

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Ninth  
Legislature***

OF THE

STATE OF MAINE

**Volume II**

**First Regular Session**

May 7, 1979 to June 15, 1979

INDEX

**First Confirmation Session**

August 3, 1979

INDEX

**First Special Session**

October 4-5, 1979

INDEX

**Second Special Session**

October 10-11, 1979

INDEX

**Second Confirmation Session**

December 7, 1979

INDEX

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 where-by this Bill 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 its action where-by it Adopted Senate Amendment "A" to Committee Amendment "A".

On Motion by Senator Huber of Cumberland, Senate Amendment "A" Indefinitely Postponed.

Senator HUBER: I now 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-342) Read and Adopted.

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

Sent down for concurrence.

On Motion by Senator Huber of Cumberland, the Senate voted to remove from the Special Appropriations Table, Bill, "An Act Extending Reimbursement to Municipal Clerks in Municipalities for Revenue Lost Due to the Uniform Commercial Code." (H. P. 335) (L. D. 434).

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 where-by this Bill 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 No. S-343 and move its Adoption.

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

Senate Amendment "A" (S-343) Read, and Adopted.

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

Sent down for concurrence.

On Motion by Senator Huber of Cumberland, the Senate voted to remove from the Special Appropriations Table, Bill, "An Act Concerning the Rate of Return on the Investment Factor under the Railroad Excise Tax." (H. P. 530) (L. D. 651)

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, Bill, "An Act to Amend the Salary Range for the State Librarian and the Executive Director of the Historic Preservation Commission." (H. P. 1035) (L. D. 1272)

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

Under Suspension of the Rules, there being no objections all items previously acted upon were sent forthwith.

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

### Recess

### After Recess

The Senate called to Order by the President.

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

### Recess

### After Recess

The Senate called to order by the President.

### Orders of the Day

The Chair laid before the Senate the First Tabled and specially assigned matter:

Bill, "An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine." (Emergency) (S. P. 581) (L. D. 1639)

Tabled—June 7, 1979 by Senator Collins of Knox.

Pending—Passage to be Engrossed.

On Motion by Senator Devoe of Penobscot, the Senate voted to reconsider its action where-by it Adopted Senate Amendment "B".

Senator DEVOE: Mr. President, I present Senate Amendment "D" to Senate Amendment "B" under Filing Number S-336 and move its Adoption.

The PRESIDENT: The Senator from Penobscot, Senator Devoe, now offers Senate Amendment "D" to Senate Amendment "B" and moves its Adoption.

Senate Amendment "D" (S-336) Read.

The PRESIDENT: The Senator has the floor.

Senator DEVOE: Mr. President, what this amendment does is simply correct a technical reference to the United States Public Utility Regulatory Policies Act of 1978. The existing statute is somewhat limited. We've put a period under Public Law 95-617. Otherwise everything is exactly the same in the statute.

Senate Amendment "D" Adopted.

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

Senator DEVOE: Thank you very much, Mr. President. Mr. President, I present Senate Amendment "E" to Senate Amendment "B" with a Filing Number of S-337 and move its Adoption.

The PRESIDENT: The Senator from Penobscot, Senator Devoe, now offers Senate Amendment "E" to Senate Amendment "B" and moves its Adoption.

Senate Amendment "E" (S-337) Read.

The PRESIDENT: The Senator has the floor.

Senator DEVOE: Mr. President, all this amendment does is to make the oath which jurors take in criminal cases, to be the same and be consistent with the oath that they take when considering civil cases.

Senate Amendment "E" Adopted.

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

Senator CHAPMAN: Mr. President, I present Senate Amendment "B" to Senate Amendment "B" and move its adoption, under Filing Number S-334.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, now offers Senate Amendment "B" to Senate Amendment "B" and moves its Adoption.

Senate Amendment "B" (S-334) Read.

The PRESIDENT: The Senator has the floor.

Senator CHAPMAN: This amendment is to provide community school districts with the same authority to condemn property as presently exercised by School Administrative Districts and municipalities.

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

Senator CONLEY: Mr. President, in reviewing this particular amendment, it would indicate to me that it's certainly more than an error or an inconsistency.

It's also my understanding that this amendment was rejected by the Joint Standing Committee on Education. Therefore, I'd move its Indefinite Postponement.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that the Senate Indefinitely Postpone Senate Amendment "B".

