

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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STATE OF MAINE
One Hundred and Eleventh Legislature
First Regular Session
JOURNAL OF THE SENATE
Augusta, Maine
June 2, 1983
Senate called to order by the President.

Prayer by Father Basil Flionis of St. George Greek Orthodox Church of Bangor.

FATHER FLIONIS: In the Name of the Father and the Son and the Holy Spirit. Amen. Let us pray to the Lord! O Lord, Who blesses those who bless Thee and sanctifieth those who put their trust in Thee. Save Thy people and bless Thy heritage. Protect the whole Body of Thy church and sanctify those who love the beauty of Thy house. Do Thou glorify them by Thy divine power and forsake not us who set our hope in Thee.

Grant peace to Thy world; to Thy churches; to Thy priesthood; to our rulers; to Thy servants here present of the State of Maine; to the armed forces and to all Thy people, for every measure of blessing and every perfect gift is from above and descends from Thee, the Father of lights; and to Him we ascribe glory and thanksgiving and worship, to the Father and to the Son and to the Holy Spirit, now and ever unto the ages of ages; Christ is risen from the dead, by death trampling upon death and has bestowed life upon those in the tombs. Amen.

Reading of the Journal of yesterday.

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

BILL, "An Act to Amend Certain Motor Vehicle Laws." (H. P. 1272) (L. D. 1686)

(In Senate May 26, 1983, Passed to be Engrossed in concurrence.)

(Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-315) in non-concurrence.)

On motion by Senator Carpenter of Aroostook, Tabled until later in today's session, pending Further Consideration.

Non-concurrent Matter

BILL, "An Act to Authorize Court Appointed Receivers." (H. P. 1165) (L. D. 1546)

(In Senate May 26, 1983, Passed to be Engrossed as Amended by Committee Amendment "A" (H-294) in concurrence.)

(Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-294) and House Amendment "A" (H-311) in non-concurrence.)

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

Senator HICHENS: I would ask that someone give an explanation as to how these Amendments affect the original Bill, L. D. 1546, if possible?

The PRESIDENT: The Senator from York, Senator Hichens 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 Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President and Members of the Senate, to address the question of the good Senator from York, Senator Hichens L. D. 1546 as was originally drafted, "An Act to Authorize Court Appointed Receivers for Health Care Facilities," namely nursing homes.

This Bill was heard by the Joint Standing Committee on Judiciary. It was a Bill that was in the last Session of the Legislature as well; it did not receive favorable consideration in the last Session because of a variety of severe drafting problems. When the hearing was held on this Bill, there were several concerns that the Joint Standing Committee on Judiciary had. The principal concern was when was this processed? The process whereby the Department of Human Services would come to court

and ask for an appointment of a court receiver to manage a nursing home during either the phase out of current management or during an emergency situation within that nursing home. When was that process to be used? At my request, an amendment was drafted whereby language was included in the Bill which, I think, clarified that this is process of last resort. The Department of Human Services would use this process to appoint a receiver for a nursing home in trouble only after all other attempts, either by means of licensing or assistance through the Department were attempted and those attempts, in fact, failed. So, in the first section of the Bill some language was included to provide that this was a last resort matter.

To further clarify that, the Amendments make clear that only the Commissioner of the Department of Human Services may petition to the court for a receiver for a nursing home. This addressed my concern that a policy decision was made by somebody who may not have the broader perspective of the Department of Human Services and the State. My concern was that some, and I don't use the term with derogatory content, but some bureaucrat who may not perceive what State policy is as to a nursing home, and would make a decision to go to court on his own or her own without consulting and without the advice of the Commissioner of the Department of Human Services.

The Amendment specifically provides that only the Commissioner or the Acting Commissioner, if in fact, there is no Commissioner at the time, may petition the court for a court appointed receiver.

Finally, there was removal of a particular section for funds which might be needed for operation of a nursing home during an emergency period. It was the thought of the Department of Human Services that they could use their current funding to address this kind of problem. They would prefer extra money but when our Committee pressed the Department they said, "we feel we can live without this specific funding". So that I feel very comfortable with this Bill and the way it provides a very limited process for addressing nursing homes in difficulty and, also, this Bill provides for the care of the residence of the nursing homes.

This Bill received a great deal of support from the Commission on Aging; it was the concern of that Commission that there are many people in nursing homes throughout this State whose needs must be protected and this is a means to do it.

I don't see that this process of court appointed receivers will be widely used. I think it's a rarity for this type of process to be used, but it's a situation that should be available, a process which should be available to the State when the need arises.

I think the Amendments serve the purpose of clarifying and limiting the use of this process so that the Majority Report of the Joint Standing Committee on Judiciary Reported that this Bill Ought to Pass.

In addition, I had several concerned nursing home operators in my own district who contacted me about this Bill. My understanding is that those operators feel that these Amendments serve their purposes in clarifying when the process should be used, so I urge your support for this measure. Thank you.

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

Senator COLLINS: Just one additional word about this Bill. The Amendment that brought this Bill into non-concurrence is an Amendment written by myself. I was not quite quick enough to get it introduced in the Senate, and therefore, arrange to have it placed on the Bill in the other Body.

That Amendment simply stripped from the Bill an immunity provision which went further

than the State Tort Claims Act immunity of the State. I felt that if the State was going to be given this additional power it ought not to have any greater immunity than is already provided to the State under the State Tort Claims Act. So that is the affect of the most recent Amendment to the Bill.

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

It is a vote.

Non-concurrent Matter

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

(In Senate May 24, 1983, Passed to be Engrossed as Amended by Committee Amendment "A" (H-274) in concurrence.)

(Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-274) as Amended by House Amendment "A" (H-313) thereto in non-concurrence.)

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

It is a vote.

Non-concurrent Matter

BILL, "An Act to Make Voting Places more Accessible to the Elderly and Handicapped" (H. P. 728) (L. D. 937)

(In Senate May 31, 1983 Report "A" Ought Not to Pass Read and Accepted in non-concurrence.)

(Comes from the House, Report "B" Ought to Pass as Amended by Committee Amendment "A" (H-298) Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-298) as Amended by House Amendment "A" (H-320) thereto in non-concurrence.)

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

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

The PRESIDENT: The Senator from Penobscot, Senator Pearson moves that the Senate Adhere.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President, I move that the Senate Recede and Concur and would ask for a Roll Call on my motion and would speak briefly to it.

The PRESIDENT: The Senator has the floor.

Senator CLARK: Thank you, Mr. President. Mr. President, Men and Women of the Senate, we have before us still a further amended version of the original Bill, "An Act to Make Voting Places more Accessible to the Elderly and Handicapped".

I would remind you that we have done much in the area of Election Laws to make our veterans who are not in the continental United States more accessible and make it easier for them to vote and many of these veterans that I am referring to who have fought in earlier wars are handicapped people.

House Amendment "A" to Committee Amendment "A", this action having occurred in the other Body, requires that only the portion of the building where the voting occurs be accessible. It gives municipalities two whole years to comply with the act. It, also, provides that a waiver is available to communities who cannot comply through rules that will be developed and enforced by the Secretary of State. This Amendment, the latest Amendment, goes to the greatest length possible to accommodate municipalities who continue to resist so that they can begin to accommodate disabled and elderly voters. If the law would create a hardship, the municipality can and will be granted a waiver. If there would be no hardship, there is no reason, no reason for the law not to be complied with short of outright bias, prejudice and insensitivity.

Handicapped and elderly people, as I menti-

oned earlier this week, are people. Any affliction within reason can be gotten use to, being treated different cannot. Handicapped do not, as many of us relative to our action here, might suppose, sit around thinking I'm handicapped or elderly all day long. Most of their days are spent as normal people, because they are normal people with afflictions only. The handicapped or the elderly is just a human being, a human soul at-large, facing the world without his or her feet, or eyes, maybe even ears, and if we would not respond positively this morning, we would continue to treat them differently. Anything that treats handicapped people primarily as handicapped, dehumanizes them drastically. It's not that we want to keep them out of sight; of course not. We would rather have them drive up to the polls and vote outside, treating them differently. Or, we would provide them with a facility of using an absentee ballot. Well, I just as soon say, we shouldn't keep them out of sight and far from it. They should be seen much more than they are currently right now, in buildings that they can enter because of swinging doors or doorknobs or in buildings in which they can't climb in because of escalators or stairs, or even get in because of transport or design, so that people who aren't handicapped or crippled can get use to them.

