

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

1978

Second Regular Session

January 4, 1978 — April 6, 1978

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APPENDIX

SENATE

March 9, 1978

Senate called to Order by the President.

Prayer by Reverend George C. Bland, Jr. of South Parish Congregational Church, Augusta.

Reverend BLAND: Let us pray together. Dear God, amid differing opinions, in particular amid the pressures of time, we pause to pray to You for Your presence for ourselves for poise, for others, that we may see them truly and in all their dimensions as people. Help us to remember the example of your prophet Isaiah who 2,500 odd years ago could see Israel occupying her place in the world as a servant nation. What do we serve? We serve what is good and true, Your word, and our neighbor. Hear our prayer. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

Orders

An Expression of Legislative Sentiment recognizing that:

The New England Section — Society of American Foresters, an organization founded in 1900 to advance the science, technology, education and practice of professional forestry, will hold its 58th annual meeting in Portland from March 8th to March 10th, (S. P. 735)

Presented by Senator Redmond of Somerset. (Cosponsored by: Representatives: Peterson of Caribou, Rollins of Dixfield and Dexter of Kingfield.

Which was Read.

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

Mr. REDMOND: Mr. President and Members of the Senate: I am happy to report to you that one of our good Maine foresters has just been elected Chairman of the New England Section of the Society of American Foresters. He is A. Temple Bowen who was currently Director of Administrative Services in the Department of Conservation. Temple has been a forester for the Maine Forest Service for many years and for a time was with the U. S. Forest Service. It is an honor to the State of Maine to have one of her foresters elected to this leadership position, among professional foresters in all of New England.

Which was Passed.

Sent down for Concurrence.

Committee Reports

House

Ought to Pass in New Draft

The Committee on Business Legislation on, Bill "An Act Relating to the Installation of Sprinkler Systems in all New and Existing Hotels." (H. P. 1995) (L. D. 2066)

Reported that the same Ought to Pass in New Draft under new title: "An Act Relating to the Installation of Smoke and Heat Detection Systems in Certain Hotels." (H. P. 2195) (L. D. 2178)

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

Which Report was Read and Accepted in concurrence, and the bill, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

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 that:

Greeley High School has achieved outstanding excellence in the fields of scholarship and sports by capturing the Boys All Class State Swimming Championship and finishing as runner-up in the New England Meet, by having a freshman Cross Country runner, Brian Pettingill who ran #1 in Maine and competed in the

National competition and by having two students, Rose Hickey and Steve Andreason, who finished as finalist and semi-finalist in the National Merit Scholarship Program, (H. P. 2212) Comes from the House, Read and Passed. Which was Read and Passed in concurrence.

(Off Record Remarks)

Divided Report

The Majority of the Committee on Energy on, Bill, "An Act to Revise the Authority of the Oil Burner Men's Licensing Board to Inspect and Approve Most Fuel Burning Equipment." (H. P. 2056) (L. D. 2120)

Reported that the same Ought to Pass in New Draft under new title: Bill, "An Act to Empower the Oil Burner Men's Licensing Board to Inspect and Approve Coal and Wood Fuel Central Heating Equipment." (H. P. 2184) (L. D. 2176)

Signed:

Senators:

TROTZKY of Penobscot
FARLEY of York

Representatives:

DAVIES of Orono
HOWE of South Portland
TORREY of Poland
CONNOLLY of Portland
JENSEN of Portland
TRAFTON of Auburn
HUBER of Falmouth

The Minority of the same Committee on the same subject matter Reported that the same Ought Not to Pass.

Signed:

Senator:

REDMOND of Somerset

Representatives:

BOUDREAU of Waterville
RIDEOUT of Mapleton
BROWN of Bethel

Comes from the House, the Bill, in New Draft, Passed to be Engrossed as amended by House Amendment "A" (H-1129).

Which Reports were Read.

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

Mr. TROTZKY: I move that the Senate Accept the Majority Ought to Pass Report of the Committee and would like to speak to my Motion.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, now moves that the Senate Accept the Majority Ought to Pass, in New Draft, Report of the Committee. The Senator has the Floor.

Mr. TROTZKY: Mr. President and Members of the Senate: This is a very simple Bill. Basically because of the high cost of oil and so on there has been a proliferation of central heating systems using solely wood right now and probably in the future, coal may come back.

The Committee felt that, visited the Southern Maine Vocational Technical Institute, the Maine Energy Testing Lab to see how they approved the oil burners and so on and all the facilities that they have and the Committee felt that, the majority of the Committee felt that these new systems that are sold in the State of Maine should be approved either by Underwriters Laboratories or a nationally recognized testing facility, and if they have not been approved than they should be sent a new system that comes on the market, should be sent to the energy testing lab at SMVTI to make sure that the system is capable of sustaining, withstanding the temperatures that it will be used at. If seams do not open up and so on. The only reason the approval process has been assigned to the Oil Burnermen's Licensing Board only because they do work with the Southern Maine Vocational Technical Institute appeared to be the only agency that could handle this administratively.

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

Mr. REDMOND: I oppose the Acceptance of

the Majority Ought to Pass Report and request a Division.

The PRESIDENT: A Division has been requested. The Senator has the Floor.

Mr. REDMOND: Last weekend when I went home and saw some of my constituents that this matter was brought up and they asked me why I was opposing this. I said that I do not really oppose it. The majority of the Committee wants it and I tried to find good reasons why we wanted it and so I thought very deeply about it and I concurred with my constituents that we already have too many regulations now and their concern was that they may have to go and hire a lawyer before installing a wood stove. So I really decided to stick to my position and hope that the Senate will approve my position.

