

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
First Regular Session
JOURNAL OF THE SENATE
February 25, 1981
Senate called to order by the President.

Prayer by Reverend Canon Roger S. Smith from Cathedral Church of Saint Luke in Portland.

REVEREND CANON SMITH: Almighty God, we humbly thank You for the good land which You have given us for our inheritance. We pray that we always prove a people mindful of Your favor and glad to do Your will. Bless this State with honest labor, clear thinking, and mutual regard. Save us from violence, discord and confusion, from pride and arrogance, and from every evil way. Fill with His wisdom those to whom we entrust the authority of government, that they may seek justice and peace. In the time of prosperity, fill our hearts with thankfulness. In the time of crises, do not allow our trust in You to fail.

We offer You thanks for those persons who have answered Your call to serve You in this Legislature. Guide the deliberations of this Senate today, that they may serve the people of Maine well. Amen.

Reading of the Journal of yesterday.

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

Bill, "An Act to Allow the Exclusion of Covered Persons under a Personal Automobile Policy." (H. P. 586) (L. D. 601)

In the Senate, February 10, 1981, Passed to be Engrossed, in concurrence.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-50), in non-concurrence.

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

Senator COLLINS: I move the Senate Recede and Concur with the House.

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

Is this the pleasure of the Senate?

The Motion Prevailed.

House Papers

Bill, "An Act Requiring the Notification of the Specific Location of All Aerial Application of Pesticides Including Herbicides." (H. P. 787) (L. D. 941)

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

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

Bill "An Act to Provide Funding for Respite Care for the Families of Physically and Emotionally Handicapped and Retarded People." (H. P. 788) (L. D. 942)

Bill, "An Act Concerning Foreign Trade Zones." (Emergency) (H. P. 789) (L. D. 943)

Comes from the House, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Which were referred to the Committee on Appropriations and Financial Affairs and Ordered Printed, in concurrence.

Bill, "An Act to Require that Insurance Coverage for Outpatient Community Mental Health Services be Provided in Group Health Care Policies and Contracts." (H. P. 790) (L. D. 944)

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 Extend the National School

Breakfast Program." (H. P. 791) (L. D. 945)
Comes from the House, referred to the Committee on Education and Ordered Printed.

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

Bill, "An Act to Allow for Voters Registering on Election Day to Cast Absentee Ballots in Certain Situations." (H. P. 792) (L. D. 946)

Bill, "An Act Concerning Residing Prior to Voting in an Election." (H. P. 793) (L. D. 947)

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

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

Bill, "An Act Relating to Silviculture." (H. P. 794) (L. D. 948)

Bill, "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Assist Municipalities with Resource Recovery of Solid Waste." (H. P. 795) (L. D. 949)

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

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

Bill, "An Act to Remove Private Babysitting Arrangements from the Jurisdiction of the Department of Human Services." (H. P. 796) (L. D. 950)

Comes from the House, referred to the Committee on Health and Institutional Services and Ordered Printed.

Which was referred to the Committee on Health and Institutional Services and Ordered Printed, in concurrence.

Bill, "An Act Relating to Limited Access to Adoption Records." (H. P. 797) (L. D. 951)

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

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

Bill, "An Act Equalizing the Retail Price of Alcoholic Beverages Throughout the State to that of the Kittery Store." (H. P. 798) (L. D. 952)

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

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

Bill, "An Act to Amend the Purposes for Special Marine Resources Licenses to Include Educational Institutions." (H. P. 799) (L. D. 953)

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

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

Bill, "An Act to Abolish the Maine Inheritance Tax and to Provide for an Estate Tax Similar to Federal Law." (H. P. 800) (L. D. 954)

Bill, "An Act to Amend the Maine Tree Growth Tax Law." (H. P. 801) (L. D. 955)

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 Place Restrictions on Certain Horses using Roads and Highways." (H. P. 802) (L. D. 956)

Bill, "An Act Relating to the Registration of Boat, Camper and Utility Trailers." (H. P. 803) (L. D. 957)

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

Which were referred to the Committee on

Transportation and Ordered Printed, in concurrence.