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President, I believe the Education Committee did in their Errors Bill reject this. This is before us at this time because of that, so that we can consider it, right out front where we can make sure that we see what it is.

I would like to refer to some notes that were prepared by a Legislative Assistant on this subject. An Administrative Unit is defined in the statutes as "all municipal or quasi-municipal corporations responsible for operating or constructing public schools." The term Administrative Unit includes municipalities, SAD's and CSC's. Of these 3 municipalities, SAD's have been given the power of eminent domain specifically, in 20 MRSA, 3562, and 3562A.

CSD's have not been given this power specifically. Why has eminent domain not been specifically given to CSD's? Originally CSD's were authorized to operate only secondary schools. If the early CSD's were primarily collections of several towns, one of which might already have had a secondary school, there may have been no need for eminent domain.

Second, between the mid '50's and the early '70's, CSD's as far as their formation, there was virtually none. Even with the change in the law relating to cost sharing in 1972, few CSD's have formed. The lack of activity may also in part explain how the absence of eminent domain power has been overlooked.

There is one basis for arguing that CSD's have eminent domain power. In the Maine Revised Statutes 1964, sub-section 3562 includes language giving CSD's as administrative units, the power of eminent domain when the purpose is the enlargement or extension of any location designated for the erection or removal of a school house.

In a section of the CSD law which has been in the law with little modification since 1947, CSD's are referred to as the official schools in the participating towns and all provisions of the general law relating to Public Education shall apply to said schools.

I have not found that CSD's specifically have the power of eminent domain, nor that they were subsequently or then denied the power by the Legislature. Apparently the low level of activity on CSD formation, those 13 that presently exist, and the fact that originally they provided only standard education and this activity may not have required construction in all CSD's may partially explain why CSD's do not have the power specifically.

Shared cumulative inadvertence, however, may be a better explanation. I would urge the Senate would adopt this amendment.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: I appreciate the comments made by the good Senator from Sagadahoc, Senator Chapman. The only thing I disagree with the good Senator is the fact that this is information that should have been provided before the Committee on Education at a public hearing, so that we could get input directly from the Department of Education, from opponents and proponents of this measure.

This is no way of handling a substantive change, by putting this in the Errors and Inconsistencies Law. The Committee on Education did turn it down. I just cannot find my notes at the present time, as to what the entire rationale was relevant to it. But I'm sure there has been contacts with the Department of Education as

to why we acted as we did.

But I think this is a very wrong way of circumventing the committee process. If you allow this amendment to be added on to the Errors and Inconsistencies Bill, you may as well do away with the public hearings we have and do away with the committee process as far as I'm personally concerned.

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

Senator KATZ: Mr. President, I don't go back into the 1920's but I do have some familiarity with the laws as they have evolved with Community School Districts, Coterminous School Districts, and School Administrative Districts. They all have certain powers.

The Community School District is not a much used phenomenon. It's been used a little more increasingly in the recent years. But as we started using Community School Districts, we kept turning up things that we hadn't done properly for them to make them consistent with the SAD's and what we call the Coterminous School District. In very occasion, as these inconsistencies turn up, we've taken care of them.

Now there are a lot of ways of taking care of inconsistencies. This is an appropriate one for an inconsistency. That's all this is, is an inconsistency. It's just a series of things, that we're turned up with respect to Community School Districts.

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

Senator CONLEY: Mr. President, the good Senator from Kennebec, Senator Katz, may look upon this as an inconsistency. I'm not so sure that it is.

The fact is, if it was such an inconsistency that the Joint Standing Committee on Education could very well have incorporated it in its Omnibus Bill. I feel that this is something that is being put in at the last minute. I don't like it being put in in this manner.

Now the good Senator from Knox, Senator Collins and I, in the last session tried to put an order in here that would pre-engage the Errors and Inconsistencies Bill practically in the Judiciary Committee. That way all the errors and inconsistencies would have been argued out by the Joint Standing Committee itself. In order to put a Committee Amendment on, it would have taken 2/3's votes of both Houses to accept it.

I just don't know what ramifications this is going to have amongst CSD's, but I am one person who is not too excited about giving the powers of eminent domain away that easily. That's exactly what this amendment does. I think if we're going to have a law dealing with this, then we ought to have a public hearing and let those CSD's come in and speak for it.