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

Mr. COLLINS: Mr. President, I can assure the Members of the Senate that they will not have to have their wood stoves inspected. That this Bill really applies only to units that are used for central heating and I am sure that all of you that have oil fired furnaces and boilers in your homes that are suppling central heating are aware that all of these have an underwriters label or have been tested by an accredited testing organization and it only happens that this Bill is now important to us because people are beginning to consider to use once again coal burning furnaces, boilers, wood burners, for central heating, and I think that this is the real point of it. We are not talking about independently separate units, a fireplace, a wood stove, this sort of thing, we are talking about those units that are used for central heating only, and this is precisely the type of existing inspection and certification that you have on your other central heating units.

So it really just addresses a change in what is happening in our society today and recognizes that we ought to have the same amount of protection for wood burning and coal fired units as we currently have for oil fire units. There is a fact sheet that I have distributed and I call your attention to it, I do not think that this is going to result in a lot of additional regulation. It does mean that people that manufacture these units and some of them are coming over here from other countries, that they are going to be tested, that you are not going to have to worry about the boiler exploding. If you get into this type of central heating.

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

Mr. JACKSON: Mr. President and Members of the Senate: I have a question maybe for some person from the Energy Committee can answer or some other Member of the Senate might answer.

It is that I understand that all coal fired and oil fired, not oil fired, but wood burning units, central heating units are not inspected presently in this country and I have to concur with the good Senator from Somerset, Senator Redmond, in regards to the State with their regulations in certain areas. I would assume that many of the Maine people, Maine residents unlike maybe some of our other states in our country, I think that they are a little more aware of what is happening around them and especially in their purchases. I would assume that you would not find too many of the in this State, that buy things that are not tested, or do not carry the UL label. This is why I ask if all units that are built and manufactured in this country are tested. And maybe somebody could answer that question.

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

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Mr. TROTZKY: Mr. President, these new central wood heating systems, there is no requirement that is tested before it is in-

stalled.

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

Mr. JACKSON: Again I do not think that that was a clear answer. If it is a national standard that it be inspected before it is installed I cannot see any need for this piece of Legislation.

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

Mr. TROTZKY: There is no requirement nationally or in the State that central wood heating or coal fired system be tested. I want to make it very clear that it states in the Bill itself that fireplace stoves, and radiant room heaters, shall not be considered to be within the definition of central heating equipment.

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

Mr. WYMAN: Mr. President and Members of the Senate: I am confused on this Bill. I have a furnace, a cast iron furnace. I burn oil in it but when I bought it I had grates so that if I wanted to change over to coal or wood I could. Now if I were to replace that, would I have to have a license or permit or something?

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

The Senator from Penobscot, Senator Trotzky, having spoken three times now requests permission of the Senate to speak a fourth time. Is is the pleasure of the Senate to grant this permission? It is a vote.

Mr. TROTZKY: Mr. President and Members of the Senate: You can build any central heating system you want in your own home. Make the changes you want in it, but in your own home. What this Bill refers to is if you are offering that for sale, if you are manufacturing a piece of equipment and offering it for sale to other people for their use, you can build any kind of unit you want in your own home.

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

Mr. MERRILL: Mr. President and Members of the Senate: I think that it might be helpful to put this debate into the context of what we have done previously here this year. We took an action earlier which some of us had some doubts about which involved the State directly in the business of telling people of Maine how to hook up their wood stoves. Some of us wondered how far that action should go but we did take that action. This Legislature did take it and I understand the reasons why. It seems to me that if we are willing to take that step then this one should be automatic, because what we are talking about here today is people who are making furnaces that are going to combust wood, at a large temperature, probably in the cellar of somebodies home and they are going to sell these things. People are going to rely, I think, on the fact that these things are properly designed, that the welding is properly done to with stand this temperature, that the work has been done properly so that these items are safe and I think that when you are dealing with furnaces of this kind that it is a much more difficult judgment for people to make then the judgment about whether or not the stove pipe is installed properly. A little common sense will get you by that discussion. I suggest that it takes a little more then common sense. It takes some knowledge, I think probably of the combustion of fuels and the nature of metals in order to be able to make a judgment as to whether or not a furnace of this kind is safe.

So having taken this step, it would seem to me certainly to be an unexplainable divergence from action not to take the step that is before us today. What we would be saying is that we are going to protect people of Maine where common sense is probably all that they need, and when it comes to these difficult judgment in which some scientific review would be helpful, that we are going back off. So it seems to

me the Senate if it is going to be anything like consistant, has no option as much as it would like one, other then to support the position of the Senator from Penobscot, Senator Trotzky.

The PRESIDENT: The pending question before the Senate is a Motion by the Senator from Penobscot, Senator Trotzky, that the Senate accept the Ought to Pass in New Draft Report of the Committee.

A Division has been requested.

Will all those Senators in favor of the Acceptance of the Ought to Pass in New Draft Report please rise in their places to be counted.

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

18 Senators having voted in the affirmative and 11 Senators in the negative, the Motion to Accept the Ought to Pass in New Draft Report does prevail.

The Bill Read Once. House Amendment "A" Read and Adopted in concurrence. This Bill, as amended, Tomorrow Assigned for Second Reading.

Committee of conference Report

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

Bill "An Act to Amend the Crime of Assault on a Law Enforcement Officer" (S. P. 661) (L. D. 2032) have had the same under consideration, and ask leave to report:

That the House recede from passage to be enacted; recede from passage to be engrossed as amended by Committee Amendment "A" (S-444); read and adopt Committee of Conference Committee Amendment "A" (H-1130) and pass the bill to be engrossed as amended by Committee Amendment "A" (S-444) and Committee of Conference Amendment "A" (H-1130) in non-concurrence.

That the Senate recede from committing to the Committee on Judiciary; Recede from Passage to be Engrossed as Amended by Committee Amendment "A" (S-444); Read and Adopt Committee of Conference Committee Amendment "A" (H-1130) and pass the Bill to be Engrossed as Amended by Committee Amendment "A" (S-444) and Committee of Conference Amendment "A" (H-1130) in concurrence.