**Communications
Committee on Labor**

February 23, 1981

The Honorable Joseph Sewall
President of the Senate of Maine
State House

Augusta, Maine

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, Section 151, and with Joint Rule 38 of the 110th Maine Legislature, the Joint Standing Committee on Labor has had under consideration the nomination of Russell A. Webb as an alternate employee member of the Maine Labor Relations Board.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee clerk called the roll with the following result:

YEAS: Senator 1

Representatives: 6

NAYS: 0

ABSENT: 6 Senators, Sutton, Oxford, Duttremble, York, Representatives, Tuttle, Sanford, McHenry, Madawaska, Baker, Portland, Laverriere, Biddeford.

Seven members of the Committee having voted in the affirmative and none in the negative it was the vote of the Committee that the nomination of Russell A. Webb as alternate employee member of the Maine Labor Relations Board be confirmed.

Sincerely,

/S/CHARLOTTE Z. SEWALL

Senate Chairman

/S/EDITH S. BEAULIEU

House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Labor has recommended that the nomination of Russell A. Webb be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Labor be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 110th Legislature, the vote will be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS — None.

NAYS — Ault, Brown, Bustin, Carpenter, Charette, Clark, Collins, Conley, Devoe, Duttremble, Emerson, Gill, Hichens, Huber, McBreairey, Minkowsky, Najarian, O'Leary, Pierce, Pray, Redmond, Sewall, C., Shute, Sutton, Teague, Trotzky, Usher, Violette, Wood, The President — J. Sewall.

ABSENT — Kerry, Perkins, Trafton.

No Senators having voted in the affirmative and 30 Senators in the negative with 3 Senators being absent and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Russell A. Webb is confirmed.

**Senate Chamber
President's Office**

February 24, 1981

Honorable Melvin A. Shute
Honorable Gary W. Fowle
Chairmen, Joint Standing Committee
on Marine Resources
State House
Augusta, ME

Please be advised that Governor Joseph E. Brennan is nominating Spencer C. Fuller of Vi-

nalhaven for appointment to the Marine Resources Advisory Council and James L. Warren of Eastport and Peter W. Kelly, III, of Cape Elizabeth for reappointment to the Marine Resources Advisory Council.

Pursuant to Title 12 MRSA Section 6024, this nomination will require review by the Joint Standing Committee on Marine Resources and confirmation by the Senate.

Sincerely,
S/JOSEPH SEWALL
President of the Senate
S/JOHN L. MARTIN
Speaker of the House
(S. P. 342)

Which was Read and referred to the Committee on Marine Resources.
Sent down for concurrence.

Jimmy Carter

February 9, 1981

To May Ross

I am honored to have been recognized by the Senate of the State of Maine in connection with the release of our Americans from Iran. With God's help the long ordeal is over.

The past fifteen months have been a difficult period for all of us, and I am grateful for the support the people of Maine have given me. We must now put the past behind us and work together toward peace throughout the world.

With my best wishes,

Sincerely,
S/JIMMY CARTER

Which was Read and Ordered Placed on File.

House of Representatives Speakers' Office

February 12, 1981

Hon. Vincent L. McKusick
Chief Justice
Supreme Judicial Court
Portland, Maine

Dear Mr. Chief Justice:

We cordially invite you and the Associate Justices of the Supreme Judicial Court to a Joint Convention of the House and Senate to be held in the House of Representatives at eleven o'clock on Tuesday, March 10.

At the time we would be pleased to have you deliver such remarks as you may care to make on the State of the Judiciary. We look forward to seeing you and the other Justices at that time.

Sincerely,
S/JOSEPH SEWALL
President of the Senate
S/JOHN L. MARTIN
Speaker of the House
(H. P. 846)

Comes from the House, Read and Ordered Placed on File.

Which was Read and Ordered Placed on File, in concurrence.

Supreme Judicial Court

February 17, 1981

The Honorable John L. Martin
Speaker of the House
House of Representatives
State House
Augusta, ME

Dear Mr. Speaker:

I accept with pleasure on behalf of myself and the Associate Justices of the Supreme Judicial Court your invitation to a Joint Convention of the House and Senate to be held in the House of Representatives at eleven o'clock on Tuesday, March 10. I last addressed the Joint Convention of the Legislature on March 12, 1979, at the first regular session of the 109th Legislature. It seems appropriate that we are establishing a tradition of having the formal "State of the Judiciary" report near the outset of each new legislature. At the same time, the Judicial Branch stands ready to keep you informed about court operations in less formal ways.

