

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Tenth  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

**FIRST REGULAR SESSION**

**December 3, 1980 to May 1, 1981**

KJ PRINTING  
AUGUSTA, MAINE

STATE OF MAINE  
One Hundred and Tenth Legislature  
Flar Session  
JOURNAL OF THE SENATE  
February 24, 1981  
Senate called to order by the President.

Prayer by the Reverend Arthur J. V. Durbin of the Presbyterian Church in Waterville.

REVEREND DURBIN: God, give us men and women in places of high privilege, primus inter pares that they are strong in mind, true in faith, great at heart, that the lust of office does not kill, or the spoils of office can not buy. That they are patient in judgement, honest and honorable in all duties, courage to stand for what is right, even if it means to stand alone.

We thank You, Lord, that we live in a country and a state, that integrity and truth exist, and is admired, and every man is responsible to You for his own deeds.

We ask these things as we pledge ourselves once anew to trust in God. Amen.

(Off Record Remarks)

Reading of the Journal of yesterday.

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

Bill, "An Act to Establish the Dental Practice Act." (S. P. 298) (L. D. 860)

In the Senate, February 13, 1981, referred to the Committee on Business Legislation.

Comes from the House, referred to the Committee on Health and Institutional Services, in non-concurrence.

The PRESIDENT: Is it the pleasure of the Senate to Recede and Concur with the House? The motion prevailed.

**Non-concurrent Matter**

JOINT RESOLUTION in Support of a New and Greater Direction for the Economy of the United States of America. (S. P. 333)

In Senate, February 20, 1981, Read and Adopted.

Comes from the House with the following notation: "Objection to the rules being suspended Speaker ruled pursuant to Joint Rule 34 the matter not before this Body."

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

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

The PRESIDENT: The Senator from Knox, Senator Collins, moves that the Senate Adhere. Is this the pleasure of the Senate? The motion prevailed.

**Joint Orders**

Expressions of Legislative Sentiment recognizing:

Robert A. Libby of Windham upon attaining the High rank and distinction of Eagle Scout. (H. P. 805)

The Honorable Frank Whitehouse Anderson, of Ellsworth, who has served with great distinction seven terms in the Maine Legislature, from 1961-1974. (H. P. 815)

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

**Joint Resolutions**

Joint Resolutions in Memoriam:  
WHEREAS, The Legislature has learned with deep regret of the death of Margaret L. Ellis of Millinocket, who was active in political and civic affairs. (H. P. 812)

WHEREAS, The Legislature has learned with deep regret of the death of Roland H. Cobb, of Cape Elizabeth who served 12 years as State Commissioner of Inland Fisheries and Game. (H. P. 813)

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

**House Papers**

Bill, "An Act Concerning Cost-of-Living Increase for Retirees under the State Retirement System." (H. P. 771) (L. D. 916)

Comes from the House, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Which were referred to the Committee on Aging, Retirement and Veterans and Ordered Printed, in concurrence.

Bill, "An Act to Encourage the Development of Renewable Energy Resources." (H. P. 732) (L. D. 915)

Comes from the House, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Which was referred to the Committee on Energy and Natural Resources and Ordered Printed in concurrence.

Bill, "An Act to Permit Free Licenses to Trap Fur-bearing Animals to Persons 70 Years of Age and Older." (H. P. 772) (L. D. 917)

Comes from the House, referred to the Committee on Wildlife and Ordered Printed.

Which was referred to the Committee on Fisheries and Wildlife and Ordered Printed, in concurrence.

Bill, "An Act to Amend the Law Relating to Foreclosure Proceedings by Civil Action." (H. P. 773) (L. D. 918)

Bill, "An Act Concerning Availability of Remedy." (H. P. 774) (L. D. 919)

Bill, "An Act to Encourage Solar Easements." (H. P. 775) (L. D. 920)

Comes from the House, referred to the Committee on Judiciary and Ordered Printed.

Which were referred to the Committee on Judiciary and Ordered Printed, in concurrence.

Bill, "An Act to Provide Binding Arbitration for State, County and Municipal Employees." (H. P. 776) (L. D. 921)

Bill, "An Act to Make Voluntary Any Public Employee Labor Organizations in the State." (H. P. 777) (L. D. 922)

Comes from the House, referred to the Committee on Labor and Ordered Printed.