There are those who would say, "it's not important enough to make voting places over to accommodate them" and that's offensive to me. New buildings and voting places are something else. Instead of telling the people we want you to vote and how plucky you are. There's nothing plucky, I might add, about being handicapped, it just happens. If you had a choice, it wouldn't happen. If you don't adjust, this is the way you're going to vote. That's tough luck.

Why don't we just simply let them in; treat them like everyone else and help them up the stairs or remove the stairs. Not all handicapped people are on wheels; that's all handicapped people and all elderly people who find lots of stairs accessible asked. If this isn't, particularly, a right, there really aren't all that many rights. It's at least a reasonable task (let me correct that) it's a reasonable tax, t-a-x, for the healthy to pay for their luck; because, although the handicapped may look different to you, you look exactly the same to them. The only thing that separates those who find voting places accessible, from those who find voting places non-accessible is luck. 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, when this particular Bill came before the Committee on Election Laws, we had a Divided Report that wasn't divided along party lines as I pointed out to you the other day. It's divided some Republicans, some Democrats on both sides of the issue, and there was a fairly close split in the Committee. As a matter of fact for sometime I thought about signing along with the Majority Report, myself.

It is one of those issues where it is very easy for the opposition as Senator Clark from Cumberland has just done to try to paint you into the corner of, and I use the words that she used, being biased, prejudice, insensitive, not understanding that they're human beings and human souls, and personally, I resent that kind of characterization. I don't think there was anybody on that Report that felt that way, nor feels that way, nor in this Senate that feels that way, and I don't like that kind of rhetoric.

Back to the issue. What happened was, from my own standpoint anyway, at first I said to myself, I live in Old Town and in Old Town all of our polling places that I can think of are accessible to the handicapped, that is, handicapped in the ways that you normally think of handicapped, that is, wheelchairs and people on crutches can get in to them, because there

are no stairs that I can recall, except in one instance and there's a ramp there.

So far as I was concerned that was all right with me because we had modified our buildings over the years. Then I began to think that I'm not only representing Old Town here, I'm representing a lot of other towns a lot of other towns that some of you people have never even heard of; Glenwood Plantation, Macwahoc, Wytopotlock, Springfield, Lowell, Burlington, Passadumkeag, Maxfield, Glenburh, Charleston, Bradford, all kinds of towns, thirty-eight of them. In a number of those towns people vote in homes, and some of the other towns they vote in grange halls; and in some of the other towns they vote in fire stations or whatever. There is no consistent pattern, and we have a tendency to think in terms of being in a city where the buildings are fairly modern and been modified very recently.

We're talking about something that occurs in those towns every two years, an act of going to vote. A long time ago, people before this Legislature sat and having probably better wisdom than we did created an absentee ballot for people who can't vote. Now obviously, anybody would like to vote in person if they possibly could and obviously I would like to have them do that, also. Anybody whose ever chased around after absentee ballots, like we all have in here, knows that it is not a very easy task for you or for them. But, for those people who can't make it to the polls that's what it was created for people who are in body casts; people who are in hospitals, one thing and another.

Now the Senator from Cumberland suggested to you that there would be a two year time to comply to this. That's if they're granted a waiver. Let me tell you people that some of these little towns don't even know what a waiver is, and the waiver has to come from the Secretary of State, and they have to document it that it is architecturally impossible for them to get in and that sort of thing.

I would suggest to you that if you were to vote to Recede and Concur, which would be with Senator Clark's position, that you take into account little towns, that this State is not made of just cities. I'd also, suggest to you that if you do do that, that you do it with some good will and not feel that those of us who signed the Report for what we considered legitimate reasons were not bias, prejudice, or insensitive.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Violette.

Senator VIOLETTE: Mr. President, Ladies and Gentlemen of the Senate, as one of those Senators representing the so-called small towns and towns that don't know what waivers are, and little towns where they've always voted in the fire stations or in homes. I'm one of those kinds of Senators and I think this is a good Bill and I don't think we should vote against this Bill because of those kinds of arguments. These people deserve the right to vote. I don't think we initiated an absentee ballot process so that these people couldn't take part of the normal course of daily life and activities to which they have a right. I don't think those arguments are proper. I don't think that they're the kinds of arguments that should defeat this Legislation, particularly with the new House Amendment which has been attached, H-320. I think it provides a mechanism by which waivers can be granted. If there is, in fact, cause why one should not comply with this section of the law. Thank you.

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

Senator BROWN: Thank you, Mr. President, I'd just like to ask another question, if I could, to someone that might be able to answer.

How many of the towns that we're talking about in those small rural areas, or voting places in the larger towns are not already accessible? It seems there has been a great deal of progress since the 1973 Federal Legislation, and I just wonder how many are not already

accessible, voting places are not already accessible for the handicapped?

The PRESIDENT: The Senator from Washington, Senator Brown has posed a question through the Chair to any Member of the Senate who may respond if they so desire.

The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Mr. President, Men and Women of the Senate, in response to the question, I don't know the answer to that question; I don't think there is anybody who really does.

One of the things that became apparent to us on Election Laws this year was that one of the most difficult things to do was to find out those sort of things of town clerks. We had a number of pieces of Legislation that dealt with informing the public of issues on referendums and that sort of thing, putting posters on the wall. We found out that there were laws that already required most everybody had never seen any of the posters. The town clerks don't comply. It's become a very difficult thing to even find out who the town clerks are, sometimes. It takes months some of them don't report. I remember that I was involved in a recount one time about ten years ago, and they sent the State Police out to bring the ballots in for the recount, and I had two towns at the time that didn't have electricity, and this was one of them and they went to get the ballots, they brought them in, brought them down and opened them up and they were ballots that had been cast ten years before that. The lady had pulled out the wrong box from underneath her bed and they had to go back to get the other box that she had. It's not one of those things that's very easy to do.

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

Senator CLARK: Mr. President, I appreciate the response of the good Senator from Penobscot, Senator Pearson relative to his position and the position of the majority of the Committee on Election Laws. However, I would submit to that Gentleman and the rest of the Members of this Body that body casts and hospitals and wherever people who qualify for absentee ballots and their conditions inherent therein are those people who are appropriately voted absentee, as we say in the political trade.

Homes and grange halls and fire stations and schools should be accessible to the handicapped citizens of this State. If the town clerk or the citizens of municipalities vote in a home, certainly it would seem appropriate that those homes and those grange halls and those fire stations and those schools are accessible to a portion of our populace who are now currently prohibited, evidently, from accessibility to the services provided on those sites.

I appreciate the good will and the understanding with which the majority of the Committee on Election Laws reported out this measure. I realize it is in the good will as I quote the Gentleman from Penobscot, Senator Pearson, in which they with all sincerity made a determination on this piece of Legislation, but I would submit that I seek and I solicit, sincerely your good will this morning to recognize once and for all that handicapped people are not absent, they are present, and they have as much right to accessible voting places as the rest of the citizens of this State.

If this Bill would pose a hardship on those so-called little towns and I have one little town and hardships could even be provided for big towns and medium size towns and even urban areas in this State where all buildings are not accessible, nor are all polling places. They need not comply should they be granted a waiver. I find it very difficult to understand why any municipal official in our State of Maine would not understand what a waiver is.

I simply would repeat that which I think is the most poignant point, that handicapped

and elderly people are not absent.

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 Cumberland, Senator Clark that the Senate Recede and Concur with the House.

A Yes vote will be in favor of Receding and Concurring with the House

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, Clark, Danton, Dutremble, Erwin, Gill, Hayes, Kany, Minkowsky, Najarian, Teague, Trafton, Violette, Wood, The President Gerard P. Conley.

NAY—Collins, Diamond, Dow, Emerson, Hichens, McBreairty, Pearson, Perkins, Pray, Redmond, Sewall, Shute, Twitchell, Usher.

ABSENT—None.

A Roll Call was had.

19 Senators having voted in the affirmative and 14 Senators in the negative, with No Senators being absent, the motion to Recede and Concur with the House, Prevailed.

