

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

1978

Second Regular Session

January 4, 1978 — April 6, 1978

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Senate Confirmation Session

June 14, 1978

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December 6, 1978

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APPENDIX

SENATE

February 2, 1978

Senate called to Order by the President.

Prayer by Father Roland Rancourt, St. Sebastian Parish, Madison.

Father RANCOURT: O Let us pray. O God of might, wisdom and justice, through whom authority is rightly administered, laws enacted and judgement and decree. Assist with your holy spirit of council in fortitude the Senate of this great State of ours. May your devine wisdom derive the deliberations of our Senators and shine forth in all the proceedings and laws framed by rule and government. That they all tend to do the preservation of peace. The promotion of happiness and the increase of opportunity. That they also perpetuate the blessings of equal liberties of equal rights and of equal responsibilities.

Amen.

Reading of the Journal of yesterday.

Papers From The House
Joint Orders

Expression of Legislative Sentiment recognizing that:

Michael Adams of Weeks Mills and Ann Berrier of Palermo have been selected as student representatives from Erskine Academy to the 1978 Presidential Classroom for Young Americans, (H. P. 2071)

The Fort Kent High School Soccer Team has compiled an outstanding record in State Class A soccer competition for 1977, (H. P. 2069)

Comes from the House, Read and Passed. Which were Read and Passed in concurrence.

Alexander B. Brook has retired as Editor and Publisher of the York County Coast Star after twenty-years' service to the people of York County, (H. P. 2068)

Which was Read.

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

Mr. HICHENS: Mr. President, Members of the Senate: I feel that I should say a few words before we pass this order today, as I have had a rather close relationship with Mr. Brook even though we have never met each other.

Even though our philosophies have not always been the same, I want to express my appreciation publicly to this man who has edited the York County Star for so many years. One feature of The Star is that every editorial is initiated by the member of the editorial board who writes it, a courtesy not granted the public by most of the papers in Maine who require that all letters to the editor be signed but are unwilling to make public the authors of their editorials.

Mr. Brook has always been very fair in accepting my news reports and advertising my activities or publizing my activities here in Augusta.

York County has been fortunate in having an editor of the County Weekly like Sandy Brook, who has done such an excellent job for the people he serves. I wish him well in his retirement and hope that the York County Star continues to serve its readers as well as when he was at the helm.

Which was Passed in concurrence.

Communications

Honorable Joseph Sewall,
President of the Senate
and

Honorable John Martin,
Speaker of the House
Dear Joe and John:

I have nominated today Kenneth H. Volk of Portland and Robert P. Bahre of So. Paris to serve on the Maine Guarantee Authority. Mr. Volk and Mr. Bahre will be replacing Charles Harriman and Edward Wilson, whose terms on

the Authority expired last fall.

Pursuant to M.R.S.A. Title 10, Section 701, these nominations will require confirmation by the Joint Standing Committee on State Government and confirmation by the Senate.

Thank you for your cooperation.

Sincerely,
JAMES B. LONGLEY
Governor
(S. P. 691)

Which was Read and Referred to the Committee on State Government.

Sent down for concurrence.

Committee Reports
House

Ought to Pass — As Amended

The Committee on Agriculture on, Bill, "An Act Concerning Membership on the Food and Farmland Study Commission. (Emergency) (H. P. 1962) (L. D. 2045).

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-992).

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

Which Report was Read and Accepted in concurrence, and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

The Committee on Judiciary on, Bill, "An Act to Delay Implementation of the Court Intake Worker Function until July 1, 1978. (Emergency) (H. P. 1869) (L. D. 1926).

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-991)

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

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

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

Mr. CONLEY: Mr. President, I would just like to make an inquiry of this particular piece of legislation that was passed in my understanding in the Regular Session, and it just seems to me that we had ten slots in the appropriations act at the time that this Bill was reported out. Then the position, the funding for the positions were struck out of it, and it was left up to the Department of Mental Health and Corrections to put this Bill into effect, and I just wonder why there has been such a delay.

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

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, this is one of the situations where the performance by the agency has not been consistent with what the Legislature expected when it passed the Act.

The Judiciary Committee was informed that there would be adequate funding to take care of this early start on intake workers even prior to the implementation of the Juvenile Code on July 1st. But when the time came to hire the people, train them, put them to work, apparently the money was not there. We have as Committee called on the carpet, the Members of the agency involved and asked them for explanations and scolded them and so forth and so on. But all of our words did not create any money, and therefore, we are passing this Act because we felt that it would result in less confusion about the current activity of what the Commissioner had to do as to name current probation and parole people to fill the jobs, because he did not have any money to hire new ones as it turned out. So it is one of these administrative nightmares sort of things that we

just do not see any other solution to before July 1.