Which were referred to the Committee on Labor and Ordered Printed, in concurrence.

Bill, "An Act to Permit Supermarkets to Remain Open on Sunday." (H. P. 778) (L. D. 923)

Reference to the Committee on Legal Affairs suggested.

Comes from the House, referred to the Committee on Business Legislation and Ordered Printed.

Which was referred to the Committee on Business Legislation, and Ordered Printed, in concurrence.

Bill, "An Act to Regulate Entrance Fees Charged by Mobile Home Parks." (H. P. 779) (L. D. 924)

Reference to the Committee on Legal Affairs suggested.

Comes from the House, referred to the Committee on Business Legislation and Ordered Printed.

On Motion by Senator Shute of Waldo, referred to the Committee on Legal Affairs, and Ordered Printed, in non-concurrence.

Sent down for concurrence.

Bill, "An Act to Abolish the Position of County Treasurer in York County and Create a Finance Officer." (H. P. 780) (L. D. 928)

Bill, "An Act to Clarify the Duties of the Register of Deeds." (H. P. 766) (L. D. 936)

Comes from the House, referred to the Committee on Local and County Government and Ordered Printed.

Which were referred to the Committee on

Local and County Government and Ordered Printed, in concurrence.

Bill, "An Act to Authorize the Public Utilities Commission to Allow Undisputed Portions of a Rate Change to Take Effect During the Pendency of a Rate Proceeding." (H. P. 781) (L. D. 926)

Comes from the House, referred to the Committee on Public Utilities and Ordered Printed.

Which was referred to the Committee on Public Utilities and Ordered Printed, in concurrence.

Bill, "An Act to Clarify State-Owned Building Inspection Responsibilities." (H. P. 782) (L. D. 927)

Comes from the House, referred to the Committee on State Government and Ordered Printed.

Which was referred to the Committee on State Government and Ordered Printed, in concurrence.

Bill, "An Act to Grant a Tax Exemption for Energy Generating Systems." (H. P. 783) (L. D. 928)

Bill, "An Act to Remove Lakeville from the Maine Forestry District." (H. P. 784) (L. D. 929)

Bill, "An Act to Provide a Property Tax Exemption for Persons 70 Years of Age or Older." (H. P. 785) (L. D. 930)

Comes from the House, referred to the Committee on Taxation and Ordered Printed.

Which were referred to the Committee on Taxation and Ordered Printed, in concurrence.

Bill, "An Act to Require Trucks Carrying Explosive Material to Come to a Complete Stop Before Crossing Railroad Tracks." (H. P. 786) (L. D. 931)

Comes from the House, referred to the Committee on Transportation and Ordered Printed.

Which was referred to the Committee on Transportation and Ordered Printed, in concurrence.

**Study Report — Committee on Public Utilities**

The Committee on Public Utilities to which was referred the Study Order relative to Provide More Public Accountability for Sewer and Sanitary Districts, pursuant to Joint Order (H. P. 2030) have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Provide More Public Accountability for Sewer and Sanitary Districts" (H. P. 814) (L. D. 938) be referred to this Committee for public hearing and printed pursuant to Joint Rule 18.

Comes from the House, the Report Read and Accepted and the Bill referred to the Committee on Public Utilities.

Which Report was Read and Accepted and the Bill referred to the Committee on Public Utilities, in concurrence.

**Communication**

House of Representatives

February 23, 1981

Honorable May M. Ross  
Secretary of the Senate  
110th Legislature  
Augusta, Maine  
Dear Madam Secretary:

The House voted today to Adhere to its action whereby it accepted the Majority "Ought Not to Pass" Report of the Committee on Labor on Bill "An Act Pertaining to Employment of Minors in Hotels and Motels" (H. P. 28) (L. D. 32)

Respectfully,  
/S/EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on File.

