

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

MAY 4, 1981 to JUNE 19, 1981

INDEX

FIRST SPECIAL SESSION

AUGUST 3, 1981

INDEX

FIRST CONFIRMATION SESSION

AUGUST 28, 1981

INDEX

SECOND SPECIAL SESSION

SEPTEMBER 25, 1981

INDEX

THIRD SPECIAL SESSION

DECEMBER 9, 1981

INDEX

amended by Committee Amendment "A" (H-375)

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

The Committee on State Government on, RESOLVE, Authorizing and Directing the Bureau of Public Lands to Convey a Perpetual Easement and Right-of-way in a Certain Parcel of Land in Augusta to Mobil Pipe Line Company, Subject to Certain Conditions." (H. P. 987) (L. D. 1175)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-376)

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

Which Reports were Read and Accepted, in concurrence, and the Bills Read Once. Committee Amendments "A" Read and Adopted, in concurrence, and the Bills, as amended, Tomorrow Assigned for Second Reading.

Senate

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

Bill, "An Act to Ensure a Free and Appropriate Education for all Handicapped Children." (S. P. 361) (L. D. 1083)

Leave to Withdraw

Senator HUBER for the Committee on Appropriations and Financial Affairs on, RESOLVE, Appropriating Funds for the Lump Sum Settlement in the Case of the Estate of Edward M. Robinson v. State of Maine. (Emergency) (S. P. 556) (L. D. 1528)

Reports that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted. Sent down for concurrence.

Orders of the Day

The President laid before the Senate:

SENATE REPORTS — from the Committee on Energy and Natural Resources—Bill, "An Act to Undedicate Funds Received from Public Reserved Lands." (S. P. 92) (L. D. 208) MAJORITY REPORT Ought to Pass as Amended by Committee Amendment "A" (S-221); MINORITY REPORT Ought Not to Pass.

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

Pending—Motion of Senator MCBREAIRTY of Aroostook to Accept the Majority Report.

On motion by Senator Collins of Knox, Re-tabled for 1 Legislative Day.

The President laid before the Senate:

HOUSE REPORT — from the Committee on Audit and Program Review — Bill, "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law." (H. P. 89) (L. D. 64) Ought to Pass in New Draft under Same Title (H. P. 1411) (L. D. 1576)

Tabled—Earlier in the Day by Senator COLLINS of Knox.

Pending—Acceptance of Report.

The Ought to Pass, in New Draft, Report of the Committee Accepted, in concurrence. The Bill in New Draft, Read Once. House Amendment "B" Read and Adopted, in concurrence. House Amendment "C" Read.

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

Senator EMERSON: Mr. President, I now present Senate Amendment "B" to House Amendment "C" and will speak briefly.

The PRESIDENT: The Senator from Penobscot, Senator Emerson, offers Senate Amendment "B" to House Amendment "C" and moves its adoption.

Senate Amendment "B" to House Amendment "C" Read. (S-234)

The PRESIDENT: The Senator has the floor.

Senator EMERSON: Mr. President, Ladies and Gentlemen, LD 1576 would transfer the auto inspection program from regulation by the State Police to regulation by the Secretary of State. The Senate Amendment "B" to Senate Amendment "C" is necessary, excuse me, I'm getting ahead of myself. House Amendment "C" would keep the regulation in the Department of Public Safety, or the State Police. Senate Amendment "B" to House Amendment "C" is necessary to transfer the funding to the Department of Public Safety and I move its adoption.

The PRESIDENT: Is it now the pleasure of the Senate to Adopt Senate Amendment "B"?

The Chair recognizes the Senator from Aroostook, Senator MCBREAIRTY.

Senator MCBREAIRTY: Mr. President, Honorable Members of the Senate, I would hope that you don't Adopt this Amendment to Amendment "C", so that we can Indefinitely Postpone Amendment "C". If it is Adopted, it still will have Indefinite Postponement.

