

# 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  
April 6, 1981  
Senate called to order by the President.

Prayer by the Reverend Russell Peppe of the United Methodist Church in Auburn.

REVEREND PEPPE: Shall we be at prayer. Lord of creation, source of all wisdom, author of mystery, these persons assembled here in the Senate are those who purpose to do the will of them that sent them, and to vouchsafe to all citizens the blessings of liberty, and a hope for tomorrow. They stand before the awesome discipline of their job, and the great requirements of our times, committed to the task of doing good to all who abide among us. We acknowledge that they have neither the time, nor the money, to do as they please. We beseech, that by Your grace, they may do whatsoever they can, without rancor or pettiness, to the benefit of all. May those who serve here and those who are served seek in all things to do such things as are pleasing in Your sight. This we ask for in Your namesake. Amen.

Reading of the Journal of yesterday.

The Senate voted to Suspend its Rules, in order to allow the Joint Standing Committee on Energy and Natural Resources to continue a Public Hearing currently in progress.

(Off Record Remarks)

**Papers From The House**  
**Non-concurrent Matter**

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require that for Certain Counties, a Specific Percentage of the Population to be Included in a Separate Senate District. (H. P. 608) (L. D. 685)

In the House, March 31, 1981, Passed to be Engrossed.

In the Senate, April 1, 1981, the Majority Ought Not to Pass Report Accepted, in non-concurrence.

Comes from the House, that Body having Adhered.

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

Senator AULT: Mr. President, I move we Adhere.

The PRESIDENT: The Senator from Kennebec, Senator Ault, moves that the Senate Adhere.

The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: I move that we Recede and Concur with the House.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, moves that the Senate Recede and Concur with the House.

The Chair will order a Division.

The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: I request a Roll Call.

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

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

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

The pending question before the Senate is the motion by the Senator from Oxford, Senator O'Leary, that the Senate Recede and Concur with the House.

A Yes vote will be in favor of the motion to Recede and Concur.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

YEA — Brown, Carpenter, Clark, Collins, Conley, Dutremble, Najarian, O'Leary, Pray, Redmond, Shute, Trafton, Usher, Wood.

NAY — Ault, Bustin, Charette, Devoe, Emerson, Gill, Hichens, Huber, Minkowsky, Perkins, Sewall, C.; Sutton, Teague, Trotzky, Violette.

ABSENT — Kerry, McBreairty, Pierce.

A Roll Call was had.

14 Senators having voted in the affirmative and 15 Senators in the negative, with 3 Senators being absent, the motion to Recede and Concur does not prevail.

Is it now the pleasure of the Senate to Adhere?

It is a vote.

**Joint Orders**

Expressions of Legislative Sentiment recognizing:

Herbert Merrill, of Brunswick, recipient of the Jefferson Award and an inspiring friend to the handicapped. (H. P. 1311)

The Hon. Frank Peltier, upon his retirement after serving 18 years as president of Lumbertman's Museum in Patten. (H. P. 1313)

Come from the House, Read and Passed.

Which was Read and Passed, in concurrence.

**Joint Resolution**

A Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of the Honorable Earle R. Hayes, of Windsor, former state employee and a member of the 105th Legislature. (H. P. 1314)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

**Order**

An Expression of Legislative Sentiment recognizing:

Waterville High School Hockey Team, 1981 Class A State Champions, for the third consecutive year; (S. P. 552) presented by Senator PIERCE of Kennebec (Cosponsors: Representative FITZGERALD of Waterville, Representative KANY of Waterville and Representative JACQUES of Waterville).

Which was Read and Passed.

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 Reduce the Set Back Requirement from 75 Feet to 50 Feet on Principal Structures in the Resource Protection and Limited Residential Districts." (H. P. 658) (L. D. 761)

Bill, "An Act to Prohibit Petition Drives at the Polls on Election Day." (H. P. 738) (L. D. 876)

Bill, "An Act to Permit Straight Party Ticket Balloting." (H. P. 705) (L. D. 830)

Bill, "An Act to Change the Date of the Primary Election to the First Thursday after Labor Day." (H. P. 395) (L. D. 438)

Bill, "An Act to Amend the Contingency Reserve Fund for Municipal Water Districts." (H. P. 434) (L. D. 481)

Bill, "An Act to Provide Equitable Treatment for Elderly Maine Residents Served by New Hampshire Electric Utilities." (H. P. 188) (L. D. 201)