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

Mr. CONLEY: Mr. President, I wish to thank the Senator from Knox, Senator Collin's remarks.

Again though, I recall at the time that this Bill was before the Legislature that when the positions and the moneys was stricken out of the budget, that the funds were to come up from the Mental Health and Improvement Fund, and it was my understanding at that time, when we passed this Bill, that that was where the money was to come from. And I just wonder again, when we leave Augusta, it seems to me that the bureaucrats seem to go into action just about any way they so wish.

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

Mr. HEWES: Mr. President and Members of the Senate: As I understand it, the court intake is a controversial. I am actually. Would some Member of the Senate indicate how we are getting along without them now and what they will do when and if they are ever funded?

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

Mr. CURTIS: Mr. President, in repsonse to the question of the Senator from Cumberland, Senator Hewes, I would answer that the matter of court intake workers is also a controversial issue within the Judiciary Committee.

The Judiciary Committee spent yesterday afternoon from 1:30 to 4:30 meeting with some people who are particularly interested in the Juvenile Code and especially addressing the question of intake workers, and I think that the entire matter of whether of not we should have intake workers at all or if we do how they are to be funded and to whom they are to be responsible is something that will come forth in a rather significant debate later on in this Session when the amendments to the Juvenile Code are discussed.

This Bill, as amended, Tomorrow assigned for second reading.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Concerning Limitations of Actions and Notice of Claim before Suit under the Elevator and Tramway Statutes Pertaining to Ski Areas. (H. P. 1870) (L. D. 1927)

Reported that the same Ought to Pass in New Draft under new title "An Act Concerning Limitation of Actions and Assumptions of Risk under the Elevator and Tramway Statutes pertaining to Ski Areas."

Signed:

Senators:

COLLINS of Knox
CURTIS of Penobscot

Representatives:

DEVOE of Orono
SEWALL of Newcastle
BENNETT of Caribou
JOYCE of Portland
NORRIS of Brewer
TARBELL of Bangor
HOBBINS of Saco
HENDERSON of Bangor
HUGHES of Auburn

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

Signed:

Senator:

MANGAN of Androscoggin

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

Which Reports were Read.

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

Mr. MANGAN: Mr. President and Members of the Senate: As far as this Bill is concerned, I seem to be the lone wolf on this Bill and I will basically explain my reason why. Very shortly.

I have no problems with the Bill itself outside of one minor section, and that basically relates to the philosophical hangup. The philosophical hangup is this. Across the entire country the general Statute of Limitations on law suits is generally seven years. There are minor exceptions being contracts and what have you. The State of Maine, the general statute of limitations is six years. This Bill reflects a series of attempts by a variety of groups to drop the Statute of Limitations down to two years. Doctors did it a couple of years ago. The hospitals have joined in and so have the nurses. It seems that this seems to be a reflection on rising insurance cost in our industry. It seems that whenever a group starts getting hit with rising cost of insurance, the insurance saler, good lord you are liable for six years. And since we have to protect ourselves for six years, it is going to cost you an awful lot of money. So if you could convince the Legislature to drop it down to only two years so our liability is only for a space of two years, it won't cost us as much money at all, and therefore, our rates will go down and we can insure you for a lot less. So that sooner or later the general public is going to suffer by shorter statute of limitation. What this implies may sound funny in many ways. You have got to find the sponge in your stomach within two years. Or you have got to find the injury within two years. And in many cases it does not happen. But this is just another one in the series of Bills that drops the Statute of Limitations down to two years.

I have no problems with the Bill itself. I think that the tramway owners should be responsible for taking people up the hill but if you are going down a hill and you can't ski, that is your own problem. But I just have a basic problem with dropping that down to two years, next year we will have the automobile dealers coming down with a two year Statute of Limitation and every body else will be following up a two year Statute of Limitation to limit their insurance liability.

So at this time I would urge the acceptance of the Minority Ought Not to Pass Report and I would ask for a Division.