Mr. President, Members of the Senate, one whole year of hard work in research has gone into LD 1576. LD 1576 is an attempt by the Audit and Program Review Committee to cut costs and make more efficient the agencies and departments we have reviewed the past year. Cutting costs while reviewing a Department like Transportation, which is already underfunded by millions of dollars, has not been an easy task. I am convinced that the Audit and Review process is a very valuable legislative tool.

Many of the benefits accomplished from the review process will never show up in any bill. Many of the benefits will be impossible to measure. Almost the first statement made by Human Services people, when they came before us in January was, we have just completed an in-house review of ourselves. I was told by a reliable source that in their in-house review, thousands of dollars of unnecessary expense was eliminated, I honestly believe that their in-house review was at least partly prompted by the fact that they were scheduled to come before the Audit Committee.

The Bill before you today and the bills coming out of the Audit Committee in the future will be a real test between legislative, or bureaucratic control. I am not completely happy with every item in LD 1576, any more than I was completely happy with the Part I Budget I recently voted on. It is impossible for the Appropriations Committee, or the Audit Committee, to come out with a Bill that will make everybody happy.

If we allow ourselves to be picked off one at a time by special interest groups, we might just as well throw in the towel. As a whole, I believe LD 1576 is a good Bill, and I urge you to support the Bill in its present form.

When we talk about transfer of inspection stations to the Department of Motor Vehicles, we're only talking of transferring the inspection of the inspection stations. D.M.V. already handles driver testing and issuing licenses. They handle issuing titles, and registration. They already are testing school bus drivers.

One of the things that prompted this recommendation is the fact that D.M.V. already inspects and licenses 600 dealers who are also inspection stations. They will be there already.

Now it seems ridiculous for two departments or agencies to go to the same place. Transfer of this function would provide Maine residents with the same service, or even better, possibly, with an annual savings of \$124,000.

D.M.V. now has six investigators already in the field. An additional seven would be added to this field force. The additional position given the State Police in the Appropriation Bill and in the transfer of the truck safety program from the P.U.C. will mean that no troopers will be laid off. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkows-

ky.

Senator MINKOWSKY: Mr. President and Members of the Senate: as a member of the Committee on Audit and Program Review, I find it difficult this afternoon to speak against the Chairman of our Committee, whom I hold in the highest regard, and in his wisdom assigned me to the task force to evaluate the Department of Public Safety.

Originally, I was very much opposed to the State Police maintaining the jurisdiction over the inspection stations in the State of Maine. In fact, it was my recommendation, chairing that subcommittee, that there will be a tremendous cost savings involved in this, by transferring this responsibility from the Department of Public Safety to the Department of Motor Vehicles.

The rationale was very simple at the time, that we would not have to cope with the 20 year retirement of State Police officers, that the D.M.V. people would be working 25 years, that they presently had part of the responsibility. In essence, it sounded good in the beginning. I went along with it.

The Chairman is absolutely correct. We did spend a good year evaluating, analyzing, and disseminating the information before us. As time went on, I started getting different projections, or different points of view. These are the points of view I'd like to bring to the Senate this afternoon. I leave it up to you for your scrutiny and final determination.

Along with this recommendation is a loss of funding for more than nine State Police officers, whose duties, as the Chairman has brought out, including licensing, administration, enforcement of motor vehicle laws, or the motor vehicle law inspection program.

These fully trained and fully equipped State Police officers are on call 24 hours a day. While performing their duties pertaining to motor vehicle inspections, they also investigate accidents, rendering aid and assistance when necessary to the injured. Each officer is trained and certified in first aid, cardiopulmonary resuscitation, and cardiac care.

These same officers, also on a daily basis, perform regular and routine traffic law enforcement duties. They are on the road day and night with radio-equipped and marked vehicles. Often these vehicles are in better position to respond to emergency calls.