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

Senator KATZ: Mr. President, let me assure my friend, the Minority Leader, that all school units have the power of eminent domain. It's not used very, very often, but they have it. In order to operate a school system in the State of Maine, you need eminent domain. It's very apparent that no CSD previously have ever needed eminent domain or it's been overlooked.

But there's no difference in the prerogatives of these different kinds of units. There's a whole series of ways to form a school district. Locally, the Legislature has said to the school units, depending upon what you want locally, form your school unit. Form a Community School District. To avoid the constitutional limitations, we had in the old days, you can form an artificial school unit, which coincides with the perimeters of your single town, or join a School Administrative District.

I can assure the good Senator from Cumberland that there is nothing inappropriate in this. I don't have any idea, any idea in the world why the Committee on Education didn't accept this. If it had been, and it could have been an individ-

ual bill, if somebody chose to go that way, it would have been completely proforma. It would have been a unanimous Report Out of Committee. There's no problems about giving these devious powers to Community School District. Everybody else has them.

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

Senator CONLEY: Mr. President, I'm very much intrigued by the statements made by the good Senator from Kennebec. I would pose a question through the Chair to the Chairman of the Joint Standing Committee on Education and wonder if he could inform the Senate as to why the Committee rejected this amendment.

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

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President and Members of the Senate: The Committee decided in its Errors and Inconsistencies Bill that there should be no substantive changes in the law. We took that policy in our Errors and Inconsistencies Bill.

However, I do feel personally that if other school districts, if SAD's have this power of eminent domain, that CSD's should also. In the Education Committee, because we wanted no substantive changes in our bill, we omitted this amendment.

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

Senator CHAPMAN: Mr. President and Members of the Senate: Current law right now can be interpreted in one respect to be including and providing this coverage. It isn't specifically stated. That's what the desire of this amendment is.

Title 20, MRSA Chapter 357 reads: "community schools when established shall be considered the official schools of the participating towns and all provisions of the general law relating to public education shall apply to such schools."

When advised that that can be interpreted to include this, that it should be intended to, and this is to clarify and to rectify inconsistencies whereby the other municipalities and SAD's have specific reference.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate: We on the Education Committee have had many trials and tribulations with SAD's, Community School Districts, no matter what it is insofar as the makeup of the different boards, the functions of those boards, the powers of the boards, the disputes that materialize from one town to another, how much power they possess. I think that all ties into this.

I think basically by enacting or accepting this particular amendment we are circumventing the feelings of some people in some towns who might have some very strong feelings on this particular matter. I am not about to do that.

I reiterate one more time. This particular substantive change should have had a public hearing, regardless of how infinitesimal it appears to the Senator from Kennebec, Senator Katz. This is not the correct way to handle things toward the end of this Legislative Session.

Now if the Committee on Education in its wisdom, did it's job, and had a policy that addressed this particular type change and we refused to accept it, I don't see why the Legislature or the Errors and Inconsistencies Bill should be handling it in this particular manner. I would sincerely hope that the Senate would reject this particular amendment this afternoon. I would ask for a Division.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of the motion to Indefinitely Postpone Senate Amendment "B", please rise in their places to be counted.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: I would request a Roll Call.

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

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

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, I welcome a Roll Call. There is a Community School District, apparently down on the coast somewhere, that is in trouble, and is asking the Legislature for help. I'd be delighted to have the people down in that area of the State know who is going to get them out of trouble and who is going to say we don't care about you. I think the Education Committee made a mistake.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: I take personal offense to the remark made by the good Senator from Kennebec, that the Education Committee made a mistake. I think we have done a commendable job. I think we have screened, evaluated, analyzed, and evaluated and disseminated every single bill in its proper perspective before us. It's really a sad day in this Senate when an accusation of that type can be expounded upon this particular Senate, by the good Senator and former Chairman of our Education Committee along these lines.

It just doesn't make good sense, and appears to me now that this particular amendment has been extremely well lobbied, not predicated upon its merits but just the point of getting it through.

If this particular community school district that the good Senator from Kennebec, refers to, which I do not know which one it is, why doesn't he come out and tell us specifically which one it is, what the problems are? I'd certainly be very interested in finding out. But again I think we're using the wrong route in which to ram this particular thing through, because I think the end result is going to be some very serious ramifications on this particular matter.