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

Mr. COLLINS: Mr. President, I think that the facts that have been stated by the Senator from Androscoggin, Senator Mangan are accurate. This tendency to decrease the time with in which people bring lawsuits is a mixed blessing, but the fact is that the six year statute which is the common rule in many, many cases has been moved back by many states in many areas in recent years. And it reflects the fact that we have more rapid communications then we did a hundred years ago, that we have more rapid methods of diagnosis, more intricate machinery for finding medical problems and a much wider distribution of medical services to the population.

In this particular area of skiing injuries. Most all of the injuries are fractures. The fact of the injury is known the day it happens in most cases. If it is not known immediately, if there is delayed reaction, injury to the spine and what not. This usually shows up within a reasonably short time. If you are a minor under the age of 18, you have two years from the time you become an adult. So if you are injured when you are ten years old, you have ten years in which to bring suit.

This sort of problem is one this Legislature has faced in, well a half dozen areas since I have been here, and as a practicing attorney, I, in years passed, handled a fair number of medical injury tort cases, and in my experience, I have never had anyone come into the office with an injury problem later then two years. I have never had the experience of anyone being prejudice on the time limits from medical problems and of course, most of mone were automobile cases. So I do not think that the public will be diserved by this and it will help the

State of Maine to compete with New Hampshire and Vermont where they have reduced their Statutes of Limitations and the comparative problem in insurance coverage for ski resorts is a matter of competition between these three states. So I would ask the Senate to vote against the Motion to Accept the Minority Report.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Accepting the Minority Ought Not to Pass Report of the Committee please rise in their places to be counted.

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

1 Senator having voted in the affirmative and 25 Senators in the negative, the Motion to Accept the Minority Ought Not to Pass Report does not prevail.

The Majority Ought to Pass Report Accepted.

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

Divided Report

The Majority of the Committee on Legal Affairs on, RESOLVE, to Terminate any Liability of the Town of Oakland to Clear Debris from the Fish Screen at Messalonskee Lake. (H. P. 1874) (L. D. 1911)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HEWES of Cumberland
CUMMINGS of Penobscot

Representatives:

VIOLETTE of Van Buren
CARRIER of Westbrook
SHUTE OF Stockton Springs
DUDLEY of Enfield
COTE of Lewiston
MOODY of Richmond

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

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

BURNS of Anson
GOULD of Old Town
DURGIN of Kittery
BIRON of Lewiston

Comes from the House, the Minority Report Read and Accepted and the Resolve Passed to be Engrossed.

Which Reports were Read.

On motion of Mr. Hewes of Cumberland Tabled for two legislative Days, pending acceptance of either Committee Report.

Divided Report

The Majority of the Committee on Legal Affairs on, RESOLVE, to Appeal the Decision of State Claims Board Regarding Property Damage Claims from Collapse of Building at Northern Maine Vocational-Technical Institute. (H. P. 1876) (L. D. 1912)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-988)

Signed:

Senators:

HEWES of Cumberland
CARPENTER of Aroostook
CUMMINGS of Penobscot

Representatives:

MOODY of Richmond
DURGIN of Kittery
GOULD of Old Town
BURNS of Anson
COTE of Lewiston
VIOLETTE of Van Buren
SHUTE of Stockton Springs
DUDLEY of Enfield
BIRON of Lewiston

The Minority of the same Committee on the

same subject matter Reported that the same Ought Not to Pass.

Signed:

Representative:

CARRIER of Westbrook

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

Which Reports were Read.

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

Mr. HEWES: I move the Senate Accept the Majority Ought to Pass Report.

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

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate, I have no intention of opposing that particular motion, but I would appreciate some explanation on the part of the Committee as to the deliberations that were made on this particular matter.

A number of sessions ago, the Legislative Process was inundated with Bills to pay small claims of individuals who were injured in one way or another by State action. In an attempt to alleviate the number of bills that were presented to the Legislature year after year the Legislature created the Small Claims Board. But in so doing we did provide that an appeal could be made from that Board to the Legislature for any denial of claim that the Board happened to deny and, of course, that is the procedure that is being followed. And in the statement of fact on this particular Bill it states, "In accordance with Title 5 Section 1510 with the Joint Rule 35, Claims Decision against the State, this Bill is being submitted as an appeal of the State Claims Board Decision." And I note that in the Committee Amendment there are three additional individuals added to this particular claim, which were not included in the original Bill. My question specifically is what types of considerations the Committee found to be convincing that perhaps the State Claims Board did not find to be convincing?

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

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the Senate: this Bill has been picked apart and put back together at some length in the Legal Affairs Committee. The Bill, the original Bill, if you will look at it mentions two of the individuals that are also mentioned on the Committee Amendment and House 988.