Non-Concurrent Matter

BILL, "An Act to Create a Maine Sentencing Guidelines Commission" (H. P. 1270) (L. D. 1684)

(In Senate May 25, 1983 Passed to be Engrossed in concurrence.)

(Comes from the House Passed to be Engrossed as Amended by House Amendment "A" (H-316) in non-concurrence.)

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

It is a vote.

On motion by Senator Carpenter of Aroostook, the Senate voted to remove from the Table:

BILL, "An Act to Amend Certain Motor Vehicle Laws" (H. P. 1272) (L. D. 1686), Tabled earlier in today's session on motion by Senator Carpenter of Aroostook, pending Further Consideration.

On motion by Senator Carpenter of Aroostook, the Senate voted to Recede and Concur with the House.

Committee Reports House

Ought to Pass as Amended

The Committee on Energy and Natural Resources on BILL, "An Act to Clarify the Decision-Making Process Within the Department of Environmental Protection (H. P. 1009) (L. D. 1334) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-314)

Comes from the House with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-314)

Which Report was Read and Accepted, in concurrence. The Bill Read Once. Committee Amendment "A" (H-314) was Read and Adopted, in concurrence.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1334 be given its Second Reading by Title Only?

It is a vote.

Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed, as

amended, in concurrence.

Divided Report

The Majority of the Committee on Labor on BILL, "An Act to Increase the Minimum Wage" (H. P. 884) (L. D. 1138)

Reported that the same Ought Not to Pass.

Signed:

Senators:

DUTREMBLE of York
SEWALL of Lincoln

Representative:

WILLEY of Hampden
BONNEY of Falmouth
SWAZEY of Bucksport
NORTON of Biddeford
TUTTLE of Sanford
LEWIS of Auburn
GAUVREAU of Lewiston
ZIRNKILTON of Mount Desert
TAMMARO of Baileyville

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-262).

Signed:

Senator:

HAYES of Penobscot

Representative:

BEAULIEU of Portland

Comes from the House with the Minority Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment A (H-262)

Which Reports were Read.

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

Senator PRAY: I move this item lie on the Table 2 Legislative Days.

The PRESIDENT: The Senator from Penobscot, Senator Pray moves that L. D. 1138 be Tabled 2 Legislative Days, pending the Acceptance of the Committee Report.

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

Senator DUTREMBLE: I request a Roll Call.

The PRESIDENT: The Senator from York, Senator Dutremble requests 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 Penobscot, Senator Pray that L. D. 1138 be Tabled 2 Legislative Days, pending the Acceptance of any Committee Report.

A Yes vote will be in favor of Tabling this Bill for 2 Legislative Days.

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, McBreairty, Najarian, Pray, Violette, Wood, The President Gerard P. Conley.

NAY—Clark, Collins, Danton, Diamond, Dow, Dutremble, Emerson, Erwin, Gill, Hayes, Hichens, Minkowsky, Pearson, Perkins, Redmond, Sewall, Shute, Teague, Trafton, Twitchell, Usher.

ABSENT—Kany.

A Roll Call was had.

11 Senators having voted in the affirmative and 21 Senators in the negative, with 1 Senator being absent, the motion to Table L. D. 1138 for 2 Legislative Days, Failed.

On motion by Senator Pray of Penobscot, Receded until the sound of the bell.

Recess

After Recess

The Senate called to Order by the President. The PRESIDENT: The Chair would advise the Senate that we are on L. D. 1138, BILL, "An Act to Increase the Minimum Wage".

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, in reference to L. D. 1138, I move this item be Tabled until June 6th at 10 a.m. to a Time Certain.

The PRESIDENT: The Senator from Penobscot, Senator Pray moves L. D. 1138, Bill, "An Act to Increase the Minimum Wage" be Tabled until the 6th of June at 10 a.m.

The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Mr. President, I move that this item be Tabled to a Time Certain June 2nd at 1 p.m.

The PRESIDENT: The Senator from York, Senator Dutremble has moved that this Bill be Tabled until a Time Certain on June the 2nd.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: 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 York, Senator Dutremble that L. D. 1138 be Tabled to a Time Certain June 2nd at 1 p.m.

A Yes vote will be in favor of Tabling L. D. 1138 to a Time Certain.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Collins, Diamond, Dutremble, Emerson, Gill, Hichens, Kany, Minkowsky, Pearson, Perkins, Sewall, Shute, Teague.

NAY—Baldacci, Brown, Bustin, Carpenter, Charette, Clark, Danton, Dow, Erwin, Hayes, McBreairty, Najarian, Pray, Redmond, Twitchell, Usher, Violette, Wood, The President Gerard P. Conley.

ABSENT—Trafton

A Roll Call was had.

13 Senators having voted in the affirmative and 19 Senators in the negative, with 1 Senator being absent, the motion to Table to June 2nd Time Certain, Failed.

The PRESIDENT: Is it now the pleasure of the Senate that this Bill be Tabled to Monday next at 10 a.m.?

The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: 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 Penobscot, Senator Pray that L. D. 1138 be Tabled to a Time Certain, June 6th at 10 a.m.

A Yes vote will be in favor of Tabling L. D. 1138 to a Time Certain.

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, Clark, Danton, Dow, Erwin, Hayes, McBreairty, Najarian, Pray, Twitchell, Usher, Violette, Wood, The President Gerard P. Conley.

NAY—Collins, Diamond, Dutremble, Emerson, Gill, Hichens, Kany, Minkowsky, Pearson, Perkins, Redmond, Sewall, Shute, Teague.

ABSENT—Trafton.

A Roll Call was had.

18 Senators having voted in the affirmative and 14 Senators in the negative, with 1 Senator being absent, the motion to Table L. D. 1138 until Monday, June 6th at 10 a.m., pending acceptance of either Committee Report, Pre-vailed.

Senator Dutremble of York was granted unanimous consent to address the Senate, On the Record.

Senator DUTREMBLE: Mr. President, I'd just like to pose a question to the Leadership, Democratic Leadership, whether or not they can ask for another Recess so that we can, also, have some time to arm twist?

Senate

Leave to Withdraw

The following Leave to Withdraw report shall be placed in the legislative files without further action pursuant to Rule 15 of the Joint Rules:

BILL, "An Act to Establish Reimbursement Principles Governing Nonprofit Hospital and Medical Service Organization Agreements with Rural Health Centers" (S. P. 581) (L. D. 1689)

Divided Report

The Majority of the Committee on Energy and Natural Resources on BILL, "An Act to Promote the Wise Use and Management of Maine's Outstanding River Resources" (S. P. 427) (L. D. 1296)

Reported that the same Ought to Pass in New Draft under same title (S. P. 598) (L. D. 1721)

Signed:

Senators:

KANY of Kennebec

PEARSON of Penobscot

Representatives:

HALL of Sangerville

MITCHELL of Freeport

RIDLEY of Shapleigh

McGOWAN of Pittsfield

JACQUES of Waterville

MICHAUD of E. Millinocket

DEXTER of Kingfield

MICHAEL of Auburn

BROWN of Livermore Falls

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 Relating to the Management of Maine's Outstanding Rivers" (H. P. 599) (L. D. 1722)

Signed:

Senator:

McBREAIRTY of Aroostook

Representative:

KIESMAN of Fryeburg

Which Reports were Read.

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

Senator KANY: Mr. President and Members of the Senate, I move Acceptance of the Majority Report.

The PRESIDENT: The Senator from Kennebec, Senator Kany moves that the Senate Accept the Majority Ought to Pass, in New

Draft, Report of the Committee.

On motion by Senator Pray of Penobscot, Tabled until later in today's session, pending the motion by the Senator from Kennebec, Senator Kany.

Second Readers House

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

BILL, "An Act Concerning the Calculation of Periods of Imprisonment" (H. P. 1295) (L. D. 1716)

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

(Off Record Remarks)

BILL, "An Act to Amend the Law Relating to Tax Increment Financing" (H. P. 1039) (L. D. 1364)

Which was Read a Second Time.

On motion by Senator Pray of Penobscot, Tabled 1 Legislative Day, pending Passage to be Engrossed.

(Off Record Remarks)

BILL, "An Act to Permit any Municipality with a License Ordinance to Deny a License to any Person who is Delinquent in Paying Personal Property Taxes" (Emergency) (H. P. 1290) (L. D. 1711)

Which was Read a Second Time.

