

# 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**

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STATE OF MAINE  
One Hundred and Tenth Legislature  
First Regular Session  
JOURNAL OF THE SENATE  
March 10, 1981  
Senate called to order by the President.

Prayer by the Reverend Gabriel Blain of Saint Peter and Paul Parish in Lewiston.

REVEREND BLAIN: Let us pray. O'God, the source of all wisdom, Whose statutes are good and gracious, and Whose law is truth. Guide and direct our Senators so that by just and prudent laws, they may promote the well-being of all Your people. Almighty God, our Father, You have charged us with the task of building on this earth a home where all the nations dwell in unity, liberty, and justice. We pray for strength and purpose to make officers in every branch of government accountable to all the people, fulfilling roles of service and responsibility, so that they may seek justice, and protect the weak, and lead us in constructing institutions for our peace and mutual aid. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

Out of Order and Under Suspension of the Rules:

On motion by Senator Collins of Knox,

ORDERED, that a message be sent to the House of Representatives proposing a Convention of both branches in the Hall of the House at 11 o'clock for the purpose of extending to the Honorable Vincent L. McKusick, Chief Justice of the Supreme Judicial Court, an invitation to attend the Convention and make such communication as pleases him.

Which was Read and Passed.

The President appointed Senator Collins of Knox to deliver the message, the Senator then retired to the Hall of the House and subsequently reported that he had performed the duties with which he was charged.

**Papers from the House  
Joint Order**

An Expression of Legislative Sentiment recognizing:

Roger Michaud, President of American Stabilis, who has been selected Maine's Small Business Person of 1981 by the Small Business Administration. (H. P. 971)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

Senator Trafton of Androscoggin was granted unanimous consent to address the Senate, On the Record.

Senator TRAFTON: Thank you, Mr. President. Members of the Senate, it is my pleasure this morning to speak on behalf of the Order which has just been Passed by this Body. Roger Michaud is indeed in outstanding businessman, as this award so aptly recognizes. Beyond that, Mr. Michaud is an outstanding citizen in the Lewiston/Auburn area. He has made an extensive commitment to our community, and it's a pleasure to see him recognized by the business community, as we have already recognized him by the greater community, in awarding him a position on the Board of Directors of the United Way, one of the most important organizations in our community. Thank you.

Senator Minkowsky of Androscoggin was granted unanimous consent to address the Senate, On the Record.

Senator MINKOWSKY: Thank you very much, Mr. President and Members of the Senate. It certainly gives me a great deal of pleasure this morning to reiterate the sentiments expressed by the good Senator from Androscoggin, Senator Trafton, relevant to the American Stabilis Company. It goes to show

the innate talents, skills, and abilities that we have within our own community, of a gentleman starting up with basically an idea, and developing it into a very, very large viable industry, that's not only servicing the State of Maine, but basically the entire nation, as I understand at the present time. It's one of the most classic examples of a growth business I have seen. I'm very, very pleased and proud that it is in my own particular Senatorial District. I think the Maine Senate and the Maine Legislature as a whole, wishes Mr. Michaud and his officers and his company a great deal of success in the future. I can be sure that it will mean more jobs for many, many skilled people coming out of our V.T.I.'s, and out of our colleges, being sure that we keep these skills and talents within the State of Maine. Thank you very much, Mr. President.

(Off Record Remarks)

**House Papers**

Bill, "An Act Relating to Attorney's Fees and Costs in Certain Lawsuits Arising out of Consumer Transactions." (H. P. 949) (L. D. 1125)

Bill, "An Act to Enhance Public Safety through the Authorization of Suspension of Licenses." (H. P. 948) (L. D. 1124)

Come 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 Relating to the Clarification, Consistency and Improved Administration of the Employment Security Law." (H. P. 950) (L. D. 1126)

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

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

Bill, "An Act to Amend the Charter of the Kennebunk Light and Power District." (Emergency) (H. P. 951) (L. D. 1127)

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

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

Bill, "An Act to Provide for an Increase in Legislators' Salaries." (H. P. 952) (L. D. 1128)

Bill, "An Act to Give Leaseholders Option to Purchase Lands Acquired by the State in Exchange with Paper Companies." (H. P. 953) (L. D. 1129)

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

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

Bill, "An Act to Permit the Taxation of Certain Athletic Property Owned by Tax Exempt Organizations." (H. P. 954) (L. D. 1130)

Bill, "An Act to Enable Diesel Fuel Dealers to Pay Fuel Taxes at the Source of Supply." (H. P. 955) (L. D. 1131)

Come 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 the Licensing of Escort Vehicles." (H. P. 956) (L. D. 1132)

Bill, "An Act Concerning the Use of Blue Lights by Police Officers." (H. P. 957) (L. D. 1133)

Come 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.