I bring these out primarily to show you that they are doing more than just plain inspection station investigations. The statistics provided to me by the Maine State Police indicate the following. In 1980, 168 non-inspection arrests and convictions were realized by the inspection officers, resulting in over \$6500 in fines. They also issued 2700 defective equipment warnings to motor vehicles. These services can not be performed by non-law enforcement personnel.

What we are talking about this afternoon, under D.M.V. would be non-law enforcement personnel.

The inspection officers are directly responsible for the investigation of theft, or the improper use of inspection stickers, which, on many occasions, lead to other criminal activities. One of the most important and most time consuming functions of the inspection division is school bus inspection program, which our Chairman so ably brought out. I might add that over 3800 man hours were put into that particular program.

It is my understanding that 20 years ago, the Legislature transferred the motor vehicle inspection to the State Police, and then authorized two clerical positions and five uniformed officers to pay a portion of the money collected from the sale of inspection stickers. The State Police added six officers for adequate statewide coverage since that time. Even though the number of registered vehicles have increased by 45 percent, we are operating with less than two troopers and the same number of clerical personnel.

It is also my understanding that a more cost-effective approach is a rationale in transferring this program to the Department of Motor Vehicles, which will utilize civilian personnel rather than police to perform these tasks. 20 years ago, a 45 percent increase in workload, and a reduction in personnel, in terms of efficiency, this is a record that even the private sector would be very proud of.

I could go on and on to justify my feelings today, as to why I have changed my position. Someone brought out earlier that, if it's not broken, why fix it? In my estimation, the Department of Public Safety has done a very creditable job, and I believe deserves our consideration to maintain that program within the Division or Department of Public Safety.

Another concern that was raised, if this program is assigned to the Department of Motor Vehicles, it can be predicted that the legislation will be proposed to authorize the Department of Motor Vehicles to investigate certain law enforcement powers. Does this mean D.M.V. people will be carrying weapons? We were assured by the Deputy Secretary of State that they would not, but as like any bureaucratic organization, I think the long term answer would be somewhat yes.

I understand also there is a similar situation in the State of Massachusetts, where they transferred these responsibilities to the Department of Motor Vehicles there. According to the report, the Massachusetts registry was confronted with a similar law enforcement frustration and today, its authority in some other areas exceed that of any law enforcement agency in the state. It makes personnel having the authority to stop vehicles, issue processes, make arrests, and carry weapons. It is hard to believe that this was the initial intent of the Massachusetts Legislature.

It is even more difficult to believe that this legislature and its people of the State of Maine want to create the possibility of another State law enforcement agency.

For these reasons, Mr. President, I concur wholeheartedly with the good Senator from Penobscot, Senator Emerson, in his motion to add this Amendment on to the existing Bill.

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

Senator CONLEY: Mr. President, I would pose a question through the Chair to the, any member of that illustrious Committee on Performance Audit, and would ask that those state troopers presently doing his job, or service, are they under the 20 year retirement?

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

The Chair recognizes the Senator from Aroostook, Senator McBreaarty.

Senator McBREAIRTY: Mr. President and Members of the Senate: The real purpose of this recommendation is to get uniformed, gun-toting, souped up vehicle, people away from inspecting filling stations. There's absolutely nothing in this Bill that prevents them from stopping an automobile on the highway and checking for a sticker, or checking for the conditions of the vehicle.

The percentage of time spent in different categories given to us by the Department, I have here on a sheet. I'm going to give it to you. They say presently, 20.1 percent of their time is administration. Court appearances, 1.5 percent. Investigations, 10.3 percent. Report writings 6.8 percent. Patrol hours, 1.3 percent. So, according to their figures this past year, they spent 33 hours on patrol, or 1.3 percent.

To cover the non-inspection stations, or what they say they're done, the 285 uniformed officers we already have would have to spend about 1.5 hours more a year to make it up.

