

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 26, 1980
Senate called to order by the President.

Prayer by the Honorable Samuel W. Collins, Jr., of Rockland.

Senator COLLINS: A picket frozen on duty, a mother starved for her brood, Socrates drinking the hemlock, and Jesus on the road. And millions who humble and nameless, the straight hard pathway trod, some call it consecration, and others call it God.

May the spirit of forbearance be in our heart as we conclude our duties this day. Amen.

Reading of the Journal of yesterday.

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

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

In the House, March 19, 1980, Passed to be Engrossed, as amended by Committee Amendment "A" (H-812) as amended by House Amendments "E" (H-968) and "G" (H-947) thereto, in non-concurrence.

In the Senate, March 25, 1980, Passed to be Engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "L" (S-520) thereto, in non-concurrence.

Comes from the House, that Body having Insisted.

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

Senator KATZ: The fact that it took the Secretary extraordinarily long to read this Non-concurrent matter, I think, reflects the enormous attempts that we have made to accommodate and respect the views of one another.

Last night in this body the Senate voted by a margin of 28 to 4 to send this bill along to the House, prior to Final Enactment, an overwhelming vote. A vote that represented an enormous amount of accommodation. A sense of compromise in the best possible sense.

Unfortunately we now have it back to us in non-concurrence. It has been suggested that we remove Senate Amendment "L" and put on Senate Amendment "M" or "N" or "O" or "P" to accommodate another point of view, another special interest group, another section of large media and the small towns. I suggest whoever seeks to see a perfect Highway Funding Bill seeks something that n'er was nor is nor e're shall be. I think we have the vehicle in front of us today. It is up to the other body to bite the bullet and make up its mind and I move that the Senate Adhere.

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

Senator PRAY: Mr. President and Members of the Senate: I was kind of surprised at the motion of the good Majority Floorleader. I think we have debated this issue to great lengths, that there has been a lot of movement, usually sideways by both branches and by both parties.

I think the bottom line of this situation is not the Motion to Adhere, but it is to look at the calendar and see the action that the other body did take, when they also had the possibility of Adhering. But not in that mood, they did not send the bill back to us. They insisted saying that they are still willing to converse on this matter, and that perhaps there is still more movement that can be taken. I would think that to Adhere today would be a mistake not only for both political parties, for both branches, but for the people of this State.

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

Senator O'LEARY: Mr. President, I'm not sure of Parliamentary Procedure. Would it be possible for the Senate to Recede, Indefinitely Postpone Senate Amendment "L", and proceed to amend the bill and to send it back to the other body?

The PRESIDENT: The Chair would answer the Senator in the affirmative. It would be possible.

Senator O'LEARY: Mr. President and Members of the Senate: If you will bear with me for just a moment. Mr. President, I move we Recede from our action whereby the Senate Engrossed L. D. 1827, as amended.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now moves that the Senate Recede.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I request a Division on the motion to Recede.

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

Senator PRAY: Mr. President and Members of the Senate: Late last night or yesterday afternoon whenever the time was, it is becoming confusing at this point, we stood in this Chamber and we allowed the Senator from Penobscot, Senator Emerson, to Recede so that a series of amendments could be offered.

I think if you all remember yesterday that we had quite a stack on our desk of amendments, I think there were 8 or 9 of them to the Highway Budget. I feel as if at that time the mood of the Legislature and the mood of the Senate was that we were going to provide the opportunity for different proposals to be offered.

I'm a little stunned today that the Senator from Kennebec, Senator Katz, would decide that no more alternatives are going to be offered. No more discussions on possible alternatives are going to be offered and that the positions are adamant and that we have nowhere to go. As I stated a few minutes ago I think it's a dark day upon this Chamber.

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

Senator CONLEY: Mr. President, I would move that this item be tabled until later in today's session.

On Motion by Senator Katz of Kennebec, Tabled until 11:40 AM this morning, pending the motion by Senator O'Leary of Oxford.

**Communication
House of Representatives**

March 25, 1980

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

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Increase Trapping Fees" (H. P. 1833) (L. D. 1937)

Messrs. DOW of West Gardiner
MacEACHERN of Lincoln
CHURCHILL of Orland

Respectfully,
EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Orders

On motion by Senator Pierce of Kennebec, WHEREAS, the Legislature finds that its operating budget has grown from approximately \$1,900,000 in the 1970-71 biennium to an estimated \$6,000,000 in the current biennium; and

WHEREAS, the number of permanent legislative employees had increased from 8 to 26 over the same 10-year period, and the space occupied by legislative activities has grown proportionately; and

WHEREAS, the financial controls on access to the legislative budget may be inadequate to permit a prudent check on the expenditure of taxpayers' funds; and

WHEREAS, the state's finances are in a critical condition and all segments of government must responsibly look for every opportunity to reduce spending, and the Legislature must not hold itself immune; now, therefore, be it

ORDERED, the House concurring, subject to the Legislative Council's review and determinations hereinafter provided, that the Joint Select Committee on Legislative Finances be created to be composed of 7 members as follows: One to be appointed by the President of the Senate; one by the Speaker of the House; one each by the floor leaders of both bodies; and a chairman to be chosen by agreement of the appointees of the 2 presiding officers. Members shall be lay citizens who are not elected state officials or employees of State Government. They shall serve without pay and be reimbursed for necessary out-of-pocket expenses; and be it further

ORDERED, that the committee shall review the method of preparation and spending of the legislative budget to assure that adequate accountability and controls exist for the maximum protection of taxpayers' dollars. The committee shall identify possible cost savings in staffing patterns, review out-of-state travel and unnecessary costs of constituent services; and be it further.

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

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

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the committee. (S. P. 819)

Which was Read.

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

Senator CONLEY: I move this Joint Order be placed on the Table.

The PRESIDENT: The Senator from Cumberland, Senator Conley moves this Joint Order be Tabled.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: I would ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion of Senator Conley of Cumberland to Table S. P. 819, 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 Table does not prevail.

Which was 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
House Paper**

Bill, "An Act to Make Further Revisions to Salaries of Certain County Officers." (Emergency) (H. P. 2046) (L. D. 2036)

Reference to the Committee on Local and County Government suggested.

Comes from the House, Passed to be En-

grossed without reference to Committee.

Under Suspension of the Rules, the Bill Read Twice without Reference to Committee and Passed to be Engrossed, in concurrence.
Sent forthwith.

Committee Report House

Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on

Bill, "An Act to Increase Trapping Fees. (H. P. 1833) (L. D. 1937) have had the same under consideration, and ask leave to report:

That the Senate recede from failing to enact the bill and pass the bill to be enacted as amended by Committee Amendment "A" (H-890) in concurrence.

On the part of the House:

Representatives:

DOW of West Gardiner
MacEACHERN of Lincoln
CHURCHILL of Orland

On the part of the Senate:

Sensors:

REDMOND of Somerset
PIERCE of Kennebec

Comes from the House, the Report Read and Accepted.

Which Report was Read.

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

Sensor PRAY: Mr. President, I move that we reject the Committee of Conference Report.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that the Senate reject the Report of the Conference Committee.

The Chair recognizes the Senator from Somerset, Senator Redmond.

Sensor REDMOND: Mr. President, I request a Division. Could I speak to my motion?

The PRESIDENT: The Senator has the floor.

Sensor REDMOND: I would like to mention at this time before we take a vote on this that this not only increases the trapping fees but there is also another item in the amendment under Section 713B that makes a 10 year old, eligible to purchase a Resident Junior Trapping License. That was very highly supported at the hearing.

The increase was also welcomed by the trappers. I can't see any reason why we would kill that. I think it's a good bill and we ought to pass it.

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

Sensor USHER: Mr. President, I was a member of this Committee. I did not sign, I found out that I was the only one of the Conference Committee that was against the bill. I did sign it out of committee Ought Not to Pass. And that is the move that the Senate took to kill the bill. I don't believe that this bill is necessary this year.

I expect the Commissioner of Fish and Game to come to the 110th Legislature with license increase proposal, and the trapping group will be amongst these license increases.

It also establishes a Junior Trapping License. I disagree with this. I don't think a 10 year old boy, a 12 year old boy should pay for a license. I think it is part of his training to be a good sportsman I think that is one benefit we can give the youngsters in the State of Maine. I am opposed to accepting the bill.

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

Sensor PRAY: Mr. President and Members of the Senate: The proposal of the Committee of Conference that is before us is exactly the same proposal that we turned down here just the other day.

I think the members of the Committee of Conference had a rather hasty meeting. It's my understanding that there was no official meet-

ing, that the amendment on the Committee of Conference Report itself was just drafted. The drafting people were told just to put it back the way it was and that there was no trouble with the numerical numbers on signing the report.

I would just hope that the Senate would remain consistent with its action of yesterday, where it defeated this proposal. That we would not increase at this time, one fee out of the numerous number of fees of the department.

I think for those yesterday that remember the argument, one of the arguments raised was the fact that the Fish and Game Department is in financial trouble. I heard that 2 years ago, that they were supposed to be broke this year. Earlier this year I heard it was going to be September instead of June, that they were going to be broke. Now it's my understanding it's next year, and that the figures that they gave us last year were in error, that somewhere along the line an extra \$1.8 million came up.

As far as solving the financial problems of this bill, it only has a pricetag of \$10,000. So we're clearly not trying to solve the department's financial problems on this issue.

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

Sensor USHER: Thank you, Mr. President. Mr. President, and Members of the Senate, another point of interest. During the discussion on this bill in committee, many, many times it was brought up about the price of fur. Now I ask you when the price of fur is down do we give them a decrease in their license? Just for the last 2 years the price of fur is up and this was one of the main points they wanted to raise the licenses. I think that's very unfair.

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

Sensor REDMOND: The 10 year license is not set up to raise that much money. It's set up to the request of the trappers, because they take their boys with them. Some of these people, they take their boys with them and they go and the children help them out to tend to the traps. This is why we really thought it was very fine if the child is going to go with his parents to tend to the traps, that he should have a license.

Mr. President, could I pose a question through the Chair? I would like to ask Senator Pray to clarify his statement on the Committee of Conference. I did not quite understand what he was saying about what happened on the Committee of Conference. I would like him to clarify that.

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

Sensor PRAY: I would like to pose a question through the Chair to the Senator from Somerset, Senator Redmond, as to whether or not the Committee of Conference met prior to him signing the jacket?

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

Sensor PIERCE: Mr. President, and Members of the Senate, perhaps we could cut the debate a little bit short. We raised barbers fees, real estate fees, we're talking about drivers license and everything else. The only category of people that I know of out of all these fees that actually can go out and make money are trappers. I don't know of any trapper who goes out and doesn't get his fee back almost immediately. So if we don't want to raise them, fine. If we do, it goes from \$15 to \$25. I think it's most reasonable. I would hope we would vote on it.

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

Sensor FARLEY: I request a Roll Call.

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

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

counted.

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

The Chair recognizes the Senator from Cumberland, Senator Clark.

Sensor CLARK: Mr. President, Men and Women of the Senate. Many members of this Chamber have supported or non-supported the Committee of Conference Report before us. I would remind you that the Committee of Conference Report does reflect the original Majority Ought to Pass Report, from the Committee on Inland Fisheries and Wildlife, not Game, Wildlife!

There have been recent increases, dramatic increases in fur prices and related increases in fur trapping activity. The good Senator from Kennebec, Senator Pierce, has stated the situation, succinctly. Oil burner technicians, cosmetologists, barbers, realtors, brokers, real estate sales people, dermatologists, otolaryngologists, and the whole gamut of licensed personnel or licensed citizens operating in this State pay more than \$15 for their annual license fee.

One coyote pelt will more than pay for the license fee for a resident trapping license in this State under the Committee of Conference Report. I urge you to support this report, this morning.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the Motion by Senator Pray of Penobscot, that the Senate reject the Committee of Conference Report.

A Yes vote will be in favor of rejecting the Committee of Conference Report.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Conley, Cote, Emerson, Farley, Martin, McBreairty, Minkowsky, O'Leary, Pray, Usher.

NAY — Ault, Chapman, Clark, Collins, Devoe, Gill, Hichens, Huber, Katz, Najarian, Perkins, Pierce, Redmond, Shute, Sutton, Teague, Trafton, Trotzky.

ABSENT — Danton, Lovell, Silverman.

11 Senators having voted in the affirmative, and 18 Senators in the negative, with 3 Senators being absent, the Motion to Reject the Committee of Conference does not prevail.

Which Report was accepted in concurrence.

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

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

Sensor PIERCE: I move Reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now moves that the Senate Reconsider its action whereby L. D. 1937 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.

Orders of the Day

The Chair laid before the Senate:

Bill, "An Act to Amend Allocations from the Highway Fund for the Fiscal Years from July 1, 1979 to June 30, 1980 and from July 1, 1980 to June 30, 1981, Decrease the State Aid Bonus from 40% to 20% and Revise the Drivers' License and Examination Fees." (Emergency) (H. P. 1723) (L. D. 1827) tabled earlier in today's session by Senator Katz of Kennebec, pending the motion by Senator O'Leary of Oxford.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion

of Senator O'Leary, of Oxford, to Recede, please rise in their places to be counted.