**Communication  
House of Representatives**

March 9, 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 Election Laws on Bill "An Act to Prohibit Voter Registration on Election Day with Certain Exceptions" (H. P. 35) (L. D. 40)

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

Which was Read and Ordered Placed on File.

At this point a message was received from the House of Representatives, through Representative Mitchell of Vassalboro concurring in the proposition for a Joint Convention.

**Senate Papers**

Senator McBREAIRTY of Aroostook (Cosponsors: Senator CARPENTER of Aroostook, Representative NELSON of New Sweden and Representative INGRAHAM of Houlton) presented, Bill, "An Act to Select Maine Potato Seed Board Personnel." (S. P. 409)

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

Sent down for concurrence.

Senator WOOD of York presented, Bill, "An Act Concerning the Local Voting on School Budgets." (S. P. 408)

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

Sent down for concurrence.

Senator O'LEARY of Oxford (Cosponsors: Senator McBREAIRTY of Aroostook, Representative DEXTER of Kingfield and Representative PERRY of Mexico) presented, Bill, "An Act to Amend the Law Relating to the Public Reserved Lands." (S. P. 412)

Senator CARPENTER of Aroostook (Cosponsors: Senator CLARK of Cumberland, Representative NADEAU of Lewiston and Representative McKEAN of Limestone) presented, Bill, "An Act to Prohibit the Importation of Spent Nuclear Fuel." (S. P. 413)

Which were referred to the Committee on Energy and Natural Resources and Ordered printed.

Sent down for concurrence.

Senator REDMOND of Somerset presented, Bill, "An Act to Allow a Single Permit for Hunting Animal Predators." (S. P. 410)

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

Sent down for concurrence.

Senator GILL of Cumberland (Cosponsors: Senator PRAY of Penobscot, Representative HOLLOWAY of Edgecomb and Representative NELSON of Portland) presented, Bill, "An Act Relating to Pharmaceutical Services Provided at Rural Health Centers." (S. P. 411)

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

Sent down for concurrence.

Senator DEVOE of Penobscot presented, Bill, "An Act to Amend the Small Claims Law and Conform Related Laws." (S. P. 405)

Senator GILL of Cumberland (Cosponsor: Representative NELSON of Portland) presented, Bill "An Act to Enact the Uniform Parity Act." (S. P. 407)

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

Sent down for concurrence.

Senator REDMOND of Somerset (Cosponsor: Senator SEWALL of Lincoln) presented, Bill, "An Act to Authorize Revenue Bond Financing for the Agricultural and Fishing Industries." (S. P. 403)

Senator SEWALL of Lincoln presented, Bill, "An Act Concerning State Contracts for Firms Violating the Maine Human Rights Act." (S. P. 404)

Senator REDMOND of Somerset presented, Bill, "An Act to Provide a Resident State Trooper for the Town of Carrabassett Valley." (S. P. 406)

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

Sent down for concurrence.

Senator WOOD of York (Cosponsor: Representative NELSON of Portland) presented, Bill, "An Act to Establish an Income Tax Checkoff for the Arts." (S. P. 414)

Senator KERRY of York (Cosponsors: Representative TARBELL of Bangor) presented, Bill, "An Act to Decrease the Tax on Harness Racing Licensees." (S. P. 415)

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

Sent down for concurrence.

#### Joint Resolution

Senator O'LEARY of Oxford presented the following Joint Resolution and moved its adoption:

#### STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Eighty-One

#### JOINT RESOLUTION URGING THE COMMISSIONER OF CONSERVATION AND THE DIRECTOR OF THE BUREAU OF PUBLIC LANDS TO FOREGO ANY POLICIES AND PLANS NOW UNDER LEGISLATIVE CONSIDERATION

WHEREAS, the Bureau of Public Lands, is seeking public input for public reserved land policies within the Scraggeley Pond area and other areas of the State; and

WHEREAS, currently there is legislation before the Legislature which will amend the law regulating public reserved lands; and

WHEREAS, policies and decisions which will impact the passage of this legislation should be held in abeyance pending the outcome of the legislative session to prevent unnecessary confusion and possible reversal; now, therefore, be it

RESOLVED: That the Members of the Senate and House of Representatives of the First Regular Session of the 110th Legislature acknowledge that legislation is currently under consideration this session which will affect public reserved lands and therefore the Commissioner of Conservation and the Director of the Bureau of Public Lands are respectfully urged to forego the establishment of any new policy or plans that would in any way affect legislation currently under consideration by the Legislature; and be it further

RESOLVED: That a suitable copy of this resolution be forwarded to the Commissioner of Conservation and the Director of the Bureau of Public Lands.