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

House — as Amended

BILL, "An Act to Reform the School Finance Act" (H. P. 1197) (L. D. 1588)

BILL, "An Act to Address the State's Responsibility Under the Potato Industry's Long-Range Plan" (H. P. 1170) (L. D. 1558)

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

Senate as Amended

BILL, "An Act to Make Additional Allocations from the Public Utilities Commission Regulatory Fund, for the Fiscal Years Ending June 30, 1984, and June 30, 1985 (Emergency)" (S. P. 433) (L. D. 1345)

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

Sent down for concurrence.

Enactors

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

An Act to Amend the Hazardous Waste Statutes Administered by the Department of Environmental Protection (H. P. 477) (L. D. 574)

An Act Relating to Voting by Citizens Overseas (H. P. 901) (L. D. 1180)

An Act to Amend the Maine Business Corporation Act to Permit Preferred Stock Redeemable with Property or Securities (H. P. 1233) (L. D. 1640)

An Act Relating to the Date to Apportion County Taxes (H. P. 1252) (L. D. 1665)

An Act to Establish Standards of Accessibility for Handicapped Persons in Public Housing and Places of Public Accommodation (H. P. 1261) (L. D. 1671)

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 Establish a Special Acquisitions Fund at the State Library (S. P. 573) (L. D. 1651)

On motion by Senator Najarian of Cumberland, placed on the Special Appropriations Table, pending Enactment.

An Act to Provide Advocacy Services to Res-

idents of Children's Homes (H. P. 970) (L. D. 1265)

On motion by Senator Najarian of Cumberland, placed on the Special Appropriations Table, pending Enactment.

An Act Concerning Compensation for Witnesses (H. P. 1021) (L. D. 1344)

On motion by Senator Najarian of Cumberland, placed on the Special Appropriations Table, pending Enactment.

An Act Relating to the Position of Counsel for the Maine Human Rights Commission (H. P. 1287) (L. D. 1705)

On motion by Senator Najarian of Cumberland, placed on the Special Appropriations Table, pending Enactment.

An Act Relating to Certifying Indian Representatives (H. P. 223) (L. D. 271)

On motion by Senator Pray of Penobscot Tabled pending Enactment.

An Act to Establish Funding for Programs of Preventive Intervention and Family Support (H. P. 1268) (L. D. 1682)

On motion by Senator Pray of Penobscot, Tabled pending Enactment.

RESOLVE, Authorizing and Directing the Maine State Commission on the Arts and the Humanities to Prepare and Make Available to Artists a Form Contract for the Protection of Works of Art (H. P. 1277) (L. D. 1693)

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

Emergency

An Act to Make Technical Adjustments to the Motor Fuel Tax Laws (H. P. 1177) (L. D. 1571)

Emergency

An Act to Provide Authority to the Department of Labor to Receive Federal Funds in Order to Expand the Workplace Safety Compliance Consultation Program (H. P. 1225) (L. D. 1630)

Emergency

An Act to Clarify the Types of Property Which Pass by Deed (H. P. 1273) (L. D. 1687)

These being emergency measures and having received the affirmative votes of 32 members of the Senate, with No Senators having voted in the negative, were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Orders of the Day

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

Senate Reports—from the Committee on Judiciary on BILL, "An Act to Prevent Unjust Enrichment by Retention of Surplus Upon Foreclosure of Municipalities and Sewer Districts" (S. P. 485) (L. D. 1479)

Majority Report — Ought Not to Pass

Minority Report — Ought to Pass in New Draft under same title (S. P. 597) (L. D. 1719)

Tabled — June 1, 1983 by Senator PRAY of Penobscot

Pending — Motion of Senator TRAFTON to Accept the Minority Ought to Pass in New Draft Report.

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

Senator COLLINS: Mr. President, in speaking on this matter I will make it clear that I'm speaking as the Senator from Knox and as a Member of the Judiciary Committee. I'm speaking in support of the Majority Report which means that I'm urging you to defeat the pending motion which would Adopt the Minor-

ity Report.

The title of this Bill sounds good and I would have no argument with the Bill if the title carried out only the purpose that it indicates; but, the real thrust of the Bill is much different and much more far reaching than you might imagine from a very quick look.

I have a feeling that the sponsors of this Bill, the Senator from Cumberland, Senator Najarian and the Senator from Cumberland, Senator Conley have not really calculated the true affect of the Bill. What the Bill would do is to compel our towns and cities to sell tax acquired property within eighteen months after acquiring title to it. Then to remit the excess amount recovered, in addition to taxes and costs and interests and so on, back to the owner who lost the building for failure to pay the taxes.

The affect of this is a very dangerous affect for at least three reasons: The first reason is that it will tend to take away remedies from our municipalities and in collecting their taxes they will be driven to seek from their councils and their town meetings higher interest rates on unpaid taxes. Right now, the rates are running from 10% to I think about 18%, as I understand in general, in our different towns and cities.

This Bill is in affect a way of overturning a decision handed down by the Maine Supreme Court in 1974, an opinion by Chief Justice Dufresne which upheld the right of the city of Auburn to do what towns and cities have been doing for a long time with tax acquired property.

The humanitarian aspect of this Bill that, I think, must be considered is this. A great many of the properties that are acquired by municipalities belong to poor people, frequently elderly people trying to get by on Social Security; sometimes the younger people with six or ten children. Usually the properties are not the most expensive properties in town; they're more likely to be in range of fifteen thousand to thirty thousand dollars in market value. These folks aren't able to pay their taxes and so a lien is placed and after eighteen months of foreclosure period the town owns the property. What must the town do then? Under the present law, it may continue to own the property and in the case of people who are having a very marginal time, frequently the elderly, frequently families with or half families with several children and the town permits the family to continue to live in the property. In the case of the older people this frequently goes on until the old folks die and then the town sells the property. In the case of the younger families, frequently they're already being assisted by various programs from the Federal or State levels and then in some cases by general assistance from their town or city. So that retaining the ownership in the town frequently is a way of providing some additional general assistance to those families. If this Bill should pass those families are going to be forced out.

The town is going to be in the position of having to sell within eighteen months or make a bonafide effort to sell. If it does not actually sell, then the Bill says, "in the absence of proof of bonafide effort that the matter will be treated as though the town had condemned the property by eminent domain" and the town will then be obliged to pay to the person who couldn't pay their taxes the fair market value minus, of course, the taxes, interests and costs, and so on. This, of course, puts a fiscal burden on the town's shoulder. If a town has accumulated a number of these properties and is forced to go through this process, all of a sudden the town owes quite a number of people quite a number of dollars and it's in the real estate business; it owns a great many properties that it doesn't want and it can't collect any taxes out of them since it's town-owned property. So, the whole effort here, it seems to me, is counterproductive.

The other thing that distresses me about the Bill, I think the sponsors were motivated originally perhaps with a desire to help residential situations, but this is an across-the-board situation. It invites, for example, a small business owner, or a factory owner, warehouse owner who borrows heavily it may place them in the position of getting a 10% loan, if that's the rate on the delinquent taxes where it might cost them 15% at the bank. What do they have to worry about? Well, the matter can go to sale and they can be a bidder at the sale and of course they're just paying themselves what they already own, and they've had a very cheap 10% loan as opposed to borrowing from the bank. So, this permits the wise guys who understand interest rate and market situations to take advantage of the town and not pay their taxes; get a cheap loan and still own their property by rising up at the right time to participate in the sale.

The whole package, I think, is highly counterproductive. I really can't believe that our good Senators who sponsored the Bill would really want this to happen, and I hope that you will vote against the pending motion.

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

Senator NAJARIAN: Mr. President, Men and Women of the Senate, I introduced this Bill because of the situation that came to my attention in Portland through the city newspapers. It's a practice that has been allowed to be permitted since time immemorial. I don't know how long and it is manifestly unjust.

The municipalities now can, because of unpaid back taxes or sewer fees or whatever fees that they have justly coming to them, may foreclose on the property and keep the entire proceeds. They do not have to return the excess profits back to the record owner. This happens. I don't know how frequently it happens, but if it happens even once, I think it's wrong and it ought to be corrected.