Bill, "An Act to Shorten the Holding Period for Abandoned Property, Advance the Due Date for Inheritance Taxes and Revise Business Income Taxes." (Emergency) (H. P. 1043) (L. D. 1262)

**Leave to Withdraw**

The Committee on Energy and Natural Resources on, Bill, "An Act to Remove the Provision Exempting Certain Areas of the State

from the Air Quality Laws." (H. P. 739) (L. D. 877)

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 Extending the Distance Requirement on Connection of Private Sewers." (H. P. 330) (L. D. 370)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

**Ought to Pass — As Amended**

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Establish a Maine Guarantee Authority Reserve Fund." (Emergency) (H. P. 944) (L. D. 1120)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-162).

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

Which Report was Read and Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" was Read and Adopted, in concurrence.

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

Senator MINKOWSKY: Mr. President, before we progress too much further on this particular Bill, would it be appropriate to ask the Chairman of the Appropriations Committee to possibly give me, at least, an explanation. This is a 10 year program, on the part of the Governor, to be sure that the Maine Guarantee Fund is solvent. Does this mean the first year of the guarantee of the \$1 million, will we have to bond for this?

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

The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: Mr. President and Members of the Senate: this Bill, proposed by the Executive Department, and welcomed by me, would allow the transfer from surplus, at the beginning of each year of the biennium of, up to \$1 million to the Maine Guarantee Authority Reserve Fund, up to the point this fund reaches \$10 million dollars. Under existing law, any defaults would have to come from General Fund Appropriations, or from the \$350,000 Contingent Account, which in many cases would be inadequate.

It is felt that passage of this Bill would strengthen our ability to improve our bond ratings.

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

Senator MINKOWSKY: Mr. President, just one further question. In the evaluation of the Chairman of the Appropriations Committee, is there sufficient funds, as he sees it at the present time, to start a 10 year program off? Is there \$1 million presently available to do it?

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

Senator HUBER: Mr. President and Members of the Senate: According to the Governor's financial plan presented in his budget message, there is \$5.5 million available going into this biennium, and he provides for such transfer within his financial plan in each year of the coming biennium.

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

The Committee on Aging, Retirement and

Veterans on, Bill, "An Act to Permit the Town of Orono to Withdraw from the Group Life Insurance Plan under the Maine State Retirement System." (Emergency) (H. P. 540) (L. D. 618)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-165)

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 Relating to the Licensing of Hearing Aid Dealers and Fitters." (H. P. 632) (L. D. 713)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-164)

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

#### Senate

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 Pertaining to Witness Fees Paid by the District Courts." (S. P. 440) (L. D. 1267)

Bill, "An Act to Amend the Law Concerning Bail Commissioners." (S. P. 386) (L. D. 1144)

Bill, "An Act Concerning Cruelty to Animals." (S. P. 86) (L. D. 183)

#### Leave to Withdraw

Senator CONLEY for the Committee on Judiciary on, Bill, "An Act to Allow Court Witnesses their Reasonable Expenses Subject to Certain Limits." (S. P. 387) (L. D. 1145)

Reported that the same be granted Leave to Withdraw.

Senator DEVOE for the Committee on Judiciary on, Bill, "An Act to Enact the Uniform Parentage Act." (S. P. 407) (L. D. 1239)

Reported that the same be granted Leave to Withdraw.

Senator SUTTON for the Committee on Business Legislation on, Bill, "An Act to Require Health Insurance Policies to Expressly State Exclusions." (S. P. 289) (L. D. 815)

Reported that the same be granted Leave to Withdraw.

Senator CLARK for the Committee on Business Legislation on, Bill, "An Act to Remove the Political Sign Restrictions from the Billboard Law." (S. P. 328) (L. D. 958)

Reported that the same be granted Leave to Withdraw.

Senator SUTTON for the Committee on Business Legislation on, Bill, "An Act to Exempt Certain Agricultural Signs from the Billboard Law." (S. P. 372) (L. D. 1114)

Reported that the same be granted Leave to Withdraw.

Senator CLARK for the Committee on Business Legislation on, Bill, "An Act Relating to Lighted Advertising Signs." (S. P. 441) (L. D. 1268)

Reported that the same be granted Leave to Withdraw.