(S. P. 416)

Which was Read.

On Motion by Senator Collins of Knox, Tabled for 2 Legislative Day's pending Adoption.

On motion by Senator Collins of Knox, the Senate voted to take from the Unassigned Table:

SENATE REPORTS—from the Committee on Education—Bill, "An Act Providing for a Period of Silence in Public Schools." (S. P. 70) (L. D. 107) MAJORITY REPORT—Ought to Pass in New Draft Under Same Title (S. P. 272) (L. D. 699); MINORITY REPORT—Ought Not to Pass.

Tabled—February 17, 1981 by Senator Collins of Knox.

Pending—Acceptance of Either Report.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President, I would like to move the Majority Ought to Pass Report on this Bill, L. D. 107.

The PRESIDENT: The Senator from Hancock, Senator Perkins, moves the Senate Accept the Majority Ought to Pass, in New Draft, Report of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: I would ask the Secretary of the Senate if she would read the Committee Report, please?

The Committee Report was Read.

The PRESIDENT: The Senator has the floor.

Senator TROTZKY: Mr. President and Members of the Senate: I hope the Senate will not accept the Ought to Pass Report, but would Accept the Minority Ought Not to Pass Report of the Committee.

I'd like to first state what the original Bill was and what the intent of the four Senate sponsors was. The original Bill, L. D. 107, which came into committee, stated, at the commencement of each day, in all classes, there shall be a period of silence for meditation or prayer. It was mandatory, and basically the Bill was to get prayer back into the public schools of the state. The Statement of Fact says: "the Bill provides for a period of silence for prayer or meditation in all public schools."

The committee looked at the Bill, and at the hearing, the sponsor of the Bill stated: his intended purpose was, that the Bill was supposed to be initiative at the State level to provide a more effective social climate for morality in the public schools. Realizing that it was unconstitutional to put prayer back in the schools through the Bill, the sponsor then asked that the word prayer be struck from the Bill, and that it just be a period of silence.

Now, the Bill that is before you right now, is LD 699, which was a redraft of the Minority of the Committee. What the Bill states is: The school administrative unit, or school board, may, it becomes optional, they may require at the commencement of the first class in each day, that there be a period of silence for reflection, or meditation.

I contend that even mandating a period of silence and meditation in kindergarten, first grade, second grade, third grade, and right on up, is not going to accomplish what the sponsors really intended. What they intended was to initiate an effective social climate for morality.

Now if you look at a letter, which I put on everybody's desk, which was sent to all superintendents throughout the State of Maine. It talks about the religious issues involving public schools. On the second page it talks about a silent period. It states: "Governor Longley, in 1976, asked Attorney General Brennan, now Governor Brennan, for an opinion as to the constitutionality of a period of silence in the public schools." In the answer given by the Attorney General, he said, at the top of the page here, "by an undesignated period of silence, my letter of February 6, 1976, refers to a scheduled time interval of silence during the school day, observed by the school, but not designated or labelled for any particular purpose. I think it is clear that the school administration may make available and schedule a particular silent interval."

In other words, right now, without this Bill, communities may locally, at their option, designate a period of silence in the schools. They can't say what it's for. An unguided, you might say, period of silence.

Senator Hichens, the sponsor of the Bill at the hearing stated: communities in his district in York County, already were having a period of silence in schools, in some of those commu-

nities. In other words, all school systems, it was made known to them that they can have a period of silence.

If we want to talk about morality, really bring morality to children and so on, the school laws here have another section, 1225, which talks about release time. It says here: "the school committee may excuse pupils for at least one hour for the purpose of attending their respective places of worship, or some other suitable place, there to receive moral instruction in accordance with the religious faith of said pupil." We have a provision in the law for release time allowing students to leave school to go to the church of their choice or any place of their choice to receive moral instruction in their religious background.

What this Bill does, before you right now, is accomplishes absolutely nothing. It's just, in my opinion, a waste of taxpayer dollars to put it on the law books, when schools can have a period of silence right now. The period of silence that they have right now, in my opinion, in no way will further the intent, or accomplish the purpose of which the Bill was sponsored.

I would hope that the Senate would accept the Ought Not to Pass Report of the Committee.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President and Ladies and Gentlemen of the Senate, I appreciate the kind comments of the Senator from Penobscot, in looking through his crystal ball, and reading the minds of the four sponsors of this piece of Legislation.