The Supreme Court case that my good friend, Senator Collins quoted; the Supreme Court said in that case, it referred to this practice as being oppressive, as being unjust. They said, and I quote, "Amelioration of the oppressiveness of this statute must be made, if at all, by the Legislature not the courts," and it referred to it as a windfall for the municipalities. The more I learned about this, the more supportive I am of this Bill and the more reasons I think it should be done.

The tax assessor, one of the tax people in the department who, you know they regulate taxes in the unorganized territories tells me that what happens is when a person cannot, through inability means or neglect, sometimes there are perfectly legitimate reasons why persons overlook the notices or whatever, in the nursing home, real estate brokers watch these. They watch it in the Registry of Deeds because it has to be recorded; it has to be published in the newspaper. When the time comes for the sale or the foreclosure, they go to this property owner and they say, "look we notice you're going to lose your property and I will be willing to pay your taxes and give you a couple of thousand or whatever in addition to that". To this owner who can't pay his property taxes, it looks like a good deal because if the municipality forecloses, he gets back nothing, and he referred to this as vultures, circling I've forgotten his exact words; "like vultures circling a dead carcass."

I'm sure there's some lawyers who participate in this program too, because who else goes to the Register of Deeds and do title searches and are aware that property is going to be foreclosed. Only real estate brokers and lawyers are usually involved in this process. It's perfectly legal they're not doing anything wrong in what the municipalities are doing now is legal. That's the reason why I put it in this Bill.

We had it in the papers there was a woman

who was in absolutely hard times. Her home was worth about ten thousand dollars, she had lost her job at Southworth Industries where she did janitorial work; I assume she's paid the minimum wage, and she said she could not even when she was employed, it was all that she could do to pay her utilities, telephone bill, heat and food and she was getting divorced from her husband; there was no property settlement; he wouldn't cooperate; she couldn't get a loan; she was on AFDC; her two older children were, also, minimum wagers who couldn't help her out and she was just in desperate straits. Well, the people of Portland responded to the newspaper article in sending contributions and enabled her to keep her home.

Now the situation that Senator Collins raises about these elderly women in their homes with the towns through for humanitarian reasons lost to the State their homes is laudable and no one wants to, and it is not my intent to force them out of their homes. I must say I think it is interesting that at no time during the hearing during the work session did Senator Collins raise this issue as one of his objections which can be easily, easily amended to correct that situation in the Second Reader and which I plan to do. That is not all as great he makes it out to be, because there's another remedy for these people that's property tax abatement that they can go to their municipal town fathers and plead poverty. Also, it's an objective; it's a subjective decision made by selectmen or your town governments and they're often more sympathetic to an elderly person than they would be to a young couple or to a mother on AFDC. So, there is at least room here for discrimination against different types of people.

Secondly, that's fine. They allow them to stay in their homes until they pass away and then the town fathers gain, not just their taxes, just not what's due them, but the entire amount of the property; the heirs achieve nothing; they get nothing out of it; the town can keep thirty thousand dollar property; fifty thousand, whatever that house or estate is worth. That again is unjust and that's what this Bill is designed to correct.

Now, the reason why we said that they were making a bonafide effort in eighteen months to sell the property is because now there are municipalities who just take the property; do not sell it; use it for a parking lot if it happens to be downtown; make any use of it they wish, and the owner again, gets nothing. That's why, if they can take the property that way then they have to pay the municipality damages beyond what is the municipality's rightful duty. Nobody is trying to take that away from the municipalities. All their costs, demolition, advertising, all that's taken into account; they should get that and if they can't sell the property for what it's worth, well, again that's tough. At least what excess there is should go back to the property owner.

I have some questions whether this is even Constitutional because we have provision in the Constitution that says, "that the Government should not take property without just compensation." I don't know that this has ever been brought before the Supreme Court but this, in my opinion, is a taking of property without just compensation. Again, it's just manifestly unfair, unjust enrichment to the municipalities.

I'm asking Mr. Selser, who serves the Judiciary Committee, to prepare me an amendment that would allow a person to stay in their homes a life's tenancy if the town fathers wish to grant that; but again, when that person dies, the town fathers the town would take only what's their due and the rest would go back to the estate so that it could be distributed among the heirs.

I hope that you'll all support this on the First Reading. Thank you very much.

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

Senator TRAFTON: Thank you, Mr. President. Mr. President and Members of the Senate, two points.

If I were to own a fifty thousand dollar home but if I were delinquent in paying my taxes I might owe perhaps five hundred dollars and the town would place tax liens upon my home and they ultimately were to take that home worth fifty thousand dollars for the non-payment of five hundred dollars of taxes, then I would lose everything. The town would have the windfall of the forty-nine thousand five hundred dollars. This is unjust. The court, the Maine Supreme Judicial Court in a case where my own city was a party, in fact, as quoted by the good Senator from Cumberland, Senator Najarian, said that this is an unjust windfall. I think we have a moral, a moral need and a moral cause to make this change to provide for some equity within this statute. I believe that as Senator Najarian indicated the problem of evicting the poor owner from his or her only home can be addressed by amendment. I know that the staff assistant of the Judiciary Committee is currently working on that amendment now, so I urge you to support the Minority Ought to Pass Report of the Committee for that reason and for one other reason.

The Maine Municipal Association has in writing committed to the Judiciary Committee that they will over the next six months study this issue. They will study this issue and report back to the Joint Standing Committee on Judiciary their findings. I find, and I feel, that we can pass this Bill, and any substantive amendments that come from their study can be made in the next regular session, I think this area will receive an objective and fair study through Maine Municipal and through the Legislature.

I urge you to support the Minority Ought to Pass Report and the motion that's currently pending. Thank you.

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

Senator BUSTIN: Mr. President, I wasn't aware of this Bill until I was alerted to it this morning, and I had a chance to read it. I just want to make a few points to let you know that I'm very supportive of this measure.

We have just been dealing with tax liens in the General Assistance Laws and we're allowing for the first time to put those tax liens on without having to go through the courts and go through a court procedure to do that, with some watering down restrictions so that they can't take that property away while those people live and until it's transferred.

I am very concerned that this Bill passed because I don't want to see the heirs or those people be hurt any more than they have to be hurt. The reason why we put it in the General Assistance Laws is so that the town can recoup the money that they've paid out on general assistance, but no more than that. I thought that it was important that we do that on the basis of other taxpayers or property owners owning property and not getting general assistance and having to pay the full load. So people who have equity ought to pay what they owe and that is consistent with this Bill.

I would also like to point out to you that 14 M.R.S.A., 6204A and 14 M.R.S.A. 6324 requires the holder of a mortgage on real estate upon foreclosure sale to render the surplus after deducting costs to the mortgagor or the consumer. When a bank forecloses they can only take those costs that they're due and they must turn over the surplus to the consumer. It seems to me that if it's fair for banks it ought to be fair for towns.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion

by the Senator from Androscoggin, Senator Trafton to Accept the Minority Ought to Pass, in New Draft, 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.

22 Senators having voted in the affirmative, and 9 Senators having voted in the negative, the motion to Accept the Minority Ought to Pass, in New Draft, Report of the Committee, Prevailed.

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

The President requested the Sergeant-at-Arms to escort the Senator from Aroostook, Senator Carpenter to the rostrum to assume the duties of President Pro-Tem.

The Sergeant-at-Arms escorted the Senator from Aroostook, Senator Carpenter to the rostrum, where he served as President Pro-Tem.

The President then retired from the Senate Chamber.

The President Pro-Tem laid before the Senate the second Tabled and specially assigned matter.

Senate Reports — from the Committee on Business Legislation on BILL, "An Act to Provide Equitable Mental Health Insurance" (S. P. 349) (L. D. 1023)

Majority Report — Ought Not to Pass

Minority Report — Ought to Pass in New Draft under same title (S. P. 596) (L. D. 1718)

Tabled — June 1, 1983 by Senator PRAY of Penobscot

Pending — Further Consideration

(In Senate June 1, 1983, motion to accept the Majority Report failed. Subsequently, motion to accept the Minority Report failed.)

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

Senator NAJARIAN: Mr. President, I move we Reconsider our action whereby we failed to Accept the Minority Ought to Pass Report on L. D. 1718.

