

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

May 16, 1983 to June 24, 1983

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August 4, 1983

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STATE OF MAINE
One Hundred and Eleventh Legislature
First Regular Session
JOURNAL OF THE SENATE

Augusta, Maine
May 24, 1983

Senate called to order by the President.

Prayer by Reverend Ed Randall of the Whitneyville Congregational Church of Whitneyville.

REVEREND RANDALL: Let us pray. Oh God we ask Your blessing on the Men and Women of this Body today. We ask that You be with them comfort and sustain them in their deliberations, in their action and in their deeds this day.

May they always be mindful of the words of the hymn "Oh God our help in ages past, our hope for years to come be thou our guide while troubles last and our eternal home." Amen.

Reading of the Journal of yesterday.

Committee Reports
House
Ought to Pass

The Committee on Appropriations and Financial Affairs on BILL, "An Act to Establish Advocacy Services for Special Education Students in Residential Placements" (H. P. 1127) (L. D. 1482) Reported that the same Ought to Pass.

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed.

Which Report was Read and Accepted in concurrence. The Bill Read Once and Assigned for Second Reading later in today's session.

The Committee on Transportation on BILL, "An Act Making Adjusted Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1983" (Emergency) (H. P. 810) (L. D. 1050) Reported that the same Ought to Pass.

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed.

Which Report was Read and Accepted in concurrence. The Bill Read Once and Assigned for Second Reading later in today's session.

(Off Record Remarks)

Ought to Pass as Amended

The Committee on Appropriations and Financial Affairs on BILL, "An Act to Provide Funds to an Elderly Legal Services Program" (H. P. 373) (L. D. 456) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-279)

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-279)

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-279) was Read and Adopted, in concurrence. The Bill, as Amended, Assigned for Second Reading later in today's session.

The Committee on Education on BILL, "An Act to Incorporate Bills Passed in the Second Regular Session of the 110th Legislature into Title 20-A" (H. P. 1145) (L. D. 1517) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-281)

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-281)

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-281) was Read and Adopted, in concurrence. The Bill as Amended Assigned for Second Reading later in today's session.

The Committee on Election Laws on BILL, "An Act to Clarify the Election Laws" (H. P. 197) (L. D. 241) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-282)

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-282)

Which Report was Read and Accepted in concurrence. The Bill Read Once. Committee Amendment "A" (H-282) was Read and Adopted, in concurrence. The Bill as Amended Assigned for Second Reading later in today's session.

Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on BILL, "An Act Making Appropriations and Allocations for the Expenditures of State Government to Insure that Maine Courts are Accessible to the Handicapped" (H. P. 753) (L. D. 984)

Reported that the same Ought to Pass.

Signed:

Senators:

BROWN of Washington
NAJARIAN of Cumberland

Representatives:

SMITH of Mars Hill
ARMSTRONG of Wilton
BELL of Paris
MASTERTON of Cape Elizabeth
CONNOLLY of Portland
LISNIK of Presque Isle

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

Signed:

Senator:

PERKINS of Hancock

Representatives:

JALBERT of Lewiston
KELLEHER of Bangor
CHONKO of Topsham
CARTER of Winslow

Comes from the House with the Majority Report Read and Accepted and the Bill Passed to be Engrossed.

Which Reports were Read.

On motion by Senator Najarian of Cumberland the Majority Ought to Pass Report of the Committee was Accepted, in concurrence.

The Bill Read Once and Assigned for Second Reading later in today's session.

Senate

Ought to Pass in New Draft

Senator WOOD for the Committee on Taxation on RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law (Emergency) (S. P. 414) (L. D. 1261) Reported that the same Ought to Pass in New Draft under same title (S. P. 580) (L. D. 1676)

Which Report was Read and Accepted. The Resolve, in New Draft Read Once and Assigned for Second Reading later in today's session.

Second Readers
House

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

BILL, "An Act to Authorize the Supreme Judicial Court to Provide for Collective Bargaining for Judicial Department Employees" (H. P. 1246) (L. D. 1660)

BILL, "An Act to Insure State Enforcement of Equal Opportunity in State-supported Educational Programs" (H. P. 1241) (L. D. 1653)

BILL, "An Act to Revise Certain Sections of the Probate Code" (H. P. 1256) (L. D. 1669)

BILL, "An Act to Create a Forest Resource Assessment and Marketing Program" (H. P. 1171) (L. D. 1559)

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

BILL, "An Act to Ban Metal-Piercing Ammunition" (H. P. 1245) (L. D. 1659)

Which was Read a Second Time.

On motion by Senator Pray of Penobscot Tabled until later in today's session, pending Passage to be Engrossed.

House—As Amended

BILL, "An Act Relating to Prison Visits" (H. P. 699) (L. D. 888)

BILL, "An Act to Protect Employees from Reprisal who Report or Refuse to Commit Illegal Acts" (H. P. 592) (L. D. 736)

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

Senate—As Amended

BILL, "An Act to Establish a Program for Therapeutic Use of Marijuana" (S. P. 351) (L. D. 1025)

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

Sent down for concurrence.

Enactor

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

An Act to Discourage Frivolous Court Cases. (H. P. 759) (L. D. 990)

Comes from the House Indefinitely Postponed.

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

Senator TRAFTON: Mr. President, I would move the Indefinite Postponement of this matter and all accompanying papers.

The PRESIDENT: The Senator from Androscoggin, Senator Trafton moves that L.D. 990 be Indefinitely Postponed.

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACC: Mr. President I would request a Division on this.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: A brief explanation as to my motion I have moved Indefinite Postponement of this matter in concurrence with the other Body for a very basic reason. The Maine Rules of Civil Procedure, the Court Rules, were amended in the middle of this term to essentially provide for the same provisions which this Bill L. D. 990 with Committee Amendment 243 completes those provisions which papers provide. So that, in fact, there is no need for the L.D. and its amendment. The Court Rules adequately provide for recovery of cost, expenses and attorney fees in cases which are deemed frivolous or brought for the purpose simply for delay.

It is my suggestion and recommendation of the Joint Standing Committee on Judiciary that this Bill be Indefinitely Postponed. I ask you to support my motion, thank you.

The PRESIDENT: Will all those Senators in favor of the motion by the Senator from Androscoggin, Senator Trafton to Indefinitely Postpone L. D. 990 and all accompanying papers, please rise in their places to be counted.

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

21 Senators having voted in the affirmative and 6 Senators having voted in the negative, the motion to Indefinitely Postpone L. D. 990, in concurrence, Prevailed.

Orders of the Day

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

BILL, "An Act to Amend the Foreclosure Laws." (H. P. 1153) (L. D. 1523)

Tabled—May 23, 1983 by Senator TRAFTON of Androscoggin.

Pending—Passage to be Engrossed.

(In House May 20, 1983 Passed to be En-

grossed as Amended by Committee Amendment "A" (H-268.)

The Bill was Passed to be Engrossed, as amended, in concurrence.