I think this piece of Legislation, as it comes before you today, is a tribute to the Legislative system, and what can be accomplished through the art of people wanting to do something to accomplish a purpose. This is exactly what has happened with regard to this. Senator Trotzky gave part of the issue when he said; we came and offered. We did, in a spirit of compromise, we came and offered that many of my constituents and I'm sure many of yours, have rued the fact that prayer has been removed from public schools. In an effort to move in some form to improve the moral fiber of our community, we felt that this Bill might, in some way, improve this and I still feel this.

This Bill, and this piece of Legislation, has stood the test of time and course in the State of Massachusetts, with no problem with the court or with the schools. I think the local issue adds to its strength, rather than detracts from its strength. I think the implementation of the Department of Education telling the local unit the guidelines with which they can offer this moment of silence without infringing on anybody's Constitutional Rights, also adds to the strength of the Bill.

One of the fears that the local units have now and why it is not implemented now, is the fact that if they infringe on anybody's Constitutional Rights, they have the cloud hanging over their heads that they will lose some of either their federal or state money. For this reason, it is not implemented.

I think this is an innovation that has come from the committee in the true spirit of compromise. I think you'll see those signing the Ought to Pass Report felt this, because when we went in, they were very much against the Bill, but felt this was a step towards improving the chance for people who would like to have their children have a moment of silence, for whatever purposes. Not all the people will have that moment and use it for prayer. They might use it to think that the young lady in front of them, two seats in front of them, looked very attractive on that day. I recognize that, and the committee recognizes that fact. A moment of silence, five minutes per week, twenty minutes per month, certainly it will not, I don't think, infringe on anybody's Constitutional Rights, and certainly, may serve to do good.

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

Senator TROTZKY: Mr. President and Members of the Senate, I'd like to give you some of the history of this Bill. In the last session, Senator Silverman came in with LD 954, which was "An Act to Require a Quiet Time in the Schools." This Bill was very direct. The Statement of Fact said, it required at least five minutes at the beginning of each school day to spend in quiet time. Basically, the Bill was to quiet children down so they would be more conducive to learning. The Bill was rejected by the committee unanimously. I believe it was rejected unanimously by the committee.

This Bill was more direct. This Bill came in and said, let's have a period of silence for prayer, in the schools. This time the committee turned it around and so, quote the Senator from Hancock, Senator Perkins, a "compromise". Half of the committee went, they may have a period of silence. Half of the committee went that way.

Well it was in the last session, it was unanimous against the Bill. I would suggest probably the reason the committee is changing is probably because of the results of the last election and what they believe is the feeling of the people, that silent majority out there.

I would suggest to the Senate, that they can have a period of silence right now. It's a local option. They can have it during the third period of the day. They can have it during the last period of the day. They can have three minutes, five minutes.

Also, we look at another issue, which I'm sure is dear to all our hearts, and that's the saluting of the flag. Patriotism! There are guidelines set up in the education statutes, but we don't mandate when they salute the flag, should they say the Pledge of Allegiance. Yet, in most schools in the state, it is occurring.

My feeling is that, although the Bill, you know, has a good purpose, it really doesn't accomplish anything. A period of silence, what are the guidelines, what is that teacher going to say? I say, leave it to the local communities to make the decision, and don't waste taxpayer money putting something on the books, which they can do already.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, Ladies and Gentlemen of the Senate, I haven't sponsored many bills, or cosponsored many bills, since I have been in Augusta, but I have had the opportunity to cosponsor this Bill, and I found that it has made me feel real good and has given me the opportunity to, I think, do something that the people that I talk to and know would like to have done.

The traditions of our country have been blasted and socked and rocked so badly in the past years by those who think that change for change sake is the only way to make a country strong. They seem to forget that really the mores and the traditions of a country are its strength.

This part of our school day has been a part of its strength for many years until an atheist came along and decided that it didn't belong there. There is no other country in the world they would have been listened to, except the United States, and our Supreme Court decided that she was right.

The good Senator Trotzky is right, this is not a momentous thing and it is not going to change the world and it is not going to change the state and turn everything around. But it seems to me, that any small step that we can take to show the citizens that we, as the Legislative leaders of their State, believe that traditions do have a place, and that any signal that we can send regardless of whether it is alleged that they can already do this or not, any signal that we can send will possible allow them to return to part of one of the traditions that some of us feel have been important all along.

By the way, I still believe that saluting the flag in the morning is the right thing to do, also.