Committee on the part of the House:

COTE of Lewiston

CARRIER of Westbrook

SHUTE of Stockton Springs

Committee on the part of the Senate:

KATZ of Kennebec

CONLEY of Cumberland

LOVELL of York

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" and Conference Committee Amendment "A" in non-concurrence.

Which Report was Read.

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

Mr. KATZ: Mr. President, in calling the Senate's attention to the fact that we very quickly came to an agreement on this sensitive issue, I want to pay tribute to the flexibility of the Senator from Cumberland, Senator Conley. The place we came together was a very simple one, that just says when there is a complaint of an attack on a police officer, the chief administrative officer of the agency must be the one who makes the final decision about making a complaint and this pushes away all the clouds that encompassed our minds and I think now we can get together and enact this Legislation.

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

Mr. CONLEY: Mr. President and Members of the Senate: I stated sometime ago that it was not my interest to see this Bill meet its demise and because of the fact that I spoke out on this Bill many people somehow or an other get the impression that I dislike officers of the

law. That it is not true at all, in fact on my way up here this morning I stopped and had a friendly chat with one of our local State Troopers. But I think that the good Senator from Kennebec, Senator Katz, has certainly given what I feel as the true impression of what I consider to be the right wing at the other end of the Hall would like to put capital punishment in this Bill, I think in this document for those who brought charges against assault on a police officer and the fact that we have been able to tone this down into what I consider to be a very reasonable approach in dealing with what is becoming a very serious problem throughout the country. It is a rational solution and I would hope that in perhaps another year or so we may see a decline of these charges that have been brought.

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

Mr. CARPENTER: Mr. President, as much as I hate to be put in the position of having to agree with my Floor Leader, I am a little bit confused and I would pose a question through the Chair to any Member of the Conference Committee. As I read this, a police officer who was assaulted on an officer. He would have to have the permission of his chief or his chief administrative officer of the agency. I wish somebody would do two things.

1. Define what is chief administrative officer of an agency.

2. Would the officer not be allowed to bring charge on his own. He would have to if the chief administrative officer said no, you were not assaulted as he laid there in his hospital bed what recourse would the officer then have?

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

Mr. KATZ: Mr. President, I think that the injured officer would have full recourse to any civil suit he might care to pursue, but this pertains only to criminal charges and presumably the chief of police will be the filtering agency and will protect his officers but also will give the kind of reassurance that we all need that an over zealous officer cannot write a serious complaint.

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

Mr. MERRILL: Mr. President, if I may just add briefly to the statement made by the Senator from Kennebec, Senator Katz, that it seems to me also that the remedies available to police officer would be the same as those available to a private citizen. We have already established that the crime of aggravated assault against a police officer, which is not necessarily against a police officer. I would assume the crime of a similar officer would be available also which will have a penalty if this law if passed which will not be less. So all we are talking about here is whether this extraordinary penalty that comes about because the person was acting in the course of his duties could be involved in the punishment for the assault. In that case it seems appropriate that some extra protection to the public for the misuse of this charge be provided and I think that the compromise a good one.

Which Report was Accepted in concurrence.

Second Readers

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

House — As Amended

Bill, "An Act to Lower the Costs of Medical Malpractice Arbitration." (Emergency) (H. P. 1964) (L. D. 2051)

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

Senate

Bill, "An Act Relating to Post-graduate Education in the Field of Medicine, Dentistry, Optometry and Veterinary Medicine." (S. P. 732) (L. D. 2177)

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

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following: "An Act to Encourage Early Resolution of Discrimination Complaints and to Clarify the Subpoena Power of the Maine Human Rights Commission." (S. P. 703) (L. D. 2150)

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

Orders of the Day

The President laid before the Senate: Bill, "An Act Concerning the Charter of the Guilford-Sangerville Water District." (Emergency) (H. P. 2161) (L. D. 2170)

Tabled — March 6, 1978 by Senator Speers of Kennebec

Pending — Passage to be Engrossed
The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President, I just think that this is one of the problems of not having a hearing. There were several paragraphs that needed changing. There were also a few sections in the proposed charter as it was given to us that were not in conformity with the charges which the Public Utilities Commission and the Public Utilities Committee like to see in Bills for the protection of their customers. These amendments, while they have gone through a certain amount of refining, still have to be okayed by the lawyer who originally wrote the charter up. It will not be until later that we will have those Amendments, and I would appreciate it if someone could table this until Monday.

On Motion of Mr. Huber of Cumberland, Retabled for Two Legislative Days.

The President laid before the Senate: Bill, "An Act to Amend the Maine Juvenile Code." (H. P. 2142) (L. D. 2163) (Emergency)

Tabled — March 7, 1978 by Senator Speers of Kennebec

Pending — Passage to be Engrossed
On Motion of Mr. Mangan of Androscoggin, Retabled until this Afternoon's Session.

The President laid before the Senate: Bill, "An Act to Establish a Uniform Confidentiality Statute for Tax Information and to Update the Maine Income Tax Law with Respect to the Internal Revenue Code." (H. P. 1952) (L. D. 2031)

Tabled — March 8, 1978 by Senator Speers of Kennebec

Pending — Passage to be Engrossed
The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President, I present Senate Amendment "A" to (H. P. 1952) (L. D. 2031) and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Jackson, now offers Senate Amendment "A" to (L. D. 2031) and moves its adoption.

The Secretary will Read Senate Amendment "A".

Senate Amendment "A" (S-526) Read and Adopted.

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

Sent down for concurrence.

(Off Record Remarks)

All matters previously acted upon were sent forthwith.

On Motion of Mr. Huber of Cumberland, Recessed until 4:00 in the afternoon.

Recess

After Recess

Senate called to order by the President.

(Off Record Remarks)

Out of order and under suspension of the rules, the Senate voted to consider the following:

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

Bill, "An Act Concerning the Number of Persons Required to be Covered by an Existing Group Health Insurance Policy for its Renewal or Replacement." (S. P. 689) (L. D. 2123)

In the Senate, March 8, 1978, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-1134), in non-concurrence.