Basically, what happened was the building collapsed. An Auto Body Building, a portion of an auto body building, Northern Maine Vocational Technical Institute collapsed some time ago. The five individuals whose cars were stored there then went to the State Claims Board submitted their Claims for damage and were denied. Now the way the Claims Board works is it holds a hearing generally as close to the scene of the incident as possible using two personnel from the State and the County Commissioner from the respective County as the third member. In this case it was a two to one decision, I believe, of the Claims Board not to pay any of the claims. All five claims were submitted that you see in front of you. The County Commissioner, Mr. Bell from Aroostook County, being the only one who decented.

I think the major thing that turned my way of thinking, and I agree with the Senator from Kennebec, Senator Speers, that we should not be running around undoing the work of the State Claims Board. The problem I have with their decision was, they never determined why the building fell down. The question was never asked. It must have been asked, I take that back, it must have been asked but it was never determined. We found out that a partition was removed in the building, therefore, liability,

the school, the state, in our opinion was liable for some of the damages. How he arrived at the figures was a very complicated procedure of trying to decide of how to be fair. We were dealing with vehicles such as a 1969 Jaguar, a 1957 Thunder Bird. You know some pretty expensive vehicles and we tried to hold the claims to what we felt was just and right. Some of the vehicles have been repaired and we did not feel that we should pay the labor charges; for example, if the vehicle was repaired at the Vocational Technical Institute. I think that this may answer some of the questions posed.

The Majority Ought to Pass, as amended, Report Accepted. The Resolve read once.

Committee Amendment "A" Read and Adopted. This Resolve as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act to Repeal Mandatory Eye Tests for the Renewal of Driver's Licenses for All Persons over 40." (Emergency) (H. P. 1884) (L. D. 1938)

Reported that the same Ought to Pass.

Signed:

Senators:

GREBLEY of Waldo
MINKOWSKY of Androscoggin
McNALLY of Hancock

Representatives:

CARROLL of Limerick
STROUT of Corinth
LITTLEFIELD of Hermon
LUNT of Presque Isle
ELIAS of Madison
BROWN of Mexico
JACQUES of Lewiston
McKEAN of Limestone

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

Signed:

Representatives:

JENSEN of Portland
HUTCHINGS of Lincolnville

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

Which Reports were Read.

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

Mr. MINKOWSKY: Mr. President, I move that the Senate Accept the Majority Report Ought to Pass Report and I would like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Mr. MINKOWSKY: Mr. President and Members of the Senate: I think during this Session that was one of the most interesting Bills that has come before the Transportation Committee. And although it appeared to be quite controversial, the greatest majority of the Committee saw reason and logic and apparently in the other Body that did prevail yesterday.

It has been stated that there was a lot of confusion on the part of the Secretary of State's Office insofar as their attitude towards repealing this bill for mandatory eye examinations for people over forty. Whether my findings, their motives were very, very genuine and very sincere because the many complaints from the many branch offices came into them and even from my constituency in the City of Lewiston. And these were the rank and file people who had to leave their employment for one or two hours to go down to the Branch Office of the Motor Vehicle Division to renew their drivers license where as in the past their sons or daughters or even their wives went down to do this for them. Somehow rather we were left with the impression that as you approach that golden age of 40 and by and pass it that you become a decrepit old person and you do not have good judgment in your driving skills and abilities. I can assure Members of the Senate that this is furthest from the truth.

Statistics were brought out that eye problems do materialize and are more recognizable between the ages of sixteen and twenty and by the time you reach age 40, either you have glasses for reading purposes or possibly mandatory restrictions on you license. But people in my age category, if they have go a serious eye problem, they do have it rectified. They do not have to be told or mandated by the State that they must have it done. It was brought out quite clearly that it appears to be a little bit of socialization on the few people who have reached the golden age of 40 plus, that the State can intercede and have them have an eye examination and possible eye glasses, again at the expense of the taxpayer; but still there this is a very, very minor group of people.

A very comprehensive report was detailed to the Transportation Committee by the Maine AAA Association, and they in no way want to keep this particular Bill on the books. But the interesting part came out of this, that the proponents of maintaining the law as presently written never brought forth any valid statistics to justify that accidents to any degree were created by people over 40. In fact, most of the statistics that were brought forth to the Committee substantiated that many of the accidents involving serious injuries or even death were from the abuse of alcohol and not because a person could not see.