Senator CHARETTE for the Committee on Local and County Government on, Bill, "An Act Concerning the Reappointment of Sheriffs' Deputies." (S. P. 297) (L. D. 842)

Reported that the same be granted Leave to Withdraw.

Senator PERKINS for the Committee on Local and County Government on, Bill, "An Act to Require that Certain Town Reports List all Property Owners and their Taxes." (S. P. 332) (L. D. 962)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted. Sent down for concurrence.

#### Ought to Pass

Senator CONLEY for the Committee on Judiciary on, Bill, "An Act Concerning Cases which may be Heard in the District Court for the Division of Western Aroostook." (S. P. 380) (L. D. 1138)

Reported that the same Ought to Pass.

Senator CONLEY for the Committee on Judiciary on, Bill, "An Act Concerning the Election Days in which Courts must Close." (S. P. 381) (L. D. 1139)

Reported that the same Ought to Pass.

Senator GILL for the Committee on Health and Institutional Services on, Bill, "An Act to Repeal the Prohibition Against Transfer of Birth Control Prescriptions between Pharmacies." (S. P. 391) (L. D. 1149)

Reported that the same Ought to Pass.

Senator SEWALL for the Committee on Labor on, Bill, "An Act to Amend the Workers' Compensation Law to Facilitate Ridesharing." (S. P. 286) (L. D. 812)

Reported that the same Ought to Pass.

Which Reports were Read and Accepted. The Bills Read Once and Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Local and County Government on, Bill, "An Act to Abolish the Position of County Treasurer in Penobscot County and Replace it with a Full Time Finance Officer." (S. P. 43) (L. D. 44)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-95)

Signed:

Senators:

PERKINS of Hancock

AULT of Kennebec

CHARETTE of Androscoggin

Representatives:

STOVER of West Bath

WENTWORTH of Wells

CURTIS of Waldoboro

RIDLEY of Shapleigh

PARADIS of Old Town

ROBERTS of Buxton

ARMSTRONG of Wilton

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-96).

Signed:

Representatives:

LaPLANTE of Sabattus

McHENRY of Madawaska

SWAZEY of Bucksport

Which Reports were Read.

The Majority Ought to Pass, as amended. Report of the Committee was Accepted, and the Bill Read Once. Committee Amendment "A" (S-95) 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

Bill, "An Act Relating to the Marking of Glassware." (H. P. 589) (L. D. 667)

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1981. (Emergency) (H. P. 1308) (L. D. 1510)

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

#### House — As Amended

Bill, "An Act to Permit the Workers' Compensation Commission to Grant a Rehearing on the Ground of Newly Discovered Evidence."

(H. P. 281) (L. D. 311)

Bill, "An Act to Establish the Department of Public Safety as the Lead Agency Regarding Accidental Spills of Hazardous Waste Matter." (H. P. 270) (L. D. 303)

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

Bill, "An Act to Amend the Eating, Lodging and Recreational Place Licensing Law." (H. P. 62) (L. D. 74)

Which was Read a Second Time.

On motion by Senator Collins of Knox, Tabled for 2 Legislative Days, pending Passage to be Engrossed.

#### Senate

Bill, "An Act to Facilitate the Development of More Placements in Boarding Homes that are Small, Homelike and Safe for Ambulatory and Mobile Nonambulatory Persons." (S. P. 551) (L. D. 1516)

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

Sent down for concurrence.

#### Senate — As Amended

Bill, "An Act to Increase the Fees of the Bureau of Insurance." (S. P. 210) (L. D. 575)

Which was Read a Second Time.

On motion by Senator Collins of Knox, Tabled for 2 Legislative Days pending Passage to be Engrossed.

Bill "An Act Relating to Standards of the Maine Land Use Regulation Commission." (S. P. 264) (L. D. 746)

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

Sent down for concurrence.

Bill, "An Act Relating to the Maine Comprehensive Land Use Guidance Plan." (S. P. 262) (L. D. 744)

Which was Read a Second Time.

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

Senator TROTZKY: Mr. President, I move that L. D. 744 be Indefinitely Postponed.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, now moves that L. D. 744 be Indefinitely Postponed.

Is this the pleasure of the Senate?

On motion by Senator Collins of Knox, Tabled for 1 Legislative day, pending the motion by the Senator from Penobscot, Senator Trotzky.