On Motion of Mr. Pierce of Kennebec, the Senate voted to Recede and Concur.

Non-concurrent Matter

JOINT RESOLUTION, Urging the Maine Department of Human Services to Request that a Federal Pilot Providing Jobs to Food Stamp Recipients be Established in Maine. (H. P. 2199)

In the House, March 8, 1978. Read and Adopted.

In the Senate, March 8, 1978, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Adhered.

On Motion of Mr. Pierce of Kennebec, the Senate voted to Adhere.

Joint Orders

The Rebels of Telstar Regional High School have won the New England Interscholastic Ski Championship for 1978, (H. P. 2202)

Ina T. H. Stinneford, a long time resident of Winslow and the oldest living graduate of Colby College, is celebrating the 100th anniversary of her birth on March 22, 1978, (H. P. 2203)

Mrs. Annie B. McGown, distinguished citizen of Ellsworth, recipient of the Boston Post Cane Award and elder family member of five living generations, will, on March 15, 1978, celebrate with family and friends of the community the 100th anniversary of her birth, (H. P. 2208)

Edwin H. Pert, Clerk of the Maine House of Representatives, has been elected vice-president of the American Society of Legislative Clerks and Secretaries, (H. P. 2214)

Lou Gene Carroll of Hancock, celebrated the 100th anniversary of a joyful life filled with love and appreciation on Tuesday, February 21, 1978, (H. P. 2209)

The Dixfield High School Cougarets are the Girls' Basketball Class C Maine Champions for 1978, (H. P. 2211)

Coach Ordie Alley of the Jonesport-Beals Royals has lead his boys to their eighth Eastern Maine Class D Basketball Championship, (H. P. 2210)

Come from the House, Read and Passed.

Expressions of Legislative Sentiment recognizing that:

The Telstar Regional High School Cheerleaders have won the State Division II Cheering Championships for 1978, (H. P. 2201)

Which were Read.

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

Mr. KATZ: Mr. President, before passage of these Joint Orders, I particularly want to commend to the Senator's attention H. P. 2201. It is not often that we recognize the excellence of those who are cheering the sports teams along. I think that this is a very bright day when finally we are recognizing this kind of talent.

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

Mr. CONLEY: Mr. President, I would hope that someday, along with the remarks of the

good Senator from Kennebec, Senator Katz, that there might be a joint order in here applauding the work done by the maintenance men who clean up after these games are over. Which were Passed in concurrence.

Joint Resolutions

Joint Resolutions In Memoriam:
WHEREAS: The Legislature has learned with deep regret of the death of Walter F. Trundy who served 68 years as the Town Clerk, Registrar of Voters, and Historian of Stockton Springs, (H. P. 2207)

WHEREAS: The Legislature has learned with deep regret of the death of the Honorable Leslie E. Boothby, Sr., of Livermore, a prominent farmer and public servant, (H. P. 2213)

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

**Communication
Committee on Energy**

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

The Committee on Energy is pleased to report that it has completed all business placed before it by the Second Regular Session of the 108th Legislature.

Bills received in Committee	6
Unanimous Reports	4
Ought to Pass as Amended	5
Ought to Pass in New Draft	1
Divided Reports	2
Total Number of Amendments	5
Total Number of New Drafts	1

Sincerely,
HOWARD M. TROTZKY
Chairman

Which was Read and Ordered Placed on File.

**Committee Reports
House**

Ought to Pass

The Committee on Local and County Government on,
RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1978. (Emergency) (H. P. 2205) (L. D. 2181)

Reports that the same Ought to Pass (Pursuant to Joint Order H. P. 1986)

Comes from the House, the Resolve Passed to be Engrossed.

The Committee on Local and County Government on,

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1978. (Emergency) (H. P. 2204) (L. D. 2180)

Reports that the same Ought to Pass (Pursuant to Joint Order H. P. 1986).

Comes from the House, the Resolve Passed to be Engrossed.

The Committee on Local and County Government on,

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1978. (Emergency) (H. P. 2206) (L. D. 2182)

Reports that the same Ought to Pass (Pursuant to Joint Order H. P. 1986).

Comes from the House, the Resolve Passed to be Engrossed.

Which Reports were Read and Accepted in concurrence and the Resolves Read Once.

Under suspension of the rules, the Resolves Read a Second time and Passed to be Engrossed in concurrence.

Ought to Pass — As Amended

The Committee on Business Legislation on,
Bill, "An Act to Facilitate Central Licensing and Concerning Membership on the Maine Athletic Commission." (Emergency) (H. P. 1908) (L. D. 1969)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-1128).

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

Which Report was Read and Accepted and the Bill Read Once. Committee Amendment "A" Read and Adopted in concurrence. This Bill, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act to Transfer the Division of Motor Vehicles to the Department of Transportation." (H. P. 2079) (L. D. 2133)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-1133).

Signed:

Senators:

COLLINS of Aroostook
SNOWE of Androscoggin

Representatives:

CHURCHILL of Orland
MASTERTON of Cape Elizabeth
KANY of Waterville
SILSBY of Ellsworth
CURRAN of South Portland
VALENTINE of York
LOCKE of Sebec
BACHRACH of Brunswick
STUBBS of Hallowell

The Minority of the same Committee on the same subject matter Reports that the same Ought Not to Pass.

Signed:

Representative:

DIAMOND of Windham

Comes from the House, Bill and Papers, Indefinitely Postponed.

Which Reports were Read.

On Motion of Mr. Collins of Aroostook, Tabled for One Legislative Day, pending Acceptance of either Committee Report.

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act Providing the Governor with the Procedure for Reorganizing a Department or Agency of State Government." (H. P. 2137) (L. D. 2164)

Reports that the same Ought Not to Pass.