**Committee Reports**

**House**

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

Bill, "An Act to Allow Parents to Approve School Absences for their Children." (H. P. 547) (L. D. 623)

(Abstained: Representative Brown of Gorham)

**Leave to Withdraw**

The Committee on Business Legislation on, Bill, "An Act to Require Installation Manuals for Solid Fuel Burning Equipment other than that Used for Central Heating." (H. P. 311) (L. D. 343)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Business Legislation on, Bill, "An Act to Amend the Professional Service Corporation Act." (H. P. 419) (L. D. 466)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act Creating Specific Penalties for Theft of Gasoline." (H. P. 379) (L. D. 417)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on State Government on, Bill, "An Act to Create a Legislators' Turnpike Pass." (H. P. 388) (L. D. 431)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Increase the Household Income Eligibility For a Couple Under the Elderly Householders Tax and Rent Refund Act." (H. P. 83) (L. D. 78)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read.

On motion by Senator Conley of Cumberland the Reports were Accepted, in concurrence.

The Committee on Taxation on, Bill, "An Act to Establish an Income Tax Credit for Home Based Care Expenses Provided by Families." (H. P. 190) (L. D. 203)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read.

On motion by Senator Conley of Cumberland the Report was Accepted, in concurrence.

(See Action Later Today)

The Committee on Taxation on, Bill, "An Act to Change the Sales and Use Tax Law to Exempt Purchased and Leased Equipment from Sales Tax when the Equipment is Engaged in Interstate Commerce." (H. P. 413) (L. D. 452)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Provide a Trade-in Credit under the Sales and Use Tax for Camp Trailers." (H. P. 439) (L. D. 486)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Amend the Elderly Householders Tax and

Rent Refund Act by Increasing the Income Limits." (H. P. 483) (L. D. 530)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read.

On motion by Senator Conley of Cumberland the Reports were Accepted, in concurrence.

**Ought to Pass**

The Committee on Judiciary on, Bill, "An Act to Ensure Notification of Families and Guardians of Patients at State Mental Health Institutes." (H. P. 221) (L. D. 258)

Reported that the same Ought to Pass.

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

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

**Ought to Pass — As Amended**

The Committee on Judiciary on, Bill, "An Act to Amend the Subsidized Adoption Law." (H. P. 107) (L. D. 141)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-41).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A", and House Amendment "A" (H-43).

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

**Divided Report**

The Majority of the Committee on Judiciary on, Bill "An Act to Increase the Per Diem Pay for Services Rendered by Active Retired Judges." (H. P. 350) (L. D. 398)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-42).

Signed:

Senators:

DEVOE of Penobscot  
CONLEY of Cumberland  
KERRY of York

Representatives:

HOBBS of Saco  
BENOIT of So. Portland  
O'ROURKE of Camden  
LUND of Augusta  
LIVESAY of Brunswick  
DRINKWATER of Belfast  
SOULE of Westport  
JOYCE of Portland

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

Signed:

Representatives:

REEVES of Newport  
CARRIER of Westbrook

Comes from the House the Bill and Papers Indefinitely Postponed.

Which Reports were Read. The Majority Report was Accepted in non-concurrence and, the Bill Read Once. Committee Amendment "A" was Read.

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

Senator MINKOWSKY: Mr. President, and Members of the Senate, during this period of time where we should be prudent in State Government, and analyze things according to the interest of the people of the State of Maine, especially financial matters, I was wondering if I could pose a question through the Chair to the Chairman of the Judiciary Committee, as to the justification of allocating another \$39,000 or \$40,000 under Committee Amendment "A" (H-

42) to fund an increase in judicial expenses?

It has been brought out, I think, in other debates that the judicial expenses were increased last year, that the judges in the State of Maine are now being paid 75 percent of their retirement benefits. I think, basically, I would be interested in an evaluation on the part of the Chairman of the Judiciary Committee not beside the fact that he is a lawyer, as to why he would endorse this particular concept to draw another \$39,000 from the General Fund of the State of Maine, to fund the expenses of the judges.

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

Senator DEVOE: Thank you, Mr. President. To answer the question of the good Senator from Androscoggin, it was the strong belief of the Committee that with the court system working short-handed at the present time, it only points out the need for the continued assistance of the active retired judges, particularly on the District Court level.