The Maine Highway Safety Committee. in its wisdom, who is a proponent for the repeal of this particular piece of Legislation has even got to the point of saying and I quote from their own letter to us,

"There has been criticism from the more geographically remote areas of the State. However, under the Law, service clubs, manufacturing plants, nurses, public health nurses, as well as physicians, and eye doctors, could be deputized and qualified to administer the test."

I really think that we are going too far at the present time where we are deputizing people to get us old people over 40 to have a mandatory examination. I do not think this particular Legislature is vacillating at all. I think that we made a serious mistake last year when we enacted this particular law. And the Law is quite clearly written that eye examinations are compulsory upon renewal of that license. And to my findings, there is nothing in there that has been stated that it is going to be once every twelve years as indicated in this particular letter.

I would urge the members of the Senate to use good judgement in accepting the Majority Transportation Committee Report that this particular law be repealed.

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

Mr. HICHENS: Mr. President, I rise in opposition to that motion and sincerely hope that you will vote against accepting the Majority Ought to Pass Report.

Last Winter, I presented a Bill requiring eye testing on every 2nd renewal date for driver's licenses. The Bill was withdrawn in favor of another bill requiring vision testing at age 40 and every 12 years afterward, which later became law. At the hearing, representatives of the Secretary of State's Motor Vehicle Department wholeheartedly supported the 40 year old bill citing the need for such vision screening and showing facts and figures proving 35 other states require periodical eye testing for operators licenses. Eighteen states require vision testing on every renewal.

The law became effective November 1st and 40 eye testing devices were purchased by the Department of Motor Vehicles to supplement the eye testing devices at the several Motor Vehicles offices throughout the state. Several health care agencies volunteered to test eyes to make it more convenient for persons to have eye tests.

Renewal applicants do not necessarily have to go to their local registration offices as stated

by the good Senator from Androscoggin, Senator Minkowsky.

Out of a clear sky, the Secretary of State sent letters to all persons over 40 whose license renewal dates were coming up, advising them that he intended to have the law repealed and citing all the disadvantages and hardships they would encounter in meeting the law's requirements. To my way of thinking, this is nothing but a political ploy using a state office and state funds to enhance the gentleman's campaign for election to a national office. Not one of my constituents in District 1 sent me a letter or called me complaining about the new law. Several did express satisfaction in the fact that eye testing would be required, citing several cases of neighbors, friends and so forth, who have vision problems and possess drivers licenses. I share with you a letter received by me from one who has had experience related to this law.

Senator Walter Hichens

Senate Chamber

Augusta, Me. 04330

Dear Senator Hichens:

I am writing to you to express my opinion regarding L. D. 1938. I hope that you and your fellow Senators will do everything in your power to insure that this bill is not passed.

While I heartily wish that the bill (mandating that all persons over 40 years of age must submit to an eye examination prior to renewal of their motor vehicle drivers license) did not limit such testing to persons over forty, but applied to all drivers of all ages, such a law is a good beginning. Prior to the passage of that bill, we in Maine looked at our drivers through "rose-colored glasses", assuming that we had the intelligence to forsake our right to drive if and when our vision became inadequate to operate a motor vehicle. This, unfortunately, is not the case. As a teacher of the visually handicapped here in Maine, I have met with numerous visually handicapped adults who told me of their experiences in driving after their vision was too poor to do so. Such experiences always included stories of accidents where these people smashed into other vehicles because they never saw them at all. Never once was anyone questioned as to their visual status.

People must realize that although it is difficult to give up a drivers' license, especially in so rural a state as Maine, it is far more difficult to explain to the mother of the child you just ran over that you never should have been driving in the first place. Do we have to wait to produce statistics of highway deaths caused by poor vision before the legislature can take action to protect the lives and well being of Maine's residents? I note with some irony the line in L. D. 1938 which states that such legislation is "unnecessary for the preservation of the public peace, health and safety."

That is mockery! The bill also notes that it is "cumbersome and unwieldy (to perform) over 10,000 eye examinations per month." Although I feel such statistics are way over-stated, I must say that it was not impossible to provide polio and rubella vaccinations on a statewide basis, or to initially provide people with licenses. It is unfair to present vision examinations as a great expense or inconvenience to Maine drivers or to say that it seriously hampers all services offered by the Secretary of State to the drivers of Maine. This is simply not true. Such tests are given to drivers in more heavily populated states, such as New York, and there have been no major problems.