Signed:

Representatives:

CHURCHILL of Orland
MASTERTON of Cape Elizabeth
DIAMOND of Windham
SILSBY of Ellsworth
CURRAN of South Portland
VALENTINE of York
LOCKE of Sebec
KANY of Waterville
BACHRACH of Brunswick
STUBBS of Hallowell

The Minority of the same Committee on the same subject matter Reports that the same Ought to Pass.

Signed:

Senators:

COLLINS of Aroostook
SNOWE of Androscoggin

Comes from the House, the Majority Report Read and accepted.

Which Reports were Read.

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

Mr. COLLINS: Mr. President, this Bill is one that came from the Executive. It is fairly similar to a Bill that was introduced last year which provides for a reorganization that is originated by the Governor and provides for reorganization to take place the last time by an action that would provide if the Legislature did not act within 60 days, the reorganization would take place.

The Bill is in slightly different form this time. It provides that the Legislature must

take a positive action in order for the reorganization to take place. However, I have been advised today that the Executive is not happy with the present approach and it has been defeated in the other Body and I, therefore, move the indefinite postponement of the Bill and all its accompanying papers.

On Motion of Mr. Collins of Aroostook, the Bill and accompanying papers Indefinitely Postponed.

Committee of Conference Report State of Maine

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Resolve, Authorizing Certain Employees of the State of Maine to Request an Extension of Employment After Their Mandatory Retirement Age, Years of Service Requirement or Age and Years of Service Requirement (H. P. 2101) (L. D. 2140) have had the same under consideration, and ask leave to report: That they are unable to agree

On the part of the House:

DAVIES of Orono
KELLEHER of Bangor
SPROWL of Hope

On the part of the Senate:

HICHENS of York
LEVINE of Kennebec

Comes from the House, the Report Read and Rejected, and the House Further Insisted and Asked for a Second Committee of Conference.

Which Report was Read.

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

Mr. LOVELL: Mr. President, I would appreciate very much if the Senate would reject the report and Insist and go along with a Second Committee of Conference.

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

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, I would request a Division on that Motion.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of rejecting the Committee of Conference Report please rise in their places to be counted.

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

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, I request a Roll Call.

The PRESIDENT: A Roll Call has been requested.

In order for the Chair to order a Roll Call it must be the expressed desire of one-fifth of those Senators present and voting. Will all those in favor of a Roll Call please rise in their places to be counted.

Obviously less than one-fifth having arisen a Roll Call is not ordered.

The Chair will order a Division.

Will all those in favor of the Motion to reject the Committee of Conference Report please rise in their places to be counted.

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

11 Senators having voted in the affirmative and 15 Senators in the negative, the Motion to reject the Committee of Conference Report does not prevail.

Is it now the pleasure of the Senate to Accept the Committee of Conference Report? It is a vote.

(See Action later today)

Enactors

The Committee on Engrossed Bills reports as truly and strictly engrossed the following: "An Act Concerning Filing of Claims for Occupational Deafness under the Workmen's

Compensation Statutes." (H. P. 1872) (L. D. 1913)

"An Act to Readjust Disbursement of the Potato Tax Fund." (H. P. 2067) (L. D. 2128)

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

RESOLVE, Requiring the Commissioner of Business Regulation to Study the Costs and Benefits accruing to the State as a result of Self-insurance of all or Part of Group Health Insurance Coverage. (S. P. 637) (L. D. 1996)

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

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution to Grant to the Supreme Judicial Court the Power to Remove a Judicial Officer from Office. (H. P. 1886) (L. D. 1943)

Comes from the House, Failed of Final Passage.

This being a Constitutional Amendment and having received the affirmative votes of 19 Members of the Senate and 8 Senators in the negative, this Resolution was Finally Passed and signed by the President.

Sent down for concurrence.

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

Mr. HICHENS: Mr. President, I move that we reconsider our action whereby the Committee of Conference Report on Resolve, Authorizing Certain Employees of the State of Maine to Request an extension of Employment After Their Mandatory Retirement Age, Years of Service Requirement or Age and Years of Service Requirement H. P. 2101, L. D. 2140 was accepted, and ask that you vote against me.

The PRESIDENT: The Senator from York, Senator Hichens, now moves that the Senate reconsider its action whereby it accepted the Committee of Conference Report on L. D. 2140.

Will all those in favor of reconsideration please say yes.

Will all those opposed please say no.

A viva voce vote being had, the Motion to Reconsider does not prevail.

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, Bill, "An Act to Establish and Apply a Policy on the Classification of Major Policy-influencing Positions Below the Head of State Department and Agencies." (H. P. 2051) (L. D. 2111) have had the same under consideration, and ask leave to report:

That the Senate recede from its action whereby it Passed the Bill to be Engrossed; recede from adoption of Senate Amendment "B" (S-447); indefinitely postpone Senate Amendment "B"; adopt Conference Committee Amendment "A" (S-528), submitted herewith; and Pass the Bill to be Engrossed, as amended by House Amendments "A" (H-995); "B" (H-1002); "D" (H-1006); and "E" (H-1016) and Conference Committee Amendment "A";

That the House recede from its action whereby it Passed the Bill to be enacted; recede from its action whereby it Passed the Bill to be Engrossed; adopt Conference Committee Amendment "A" (S-528), submitted herewith; and Pass the Bill to be Engrossed, as amended by House Amendments "A", "B", "D" and "E" and Conference Committee Amendment "A", in concurrence

On the part of the Senate:

KATZ of Kennebec
MORRELL of Cumberland
MARTIN of Aroostook

On the part of the House:

CURRAN of South Portland
MASTERTON of Cape Elizabeth

DIAMOND of Windham

Which Report was Read.

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

Mr. KATZ: Mr. President, might I direct the Senate's attention to the fact that this is a Bill where we took issue with the other Branch because of our unique concern for the possible politicizing of educational policy. The Conference Committee has structured a course that I would like to explain to you. I think that it is a very, very sound course, and I hope that the Senate will overwhelmingly accept the Conference Committee Report.