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

10 Senators having voted in the affirmative, and 17 Senators in the negative, the Motion to Recede does not prevail.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate: I think everybody in this Chamber knows how difficult it has been over the last several weeks working on this particular bill. I agree with the good Senator from Kennebec, Senator Katz, when he stated that this Senate overwhelmingly approved of the Senate Amendment that was put on this bill yesterday.

He also stated or maybe he didn't state that it was overwhelmingly rejected in the other body. There were members of this Senate who were opposed to the so-called snowmobile fees and the boat facility fees that would be sort of robbed, for the time being, as it was incorporated in the Senate Amendment. This seems to be the overwhelming objection of those members in the other body.

It would appear to me that if we intend to pass a Highway Budget that we must again compromise. We are speaking of relatively a very, very small amount of money. On the other hand, it's a very sensitive issue to an overwhelming majority of the members of the legislature, even the members in this branch.

It would seem to me if we want to make sure we go home with a budget that's going to fund the Transportation Department over the next 15 months, we must at least keep our options open. I think to Adhere today would be a very disastrous attempt, on the part of the leadership, to see this bill go down the tube. Therefore, Mr. President, I move that we Concur with the House.

The PRESIDENT: The Chair would advise the Senator that the motion to Concur is out of Order since the motion to Recede failed.

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

Senator O'LEARY: Is the motion to Reconsider where by the Senate voted to Recede in Order?

The PRESIDENT: The Chair would answer in the affirmative.

Senator O'LEARY: Mr. President, I would move that the Senate Reconsider its action where it voted not to Recede.

Mr. President and Members of the Senate, if we do not Recede and we vote to Adhere, it's going to be a wholesale lay-off within the Department of Transportation. I think it would be irresponsible upon our part to allow this to happen.

I have an amendment which I believe addresses the problems and I think it would be acceptable to both bodies. It seems the biggest contention, that the opponents have to this, is how I strike out at the State Police. It is not with any vindictiveness, but there is a savings on the latest figures of \$1,040,000 within that department.

The amendment that I would propose to this body, would put another \$250,000 into the General Fund, to perhaps fund State Retirement increases. It also cuts \$600,000 out of the salary plan. There is presently 527 people eligible to retire, this is not forcing retirement upon these people but through attrition this money is saved.

My amendment does not hit the snowmobile fund. It does not hit the boat fund. It keeps faith with the towns. It restores all of State Aid Construction, and Town Road Improvement. It doesn't up the fees for drivers' licenses by 60% as this other amendment that's proposed. It only ups the fees for the 4 year license by 20%.

I think Mr. President, and Members of this body that if we are to be in good conscience, honorable in our duties, that we will vote to Re-

The Chair will order a Division.

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

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

11 Senators having voted in the affirmative, and 18 Senators in the negative, the Motion to Reconsider does not prevail.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I would state a Parliamentary Inquiry through the Chair.

The PRESIDENT: The Senator may state the inquiry.

Senator CONLEY: A moment ago I moved to Concur with the House. I believe I was told that that motion was Out of Order. If that is Out of Order would the Chair entertain a motion to Insist? If so, why wouldn't that be out of order?

The PRESIDENT: The Chair would advise the Senator that technically the Motion to Concur is in order. Customarily in the Senate, the two motions have been used together. The motion to Insist would not be in order unless a Committee of Conference were requested with the motion to Insist.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, then the Motion to Concur is in order?

The PRESIDENT: The Chair would answer in the affirmative.

Senator CONLEY: Mr. President and Members of the Senate: Again I would state that the portion of the bill that seems most objectionable to the vast majority of the members of this Legislature is that portion that deals primarily with the snowmobiles account and the account dealing with the boat facilities act.

To Concur with the House, puts us in the posture where we are now in agreement with the House's original bill that came up here with Senator Emerson's original amendment with a technical amendment that was placed on it to straighten out some language.

It would seem to me that this bill would have a far better acceptance in the other body. So I would urge at this time that the Senate to Concur.

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

Senator PIERCE: Mr. President and Members of the Senate: Yesterday somehow we got 28 votes for the highway bill. I have been on the opposite side of the highway issue, I was on the opposite side of the amendment that passed, but we got 28 votes for a highway bill. Now if we start tampering with that good luck to everybody.

The un-mentionable body put this through two readings without ever taking a vote on it. All they wanted to do with it was vote on amendments and see what they didn't want.

I think that if we have ever had the opportunity to send back to the 'great body of the people' let's send this issue back to them, with an overwhelming consensus on our part 28 votes that we will pass a highway bill. Let's send it back to them with a very clear message that we have compromised and compromised and compromised, and we finally have come to a consensus.

Which I never thought that we would come to, 28 people in here out of 32 yesterday agreed with it. I don't think on any other compromise that you are going to get 28 votes. I do not think that you are going to come close to it, again. We have got our compromise, I think that we have all been pushed as far as we can. Let's send it back to them and let them make the decision. It is about time they did.

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

Senator CONLEY: Mr. President and Members of the Senate: I learned back in 1965 that

there are two branches within the Legislature, the House and the Senate. That being a member of the House, I knew that the good Majority Floorleader served with me at this time, and this Senate was controlled by 29 Democrats and 5 Republicans. You can imagine how nasty it was down at the other end. I am afraid that that same feeling exists in the other body today.

It is not the Democrats that are striking out, it is the people of the minority party in the House which happens to be the party of the Majority in this Senate. I am saying if we try to pull us together and try to preserve a little compassion and understanding for both branches, that we could very well get out of here with this bill, if we took the action that is presently before us.

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

Senator MCBREARTY: Mr. President and Honorable Members of the Senate. We just passed a bill here a few minutes ago that was rejected by this body a few days ago, a Committee of Conference came up with a proposal and we passed it. Would it be in order to Insist and Ask for a Committee of Conference?

The PRESIDENT: The Chair would answer in the affirmative, after the present pending motion is discussed.

The pending motion before the Senate is the Motion by the Senator from Cumberland, Senator Conley that the Senate Concur.

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

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

10 Senators having voted in the affirmative and 16 Senators in the negative, the motion to Concur does not prevail.

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

Senator O'LEARY: I now move that we Insist and Ask for a Committee of Conference.

The PRESIDENT: The Senator from Oxford, Senator O'Leary now moves that the Senate Insist and Ask for a Committee of Conference with the House.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President about a ½ hour ago when expressing the desires of my caucus I moved that the Senate Adhere, I presume that sooner or later we are going to get to that motion?

I just can't bear the heavy burden that the Senator from Oxford, Senator O'Leary is trying to press upon my shoulders. That if we do not do it his way, terrible things are going to happen to the State employees. I think that what we have been trying to do is protect the jobs of State employees, by giving the Governor the funding he needs to get through the biennium. I think that our hearts are pure. I think that all 28 of us yesterday felt that we were making a constructive effort to give the Governor the dollars that he needs to man this department, pending two factors, One, a professional study of the department, and Two, a special session to react to it and our position has not changed at all. I request a Division.

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

Senator PRAY: Mr. President, will the Secretary read the history of the bill?

The PRESIDENT: The Senator has the floor. Senator PRAY: Mr. President, I would like to pose a question through the Chair to the good Senator from Penobscot, Senator Emerson. That if the worst of things happen and the present motion fails and we eventually get around to the motion made by the Majority Floorleader, and we Adhere, and the House also Adheres. Then what do the people of this State have to look forward to, if no highway budget is Passed?

Now I know that there has been great dis-

cussion on the Highway Committee, or Transportation Committee. That they have been told by the Commissioner what the alternatives are. Could he take just a few minutes to share those with us?

The PRESIDENT: The Senator from Penobscot, Senator Pray, has posed a question through the Chair?

The Chair recognizes the Senator from Penobscot, Senator Emerson.

Senator EMERSON: I do not know if I can answer that fully or not. In the first place if we had no bill there would be no increase in revenues. We would lose whatever increase in revenues that we have, approximately \$1,500,000. If there was no bill there would be no opportunity to disappropriate, the amount of money in the State Aid Account, which is \$7,500,000.

Now in matching State funds the State is only obliged to match the first unit that a city or town raises. If that happened, the State would only have to put in a \$1,400,000 I believe were probably if we carried on a program, they would put in \$7,000,000.

There could be some other cuts made, apparently in the department. They would make the cuts that have appeared before you, on most all fact sheets. Like \$200,000 in planning, and \$300,000 in administration, and so on and so forth. You have that information before you.

The biggest cut would have to be in the area of summer maintenance, and it basically would mean that there would be no hot-top, skinny program this year.

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

Senator PRAY: Mr. President and Members of the Senate. Earlier in this debate today, I heard the Assistant Majority Floorleader state that the Senate has compromised, and compromised, and compromised. I heard the Majority Floorleader the Senator from Kennebec, Senator Katz accuse the Senator from Oxford, Senator O'Leary of wanting it his way.

I think first of all that that type of rhetoric is very irresponsible. I think that we have a problem before us, that attempts are being made and we look at the alternatives.

If I heard the Senator from Penobscot, Senator Emerson correctly we are looking at a possibility of a \$6,500,000 tax shift onto the municipalities.

We are talking about no hot-topping for this summer. It depends on which part of the State that you live in. If you live in the areas represented by the Majority and Assistant Majority Floorleaders then your highway miles are not too great. If you live in a rural district such as mine or such as the Senator from Somerset, Senator Redmond, or the Senator from Penobscot, Senator Emerson, Senator Perkins, Senator Shute, then we are talking well over 500 miles in each district.

We are talking about types of population of people which have to travel great distances because of the rural areas, to employment. In my district the single largest employer, is in fact the single largest employer in the State, except for the State, is the Great Northern Paper Company. We have people who travel from Brewer and Bangor, those are the extremities. We also have people who travel the back roads the secondary roads, down from Brownville, Milo, Pattern, into Millinocket. Those are secondary roads and the conditions of those roads aren't too good, I ought to know, because I drive over them an awful lot.

I think that when we look at the alternatives as to what we are going to give to the people of this State, of the no hot-topping program, of the possibility of a large \$5,000,000 tax shift to the municipalities to keep up existing situations, the road conditions as they are that we are being rather irresponsible in not keeping the debate open on this bill.

I was a little disappointed earlier that we did not allow the Senator from Oxford, Senator O'Leary the opportunity of offering his amend-

I think if I remember correctly, when I came in here at 7 o'clock this morning that it wasn't too long after I was here that I heard that the Majority Party in this Chamber had another proposal and we were briefed on what the proposal was going to be. So I guess again, as I state earlier I was a little shocked when the Senator from Kennebec, Senator Katz moved that we Adhere. I was expecting their proposal to be offered also.

I think that there is still time for a compromise and that no single individual or political party or body of this Legislature is trying to have it their way, unless we Adhere. So I would hope that you would join in on the motion to Insist and Join in a Committee of Conference so that we can continue this problem and this dialogue just a little bit further, because only when we admit that we don't have the possibility of continuing are the people of this State going to be hurt?

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

Senator EMERSON: One thing I neglected to say when I was trying to explain what the results would be of no bill, another area that would be affected we would have a permanent lay-off of from 250 to 300 employees, and a summer time lay-off of from 150 to 200.

I presume that if we Adhere, it would put the burden on at the other end of the corridor, to address these problems.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator McBreairty.

Senator MCBREAIRTY: Mr. President and Honorable Members of the Senate. After having read the history of this Bill, it seems that there must be something wrong with it, it doesn't seem to be going very well.

Now I would hope that at this stage that wouldn't anybody blame anybody else for the way that they vote on this bill, because I think that we are trying to confuse.

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

Senator KATZ: Mr. President I am simply not confused I have been getting here early and staying late, I have no agenda, I have no interests in what the specifics of the bill are. I have tried to be a catalyst to try to understand what the various members of this body have been saying to bring together a consensus so that something can be done in an orderly manner to fund this department, pending a long-range solution to the problem.

Some of this debate this morning has been confusing, it hasn't confused me a little bit, but there has been a lot of thrashing around here, the basic question this morning is do we want to try to adopt another posture?

I'll tell you what the posture was that some people the bipartisan people worked on last night. It would take care of the snowmobile problem over here, it would put a greater burden on the local property tax over here. Good luck to you.

Who is going to get gouged? There is nothing new under the sun that you can say. Somebody suggested that we have got 12 chess players, and we are moving them around. Yesterday we found that this particular position of chess players got 28 votes. I say that that is not the issue. It is not the issue of trying another compromise. The issue is biting the bullet and acting responsibly. Now my party has asked for only two things.

We have made no demands, no demands within the constraints of the funding. We have not said that if you do such and such or so and so that \$7,000,000, which we hate, can't be in the compromise. We have never said that.

We have said that we are anxious to fund a highway bill. Barring only two considerations. First we are distressed that we had a patch work affair last year and we are loath to go

along with another patch work affair this year. Consequently, we asked the Governor, to do something that I am sure that he would do anyway, have a professional study of the department.

