provision' in the statute, in the proposed law. So that's why we did not incorporate this 'referendum provision' in the L. D. as we passed it out.

Now, as has happened in the past, ideas

which are discussed in the committee and ultimately rejected work their way to the floor of the House or the Senate, and I'm happy that you, the good Senator from Cumberland, Senator Conley, raised this because I think it's valuable for the Members of this body to hear that we did fully, in my opinion, discuss this. Mr. President, I would like to request the Secretary to advise us whether the report was unanimous or whether it was divided. If it was divided would she read the names signing the jacket Ought to Pass?

The Committee Report was Read.

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

Senator DANTON: Mr. President, and Members of the Senate, the Committee Report on a bill of this nature really is of no consequence, because it's a local bill really and I have served on committees when local bills have come in and I've signed them Ought to Pass. Here's where you debate the issue.

Now I would like the Senator Devoe from Penobscot perhaps can get up after I get through and explain as to why this bill was introduced and let me tell him why the people in Scarborough have some objection to this bill. They have objection because they have absolutely nothing to say as to how much money this district can go out and borrow and spend indifferent to a project or plants or whatever, that has to be done with the sewer system. This is what their complaint is.

They're not opposed to a sewer district. They just want to be able to vote as to whether the project that they are recommending for their town is a feasible one or not. That's all the objection that I have got from citizens of Scarborough.

Now I know in my City of Saco before a school can be built, before the Sewage Treatment Plant was built we had to go to referendum. Before any expenditure over \$50,000 is allowed we have to go to referendum. This is a carte blanche. This is an open-ended situation for this sewer district. This is the concern that the citizens of Scarborough that have contacted me. They have nothing against sewers. In fact they would like to see the whole sewer. The only thing is who is going to ultimately pay for this. The taxpayers are going to pay for it.

This is their objection to this bill. One, it raises the limit if I understand it correctly. Two, it does not have the 'referendum clause' in there and they would like to have it there.

The PRESIDENT: Is the Senate ready for the question? The Chair recognizes the Senator from York, Senator Danton.

Senator DANTON: Mr. President, could you please tell me what the pending motion is?

The PRESIDENT: The pending motion is Enactment.

Senator DANTON: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Enactment of L. D. 1808, 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, L. D. 1808 is Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### 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:

#### Papers From The House Joint Order

ORDERED, the Senate concurring, that in accordance with emergency authority granted under Title 3, section 2 of the Maine Revised Statutes, the 2nd Regular Session of the 109th

Legislature shall be extended by 3 additional legislative days to be held on March 26, 1980 and on April 2 and 3, 1980. (H. P. 2042)

Comes from the House, Read and Passed.

Which was Read.

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

Senator KATZ: Mr. President, I would like to urge all my good friends who have gone through so much in the last couple of days not to be discouraged, we have hit a little bump in the road, and we ask you to help this Joint Order so we can prevail on the morrow.

Which was Passed, in concurrence.

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

Senator SILVERMAN: To extend the session does it take a two-thirds vote?

The PRESIDENT: The Chair would answer in the affirmative, two-thirds of those Members present and voting.

#### Senate At Ease

The Senate called to Order by the President.

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

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