I do not think that it should be done anytime during the day. I do not think that it should be given an hour off to go down to the square and do it. I think that you ought to do it in school as you start the day just prior to having your moment of silence or meditation.

It is a dire shame that we can not say a prayer, but if we can't we will say what we have to say and make it a moment of silence and meditation.

I think that the people want it. I have not had anybody tell me that they did not want it. I think Augusta should send the signal. I think that it is a small step towards bringing some dignity back to the classroom that is badly needed.

I would like to draw your attention to this fiasco that has been put on your desks from one of the Gannett papers and it doesn't surprise me one bit. It is not right, they haven't got their facts right and that is about what I would expect from them. But if you look down at the bottom of the thing there it says; "there is nothing wrong with local school systems providing a period of silence for their students, so long as it is not specifically earmarked for prayer" and that is exactly where we are at the moment.

Our good Governor says; "In my opinion such a period of silence not intended and not identified in anyway with religious exercise would not offend the established clause of the Federal Constitution."

Ladies and Gentlemen of the Senate, I do not see how we can not send this signal from Augusta. I would certainly urge you to support the Majority Report and get this Bill on its way.

The PRESIDENT: The Chair would interrupt the debate, to request the Assistant Sergeant-at-Arms to escort the Senator from Knox, Senator Collins to the rostrum to assume the duties of President Pro-Tem.

The Assistant Sergeant-at-Arms escorted the Senator from Knox Senator Collins to the rostrum, were he acted as President Pro-Tem.

The President then retired from the Senate Chamber.

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

Senator KERRY: Mr. President and Ladies and Gentlemen of the Senate, it is very seldom that I agree with the sponsors of this particular measure, in this body, but it gives me great pleasure to be in concurrence with them today.

I think, we as a society appear to be constantly fighting against developing the moral fiber of our citizenry. Being Legislators we sometimes feel self-conscious about speaking in terms that harken back to the Constitution of the State or of the Federal Government. We hear our national and state leaders, even our municipal leaders, our private citizens, our parents, our teachers asking for guidance, asking for support more than guidance, from their State Legislators.

I do not feel self-conscious at all about voting affirmatively for this particular Bill. I would not feel self-conscious about voting for the original measure. Mainly because I think the founding fathers of this country, and literally, and I have our good Senator here from Cumberland when I said founding fathers, I will say founding mothers, as well, the people like the Adamses and all. They supported it. They provided the moral fiber for their children, in fact, they probably educated their children. I think that if you look at Abigail Adams and many others, as our good Senator from Cumberland, Senator Clark would indicate, they encouraged their legislator-type husbands and friends, whether they were husbands or wives to support measures such as this.

More specifically, I would just like to indicate that I speak to many teachers, I speak to many family people throughout my district and they have indicated that they are in support of this measure. There are other civil-libertari-

ans who feel that this maybe a Constitutional infringement upon their rights as citizens. I think in the balance of the measure of values of our society, and our State Laws being reflective of that, that we have an obligation and we have a right to speak up for what we think is best for our students and best for our society.

I would only reflect upon what Victor Frankel said, Victor Frankel, being the German psychiatrist who spoke about the crisis of the moral fiber of our world. The good Senator from Penobscot, Senator Trotzky, would recognize that many people of his particular faith have suffered injustices because of this moral malaise if you will. But in our own small way I think that we have a right to stand up and say that students in our schools should sit down and be able to say: Yes, the State Legislators have said, that we have the right to reflect on those higher principles of life. Many people do not think of it, they are too busy, they do not want to be bothered by it, parents do not want to be bothered by it, businessmen do not want to be bothered by it. Educators can't, unfortunately, be surrogate parents, but they can provide an example and they can help us and assist the parents of this society, specifically of our State, handle the difficult decisions that are ahead.

Therefore, I would support wholeheartedly the motion to pass this measure. I would hope that we would not feel self-conscious about doing something that is going to be giving a guiding light to many of the students and parents of this State. Thank you.

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

Senator HICHENS: Thank you, Mr. President. I did not intend to make a formal speech this morning until the good Senator from Penobscot, Senator Trotzky, brought out many points which were brought up at the hearing. So I feel that as a co-sponsor of the Bill, that I should read some of the structured presentation that I did make during the hearing, and then add a few extra thoughts which have been presented this morning.