The purpose of this bill is, to get away from the 20 year retirement, full-fledged officer, inspecting inspection stations. We feel it can be done by people that are not in that category,

and relieve the people that we need on the road for that purpose.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: In response to the good Senator from Cumberland, Senator Conley, and as a member of, as he quoted, the illustrious Committee on Audit Program Review, which I've been very, very proud of, the answer to his question is yes, the State Police, members who are assigned to the motor inspection program, do fall under the retirement system in 20 years. This is why, earlier in my presentation, I brought out the other duties that they performed in addition to the state inspection program. I hope that would somewhat clarify that the diversified responsibilities these officers have.

Also to further add one point. I don't have the exact figures, but I think the inspection program itself pays for at least five of these full time officers who do the inspection program, plus the many other law enforcement duties that are assigned to each one of the State troopers.

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

Senator CONLEY: Mr. President and Members of the Senate: I'd really like to know how to get one of these jobs. I think Santa Claus has come early this year. I must commend the good Senator from Aroostook, Senator McBreaarty, and his Committee, who have recommended that the transfer of these duties be put where they should be.

Perhaps being around here too many years brings on senility in an early age, but I notice budget after budget, request after request, that comes before the Legislature, is the asking for another 5, another 10, state police.

We ought to go back and review what were the State police ever established for? They were established to go out onto the highways, and catch guys like me. They do a very good job. I attest to that.

I don't think that these gentlemen should have to waste their time to be going into stations, inspections. My Lord, when I think that it costs us \$35,000 a year for a trooper, and to be wasting his time doing mediocre things such as this, that someone off the waterfront, after a little training, could do, would serve the purpose of this function very well.

Let's get them out on the highways where they belong. Let them perform the duties that they'd been trained for. We put them through this great place up here in Waterville, that the good Senator from Kennebec, Senator Pierce, is always out pounding for, the Maine Criminal Justice Academy, which I support. Let's kill this Amendment, and let's allow these troopers to get out into the field and get them away from the restaurants and the diners, and the other little inspection places that they go, and put in a solid 8 hours work.

I think it's ridiculous to have somebody doing a job like this, with 20 year retirement. If you don't think the taxpayers wouldn't be upset at it, go back and ask them.

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

Senator PIERCE: Mr. President and Members of the Senate, I'll only say it once, and I'll get right to the point. If Gerry Conley and Dick Pierce agree on a law enforcement bill, I would hope that this Senate would overwhelmingly support Senator McBreaarty on this issue.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I would move that this Senate Amendment be Indefinitely Postponed.

The PRESIDENT: The Chair recognizes the

Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, however we stand on this particular issue, I think it's important to note the purpose of Senate Amendment "B". In the other Body, when House Amendment "C" was placed on the Bill, it had a flaw in it relating to the handling of the funding, however we may vote on the final issue of whether or not to accept the House Amendment, it ought to be properly funded. I would hope that at least we would go along with the Senate Amendment, and then face the real issue. I hope you'll vote in favor of this Amendment.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, it bereaves me to listen to the evaluation rendered by the good Senator from Cumberland, Senator Conley. I'm sure that he does not have any hostility or any malevolent feelings towards the fine job that the Maine State Police have done over the years. Realizing through his own admission, the trials and tribulations that he went through, it is obvious to me why he feels as strongly as he does. Also bear in mind one other factor. The good Senator had to admit openly, they did a very, very good job in addressing his particular problems, even when I-295 wasn't even opened.

We must bear in mind one thing. We're not talking just to a \$50,900 saving, as it states in the Bill. There are many other conversion costs from the State Police to the Department of Motor Vehicles that must be addressed. If I understand it correctly, we're talking of the start-up costs, which were not listed, the two-way communication units for each vehicle, re-printing of at least 3000 inspection manuals, 1800 inspection station licenses, 5000 mechanics' licenses, all forms and paperwork bearing the name Maine State Police, as well as 1800 outside signs for each inspection station.