My main concern in the changing from classified service to a point of service of a deputy commissioner of education, an assistant to the commissioner, and two associate commissioners was the question of possible political appointment. I want to make it very clear that incumbent Governor has never directly or indirectly given me any cause for concern that he would attempt to politicize his views into the department. From where I have sat, he has been meticulous in avoiding this. I want to say that so you understand that my concerns were not directed at the incumbent Governor, because nothing could be further from the truth.

The Conference Committee recommends that the choice of the Commissioner of Education be changed and once having changed the method of the selection of the Commissioner of Education, then the position of the State Government Committee be adopted and permit the Commissioner to appoint the deputy commissioner, the assistant commissioner, and the two associate commissioners. The change in the method of the appointment of the commissioner will be that unlike the present system where the Governor picks the commissioner with the advise of the State Board of Education, the Governor will appoint the Commissioner from a list of three names proposed by the Board of Education of qualified people. This actually returns us to where we were just a couple of years ago and I for one will feel much more comfortable with this method of proceeding then let the Commissioner choose his deputy commissioners.

The second change in the Bill, in the Conference Committee, is to leave the appointment of the directors of the small cultural bureaus exactly as it is under existing law.

A third change in the Bill in the Conference Committee Report is something actually that the Conference Committee itself did not generate but came into my possession from the good Senator from Knox, Senator Collins, pertaining to some inconsistencies within the law pertaining to Mental Health and Corrections and I am in no position to explain that to you.

The final change in the Conference Committee Report similarly came from a letter from the Commissioner of Education to the State Government Committee which they reviewed and voted to include in the Conference Committee Report and apparently there is no substance to either of the last two.

I therefore, move acceptance of the Conference Committee Report.

Which Report was Accepted.

Sent down for concurrence.

Orders of the Day

The President laid before the Senate: Bill, "An Act to Amend the Maine Juvenile Code." (H. P. 2142) (L. D. 2163) (Emergency) Tabled — Earlier in the Day by Senator Mangon of Androscoggin

Pending — Passage to be Engrossed

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

Mr. CURTIS: Mr. President, I have three amendments to offer. Two of them, I believe are non-controversial and one is likely to be controversial so I would like to offer the non-controversial ones first.

The first one is Senate Amendment "E" (S-

523).

The PRESIDENT: The Senator from Penobscot, Senator Curtis, now offers Senate Amendment "E" to L. D. 2163 and moves its Adoption.

The Secretary will Read Senate Amendment "E".

Senate Amendment "E" (S-523) Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. CURTIS: Mr. President, this Amendment is a relatively small measure, but it is an attempt to be sure that the Legislature keeps track of what is going on with intake workers. Whether they are new employees of the State as is proposed by the majority of the Judiciary Committee or whether they would happen to be existing police officers, and it simply provides for a review in 1982 of the progress of that intake worker function.

Senate Amendment "E" Adopted.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. CURTIS: Mr. President, I offer Senate Amendment "F" (S-524) and move its Adoption.

The PRESIDENT: The Senator from Penobscot, Senator Curtis, now offers Senate Amendment "F" to L. D. 2163 and moves its adoption. The Secretary will Read Senate Amendment "F".

Senate Amendment "F" (S-524) Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. CURTIS: Mr. President, this Senate Amendment is one which has been requested by medical professionals and would provide for the unusual circumstance in which the juvenile who was in custody of an intake worker, under the jurisdiction of an intake worker and whose parents were not available. The juvenile intake worker would be enabled to provide the necessary medical release so that emergency medical treatment would be provided by a doctor or a hospital.

Senate Amendment "F" Adopted.

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

Mr. CURTIS: Mr. President, I offer Senate Amendment "B" (S-513) and would like to speak to my motion.

The PRESIDENT: The Senator from Penobscot, Senator Curtis, now offers Senate Amendment "B" and moves its adoption.

Senate Amendment "B" (S-513) Read.

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

MR. CURTIS: Mr. President, this amendment offers the Senate two options that are not existing under the law which was enacted by the Legislature last summer, and is scheduled to go into effect this coming summer, and two options which are not included in the basic revision of the juvenile law which was provided by the Majority of the Judiciary Committee.

It seems to me that the key things that this Legislature ought to look at are whether or not we need an additional 29 state employees, to serve the job as juvenile intake workers or whether the existing personnel of police departments are sufficient to handle the load, and I would offer one additional alternative that I think is quite important and that is if you agree with me that the existing officials of the police departments are able to handle the requirements along with the other court officials which we already have, then communications between the juvenile in custody and the intake worker who would be under my proposal a juvenile officer so designated by the police chief or similar supervisor of the police department, communications should not be confidential. The provision under the existing law provides for a certain amount of confidentiality and it seems to me that that is going to create a problem for the police departments in solving crimes and in prosecutions.

I would offer as testimony in evidence in support of my position some observations that are

made by judges and some observations that are made by police chiefs. I have asked that two items be distributed on your desks and I am not sure if they have made it there yet, but one is a letter from Judge Jesse Briggs, one of the two ladies who is a District Court Judge and which describes her concern and she indicates that in her opinion what are needed are not more workers, state employees, in this field, but what are really needed are more alternatives for the judges in assigning juveniles who are in trouble or who are likely to get into greater trouble. I have a more detailed letter from her and I would like to read part of that Mr. President. Because I think that here we are hearing from a person who is on the front line of trying to solve the problems of juveniles. She writes "The major difficulties that the courts of Maine encounter in dealing with juveniles will not be solved by more pre-court procedures, but by better post-court procedures. I am concerned that most of the expenditures of time and money called for by this Bill is at the wrong end, since funds are limited they can be better spend in creating facilities to deal with the problem of juveniles not in further evaluation of their problems.