A lot has been said by people who for some reason or other oppose prayers in the public school system that prayer time is unconstitutional. I would remind you again that the Supreme Court of the United States did not vote against prayers in the schools, the ruling distinctly orders that 'structural prayers not be mandatory in public schools,' which means that pupils would not be compelled to recite prayer from the bible or made up by persons. Nowhere in the Supreme Court's decision is there any reference to voluntary prayers or periods set aside of prayer and/or meditation.

School boards and many teachers have hidden behind the Supreme Court's ruling, interpreting by their own interpretation, to mean that no prayers can be offered, individually or collectively during the school period.

I remember vividly the day when one of my daughters called and said that my grandson (as was his custom at home) bowed his head at the lunch table to say grace and was interrupted by his teacher who asked what he was doing with his head bowed. 'I'm asking the blessing,' he answered.

'Well you aren't to ask the blessing any more', the teacher remarked, 'the law says that you can't say any prayer in school.'

The new Bill provides for a period of silence for reflection or meditation in all public schools at the start of each school day. It by no means, orders that teachers must police their pupils to make sure that they are praying or meditating. It simply provides for a moment of silence during which reflection or medication can be utilized.

A few years ago during the administration of Governor James Longley, the issue of silent prayer in Maine schools was brought up, and was addressed to those attending the Gover-

nor's Prayer Breakfast, March 16, 1976. Governor Longley stated: "Frankly, I have more questions than answers this morning for while this prayer breakfast is a time for brotherhood and yes, sisterhood and it is a time to count our blessings and it is a time to renew and to challenge it is also a time to question for as we count our blessings and renew and challenge we must also ask some questions:

(1) Is there something wrong that the Legislative and Executive Branches come together and pray?

(2) Is it wrong for our President and our Congress and our Legislature and Governor to open their sessions with prayer and yet, at the same time deny that right of free speech in our schools?

(3) Are we missing something? Is there a parallel in the fact that as we have taken prayer out of our schools—even nondenominational prayer or prayer for parents or family or country, that we have substituted permissiveness and yes, even disrespect for our Flag?

(4) Is it more than coincidental that as we have substituted permissiveness for prayer that our crime rates increased and our streets become unsafe.

(5) Is there something wrong that those arrested for even obvious crimes are returned to the streets in advance of law enforcement officers still at the station house filling out forms designed to protect those who break the law more than those who observe the law.

(6) Is there something wrong with keeping prayer out of our schools as our jails simultaneously fill to overflowing?

In response to the Governor's statements, the then Attorney General, now Governor Joseph Brennan, sent a letter to the Governor giving the opinions which you have heard quoted this morning.

I ask you Ladies and Gentlemen of the Senate, to consider very carefully the Bill before you today. It is not the way that I would have like to had it come before you today, because I liked the original version. But by no stretch of the imagination can we presume that a period of silence for reflection and meditation is going to correct all the problems facing students today. As I remember from having sat in a high school class in Biddeford, as brought to your attention by the good Senator from Penobscot, a couple of years ago, as the sessions began, I participated in a 3 minute period of silence required in the Biddeford Schools. It did serve the purpose of quieting the class after a loud assembling before the bell rang. It seemingly made the pupils more attentive for the school curriculum to follow.

I do not feel that this Bill is going to lead to other Bills requiring instructional prayers, as feared by some groups in our State. I do believe our students should be granted a time to individually reflect, meditate, or pray if they chose in class, as the Bill provides.

The PRESIDENT PRO-TEM: Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: I request a Roll Call.

The PRESIDENT PRO-TEM: A Roll Call has been requested.

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

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

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

The pending question before the Senate is the motion by the Senator from Hancock, Senator Perkins, that the Senate Accept the Majority Ought to Pass, in New Draft, Report of the Committee.

A Yes vote will be in favor of Accepting the Majority Ought to Pass in New Draft Report.

A No vote will be opposed.  
The Doorkeepers will secure the Chamber.  
The Secretary will call the Roll.

#### ROLL CALL

YEA — Ault, Brown, Carpenter, Charette, Clark, Conley, Dutremble, Emerson, Gill, Hichens, Kerry, McBreaity, Minkowsky, O'Leary, Perkins, Pierce, Pray, Redmond, Sewall, C., Shute, Sutton, Teague, Trafton, Usher, Violette, Wood.

NAY — Bustin, Collins, Devoe, Huber, Najarian, Trotzky.

ABSENT — The President—J. Sewall.

A Roll Call was had.

26 Senators having voted in the affirmative and 6 Senators in the negative with 1 Senator being absent the motion to Accept the Majority Ought to Pass, in New Draft, Report does prevail.

The Bill in New Draft Read Once, and Tomorrow Assigned for Second Reading.