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

BILL, "An Act Adjusting the Rate of Refund of Motor Fuel Tax to Users of Aircraft and to Make Technical Adjustments to the Motor Fuel Tax Laws." (H. P. 1177) (L. D. 1571)

Tabled—May 23, 1983 by Senator PRAY of Penobscot.

Pending—Further Consideration.

(In Senate May 12, 1983 Passed to be Engrossed as Amended by Senate Amendment "A" (S-113).)

(In House May 23, 1983 Passed to be Engrossed as Amended by Senate Amendment "A" (S-113) and House Amendment "A" (H-256) in non-concurrence.)

On motion by Senator Pray of Penobscot, Retabled until later in today's session.

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

BILL, "An Act to Create the Nuclear Activity Consent Law." (S. P. 564) (L. D. 1631)

Tabled—May 23, 1983 by Senator PRAY of Penobscot.

Pending—Motion of Same Senator to Reconsider Action Whereby Bill was Passed to be Enacted.

(In House May 23, 1983 Passed to be Enacted.)

On motion by Senator Pray of Penobscot, Retabled until later in today's session.

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

HOUSE REPORT—from the Committee on Education on BILL, "An Act to Revise the Truancy Laws." (H. P. 877) (L. D. 1131) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-213)

Tabled—May 23, 1983 by Senator PRAY of Penobscot.

Pending—Acceptance of Committee Report.

(In House May 20, 1983 Passed to be Engrossed as Amended by Committee Amendment "A" (H-213) and House Amendment "C" (H-264).)

On motion by Senator Pearson of Penobscot, Retabled until later in today's session.

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

Senator NAJARIAN: Mr. President, is the Senate in possession of L. D. 1360, "An Act to Amend Various Provisions of the Maine Criminal Code"?

The PRESIDENT: The Chair would answer in the affirmative, BILL, "An Act to Amend Various Provisions of the Maine Criminal Code." (H. P. 1035) (L. D. 1360) having been held at the request of the Senator.

The Senator has the floor.

Senator NAJARIAN: Mr. President, I move that the Senate Reconsider its action whereby this Bill was Passed to be Engrossed.

On motion by Senator Carpenter of Aroostook, Tabled for 2 Legislative Days, pending the motion by the Senator from Cumberland, Senator Najarian.

There being no objections all items previously acted upon were sent forthwith.

Senator Pray of Penobscot was granted unanimous consent to address the Senate, Off the Record.

On motion by Senator Pray of Penobscot, Recessed until 4 o'clock this afternoon.

Recess

After Recess

The Senate called to order by the President.

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

Second Readers House

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

BILL, "An Act to Establish Advocacy Services for Special Education Students in Residential Placements" (H. P. 1127) (L. D. 1482)

BILL, "An Act Making Adjusted Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1983" (Emergency) (H. P. 810) (L. D. 1050)

BILL, "An Act Making Appropriations and Allocations for the Expenditures of State Government to Insure that Maine Courts are Accessible to the Handicapped." (H. P. 753) (L. D. 984)

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

House—As Amended

BILL, "An Act to Provide Funds to an Elderly Legal Services Program" (H. P. 373) (L. D. 456)

BILL, "An Act to Incorporate Bills Passed in the Second Regular Session of the 110th Legislature into Title 20-A" (H. P. 1145) (L. D. 1517)

BILL, "An Act to Clarify the Election Laws" (H. P. 197) (L. D. 241)

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

Senate

RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law (Emergency) (S. P. 580) (L. D. 1676)

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

Sent down for concurrence.

The PRESIDENT: The Chair would appoint as conferees on the part of the Senate, on BILL, "An Act Relating to Drinking in Public" (S. P. 420) (L. D. 1273)

Sensors:

CHARETTE of Androscoggin
CARPENTER of Aroostook
SHUTE of Waldo

The PRESIDENT: The Chair would appoint as conferees on the part of the Senate, on RESOLUTION Proposing an Amendment to the Constitution of Maine to Provide that Senators shall Serve Four-Year Terms Commencing in 1986" (S. P. 62) (L. D. 168)

Sensors:

VIOLETTE of Aroostook
BALDACCI of Penobscot
HICHENS of York

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

Papers from the House House Papers

BILL, "An Act to Strengthen the Maine Milk Industry." (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (Emergency) (H. P. 1260) (L. D. 1681)

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

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

BILL, "An Act to Increase Funding Allocation for the Bureau of Air Quality Control for Fiscal Year 1983." (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24) (Emergency) (H. P. 1258) (L. D. 1679) (See Action Later Today)

BILL, "An Act to Establish and Amend the

Air Emission and Open-burning Standards." (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24) (H. P. 1259) (L. D. 1680)

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

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

Senate Papers

BILL, "An Act to Authorize a Bond Issue in the Amount of \$3,000,000 for the Elimination of Asbestos Hazards in Public School Buildings." (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (S. P. 582) (Presented by Senator BALDACCI of Penobscot) (Cosponsors: Senator PERKINS of Hancock, Representative BEAULIEU of Portland, Representative MATTHEWS of Caribou)

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

BILL, "An Act to Establish Reimbursement Principles Governing Nonprofit Hospital and Medical Service Organization Agreements with Rural Health Centers." (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (S. P. 581) (Presented by Senator CLARK of Cumberland) (Cosponsors: Senator PRAY of Penobscot, Senator BROWN of Washington, Speaker J. MARTIN of Eagle Lake)

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

Sent down for concurrence.

On motion by Senator Carpenter of Aroostook the Senate voted to Reconsider its action of earlier in today's session whereby, Bill, "An Act to Increase Funding Allocation for the Bureau of Air Quality Control for Fiscal Year 1983" (H. P. 1258) (L. D. 1679) was referred to the Committee on Energy and Natural Resources.

On motion by the same Senator referred to the Committee on Appropriations and Financial Affairs and Ordered Printed, in non-concurrence.

Sent down for concurrence.

Committee Reports House Ought to Pass

The Committee on Business Legislation on BILL, "An Act Amending the Charter of the Telephone Workers Credit Union of Maine" (H. P. 1219) (L. D. 1626) Reported that the same Ought to Pass.

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed.

Which Report was Read and Accepted, in concurrence.

The Bill Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass as Amended

The Committee on Education on BILL, "An Act Relating to the Funding of School Construction Projects" (H. P. 1144) (L. D. 1516) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-285)

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-285)

Which Report was Read and Accepted, in concurrence.

The Bill Read Once.

Committee Amendment "A" was Read and

Adopted, in concurrence.

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

Ought to Pass in New Draft

The Committee on Judiciary on BILL, "An Act to Create a Maine Sentencing Guidelines Commission" (H. P. 916) (L. D. 1196) Reported that the same Ought to Pass in New Draft under same title (H. P. 1270) (L. D. 1684)

Comes from the House with the Report Read and Accepted and the New Draft Passed to be Engrossed.

Which Report was Read and Accepted, in concurrence.