Cordially yours,
S/VINCENT L. McKUSICK
(H. P. 847)

Comes from the House, Read and Ordered Placed on File.

Which was Read and Ordered Placed on File, in concurrence.

State Board of Education

February 17, 1981

The Honorable Joseph Sewall
President of the Senate
State House
Augusta, Maine
The Honorable John L. Martin
Speaker of the House
State House
Augusta, Maine

Dear President Sewall and Speaker Martin:

Pursuant to the provisions of Title 20 M.R.S.A., Chapter 303A, Section 2265, Subsections 1, 2 and 3, the State Board of Education has recommended the following funding levels to the Governor: (copy attached)

A. The State Board of Education is recommending a funding level of \$13,949,451 for 1982 and \$14,860,246 for 1983;

B. The State Board of Education is recommending a long-range construction plan estimated to cost \$32,784,805 over the next six years;

C. The State Board of Education is recommending \$941,730 be supplied for the costs of maintenance, repairs and capital construction over the biennium.

Given our experience in dealing with the Vocational Technical Institutes from the time these revised statutes went into effect, we strongly recommend the above-mentioned funding levels which will enable the Vocational Technical Institutes to better serve the citizens of the State of Maine. The State Board of Education is committed to an ongoing process of reviewing and revising these recommendations whenever necessary to fully assure that they are representative of the system's needs.

I will be happy to meet with the appropriate legislative committee and/or you to further explain these recommendations.

Thank you for your consideration.

Sincerely,
S/INGE L. FOSTER
Chairman
(S. P. 353)

Which was Read and with accompanying Report, Ordered Placed on File.
Sent down for concurrence.

Senate Papers

Senator CONLEY of Cumberland presented, Bill, "An Act to Prohibit Refiners and Distributors of Motor Fuels from Engaging in the Retail Sale of Gasoline." (S. P. 344)

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

Sent down for concurrence.

Senator SEWALL of Lincoln (Cosponsors: Representative PERKINS of Brooksville and Representative BEAULIEU of Portland) presented, Bill, "An Act to Require Disclosure of Reserves by Workers' Compensation Insurers." (S. P. 343)

Reference to the Committee on Business Legislation suggested.

On Motion by Senator Sewall of Lincoln, Referred to the Committee on Labor and Ordered Printed.

Sent down for concurrence.

Senator PRAY of Penobscot (Cosponsors: Senator DUTREMBLE of York and Representative TUTTLE of Sanford) presented, Bill, "An Act Concerning Information Provided by Insurers Prior to Rate Approval." (S. P. 345)

Reference to the Committee on Business Legislation suggested.

On Motion by Senator Conley of Cumberland,

Tabled until Later in Today's Session, pending the motion by the Senator from Lincoln, Senator Sewall.

Senator AULT of Kennebec presented, Bill, "An Act to Describe, Define and Officially Adopt a System of Coordinates for Designating the Geographic Position of Points on the Surface of the Earth within the State of Maine." (S. P. 346)

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

Sent down for concurrence.

Senator CARPENTER of Aroostook (Cosponsors: Senator VIOLETTE of Aroostook, Representative MARTIN of Eagle Lake and Representative McKEAN of Limestone) presented, Bill, "An Act Proposing an Advisory Referendum Concerning the Dickey-Lincoln Hydroelectric Project." (S. P. 347)

Reference to the Committee on Energy and Natural Resources suggested.

On Motion by Senator Trotzky of Penobscot, Referred to the Committee on Public Utilities and Ordered Printed.

Sent down for concurrence.

On motion by Senator Conley of Cumberland the Senate voted to take from the table, Bill, "An Act Concerning Information Provided by Insurers Prior to Rate Approval." (S. P. 345).

Tabled earlier in Today's Session, on motion by the Senator from Cumberland, Senator Conley, pending the motion by the Senator from Lincoln, Senator Sewall.

On motion by Senator Sewall of Lincoln, referred to the Committee on Labor and Ordered Printed.

Sent down for concurrence.