We are talking more than just transferring from one bureaucratic agency to another bureaucratic agency. I'm just as concerned as the good Senator from Cumberland, Senator Conley, about the taxpayers. I guess, in the past, displaying the conservative attitude I have as a life long Democrat, you can be sure that I have addressed this very, very closely, and certainly would have the best feelings of my constituents, and the people of the State of Maine as a whole in mind before making such a move.

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

Senator McBREAIRTY: Mr. President, Honorable Members of the Senate, many of the items that the good Senator just mentioned can be taken care of very easily. The signs can be taped over, as our stickers are put on our plate. The books, and applications, and forms, that they presently have, a rule can be adopted that the old ones stay in effect until the new ones are needed. So, this is not an item in this Bill at all.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, may I state a point of order to the Chair? I'm a little confused.

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

Senator CONLEY: The Senate Amendment before us is an amendment to the House Amendment?

The PRESIDENT: The Senate Amendment before us is Senate Amendment "B" to House Amendment "C".

Senator CONLEY: To House Amendment "C". This Amendment is to correct the deficiency in the House Amendment "C"?

The PRESIDENT: The Chair would have to

direct that question through the Chair to a more knowledgeable member, or a knowledgeable member of the Committee, or the amender.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President and Members of the Senate: It's my understanding that the Senate Amendment would correct a technically in the House Amendment, and therefore, in all fairness, I would support the Senate Amendment. Then I would move Indefinite Postponement of the House Amendment, as amended by the Senate Amendment.

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

Senator CONLEY: Mr. President, I request Leave of the Senate to Withdraw my motion to Indefinitely Postpone the Senate Amendment.

The PRESIDENT: The Senator from Cumberland, Senator Conley, Leave of the Senate to Withdraw his motion to Indefinitely Postpone Senate Amendment "B".

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

It is a vote.

Senate Amendment "B" to House Amendment "C" Adopted.

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

Senator CONLEY: Mr. President, I now move that House Amendment "C" be Indefinitely Postponed.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that the Senate Indefinitely Postpone House Amendment "C" as amended.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Aroostook, Senator McBreairty.

Senator McBREAIRTY: Mr. President, I request a Roll Call.

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

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

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

The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that the Senate Indefinitely Postpone House Amendment "C", as amended.

A Yes vote will be in favor of the Indefinite Postponement of House Amendment "C" as amended.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Ault, Brown, Bustin, Charette, Clark, Conley, Dutremble, Gill, Huber, McBreairty, Najarian, Pierce, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trafton, Troitzky, Viollette.

NAY—Carpenter, Collins, Devoe, Emerson, Kerry, Minkowsky, Perkins, Usher, Wood.

ABSENT—Hichens, O'Leary.

Senator Devoe of Penobscot was granted permission to change his vote from Nay to Yea.

22 Senators having voted in the affirmative and 8 Senators in the negative, with 2 Senators being absent, the motion to Indefinitely Postpone House Amendment "C", as amended, in non-concurrence, does prevail.

House Amendment "D" Read.

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

Senator McBREAIRTY: Mr. President, I move Indefinite Postponement of Amendment "D" and would like to speak briefly to my

motion.

The PRESIDENT: The Senator has the floor.

Senator McBREAIRTY: Mr. President, Honorable Members of the Senate, in our review this past winter, this past year, one of the things we reviewed was airports. When we put them all up on the wall and took a look at it, we found one airport in the State of Maine being funded by State dollars, one only.

This did raise a question as to why. We were seriously considering a recommendation that would have phased out the funding of Augusta Airport over a three year period. One of the reasons for considering this recommendation of phasing out over a three year period was because the Department of Transportation told us that they felt, within a three year period, with new contracts that will be coming out, that the Augusta Airport could be self-supporting.

Legislators of Augusta felt that this was too sudden, and they should have more time to study and review. They did appoint a committee to do this. They came back with a proposal that we defer our action for one year. They, also, came back with the Amendment that they wished that we put in the Bill. I have it in my hand here, exact words that they requested that we put in the Bill.