The PRESIDENT Pro-Tem: The Senator from Cumberland, Senator Najarian moves that the Senate Reconsider its action whereby it failed to Accept the Minority Ought to Pass, in New Draft, Report of the Committee.

The Chair recognizes the Senator from Androscoggin, Senator Charette.

Senator CHARETTE: I move that this Bill and all its Accompanying Papers be Indefinitely Postponed.

The PRESIDENT Pro-Tem: The Senator from Androscoggin, Senator Charette moves that this Bill and all its Accompanying Papers be Indefinitely Postponed.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: I request a Division.

The PRESIDENT Pro-Tem: A Division has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Charette.

Senator CHARETTE: I request a Roll Call.

The PRESIDENT Pro-Tem: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires 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 Androscoggin, Senator Charette that this Bill and all of its Accompanying Papers be Indefinitely Postponed.

The Chair recognizes the Senator from Washington, Senator Brown.

Senator BROWN: Thank you, Mr. President.

Ladies and Gentlemen, I was unsure of this Bill for awhile as exactly to what direction we should take or what direction I should take.

On the one hand, I was very concerned about the fact that we might be driving insurance cost up beyond what could be afforded. On the other hand, I was very concerned about the fact that we might be socking it to the small business community in terms of having to pick up these increased insurance premiums.

I think after looking at this issue a little bit longer, we've got a very basic right and wrong issue here before us. The right and wrong issue is one of discrimination. What we're saying in this particular issue is not so much as whether or not an employer is going to choose over adding this particular amendment, or coverage into the basic health insurance, whether we choose dental or some other, but what we've got is whether or not we recognizes that mental illness is, in fact, a legitimate illness and should be included in that kind of coverage.

We talked yesterday about the history of insurance, of health insurance in this country. We could also spend some time talking about the history of what we have done in the area of mental health and mental retardation. At one time we kept the mentally ill in pits. One time we kept the mentally retarded there, but we've come a long ways from that time and society can no longer tolerate that. In an enlightened society this is a basic discrimination issue and it's just as ugly when we're talking about whether we're going to have that as a basic issue in health coverage as it is whether we talk about discrimination in any other ugly form.

The question, then, Ladies and Gentlemen, we have before us on this particular issue is whether or not we're going to segregate the mentally ill from all the other illnesses that exists or whether we're going to allow those to be covered in a basic health insurance policy. I submit to you that that would be wrong. I would urge that you would allow for this Bill to pass. Thank you, Mr. President.

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

Senator GILL: Mr. President and Members of the Senate, looking at this Bill we have to look at the evolution of the health insurance in this country. I spoke about it a little bit yesterday, but I think we have to drill away at it a little bit to understand it further.

In explaining why mental health benefits were not considered insurable and why coverage for mental health services is less generous than for general medical services. The health insurance industry, indeed, began to emerge as an important part of health care financing in the thirties and in the forties. During this time health insurance was hospital oriented. The major objectives of these plans were to reduce bad debts of hospitals and to improve the cash flow. Coverage was almost exclusively for inpatients, and inpatient hospital and surgical care. Expenses that were likely to be of major financial consequences. Outpatient care was not covered either for mental illness or for any other medical condition and at that time psychiatry was a hospital-based speciality. However, it was provided mainly in public hospitals and insurance originated with private general hospitals which did not provide for psychiatric services, it's not surprising that mental health benefits were excluded.

Before the 1950's mental illness frequently meant a long-term hospitalization and was a type of burden which insurance companies wanted to avoid. Most long-term care for mental illness was provided in State and county hospitals; private insurance companies did not perceive subsidizing the State and the county hospitals to be one of their responsibilities. Connecticut was one of the first states to pass a law mandating minimal inpatient and outpatient mental health benefits. Since then ten other states have followed suit and several

more are now considering it.

Mental health problems are very serious problems and dealing with them is costly but they don't go away if they're ignored. Any institutional setting, whether it be a public hospital or a private facility, the mental health system was then providing for everything, mental health care, shelter, clothing, recreation, people to talk to, a place to live and be during the day, and the same services were being provided to those who have problems with depression, schizophrenia, senile dementia and whatever.

It's much clearer now that we have learned something about mental illness. That different people need different kinds of things at different kinds of times. Many victims of mental illness and their families, and public tax dollars, now have major responsibilities for cost of mental health care, while treatment of almost any other illness is largely paid through insurance.

This mechanism supports much less a share in cases of mental illness. This is unfair. It also shows that costs associated with this Legislation are not new, but represent a transfer of responsibility now being met by a relative few. Insurance risks, insurance assures that risks are shared more equally and that's the important thing to remember. From the very beginning insurance was developed so that those risks would be shared more equally, and these benefits will reduce needs for more costly in-patient care.

I would ask you to vote against the pending motion.

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

Senator CHARETTE: Thank you, Mr. President. Women and Men of the Senate, I thought yesterday as we discussed this issue that all points had been thoroughly covered; however, I didn't intend to speak this morning, but I did pick up a couple of words in some of the debates that have gone on with this Bill.

I keep hearing the word discrimination. Well, the Bill itself in its original form did call and included everyone in this State to be mandated on mental health insurance. Then in Committee we felt the poor individual family who doesn't come under an employer's group plan; then we didn't want to hurt them; we didn't want to mandate this insurance on them. We stripped it off in New Draft and came out now just for the employer. Well, if this is not discrimination tell me what isn't, what is, or what isn't. Many employers, also, with their group insurance employees share a part of that cost. Those employees are consumers as we all are consumers and those consumers will have an increase in their rates and therefore, less take-home pay. As I said, this is only the one. First Bill of many others yet to come.

I don't recall that we had to vote here to add heart disease, cancer disease, kidney, although they are all part of the base. I've seen the benefits increase by themselves and employers at their own will, and at their own capabilities increase the benefits to their employees. So we must be careful here that we don't create discrimination by allowing this Bill to go through. I hear other comments; I'm not sure; how far do we want to go with medical coverage; it's become so expensive, and how can one be for cost containment and for more expensive mandates?

I urge you to vote for Indefinite Postponement of this Bill.

The PRESIDENT Pro-Tem: The Chair would interrupt the debate to inform the Senate that according to the rules that when a motion is before the Chamber, another motion may not be allowed, therefore, the pending motion is the motion to Reconsider whereby Acceptance of the Minority Ought Not to Pass Report, Failed.

The pending motion is the motion by the Se-

nor from Cumberland, Senator Najarian to Reconsider our action whereby we failed to Accept the Ought to Pass Report.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President, Men and Women of the Senate, I would urge that you would support the pending motion as offered by the good Senator from Cumberland, Senator Najarian. The good Senator from Androscoggin, Senator Charette has given you a brief glimpse of why L. D. 1023 in its original form is before us currently in a New Draft under L. D. 1718 and includes coverage for only groups and not individuals. I would simply say that we are following in exactly the same steps wearing the same moccasins, if you will, speaking figuratively that process by which this Legislature made a determination on public policy of this State that these same coverages would be provided optionally, first to groups and then to individuals, so it is not inappropriate that we be following that same pathway as we address this issue which does mandate that mental health coverage be included under health insurance provided by the insurers of this State.

L. D. 1718, in New Draft, reflects the public policy of this State relating to mental health. For mental health is a disease and is not separate and distinct from that which the good Senator from Androscoggin, refers to as medical coverage.

Senator Gill of Cumberland County gave you a brief history which reflected the agreement between the insuring companies and the hospitals in an earlier time when that kind of insurance, medical insurance, was provided for the citizens of our State. At that time, there was no disagreement that coverage would be provided for all that affects a body physically. Well, those days are gone. Mental health and mental diseases are also considered under a concept called holistic or total health care as a disease. I think it is appropriate that six members of the Committee on Business Legislation would have before us, in New Draft, a proposal which would include mental illness appropriately as part of total health care.

Much has been said by opponents of this measure relative to the costs and the issue of mandation. Well I would submit to you, Members of this Body, particularly those who have been around for a decade or more that there are those coverages currently provided in a normal fashion and conceptually embraced by all of us, which this Legislature mandated to be covered because prior, and it's even within the last decade or nine years to be precise, those coverages were not provided for citizens, whether they had individual policies or they were covered under group policies.