I hope that we will be able to overcome this attempt at repeal of the vision testing requirement, for the safety of all Maine people.

Sincerely,

KATHLEEN NEWMAN, Houlton, Maine

I urge you to reject this L. D. 1938 for the benefit of all Maine motorists. The extra work pressed upon the Department of Motor Vehicles, the inconvenience to operators, etc. will be more than repaid by safer drivers on our

highways. I, again, share with you the letter to the Bangor News dated December 23, 1977.

"To the Editor:

Most people consider their drivers' licenses as vital as their social security cards, one promises economic help after retirement, the other helps in the hunt for a job and the ability to get to work. The person whose vision begins to fail will either decide to stop driving for the protection of himself and others, or will give a dozen reasons for staying on the road in spite of the awareness that vision has become inadequate. I see public enemies like this in my office every year. The most recent was a lady who came in for new glasses to replace the ones she broke in her second auto accident. Examination showed she was legally blind.

Compulsory eye tests are one way of catching these menaces to public safety. A cardiogram maybe of little predictive value, but inability to pass the eye test is a reasonable predictor of crumpled fenders.

One nearly blind patient told me, "I only have to drive a mile to the store." Most children are under five feet tall, how far do you have to drive to flatten one?

GERALD A METZ, M.D.

I sincerely hope you will vote against repeal of the present law and ask you vote against the Motion.

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

Mr. MCNALLY: I am sure that you got on your desk this letter from the Maine Highway Safety Committee. And let me read just the second paragraph. The point I want to make I will be much more shorter on it. It says, "The current move to amend or to repeal the law is the result of confusion within the Secretary of State's Office as to the actual contents of the Law. The intent of this Committee," now notice, "The intent of this Committee, when requesting this Legislation in 1977 was to test people only once every twelve years after reaching the age of 40. And it was further the intent that should a person already be past the age of forty, that the first test would be upon reaching age fifty-two and like wise if past age fifty-two. The age of sixty-four or sixty-five would be the first test. Now there was absolutely no intent to test 240,000 drivers between the ages of forty and sixty-five at the first renewal of their license on the effective date of this law as has been interpreted. Now lets see what the interpretation really is. This is what the law says. It says, "Any person who has reached his 40th birthday, shall at the time of his first renewal and at the time of each third renewal thereafter to the age of sixty-five be required to pass the vision portion of the drivers examination before his motor vehicle operators license shall be renewed." That is any person who has reached the age of 40. Not the intent, but any person. And the other thing that says in the law. "That this person may go to or submit an acceptable doctor's certificate setting forth their visual security at each age. Both eyes combined and the field of vision. It was not the intent but the law that I voted should be repealed.

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

Mr. LOVELL: Mr. President and Ladies and Gentlemen of the Senate, I have a very few words to say on this Bill. But as a past District Governor of Lions International, I helped organize or did organize Lions Maine Sight Organization and we send a mobile unit throughout the State testing eyes for the dread disease glaucoma. And I think every body knows what glaucoma is. Its causes unless treated soon after it is found. It causes blindness in the person. Which is incurable. But if you can catch glaucoma in its early stages, then with certain eye drops you can prevent it from getting worse. You will not get better. You can prevent it from getting worse. The Lions through their testing in the various towns

and cities of one State is impossible for them to get all the people. Now glaucoma starts in people age 40 and up. Now a person between the age of forty and sixty-five has only got to have two tests two eye tests and if just and there is thousands of cases of glaucoma in Maine, but if just the test would save the eye-sight or keep a dozen people from being blind. It certainly would be worth the trouble and I hope you will go along with the Minority Report.

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

Mr. COLLINS: Mr. President, I understand that the State already owns the equipment necessary to carry out this program and I understand that the funds that support it come from the Federal Highway Safety Fund for the current year and for the next fiscal year.

I would hope very much that we would keep this program enforced for the two years for which it is funded and for which the equipment is all in hand. If at that time it seems that it is a great burden on our population we can take another look at it. So far I have found no one that felt that it was a great burden. If you have been to your doctor or your optometrist in recent times you can bring in their certificate to cover your need or if you simply go into any Motor Vehicle Branch Office, as most people do to renew their licenses, in a matter of two to three minutes you will have been tested and inquiries that I have made of branch offices indicate that there is no unreasonable waiting time involved in having this test performed.