We put it in, we deferred it for one year. We wrote the officials a letter, a Mr. David N. Eivin, Mayor, a letter telling him exactly what we did. There was no response. We assumed that everybody was happy.

The other day, in the other Body, they did offer an amendment that would restore the funding for the second year of the biennium. We felt that leaving it out was a real incentive for them to do some work. They assumed that, too, because we accepted their amendment.

I have a little news article here that was in today's paper, the K.J. It says, "In Augusta's Democrat, Daniel JB. Hickey, who sponsored the airport amendment, said Tuesday, he was surprised it survived a test in the House." I'm surprised that it was even offered in the House, because I feel that they're in a better position to stick to their agreement that they made, than to come back and try to amend the Bill.

I would hope that you would Indefinitely Postpone the amendment. There is no intent, another year of forcing Augusta to do anything. We will reconsider next year. Thank you.

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

Senator BUSTIN: Mr. President and Members of the Senate, I would appreciate your support of House Amendment 329 as presented. I would ask you to vote against the Indefinite Postponement.

The City of Augusta has been notified by the State that they no longer want to operate the Augusta State Airport. The City should make arrangements for taking over its operation. That's true.

On November 17, 1980, the City Council unanimously passed a resolve which was sent to the Performance and Audit Review Committee, on November 21, 1980, requesting that Committee to defer action on making a recommendation on the transfer until the next session of the Legislature, so that the City could have a reasonable time period for the City to complete studies in order for the Council to take a comprehensive position on the issue.

I appreciate the fact that the Committee has recommended funding for the first year, to give us a chance to study it. It seems to me that that is the carrot, like anyone who is extended the carrot, we appreciate what the Committee has done.

It's just the other part of the proposal that bothers us, the stick. The stick in this case is that \$79,000 has been withheld for the second year. However, if there are some problems with the takeover, and one of those problems could be the involvement of the federal government, and the State's commitment to them, for

the money that has been put into the renovations at the airport. If there are some problems, and we aren't able to come up with a solution in that time period, the Augusta Legislative delegation will have to come before you to request restoration of the second year funding.

The stick, is that we better come up with a way to take over the State Airport. It seems to me that this sets up a very negative atmosphere for any committee to work under. I would prefer to establish as positive an atmosphere as I can for the studying of this issue.

It is an important issue. It should be considered in as positive a manner as is possible. I think you can all put yourselves in the position of the members of the Augusta City Council. It is just human nature to say, they're not going to tell us what to do.

So let the airport close. They can land their planes in a field in Unity, and travel the extra miles to Augusta. That position is just as unreasonable as is the position of the Committee in trying to force the decision on us.

Give us a chance to do a thorough, positive study. Don't hold a stick over our heads. I think it will be better all around, and we just might end up with a better airport. It does, after all, serve the very complex in which we are serving today, namely, the State House and all its accompanying humanity. Please vote on the Indefinite Postponement motion.

I ask for a Roll Call.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Aroostook, Senator McBreairty.

Senator McBREAIRTY: Mr. President, Honorable Members of the Senate, I feel that we had a mutual agreement. We agreed to defer any action of any kind until next year. The funding in there now will take care of the airport until the end of 1982.

There will be no way of forcing Augusta to take over this airport, unless they are willing to do so. There's a little problem of federal government in there. We're not real sure at the end of the next year that we'll want to give it to them. We have had a mutual agreement. I feel they should honor it. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate: On this particular Amendment I intend to part company with the good Senator from Aroostook, Senator McBreairty. I would like to state why.

We've had bills lying around the Legislative Halls for the last several years with respect to, well, most recently is the two percent tax assists this town and the cities. We have a fee bill coming down the line to assist towns and cities to make up for tax exempt properties.