Senator CARPENTER of Aroostook (Cosponsor: Representative KANE of South Portland) presented, Bill, "An Act to Clarify the Security Deposit Law." (S. P. 348)

Senator TRAFTON of Androscoggin presented, Bill, "An Act to Provide Equity for Stepchildren in the Inheritance Laws." (S. P. 349)

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

Sent down for concurrence.

Senator SEWALL of Lincoln presented, Bill, "An Act to Insure Unemployment Compensation for Employees who are Harassed." (S. P. 350)

Which was referred to the Committee on Labor and Ordered Printed.

Sent down for concurrence.

Senator SEWALL of Lincoln presented, Bill, "An Act to Require that Legislators Included in their Ethic Reports Whether they are Union Members and Pay Union Dues During the Year." (S. P. 351)

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

Sent down for concurrence.

Senator TRAFTON of Androscoggin presented, Bill, "An Act to Promote Tourism by Providing Directional Signs for Publicity Bureau Offices." (S. P. 352)

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

Sent down for concurrence.

Committee Reports House

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

Bill, "An Act to Include Cats Under the Humane Laws." (H. P. 132) (L. D. 159)

Bill, "An Act to Appropriate \$10,000 to the

Firemens Training Program in the Department of Educational and Cultural Services." (H. P. 22) (L. D. 26)

Ought to Pass

The Committee on Judiciary on, Bill, "An Act to Permit Rental Payments by Tender of General Assistance Vouchers." (H. P. 400) (L. D. 443)

Reported that the same Ought to Pass.

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

The Committee on Judiciary on, Bill, "An Act to Increase the Mileage Reimbursement Payment for Jurors." (H. P. 348) (L. D. 396)

Reported that the same Ought to Pass.

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

The Committee on Business Legislation on, Bill, "An Act to Increase Registration Fees under the Maine Consumer Credit Code." (H. P. 164) (L. D. 190)

Reported that the same Ought to Pass.

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

The Committee on Education on, Bill, "An Act to Amend the Law Relating to the Regulation of Privately owned Correspondence Schools." (H. P. 168) (L. D. 221)

Reported that the same Ought to Pass.

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

Which Reports were Read and Accepted, in concurrence, and the Bills Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Energy and Natural Resources on, Bill, "An Act to Revise the Voluntary Training and Certification Program for Installers of Solar Energy Equipment in Maine." (H. P. 171) (L. D. 193)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 49).

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

The Committee on Energy and Natural Resources on, Bill, "An Act to Exempt Certain Site Evaluations from License Fee Requirements." (H. P. 58) (L. D. 71)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 48).

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

The Committee on Judiciary on, Bill, "An Act to Amend the Laws Relating to Criminal History Record Information." (H. P. 276) (L. D. 307)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 46).

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

The Committee on State Government on, Resolution, Proposing an Amendment to the Constitution of Maine Clarifying Residency Requirements for Candidates for and Members of the Maine House of Representatives. (H. P. 295) (L. D. 339)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 47).

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

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

The Committee on Judiciary on, Bill, "An

Act to Allow Wardens to Take a Cash Bond from any Non-resident or Alien Found in Violation of the Fish and Wildlife Laws." (H. P. 353) (L. D. 401)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 40).

Comes from the House, Bill and Papers Recommended to the Committee on Judiciary.

Which Report was Read and Accepted, in non-concurrence.

On motion by Senator Devoe of Penobscot the Senate voted to reconsider its action whereby it Accepted the Ought to Pass, as amended, Report of the Committee.

On motion by Senator Devoe of Penobscot, Recommended to the Committee on Judiciary, in concurrence.

Ought to Pass in New Draft

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Making Additional Appropriations from the General Fund for the Current Fiscal Year Ending June 30, 1981, and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government." (Emergency) (H. P. 91) (L. D. 63)

Reported that the same Ought to Pass in New Draft under Same Title, (H. P. 816) (L. D. 940)

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.

Second Readers

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

House

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

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

House — As Amended

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

Bill, "An Act to Provide Free Pheasant Hunting Stamps to Disabled Veterans." (H. P. 136) (L. D. 163)

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

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

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act to Adjust the Level of Compensation and Certain Statutory Duties of the Senate Secretary and House Clerk and their Assistants." (Emergency) (S. P. 97) (L. D. 136)

Which was Read a Second Time.

On motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending Passage to be Engrossed.

Enactors

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

AN ACT to Permit Teaching under the Fulbright Exchange Program to be Allowed as Creditable Service under the Retirement System. (H. P. 307) (L. D. 340)

AN ACT to Repeal the Law Barring Minors from Bowling Alleys, Pool Rooms and Shooting Galleries. (H. P. 282) (L. D. 321)

AN ACT to Provide a Speedy Procedure to Authorize the Demolition of Unsafe and Irreparable Buildings and Structures. (H. P. 140) (L. D. 229)

AN ACT to Provide for the Surrender by Barnard Plantation of its Organization. (H. P. 186) (L. D. 228)

AN ACT to Amend the Statutes Relating to the Developmental Disabilities Council. (H. P. 175) (L. D. 224)

AN ACT to Coordinate and Assign the Responsibility for Conducting Air Search and Rescue Operations in the State Arising from Aeronautical Activities. (H. P. 154) (L. D. 178)

AN ACT Requiring Certain County Officials to Make Monthly Payments of Fees and Charges to the County Treasurer. (H. P. 110) (L. D. 143)

AN ACT to Exempt Skidders from the Registration Requirement of the Motor Vehicle Laws for Limited Travel. (H. P. 85) (L. D. 79)

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

Emergency

AN ACT Converting Lakeville Plantation into the Town of Lakeville. (H. P. 202) (L. D. 247)

Emergency

AN ACT to Provide for the Surrender by Grand Falls Plantation of its Organization. (H. P. 42) (L. D. 55)

These being emergency measures and having received the affirmative votes of 27 members of the Senate, with No Senators voting in the negative were Passed to be Enacted and having been Signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

AN ACT Relating to Immunization of Children Prior to Entering School. (H. P. 41) (L. D. 54)

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

Senator MINKOWSKY: Mr. President, and Members of the Senate, over the years it has been my feeling that Big Brother has been too deeply involved in the lives of the people, not only in the United States, but in the State of Maine. Little Brother as accomplice which is the State of Maine, has been dictating policies to the people.

Now, I have a great deal of regard and respect for the intelligence of the people of the State of Maine regardless of their lot in life, or whether regardless of their income. They are competently qualified to make the decisions relevant as to what their children should or should not have.

In the beginning I stated very clearly that I was not against immunization of children in the State of Maine. That I felt perfectly happy with the law, as it presently exists from K-6. That this law here under an emergency nature takes care of the other children from grades 7-12 should not be mandated by the State. Even though the Federal Government picks up the cost of this particular operation and it is implemented by the municipalities, I feel very strongly that this should be a decision of the parents or their physician in making this decision.

It was clearly discussed earlier about the possibility of young ladies who might unfortunately be pregnant that this would have a deleterious affect upon not only their lives, but the life of the unborn child.

Even though a problem did exist in this modern day and age it was corrected in time. With modern technology and science available to us, to me, I do not feel that this is absolutely essential. At this particular point, Mr. President, I certainly would hope that when the vote is taken I would sincerely hope that the Senate, in its wisdom of being fair, and objective about what they are doing, would certainly not pass this piece of Emergency Legislation.

The PRESIDENT: The Chair recognizes the

Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I can appreciate the concerns of the good Senator from Androscoggin, however I support this piece of Legislation. I think it is a vital piece of Legislation. I think, one thing that we have real concern about today are many of the diseases that are prominent throughout the land and throughout the world. I think that this is one Bill that will help to insure the health of our youngsters. When the vote is taken, Mr. President, I request that it be taken by the Yeas and Nays.

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

Senator GILL: Mr. President, I too, would urge this Body to vote for this Bill, when the Yeas and Nays are taken.

I would like to bring you some facts that came about because of the immunization through K-6 grades. Some of the results of that immunization that was mandated. The fact that the immunization levels in the K-6 are presently 95 percent. The vaccine preventable diseases in those years are practically nonexistent. A standard immunization record has been, Card and Health Record has been established for students in those years. It's the first time in the history of the State that any such record has been gathered. In the following years all that was necessary was to bring in the new entries into those grades and have them immunized.