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

Ought to Pass in New Draft under New Title

The Committee on Judiciary on BILL, "An Act to Require the Payment of Prejudgment Interest at Prevailing Market Rates on all Judgments, Dating from the Time of the Incident Giving Rise to the Claim" (H. P. 1049) (L. D. 1393) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Require the Payment of Prejudgment Interest at Prevailing Market Rates on all Judgments, Dating from the Time of Written Notice to the Defendant of the Cause of Action" (H. P. 1257) (L. D. 1670)

Comes from the House with the Report Read and Accepted and the New Draft under New Title Passed to be Engrossed.

Which Report was Read and Accepted, in concurrence.

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

The Committee on Judiciary on BILL, "An Act to Clarify what Constitutes Discrimination Against Handicapped Persons" (H. P. 1116) (L. D. 1474) Reported that the same Ought to Pass in New Draft under New Title, BILL, "An Act to Establish Standards of Accessibility for Handicapped Persons in Public Housing and Places of Public Accommodations" (H. P. 1261) (L. D. 1671)

Comes from the House with the Report Read and Accepted and the New Draft under New Title Passed to be Engrossed.

Which Report was Read and Accepted, in concurrence.

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

Divided Report

The Majority of the Committee on Aging, Retirement and Veterans on BILL, "An Act to Assure Public Awareness of Nuclear Civil Protection Plans for Maine" (H. P. 1006) (L. D. 1331)

Reported that the same Ought to Pass in New Draft under same title (H. P. 1266) (L. D. 1677)

Signed:

Senators:

DOW of Kennebec
MINKOWSKY of Androscoggin
TEAGUE of Somerset

Representatives:

PARADIS of Old Town
THERIAULT of Fort Kent
PERRY of Mexico
HICKEY of Augusta
TUTTLE of Sanford
WALKER of Skowhegan
AINSWORTH of Yarmouth

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

Signed:

Representatives:

STEVENSON of Unity
LEHOUX of Biddeford

Comes from the House with the Majority Re-

port Read and Accepted and the New Draft Passed to be Engrossed.

Which Reports were Read and the Majority Ought to Pass in New Draft Report of the Committee was Accepted, in concurrence.

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

Divided Report

The Majority of the Committee on Labor on BILL, "An Act to Incorporate Last Best Offer Provisions into the Municipal Public Employees and the University of Maine Labor Relations Law" (H. P. 925) (L. D. 1204)

Reported that the same Ought Not to Pass.

Signed:

Senator:

SEWALL of Lincoln

Representatives:

ZIRNKILTON of Mount Desert
BONNEY of Falmouth
WILLEY of Hampden
NORTON of Biddeford
LEWIS of Auburn
SWAZEY of Bucksport

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass in New Draft under new Title, BILL, "An Act to Encourage Prompt Resolution of Public Employee Labor Disputes" (H. P. 1267) (L. D. 1678)

Signed:

Senators:

DUTREMBLE of York
HAYES of Penobscot

Representatives:

BEAULIEU of Portland
TAMMARO of Baileyville
GAUVREAU of Lewiston
TUTTLE of Sanford

Comes from the House with the Majority Report Read and Accepted.

Which Reports were Read.

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

Senator DUTREMBLE: Mr. President, I now move the Minority Ought to Pass Report.

The PRESIDENT: The Senator from York, Senator Dutremble moves that the Senate Accept the Minority Ought to Pass Report in New Draft under New Title Report of the Committee.

The Chair recognizes the Senator from Lincoln, Senator Sewall.

Senator SEWALL: When the vote is taken I request it be taken by the Yeas and Nays.

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 York, Senator Dutremble that the Senate Accept the Minority Ought to Pass in New Draft under New Title Report of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCII: Mr. President, just a point of information. Ask a question through the presiding officer to anyone who cares to answer it, that is familiar with this Legislation, but could somebody just give me a brief explanation?

The PRESIDENT: The Senator from Penobscot, Senator Baldacci has posed a question through the Chair to any member of the Committee who may respond if they so desire.

The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Mr. President and Members of the Senate, this Bill is a binding ar-

bitration bill and you'd be voting on whether or not you believe in binding arbitration for public employees.

The PRESIDENT: Is the Senate ready for the question?

A Yes vote will be in favor of Accepting the Minority Ought to Pass Report of the Committee.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Baldacci, Brown, Bustin, Carpenter, Charette, Danton, Dow, Dutremble, Erwin, Hayes, Najarian, Pearson, Pray, Trafton, Usher, Violette, Wood, The President—Gerard P. Conley.

NAY—Clark, Collins, Diamond, Emerson, Gill, Kany, Perkins, Sewall, Shute, Teague, Twitchell.

ABSENT—Hichens, McBreairty, Minkowsky, Redmond.

A Roll Call was had.

18 Senators having voted in the affirmative and 11 Senators in the negative, with 4 Senators being absent, the motion to Accept the Minority Ought to Pass Report in non-concurrence, Prevailed.

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

Divided Report

The Majority of the Committee on Labor on BILL, "An Act to Amend the State Employees Labor Relations Act" (H. P. 408) (L. D. 491)

Reported that the same Ought to Pass in New Draft under same title (H. P. 1263) (L. D. 1673)

Signed:

Senators:

DUTREMBLE of York
HAYES of Penobscot

Representatives:

GAUVREAU of Lewiston
TAMMARO of Baileyville
NORTON of Biddeford
TUTTLE of Sanford
BEAULIEU of Portland
SWAZEY of Bucksport

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass in New Draft under same title (H. P. 1264) (L. D. 1674)

Signed:

Senator:

SEWALL of Lincoln

Representatives:

BONNEY of Falmouth
WILLEY of Hampden
ZIRNKILTON of Mount Desert
LEWIS of Auburn

Comes from the House with the Majority Report Read and Accepted and the New Draft Passed to be Engrossed.

Which Reports were Read.

On motion by Senator Dutremble of York the Majority Ought to Pass in New Draft (H. P. 1263) (L. D. 1673) Report of the Committee was Accepted, in concurrence.

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

Divided Report

The Majority of the Committee on Labor on BILL, "An Act to Change the Workers' Compensation Laws with Respect to Asbestosis" (H. P. 405) (L. D. 488)

Reported that the same Ought to Pass in New Draft under same title (H. P. 1262) (L. D. 1672)

Signed:

Senators:

DUTREMBLE of York
HAYES of Penobscot
SEWALL of Lincoln

Representatives:

NORTON of Biddeford

SWAZEY of Bucksport
 BEAULIEU of Portland
 GAUVREAU of Lewiston
 ZIRNKILTON of Mount Desert
 TAMMARO of Baileyville
 BONNEY of Falmouth
 TUTTLE of Sanford

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

Signed:

Representatives:

WILLEY of Hampden
 LEWIS of Auburn

Comes from the House with the Majority Report Read and Accepted and the New Draft Passed to be Engrossed.