For example, if you focus on the District Court, we recently lost the Chief Judge of the District Court, Judge Danton. In addition, we all know that another Judge on the District Court is presently not serving. It is really not certain how long the proceedings involving that Judge will take, to be completed, before it is known when he may resume working as a District Court Judge. We have many locations around the State that are served by District Court Judges. We all have to keep in mind that the courts, particularly on the District Court level, are the first places where citizens encounter justice. If those courts are not functioning, if they are taking a lot longer to handle cases than should be taken, then justice is not being served. It is not lawyers who are being disadvantaged, it's the people of the State of Maine.

What this Bill does, is to increase, slightly, the compensation that would be paid to active retired District Court judges, for their serving. At the present time, virtually every active retired District Court judge will, on sometimes less than twelve hours notice, willingly, get in his car and drive 20, 50, 150, or 250 miles to fill in for a judge who has either suddenly been taken ill, or been himself transferred to another District Court location. That enables the District Court System to function effectively, and to handle the cases that are scheduled, and particularly important, to serve the needs of the people of the State of Maine. If that system isn't working, and it's greatly assisted by the active retired District Court judges now, then the people of this State suffer.

It was for that reason that the Committee decided to go along with increasing it slightly. We added a Fiscal Note by Committee Amendment "A" of about \$18,750 per year over the next two years of biennium. So there's slightly over \$38,000 that we're going to put on this Bill. Thank you very much, Mr. President.

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

Senator KERRY: I'd think that I'd like to address this just briefly for the good Senator from Androscoggin as well. There have been indications from the court system that there has been a 35 percent increase in the number of cases that have been presented to the courts throughout the State. To reiterate, and reaffirm what the Chairman of the Judiciary Committee just stated, during the discussion of this particular measure in the Committee, I know there were members of the Committee who felt that, with all the needs of the State and there limited resources, that there may be areas in state government where money might be more appropriately allocated, other than for the active retired judges.

Under further scrutiny, and solid investigation it was brought out, for example, in 1975 in Androscoggin County and Lewiston, which I'm sure the good Senator from Lewiston would be

concerned about, there were 9,896 filings of cases before the Court. In 1980, that had increased 17,534. That was a 77.2 percent increase in a number of case filings. You'll find in Madawaska, there was a 53 percent increase; Rockland, 64 percent; Skowhegan, 56 percent; Wiscasset, 62 percent. I know in York County, there was a great increase, well over 50 to 60 percent in the case loads that come before our courts. I think it's very indicative of the type of justice that the people in this State are subjected to, mainly due to the fact that many of the active retired judges act voluntarily and actually without compensation.

I think, when you look at the District Court System, which is the heart of the court system for many people in the State, they don't come into contact with the Law Court, or they don't go to the Superior Court, but they have to face, for their everyday needs, the District Court. This, I believe, hits the working man, the families, the people that are involved in our court system, and probably their only contact with the court system. If they do not have the appropriate resources to conduct the matter in the court, they are not rendered justice as they so deserved under the First and the Sixth Amendments.

Another point that I might add, the State has, due to changes in our own laws, placed a greater burden upon the District Court System, for dealing with mental health cases, dealing with other cases in the motor vehicle area, and small claims. I would say and, I would submit to the Senate that if we reflected upon the part from 1974 to the present, that there has been an 86.5 percent increase in the number of mental health cases adjudicated on the District Court level. This is done often times by part-time and overworked judges.

Secondly, I might add, that the court has submitted legislation for an additional court judge that will be coming up. It appears that if we ought to render justice effectively and swiftly, and under the Constitution appropriately, that we would give those persons, namely the District Court active retired judges, an incentive to spend much of their time, free time that could be spent on other matters, assisting in the court system. They realize, and I have received many letters from them, that it is a burden to the State, and that they have to spend time and effort doing this. I would think that the Senate would give this full consideration. Thank you.

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

Senator MINKOWSKY: Mr. President, Members of the Senate, I thank both Senators for their very thorough explanation. My major concern, when we went along with the utilization of the retired active judges, was not because of the fact that they were ready for retirement, but their skills, and talents could be further utilized by the people of the State of Maine.

My original thought along these lines, was that if they were once retired, they should remain retired, that we should replace them with young, competent, qualified lawyers to keep up with the particular system in the State of Maine. This, really, has been stressed again this morning by the workload that has increased in District Court Number 8 in Androscoggin, the city of Lewiston, as well as, throughout the State of Maine.