L. D. 1718, the New Draft, provides mental health insurance coverage but only for groups. It provides inpatient coverage for thirty-one days in state hospitals; for thirty-one days in private psychiatric hospitals and for thirty-one days which is currently available in typical major medical coverage, today, under community hospitals. It has a limit of five hundred dollars a year for outpatient care and five hundred dollars a year for day treatment. That Ladies and Gentlemen of the Senate is an effort on behalf of the Minority Report from the Committee on Business Legislation to contain the impact of this so that the experience may be measured and the statistics gathered and a report back to the Legislature and the obvious four year sunset, which was referred to in an earlier debate.

The Minority Report reflects the concern about today's emphasis on only that portion of mental health care available from public institutions, and private hospitals and physicians, and the costs to that is not insignificant. Maine State and Federal Taxes provide millions of dollars to support primarily institutional care, institutional care, for those who cannot afford it, for the poor. State appropriations for insti-

tutional care equal forty thousand dollars per bed per year. Medicaid which includes mental health services affectively insures ninety thousand low-income persons in our State. Who insures the other millions of Maine people? In Part I Budget which this Legislature passed, I guess, it was a couple of months ago now, included thirteen million dollars for the Augusta Mental Health Institute; twelve million dollars for the Bangor Mental Health Institute; eight million dollars for Community Mental Health Centers; two million dollars for children's mental health for a total of thirty-five million dollars. What is the appropriate responsibility of the private sector to finance mental health services?

Yes, it was a Minority and only six members of our Committee believed that the public sector and the citizens of our State are doing their fair share. I believe that approval of the pending motion which would reflect a positive action on behalf of this Body on L. D. 1718, will provide a greater balance in public and public-private financing of mental health costs.

I urge your support of the pending motion.

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

Senator CHARETTE: Thank you, Mr. President. I would ask for a Roll Call on the pending motion to Reconsider the Minority Report and urge the Senate to vote against it.

The PRESIDENT Pro-Tem: The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Mr. President Pro-Tem, and Members of the Senate, I just wanted to share with you a letter that I received dated yesterday and I'm certain that many people have received a great deal of mail on this issue. I know that most of the mail that I have received has been in opposition. This particular letter, I was just kind of surprised at this professional person being so candid with his feelings and he was saying that, talking about several bills, including this one in its original form and saying that, "these bills would force me to provide specific areas of care to a few who have not been able to cope with life in one form or another and have chosen to dropout, leaving those who have enough strength to carry on in this less than perfect world to clean up after them." This individual continues in this line, talking about being enrolled in an individual, with an individual contract, being a professional person and then ends up by saying, "in today's depressed economy I cannot afford the luxury of paying an additional of such and such each year out of my own pocket to repair lives of those who have abused their bodies and minds."

I would hope that this particular Body would not evaluate the situation in that way. That we could go on Record in favor of this Bill and I do hope that you do vote with the pending motion of which really does apply just to group contracts.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, just a point of clarification, at least for my own edification of this particular redraft on L. D. 1718.

In looking over the fiscal note, I add up at least a million dollars additional revenues that will be assessed to the General Fund of the State of Maine, and also the dedicated revenues of the Highway Department. Am I correct in this assessment though that if this particular Bill should pass will cost the taxpayers of Maine an additional one million dollars which to implement?

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

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: The cost of the measure is five hundred and sixty thousand dollars, and the revenues the State estimates, an annual revenue based on fiscal year '82 medicare allowable costs of about one hundred and twenty-three dollars per patient per day, for a minimum of five hundred thousand dollars per year.

The PRESIDENT Pro-Tem: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires 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 Najarian that the Senate Reconsider its action whereby it failed to Accept the Minority Ought to Pass, in New Draft, Report of the Committee.

A Yes vote will be in favor of Reconsideration.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Brown, Bustin, Carpenter, Clark, Collins, Diamond, Dow, Dutremble, Erwin, Gill, Hayes, Kany, Najarian, Perkins, Pray, Trafton, The President Gerard P. Conley.

NAY—Baldacci, Charette, Danton, Emerson, Hichens, McBreairty, Minkowsky, Pearson, Redmond, Sewall, Shute, Teague, Twitchell, Usher, Violette, Wood.

ABSENT—None.

A Roll Call was had.

17 Senators having voted in the affirmative and 16 Senators in the negative the motion to Reconsider Prevailed.

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

Senator PRAY: A parliamentary inquiry.

The PRESIDENT Pro-Tem: The Senator may state his inquiry.

Senator PRAY: On the success of the motion to Reconsider I would now take it that the Minority Ought to Pass Report is the motion that is now pending?

The PRESIDENT Pro-Tem: The Chair would answer in the affirmative.

The pending motion before the Senate is Acceptance of the Minority Ought to Pass Report.

The Chair recognizes the Senator from Androscoggin, Senator Charette.

Senator CHARETTE: I would at this time move that this Bill and all accompanying papers be Indefinitely Postponed and ask for a Roll Call.

The PRESIDENT Pro-Tem: A Roll Call has been requested.

Under the Constitution in order for the Chair to order a Roll Call it requires 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 Androscoggin, Senator Charette to Indefinitely Postpone L. D. 1023 and all of its accompanying papers.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Baldacci, Charette, Danton, Emerson, Hichens, McBreairty, Minkowsky, Pearson, Redmond, Sewall, Shute, Teague, Twitchell,

Usher, Violette.

NAY—Brown, Bustin, Carpenter, Clark, Collins, Diamond, Dow, Dutremble, Erwin, Gill, Hayes, Kany, Najarian, Perkins, Pray, Trafton, Wood, The President Gerard P. Conley.

ABSENT—None.

A Roll Call was had.

15 Senators having voted in the affirmative and 18 Senators in the negative, the motion to Indefinitely Postpone, Failed.

The Minority Ought to Pass Report of the Committee, Accepted.

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

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

SENATE REPORTS—from the Committee on Business Legislation on BILL, "An Act to Provide Equitable Health Care for Alcoholism and Drug Dependency Treatment" (H. P. 623) (L. D. 775)

Majority Report — Ought Not to Pass

Minority Report — Ought to Pass in New Draft under same title (H. P. 1293) (L. D. 1714)

Tabled — June 1, 1983 by Senator CARPENTER of Aroostook

Pending — Motion of Senator CHARETTE of Androscoggin to Accept Majority Ought Not to Pass Report.

On motion by Senator Pray of Penobscot, Retabled for 2 Legislative Days.

On motion by Senator Conley of Cumberland there being no objections all matters previously acted upon were sent forthwith.

On motion by Senator Conley of Cumberland, 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:

Papers from the House

Non-concurrent Matter

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)

(In Senate May 25, 1983, Passed to be Engrossed.)

(Comes from the House, Passed to be Engrossed as Amended by House Amendment "B" (H-326) in non-concurrence.)

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

It is a vote.

Committee Reports

House

Leave to Withdraw

The following Leave to Withdraw report shall be placed in the legislative files without further action pursuant to Rule 15 of the Joint Rules:

BILL, "An Act to Adjust Annually the Aid to Families with Dependent Children's Standard of Need to Eliminate Inflation-induced Decreases in Recipients' Standard of Living" (H. P. 935) (L. D. 1218).

Ought to Pass as Amended

The Committee on State Government on BILL, "An Act Amending and Expanding the Home Winterization Program Statute" (H. P. 1281) (L. D. 1698) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-322)

Comes from the House, the Report Read and

Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-322)

Which Report was Read and Accepted, in concurrence.

The Bill Read Once.

Committee Amendment "A" was Read and Adopted, in concurrence.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1698 be given its Second Reading by Title Only?

It is a vote.

Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed, as amended, in concurrence.

The Committee on Agriculture on BILL, "An Act to Strengthen the Maine Milk Industry" (Emergency) (H. P. 1260) (L. D. 1681) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-323).

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-323)

Which Report was Read and Accepted, in concurrence.

The Bill Read Once.

Committee Amendment "A" was Read and Adopted, in concurrence.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1681 be given its Second Reading by Title Only?

It is a vote.

Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed, as amended, in concurrence.