Secondly, instead of deferring that decision making until June 1981, which will be the end of the next Legislature, bring us into special session to react.

That is all that we asked for, we have not made any demands on the internal constraints of the bill at all. We have done the honest, sincere, hardworking best, any loyal opposition could possibly do, to give our Governor the tools that he needs.

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

Senator CONLEY: Mr. President and Members of the Senate: Again I am not going to get into any partisan hassel, but the two things that the Majority Floorleader speaks about, he is not being quite level with the body here.

The PRESIDENT: The Chair would ask the Senator to keep his remarks to the subject matter.

Senator CONLEY: My remarks will bear out, we have an old saying in my neighborhood what do you call someone who tells the truth 98% of the time. I am telling you the truth right now.

He said that his party, contingent upon two things. One a study of the DOT, I want a study, members of my party want a study, the Majority Floorleader wants a study, and I think that perhaps his assistant, and perhaps the rest of the members of the Senate. However he is not being honest when he has failed to mention the fact that the Minority Floorleader a member of his party is opposed to a special session, the democratic leadership in the House opposed to a special session. This again, was called contingent, any agreement, all contingent, that the Democratic Leadership was in concurrence with the request made by the good Majority Floorleader.

The Governor has stated and I am sure that the good Senator from Kennebec, Senator Katz, will state that the Governor wouldn't be averse to calling a special session if he thought that the results of such a study would indicate that it would be necessary to take immediate steps to providing the results if those studies indicated that. Not contingent upon Democratic Leadership or anyone else.

We have a constitution in this State that allows, and gives the power to the Governor to call a special session at anytime. We also passed a Constitutional Amendment that would allow both the Republican and the Democratic Parties, as long as we have got 2/3 votes of both parties, to call ourselves into special session.

We have a problem this morning, we have a problem because the Minority Floorleader of the other branch, has absolutely absolutely stated that he is not going to support any highway program, and is not going to provide the leadership for that. That is where the problem lies and the good Senator from Kennebec, knows that that is where the problem lies.

So I would state very honestly and concur with the remarks of the good Senator from Aroostook, Senator McBreairty let's not be blaming people, but let's not on the other hand try to discolor what the problem is before us.

I think that what we need today is leadership, leadership from the good Senator from Kennebec, leadership from the Minority Floorleader at the other end and everyone else that is in leadership. We have yet to sit down as 10 members of leadership to be able to go over this budget.

It has been either my Republican caucus in the Senate has said this. What about the House Republicans what have they said? Has anyone been in communication with them? Has anyone been in communication with the House Democrats? No.

Yesterday morning we came in here to attempt to try to pass a highway budget, and your memories are not that short that immediately as we went into session, the good Senator from Penobscot, Senator Emerson, myself, the good Senator from Penobscot, Senator Pray went downstairs to the Governor. I held up 12 amendments that were laying in front of us yesterday morning to be entertained. With no one absolutely no one other than the members of the Transportation Committee themselves aware of what was incorporated in those amendments. After that meeting I came back upstairs and the good Senator from Kennebec, Senator Katz, the preceding officers of this body, again the good Senator from Penobscot, Senator Emerson, Senator Pray came downstairs and we talked with the Governor. We put this amendment on this bill yesterday, and no one in this branch not a single soul went to discuss this amendment with any members of the other branch.

Is it any wonder why we have problems down at the other end? That is part of the problem we have a communication problem. Now if everyone in this branch feels this morning that the thing to do is Adhere and have it our way, like they do at McDonalds, then the best of luck.

When we go back to our towns and we start telling them why we do not have a road surfacing program this summer, or why winter maintenance is cut, there is always something that disturbs me particularly in this area of Augusta, is that they seem to keep salt at a minimum. The citizens of Augusta do not apparently consider my life is worth anything.

When the Highway Department starts to do it and it has been done with a cut-back on salting, and we start having automobile accidents and the loss of loved ones take place, then I ask you who is responsible? Is it the responsibility because this branch failed to communicate with the other end. I say let that rest on our shoulders.

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

Senator KATZ: Mr. President the Senator from Cumberland Senator Conley, has done it again, it ain't McDonalds that says have it your way, it is Burger-King.

I just cringe when we start getting into our motivations and questioning honesty and integrity. I guess that is why in the old country in Ireland there are certain families that do not deal with certain families.

Perhaps because the Senator has raised the question that obviously I was not being completely outgoing and telling all the details of where we are at. Let me tell it it involves the Governor of this State, he brought it up and I didn't.

About a week ago I visited with the Governor and Senator Emerson, and I felt that we were 3 men of good faith, to try to identify something that would break the log-jam, so that we could live up to our mutual responsibilities.

I suggested to the Governor that the deep concern of my caucus was that the band-aid approach had been used last year he had gotten our caucus support based upon a clear representation that a study was taking place. When we came back for the second regular session, we would be able to deal with the long-range solution after the implementation of the study.

When we came back we were distressed, we were distressed because there was another band-aid solution that got us through this biennium only. That was not acceptable it was not acceptable in January, it is not acceptable now.

So the clear challenge before us was how could we build a bridge so that the Governor can have the resources that he needs, to deal with the problems of the Department this biennium, and satisfy the very deep seated feeling of my caucus that just dealing with this biennium without knowing where it was going to go

was not at all acceptable. It wasn't good management and it wasn't good government, because we have been hearing some of his own report that there would be a \$40 to \$60 million shortfall in the next biennium.

Now I do not know about you, but that scares the pants out of me. I am not used to dealing with figures like that. Somebody asked me if this is the worst financial crisis that I have ever seen in the State. I said it is the only financial crisis that I have ever seen in the State.

As good citizens we felt that we felt that we had to make that bridge to the long-range approach.

When we were sitting with the Governor and I have never had one meeting with the Governor of this State that was not satisfactory, compatible, and as they say in parlance useful. We talked well together, he talked with Jerome very nicely there were not any tensions just trying to get to an answer.

The Governor said after we had tried out a couple of things, how will it be if we have a professional study and then I call you back into special session after the study. I was tired I was beat and I sat up straight and I said by gosh you have got something that sounds really interesting. It was the Governor's proposal. Based upon the Governor's proposal knowing that he had to clear it with his party. I agreed that we maintain our confidences and let him discuss it with his party.

Things get very, very busy around here and communications are not very, very easy. I'd suggest to the Senator from Cumberland, that I am speaking as candidly and as accurately as any human being can to recall anything that happened less than a week ago.

I felt the Governor had made an extraordinary contribution to this Session. Based upon that contribution, I felt that it was right to go back to our caucus and sell our caucus.

What was in the package the specifics of snowmobiles or town road improvement, I suggested were not as important to my party as knowing that we would be acting responsibly over the long range point of view. On that basis I came back, many of you have been to our caucuses. You know they are a little turbulent. You know that we all have our different perceptions, but we coalesced and said great! We'll go along on that representation. That brings us up to yesterday.

Yesterday it was very clear that members of the other party, the other party, were zooming down to the Second Floor, and expressing deep concerns about the approach the Governor had suggested. That's their right. I respect their right to do it, but I want you to know we have been acting openly. We have been acting consistently. We have been acting in good faith, because we believed we would be bad citizens just to patch things up and hope for the \$40 or \$60 million shortfall would be taken care of by God knows what next time. That's the story, that's the background and that's everything I know about this issue.

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

Senator CONLEY: Mr. President, I just want to clear the record. I guess it's at McDonald's they do it all for you! There's no way that I can see today that we're going to do it for the House or for the other Branch.

If we want to go home with a Transportation Bill, then I would suggest to support the motion to Insist and Join in a Committee of Conference.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I suggest 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 af-

firmative 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 Waldo, Senator Shute.

Senator SHUTE: Mr. President, and Ladies and Gentlemen of the Senate, I've kept pretty quiet on this issue, but we talk about where the responsibility lies on this Transportation Budget.

Now as I look over L. D. 1827 I'll tell you where the responsibility lies. It lies with the Governor. Everything in this bill that the Governor presented to the Legislature came out of the rural areas of the State. So I won't have any problem going back home and telling people where the responsibility lies.

It takes \$7.5 million out of State Aid to rural towns. It cuts the State Aid from 40% to 20%, which rural towns depend on. Eliminates the Town Road Improvement money altogether. Wipes it out! Which rural towns depend on. Of course, then increases driver's license and examination fees and so on. Takes \$2,000,000 transfers that to the General Budget When you don't have \$2,000,000. I think the Governor knew we didn't have \$2,000,000 for the State Police Account.

Now all this bill does as the Governor presented it, it increased the property tax. That's exactly what it did! Increased the property tax in rural towns in Maine. It does away with part of the skinny mix program. Now this doesn't bother Portland too much, Lewiston, or Bangor, if you're on Route 95 or Maine Turnpike or both of them, which you don't have on the coast. When you're 60 or 90 or 100 miles away from the Turnpike and Route 95.

Now if you truly want to tell your constituents where the problem is I think you know where the problem is. The problem is with the bill that came in here.

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

Senator PRAY: Mr. President, and Members of the Senate, I believe a few minutes earlier I stood up here and basically said that I kind of agreed with what the Senator from Waldo, Senator Shute just said. I was concerned about the rural areas of the State. But I think to start playing a blame game and I think the Senator from Aroostook, Senator McBreairey, tried to steer us clear of that. We should stay clear of it.

A legislative proposal has been introduced into the Legislature. It's now in our court, and if you notice in reading the history of the bill, it's been bouncing around back and forth for quite a while. The responsibility doesn't fall upon the Chief Executive of this State, once that bill is introduced. It's now in our court. We amend it, we adapt that bill, the way, to the thinking of both bodies of this house or else it doesn't pass.

I think we have gotten a good run down of the legislative history, outside of the process as to what has taken place politically. I think that my first term down here the Senator from Kennebec, Senator Katz, made reference to the fact that the State has never been in financial troubles before, or a financial crisis of this magnitude. I can remember my first term down here we were faced with a \$22,000,000 and it was a bill from L. D. 1994 wherever that came from.

We faced up to the responsibilities on that. We funded that program and the shortfalls of revenues that were because that program had been passed and the on-going costs to it. I think that the attempts that we're going to make in this final 51st day of the 50 day session would be premature to end it at this time, to defeat the existing motion. I think there are avenues still left.

There's the possibility that members of Leadership, those involved in the negotiations with the Governor, both the Democratic Floorleader, in this Senate Chamber, as well as, with the Republicans can continue. Nowhere did I see the Senator from Penobscot, Senator Emerson, feel in the debates that we had with the Governor, with the President of this Chamber, and with the Majority Floorleader as well as with the Minority Leader and myself did I ever feel that there still wasn't avenues to go. I would just hope that the Majority Floorleader or the Majority Party of this Chamber would not just flex its muscles in a numerical sense.

The Majority Leader pointed numerous times to the vote that was taken place yesterday. I believe it was 28 to 4. I think that the reason that vote was 28 to 4, was because there was a spirit upon the Members of this Chamber, some of those who did not really openly support the proposal, but in an attempt to solve the problem, were willing to lend it a numerical support so that the House could get a message.

I know some members of my Party did that. So I think to state that we have taken an adamant position because of the roll call the other day said so, is an erroneous position to take. I would just for the last time urge that we would attempt to keep the channels of communications open. That we would not pass back a greater burden onto the rural areas and to the municipalities of this State, by failing to pass anything. The Senator from Penobscot, Senator Emerson, clearly pointed out that even if we accepted the Governor's original proposal, the municipalities in this State and the rural areas of this State would be far better off than if we passed nothing.

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

Senator PIERCE: Mr. President and Members of the Senate, the good Senator from Penobscot, Senator Pray, mentions when he first came here the educational funding problem which we had and we certainly did. I recall it too. I recall how we solved it. We raised taxes.

Clearly that isn't an option open to us this time, is it? So things are certainly different. This is day 51! The Senate has had an extraordinary consensus, 28 votes for a bill. If you think you're going to get more than 28 votes, or 28 votes again for another bill, wonderful, I don't think you are!

The Senator from Penobscot, Senator Emerson, has gone the mile, the long mile, the double long mile to solve this problem. He has done more than any other person in this Legislature to solve it. He has got 28 Senators to go along with his proposal while some of us swallowed them pretty darn hard. But he's done it!

We've got to get out of this ballpark. We've got agreement with the Governor. If we don't narrow it down into some other ballpark, I don't know how we're going to solve it, but if we want to bring the problem back in here and open it up again, good luck to everybody! I say we have absolutely no option open to us on day 51 other than to say we have come to a consensus here. The Governor has agreed with us, and whatever the other honorable body wants to do, God Bless them!

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the motion by Senator O'Leary of Oxford that the Senate Insist and Ask for a Committee of Conference, with the House.

A Yes vote will be in favor of the Motion to Insist and ask for a Committee of Conference with the House.

A No vote will be opposed.

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

ROLL CALL

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

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

ABSENT — Danton, Lovell, Silverman.