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

Senator KATZ: Mr. President, I'd like to explain to the Senator from Androscoggin, Senator Minkowsky. I was brave enough to say the Education Committee made a mistake, it made an awful lot of mistakes during my time, which were pointed out to me on the floor of this Senate. Unless all of a sudden sheer perfection has descended, I think maybe this year's is capable of a teensy-weensy one. There was no malice in my heart when I said it.

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

Senator TROTZKY: The Education Committee, this term, I think, was very near perfection.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that Senate Amendment "B" be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

YEA—Carpenter, Clark, Collins, Conley, Cote, Minkowsky, Najarian, Pray, Trafton, Usher.

NAY—Ault, Chapman, Devoe, Emerson, Gill, Hichens, Katz, Lovell, McBreairey, Perkins, Pierce, Redmond, Shute, Sutton, Teague, Trotzky.

ABSENT—Danton, Farley, Huber, Martin, O'Leary, Silverman.

A Roll Call was had.

10 Senators having voted in the affirmative, and 16 Senators in the negative, the Motion to Indefinitely Postpone Senate Amendment "B" does not prevail.

Senate Amendment "B" Adopted.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: I present Senate Amendment "A" to Senate Amendment "B".

The PRESIDENT: The Senator from Waldo, Senator Shute, now offers Senate Amendment "A" to Senate Amendment "B" and moves its Adoption.

Senate Amendment "A" (S-332) Read.

The PRESIDENT: The Senator has the floor.

Senator SHUTE: Mr. President and Members of the Senate: This amends the section of the Marine Resources law. The only thing it does is change Coastal Warden to Marine Patrol Officer.

Senate Amendment "A" Adopted.

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

Senator PIERCE: Mr. President, I present Senate Amendment "C" to Senate Amendment "B" under Filing Number S-335 and move its Adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now offers Senate Amendment "C" to Senate Amendment "B", and moves its Adoption.

Senate Amendment "C" (S-335) Read.

The PRESIDENT: The Senator has the floor.

Senator PIERCE: Mr. President and Members of the Senate: I'll try to make a long story a short one here today. Those of you who served in the last session, especially the ones on Appropriations will remember that we had addressed several times the payback procedures for our contract students who go Out-of-State to Medical Schools and various schools.

One of the changes we made in the law last time, and perhaps Senator Najarian, especially, who was involved in this will recall, is that we, for the first time classified positions into primary care and specialized care area, and changed some of the procedures whereby if they came back for 4 years in Maine they would be forgiven, and certain other classifications would be forgiven half if they went in those areas and soforth.

That clearly was the only intent of change on the payback procedures. When it came the next year the Commissioner decided that there was at least some ambiguity in the law, although not in the intent, that the other students involved in the compact, the veterinarian students, dental students, optometric students, and soforth, did we in fact mean that they were broken down into primary specialized areas.

Obviously, I think no one will attest to the fact that they were. Because clearly the intent was that they weren't. Therefore, he took it upon himself to just continue in those areas to keep the payback procedures in force as they were. That was the Class of 1981.

We now have students awaiting admission specifically in this instance to Tuft's Dental School to the Class of 1982. The commissioner has asked that rather than continue to make this decision on his own, that there should be some clarification in the law to at least read into the record that the intent clearly wasn't to address other areas other than physicians and the change in the payback procedures.

Presently the Medical Advisory Committee, which was set up under that law is meeting on a regular monthly basis. In January will have a

full recommendation to the Legislature on whether or not in all these categories we want to recommend some payback procedure changes. In fact, this is getting to be an expensive procedure with all these contract students. I suspect we will have some substantive changes to recommend to the Legislature at that time.

In the meantime I think that this would at least clarify for those students who haven't been admitted, who are waiting admission at Tuft's Dental, whether they are going to be required or they aren't to pay back if they come to Maine for 4 years. This merely would leave the present law in effect as it is now. I think as it clearly was intended to be with this group of students, and not change anything. If we don't clarify we may have the Class of '81 in one set of payback procedures, the Class going in right now, the Class of '82 in some other set of payback procedures, and the Class of '83 under procedures which we have yet to recommend. That would make things even more confusing. This is simply, what this does is just make some sort of clarification for the benefit of the commissioner. In effect, does not change his present practices under the law.