#### Enactors

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

AN ACT to Ease the Enforcement of Judgments. (H. P. 458) (L. D. 504)

AN ACT to Exempt Certain Island Motor Vehicles from Inspection. (S. P. 309) (L. D. 865)

AN ACT to Impose Reasonable Interest Charges on Judgment Debtors. (H. P. 763) (L. D. 900)

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

AN ACT to Provide Collective Bargaining Rights to County Employees. (S.P. 145) (L.D. 316)

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

Senator COLLINS: Mr. President, I would like to relate to the Senate a personal experience that bears on this particular Bill. Many years ago, I was engaged to represent at small company in a negotiation. We had several days before the National Labor Relations Board. We were involved in a protracted strike. I spent long hours working with a professional negotiator, who represented the union.

We eventually reached a compromise decision that we could recommend to our respec-

tive clients. We repaired to my office to prepare the written material. We worked some hours into the night, with a typist preparing documents. When they were completed, we had read them and accepted them, between the two of us, the union negotiator said: "Well, there's one last thing to do." I said: "What's that?" He said: "I have to telephone the president of my union. Tonight he's in Memphis, Tennessee." This is my first full-length experience in a labor negotiation, and I was a little bit surprised, and I said: "Well, what about the local people, and the president of the local union?" He said: "Well, we really don't worry about them, because they'll do whatever we say."

This is my great concern for State of Maine people. When collective bargaining for municipal employees first became lawful in Maine, the Teamster's Union representatives immediately came into my city, and they organized the police force, and later they organized the fire department. Early on in their bargaining experience, and they were very capable bargainers, very professional, very capable people, they bargained in binding arbitration.

So, the next year, when the contract came along for renewal, and there was no agreement, the binding arbitration, of course, meant that an arbitrator was brought in. It happened that the arbitrator was finally selected came in from Washington, D.C. He arbitrated and settled the contract. The voters, the city councillors, the people that supplied the money in the City of Rockland had nothing to say about it.

To me, this gets pretty far from government by the people. This is why I have a very strong philosophical objection to this kind of a bill. I want to have a Roll Call on Record on this Bill, because if it passes, and I realize full well that the Senate passed it by a narrow margin before, if it passes, 10 to 20 years from now, when the voters and the taxpayers in my county are screaming and hollering about how did we ever get to this position, of having our tax rate, on our houses, set by some arbitrator from Detroit or Chicago, I want to be able to point to the Record and show that I tried my best to protect them from this loss of government by the people. This procedure that turns the setting of the local tax rate over to outside people, professionals who represent an international union.

When this Bill was debated before, some member, proponent, to the Bill, very piously said: "How do we know that the unions will come? Maybe they won't come." I really can't imagine anyone being that naive, really, because the union people are here. They're all over the State. They're in the State House. They're in every community where they have a chance to organize somebody that isn't organized.

The Teamster's are a powerful union. Their record is well known. If you like that record, if you like that record, and if you want your tax rate set by the people that have created that record all over this country, then you ought to vote "yes" on Enactment, if that's what you want.

But if you want government by the people, if you want the people, through their elected representatives, including the county commissioners, and the members of the Legislature, or whatever body in future years may be established to set the budgets for your counties, if you want this one last vestige that's not organized, to have a show that government by the people, this unit of government that no one really knows about very much, that's sort of in a limbo between here and there, between the town and the city and Augusta, and who knows in between, well you have a real choice to make here.

I speak out of experience, experience in professional negotiation of contracts with an international union negotiator, who didn't care about what the local people thought, the people

he was representing, because they'd do whatever he said.

The experience in my own city, where we had no problems before, no problems between our police and our city government, no problems between our firemen and our city government, where the organizer comes in and stirs up the trouble, and gets the organization going, and gets it organized, and then there's a contract, and then there's a binding arbitration, and then there's an outside arbitrator, who is setting the tax rate.

Our good Senator from Portland, Senator Conley, has told me that, in his city government, they had to deal, I think, with five different unions, five of them. I don't know if any of them were the Teamster's Union or not. Teamster's isn't the only union in the world that I fear. The Maine State Employees Association, as a union, is a powerful union, but at least it's a State of Maine union, and the people at the top of it live in Maine, and vote in Maine, and pay taxes in Maine. They have some sense of responsibility to the State of Maine.