Which Reports were Read, and the Majority Ought to Pass in New Draft Report of the Committee Accepted, in concurrence.

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

Divided Report

The Majority of the Committee on Labor on BILL, "An Act to Provide Occupational Safeguards for Operators of Video Display Terminals" (H. P. 657) (L. D. 831)

Reported that the same Ought to Pass in New Draft under New Title, RESOLVE, Providing for Collection of Data and Promulgation of Rules Concerning Occupational Safeguards for Operators of Video Display Terminals (H. P. 1265) (L. D. 1675)

Signed:

Senators:

DUTREMBLE of York
 HAYES of Penobscot

Representatives:

NORTON of Biddeford
 SWAZEY of Bucksport
 TAMMARO of Baileyville
 WILLEY of Hampden
 TUTTLE of Sanford
 BEAULIEU of Portland
 GAUVREAU of Lewiston

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

Signed:

Senator:

SEWALL of Lincoln

Representatives:

BONNEY of Falmouth
 LEWIS of Auburn
 ZIRNKILTON of Mount Desert

Comes from the House with the Majority Report Read and Accepted and the New Draft under New Title Passed to be Engrossed.

Which Reports were Read.

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

Senator DUTREMBLE: Mr. President, I move that the Senate Accept the Majority Ought to Pass in New Draft under New Title Report of the Committee.

The PRESIDENT: The Senator from York, Senator Dutremble moves that the Senate Accept the Majority Ought to Pass in New Draft under New Title Report of the Committee.

The Chair recognizes the Senator from Androscoggin, Senator Charette.

Senator CHARETTE: Thank you, Mr. President. I would hope the Senate today would vote for the Minority Report and would like to say a few brief comments as to my reasons as to wanting to go for the Ought Not to Pass Report.

L. D. 1675 is a Resolve to study the issues surrounding the use of video display terminals, as we all know them as VDT's and to promulgate rules governing their use in the work place.

Proponents of the Bill will say that the Bill is not harmful. I think that the Bill is loaded with harmful possibilities. The Resolve presumes by its wording that there is a health hazard associated with the use of VDT's. Now study after

study has shown that there is no correlation between use of VDT and health problems. I would like to quote from a study done at the Baltimore Sun in 1982, by the National Institute for Occupational Safety and Health. "We did not find any significant association between VDT use and the prevalence of eye abnormality including cataracts", quoting from a study done by the American Academy of Ophthalmology completed in 1982 based on available scientific evidence the American Academy of Ophthalmology considered video display terminals to be safe for normal use and to present no hazard to vision.

Now from personal experience and I have no personal gains from this Bill, however I have seen a change in employee attitude, acceptance, wanting to operate the VDT's versus coding on sheet at the programming level, also versus key punching from key punching machines that create all kinds of noise. I have observed that employees are requesting transfers from other non-related departments to become VDT's operators. This tells me that if there was so much problem people would not want to learn this trade.

Now in this Bill the Maine Department of Labor has been charged to study five issues. The list is arbitrary. Each item has already been studied by the very best research organizations in the country. Not one has made a determination that rules should be passed to regulate their use. OSHA has not done so. Other states have not done so.

Why put the burden on the State to make rules in the absence of any proof? It is unwise to ask the Department to make any rules in this area.

I sincerely believe that the study would cost the State money and compliance with any rules would cost the State money. So why spend more money to study an issue that has been thoroughly examined by many National organizations? We would only find that State regulations are unnecessary and intrusive.

I have a list of some ten organizations in the country who have made studies and find no problems with VDT's terminals.

I would urge you to vote for the Minority Report of Ought Not to Pass, and vote against the pending motion. Thank you very much.

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

Senator HAYES: Mr. President, Members of the Maine State Senate, I would like to speak only briefly to this Bill. This Bill is designed to simply authorize the Bureau of Labor Standards to study some of the possible impacts of video display terminals. For instance whether or not the need exists for a work rest, regimens and standards on the length of terminal use each working day to minimize visual, muscular, and stress problems to terminal operators.

Two, whether or not the need exists for periodic vision testing of terminal operators to monitor and protect vision.

Three, whether or not the need exists to assure proper ergonomics in the work place including issues such as proper illumination and glare control and optimum viewing distances, desk and chair heights, and adequate back support provided by operator chairs.

Four, whether or not the need exists to assure proper terminal maintenance to minimize health problems.

Five, whether or not the need exists for employee education on the proper use of terminals to assure health and safety.

Six, the physical impact and safety measures.

Further this Bill requires the Bureau of Labor Standards to promulgate such rules as are necessary and to report back to this Legislature.

This Bill as presently presented to you is a much toned down version of a Bill to look into the health impacts of video display terminals.

It is a Bill that may down the road be very important to us. It is most important that we collect data on potentially long term physiological and stress impacts of these terminals. This by the way is not an issue that strikes everybody in the same fashion. The people we are talking about are primarily women. Women sitting in front of a video display terminal for long number of hours with very little breaks and the study are inconclusive. There is research that would point in both directions. We have only been given some indications from one side of the case. I assure you there are a number of studies which point in other directions. In Canada for instance there is an effort now to promulgate much more stringent rules then we are even, or were even considering in the original bill.

I would urge that you do support this Bill and I'll ask for a Roll Call.

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

Senator DUTREMBLE: Mr. President and Members of the Senate, what we have to understand here is that there have been a lot of studies made on VDT's. I think that you'll find that many of those studies were made by manufacturers of VDT's who would not want to find anything wrong with them. Unfortunately there have been a lot of people who have complained about the use of VDT's and the problems that have occurred while using these VDT's.

The Bill — all the Bill does is ask the Bureau of Labor Standards to collect statistics on VDT's and if they find anything, if they find it necessary then to implement any rules and regulations that they see fit.

I know that there are people who have fought this Bill, who have lobbied members of the Senate against this Bill. I think that it is very important to stress that the only rules that will be promulgated are the ones that are necessary.

If they are telling you that there is nothing wrong with the use of VDT's, then what are they afraid of? Because I am sure that the Bureau of Labor will not promulgate any rules that are not necessary.

I guess that that is the main point that I want to make is that if there is nothing there, then they shouldn't be so worried about having this Bill passed today. It only will affect the members of the State.

The Committee received a letter from the Commissioner of Human Services and it was addressed to all department heads, also, and his concern was that there have been problems reported concerning the use of VDT's at the State level. There are, also, people who testified before our Committee, people who use VDT's at the State level that reported before us, telling us that they, also, encounter problems with the use of VDT's.

Just to capsulize a little bit about this letter here. Recently with the help of Dr. Nersesian in the Bureau of Health has reviewed the known and alleged health effects of working with this equipment. Most complaints from operators have centered around three primary areas: stress, headache, visual problems and possible fatigue.

So there are problems with the use of VDT's. I am sure that this is not all psychological from these people who are using this equipment.