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

Senator CONLEY: Mr. President, here is another amendment that certainly is one of great substance. In fact, I question the germaneness of this amendment even to the Errors and Inconsistencies Bill because it's my understanding that this very same bill was killed by the Committee of Education. Here it is back before us as an amendment.

Why wasn't this amendment brought to the Judiciary Committee for the Committee to review it. Now for this to come in at the last moment is a disgrace. I move its Indefinite Postponement. I question as to whether or not it should be even considered by this Senate where it was already killed in a bill that was reported out of the Education Committee.

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

Senator TROTZKY: I don't believe this amendment was killed by the Education Committee. I believe it was ruled non-germane by the Speaker.

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

Senator CONLEY: This body Adhered to its position and the Bill was killed!

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

Senator PIERCE: Mr. President and Members of the Senate: That is correctly correct. The amendment was never rejected nor presented other than for informational purposes, as part of a larger amendment to a Bill which was killed. It was part of an overall Bill which ended up in non-concurrence between the 2 bodies and was killed. Certainly the Education Committee never rejected the amendment for it was never presented to them in that light.

This section of a larger amendment with 2 other changes in it was on another bill which was killed between bodies.

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

Senator NAJARIAN: Mr. President, I'd like to pose a question to Senator Pierce. My memory fails me. I can't remember what the present procedure is for paying back for these particular categories of students if this is not enacted.

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

Senator PIERCE: Mr. President, I suspect that it probably will not make that much difference whether this is enacted or not. For the Class of 1981 there was nothing on the books and the Commissioner made the decision to just continue with the present law. I would guess that if we didn't Enact this, he would probably be forced into the position of making

that same decision for the Class of 1982. At his request I'm just trying to make that slight clarification at this point.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the Indefinite Postponement of Senate Amendment "C", please rise in their places to be counted.

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

8 Senators having voted in the affirmative, and 13 Senators in the negative, the Motion to Indefinitely Postpone does not prevail.

Senate Amendment "C" Adopted.

Senate Amendment "B", as amended, Adopted.

The Bill, Passed to be Engrossed, as amended.

Sent down forthwith for concurrence.

The Chair laid before the Senate the Second Table and specially assigned matter:

HOUSE REPORTS—from the Committee on Fisheries and Wildlife — Bill, "An Act to Increase Revenues Available to the Department of Inland Fisheries and Wildlife to Compensate for the Effects of Inflation on its Current License Fees and its Costs." (H. P. 1373) (L. D. 1600) Majority Report — Ought to Pass in New Draft Under Same Title (H. P. 1484) (L. D. 1671) Minority Report — Ought Not to Pass.

Tabled—June 7, 1979 by Senator Katz of Kennebec.

Pending—Acceptance of Minority Report.

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

Senator REDMOND: Mr. President, I request a Division, and would like to speak to my motion.

The PRESIDENT: The Senator has the floor. Senator REDMOND: Mr. President and Ladies and Gentlemen of the Senate: All of us here in this body are to some extent managers or administrators of one form or another. As such we can and must face financial crisis as a matter of course, and deal with them in a rational manner taking into account the big picture. That is to say we must look first at the immediate past and follow the events that have brought us to this impasse.

Secondly, we must consider the current needs of the Department needs that must be met if the Department is to perform the duties mandated by law.

Thirdly, we must look down the road at the financial picture two, three and four years from now. Utilizing the best projections available to see what direction we are steering the department in, to see whether we are running it into the ground.

In addressing the first issue, we must consider how 4 years of the Longley Administration effected the Department, during this period Commissioner Marsh did his best to abide by Governor Longley's guidelines, to put it mildly he ran a tight ship.

License fees are the departments primary source of revenue and these fees haven't increase for 4 years. I am sure that I do not have to remind you what inflation has been over this same 4 year period. There are no moneys available from General Fund to help the Department keep pace with inflation, this brings us to the present situation. We must face facts such as the department must replace a large part of its fleet of vehicles. This is to be performed at 75,000 miles. My past experience tells me that this is very reasonable. To try to put off these kinds of investments will result in a greater long run costs.

Facts like the impact the recent wage contract has had on the Department an increase of \$705,000 in the first year alone.

There are those who will raise questions of cost effectiveness, and call for another survey of the financial management of the Department to this point I will only say that I have a