But when we put ourselves in the hands of an international union to solve our tax rate, we are selling our birth right for the mess of pottage, in my judgement. I think it's very important, that when we vote, we understand this. I give it to you out of experience. I hope you'll think of it very carefully when you cast your vote.

I ask for the Roll Call, and I hope you vote "no".

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

**Senator CONLEY:** Mr. President, and Members of the Senate, it has been quite obvious and quite clear to the members of this Body, that the good Senator from Knox, Senator Collins, has been violently opposed to this Bill since its introduction. He keeps imposing on this Senate that the Teamster's Union is going to come charging into the State to represent all 16 counties, or the various counties throughout the State.

He talks about binding arbitration. We don't have any Binding Arbitration Law on the books today dealing with money. The reason we don't, is because some people feel that they would rather allow state employees and those public employees who are in a union, the right to strike, rather than have binding arbitration dealing with dollars and cents, the economics of a package.

We do have binding arbitration. When it comes to management's rights, employees' rights, working conditions, number of hours worked, within the province and the scope of the working conditions of the men and women who belong to the public unions throughout the State.

I ask you to put the fears of the good Senator from Knox aside, and in all honesty, and in good consciences, ask yourself, why, why was collective bargaining ever introduced for public employees? Why have they been introduced for the private sector? Do you know, there are many industries outside, who don't have unions, many of them. Employees vote to turn them down. Why? Because they're treated fairly, they're paid a decent day's wage, and they don't have to organize to be treated in a just manner.

We all know that the scope is with salaries in county government. It's deplorable, deplorable. Most of the secretaries in the court houses, and I always say, the faces that are never seen, barely take home enough dollars in a week to survive on, if they do that. Many of them are eligible for food stamps and many of the social service programs that we enact in these Chambers, because they're not compensated enough for the work they do.

We talk about collective bargaining. We talk about bargaining in good faith. It doesn't mean the good faith of the employee. It means the good faith of the employer, as well. If people

don't sit down and work things out together, there are other processes, such as meditation, such as fact-finding, such as binding arbitration, dealing with non-monetary issues.

What is so unfair, or what is so unjust about that? I have been involved, I've been a union member practically all my life, at least since 1952, a card-carrying union member of the B.R.A.C., that's the Brotherhood of Railroad and Airline Clerks. We've never seen, we are governed by a national union, I've never seen my general chairman, he comes up from Boston once in a while, and rides in and out of town, in and out as fast as he can. We never have any real common.

We're dealing here in the State of Maine. I doubt, even though some little communities have, felt it was to their better interests to accept the Teamster's as their bargaining agent. I haven't seen any great upheaval in the State, even with the Teamster's selected by the employees.

Of course we all know about Jimmy Hoffa. We all know about the Teamster's Fund. We've all heard the scandalous things that happened back in the late '50's and the '60's, if you wanted to take a quick ride with the Teamster's, cross them up and you took a ride down the river in a block of cement. We all know that.

But we're talking today about men and women working in county government, the lowest level, the lowest level of a public sector. The reason it's so low, is because the government never cared about the people it employed. They'd like to put the lights out, put the shillings in their hands, send them home, and tell them not to forget to report back to work next Monday.

This is a fair Bill. It's fair in many ways. When the good Senator from Knox, Senator Collins, said that the City of Portland used to deal with six bargaining units, that's not true. We dealt with fourteen bargaining units, fourteen bargaining units, and we never had any real serious problems. Things have always been negotiated, bargained in good faith. A healthy relationship has existed. I can assure you that that same good faith is going to exist once the county employees are given that same opportunity that is enjoyed and shared by employees in the public sector.

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

**Senator KERRY:** Yes, Mr. President and Ladies and Gentlemen of the Senate, I would like to speak very briefly to this particular issue, only because, Senator Collins, the good Senator from Knox, spoke that he was speaking from personal experience in this. He spoke about the individuals who were in the police and fire departments in his local community.

I also, can speak from experience with regards to this because my father was chief of police in our community that never did experience collective bargaining. He was a gentleman that happened to be a very honest and hard-working gentleman and worked on a minimum of 10 to 12 hours a day, six days a week, and being a man, after mass on Sunday, he would go in and spend a few hours in the police station in our small community of Saco. We all admired him for that.

I think growing up in a family that saw their father work 20 to 25 years in public service and never make over \$85 per week, and having to feed 6 children and put through school and college and whatever, it is obviously impossible. In fact, most of those in college were sending back money to pay for the bills at home.