I, also, want to read a little bit further down in the letter, "the Department of Human Services has recently adopted a policy that VDT's operators should not perform more than two hours of consecutive work on terminals without a thirty minute interval of alternative work." This corresponds roughly with recommendations made from NIOHS. I think that that is also very important to point out. NIOHS of course being the National Institute for Occupational Health and Safety. So there have been problems. Even the major reports and studies that have been made, that the good Senator

from Androscoggin, Senator Charette has mentioned. They also mention the possibility of studying this a little bit further in the future because there are some people who are having problems with the use of these VDT's.

I like the good Senator from Penobscot, Senator Hayes, I am concerned too, about future problems ten, fifteen years down the road when we'll be asking again the Workers' Comp. System to start paying high premiums because of the benefits that we have to pay to people who have been harmed by the use of VDT's. Thank you.

I would hope that you would go along with the Majority Report on this Bill today.

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

Senator CHARETTE: Mr. President, I have listened very intently to the two speakers following my presentation and I would ask a question to Senator Hayes, perhaps, has he explained what this Resolve would do and what areas this Resolve would study and so forth. As I read this Bill it is saying, "periodic vision testing" can we do this free of charge? You know there is no cost for that. I am reading, also, every area one through six seems to impact on the VDT itself, I am not sure that it relates to chairs, I am not sure there is one here that does talk about illumination but somehow this, I realize there is a call for a fiscal note but I wonder if we have extra employees in the Labor Department that can exercise this study? Also, I am wondering if the Labor Department is not smart enough to educate proper use of terminals to ensure health and safety, we have done it in our company. Thank you.

The PRESIDENT: The Senator from Androscoggin, Senator Charette has posed a question through the Chair to any member of the Committee who may care to respond if they so desire.

The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Mr. President to answer the question, I think that it is very important to point out to the good Senator from Androscoggin and to other members of the Senate, that the Bill clearly states whether or not the need exists. It does not state that there is a definite problem it's just to study the areas. As far as the Department of Personnel and the Bureau of Labor both of these departments are supportive of the Bill and I, with the rest of the members of the Committee, would like to see this Bill passed.

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

Senator CLARK: Mr. President, Men and Women of the Senate this piece of Legislation was brought to my attention during a Democratic caucus this morning, and I had immediate reservations about it because there was a time when a similar measure came before the Committee on Business Legislation and that Committee did not take positive action on that bill in an earlier Legislative Session. I must admit that the Committee action at that time somewhat prejudiced my feeling about L.D. 1675 which is the re-draft of L.D. 831. I compliment the Joint Standing Committee on Labor for indeed you have worked sincerely and cooperatively and hard because the measure is greatly improved from my previous experience with this Bill dealing with VDT's.

In the earlier Legislative Session it was suggested that there should be some studies done and in fact we were presented with ample evidence at the time that VDT's posed no threat to home, hearth or health. As I look at society and as well the public and private work place I see an amazing, an amazing proliferation of VDT's. In the schools we see an amazing proliferation of VDT's with the use of personal computers in all classrooms. Teachers are exposed to terminal displays, students voluntarily and with great enthusiasm flock to the terminal

displays, even when the bell rings they return to play their games or to institute their own programs. I know that to be true in a work place for I work at a private major corporation in my area in my hometown, during the busy season from October to December and many of my co-workers work on VDT's. They also, flock to those same terminals for the same purpose during their period breaks which occur once during their first four hours then a break for their dinner hour, I happen to work second shift, and a break in their last four hours.

It seems to me that, indeed, the VDT's are here to stay and they are part of what is called today, the high-tech mode of doing business. We can all, thank goodness, that in fact that they are, because its creating greater efficiencies in the work place and bringing the United States into a leadership position across the world with one of our major competitors in the area, which of course is Japan.

However, while I have in concept support for this measure, I must this afternoon vote against the pending motion to Accept the Majority Report for it's not only the earlier studies that were privy to the Joint Standing Committee on Business Legislation, but a long list of current studies, none of which date before 1981. From such prestigious organizations as the National Institute for Occupational Safety and Health, the United Kingdom National Radiological Protection Board, the FBA Bureau of Radiological Health and Human Services, (and I know this list was presented to the Committee on Labor, so this isn't anything new) the FDA National Center for Devices and Radiological Health, the National Institute for Occupational Safety and Health, (which was eluded to by the second Senate person on the Committee of Business Legislation, Senator Charette of Androscoggin) the University of LaValle in Quebec, the Federal Radiation Protection Bureau in Canada, the Bell Telephone, (which is one of the few private organizations undergoing an extensive study) and the American Academy of Ophthalmology.

I just wish that we had as much concern and sensitivity to the plight of the literally hundreds and thousands, and even millions of secretaries, who for almost well probably it's not centuries, but for decades now, have been subject to that which is alleged to be a problem in the use of VDT's, visual, ocular, musculoskeletal stress, I would submit the secretaries have survived and thrived nicely, even though I have a chronic complaint that they're never reimbursed adequately for their services.

I just think that in a time of financial containment that there may be a more sensitive, meaningful and effective way to direct the attention of the Bureau of Labor Standards. It is with that in mind that I, again, encourage you to vote against the pending motion and would share with you in a humorous tone a note that I received. "Look, up in the sky! It's a bird! It's a plane! No, it's VDT! Somewhat related to a UFO and even ET."

The PRESIDENT: Is the Senate ready for the question?

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 York, Senator Dutremble to Accept the Majority Ought to Pass, in New Draft under New Title, Report of the Committee.

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

New Title Report of the Committee.

A No vote will be opposed.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

YEA—Baldacci, Bustin, Carpenter, Dutremble, Erwin, Hayes, Kany, Najarian, Pray, Violette, Wood, The President—Gerard P. Conley.

NAY—Brown, Charette, Clark, Collins, Danton, Diamond, Dow, Emerson, Gill, Pearson, Perkins, Sewall, Shute, Teague, Trafton, Twitcheil, Usher.

ABSENT—Hichens, McBreaity, Minkowsky, Redmond.

A Roll Call was had.

12 Senators having voted in the affirmative and 17 Senators in the negative, with 4 Senators being absent, the motion to Accept the Majority Ought to Pass, in New Draft under New Title, Report of the Committee, Failed.

The Minority Ought Not to Pass Report of the Committee was Accepted, in non-concurrence.

Sent down for concurrence.

Senate Ought to Pass

Senator DIAMOND for the Committee on Transportation on BILL, "An Act to Authorize Bond Issue in the Amount of \$24,600,000 for Highway and Bridge Improvements to Match Federal Funds and to Accelerate the Improvement of Town Way Bridges" (S. P. 415) (L. D. 1262) Reported that the same Ought to Pass.

Which Report was Read and Accepted.