When a person is retired, my feeling is they are doing this extracurricular activity because they just don't want to get out of it entirely. They feel that their skills and talents should be further utilized, so that they can feel useful. I don't believe that you should put a dollar and cents figure, after this particular factor, in which to compensate them for the additional work. Granted, they are working, they are doing a very creditable job.

If we want to enhance the scope and magni-

tude of the District Court System in the State of Maine, then I would say either keep the active retired judges on the same basis as we did last year, or change the formula entirely, and put on full-time new judges, to take up the workload that is presently existing. I don't intend to make any further motion, Mr. President, on this particular Bill, at the present time, but I think it should be evaluated further is this progresses through the Legislature.

Committee Amendment "A" was Adopted in concurrence.

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

Senator HICHENS: Mr. President, I move that this Bill and all of its Accompanying Papers be Indefinitely Postponed.

The PRESIDENT: The Senator from York, Senator Hichens moves that LD 398, as amended, and its Accompanying Papers be Indefinitely Postponed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Indefinite Postponement, of L. D. 398, please rise in their places to be counted.

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

6 Senators having voted in the affirmative, and 21 Senators having voted in the negative, the motion to Indefinitely Postpone L. D. 398, does not prevail.

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

#### Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act to Provide Free Pheasant Hunting Stamps to Disabled Veterans." (H. P. 136) (L. D. 163)

Reported that the same Ought to Pass as amended to Committee Amendment "A" (H-39).

Signed:

Sensors:

REDMOND of Somerset  
HICHENS of York  
USHER of Cumberland

Representatives:

MacEACHERN of Lincoln  
CLARK of Millinocket  
ERWIN of Rumford  
SMITH of Island Falls  
PETERSON of Caribou  
JACQUES of Waterville  
DAMREN of Belgrade  
CONNORS of Franklin  
GILLIS of Calais

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

Signed:

Representative:

PAUL of Sanford

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

Which Reports were Read.

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

Senator CONLEY: Mr. President, I wonder if one, of the three good Senators serving on the Fish and Game Committee or whatever it is called, would explain exactly what this Pheasant Stamp Program is all about?

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

Senator REDMOND: I take great pleasure this morning to reply to the good Senator from Cumberland, the Senate Minority Leader of this Chamber. I would like to qualify myself, as my past experience in this Chamber has been that when I rise and stipulate in what capacity the good Senator always has an adjective that I

don't always agree with. In this case, I rise not as a veteran because I have never been in combat, however I would like to state that I am a life member of the "American Defense Preparedness Association." A society dedicated to the industrial preparedness for the National Defense of the United States of America.

Now, I will try to give him an answer. Members of the Senate, there are about 125 probably complimentary licenses that are issued to disabled veterans in the State. This Bill, would add just what the title says, provide free pheasant hunting stamps to disabled veterans.

There is a Fiscal Note of approximately \$600. Now, this Fiscal Note, I am not sure how they arrive at it, it is a loss to the department, providing these disabled veterans would be buying the pheasant stamp anyway, however, who knows how many disabled veterans are buying a pheasant stamp.

There are many disabled veterans who may get interested, this may stimulate their interest in hunting and chances are that perhaps the loss to the Department of Fisheries and Wildlife would be less than \$600.

I think that our veterans well deserve this treatment.

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

Senator CONLEY: Mr. President and Members of the Senate. I appreciate the good remarks made by the Senator from Somerset, Senator Redmond.

I am not speaking in opposition to the Bill that is presently before us, but the Pheasant Stamp Program itself has been one that has always captured my observation particularly in the fact that we do not have too many pheasants flying around on Munjoy Hill.

Secondly, it is my understanding in talking with some of my very good natured friends from the rural communities that the pheasants are not a native bird, that they are raised by the Fish and Game Department. Then every spring, or whatever time of the year that it is, they are put out to pasture. The only people who really shoot pheasants are the good friends of the game wardens who distribute these little birds around the State. It just seems to me to be a hoax on the population of this State to be charging them \$5.25, of which .25 is kept by the agent who sells the stamp, for the purpose of losing out if they are not in the back-pocket of the nearest game warden.