11 Senators having voted in the affirmative, and 18 Senators in the negative, with 3 Senators being absent the Motion to Insist and Ask for a Committee of Conference does not prevail.

Is it now the pleasure of the Senate to Adhere?

The Motion Prevailed.

On Motion by Senator Pierce of Kennebec, sent down forthwith in concurrence

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 Provide a State Income Tax Credit for Installation of Renewable Energy Systems. (H. P. 1770) (L. D. 1900)

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

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

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

AN ACT Relating to Agricultural Development. (H. P. 1719) (L. D. 1830)

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

Senator HICHENS: Mr. President and Members of the Senate: In the last hour or so we have been made very well aware of the financial problems that we are facing throughout the State. We've been challenged with fiscal responsibility. Our Federal Government has given us the warning that Title 20 Funds are liable to be cut back, our Federal Revenue Sharing Funds are liable to be eliminated. We have been warned on this side and that side that we cannot spend freely. Our Governor has stated that he has put a freeze on the hiring of state employees and wants state government operations kept to a minimum.

Here we have before us today a bill which appropriates \$367,000 sets up 15 new positions, in one department, throughout the State. I just hope that as you vote for this bill today that you can justifiably defend it to your constituents when you go back home.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: You may recall yesterday in a very brief debate relevant to this particular issue that there was some mention made of creating a heavier more stringent bureaucracy than presently exists. I only brought that out for one particular reason to show that the original bill in its draft in my estimation was not in the best interest of my district nor the people of the State of Maine as a whole.

Even though I was fully cognizant that the House Amendment did rectify some of the problems. I still wanted to be perfectly sure among my constituents in the rural areas of Sagadahoc County primarily in Bowdoin, Bowdoinham, Richmond as well as Androscoggin County in Sabbathus, and Wales, that they were fully aware of the ramifications of what they were getting involved in.

Even though they have spokesmen up here claiming that they are only concerned with the welfare of the farm community and the farm family, I thought it was of paramount importance to discuss or rap this directly with the in-

dividual farmers whether they be in the poultry business, the sheep raising business or the agriculture business in general.

Many mixed feelings in telephone conversations were displayed. The most important and most significant was further government intrusion in the farm community. I'm sure after discussing this issue with them that they have come to realize one thing. That our food supplies in the State of Maine have not been fully utilized to the maximum, that in some cases we must revert or resort to governmental agencies in which to stimulate this area of the economy.

I want to make sure it's on the record, with these people that I was concerned with the issues that they raised. I wanted to be sure also that these issues were in the interest of farmers in general and not just the vested interest who claim to be representing the farm community in the State of Maine.

There was much concern with the amendment that was brought forth by Senator McBrearty yesterday, but that was resolved by these people because they felt that they had been residents of Maine long enough and certainly would not be in favor of having new people who all of a sudden, want to become farmers instantaneously, matriculating in from other areas of this country to the State of Maine.

On that particular basis, Mr. President and Members of the Senate: I'm going to vote for the enactment of this particular piece of Legislation, even though originally I had some very serious reservations about it. I'm willing to give it a try in a very progressive nature, but I can assure you and I can assure the Department of Agriculture in this State that I will have a watchful eye on exactly what they do in the future.

I hope one message is relayed to them very clearly. That even though there are representative groups representing farm families in the State of Maine up here, that that department must learn to relate and communicate with individual farmers not only in my district but throughout the State of Maine when there are pressing problems that they are concerned with. I think that if they start doing that from this point forward under this reorganizational bill, their future will be much more prosperous than it has been in the past.

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

Senator PIERCE: Mr. President and Members of the Senate: When I originally asked to set this aside, I had planned on tabling it until later in today's session but I guess I am not going to make that motion now. I would just like to state my feelings on the agriculture bill.

I think in good times when you call for expansion of the government to the tune of \$600,000, that's wonderful, but we obviously aren't in good times now. We are now down to the point where we're talking about funding it for \$367,000. I do not plan to vote for that although I'm sure it will be enacted. I guess they are talking about holding this bill hostage against the budget bill and everything else down in the other body.

As far as I know we have no bills that we are holding hostage. Whether they want to pass a Budget, whether they want to pass spruce budworm, whether they want to pass agriculture really doesn't matter that much to me. They can play all their games on day 51 that they want. I would have thought that perhaps giving them some money for marketing and not expanding the government too much and working out some sort of compromise for maybe a \$200,000 something like that would have been the way I preferred to go. I suspect that that is not the way that a majority of this body of both parties wants to go. So I don't see any reason why we should hold up enactment of this bill any longer. If it takes enactment of this bill for them to send down the budget, wonderful!

When they want to send it down that's good too. I do have sincere and real problems with expanding any department including Agriculture at this point. At this time in State Government when you can see what's happening, to other departments. I do wish the Commissioner well, I think the Agriculture Department certainly needs some changes. I hope that with Enactment of this bill that he will be able to achieve what he wants to.

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

Senator FARLEY: Mr. President and Members of the Senate: I agree somewhat with the Senator from Kennebec, Senator Pierce. I don't particularly like this point and time, I've never been comfortable with holding bills hostage or anything else, I think somehow, something loses in the process when we do that.

It was just a year ago when the Commissioner of Agriculture decided to leave a better paying job with lots more prestige in Washington to come back to the State of Maine. No appointee before this body had more accolades thrown to him than that gentleman there. Everyone here who knows Commissioner Smith, I have served with him in the Legislature back in the 106th, I assure you he throws nickels around like they are manhole covers. I'm sure he's not an extravagant spender in any department.

We have to realize that we do have problems in our agricultural industry in the State of Maine. I think the Commissioner knows the problems, has put a program before us and is now on a minimum and acceptable minimum, to implement this program. I would hope today that this body would Enact Final Passage of this Legislation.

You know yesterday we enacted a piece of legislation that my area \$7,000,000 expansion, new development. I thank this body for enacting this legislation. Now there is another portion of this State that has problems. Hopefully this legislation will help them. I would hope again today that we would support this legislation on Final Enactment.

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

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

Senator FARLEY: Having voted on the prevailing side, I move Reconsideration.

The PRESIDENT: The Senator from York, Senator Farley, now moves that the Senate Reconsider its action whereby L. D. 1830 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.

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

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

Senator TROTZKY: Mr. President and Members of the Senate: I would like to pose a question to someone who is more familiar with this bill than I am.

The Statement of Fact says this bill makes loans available with monies provided for the Maine State Housing Authority, interest rates will be subject to market conditions, but will be reduced from the current rate, for households with incomes of \$25,000 or less. These are for energy conservation loans, I believe to residential Energy Conservation Loans. Who is subsidizing these lower interest rates? I know the bill has been amended, and I would appreciate it if someone would explain this bill.

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

Senator NAJARIAN: Mr. President and Members of the Senate: There are 3 alterna-

tives to provide money for residential programs housing conservation in this bill. Each is a method that the authority now uses or can use for its other purposes such as single family or multiple family housing.

It calls for neither appropriations from the general fund or increased bonding authorization from the maine state housing authority.

At the present time as most of you know the bond market is uncertain and consequently the amount of money that will be available for any of these programs or any of these alternatives is uncertain, but assuming that there was money available that the authority could use, the one that I think they intend to start beginning with is what they call the recovery program. That is when prepayment of their existing mortgages they hold. They now put that money back into residential housing. They would instead put this money back into residential conservation improvement, for energy purposes. They expect that to generate between \$1,000,000 and \$5,000,000 depending on the prepayment of homes. Since the housing market is off, probably the lower figure would be a more realistic one in that area.

The loans to lenders, they would loan money to the banks, which would provide significant savings to the consumer as compared to their conventional lending rate. They lend the money to the banks and then the banks reinvest that in energy conservation loans at an interest rate agreed upon by the housing authority and the bank.

All 3 of these alternatives, the Maine State Housing Authority intends to make sure that most of the savings is passed on to the consumer, that it's efficient to administer, and has adequate controls so that the program is consistent with Legislative Intent.

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

Senator CHAPMAN: Mr. President and Members of the Senate: This bill purports, I believe to help the middle income individual with low interest loans so they can get low interest loans to make their homes energy efficient. As I see it the maine housing authority has been authorized to sell tax free bonds. If they are tax free then it means somebody else must pay the taxes to allow government to get its income. I say who is that?

Again I come back to the middle income people are paying these taxes. It seems to me that we have a circle here. Middle income people are going to pay the taxes that will allow government to administer the processing of low interest loans to these same middle income people. I don't hear the middle income people asking for these loans. The middle income people are making now and think they want to make their homes energy efficient, they're doing it already. They want to keep their own money and not send it to Augusta through taxes in order to get some of it back with instructions on how to spend it. I would move this bill be Indefinitely Postponed.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the Indefinite Postponement of L. D. 1963, please rise in their places to be counted.

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

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

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

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

Senator PRAY: Having voted on the prevailing side, I move Reconsideration and urge you to vote against me.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves the Senate Re-

consider its action whereby L. D. 1963 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

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. (H. P. 2028) (L. D. 2034)

Emergency

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. (H. P. 2027) (L. D. 2033)

Emergency

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

These being emergency measures and having received the affirmative votes of 27 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.

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

Communications
James B. Longley
Lewiston, Maine

March 25, 1980

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

Due to the combination of the medical treatments and my own schedule this is my very first opportunity to write you and thank you for the Senate action on the desk and chair which I used in Augusta.

This is very meaningful to me and my family and while this is a tradition accorded to other Governors, I am all the more appreciative because of the special effort it took on your part, as well as your Senate colleagues, to make this possible.

Would you be so kind as to extend my appreciation for the graciousness and thoughtfulness with which the Senate made this action possible.

Best personal regards.

Sincerely,

JAMES B. LONGLEY

Which was Read and Ordered Placed on File.

President's Office

March 26, 1980

Honorable Samuel W. Collins, Jr.
Honorable Barry J. Hobbins
Chairmen, Joint Standing
Committee on the Judiciary
State House
Augusta, Maine

Please be advised that Governor Joseph E. Brennan is nominating Eugene W. Beaulieu of Milford for appointment to the District Court.

Pursuant to Title 4 MRSA Section 157, 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. 820)

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

Senate Chamber

March 26, 1980

Honorable Samuel W. Collins, Jr.
Honorable Barry J. Hobbins
Chairmen, Joint Standing
Committee on the Judiciary
State House
Augusta, Maine

Please be advised that Governor Joseph E. Brennan is nominating William S. Brodrick of South Berwick for appointment to the District Court.

Pursuant to Title 4 MRSA Section 157, 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. 821)

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

Committee Report Senate

Committee of Conference State of Maine

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act to Provide for Licensing and Regulation of Adult Foster Homes." (H. P. 1816) (L. D. 1927) have had the same under consideration, and ask leave to report:

That the Senate recede from its action whereby the Bill was Indefinitely Postponed; read and adopt Conference Committee Amendment "A" (S-521) submitted herewith; and Pass the Bill to be Engrossed, as amended by Conference Committee Amendment "A";

That the House recede from its action whereby the Bill was Passed to be Engrossed, as amended by House Amendment "A" (H-938); recede from its action whereby it adopted House Amendment "A" and indefinitely postpone same; read and adopt Conference Committee Amendment "A" (S-521) submitted herewith; and Pass the Bill to be Engrossed, as amended by Conference Committee Amendment "A", in concurrence.

On the part of the Senate:
Senators:

PIERCE of Kennebec
GILL of Cumberland
CLARK of Cumberland

On the part of the House:

Representatives:

PRESCOTT of Hampden
BRENERMAN of Portland

Which was Read and Accepted.
Sent down for concurrence.

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

Order

An Expression of Legislative Sentiment recognizing:

Lottie Merrill, 99 years old, who received the gold-headed cane on March 22, 1980 as Harpswell's oldest resident. (S. P. 822) is presented by Senator Clark of Cumberland, (Cosponsor: Representative Garsoe of Cumberland).

Which was Read and Passed.
Sent down for concurrence.

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

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

Senator KATZ: Mr. President and Ladies and Gentlemen of the Senate. I am going to impose upon you for just a minute or two to read something into the Record. I think that you will find it extraordinarily interesting.

On March 22, 1976, the Committee of Education reported a bill out, "An Act Relating to Teacher Employment." It was a bill, that had a unanimous report.

It was a reaction to a court case that indicated that 'Just Cause' could not be negotiated in school districts. It was a court case and the Maine Teachers Association came before the Legislature, with a Bill. The Bill would have permitted 'Just Cause' on a local control basis to be negotiated.

When the bill was reported out I said into the Record: "If a school unit wishes to bargain collectively and in a comprehensive contract, grant the 'Just Cause' provision it 'may' do so.

Incidentally, Senator Trotzky was all over me, he didn't believe me. So in response to Senator Trotzky I later said: I am going to take issue with a couple of comments made by my good friend from Penobscot, Senator Trotzky. First the passage of this bill, does not take away authority from the school board to retain the right to fire teachers or get into the whole area of just cause at all. What it does do is say that the board 'may' legally, if it wishes negotiate a just cause contract.