In examples of the difficulties we face, I have selected the following, all to representative delinquents. David G. sixteen year old manic-depressant with drug abuse problems. In the absence of a residential treatment facility, BMHI opposed placement there, referred for out-patient therapy. Overdosed within a month, not fatally. Bobby B. fourteen year old paranoid schizophrenic. Due to a six months waiting period at the Sweetzer Home, committed to the Maine Youth Center. All agreed that that he did not belong there but too dangerous to leave out. Jerry G. sixteen year old alcoholic in the custody of Human Services placed by them in a residential hotel due to the lack of appropriate foster homes. Refused to accept, i.e., ran away from therapeutic placement. Eddie G. sixteen year old alcoholic with an alcoholic and abuse father. Placed in the custody of Human Services and returned him to his father when he ran away from foster places attempted suicide, and indicated that he would try again, if not returned upon discharge from Bangor Mental Health Institute. Probation violation pending. Sandra D. twelve year old runaway, who shacks up on her runs with delinquent boys. Ran away from numerous foster placements. No juvenile petition issued since not detention facilities available or authorized by statutes, last heard of as a victim of an alleged rape."

She goes on and she describes the problems that exist in current law and she says in all of these cases, and in many other instances the problems of the courts are not at the intake end.

The other testimony that I would like to refer to was the testimony which was given by the Police Chief in Old Town, who is the Chairman of the Legislative Council of the Police Chiefs Association in which he was very concerned about the relationship between the juvenile intake worker; if it is a new state employee under the Department of Mental Health and Corrections and his own juvenile court officers, and the question of what kind of jurisdiction each one would have.

Finally I would point out to you that this Bill, which is before us as an amendment to an existing Law, which Mr. President, I would now admit that we enacted last summer entirely too hastily does not have any money on it and although we are taking about 29 new positions which are requested, it would seem to be up considerably from the number we had before. The money for those positions is apparently in the appropriations Bill, and it is about \$450,000 a year and my suggestion, Mr. President, is that the appropriate place for the State to expend its finances, if they are available to that extent, and some of the request of the Depart-

ment of Mental Health and Corrections for alternate services are indeed included in the Governor's budget, is to finance the proposals for alternate services, so that the judges and police officers have some alternatives in which to direct juveniles before they get into great trouble. Not one more layer of bureaucracy.

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

Mr. COLLINS: Mr. President, I am glad that the Senator from Penobscot, Senator Curtis, has brought before the Senate his concerns about the juvenile code, and its critical feature of intake workers. I oppose the amendment offered by the Senator because to enact the amendment would be substantially to gut and destroy the juvenile codes value.

The State of Maine is not able to escape the tragedies that are reflected by national trends and statistics. In the last two years, 15 children under 20 years of age committed suicide and over 300 youth were admitted to drug and alcohol treatment centers. Last year Maine had 10,921 recorded juvenile arrests by police agencies on charges ranging from runaway to murder. These arrests resulted in 4,500 court prosecutions. The prosecutions resulted in over 1,200 probation sentences and over 300 sentences to the Maine Juvenile Correctional Institution. The approximate cost to Maine for processing these youthful offenders through the formal juvenile justice system is over \$15,000,000, and despite these expenditures, we all know that the problems of youth and crime persist and continue.

I too had a good deal of scepticism about adding these additional people to the criminal justice system, but as I heard the testimony from all sources and all over the State, it seemed to me that we just had to make a greater effort in working on the problems of our youth. And that this effort had to involve not only the physical shelters that I agree with the Senator are needed, but also the human resources that would work with these young people to try to get them into the best available treatment, custody, foster homes, whatever the best solution might be.

The Senator caused to be passed out to us a second sheet which details on the date of February 28th some of the new shelter needs and possibilities that are being worked on. I will not attempt to outline the program that exists in the appropriations act that will be coming before us, Members of the Appropriations Committee may wish to do this or not, but as I understand it, there will be overall nearly \$700,000 in new money going into various juvenile shelters and treatment facilities.

One of the things that we must keep in mind and is shown by the photocopy of the letter on our desks from one of our judges saying that for the second time in recent months the judges have been told that the facility at South Portland, the Maine Youth Center is filled up and they cannot send people there. There just is not any room. We have had a great many tales about the overcrowding there, and we know that on the books there are some plans for additional building, or buildings there but we have to realize that a lot of the problems of our juveniles must be treated in facilities other than this one institution that we have in Maine for badly disturbed young people.

Our Committee after hearing extensive debates on this matter over a period of several days and several work sessions, the majority of our Committee at least, became convinced that the direction pointed in the criminal code as enacted last year after a long study by a blue ribbon commission, was the direction to follow. The budget this year hopefully will include not only the provision for new intake workers but provision for additional treatment facilities, shelter facilities, half way homes, and the like within the communities over the State.

I think that we must realize that some sections of the State have different problems than

other sections. The sections referred to by my colleague on the Judiciary Committee in Piscataquis and Penobscot Counties may have different problems than some other areas of the State. Cumberland County or Kennebec County for example, but when you examine these statistics they are rather dull coming out at they are but you see that of the total number over 10,000 arrested with somewhat over 300 sentences to the institution that is truly an institution of incarceration, that there is a tremendous number of youngsters needing guidance.

I am in accord with the Senator's amendment which said that we ought to review this by 1982, we can make mistakes and profit from them, I hope that this is the right direction I have a grave doubt when I started, but I became more convinced of it as I learned of the numbers of youngsters that need this personnel attention.

The Senator from Penobscot made one other point in describing his amendment. He spoke about the fact that under the juvenile code communications between an intake worker and the youngsters in trouble are privileged. This of course is part of the concept that these intake workers are not in the same category as policemen. They are more in the nature of social workers. Their job is to be in a sense brokers of the States services. Their father confessors of a sort. They try to win the confidence of young people and get them into a setting that will truly help rehabilitate the youngsters.

I have very little confidence in rehabilitation as a concept of rehabilitation is extremely slim, but with youngsters from 10,9 10 years old, we are finding more and more these days up to and through the age of 17 there is a change. In my professional career I have on occasion taken my turn as appointee of the court, and on an indigent case where a probations situation was worked out, and a foster home was found in some of those cases there was truly rehabilitation, and I am happy to say that in the cases that I had personal acquaintance with more than 50 percent of the youngsters were directed into the right paths and stayed in them and that is the important thing.