#### 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 Provide for State Coordination of Referendums Concerning School Construction Projects." (H. P. 652) (L. D. 822)

Bill, "An Act to Establish a Maine Energy Efficient School Year Schedule." (H. P. 680) (L. D. 794)

##### Leave to Withdraw

The Committee on Public Utilities on, Bill, "An Act Relating to Bids for Public Utility Construction Projects." (H. P. 74) (L. D. 121)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Public Utilities on, Bill, "An Act to Prohibit Telephone Charges for Information or Directory Assistance Calls." (H. P. 147) (L. D. 173)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Public Utilities on, Bill, "An Act to Require the Public Utilities Commission to Consider Issues of Operational Efficiency in Rate Cases." (H. P. 574) (L. D. 650)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

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

##### Ought to Pass

The Committee on Aging, Retirement and Veterans on, Bill, "An Act to Repeal Certain Provisions Relating to Burial Expenses and Reimbursement Under Relief of Poor Veterans." (H. P. 698) (L. D. 823)

Reported that the same Ought to Pass.

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

The Committee on Energy and Natural Resources on, Bill, "An Act Amending the Certification of Ionizing Radiation Equipment." (H. P. 426) (L. D. 473)

Reported that the same Ought to Pass.

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

The Committee on State Government on, Bill, "An Act to Consolidate Highway Safety Activities within the Department of Public Safety." (H. P. 332) (L. D. 386)

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.

#### (Off Record Remarks)

The Senate then retired to the Hall of the House, where a Joint Convention was formed. (For proceedings of Joint Convention, see House Report.)

#### AFTER JOINT CONVENTION IN SENATE

The Senate called to Order by the President.

The PRESIDENT: The Chair would like to thank the Majority Floor Leader Senator Collins, for his assistance in presiding this morning. Thank you very much.

##### Ought to Pass — As Amended

The Committee on Judiciary on, Bill, "An Act to Increase the Fee for Serving Civil Process." (H. P. 410) (L. D. 449)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 76).

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

The Committee on State Government on, Resolve, Authorizing the State to Convey Certain Land to the Town of Swan's Island for Park and Recreational Purposes. (H. P. 481) (L. D. 528)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 74).

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

The Committee on Judiciary on, Bill, "An Act to Establish a Time Limit On Identifying Prior Refusal to Submit to a Chemical Test for Operating Under the Influence." (H. P. 248) (L. D. 289)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H. 73).

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

The Committee on Business Legislation on, Bill, "An Act to Permit the Use of Foam Plastic Insulation in Certain Facilities Without the Required Thermal Barrier." (H. P. 451) (L. D. 498)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 72).

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

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

##### Divided Report

The Majority of the Committee on State Government on, RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Term of Office for State Legislators from Two Years to Four Years. (H. P. 508) (L. D. 559)

Reported that the same Ought Not to Pass.

Signed:

Senators:

AULT of Kennebec  
GILL of Cumberland

Representatives:

KANY of Waterville  
DIAMOND of Bangor  
WEBSTER of Farmington  
BELL of Paris  
DILLENBACK of Cumberland  
SMALL of Bath  
LISNIK of Presque Isle  
MASTERTON of Cape Elizabeth

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

Signed:

Senator:

VIOLETTE of Aroostook

Representatives:

McGOWAN of Pittsfield

PARADIS of Augusta

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

Which Reports were Read.

On motion by Senator Conley of Cumberland, the Majority Ought Not to Pass Report of the Committee was Accepted.

#### Senate

##### Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act to Create the Charleston Correctional Center within the Department of Mental Health and Corrections." (S. P. 217) (L. D. 604)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-37).

Signed:

Senators:

GILL of Cumberland

BUSTIN of Kennebec

Representatives:

PRESCOTT of Hampden

HOLLOWAY of Edgecomb

MacBRIDE of Presque Isle

KETOVER of Portland

RICHARD of Madison

RANDALL of East Machias

BOYCE of Auburn

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "B" (S-38).

Signed:

Senator:

HICHENS of York

Representatives:

McCOLLISTER of Canton

BRODEUR of Auburn

MANNING of Portland

Which Reports were Read.

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

Senator GILL: I would urge the Acceptance of the Ought to Pass Report, and I'd like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator GILL: The two reports that we have before us this morning are identical, except for one line. One line has been removed from the original Bill, which states; the director shall be appointed by the Commissioner, and shall serve at his pleasure.