Later on I said, in subsequent debate: "with the passage of this bill, it will be up to local control at the local level exactly what they negotiate there will be no obligations".

The bill was debated and explained and legislative intent was clearly in the record in the House of Representatives through the lips of Representative Mitchell of Vassalboro.

This month I received a letter from Maine School Union No. 92 from an old friend Dale Higgins, who tells me that my words and my debate were used by the Maine Labor Relations Board to justify an interpretation that was absolutely 180° from the intent of this legislation.

The Maine Labor Relations Board, has recently ruled that just cause is a mandatory topic for collective bargaining. They conclude that by citing legislative intent after reviewing legislative history the labor boards decision cites remarks from you and Libby Mitchell as determining factors.

I do not have any conclusions to draw but this is not the first time that I have seen outside agencies completely subvert what the Legislature intended when it enacts legislation. It makes you wonder who listens to what we say.

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

Recess

After Recess

The Senate called to Order by the President.

On Motion by Senator 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:

Emergency

An Act to Make Further Revisions to Salaries of Certain County Officers. (H. P. 2046) (L. D. 2036)

This being an emergency measure and

having received the affirmative votes of 24 Members of the Senate, with No Senators voting in the negative, was Passed to be Enacted, and having been signed by the President was by the Secretary presented to the Governor for his approval.

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

Committee Report House

Ought to Pass in New Draft

The Committee on Appropriations and Financial Affairs on,

Bill, "An Act Adjusting Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1980, and June 30, 1981. (Emergency) (H. P. 1732) (L. D. 1850)

Reported that the same Ought to Pass in New Draft under Same Title, (H. P. 2003) (L. D. 2025).

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

Which Report was Read.

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

Senator HUBER: Mr. President and Members of the Senate. I move the Ought to Pass Report, and would speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator HUBER: Mr. President and Members of the Senate. As you are all aware this is the appropriations act as revised by the Committee. I'll go through it briefly, it has been around for awhile and I am sure that most of you have looked at it.

The bill generally is, an adjustment to Part I Appropriations, made at the last Legislative Session. Most of these changes are dictated by either court action, consent decrees, this type of thing. I think that virtually everything in this except of course the agriculture recommendation is a true Part I Current Service Adjustment.

The preamble of the bill is in its entirety standard preamble language.

The agriculture recommendation I am sure that you all are familiar with, as we have acted on a separate bill in this area.

There are various positions added, and a number deleted throughout this bill. The net position count in State Government is reduced by 35 positions which is the overall effect concerning positions of this bill.

The major changes in the Governor's proposal L. D. 1850 are inclusion of \$6.4 million approximately for teachers retirement. We know that this provision is probably inadequate but we'll have to deal with the entire subject in the following Legislature.

This does include second year fuel costs in the amount of \$1.5 million which was not addressed in the Governor's budget.

Returning to the retirement payment I don't mean to say that the Governor did not address this. He did in his recommendation to the Legislature, earlier in the session, recommend the \$6.4 be reserved and used for this use.

The bill as you know, or the Appropriation Committee as you know did reject the request from the Department of Transportation for \$2,000,000 and that change is reflected also in this bill.

In the area of education there is a major typographical error on page 9, where the figure under year 1981 the figure is \$7,150,007, should not be in brackets that is in fact an appropriation and contains the teacher retirement amount.

In the Department of Finance and Administration you will find the \$1.5 million for second year fuel costs. You will also find a State contingent account in the amount of \$4,737,650. This account by subsequent action of the Legis-

lature has been reduced by the VTI Instructors Bill, and the VTI Administrations Bill by the amount of \$317,000.

The positions added in this bill, lie primarily in three areas. First in the area of Medical Care Administration, there are 14 positions to administer medicaid program and 2 clerks to process payment of prescription drugs claims. The proper funding and the proper state match has been accounted for by the Department and it amounts to 14 new positions.

17 positions have been added at the Maine Pre-release Center, these are not new positions, these are positions created by the last session of the Legislature via the report from a Special Corrections Committee. These are now being recognized as State employees which I am sure was the intent of the Legislature's action in the last session.

At the Maine State Prison there is an additional 1 person, which will be a hearings officer, to free the deputy warden to do his duty as a deputy warden, apparently much of his time had been consumed as a hearings officer.

The other major area of increase is at Bangor Mental Health Institute, the original request was for 27 people in this area. This bill provides 20 additional positions at Bangor Mental Health to maintain accreditation at that institute. There is a reduction in a similar area of 7 people at the Augusta Mental Health Institute.

The final area of substantial change was a proposal from the Executive Department to eliminate approximately 90 positions in state government, this is presented in Part C of the Bill, and generates \$1,151,000. These were accepted by the committee and after citing that overall effect in terms of State positions is a net decrease of 35 people.

This bill, does contain a provision to try to repair the deficiencies in the Title 20 area. We have done this largely through the position elimination as proposed by the Executive Department, and other changes within the Department of Human Services.

Part D contains the education recommendation as presented at the hearing and as recommended by the Governor.

Part E allows deferral of repayment of a capital advance at Washington County VTI, they are anticipating the sale of a boat of some sort and we allowed them to defer repayment of this capital advance.

Part F of the bill repeals the Federal Expenditure Budget Bill, this bill required us to have hearing on the Federal Budget and it replaces the existing language with language which hopefully focuses more on those areas about which we can do something.

I would point out that in the new section on page 23 of the bill, in section 3 entitled "Federal Funds", there is a serious typographical error in the second line which reads: expenditures in anticipation of receipt of Federal Funds, the next word is 'for' and that word should be deleted, these typographical errors are not contained in the official version of the bill.

The teacher retirement amount in Part G is reduced to reflect revenue sharing payments.

Part H is a proposal concerning income tax payments by non-residents or part-time residents of the State, this has been reviewed by the Committee on Taxation and has been recommended by them.

If there are specific questions which I am sure that there are, I'll attempt to answer them. The overall amount of this Bill as compared to comparable recommendations of the Governor is a slight decrease, the total of his recommendations was \$13,259,000, this is \$13,169,000. So with approximately the same level of funds, we have provided some items, tried to repair others, and I think that we have a viable instrument.

On Motion by Senator Huber of Cumberland, the Ought to Pass in New Draft, Report of the

Committee Accepted, in concurrence. Under Suspension of the Rules, the Bill, in New Draft, Read Twice, and Passed to be Engrossed, in concurrence.

Sent forthwith to the Engrossing Department.

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

**Communication
House of Representatives**

March 26, 1980

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

The House voted today to Adhere on 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" (Emergency) (H. P. 1723) (L. D. 1827)

Respectfully,
EDWIN H. PERT
Clerk of the House

Which was Read, and Ordered Placed on File.

Order

An Expression of Legislative Sentiment recognizing:

Jock Robie, and his sons Douglas and Seth, of Gorham, for their heroic rescue of 2 ice fishermen at Wathic Lake (S. P. 823) is presented by Senator Usher of Cumberland, (Cosponsor: Representative Brown of Gorham).

Which was Read and Passed.
Sent down forthwith for concurrence.

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

**Paper from the House
Joint Order**

An Expression of Legislative Sentiment recognizing:

Jacob Shur, a beloved resident of Island Falls, who will celebrate his 70th birthday on March 31, 1980, amid family and a deeply appreciative community. (H. P. 2048)

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

Order

On motion by Senator Pray of Penobscot, ORDERED, the House concurring, that the following be recalled from the Legislative File to the Senate: 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) (S. P. 824)

Which was Read.
The PRESIDENT: The Senator has the floor.
Senator PRAY: Mr. President, I move that this Order be Tabled.

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

Senator KATZ: Mr. President would you state the motion.

The PRESIDENT: The Motion by the Senator from Penobscot was that this Order be Tabled.

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

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

**Communication
Senate Chamber
President's Office**

March 26, 1980

Honorable Howard M. Trotzky

Honorable Laurence E. Connolly
Chairmen, Joint Standing
Committee on Education
State House
Augusta, Maine

Please be advised that Governor Joseph E. Brennan is nominating Barbara A. Cassidy of Bangor for appointment to the Board of Trustees of the Maine Maritime Academy.

Pursuant to 1941 P & SL Chapter 37, this nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,
JOSEPH SEWALL
President of the Senate
JOHN L. MARTIN
Speaker of the House
(S. P. 825)

Which was Read and Referred to the Committee on Education.
Sent down forthwith for concurrence.

Orders of the Day

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

AN ACT to Provide Arthritic Drugs to Eligible Individuals Under the Low Cost Drug Program. S. P. 654 — L. D. 1693

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

On Motion by Senator Huber of Cumberland, the Senate voted to Reconsider its action whereby L. D. 1693 was Passed to be Engrossed.

On Motion by Senator Huber of Cumberland, the Senate voted to Reconsider Adoption of Committee Amendment "A".

Senator HUBER: I present Senate Amendment "A" to Committee Amendment "A".

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

Senate Amendment "A" (S-522) to Committee Amendment "A" Read and Adopted.

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

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

Sent down forthwith for concurrence.

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

AN ACT to Expand the State's Tourism Promotion Effort. H. P. 1680 — L. D. 1789

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

On Motion by Senator Huber of Cumberland, the Senate voted to Reconsider its action whereby L. D. 1789 was Passed to be Engrossed.

On Motion by Senator Huber of Cumberland, the Senate voted to Reconsider Adoption of Committee Amendment "A".

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

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

Senate Amendment "A" (S-527) to Committee Amendment "A" Read and Adopted. Committee Amendment "A" as amended, by Senate Amendment "A" Adopted, in non-concurrence.

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

Sent down forthwith for concurrence.

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

AN ACT to Revise and Strengthen the Bee In-

dustry Law. H. P. 1745 — L. D. 1861

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

On Motion by Senator Huber of Cumberland, the Senate voted to Reconsider its action whereby L. D. 1861 was Passed to be Engrossed.

On Motion by Senator Huber of Cumberland, the Senate voted to Reconsider Adoption of Committee Amendment "A".

On Motion by Senator Huber of Cumberland, the Senate voted to reconsider adoption of House Amendment "B" to Committee Amendment "A".

On Motion by Senator Huber of Cumberland, the Senate voted to Indefinitely Postpone House Amendment "B".

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

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

Senate Amendment "A" (S-526) to Committee Amendment "A" Read and Adopted. Committee Amendment "A" as amended, by Senate Amendment "A" Adopted, in non-concurrence. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

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

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

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

On Motion by Senator Huber of Cumberland the Senate voted to Reconsider its action whereby L. D. 1881 was Passed to be Engrossed.

On Motion by Senator Huber of Cumberland, the Senate voted to reconsider adoption of Committee Amendment "A".

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

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

Senate Amendment "A" (S-528) to Committee Amendment "A" Read and Adopted. Committee Amendment "A" as amended, by Senate Amendment "A" Adopted, in non-concurrence.

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

Sent down forthwith for concurrence.

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

AN ACT to Provide for the Education of Preschool Handicapped Children. (H. P. 1756 — L. D. 1882)

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

On Motion by Senator Huber of Cumberland, the Senate voted to Reconsider its action whereby L. D. 1882 was Passed to be Engrossed.

On Motion by Senator Huber of Cumberland, the Senate voted to Reconsider Adoption of Committee Amendment "A".

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

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

Senate Amendment "A" (S-525) to Commit-

tee Amendment "A" Read and Adopted.

The PRESIDENT: The Senator has the floor. Senator HUBER: I now present Senate Amendment "B" to Committee Amendment "A".

The PRESIDENT: The Senator from Cumberland, Senator Huber, now offers Senate Amendment "B" to Committee Amendment "A" and moves its Adoption.

Senate Amendment "B" (S-530) to Committee Amendment "A" Read, and Adopted.

Committee Amendment "A" as amended, by Senate Amendments "A" and "B" Adopted, in non-concurrence, and the Bill as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

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

AN ACT Appropriating Funds to the Department of Human Services, the Department of Mental Health and Corrections and the Department of Educational and Cultural Services for Insufficient Payments for Placement of Emotionally Disturbed Children in Residential Treatment Centers for the Fiscal Year Ending June 30, 1981. H. P. 1868 — L. D. 1958

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

On Motion by Senator Huber of Cumberland, the Senate voted to Reconsider its action whereby L. D. 1958 was Passed to be Engrossed.

On Motion by Senator Huber of Cumberland, the Senate voted to Reconsider adoption of Committee Amendment "A".

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

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

Senate Amendment "B" (S-524) to Committee Amendment "A" Read and Adopted. Committee Amendment "A" as amended, by Senate Amendment "B" Adopted, in non-concurrence, and the Bill, as amended, Passed to be Engrossed, in non-concurrence.

Sent down forthwith for concurrence.

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

AN ACT to Provide for Improved Information on Workers' Compensation and to Provide Funds for Full-time Workers' Compensation Commissioners. H. P. 1795 — L. D. 1911

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

On Motion by Senator Huber of Cumberland, the Senate voted to Reconsider its action whereby L. D. 1911, was Passed to be Engrossed.