I think secondly, that many of the fine employees that we have had on the municipal and county levels throughout the years have never had the appropriate pension plans or retirement plans. As insidious as it might seem having the Teamsters Union, or some other union or a national level, brought in here as a "Red-herring" everybody bargaining at the

table, it is a local person born and brought up probably in the State of Maine. Every person who is bargaining at that table has to feed children, and families that live and work in the State of Maine.

I think that it is only appropriate that the good Senator from Knox, who seems to be uncharacteristically emotive today, and I think, that in good judgement that those of us who have experienced being brought up in the State of Maine, under this particular provision without collective bargaining for the municipal employees or county employees. I do not think as a person who is not able to have the benefits from that in his growing up, would not want to withhold that from the County employees today.

I think it was common knowledge that all city and county employees in our area, in York County, were eligible for welfare of some form, and very few, if any that I know, ever accepted or took advantage of it.

I think as a matter of State policy that all of us remember, and my father use to say to me, as a matter of justice that each one of us speak up for those persons and not forget where we came from. There are many people sitting in this Body, here today, who I am sure grew up in the same manner that I did and have become successful in life and I would like to say do not forget where you came from and when you vote on this Bill don't feel guilty or don't think that the Teamsters, think about the men and women and children of the county employees.

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

Senator SUTTON: Mr. President. Thank you, Ladies and Gentlemen of the Senate, I told you my fears in quite a bit of detail the other day when we first debated this Bill.

I think that the good Senator from Knox, Senator Collins has every reason to be concerned here today. This is our last opportunity to vote on a very, very serious piece of Legislation.

I tell you I am frightened about it. I really am frightened about it.

The good Senator from Cumberland, Senator Conley, asked in good conscience why should we have collective bargaining for public employees, and private sector employees? Well, I thought the whole time he was saying that about public employees, and I could not think of one reason.

I am not naive enough to think that we are not turning our counties over to the unions. If you read the paper after our last debate, they listed all the unions, and they listed all the towns that are already controlled by the Teamsters.

This is our last opportunity, your last opportunity to think of a good reason for going back and telling the people you represent, in your towns and communities, why you have turned the last bastion of public service over to these unions. The one that is most remote from the people, the one that does not have the expertise to deal with these people, the ones who take their budget and virtually turn it over to the towns to be paid and to be paid by the property tax.

Keplinger Letter of March 27 just came. I noticed a rather interesting little thing, about the Post Office. It says, "Just when you are getting used to the new 18¢ stamp, look out, expect another boost to 22¢ or 23¢ within the next couple of years. Postal wages will go up this year. A new Union agreement due to be negotiated in the next few months triggering this increase."

It automatically goes to the public, automatically goes to the consumer, the taxpayer.

It goes on to say, "there may also be disruptions in mail service because of strikes. The postal union and the U.S. Postal Service are on a collision course."

Strikes are against the law in the public sector, at least in Maine, but we know the Blue Sickness, we know of all the other ways that the unions have of having their people slow

down or not work.

I really urge you when you think of those rights you are talking about, and how you are going to explain to your people, whose rights you thought about when you voted for this Bill, it is the last opportunity that we have and I urge you, this is bad legislation, I urge you not to pass it.

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

Senator DUTREMBLE: I would like to remind everybody that this is a Collective Bargaining Bill that we are working on, here today not another Union Bill but you know, since everybody is talking unions, I guess, I will talk union, too.

I have had through my life-time belong to 3 or 4 different unions in different jobs that I have held. Don't expect me to crawl under the table for that.

The unions have done a great deal for the people of this State, and for people to stand up here and attack and try to destroy what they have done is wrong.

I think the times that I belonged to the unions, you know, the people that belong are the ones that control what is to happen in negotiations. The times I have been involved, we tell our union representatives what we would like to see go into the contract, were not from Biddeford, but from Maine.

For Senators in this Body to get up and insinuate that Maine Workers are ignorant enough to be led around by the nose by out-of-state interests to do things against the communities in which they live in and love, I think is a grave assault on the intelligence of the working people of this State.

I would hope that when the vote comes on this Collective Bargaining Bill, here, that we would pass it and send it down to the Governor. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Troitzky.