The Bill Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Transportation on BILL, "An Act to Require Motorcycle Driver Education Prior to Licensure to Operate a Motorcycle" (S. P. 364) (L. D. 1119)

Reported that the same Ought Not to Pass. Signed:

Senator:

EMERSON of Penobscot

Representatives:

STROUD of Corinth

THERIAULT of Fort Kent

MACOMBER of South Portland

McPHERSON of Eliot

CALLAHAN of Mechanic Falls

MOHOLLAND of Princeton

CARROLL of Limerick

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

Signed:

Senators:

DANTON of York

DIAMOND of Cumberland

Representatives:

CAHILL of Woolwich

REEVES of Pittston

NADEAU of Lewiston

Which Reports were Read and the Majority Ought Not to Pass Report of the Committee was Accepted.

Sent down for concurrence.

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

Committee Reports Senate Ought Not to Pass

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 15 of the Joint Rules: BILL, "An Act to Change the Seed Potato Board" (S. P. 249) (L. D. 795)

Ought to Pass

Senator WOOD for the Committee on Agriculture on BILL "An Act to Provide a Compre-

hensive Marketing Program for Maine Agricultural Products" (S. P. 545) (L. D. 1590) Reported that the same Ought to Pass.

Which Report was Read and Accepted.

The Bill Read Once and Tomorrow Assigned for Second Reading.

Orders of the Day

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

BILL, "An Act to Ban Metal-Piercing Ammunition" (H. P. 1245) (L. D. 1659)

Tabled—May 24, 1983 by Senator PRAY of Penobscot.

Pending—Passage to be Engrossed.

(In House May 23, 1983 Passed to be Engrossed)

On motion by Senator Pray of Penobscot, Re-tabled for 1 Legislative Day.

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

BILL, "An Act Adjusting the Rate of Refund of Motor Fuel Tax to Users of Aircraft and to Make Technical Adjustments to the Motor Fuel Tax Laws." (H. P. 1177) (L. D. 1571)

Tabled—May 24, 1983 by Senator PRAY of Penobscot.

Pending—Further Consideration.

(In Senate May 12, 1983 Passed to be Engrossed as Amended by Senate Amendment "A" (S-113).)

(In House May 23, 1983 Passed to be Engrossed as Amended by Senate Amendment "A" (S-113) and House Amendment "A" (H-256) in non-concurrence.)

On motion by Senator Pray of Penobscot, Re-tabled for 1 Legislative Day.

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

BILL, "An Act to Create the Nuclear Activity Consent Law." (S. P. 564) (L. D. 1631)

Tabled—May 24, 1983 by Senator PRAY of Penobscot.

Pending—Motion of Same Senator to Reconsider Action Whereby Bill was Passed to be Enacted.

(In House May 23, 1983 Passed to be Enacted.)

(In Senate May 23, 1983 Passed to be Enacted.)

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

Senator PRAY: Thank you, Mr. President, Mr. President, Ladies and Gentlemen of the Senate, the other day when we had this proposal before us, it went through without very much debate. I happened to only catch it, because of my concerns over another proposal which we had just recalled back from the Governor's desk. L. D. 373, "An Act to Limit the Storage of Spent Fuel at the Nuclear Reactor Facilities", which there had been, as of last Friday, an opinion from the Attorney General that that proposal was in violation of U.S. Law. Thus, in turn in violation of the U.S. Constitutional Authority of the Federal Government's authority to oversee the State in the nuclear fuel issue.

I wanted to be sure that prior to the Enactment of the Nuclear Activity Consent Law that we would be sure that we would not have any similar problem in this Bill. I have since then been informed by the Attorney General after they've reviewed it that this falls within the guidelines of the Nuclear Power Activated II, which allows the State the opportunity to have veto power over nuclear fuel sites or spent fuel sites within this State.

As some of you may or may not be aware, last year in several geographical areas of this State, the U.S. Geological Division did some study. One of those towns happened to lie in my district and I became aware of it, only due to the fact that I knew the geologist that was doing the study, and personally, I had some concerns about nuclear fuel being stored in my district. So I wanted to be sure that we were enacting a

law which would allow the State to have the authority and we wouldn't end up in a constitutional question.

Since that has been rectified at this time, I now request permission to withdraw my motion to Reconsider.

The PRESIDENT: Senator Pray of Aroostook, now requests Leave of the Senate to Withdraw his motion to Reconsider.

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

It is a vote.

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

HOUSE REPORT—from the Committee on Education on BILL, "An Act to Revise the Truancy Laws." (H. P. 877) (L. D. 1131) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-213)

Tabled—May 24, 1983 by Senator PEARSON of Penobscot.

Pending—Acceptance of Committee Report.

(In House May 20, 1983 Passed to be Engrossed as Amended by Committee Amendment "A" (H-213) and House Amendment "C" (H-264).)

Which Report was Accepted in concurrence. The Bill Read Once.

Committee Amendment "A" (H-213) was Read and Adopted, in concurrence.

House Amendment "C" (H-264) was Read.

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

Senator PRAY: A Parliamentary inquiry?

The PRESIDENT: The Senator may state his inquiry.

Senator PRAY: Mr. President, if one was going to amend the House Amendment at this time would be the time to offer it, is that not correct?

The PRESIDENT: The Chair is responding in the affirmative.

The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Mr. President, Men and Women of the Senate, I tried to tell him that, but he wouldn't listen to me.

I offer Senate Amendment "A" (S-146) to House Amendment "C" and move its Adoption.

The PRESIDENT: The Senator from Penobscot, Senator Pearson offers Senate Amendment "A" to House Amendment "C" and moves its Adoption.

Senate Amendment "A" (S-146) to House Amendment "C" was Read and Adopted.

House Amendment "C" as amended by Senate Amendment "A" thereto was Adopted, in non-concurrence.

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

Senator CLARK: Mr. President, I move that we Reconsider our action whereby we Adopted Senate Amendment "A" to House Amendment "C" and would speak to my motion.

Senate at Ease

The Senate called to Order by the President.

On motion by Senator Clark of Cumberland the Senate voted to Reconsider its action whereby it Adopted House Amendment "B" as Amended by Senate Amendment "A".

On motion by the same Senator, the Senate voted to Reconsider its action whereby it Adopted Senate Amendment "A" Mr. President, I find myself a bit confused because I am opposed (S-146).

The PRESIDENT: The Chair recognizes the to the Adoption of House Amendment "C" to Senate Amendment "A" (S-146) and don't know what the status of House Amendment "C" is at this time.

The PRESIDENT: The Chair would state that House Amendment "C" is open before the Body

and that Senate Amendment "A" is now pending Adoption.

Senator CLARK: Thank you, Mr. President, as usual, you've bailed me out.

Mr. President, Men and Women of the Senate, I am opposed to the Adoption of Senate Amendment "A" to House Amendment "C" for the following reasons:

Number one, L.D. 1131 is the result of an extensive cooperative effort between all of those who were involved in its creation and all of those who are involved by the ramifications and impact of this measure. There was a time, and it wasn't that long ago, when I was not as opposed to that which is contained in the proposed Senate Amendment "A" to House Amendment "C" as I am at this time, standing before you hoping you won't Adopt Senate Amendment "A" to House Amendment "C".