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

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

AN ACT Relating to Budgetary Hardship in Maintaining Special Education Students. H. P. 1789 — L. D. 1908

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

On Motion by Senator Huber of Cumberland, the Senate voted to Reconsider its action whereby L. D. 1908 was Passed to be Engrossed.

Senator HUBER: I now present Senate Amendment "A" under filing S-531 and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now offers Senate Amendment "A" to L. D. 1908 and moves its adoption.

Senate Amendment "A" (S-531) Read and Adopted, and the Bill as amended, Passed to be Engrossed in non-concurrence.

Sent down forthwith for concurrence.

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

AN ACT to Expand the State's Program to Promote Apprenticeships. H. P. 1617 — L. D. 1727

RESOLVE, Appropriating Fund to Camden Community School, Inc. H. P. 1645 — L. D. 1755

AN ACT Providing Release Benefits for Certain Persons Discharged from the Maine Correctional Center. H. P. 1714 — L. D. 1820

AN ACT to Provide Funds for Vocational Training to Aid Manpower Services for Economic Development. H. P. 1717 — L. D. 1823

On Motion by Senator Huber of Cumberland, the Senate voted to Indefinitely Postpone. L. D. 1727, L. D. 1755, L. D. 1820, L. D. 1823, in non-concurrence.

Sent down forthwith for concurrence.

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

AN ACT to Provide Supplemental Funds to the Judicial Department. H. P. 1635 — L. D. 1744

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

Senator O'LEARY: Mr. President I have been made aware of the fact that when we clear our Appropriations Table, and get ready to leave for home that we will leave a total of around \$155,000. I think it is fiscally irresponsible, Mr. President, so I would ask for a Division on each one of these bills for Enactment.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Enactment of L. D. 1744, please rise in their places to be counted.

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

21 Senators having voted in the affirmative and 3 Senators in the negative, the Bill, was Passed to be Enacted, and having been signed by the President was by the Secretary presented to the Governor for his approval.

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

AN ACT to Increase the Limit on Compensation for Assistant District Attorneys in Prosecutorial District Number 7. H. P. 1648 — L. D. 1765

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Enactment of L. D. 1765, please rise in their places to be counted.

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

21 Senators having voted in the affirmative and 4 Senators in the negative, the Bill was Passed to be Enacted, and having been signed by the President was by the Secretary presented to the Governor for his approval.

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

AN ACT to Provide for Per Diem Compensation for Active Retired Judges. H. P. 1636 — L. D. 1745

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Enactment of L. D. 1745, 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, the Bill was

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

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

AN ACT to Appropriate Funds for Special Election. H. P. 1672 — L. D. 1779 EMERGENCY

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

Senator O'LEARY: Mr. President I am asking for a Division on each and every bill that costs money.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Enactment of L. D. 1779, please rise in their places to be counted.

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

25 Senators having voted in the affirmative and No Senators in the negative, the Bill was Passed to be Enacted, and having been signed by the President was by the Secretary presented to the Governor for his approval.

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

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

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Enactment of L. D. 1869, please rise in their places to be counted.

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

23 Senators having voted in the affirmative and 1 Senator in the negative the Bill was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

AN ACT to Expedite Criminal Trials and Provide for the Election of Jury Trials. H. P. 1733 — L. D. 1849

AN ACT to Assure Compliance with Existing Laws Affecting Disabled Persons' Access to Certain Buildings Open to the Public. S. P. 799 — L. D. 2003

On Motion by Senator Huber of Cumberland, Indefinitely Postponed, in non-concurrence.

Sent down forthwith for concurrence.

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

AN ACT to Clarify the Provisions Relating to Executive Conflict of Interest and to Establish Financial Disclosure Requirements for Policy-making Executive Employees. H. P. 1774 — L. D. 1877

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

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

AN ACT Establishing the Child and Family Services and Child Protection Act. H. P. 1787 — L. D. 1906

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

Senator O'LEARY: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Enactment of L. D. 1906, please rise in their places to be counted.

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

23 Senators having voted in the affirmative and No Senators in the Negative, the Bill, was Passed to be Enacted, and having been signed by the President was by the Secretary presented to the Governor for his approval.

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

AN ACT to Expand the State's Industrial Development Promotion Program. S. P. 695 — L. D. 1831

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Enactment of L. D. 1831, please rise in their places to be counted.

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

21 Senators having voted in the affirmative, and 4 Senators in the negative, the Bill, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

AN ACT to Develop Elderly Congregate Housing in Maine. S. P. 724 — L. D. 1873

On Motion by Senator Huber of Cumberland the Senate voted to Suspend its Rules.

On Motion by Senator Huber of Cumberland, the Senate voted to Reconsider its action whereby L. D. 1873 was Passed to be Engrossed.

On Motion by Senator Huber of Cumberland, the Senate voted to Reconsider adoption of Committee Amendment "A".

Senator HUBER: I now present Senate Amendment "A" to Committee Amendment "A" under filing S-532 and move its adoption.

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

Senate Amendment "A" (S-532) to Committee Amendment "A" Read and Adopted. Committee Amendment "A" as amended, by Senate Amendment "A" Adopted, in non-concurrence. The Bill, as amended, Passed to be Engrossed, in non-concurrence.

See Action Later Today

On Motion by Senator Huber of Cumberland, the Senate voted to remove from the Table: H. P. 1795 — L. D. 1911

An Act to Provide for Improved Information on Worker's Compensation and to Provide Funds for Full-time Worker's Compensation Commissioners." tabled earlier in today's session by Senator Huber of Cumberland, pending Passage to be Engrossed.

On Motion by Senator Huber of Cumberland, the Senate voted to reconsider its action whereby it Adopted Committee Amendment "A".

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

The PRESIDENT: The Senator from Cumberland, Senator Huber, now offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption. Senate Amendment "A" (S-535) to Committee Amendment "A" Read and Adopted. Committee Amendment "A" as amended, by Senate Amendment "A" Adopted, in non-concurrence. The Bill, as amended, Passed to be Engrossed, in non-concurrence. Sent down forthwith for concurrence.

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

AN ACT to Authorize a Bond Issue in the Amount of \$7,000,000 for Energy Conservation Improvements for Public School Buildings and the University of Maine. S. P. 734 — L. D. 1913 BOND ISSUE

This being a Bond Authorization Act, and having received the affirmative votes of 24 Senators, with 1 Senator voting in the negative, and 24 being more than two-thirds, of the Membership present and voting, was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

AN ACT to Authorize a Bond Issue in the Amount of \$4,000,000 for Court Facilities Improvements. H. P. 1916 — L. D. 1985 BOND ISSUE

This being a Bond Authorization Act and having received the Affirmative votes of 22 Senators, with 4 Senators voting in the negative, and 22 being more than two-thirds of the Membership present and voting, was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

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

This being a Bond Authorization Act, and having received the Affirmative votes of 26 Senators, with No Senators voting in the negative, and 26 being more than two-thirds of the Membership present and voting, was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

AN ACT to Increase the Amount which the District Court is Allowed to Deposit into the District Court Building Fund from \$3,000 per Month to \$120,000 per Year. H. P. 1640 — L. D. 1749 EMERGENCY

On Motion by Senator Huber of Cumberland, Indefinitely Postponed, in non-concurrence.

Sent down for concurrence.

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

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 EMERGENCY

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

Senator HUBER: I move that this bill be Indefinitely Postponed.

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

Senator PRAY: I request a Roll Call.

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

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

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

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: I would like to pose a question through the Chair to the Senator who requested a Roll Call. As I understand we only

have so much money in the pot, and the Appropriations Committee which is made up of Democrats and Republicans and well balanced has chosen priorities. I'd like to know if this bill passes, where are we going to get the money for it? What bills does the Senator feel should be Indefinitely Postponed that we might have passed?

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, has posed a series of questions.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President, and Members of the Senate, after Enactment of the bills that have just been Enacted, it appears that there may be available in the neighborhood of \$130,000 unexpended.

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

Senator PRAY: Mr. President, and Members of the Senate. The action which we are taking this evening on the Appropriations Table comes to a total amount of \$1.8 million, and a little bit of small change left over after that.

A number of bills and proposals have been amended and sent down to the other body. They have not yet been Enacted. We have not yet taken the final action and spent that money. If the present motion to Indefinitely Postpone is defeated, I would then move that we Suspend the Rules, and Recede. I have been keeping up with the amendments that have been coming across the desk, you'll see that I have a couple of amendments in relationship to this bill which would cut down the price tag.

If we're going to establish priorities I think that each member of this Legislature has the right to establish his own priorities. The Appropriations Committee has looked long and hard at the proposals that are before them. They have made their priorities well known to the Members of this Chamber and to the entire Legislature.

The bill that's presently being addressed, on which we'll take a vote in just a few seconds, happens to be the highest of priorities in my mind. I've gone a long ways in several attempts to compromise on this proposal. I would just like to have one more chance to attempt to give the retirees of this state, who were denied last year any additional increase above the 4%, which they received. I'm not going to get into any long dialogue in reference to what inflation has done to them and how little, we, this Legislature, has helped them.

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

Senator KATZ: Mr. President, it is a great joy and a pleasure to be a Majority Leader at a time like this. I suspect there isn't a single person in this Chamber who hasn't agonized about a cost-of-living boost for our retired state employees, and retired teachers. We have watched throughout the legislative session for ways to identify some dollars.

Earlier tonight we did pass some money bills. We passed a bill to provide supplemental funds to the Judicial Department. We are employers, and the Judicial Department is an employer. If you care anything at all about labor, I'm not talking about labor unions, I'm talking about labor, you have a feeling of overwhelming compassion that these people haven't had a raise since 'Hector was a Pup' and the difference between their salaries and the salaries of State Employees is shocking. This is not a discretionary bill. This is a must bill.

We also appropriate some money for per diem compensation for active retired judges. I don't know much about the judiciary, but I think we're talking about people in their 70's, probably, who are giving free, free service to the State of Maine. I suspect that these people are getting a pittance, too.

We did something awfully good. We gave the Secretary of State money to pay the expenses of a special election. That's not discretionary

money.

There's one in here that's a real biggy. I said in our meeting a little earlier gee, with a seeking heart. This is something we can defer, isn't, and I'm referring to 1882, L. D. 1882, turn to that little gem. There is \$345,000. What's it for? It's an educational bill, but what kind of an educational bill? You have heard me perplex, you have heard me complain that this Legislature does nothing but buy band-aids. Detoxification, Treatment Plant, always treatment, always binding up people hurt. This is money that's going to some pretty unfortunate kids. They're handicapped kids. They're pre-school kids and any professional will tell you that this is prevention. We spend so little on prevention.

I suspect that if the retired teachers and retired state employees were here and asked in a moment of compassion whether we should deal with these kids, whether we should deal with the prevention of some of the problems they have, they would probably say Yes.

I know that the Senator from Penobscot, has been working very hard and I've worked along with him to try to identify some method for yielding the positions of the two Houses with respect to the Inheritance Tax Bill. In order to make it happen you need two-thirds of both Houses to even take that bill from the Legislative File. It just isn't there. The two-thirds vote is not there. This is the hardest, rottenest part of the Legislative Session, to be forced to say No to people whose retirement checks average something like \$5,000 to \$6,000 a year.

You take the good with the bad with this job. I suggest that this is one of the rotten decisions that you're going to have to make. I ask you to join with me in gritting your teeth and making it.

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

Senator PRAY: Mr. President, and Members of the Senate: I really didn't want to drag out any debate on this, but when the Senator from Kennebec, Senator Katz, made reference to the mere pittance which the active retired judges receive, I just thought back shortly as to what the retirement system is for the Judicial Branch and the mere pittance that they receive is staggering. I know that there are a lot of working individuals in this State that wish they could earn that much money working, let alone once they are retired.

There are several other things in that bill itself, which I disagreed with. We could go into the law clerks serving 9 months kind of an internship program and entering the legal fees and the money that they make one year later. Usually individuals that go through a law firms quickly are grabbed up by large law firms for good pay.

I will just remind you as the Senator from Kennebec, Senator Katz, mentioned there is an order which I presented earlier today and I moved it to be tabled so that we could address this issue here first to see if there is any desirability by the Legislature to give the retirees something. If we do so decide then we have a number of avenues open to us, as to how we would fund it then. We then establish our priorities not with the pre-school handicapped, not with some of those programs that the Senator from Kennebec, Senator Katz mentioned, but we can look at Tourism, we can look at industrial development. There's some question as to whether or not if industrial development now cut down to \$100,000 is really going to do the industrial development program much good.

When you look at what we started out with and what you figured they needed to bring new industries into the State. The fact that we're offering that amount of money, I would think that a higher priority that once you have cut it down that far would be the people who have retired in this State. I would just remind you my concern and what I have labored so long on and the retirement bill, which originally came into the 10.2%. I disagreed with the percentages in a

way, and attempted to work a compromise which would give those individuals who at the low scale, at the low end of the retirement system a little bit of help during these times.