Now this privileged communication area is a difficult one. One of our staff people gave me a memo which is now in my hands wondering whether we ought to put in the language that the privilege applied to evidence only with respect to judicatory hearing. We decided after some discussion and research that it was not necessary to further clarify that section of the Law, that the Law as written, would not prevent the information given to the intake worker from being used after judgment. For example if in helping the judge decide about a sentence. But in the judication hearing, the matter is privileged under present statute and we feel must remain that way of we are to carry out the concept of the intake worker being a person that the young offender can trust. This is not an easy area for any of us, and I commend the effort of the Senator from Penobscot to bring the full range of views before the Senate, but I would urge the Senate to continue on the course that we commenced last June when we adopted the juvenile code. The amendments that the Committee has done now before you are largely technical but there are a few areas where we think that we have improved the procedures and made them less formal, less cumbersome. And I think that this new juvenile code is worthy of a try in the frame that we originally enacted. And I urge you to vote no on the pending motion.

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

Mr. MANGAN: Mr. President and Members of the Senate: I have done a lot of juvenile work in the district court and I have seen over and over again where the biggest problem in the juvenile court today is where do you send the kid who has committed a crime? I get to the point

today or at least it is my impression that there are basically two places you can send the kid, back home or to the state penitentiary in South Portland, I guess they do not call it that, they call it the Maine Correctional Center, the Maine Youth Center, it is a lot easier to call it that.

And if you send a kid back home the kid is going to run a string of 22,24,26,28 burglaries or thefts or any number of things that the kid has done. A kid that has learned how to throw rocks as a rule and gets a big charge out of it, will end up throwing many more rocks as some as his hand is slapped. Now I am a fairly simple Maine body and I look at this juvenile intake workers as kind of an added step to bureaucracy twenty-nine additional state employees just kind of being with and not needed, now the only comparison I can think of as far as the intake workers is concerned is being a simple Maine boy going down in traffic in Boston and having this passenger in the back seat reminding me of the stop signs, of the red light, I am going to fast, going to slow. It is just something that is not needed. And my basic inclination as far as the intake worker is the same one I would have there, is to quietly open up the back door and shove them out. And I just feel that it is an extra cog, a fifth wheel it is any thing that you want to call it, the departments that I have worked with are very efficient, they are very good. We just do not need these intake workers and I think that they are just going to be another burden to the state tax dollar.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Hewes.

Mr. HEWES: Mr. President, I would like to state that in Cumberland County, anyway, our District Attorney which covers the entire county contacted me and urged us to support the principal proposed by the good Senator from Penobscot, Senator Curtis. I hope that you will vote to for the amendment today.

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

Mr. CURTIS: Mr. President, when the vote is taken I would request a Roll Call.

The PRESIDENT: A Roll Call has been requested.

In order for the Chair to order a Roll Call it must be the expressed desire of one-fifth of those Senators present and voting.

Will all those Senators in favor of a Roll Call please rise in their places to be counted.

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

The pending question before the Senate is the adoption of Senate Amendment "B" to L. D. 2163.

A yes vote will be in favor of adoption.

A nay vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

YEA — Carpenter, Conley, Curtis, Danton, Hewes, Hichens, Levine, Mangan, Martin, Minikowsky, Speers, Speers, Trozky, Usher, Wyman.

NAY — Chapman, Collins, D.: Collins, S.; Cummings, Greeley, Huber, Jackson, Katz, Lovell, McNally, Morrell, Pierce, Pray, Snowe.

ABSENT — Farley, Merrill, O'Leary, Redmond.

14 Senators having voted in the affirmative and 14 Senators in the negative, and 4 Senators being absent, Senate Amendment "B" Fails of Adoption.

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

Mr. COLLINS: Mr. President, I offer Senate Amendment "C" to L. D. 2163 (S-518) and move its adoption.

The PRESIDENT: The Senator from Knox, Senator Collins, offers Senate Amendment "C" to L. D. 2163 and moves its adoption. Senate Amendment "C" (S-518) Read.

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

Mr. COLLINS: Mr. President, the purpose of this Amendment is to remove some ambiguity about what happens after sentence of a juvenile. The sentence is to the Department of Mental Health and Corrections or to the Department of Human Services, and from that point the Department has to work out the details of placement. In some cases it might be in a half-way house, in other cases it may be in a foster home, it may even be under some arrangement within the juveniles own homes, but the Department has that responsibility although it is always possible to come back to the court to correct any problems that arise. Senate Amendment "C" Adopted.

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

Mr. HEWES: Mr. President, I now move that we suspend the rules for the purpose of offering an Amendment.

The PRESIDENT: The Senator from Cumberland, Senator Hewes, now moves that the Senate suspend its rules for the purpose of reconsideration. It is the pleasure of the Senate? It is a vote.

Mr. HEWES: Mr. President, I now move that we reconsider our action whereby we Adopted House Amendment "F".

The PRESIDENT: The Senator from Cumberland, Senator Hewes, now moves that the Senate reconsider its action whereby House Amendment "F" was Adopted.

Is it the pleasure of the Senate? It is a vote.

Mr. HEWES: Mr. President, I now offer Senate Amendment "A" to House Amendment "F" (S-529) and move its Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Hewes, now offers Senate Amendment "A" to House Amendment "F" and moves its Adoption. The Secretary will Read Senate Amendment "A".

Senate Amendment "A" (S-529) Read and Adopted. House Amendment "F", as amended Adopted in non-concurrence. This Bill, as amended, Passed to be Engrossed in non-concurrence. Sent down for concurrence.

On Motion of Mr. Huber of Cumberland,
Adjourned until 10:30 in the morning, Friday,
March 10, 1978.