L. D. 1131 represents a unanimous Ought to Pass Report from the Joint Standing Committee on Education, and it is a very strict narrowing of those laws dealing with truancy in the public schools of our State of Maine. Interestingly enough, the Bill represents and has the unequivocal support of all of those who are involved in it, and who, after hearing testified in support of it. That unequivocal support does not include the attachment of Senate Amendment "A". These groups supported it with House Amendment "C". It's an interesting coalition of interests: the Maine Teachers Association; the Maine School Management Association, which includes superintendents, secondary school principals and elementary school principals; social workers, licensed and registered social workers; teachers; guidance people; and even the Department of Educational and Cultural Services.

If we were to attach Senate Amendment "A" to House Amendment "C" we would, in fact, be watering the Bill down, in vernacular terms it's sometimes called "gutting the Bill", and that is not the intent of the Joint Standing Committee on Education nor is it the intent of all of those people of interest within the educational communities across our State. If we attach Senate Amendment "A" to the Bill, we are in fact, not going to be addressing in a strong affirmative fashion, the issue of truancy as it prevails across the State today. Prevails and pervades even those elementary grades where one does not expect truancy.

Senate Amendment "A" to House Amendment "C" embraces the following philosophy: Let's just say that we have a student who doesn't want to go to school and that student isn't fourteen, but in the elementary grades, and is perhaps eleven years old. Senate Amendment "A" would embrace this philosophy, that it is the fault of the school that that student does not wish to go to school, and not the fault of the parent, who perhaps are not providing the support, the encouragement in getting that child up, fed, dressed and off to school, as this coalition of professionals who unequivocally support the Bill would have that responsibility appropriately placed.

The issue of truancy and how to effectively deal with it is a continuing problem for most, I would guess I'd say all of Maine's School Administrative Units and law enforcement agencies. It is a major point of frustration on behalf of teachers, social workers, support personnel and law enforcement people, and probably most of all, administrators who's responsibility it is to enforce Maine's truancy laws, and they aren't being enforced. They are enforced only within the local school units and the administrators and teachers who are by law required to pursue this action and this kind of activity. They are being set-aside as low priority or zero priority by local law enforcement officers and they are not being adjudged in our courts as having merit.

Thus, truancy proliferates and thus the status quo is addressed in a rather strong mea-

organizations which as I suggested to you is a particularly interesting coalition of interests.

L.D. 1131 would reflect that a child's attendance at school is a partnership between the parents or the custodians of the child, and the schools. The parents to get the child to school, and the schools to motivate and challenge the child with appropriate lessons. L. D. 1131 as Amended by House Amendment "C" is not meant to be simplistic nor is it intended to be vindictive, but it does recognize that there are many families and children in different circumstances and that at the bottom line of the legislation is to get children to school, to prevent particularly young children who are beginning to establish a truancy habit from becoming habitual truants, and to establish better communication between the schools and the parents, to strengthen the law so that the schools would have some reasonable enforcement procedures for compulsory education. Thank you, Mr. President.

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

Senator PEARSON: Mr. President, Men and Women of the Senate, it's always difficult to debate an issue with a fellow school teacher. I want to tell you that with fourteen or fifteen years of experience under my belt teaching schools, truancy is not a problem that is unfamiliar to me. During the remarks of the good Senator from Cumberland, Senator Clark she said that the Bill as it was before my Amendment would be attached, addressed many different families with many different circumstances. That's why I think that my Amendment is an improvement on the Bill because what it says is "that there will be no mandatory sentences". It says that "because there are many different families with many different circumstances, the judge will be able to decide whether or not there shall be a fine or a jail sentence for the parent, who is the parent of a truant". Because there are many different families with many different circumstances. It says in my Amendment, "two hundred dollar fine or fifty hours of community service" up to and the judge has all the discretion all the way up the line on those particular measures. I was incorrect when I said jail sentences, but I meant community service or a fine.

What she is suggesting is that a fine be levied, a sentence be levied by the judge without any discretion, and because, as I said before, there are so many different circumstances and so many different family situations which I've experienced a myriad of over the years. It seems to me that judges should be able to decide that question within some parameters.

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

Senator BALDACCII: Mr. President, it seems attendance is down somewhat, I would just like to ask a question through the Chair to anyone who would care to answer it.

In reading this Bill, it seems like, Members of the Senate, we are really getting down to dotting of the i's and crossing of the t's and we're going to let those parents know all that, if they don't show up at that hearing that they're going to get served with a court order and then all of a sudden if they don't show up, then they're going to assume, I'm sure the way this Bill is written, unless I'm incorrect reading it that they're at fault.

Mr. President and Members of the Senate, I just think that this Bill and these amendments; it's so confusing that I think that would probably be very wise, for me anyways, to vote for the Indefinite Postponement of this Bill and all Accompanying Papers, because, Mr. President, it seems like we're setting up a Gestapo where we are going to be finding out who those parents are and who's kids they are and if they don't show up at the hearing you slap them with a court order and if they're guilty then hey, you're going to have to pay two hundred dollar fine or fifty hours of community servi-

ces.

I don't know what people, you know, they're thinking about, but if they're going to be ones that are going to be dealing with the Department of Human Services, community service, fifty hours of mandatory community service isn't exactly my idea of the kind of people that we should be working with. The kind of people that are going to be having the problem with truancy, probably should be getting a good job, be trying to get out there and earn some money, but they're not going to have fifty hours to dedicate to community services or two hundred dollars in fines. We're slapping them around and penalizing them. I just don't think, maybe the Maine School Management and all the school teachers and everybody thinks it's a great idea. A lot of us have a lot of other concerns, you know, other than what's good for the school teachers and what's good for the Maine School Management and a lot of other programs. In my business, sure, I'd like to mandate that everybody show up between 4:30 and 9:30 when I close, but sometimes somebody is going to come in a little late and somebody is going to come in a little early; somebody may want something that is not on the menu. But you know, I think, Mr. President, we're getting down too much here, and I would just as soon if it's in order, move for the Indefinite Postponement of this Bill and all Accompanying Papers. Thank you, Mr. President.

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

Senator PEARSON: Mr. President, Men and Women of the Senate, truancy is a problem. It is a real problem and it has a lot of different reasons for it. Some of those reasons are parents and there is no denying that.

I simply think that the solution of the Bill without my Amendment goes too far, but I certainly would not want the Bill killed. If you had somebody who thought that it was wiser to keep that child at home to work in their restaurant or something, they certainly should be punished for that. The judge should be able to decide what that punishment is and not tell him, without any discretion whatsoever, what he is going to do.

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

Senator CLARK: Mr. President, am I correct in assuming that the pending question before the Senate is the Adoption of House Amendment "C"?

The PRESIDENT: The pending motion before the Senate is the Adoption of Senate Amendment "A" to House Amendment "C".

Senator CLARK: I would move the Indefinite Postponement, Mr. President, of Senate Amendment "A".