I'm not concerned about the person that's retired at \$800 or \$900 a month, or \$600 a month. I was concerned about the people out there that have worked for the State. They're retired. They're collecting \$127, \$150 or \$180 and believe me, there are a number of them out there.

The proposal that came out of the Committee on Aging, Veterans and retirement was \$12 a month across the board. So we really weren't going to help those people earning the most. We're going to treat everybody equally.

The 2 amendments that have been passed around today. One was to cut it down to \$6. Realizing that that still called for \$600,000 and that wasn't going to go very far I then even lowered it to \$3 for \$330,000. If you think that this Chamber can't come up with \$330,000, if it desires to give the retirees an increase over Tourism, over industrial development, and a few other programs, then you're greatly mistaken.

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

Senator CONLEY: Mr. President, and Members of the Senate: I like every other member of this Senate wrestled with the 32 bills, I believe, that were on the sheets, the Appropriations Committee's recommendations.

I think if each and every one of us took these sheets and went off into a dark corner of the Senate all by ourselves, and we rated them as to what our own priorities would be, I'm sure we'd probably come up with 33 different answers. It's obvious that unless we communicate or talk with one another there's no way that we're all going to come out the way the committee did.

The Committee wasn't unanimous on many of its recommendations. They had divided reports, divided recommendations, with respect to those bills that were killed off, those bills that were recommended to be passed.

It's not a perfect system but it's the only system we have. I have as much compassion, as much feeling for the bill that was introduced originally to give the retirees of the state an opportunity of having a few more dollars. Unfortunately the revenues are not there.

I would ask you in all honesty, if you were a State retiree today and the amendment that the good Senator from Penobscot, Senator Pray, wishes to offer \$3 a month. I think I would be more aggravated at the Maine Legislature for thinking that that is all I was worth. I would not want to get that extra \$3.

I again state that we're going to be coming back here in January. We know that we have big financial problems, facing us ahead. To pass or consider such a bill as is before us, the amendment is not before us, but if it were presented, it's not one that I would be to support. Therefore, Mr. President, with great reluctance, I would urge the members of the Senate to support the pending motion.

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

Senator PERKINS: Mr. President, Ladies and Gentlemen of the Senate: I would address one fact in agreement with the good Senator from Portland, Senator Conley, and go one step further and say that if you referred to the Appropriations Bill and review it, which we have just passed here you will note that we have put \$6.4 million into the retirement fund, in response to a study which was taken and which stated in order to keep the viability of the retirement fund intact, it needed \$47,000,000. I think any retiree within the State of Maine is more interested in keeping his retirement pay and if he wants to have that coming month after month after month, he is very interested in having this program intact and untouched.

I think Senator Conley addressed the fact that each one of us would have different priorities. I think, that, if you look at the top of the

list of the Appropriations Table here, you would see one of my priorities which is to provide "arthritic drugs for eligible individuals under the low-cost drug program." I think you will find my name along with another Senator from Cumberland's name on this program. This would have been one of my priorities, had I, had my druthers. I didn't have my druthers in these financial times, and I say to you that we did something for the retirees, we tried to keep their retirement system intact and working.

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

Senator PIERCE: Mr. President and Members of the Senate: We met earlier in leadership and we made some kind of tough decisions. I suspect there was no member of Leadership, either Democrat or Republican, that did not want to fund this bill.

When they asked if we wanted to fund it my hand went up. I was not on the winning side, so we decided we were not going to fund it. There are an awful lot of worthy bills here today. Some of them will be funded. Some of them won't. It was really quite a remarkable atmosphere, I thought, that we worked in, very much of a non-partisan atmosphere, in that we know we have some real financial problems and we tried to fund what we could and what we didn't fund, we didn't.

Evidently that non-partisan atmosphere has broken down. So I'm going to differ from my good friend, the Senator from Kennebec, Senator Katz. I'm going to urge every Republican in this Chamber to vote in a partisan manner, vote for this bill. Why not? Let our Democratic Governor who didn't support it, fund it. Good Luck to him!

On Motion by Senator Teague of Somerset, Tabled until later in today's session, pending the motion by Senator Huber of Cumberland.

Senator Pray of Penobscot, was granted unanimous consent to address the Senate, On the Record.

Senator PRAY: Thank you Mr. President, Mr. President, and Members of the Senate, I'm a little disturbed at the Assistant Majority Floorleader today. I can remember a year ago when I sponsored the very same bill with the Senator from York, Senator Lovell, and it was a commitment from leadership at that time that bills which received 6 votes in the leadership would be funded and those which did not would not be funded.

A number of proposals came out and one of the proposals which died that day was the cost-of-living increase to retirees. Somewhere in the process an individual attempted to save the bill, tried to override that decision made by leadership that day. It was that same day that the Assistant Majority Floorleader stood up and went against the recommendations of the Legislative Council or that of leadership, and threw that aside and decided that at that time that he wanted the bill.

I think that the remarks which he just made in reference to the position of the bill and the funding of that bill serves no purpose to either the retiree, or to the spirit of cooperation between the Democratic and Republican Party, or between the Branches. I would hope that in the remaining hours that we have here this evening if it lasts that long, that he would temperate his remarks, that he would remain calm in the last few hours and perhaps we would serve justice to the people and even his party, as well as the Democratic Party.

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

Senator PIERCE: Mr. President, I feel extremely calm on this issue. All I'm saying is I think we had to make some very, very hard decisions. We made some. Some I won, some I lost. The ones I lost I didn't ask for a Roll Call

and try to put people on the spot. That's the way it goes. I would love to give retirees, I would love to give everybody all the money that they wanted on the Appropriations Table. We can't do that. We agreed to that in leadership.

If the good Senator wants a roll call on this and he wants to try to put people on the spot, I say baloney! I just don't agree with that. I say good. If he wants to get partisan about this, fine! Let's vote for it and let the Governor worry about it.

What we tried to do, I think, when we met in leadership was do the responsible thing. This has always been a very, very high priority with me personally. I feel that we should give the Retirees something, I wish we could.

The Majority of Leadership didn't agree with that, not that they didn't want to, but they realized that the money just wasn't there. I think that this partisan attitude has absolutely no place here. I'm not going to get excited about it but I do feel a little upset that what we tried to do, we tried to make some difficult decisions and I think what the Assistant Minority Leader is doing is just plain wrong.

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

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

AN ACT to Provide a State Income Tax Credit for Installation of Renewable Energy Systems. H. P. 1770 — L. D. 1900

On Motion by Senator Huber of Cumberland, Indefinitely Postponed in non-concurrence.

Sent down forthwith for concurrence.

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

Senator HUBER: I move the Senate Reconsider its action whereby L. D. 1873 was Passed to be Engrossed. I understand there is a conflict in the amendments. I would like to try and straighten it out.

On Motion by Senator Huber of Cumberland, the Senate voted to reconsider its action whereby "An Act to Develop Elderly Congregate Housing in Maine" (S. P. 724) (L. D. 1873) was Passed to be Engrossed.

On Motion by Senator Huber of Cumberland, the Senate voted to Reconsider adoption of Committee Amendment "A".

On Motion by Senator Huber of Cumberland, the Senate voted to Reconsider adoption of House Amendment "A" to Committee Amendment "A".

On Motion by Senator Huber of Cumberland, House Amendment "A" Indefinitely Postponed, in non-concurrence.

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

Sent down forthwith for concurrence.

The Chair laid before the Senate:

An Act to Provide a Cost-of-Living Adjustment for Fiscal Year 1980-81 to Members of the Maine State Retirement System (S. P. 677) (L. D. 1784) tabled earlier in today's session by Senator Teague of Somerset, pending the motion of Senator Huber of Cumberland.

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

Senator PRAY: Mr. President and Members of the Senate: One hopeful last word on this proposal that's before us and the motion.

Reference was made earlier to the Report on the Joint Select Committee to Study the Maine State Retirement System, and its recommendation, and pointed out as to the condition of the fund, the situation of it. Perhaps I think that the reference to that study it was indicated that we should not vote for an increase because of the uncertainty of funding that fund.

I would just like to point out that on page 12 of that report, it is recommended that the present 4% annual cost-of-living adjustment be adjusted to 5%. Lo and behold, the additional 1% adjustment comes out to \$601,314, or would have been the first amendment that I was going to offer at the \$6 a month increase to Retirees.

If we are going to base our vote upon the Study done by the select committee and by the special committee that was hired to do that, then I think we should follow that recommendation, and defeat the pending motion.

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

Senator SUTTON: Mr. President, Honorable Members of the Senate: Just one quick word, when I went to our Republican Caucus to go over the Appropriations Table, the first thing I looked at was the increase in the Retirement Fund. I saw that on my sheet it had been crossed out, and I noticed that my colleagues also noted the same thing.

I think we all looked at every item as it came up, questioned several and tried to find someplace to come up with this money. I agree with the good Senator from Cumberland, the Minority Floorleader, only I'll go a little bit further. I would say it's an absolute insult to the retired people of the State of Maine to offer them \$3 a month, \$36 a year, or whatever it comes out to be.

For any of us to sit here and think that we're doing something that we can go back home and say that we tried to help you in such a ridiculous manner as this, I can't buy. If someone can tell me where to come up with that 1%, I will vote, starting this moment until the rest of the evening until we can get it.

Unless the good Senator who wants to play this game of \$3 can tell me exactly point by point where we're going to get \$600,000 I think it's ludicrous for us to be wasting our time.

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

Senator PRAY: Mr. President, I would like to pose a question through the Chair to the Senator from Oxford, Senator Sutton, as to whether or not he voted for \$100,000 for tourism? As to whether or not he voted for \$506,000 for the Judicial Department?

I did point out also in reference to that earlier that there were some debates both within the leadership that perhaps there was some money, maybe a \$100,000 that could be taken out of there as well.

I don't know where he may have voted last year when the Retirement Issue came up. I'm not going to really be inquisitive about that, but if it's an insult that I attempt to give the Retirees something then I think perhaps the study that we had last year was an insult that suggested that we give them a 1% increase, then we just threw \$70,000 out the window, if it's an insult, and they come back with a recommendation that they should have the extra 1%.

I am not happy to be here today to attempt to amend down further what we're trying to give them. I too, agree with you that it's perhaps in a way an insult to these people. But also to totally reject them, to say completely No to them, not a single penny, is also an insult.

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

Senator KATZ: Mr. President, I suggest that the Senator from Penobscot, Senator Pray turn to page 12 of the report, where those who make the report face up squarely, squarely to the specific question of what this Legislature should do. I'm not going to tell him what they said, because I think he knows what they said.

I think we've really, really beat this thing to death. I have misgivings about what would happen in future Legislatures if we did things like this, reading from one of the Senator's amendments, because he doesn't have any money, he says in the Statement of Fact, there will be an allocation of so much money to be prorated among all other State funded, and

amounts. You know the expression 'funny money financing' I've heard many times before, but just picture what State finances would be like if in the last session of the Legislature, next time 110th, there's something that you wanted, and you say, oh, just pass it and we'll prorate it among all other departments. It's frightening.

I hope this doesn't turn out to be. I say to my Republican brothers, my young associate spoke with vigor, he feels so strongly that the cost-of-living is a necessity and I agree with him, but let's be temperate and responsible and vote any way you want on this but the money isn't there.

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

Senator CARPENTER: Mr. President, and Ladies and Gentlemen of the Senate: In response to some of the remarks that have been made, I'll vote, when we come around to vote, I'll vote with the good Senator from Penobscot, I want to make sure my motives are clear. I'm not trying to put anybody on the spot.

The Senator has said that there are money bills that will be coming back to us for Enactment. I didn't read the Statement of Fact that the good Senator from Kennebec, Senator Katz, pointed out, but if that's the way it says, then maybe we could change that amendment and make it very specific. If we kill off 400, 500, \$600,000 worth of bills and I'll vote for them, I'll vote to kill them off, come up with some money for the State Retirees.

It seems to me and this has bothered me ever since I've been in the Legislature. We go through 100 days, or 50 days, and we have a unanimous Committee Report coming out of the Agriculture Committee, the Marine Resources Committee, the Business Legislation Committee, and the bill comes down here Unanimous Committee Report or 12 to 1 report, and all of a sudden it gets turned over. O.K. So what?

Somehow when we get to the Appropriations Act and I understand and I appreciate the effort that was put in. I understand the effort that was put in by Leadership, and I know that leadership, Republican Leadership and Democratic Leadership and the Republican Members of the Appropriations Committee, and there is nobody I have any more respect for than the Senator from Cumberland, Senator Huber, and Senator Perkins, have tried to do. All we're saying is we don't agree with you. Or we don't agree with what's come out.

You may very well have voted against many of these things that we're going to try maybe to kill off later on, but what we're saying is, let's call together the collective priorities of this body on a vote. I don't think it's anything so frightening or so insidious. We happen to be going against the process. I understand that, the process is as it is.

Perhaps as the good Senator from Oxford, Senator Sutton said, \$3 is an insult. Well maybe we can take a look at enough of these bills that have been agreed on, that we don't agree with and maybe we can come up with more than \$3.