I would think that it might be an excellent program for the Fish and Wildlife Committee to review when they are going through their Errors and Inconsistencies Bill, because this is certainly a great error and a great hoax.

The Majority Ought to Pass, as amended, Report of the Committee, Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" Read and Adopted, in concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

#### Senate

##### Ought to Pass — As Amended

Senator HUBER for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Adjust the Level of Compensation and Certain Statutory Duties of the Senate Secretary and House Clerk and their Assistants." (S. P. 97) (L. D. 136)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-24).

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

#### Second Readers

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

#### House

Resolve, Designating a Certain Bridge being

Constructed Across the Androscoggin River as the "James B. Longley Memorial Bridge" (H. P. 228) (L. D. 265)

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

#### House — As Amended

Bill, "An Act to Revise the Procedures for Regulating Dams." (H. P. 18) (L. D. 12)

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

#### Senate — As Amended

Bill, "An Act to Define Alewives for the Purpose of Managing or Leasing Alewife Fishing Rights." (S. P. 108) (L. D. 238)

Bill, "An Act to Abolish the Legislative Council and Reestablish the Legislative Research Committee." (S. P. 147) (L. D. 318)

Bill, "An Act to Amend and Clarify the Procedure to File and Appeal Claims by Patients, Inmates or Prisoners." (S. P. 144) (L. D. 315)

Which were Read a Second Time and Passed to be Engrossed, as amended.

Sent down for concurrence.

#### Enactors

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

AN ACT to Amend the Annual Timber Cut Report Requirement to Include Fuelwood under the Annual Timber Cut Report." (H. P. 10) (L. D. 5)

AN ACT to Amend the Litter Control Law by Allowing the Judge More Discretion in Imposing Clean-up Penalties." (H. P. 142) (L. D. 168)

AN ACT to Amend the Disorderly Conduct Statutes to Include Instances of Affray." (H. P. 145) (L. D. 171)

AN ACT to Clarify Plumbing and Subsurface Sewage Disposal Laws." (H. P. 172) (L. D. 223)

AN ACT to Increase the Borrowing Capacity of the Winterport Water District." (H. P. 331) (L. D. 371)

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, Authorizing the Commissioner of Mental Health and Corrections to Convey Land at the Augusta Sanitary District." (H. P. 225) (L. D. 262)

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

#### Emergency

AN ACT to Amend the Charter of the Sanford Sewerage District. (H. P. 146) (L. D. 317)

This being an emergency measure and having received the affirmative votes of 27 members of the Senate, with No Senators voting in the negative was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Orders of the Day

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

Senator BROWN: Mr. President, I move that the Senate Reconsider its action whereby it Accepted the Leave to Withdraw of L. D. 203 and I'd like to briefly address that issue.

The PRESIDENT: The Senator from Washington, Senator Brown, now moves that the Senate Reconsider its action whereby Bill, "An Act to Establish an Income Tax Credit for Home Based Care Expenses provided by Families." (H. P. 190) (L. D. 203) it accepted the Leave to Withdraw Report of the Committee.

The Senator has the floor.

Senator BROWN: Thank you, Mr. President. Men and Women of the Senate, I'd like to briefly address you relative to the intent of L. D. 203. As most of you are aware, I am an operator of a nursing home, a small 50 bed facility

which has in the neighborhood of 95 percent of the residents on Medicaid or state-assisted. I want you to understand where I'm coming from relative to the remarks that I have to make on this issue. My entire working life has been spent dealing with the disadvantaged and the handicapped, whether it be a physical handicap or whether it be in the handicap of being brought up in poverty and not experiencing the full advantages of society that the rest of us experience from the standpoint.

Ladies and Gentlemen, the Governor, and the Commissioner of Human Services have done a very effective job over the last two years, bringing attention to the fact of the mega-bucks that are spent on long term health care. This past year, as a result of the consent decree of Pineland, there were I think, 21 new long term care facilities for the mentally retarded, the ICFMR's that came into existence. As a result of that action, there is in the neighborhood of \$850,000 saved for the state, but it does increase the total amount that is spent on the Medicare/Medicaid budget of about \$2.5 million. That money saved is based on the 70/30 matching funds, whereas, the initial facilities that existed were totally state-supported, and those that exist presently are 70 percent federally supported. We have been very effectively told about the dollars that are spent on long term health care. I think the figure in the neighborhood of a 182 percent increase has been used since 1975, I believe, to 1980. This increase is very high, and something's got to be done about it.