Divided Report

The Majority of the Committee on Transportation on BILL, "An Act Relating to the Registration Period for Certain Motor Vehicles" (H. P. 209) (L. D. 253)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-319)

Signed:

Senators:

DANTON of York
EMERSON of Penobscot

Representatives:

CARROLL of Limerick
THERIAULT of Fort Kent
REEVES of Pittston
CALLAHAN of Mechanic Falls
NADEAU of Lewiston

The Minority of the same Committee on the same subject matter.

Reported that the same Ought Not to Pass.

Signed:

Senator:

DIAMOND of Cumberland

Representatives:

STROUT of Corinth
MACOMBER of South Portland
McPHERSON of Eliot
MOHOLLAND of Princeton
CAHILL of Woolwich

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

Which Reports were Read.

On motion by Senator Diamond of Cumberland the Minority Ought Not to Pass Report was Accepted, in concurrence.

Senate

Ought to Pass as Amended

Senator WOOD for the Committee on Agriculture on BILL, "An Act Relating to the Branding of Potatoes" (S. P. 567) (L. D. 1642) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-169)

Which Report was Read and Accepted.

The Bill Read Once.

Committee Amendment "A" (S-169) was Read and Adopted.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1642 be given its Second Reading by Title Only?

It is a vote.

Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed, as amended.

Sent down for concurrence.

Senator DOW for the Committee on Aging, Retirement and Veterans on BILL, "An Act Concerning Group Life Insurance for State Employees and Teachers" (Emergency) (S. P. 556) (L. D. 1622) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-168)

Which Report was Read and Accepted.

The Bill Read Once.

Committee Amendment "A" (S-168) was Read and Adopted.

The PRESIDENT: Is it the pleasure of the Senate that Under Suspension of the Rules, that L. D. 1622 be given its Second Reading by Title Only?

It is a vote.

Under Suspension of the Rules, the Bill Read a Second Time and Passed to be Engrossed, as amended.

Sent down for concurrence.

**Second Readers
Senate**

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

BILL, "An Act to Prevent Unjust Enrichment by Retention of Surplus Upon Foreclosure of Municipalities and Sewer Districts" (S. P. 597) (L. D. 1719)

Which was Read a Second Time.

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

BILL, "An Act to Provide Equitable Mental Health Insurance" (S. P. 596) (L. D. 1718)

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.

Enactor

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

An Act to Require Swimming Pools to be Enclosed. (S. P. 511) (L. D. 1528)

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

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

Communication

The Following Communication: (S. P. 601)

111th Maine Legislature

June 2, 1983

Honorable Richard Trafton

Honorable Barry Hobbins

Chair

Joint Standing Committee on Judiciary

State House

Augusta, ME 04333

Dear Chairs Trafton and Hobbins:

Please be advised that Governor Joseph E. Brennan today nominated David J. Soucy of Fort Kent for appointment as a Commissioner of the Workers' Compensation Commission.

Pursuant to Title 39 MRSA, Section 91, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/GERARD P. CONLEY
President of the Senate

S/JOHN L. MARTIN
Speaker of the House

Which was Read and referred to the Committee on Judiciary.

Sent down for concurrence.

Orders of the Day

The President laid before the Senate:

SENATE REPORTS — from the Committee on Energy and Natural Resources on BILL, "An Act to Promote the Wise Use and Management of Maine's Outstanding River Resources" (S. P. 427) (L. D. 1296)

Majority Report — Ought to Pass in New Draft under same title (S. P. 598) (L. D. 1721)

Minority Report — Ought to Pass in New Draft under New Title, Bill, An Act Relating to the Management of Maine's Outstanding Rivers (H. P. 599) (L. D. 1722)

Tabled — June 2, 1983 by Senator PRAY of Penobscot

Pending — The motion of Senator KANY of Kennebec to Accept the Majority Ought to Pass in New Draft under same title (S. P. 598) (L. D. 1721) Report.

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

Senator COLLINS: Mr. President, I wonder if we might learn the difference between the Majority Report and the Minority Report?

The PRESIDENT: The Senator from Knox, Senator Collins has posed a question through the Chair to any member of the Senate who may wish to respond.

The Chair recognizes the Senator from Kennebec, Senator Kany.

Senator KANY: Mr. President, Members of the Senate, really the differences are few between the reports. The major portions of the River Bill are intact in both, in which certain segments of our most outstanding rivers — that those particular segments — no dams would be allowed on until a future Legislature wishes to change those particular prohibitions.

Secondly there is a new licensing procedure, really, for the licensing of all hydro-dams in the State.

The differences, really, between the two are having to do with the subdivision law which just really talks about new subdivisions, the shore-lands zoning provisions of the law and, also, the encouragement of river corridor commissions.

By the way the Majority Report eleven Members of the Committee in a bi-partisan fashion choose to go with the Majority Report.

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

Senator COLLINS: As I understand it, Mr. President, the author of the Minority Report is not in his Senate seat this afternoon, and I would like very much to hear his point of view. I would hope that the matter might be Tabled until later in the Session when we could hear that.

On motion by Senator Kany of Kennebec, Retabled until later in today's session.

Senate At Ease

The Senate called to order by the President.

On motion by Senator Pray of Penobscot, Recessed until the sound of the bell.

Recess

After Recess

The Senate called to order by the President.

Orders of the Day

The President laid before the Senate:

BILL, "An Act to Provide Equitable Mental Health Insurance" (S. P. 596) (L. D. 1718)

Tabled earlier in today's session, on motion by Senator Pray of Penobscot, pending Passage

to be Engrossed.

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

Senator DIAMOND: Mr. President, I submit Senate Amendment "A" (S-170) and move its Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Diamond offers Senate Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-170) was Read.

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

Senator DIAMOND: Thank you, Mr. President. Ladies and Gentlemen of the Senate the purpose of this amendment is very basic actually, the intent is to exempt employees, employers, who have twenty or fewer employees from the mandation required by L. D. 1718.

This morning we had two votes on this Bill, and the vote to reconsider which was 17 to 16 and I voted for, only, because I felt that this amendment would make it more palatable.

The intent as I am told by several people to have this Bill in the first place, one of the biggest intents is to gather data from which to make judgments from, and from which they can draw conclusions for the purposes of saying after the four year sunset yes mental health does need more attention and it needs to be part of the benefits.

So if the intent is as I am told and I am sure that it is that what we are going to do here is gather hard-core data for purposes of laying ground work and directions for the future. This amendment will still allow that to happen and at the same time protect those small employers, whom we all have in our districts and are all concerned about.

So it does not inhibit the cause or the intent of the Bill at the same time it does save from the mandation, at least, many, many people. Thank you very much, Mr. President.

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

Senator CHARETTE: Thank you, Mr. President. Women and Men of the Senate, I rise in opposition to this amendment, for the mere fact of exactly what we talked about this morning, discrimination. Now we are going to discriminate between employers, those of twenty or fewer employees from those that are the medium to larger companies.

I would like to point out that I feel that a good many companies that are from the medium size to the larger size are already covered for the most part many of them are covered and I could point several out.

Above all we finally voted for a piece of legislation this morning that was going to be covered, but this amendment now I won't, and I might need it tomorrow.

Senate Amendment "A" was Adopted.

The Bill was Passed to be Engrossed, as amended.

Sent down for concurrence.

The President laid before the Senate:

SENATE REPORTS — from the Committee on Energy and Natural Resources on BILL, "An Act to Promote the Wise Use and Management of Maine's Outstanding River Resources" (S. P. 427) (L. D. 1296)

Tabled earlier in today's session on motion by Senator Pray of Penobscot pending the motion by the Senator from Kennebec Senator Kany to Accept the Majority Ought to Pass in New Draft Report of the Committee.

On motion by Senator Kany of Kennebec the Majority Ought to Pass in New Draft Report of the Committee was Accepted.

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

Senator Carpenter of Aroostook was granted unanimous consent to address the Senate, On the Record.

Senator CARPENTER: I want to apologize to the Senate this morning for a ruling that I

made as President the net affect of which was correct but the way that it was explained was rather a mess for somebody that just graduated from law school.

What I was trying to say was that the Reconsideration motion had precedence over the motion to Indefinitely Postpone, not that you couldn't put another motion before the Body.

I would apologize even though as I say the net affect of what I said was correct.

On motion by Senator Carpenter of Aroostook, Adjourned until 12 noon tomorrow.