The majority of the committee felt that this should be removed, because there are bills dealing with the personnel system and the classification or unclassifying of that system, or of these positions. If this line remained in the Bill, it would make this director unique among all directors of the corrections facilities. At the present time, all of the directors are classified, all the superintendents are classified positions. It seemed to some of us on the committee, that this might be a back door approach, in that we would prefer a debate to be held on the issue in the Personnel Bill itself, and not directly in this Charleston Bill.

I would urge the Members of the Senate to Accept the Ought to Pass Report, and discuss this particular portion, this sentence of the Bill later on in another Bill that will come along.

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

Senator HICHENS: Mr. President, Ladies and Gentlemen of the Senate: I oppose the Majority Report on L. D. 604 only because of the deletion from the original Bill which states; "the director shall serve at the pleasure of the Commissioner."

Several years ago this issue came to a head, when even though there was strong opposition to the Superintendent of Pineland, the Commissioner was helpless to remove the superintendent because of the classification laws. At a later date, when the Health and Institutional Services Committee requested the removal of the director of mental retardation, the Commissioner hid behind that same law in order to protect the director's job. Since that time, both positions are at the pleasure of the Commissioner, who in turn, serves at the pleasure of the Governor.

Last year, when trouble at the prison developed, the Commissioner had to find another job within the department for a man whom he did not feel fit into the system, before he could remove him as warden. In private businesses, the president or heads of departments can hire and fire at their pleasure. I feel especially in high ranking jobs within the State, the same rules should apply.

As we open a new facility, this is the time to start off on the right foot and let the Commissioner hire whom he sees best qualified for the job and have the right to dismiss him should he find him unsatisfactory, rather than have to find another position to keep him within the department. I therefore hope that you'll vote against the Majority Report and accept the Minority Ought to Pass Report, as amended by Committee Amendment B.

The PRESIDENT: The Chair will order a Division.

The PRESIDENT: Will all those Senators in favor of the motion to Accept the Majority Ought to Pass, as amended, Report of the Committee, please rise in their places to be counted.

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

23 Senators having voted in the affirmative, and 6 Senators having voted in the negative, the motion to Accept the Majority Ought to Pass, as amended, Report does prevail.

The Bill Read Once, and Committee Amendment "A" (S-37) was Read and Adopted.

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

#### Second Readers

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

##### House — As Amended

Bill, "An Act Establishing a National Guard Scholarship Program in Vocational-technical Institutes." (H. P. 452) (L. D. 499)

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

##### Senate

Bill, "An Act Prohibiting Businesses from Raffling or Giving Away Live Animals, Fowl or Reptiles as a Fund-raising Device." (S. P. 171) (L. D. 421)

Bill, "An Act to Amend the Charter of the Portland Water District." (S. P. 209) (L. D. 574)

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

Sent down for concurrence.

##### Senate — As Amended

Bill, "An Act to Continue the Joint Select Committee on Decommissioning of Nuclear Generating Facilities." (S. P. 174) (L. D. 454)

Which was 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 Permit 10% Overweight Tolerance for Certain Material Transported on the Highways. (S. P. 28) (L. D. 24)

AN ACT to Amend the Professional Service Corporation Act. (S. P. 164) (L. D. 418)

AN ACT to Change the Motor Vehicle Laws

to Allow Operators to Redistribute their Axle Weight Limits while Traversing Maine's Interstate Systems. (H. P. 440) (L. D. 487)

AN ACT to Permit Reciprocal Licensing of Real Estate Brokers and Salesmen. (H. P. 310) (L. D. 342)

AN ACT Pertaining to Used Home Warranty and Service Contracts. (H. P. 197) (L. D. 297)

AN ACT to Amend the Law Relating to the Licensing of Privately-owned Business, Trade and Technical Schools. (H. P. 165) (L. D. 220)

AN ACT to Change the Requirements for Appointment to the Board of Commissioners of the Profession of Pharmacy. (S. P. 140) (L. D. 379)

AN ACT Concerning Use of Aircraft by Aircraft Dealers. (H. P. 446) (L. D. 494)

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 and Directing the Department of Transportation to Report on the Effect of the 1980 Census in Establishing Compact Areas. (S. P. 192) (L. D. 493)

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 Relating to the Acquisition of Land and Building for Development of Fish Piers. (H. P. 624) (L. D. 707)

This being an emergency measure and having received the affirmative votes of 26 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 laid before the Senate, the Tabled and specially assigned matter:

Bill, "An Act to Limit Scallop Dragging." (H. P. 328) (L. D. 355)

Tabled—March 9, 1981 by Senator Gill of Cumberland.

Pending—Passage to be Engrossed.

Which was Passed to be Engrossed, in concurrence.

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