I think that those facts would lead us to believe that if we went up to the upper grades, then we would have the same results forthcoming, that, therefore, 95 percent of all those would be free, that there would be very little of those diseases in those years. I think that's what we're looking for, is the good health and welfare of the children and young adults in the State.

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

Senator WOOD: Mr. President, and Men and Women of the Senate, I will be brief. There are three issues, though, that I think should be addressed. I take exception to Senator Minkowsky's remarks. I understand the fear of mandation and often times vote against mandated programs, but if you read the proposed law, and the present law, there are enough exemptions that if a parent does not feel for philosophical, religious, or medical reasons that they want their child to be immunized, they do not have to be immunized.

I would point out that the Sanford case is far from over. There were over 71 cases in Sanford. Although they have been immunized, there are 4 or 5 women in that town that are running the risk of having deformed children. We will not know the outcome until they have come to full term. So the case is far from over in Sanford.

I would point out that there is a town in New York that is having a worse outbreak than we are in Maine. So it's not something that is going to go away.

Finally, if you look at the Bill, the fear of females of childbearing age, of being immunized, if you look at the Bill, in Section E, a female child of child-bearing age is not required to be immunized against rubella. So we are clearly saying that they are not required to be immunized. If they want to be immunized, they will be, the risk will be made known to them and that will be their decision.

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

Senator BUSTIN: I'd like to speak to this issue also. I'd like to quote a letter that was copied to the committee, and it was sent to Representative Boyce. It is from the good Senator from Androscoggin's own area, it is from Auburn. It says and part of it is, "my choice, as I am sure you know, would be to fight for my rights as a parent, and I certainly will if this Bill passes. It is my right and mine only to be responsible for my child's health. I fully expect

everyone else to keep hands off, unless I am proven incompetent."

The good doctor is right. It is her responsibility as a parent to be sure her child is in good health. All this Bill does is assist her in that goal. This Bill provides an additional avenue for her to get the services that could insure her child's health. It only requests the schools to obtain a paper saying the child has been immunized, allowing the child to be immunized, or indicating that the parent does not want the immunization for her child. I call your attention to the same section in the law that Senator Wood called to your attention, 1193 2D. "A child shall not be required to receive an immunization if his parent or guardian has demonstrated through a written statement his moral, philosophical, or other personal objection to such immunization."

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

Senator MINKOWSKY: Mr. President and Members of the Senate, I'm very concerned with the statement that the good Senator from York, Senator Wood made relevant to the 4 or 5 ladies in his area that are facing a very serious problem with possibly deformed children. I don't think these are girls aged 11 through high school possibly. I hope he would clarify exactly that these possibly are ladies who are married, that much older possibly, of child-bearing age, that are faced with this particular problem because they were never immunized in the beginning, or possibly that came in from some other state where immunization was not mandatory.

I don't think that we should confuse the issue between these people that he is describing, versus what we are talking about in children of grades K-12 at the present time.

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

Senator WOOD: Mr. President, and Ladies and Gentlemen of the Senate, by way of clarification, the reason that these women are at risk at this point is because they came in contact with children who had not been immunized that had measles. It's very much a part of the problem.

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

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

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

The pending question before the Senate is Enactment of LD 54.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Brown, Bustin, Carpenter, Charette, Clark, Collins, Conley, Dutremble, Emerson, Gill, Hichens, Huber, Kerry, McBreairey, Najarian, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trafton, Trotzky, Usher, Viollette, Wood.

NAY—Ault, Devoe, Minkowsky, Pierce.

ABSENT—O'Leary, Perkins.

A Roll Call was had.

This being an emergency measure and having received the affirmative votes of 26 Members of the Senate, with 4 Senators voting in the negative, with 2 Senators being absent, 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 Chair laid before the Senate the Tabled and specially assigned matter:

Bill, "An Act to Exempt Certain Aquaculture Workers Under the Workers' Compensation

Law, (S. P. 74) (L. D. 111)

Tabled—February 24, 1981 by Senator Sewall of Lincoln.

Pending—Adoption of Senate Amendment "A" (S-25)

Senate Amendment "A" (S-25) was Adopted, in non-concurrence.

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

Sent down for concurrence.

Senator Hichens of York was granted unanimous consent to address the Senate, Off the Record.

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