I have a bit of resentment that an agency trying to force the will of the Legislature so quickly after it becomes charged with the duty. It seems to me that a fair trial of this effort is indicated and I would say that we ought to pay some attention to the Maine Highway Safety Committee's urgent request that asking someone to have their eyes checked once every twelve years is a small inconvenience to ask when measured against the added safety the examinations will bring to Maine roads.

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

Mr. CURTIS: Mr. President. automobile operators license is a privilege not a right. It seems to me that it is perfectly reasonable to expect that a person who desires to utilize that privilege be required to pass a reasonable eye examination every twelve years. After they are age 40. And although I have indeed heard from one constituent in Bradley who was extremely unhappy with this law. It seems to me that we ought to heed the advise and the recommendations that are given by people who are as experienced as Doctor Metz is, whose letter to the editor was read by our colleague and require that some reasonable examination be provided. Mr. President, if there has been no division requested I so request it.

The PRESIDENT: A Division has been requested. Is the Senate ready for the question?

Will all those Senators in favor of accepting the Majority Ought to Pass Report please rise in their places to be counted.

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

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President, I would request a Roll Call.

The PRESIDENT: A Roll Call has been requested. In order for the Chair to order a Roll Call, it must be the expressed desire of one-fifth of those Senators present and voting.

Will all those Senators in favor of a Roll Call please rise in their places to be counted.

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

The pending question before the Senate is the Motion by the Senator from Androscoggin, Senator Minkowsky, that the Senate Accept the Majority Ought to Pass Report of the Commit-

A yes vote will be in favor of accepting the Majority Ought to Pass Report.

A nay vote will be opposed.

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

ROLL CALL

YEAS: Carpenter, Conley, Danton, Farley, Greeley, Hewes, Jackson, Levine, Martin, McNally, Minkowsky, O'Leary, Pray, Redmond, Usher, Wyman.

NAYS: Chapman, Collins, D. F.; Collins, S. W. Jr.; Cummings, Curtis, Hichens, Huber, Lovell, Mangan, Morrell, Pierce, Snowe, Speers, Trozky

ABSENT: Katz, Merrill

16 Senators having voted in the affirmative and 14 Senators in the negative, with 2 Senators being absent, the Motion to Accept the Majority Ought to Pass Report does prevail.

The Bill Read Once.

Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Veterans and Retirement on, Bill, "An Act Pertaining to Ordinary Death Benefits Under the Maine State Retirement System. (H. P. 1885) (L. D. 1939)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-984).

Signed:

Senators:

COLLINS of Knox
LOVELL of York
O'LEARY of Oxford

Representatives:

AUSTIN of Bingham
LAFFIN of Westbrook
CLARK of Freeport
THERIAULT of Rumford
NELSON of Roque Bluffs
HICKEY of Augusta
BUNKER of Gouldsboro
MacEACHERN of Lincoln
PLOURDE of Fort Kent

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

Signed:

Representative:

LOUGEE of Island Falls

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

Which Reports were Read.

The Majority Ought to Pass Report Accepted. The Bill Read Once. Committee Amendment "A" Read and Adopted and the Bill, as amended, Tomorrow Assigned for Second Reading.

Senate

Ought to Pass

Mrs. Cummings for the Committee on Public Utilities on, Bill, "An Act to Revise the Sanford Sewerage District Charter." (S. P. 673) (L. D. 2081)

Reported that the same Ought to Pass.

Which Report was Read and Accepted, and the Bill Read Once and Tomorrow Assigned for Second Reading.

Second Readers

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

House

Bill, "An Act Relating to Incinerator Particulate Emission Standard for Wood Waste Teepee Burners." (H. P. 2053) (L. D. 2112)

Bill, "An Act to Permit Self-Contained Breath Testing Equipment." (H. P. 2054) (L. D. 2113)

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

House — As Amended

Bill, "An Act to Clarify the Law Concerning the Posting of Bonds by Electric Companies with the Department of Environmental Protection for Certain Licenses or Permits." (H. P. 1925) (L. D. 1986)

Which was Read a Second Time.

On Motion of Mr. Speers of Kennebec.

Tabled for One Legislative Day pending Passage to be Engrossed.

Senate

Bill, "An Act to Simplify Notice Procedures Required in Workmen's Compensation Cases." (S. P. 645) (L. D. 2021)

Bill, "An Act to Change the Name of the Industrial Accident Commission to Workers' Compensation Commission." (S. P. 641) (L. D. 2008)

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

Sent down for concurrence.

Senator Conley of Cumberland was granted unanimous consent to address the Senate on the Record.