The good Senator from Hancock, Senator Perkins, said if he has his druthers. All we're asking for, all we're demanding at this point is that we have a chance to express our druthers. Nobody, the Senator from Penobscot, nor myself is saying pass all the bills that the Appropriations Committee and the leadership approved and pass \$500,000 to the retirees. Nobody is saying that.

I'll go on a Roll Call on these bills when they come back from the other body, and try to lop some of the money off them, or knock them out altogether, come up with the money for retirees. It won't bother me a bit. That's all we're asking for.

I heard the good Senator, my good friend, the Senator from Kennebec, Senator Pierce, say we met earlier. I understand who he is talking about but we haven't met. We are meeting

now. Leadership met. The Appropriations Committee met. We, we are meeting now. This body! I don't feel that anybody on the Appropriations Committee or the Leadership should be offended because some people happen to disagree with the result of their work, not necessarily their actions, because we don't know how they voted in the committee.

We, the 33 Members minus the few that are missing, don't perhaps, will not agree with that, will not agree with the priorities as they came out of that meeting. That's all we're asking for. I'm not trying to put anybody on the spot. I'm not trying to be partisan. I'm not trying to put Senator Trotzky on the spot as against retirees, or Senator Pierce or Senator Katz. Certainly not trying to put my own Floorleader, the person I think the most of in this body, I'm not trying to do that. All we're asking for is a chance to express the fact that we don't agree with the priorities as they came out. Perhaps, just perhaps we can vote to kill enough of these bills and come up with some money for the retirees. That's all we're asking for.

I have a long history of last night in the Legislature getting very upset and very angry. Really surprised that tonight I'm trying to keep this thing toned down, because I think that the retirees are important, and I think that maybe we can do something for them. All we're doing is asking for the chance to do that. I don't think that anybody in this body should be offended by that request.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, I inadvertently left out the good Senator from Cumberland, Senator Najarian when I expressed how much confidence I had in the members of the Appropriations Committee. I didn't want her to be offended.

I want to correct the good Senator from Kennebec, Senator Katz, in one statement that he made. It was reminded, I happened to hear it, he referred to his good Republican brothers. I would just remind him that he has at least one Republican sister.

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

Senator KATZ: Mr. President, I would prefer that the Senator did not go into the specific relationship between me and the Senator from Cumberland.

The PRESIDENT: The pending question before the Senate is the Motion by Senator Huber of Cumberland, that L. D. 1784 be Indefinitely Postponed.

A Yes vote will be in favor of the motion to Indefinitely Postpone.

A No vote will be oppose.

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

ROLL CALL

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

ABSENT — Cote, Danton, Farley, Lovell, Martin, Silverman.

14 Senators having voted in the affirmative, and 13 Senators in the negative, with 6 Senators being absent, the Motion to Indefinitely Postpone in non-concurrence does prevail.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I move Reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves the Senate Reconsider its action whereby L. D. 1784 was Indefinitely Postponed.

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

Will all those Senators opposed, please say no.

A Viva Voce Vote being had.

The Motion to Reconsider does not prevail.

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

Joint Order Relative to 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) (S. P. 824) being recalled from the Legislative Files.

On Motion by Senator Pray of Penobscot, Indefinitely Postponed.

Senate at Ease

The Senate called to Order by the President.

On Motion by Senator Pierce of Kennebec, Recessed until 9:30 o'clock this evening.

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:

Paper from the House

Joint Order

ORDERED, the Senate concurring, that the following be recalled from the Governor's office to the House: Bill, "An Act Relating to Games of Chance at Agricultural Fairs." (H. P. 1797) (L. D. 1919) (H. P. 2051)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

Senate Paper

Senator Collins of Knox (Cosponsor: Senator Conley of Cumberland) present, Bill, "An Act to Provide for Implementation of the Settlement of Claims by Indians in the State of Maine and to Create the Passamaquoddy Indian Territory and Penobscot Indian Territory." (S. P. 827) (Approved by a Majority of the Legislative Council pursuant to Joint Rule 27.)

Reference to the Joint Select Committee on Indian Land Claims suggested.

Which was referred to the Joint Select Committee on Indian Land Claims and Ordered Printed.

Sent down forthwith for concurrence.

Enactors

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

AN ACT to Provide a Limited Exemption from Maine Income Tax on Interest Earned on Accounts in Maine Financial Institutions and on Certain Dividends. (H. P. 1722) (L. D. 1826)

Comes from the House, Indefinitely Postponed.

Which was Passed to be Enacted in non-concurrence and signed by the President..

(See Action Later Today)

AN ACT to Provide for Licensing and Regulation of Adult Foster Homes. (H. P. 1816) (L. D. 1927)

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

Emergency

AN ACT Adjusting Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1980, and June 30, 1981. (H. P. 2003) (L. D. 2025)

This being an emergency measure and having received the affirmative votes of 24 Members of the Senate, with No Senators

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

Emergency

AN ACT to Create the Maine Spruce Budworm Management Act. (H. P. 1980) (L. D. 2015)

The PRESIDENT: The Chair would ask Leave of the Senate to abstain from voting on L. D. 2015 due to the possibility of an apparent Conflict of Interest.

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

It is a vote.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: I would request the same leave for the same reason.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now requests Leave of the Senate to abstain from voting on L. D. 2015 because of the possibility of appearance of a Conflict of Interest.

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

It is a vote.

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

Orders of the Day

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

Senator KATZ: Mr. President, might I request of the Chair as to the action taken by this body on L. D. 1826 on Supplemental Senate Journal No. 16 pertaining to Exemptions from Interest?

The PRESIDENT: The Chair would advise the good Senator that this bill was Enacted in non-concurrence, signed by the President, and will be very shortly sent forthwith to the Clerk of the House of Representatives down the Hall.

Senator KATZ: Mr. President, because of the fact that this probably will throw things out of balance by a couple of million dollars I move that the Senate Reconsider its action whereby this bill was Enacted.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves the Senate Reconsider its action whereby "An Act to Provide a Limited Exemption from Maine Income Tax on Interest Earned on Accounts in Maine Financial Institutions and on Certain Dividends." (H. P. 1722) (L. D. 1826) was Passed to be Enacted.

Is this the pleasure of the Senate?

It is a vote.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I now move we concur with the House.

The PRESIDENT: The Senator from Cumberland, Senator Conley moves that the Bill be indefinitely postponed.

Is this the pleasure of the Senate?

The Motion Prevailed.

On Motion by Senator Conley of Cumberland the Senate voted to remove from the Table:

An Act to Create the Maine Spruce Budworm Management Act. (H. P. 1980) (L. D. 2015) (Emergency) tabled earlier in today's session by Senator Conley of Cumberland, pending Enactment.

On Motion by Senator Katz 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:

Papers from the House

Joint Order

Expressions of Legislative Sentiment recognizing: the Post-graduate Boys' Basketball Team of Maine Central Institute, winner of the

Maine Small College Conference as well as the New England Preparatory Tournament for 1979-80 (H. P. 2049)

Abbie Palmer of Thomaston, who having answered the call of Gen. John J. Pershing for switchboard operators during W.W. 1, was recently discharged with honors from the U.S. Army. (H. P. 2050)

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

Enactors

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

AN ACT to Provide for Improved Information on Workers' Compensation and to Provide Funds for Full-time Workers' Compensation Commissioners. (H. P. 1795) (L. D. 1911)

AN ACT to Provide for the Education of Preschool Handicapped Children. (H. P. 1756) (L. D. 1882)

AN ACT Relating to Budgetary Hardship in Maintaining Special Education Students. (H. P. 1789) (L. D. 1908)

AN ACT to Develop Elderly Congregate Housing in Maine. (S. P. 724) (L. D. 1873)

AN ACT to Revise and Strengthen the Bee Industry Law. (H. P. 1745) (L. D. 1861)

AN ACT to Clarify the Laws relating to the Elderly Low-Cost Drug Program. (S. P. 654) (L. D. 1693)

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

AN ACT Appropriating Funds to the Department of Human Services, the Department of Mental Health and Corrections and the Department of Educational and Cultural Services for Insufficient Payments for Placement of Emotionally Disturbed Children in Residential Treatment Centers for the Fiscal Year Ending June 30, 1981. (H. P. 1868) (L. D. 1958)

AN ACT to Expand the State's Tourism Promotion Effort. (H. P. 1680) (L. D. 1789)

Which were Passed to be Enacted, 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:

Papers from the House

Non-concurrent Matter

Joint Order relative to a Joint Select Committee on Legislative Finances be created to review the Legislative Budget. (S. P. 819)

In the Senate March 26, 1980, Read and Passed.

Comes from the House, Indefinitely Postponed, in non-concurrence.

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

Senator PIERCE: I move that the Senate Adhere.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

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

Is this the pleasure of the Senate?

The Motion Prevailed.

(See Action Later Today)

Non-concurrent Matter

Joint Order relative to creating a Joint Select Committee on the Regulation of Foreign Trucking Companies. (H. P. 1958)

In the House March 14, 1980, Read and Passed.

In the Senate March 24, 1980, Read and Passed as amended by Senate Amendment "A" (S-491), in non-concurrence.

Comes from the House, Order and accompanying Papers, Indefinitely Postponed, in non-concurrence.

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

Senator KATZ: I move that the Senate Recede and Concur.

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

Is this the pleasure of the Senate?

The Motion Prevailed.

Orders of the Day

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

JOINT ORDER—relative to the State Government Committee concluding its study of the State Personnel System. (S. P. 814)

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

Pending—Passage.

On Motion by Senator Katz of Kennebec, Indefinitely Postponed.

(Off Record Remarks)

(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:

Paper from the House

Non-concurrent Matter

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

In the Senate, March 21, 1980, Passed to be Enacted, in concurrence.

Recalled from Governor's desk pursuant to Joint Order (H. P. 2051).

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-979), in non-concurrence.

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

Orders of the Day

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

Senator PIERCE: Mr. President, I move that the Senate Reconsider its action whereby S. P. 819 was Indefinitely Postponed.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now moves that the Senate Reconsider its action whereby Joint Order relative to a Joint Select Committee on Legislative Finances be created to review the Legislative Budget (S. P. 819) whereby the Senate Concurred with the House.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

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

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, I don't have this in front of me, I wonder if the Senator would tell us what's its all about.

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

Senator PIERCE: Mr. President, and Members of the Senate, this was an Order which I put in earlier today. It seems to me that all day long, all session long we've been cutting back government; we've been cutting back departments; we've been doing everything except looking at ourselves, the Legislature. Boy, if we haven't got some places to cut around here,

I've never seen any place we can cut.

All this Order says that we go look at ourselves and cut. I think this is very appropriate for us to look at ourselves. I'm really shocked, shocked, that the other body would not concur with us on this.

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

Is this the pleasure of the Senate?

The Motion Prevailed.

On Motion by Senator Pierce of Kennebec, sent forthwith.

Orders of the Day

The Chair laid before the Senate:

Bill, "An Act Relating to Games of Chance at Agricultural Fairs". (H. P. 1797) (L. D. 1919) tabled earlier in today's session by Senator Pierce of Kennebec, pending Consideration.

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

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

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

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: I wonder if we might have an explanation on this bill, from someone?

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

Senator CONLEY: Mr. President, earlier this evening I was notified by the Chief Executive's Office that the bill that we enacted dealing with the Games of Chance at Agricultural Fairs was a little bit messed up and was subject to gubernatorial veto because of the problem that existed within the bill that was sent down. It was a drafting problem that was created by someone in the Public Safety Division.

The last time that we had a bill such as the one relating to Games of Chance at Agriculture Fairs you recall, we left such a loophole in there that the one armed bandits, etc. came into the State. The Governor's Office has stated that there would have to be a veto on the bill unless it was recalled from the Governor's Office, and an amendment was drawn up by the Commissioner of Public Safety that removed apparently the problem that was in the bill. The good Senator from York, Senator Hichens has also been aware of what the problem was.

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

Senator PIERCE: Mr. President and Members of the Senate: I now got from the explanation of the bill that we made a mistake but I'm not sure exactly where or why or how or anything else. Could someone tell me what's wrong with the bill as we enacted it?

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, again I would state I am not one to argue with the one who has the power of signing bills or to veto bills. As I understood there was a drafting problem in the bill. The order was submitted at the other body. It was going to be introduced here by me. I'm not trying to put anything over on anyone. It was my understanding there was some problems within the bill, which apparently was the same type of problem that we had in the original games of chance bill that left things open.

The Commissioner of Public Safety was called over by the Governor, the Governor reviewed it and it was my understanding that it had to be recalled.

The PRESIDENT: Is it now the pleasure of the Senate to Recede and Concur with the

House?

The Motion Prevailed.

The Chair laid before the Senate:

An Act to Create the Maine Spruce Budworm Management Act. (H. P. 1980) (L. D. 2015) (Emergency) tabled earlier in today's session by Senator Katz of Kennebec, pending Enactment.

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

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

(Off Record Remarks)

On Motion by Senator Pierce of Kennebec, adjourned until Wednesday, April 2, at 10 o'clock in the morning.