Please be aware, however, that some of these figures need more interpretation. Our country, our country, rather, is a very aging country. Ten percent of the population in this country is over the age of 65 years old. In the State of Maine, 12 percent of the population is over the age of 65. In my own County of Washington, 15 percent of the population is over age 65. Which automatically would lead one to believe that a good percentage of the Medicaid bucks have got to go for long term health care. The point of all this is that we probably in the State of Maine, because of the age of our population, the fact that we are an aging State, should spend a great deal of the Medicaid bucks on long term health care. The problem comes at what point can we no longer afford it?

The one issue that has concerned me recently has been the fact that I hear a great deal of discussion about the psychological wellbeing of individuals who remain in their home, and the alternate care, as opposed to institutionalization or nursing home care. I've also heard a great deal of concern about the inappropriate placement in nursing homes by the Department of Human Services. Which again is something that I have a great deal of question about.

The fact remains that we do need the nursing homes, the beds that we have in this State. We need the boarding home beds that we've got. We have a commissioner who has so established and supports such a fact. The fact remains that we can not afford to continue, in the present course that we're going, relative to providing the beds that we have within the State or within the country. Because of this, we've got to come up with some alternatives, some alternatives to the present course that we're moving.

The only thing that I want us to be sure of is that as we quest to come up with alternatives that we don't go ahead and tear down some of the very essential services that we now offer the elderly, whether it is boarding homes or nursing homes, but that we go ahead, and because of the financial considerations, that we do in fact start looking for alternatives. I do not believe that this L. D. 203 is a mechanism whereby we are going to encourage a great deal of alternative care, because of that I'm not even disagreeing with the Leave to Withdraw. I do just want to bring to your attention, however, the concern that all of us must have

relative to the long term care of the elderly within this State, and within the entire country. That's the reason I asked to address this at this time. Thank you, Mr. President.

The PRESIDENT: Is it the pleasure of the Senate to Reconsider its action whereby it Accepted the Leave to Withdraw Report of the Committee?

The Chair will order a Division.

The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: I urge that individuals do not agree with my motion of Leave to Withdraw.

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

Senator PRAY: Is it my understanding that the Senator from Washington wishes to Withdraw his Motion to Reconsider, acceptance of the Report?

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

Senator BROWN: That is correct, Mr. President. I wanted to speak on the issue, and I don't know of any other way.

The PRESIDENT: Senator Brown of Washington now requests Leave of the Senate to Withdraw his Motion to Reconsider.

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

It is a vote.

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

Bill, "An Act to Exempt Certain Aquaculture Workers Under the Worker's Compensation Law." (S. P. 74) (L. D. 111)

Tabled — February 23, 1981 by Senator COLLINS of Knox.

Pending — Enactment.

On motion by Senator Sewall of Lincoln, the Senate voted to Suspend its Rules.

On motion by Senator Sewall of Lincoln, the Senate voted to Reconsider its action whereby, Bill, An Act to Exempt Certain Aquaculture Workers Under the Workers' Compensation Law. (S. P. 74) (L. D. 111) was Passed to be Engrossed.

On motion by Senator Sewall of Lincoln, the Senate voted to Reconsider Adoption of House Amendment "B".

On motion by Senator Sewall of Lincoln, the Senate voted to Indefinitely Postpone House Amendment "B" in non-concurrence.

The PRESIDENT: The Senator has the floor. Senator SEWALL: I present Senate Amendment "A" (S-25) and move its adoption.

The PRESIDENT: The Senator from Lincoln, Senator Sewall now offers Senate Amendment "A" to L. D. 111 and moves its Adoption. Senate Amendment "A" (S-25) was Read.

On motion by Senator Sewall of Lincoln, Tabled for 1 Legislative Day, pending Adoption of Senate Amendment "A".

On motion by Senator Pierce of Kennebec, Adjourned until 10 o'clock tomorrow morning.