Senator TROTZKY: Mr. President and Members of the Senate. All this Bill does is very simply give county employees the right to negotiate with dignity, whether they are members of the union, or whether they are not members of the union. They can choose the MSEA, they can choose the Teamsters.

The real issue here is that the tax rate is still set by the Legislature and if Legislators are going to have weak backbones and bend to the Teamsters then it is a problem of politicians.

The issue, here, I have no fear of Teamsters, whether they organize, I believe that they have organized the Bangor Police Department. City Council still has the right to set the tax rate. We still have the right to set tax rate.

There is no binding arbitration. I will remind the Senator from Cumberland, Senator Conley, that it is because of the Republican Majority in this Senate that we do not have binding arbitration. I will continually vote against binding arbitration by keeping the tax rate to be set by elected officials, not by third parties.

All this does is give the right to some employees of the county as municipalities to negotiate with some dignity.

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 L. D. 316.

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, Conley, Dutremble, Kerry, Minkowsky, Najarian, O'Leary, Pray, Teague, Trafton, Troitzky, Usher, Violette, Wood.

NAY — Ault, Collins, Devoe, Emerson, Gill, Hichens, Huber, McBairty, Perkins, Redmond, Sewall, C.; Shute, Sutton.

ABSENT — Pierce.

A Roll Call was had.

18 Senators having voted in the affirmative, and 13 Senators in the negative, with 1 Senator being absent, L. D. 316 was Passed to be Enacted.

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

Senator DUTREMBLE: I move Reconsideration, and would hope that you vote against me.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Dutremble, that the Senate Reconsider Enactment of L. D. 316.

Will all those Senators in favor of Reconsideration, please say "Yes."

Will all those Senators opposed, please say "No."

A Viva Voce Vote being had, the motion to Reconsider does not prevail.

The Bill having been signed by the President, was by the Secretary, presented to the Governor for his approval.

## Emergency

AN ACT to Permit the Employees of the Franklin County Community Action Council to Withdraw from the Maine State Retirement System." (H. P. 213) (L. D. 251)

This being an emergency measure and having received the affirmative votes of 30 members of the Senate with No Senators having voted 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 first Tabled and specially assigned matter:

Bill, "An Act to Revise the Public Drinking Law." (S. P. 66) (L. D. 93)

Tabled — April 2, 1981 by Senator PIERCE of Kennebec.

Pending — Passage to be Engrossed.

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

Senator COLLINS: I have just been informed that there is a similar bill being worked on in the Judiciary Committee that might bear on this. I am not sure whether this is so or not, if it is so, that Committee might possibly wish to table this to see whether it goes along with theirs.

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

Senator DEVOE: Thank you, Mr. President. Mr. President, the Senator from Knox is correct. There is a Bill in the Judiciary Committee which we are in the process of working on, and I would appreciate it if some one would table this for awhile.

On motion by Senator Shute of Waldo, Retabled.

The President laid before the Senate, the second Tabled and specially assigned matter:

HOUSE REPORTS — from the Committee on Health and Institutional Services — Bill, "An Act Relating to Furloughs for Inmates of County Jails." (H. P. 872) (L. D. 1041) MAJORITY REPORT OUGHT TO PASS; MINORITY REPORT OUGHT NOT TO PASS.

Tabled—April 3, 1981 by Senator COLLINS of Knox.

Pending—Acceptance of Either Report.

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

Senator GILL: I would move Acceptance of the Majority Ought to Pass Report.

The PRESIDENT: The Senator from Cumberland, Senator Gill, now moves that the Senate Accept the Majority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President, and Members of the Senate: I oppose the Majority Ought to Pass Report on L. D. 1401, feeling strongly that we had just opened the door a little wider for those people serving time for crimes committed. At the present time, jail inmates are allowed work release up to five days per week, filling jobs that law-abiding citizens would have otherwise, and are allowed furloughs in case of illness or death in the family. With this Bill, furloughs will be allowed for reasons consistent with treatment and rehabilitation, which encompasses visits with their family, on whatever any sheriff classes as rehabilitation.

Jail inmates will be under the same restrictions as prison inmates on furlough, which I question as to being possible to enforce. These restrictions include not being allowed outdoors after dark, not associating with persons of the opposite sex, except members of immediate family, can not drive an automobile, can not send or receive any correspondence, can not convey any message, oral or written, in or out of an institution to any person.