What other community in the State, really, for a community this size, has more tax exempt property, owned and operated by the State of Maine, than the City of Augusta? What little money is in this particular Bill, or Amendment, that will help the City of Augusta for a short period of time, really isn't asking much. It would seem to me that it's just being Santa Clause again, for a very brief period of time, until the City of Augusta is able to get its house in order.

I was speaking with the good Senator from Rockland a few moments ago. My memory goes back several years, when the City of Portland pleaded, actually got down on their knees and pleaded that the Legislature take this airport off our hands for one dollar. And as usual, you guys all stuck together and said, keep your lousy airport. That's the best thing you ever told the City of Portland, because today it's the biggest money-raising thing that they have going. That is for revenues being collected outside of the property tax.

I would only ask for, with this Amendment, to allow it to stay on the Bill, to give them just that little extra time to put their home in order. Don't be a bit surprised if someone from the County of Kennebec, or the City of Augusta, isn't standing here someday, will thank you for that, and also say that they're making money today.

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

Senator McBREAIRTY: Mr. President, Honorable Members of the Senate, I just feel there must be some misunderstanding. This Bill funds the airport until the end of the fiscal 1982 year. Unless there's mutual agreement between the Federal Government, this Legislature, and the City of Augusta, at the end of 1982, the airport will still belong to the State of Maine and we will have to fund it. Augusta will not have to unless they mutually agree with us to take it over. We can not force it on them.

The federal government will not let us close down the airport if Augusta doesn't want it. We will have to continue it as a state airport.

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

Senator BUSTIN: Mr. President and Members of the Senate: I think Senator McBreairty has made a very excellent point. That's why I want to set up the most positive attitude that we can set up for this study. The only way you can do that is, in my estimation and in the estimation of the Augusta delegation, is to please fund it for 1983 so that we don't feel we're under the gun to make a positive report. I think we will. I'm not going to promise it. Please don't put us under that kind of a situation.

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

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

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

The pending question before the Senate is the motion by the Senator from Aroostook, Senator McBreairty, that the Senate Indefinitely Postpone House Amendment "D".

A Yes vote will be in favor of the Indefinite Postponement of House Amendment "D".

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President, I wish permission to pair my vote with the gentleman from York, Senator Hichens. If he were here, he would be voting Nay and I would be voting Yea.

The PRESIDENT: The Senator from Waldo, Senator Shute, requests Leave of the Senate to pair his vote with the gentleman from York, Senator Hichens. If he were here, he would be voting Nay and the Senator from Waldo, Senator Shute, would be voting Yea.

Is it the pleasure of the Senate to grant this leave?

It is a vote.

The Secretary will call the Roll.

ROLL CALL

YEA — Collins, Devoe, Emerson, Gill, Huber, McBreairty, Minkowsky, Perkins, Redmond, Sewall, C.; Teague, Trotzky.

NAY — Ault, Brown, Bustin, Carpenter, Charrette, Clark, Conley, Dutremble, Kerry, Najarian, Pierce, Pray, Sutton, Trafton, Usher, Violette, Wood.

ABSENT — O'Leary.

A Roll Call was had.

12 Senators voted in the affirmative and 17 Senators in the negative with 2 Senators pairing their votes and 1 Senator being absent, the motion to Indefinitely Postpone House Amendment "D" does not prevail.

House Amendment "D" Adopted, in concurrence.

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

The PRESIDENT: The Chair laid before the Senate, Bill, "An Act to Clarify the Inland Fisheries and Wildlife Laws of Maine." (H. P. 1423) (L. D. 1577) Tabled earlier in today's session, by Senator Pray of Penobscot, pending Enactment.

On motion by Senator Pray of Penobscot, Re-tabled for 1 Legislative Day.

On motion by Senator Collins of Knox, there being no objections all items previously acted upon were sent forthwith.

On motion by Senator Pierce of Kennebec, Adjourned until 9:00 o'clock tomorrow morning.