The PRESIDENT: The motion is in order. The Senator from Cumberland, Senator Clark moves the Indefinite Postponement of Senate Amendment "A".

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: For those of you who are still listening, perhaps a comparison of the present law to L. D. 1131 is in order. Currently, and fortunately we all recognize that truancy is a problem. I guess I would preface my remarks by asking the Members of this Senate, is there really anything wrong with parents taking the responsibility for their own children when parents are found to be primarily responsible for their children's truancy? Schools are reluctant to take cases to court currently, because of difficulty of providing documented evidence showing that parents are negligent in fulfilling their responsibility in getting their child to school.

L. D. 1131 establishes procedures for schools to establish a communications' link with parents and to solicit parents' cooperation in getting the child to school. Failure by parents to attend prescribed meetings is documented evidence the parents are negligent and the

schools can document this for the court, because the courts have suggested to schools when schools initiate truancy cases and there is a law that says, "truancy is illegal in this State", that they need more evidence and that there is not enough teeth in the current law for them to do anything, in fact their hands are tied.

Under the present law, not L. D. 1131, but current statute, the Judiciary asked for a clarification of the responsibility for a child's truancy. So in 1131, the failure by parents to attend meetings of the superintendent and failure to comply with the school board's decision are sufficient grounds to judge parents are responsible for child habitual truancy and this does not apply to parents of students fourteen years or older. The current law does not differentiate between elementary and secondary ages and L. D. 1131 does. It deals with elementary and secondary ages separately.

The current law two years ago was changed to make truancy a civil violation rather than a criminal violation and a fine up to two hundred dollars was allowed. Why you might ask? Well, the standard of evidence for a civil violation is less than for criminal violation and the change obstensively made it easier for the judge to exact a penalty; the parent fined, rather than jailed. Punished, therefore, would be more accessible, giving truancy law more control over parents' negligent behavior. That's not what happened, 1131 maintains the civil penalty and maintains the fine of two hundred dollars. It adds the alternative of community service to be assessed of the parent if the child is less than fourteen years of age, when the fine is not appropriate. Indeed, there will be instances, probably frequent, where a fine is inappropriate, and to be assessed only if the young adult is fourteen years and older in lieu of fine. The intent is to establish a sense of responsibility on the part of the teenager for those who are fourteen or older for his or her habitual truancy, but places the responsibility for truancy below the age of fourteen, square on the parents, or the custodian, or guardian of that youngster.

Under the current law, the changes that we've made a couple of years ago haven't helped, and this recommendation in 1131 involved the Department of Human Services in truancy cases as it relates to child abuse and neglect. It was the sense of the Committee on Education that more inter-agency cooperation between the Department of Human Services and the Department of Educational and Cultural Services with evidence. Obviously, this is an area for future exploration, and I'm not suggesting that this Chamber do that which another Chamber might have done and that was to look unfavorably on a similarly proposed amendment. However, if in fact, we attach Senate Amendment "A", (and I hope that we don't; I hope you would support the prevailing motion) to the House Amendment which was added to clarify the constitutional question which somebody had raised outside of the committee and which was addressed sort of after the fact. All those parties of interests and it's not just school personnel, but involves law enforcement officers and child protective workers and so forth. Their efforts will be for naught, for what we will have done, is water down the Bill which gives the same lack of leverage to the Judiciary which feels that the current law is, in fact, unenforceable and that's exactly what's happening. Truancy laws are not being enforced in our State. Youngsters of lower and lower and lower age, younger ages are becoming habitual truants, and we, as a society are going to be paying those prices in the future. Thank you, Mr. President.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Pe-

nobscot, Senator Baldacci.

Senator BALDACCI: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Clark that Senate Amendment "A" be Indefinitely Postponed, please rise in their places to be counted.

The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: 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 Cumberland, Senator Clark that Senate Amendment "A" be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement of Senate Amendment "A".

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Charette, Clark, Dow, Dutremble, Emerson, Erwin, Gill, Hayes, Perkins, Sewall, Shute, Teague, Trafton, Twitchell, Usher.

NAY—Baldacci, Brown, Bustin, Carpenter, Collins, Danton, Diamond, Kany, Pearson, Pray, Violette, Wood, The President-Gerard P. Conley.

ABSENT—Hichens, McBreairty, Minkowsky, Najarian, Redmond.

A Roll Call was had.

15 Senators having voted in the affirmative and 13 Senators in the negative, with 5 Senators being absent, the motion to Indefinitely Postpone Senate Amendment "A", Prevailed.

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

Senator BALDACCI: Mr. President, is Indefinite Postponement of this Bill and all Accompanying Papers in order?

The PRESIDENT: The Chair would state that the Senate has before it the Adoption of House Amendment "C".

House Amendment "C" was Adopted, in concurrence.

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

Senator BALDACCI: Mr. President, I move Indefinite Postponement of this Bill and all Accompanying Papers.

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

Senator PEARSON: Mr. President, Men and Women of the Senate, I lost by two votes on the last Amendment, but I would think that it would be a shame to kill this entire Bill, and I would urge you not to do that.

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

Senator PRAY: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Baldacci to Indefinitely Postpone this Bill, please rise in their places to be counted.

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

3 Senators having voted in the affirmative, and 26 Senators having voted in the negative, the motion to Indefinitely Postpone, Failed.

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

(Off Record Remarks)

Senator Kany of Kennebec was granted un-

animous consent to address the Senate, On the Record.

Senator KANY: Thank you, Mr. President and Members of the Senate, An Act to Create the Nuclear Activity Consent Law passed under the hammer so quickly, and was Enacted so quickly that I didn't rise soon enough. I did want to call your attention to a couple of things in the Bill, and also, to mention that if you do have any further questions about it, that I hope that you will come and see me and we certainly can get your questions answered.

The Bill, itself, really brings together most of our law regarding High Level Nuclear Waste and in addition, it addresses something that is important for each of us to be aware of because our constituents certainly will have questions about it before long and that is, our place within the nuclear waste policy of the Nation, and it so happens that the Nuclear Waste Policy Act of 1982 requires the United States Department of Energy to identify sites for two deep mine geologic repositories for disposal of High Level Radioactive Waste and/or Spent Fuel. The Act requires that the President recommend a second repository site to Congress by March, 1990, that is not all that far away. It just so happens that Maine is one of seventeen states presently under consideration for that second site. I wanted you to be well aware of that. It is entirely possible that field studies could begin in this State by February of next year.

I simply wanted you to be aware of that and to state that this Bill really does something, it allows a mechanism for Maine to deal with this particular process and allows us, the Legislature and the Governor together, to decide if we wish to veto the action of the President of the United States. If and when, we are selected, by the President, to be that site then we would have sixty days in which we could decide to notify Congress that we did not want to be the site for repository.

I just believe it was important enough to call this to your attention and that you should be well aware of these facts. Thank you very much.

On motion by Senator Carpenter of Aroostook, Adjourned until 9 o'clock tomorrow morning.