I suggest to you, Ladies and Gentlemen of the Senate that to be sure these prisoners comply with the regulations, there would have to be an officer with them all during the furlough period. I sympathize with these inmates, who are serving time, but they are in jail or prison because of their own doing. I believe they should serve their sentence without all of this time off.

It has been suggested, that by their being away for weekends, it saves the State money for food and lodging. If that is a valid reason, why then not have the judges slap them on the wrist, fine them certain amounts, and let them all run free?

I therefore urge you to vote against the Ought to Pass Report.

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

Senator GILL: Mr. President, I'd like to state a few reasons why the committee voted in the Majority to pass this Bill. One of them is that the sheriffs in each of the counties would be given the choice whether to implement this within their own county. It is available now to inmates at State Prison, and as you all know, we have people who are assigned to the State Prison, or the correctional facility, who are spending time within the jail systems within the various counties. This would only allow the same furlough opportunities to them that do exist within the Maine State Prison and the correctional facilities.

Lesser officials who are sentenced to county jails, with the exception of Kennebec County, are not allowed this privilege now. The 109th Legislature did grant Kennebec County the right to conduct a pilot program. The sheriff in that county testified before us at the public hearing that it was a very successful program. In fact, he said, it was 100 percent successful.

State Correctional Facilities also consider their program a success, after more than four years of experience with the program. People who are sentenced to county jail, with a rare exception, will get out of jail in a relatively short time. According to the people who did testify, this will allow those who are near time for release, to go out and seek out a job on a furlough, that they wouldn't ordinarily have a chance to do.

It also is an incentive for those people who are serving time. I think this is a first step we could encourage them to become responsible. They don't get out on furlough easily. They have to meet certain requirements to do this. I think, if we did pass this law, it would encour-

age them to become responsible, productive members of society.

So I would urge this Body to pass this.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Gill, that the Senate accept the Majority Ought to Pass 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.

15 Senators having voted in the affirmative, and 10 Senators having voted in the negative, the motion to Accept the Majority Ought to Pass Report of the Committee in non-concurrence does prevail.

The Bill Read Once and Tomorrow Assigned for Second Reading.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

#### Senate Paper Joint Resolution

Senator CONLEY of Cumberland (Cosponsors: Senator GILL of Cumberland, Senator NAJARIAN of Cumberland and Senator USHER of Cumberland) present the following Joint Resolution and move its adoption.

#### STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND EIGHTY-ONE

#### JOINT RESOLUTION TO COMMEMORATE A VISIT OF THE U.S.S. PORTLAND, LSD 37, TO THE CITY OF PORTLAND AND STATE OF MAINE

WHEREAS, on April 10, 1981, the United States Ship Portland will enter Portland Harbor for the purpose of an official visit to the City of Portland and the State of Maine; and

WHEREAS, the officers and men of the U.S.S. Portland will display to the citizens of Portland and the State of Maine the United States Navy ship which proudly bears the name of Maine's largest city; and

WHEREAS, this visit marks the second occasion on which the U.S.S. Portland, its officers and crew, have visited Portland, Maine and is the second occasion since 1945 that a United States Navy ship bearing the name "Portland" has visited the City of Portland; and

WHEREAS, the U.S.S. Portland, since being commissioned in 1970, has established a record of superior performance as the result of a proud, aggressive and persevering crew; and

WHEREAS, the officers and crew of the U.S.S. Portland serve as roving ambassadors for the City of Portland, Maine during the ship's travels to many ports-of-call throughout the world; and

WHEREAS, the visit of the U.S.S. Portland to Maine's largest city and to the State of Maine is an occasion of great significance to Maine and its citizens; now, therefore, be it

RESOLVED: That We, the Members of the 110th Legislature while duly assembled in regular session at the Capitol in Augusta do extend our welcome to the officers and crew of the U.S.S. Portland upon the occasion of the ship's visit to Portland and the State of Maine; and be it further

RESOLVED: That a duly authenticated copy of this Resolution of welcome be sent forthwith on behalf of the Legislature and the People of Maine to Commander Michael B. Gonnolly, USN, Commanding Officer of the U.S.S. Portland upon the occasion of that vessel's arrival at Portland Harbor. (S. P. 553)

Which was Read and Adopted.

Sent down for concurrence.

On motion by Senator Collins of Knox, Ad-

journed until 10 o'clock tomorrow morning.