Mr. CONLEY: Mr. President and Members of the Senate, several years ago when this Session first commenced, I made a statement relative to a gentlemen of Irish ancestry from the City of Lewiston. And on occasion, someone might have a slip of the tongue. And such was the case of myself. If you recall, I referred to what is commonly known as Mr. Timothy J. Murphy the infamous Timothy J. Murphy and his green berets.

Recently it was brought to my attention that word infamous is a very dangerous word and I thought I better check it out and take a good look at it the definition given in Webster's is: "One having a reputation of the worst kind causing or bringing infamy; disgraceful; convicted of an offense bringing infamy; or vicious."

Well I know Mr. President and Members of the Senate, I know that many of the Members of this Body have known or have heard of Mr. Murphy over the years, and I knew him as what I considered to be a very dedicated public servant of the State that he ran his Division with a very hard, ironclad hand and I think as we review what is going on in governments perhaps in other states, that at least as a Member of this Body and of the Body at the other end of the Hall, we discussed Mr. Murphy on many occasions. And no one could every point a finger at Tim as being anything but carrying out his duties as a very diligent hard working law enforcement officer representing the Division of Alcoholic Beverages. And I have found him over the years, to be one of the most colorful individuals I think that I have ever met, and I just wanted to take this opportunity this morning to recognize his diligence over the years and the fact that he is quite famous and perhaps infamous only to those that he perhaps implemented the law to. Thank you.

(Off Record Remarks)

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

Mr. HICHENS: Mr. President, Members of the Senate

Shortly before adjournment yesterday I received the following letter from the Chief Executive of the State of Maine. I would like to share that letter with you with the permission of the Governor:

"Dear Walter:

The fact that you wanted to attend the press conference today has just been brought to my attention.

These press conferences are conducted under the rules of the State House News Persons Association, and I have abided by their suggestions and their procedures.

As a matter of fact, on occasion members of

the press have asked why a given person was in attendance as they have felt that these press conferences should not be inhibited by representatives of special interest groups or other people who were not bonafide members of the news media.

However, I have great respect for you as a person and for the position occupied by each and every member of the Legislature. You are also elected officials. Therefore, I would advise the State House News Media that I would have no objection whatsoever to your presence or the presence of any legislator that wants to attend one or more press conferences. Furthermore, I would respectfully ask members of my staff to avoid acting as intermediaries in the performance of any duty other than those of reasonableness as well as for security purposes. I want all members of my staff, including Sgt. Clark in charge of security, to know that under no circumstances do I ever want a member of the Legislature excluded from any further press conferences to the extent this decision has the support of the State House News Persons Association.

Please feel free to read this into the record in view of your previous comments today and advise each and every legislator that as far as I am concerned they are free to attend any press conference. I certainly stand ready to receive any suggestions or constructive criticism in the future, and all I ask is that members of the Legislature consider this a two-way street.

Very truly yours,
JAMES B. LONGLEY"

I appreciate the Governor's response and certainly do not intend to have a running battle with him in any way, shape or manner, but as I have reminded him personally, I would also publicly state that even though I told the gentlemen who refused me admittance to the press conference that I intended to make something of the rebuttal, an hour and ten minutes elapsed before I brought the matter to the attention of the Senate, giving plenty of time for the Governor to request a meeting with me and apologize if he so wished. I certainly did not think it my duty to go to him personally and ask for an apology.

Furthermore, even though I am well aware that other happenings took place here yesterday, you will note that my statements yesterday were not noted on the Air-Waves no in any of today's papers. Why? What are the members of the Press Corps afraid of? Is there a sense of guilt in their agreement with the Chief Executive to conduct closed hearings? I realize that I may antagonize some of them today and was reminded this morning by a familiar personage on the 4th floor that I better be careful what I say because the press always has the last word. I do not know whether that was said as a threat or a promise.

I do not want to cause any feeling between the Governor and the press which might result in a cancellation of these Press Conferences as I feel that they are very important and that the People of Maine should have a right to hear the Governor's views on all matters concerning the State, but I do feel that if open meetings are advised for State and local agencies including the Legislature, that the same privilege should be granted anyone who wishes to attend, the right of sitting in on a Governor's press conference. If the present room isn't large enough, I suggest a larger one be found. Questions for the Governor can be limited to the press only, if such privileges are granted. As far as I am concerned, the buck stops here.

On Motion of Mr. Huber of Cumberland, adjourned until 12:00 noon Friday, February 3, 1978