

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

January 3, 1979 to May 4, 1979

STATE OF MAINE
One Hundred and Ninth Legislature
JOURNAL OF THE SENATE

March 15, 1979

Senate called to Order by the President.

Prayer by Reverend Herbert Reid, Church of World Brotherhood, in Fairfield.

Reverend REID: Help us dear God, that we may not be the first to take on the new, nor the last to give up the old. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

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

Bill, "An Act to Increase Salaries of County Officers." (H. P. 201) (L. D. 227)

In the Senate, March 12, Passed to be Engrossed as amended by Committee Amendment "A" (H-44), as amended by House Amendments "B" (H-57), "C" (H-58) and "D" (H-75) thereto, in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A", as amended by House Amendments "B", "C", "D" and "E" (H-95) thereto, and House Amendment "A" (H-46), in non-concurrence.

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

Senator COTE: Mr. President, I move that the Senate Recede and Concur.

The PRESIDENT: The Senator from Androscoggin, Senator Cote, now moves that the Senate Recede and Concur.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President I ask for a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Cote.

Senator COTE: The reason, I moved to Recede and Concur, is that the Androscoggin County Delegation, at the last meeting that we had, with a Majority vote, passed to give a \$500 increase to the Sheriff of Androscoggin County, this is the new amendment that would add it onto the bill. That is the reason why I moved to Recede and Concur, as Chairman of the delegation.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President and Members of the Senate: If we Recede and Concur, we then are accepting an amendment we removed from this Bill, here the last time this was before us, namely House Amendment (H-46).

I feel strongly we should not concur with this, thereby putting this back on, therefore I would urge the Senate to vote against Receding and Concurring.

On Motion by Senator Conley of Cumberland, Tabled for 1 Legislative Day, pending the Motion by Senator Cote of Cumberland.

Non-concurrent Matter

Bill, "An Act to Increase the Minimum Wage to \$4 Per Hour." (H. P. 26) (L. D. 43)

In the Senate, March 9, Passed to be Engrossed as amended by Senate Amendment "A" (S-29), in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by House Amendment "D" (H-89), in non-concurrence.

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

Senator KATZ: I move the Senate Adhere, and would like to speak to my motion. When the Maine Minimum Wage went to \$1.60 in October 1969 it increased 3 months ahead of the Federal

Minimum Wage increase.

Our experience indicated that there was mass confusion amongst the employers in the State. It cost some Maine Employers thousands in back wages, because they were unaware that they had to comply, with a little state gem, 3 months ahead of the Federal.

If we duplicate our error of 8 years ago, and for reason that completely escapes me, assume the position of the other body and put Maine in the unique position of anticipating the increase in the Federal Minimum Wage by 3 months again. It is going to cost us about \$3,500. just in mailing to send out the notices to Maine Employers. Our experience is that even after spending the \$3,500. in postage and envelopes and everything else, that most Maine Employers are not going to be aware of the fact or many Maine Employers are not going to be aware of the fact, that for a mysterious reason the Legislature has said that Maine uniquely must precede the Fed's by 90 days.

I hope that you will vote on a Division, Mr. Chairman to Adhere, to the previous position of the Senate, which says we will tie the minimum wage at the State level to the Federal level up to \$4.00, if and when it reaches \$4.00 at Federal level.

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

Senator PRAY: Mr. President and Members of the Senate: Contrary to the beliefs of the good Senator from Kennebec, Senator Katz, in reference to the expense which Mr. Lovejoy, Deputy Director of the Bureau of Labor, has stated that it would be roughly a \$3,500. cost in mailing and printing of literature to advise the Maine Businesses that there is a minimum wage increase 3 months early.

As a business man myself, I've received mailing from the Bureau of Labor a number of times particularly after the Legislative Session advising me of law changes. I would suspect that this mailing is going to go out anyway, no matter what we do in relationship to other legislation which will pass this session, that first of all should defray the cost of the \$3,500. By voting to Adhere, we would not be defraying that cost, that cost is still going to be there.

The other day we got into the philosophical argument of trying to help those on the lower end or the lower spectrum of minimum wage, those with the lowest earning capabilities in this State, and this is an attempt, I believe, to assist those people and assist them in a meager way. Thus Mr. President I move that the Senate Recede and Concur.

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

Senator KATZ: Mr. President. I listened intently, but I just do not understand any logical reasons, other than to try to make some brownie points, in raising the Maine minimum wage an arbitrary 90 days ahead of the Federal. I wish that somebody would direct their remarks specifically to that question.

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

Senator PRAY: Mr. President and Members of the Senate. As I enter my fifth year in this body, I can call back to that brief history, by no measure comparing to that of the Senator from Kennebec, Senator Katz, in his longevity here, I can recall once before there we did this.

There was a time before that, that we did not and the time before that, that we exceeded the Federal Government for a number of years, on the Federal versus the State Minimum Wage.

The concern of the 3 months early and why at least the Majority of the Committee on Labor addressed this situation of requiring it, not only the fact that historically we have done it on several other occasions, but it is the fact that Federal Minimum Wage is a minimum wage which is established for the Nation, based upon what is believed to be a wage to assure the people of this country at least the meager, the very minimal amount of substances to survive,

As I addressed the other day, that the situation in Maine calls for additional expenses than those in other parts of the country. Being in the Northeast the furthest State up we have the fuel costs because of our severity of our winters. We have the transportation costs, because of the size of our state and the fact that we are a rural state.

The proposal that is before you, for an average individual working a 40 hour week, on minimum wage is an additional \$4. per week. Now that is not going to help them very much, but it will help them perhaps as much as this same body helped Pratt and Whitney, just a few months ago. It will help them as much as it did when we addressed a return on the income tax table to those who were on the higher pay scale and are paying a little bit more of the money. This will probably give them roughly the same amount of money or even less perhaps, than what we gave those people in the tax reform.

There is the other issue of a number of these people on minimum wage, as to the benefits of Government which they qualify for. We have a number of programs, Food Stamps, General Assistance, and a variety of programs to help these people here is an attempt to help those who are working, have a little bit more money. Maybe it will take them off General Assistance, maybe it will take them off from the Food Stamp Program, which will also defray costs of government.

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

Senator SUTTON: Mr. President and Ladies and Gentlemen of the Senate. I would just like to very briefly remind the Senate of a couple of things. Notwithstanding the \$3,500 which is really peanuts, as far as this question of advising the employers, notwithstanding the fact that there is possibly large undetermined costs to the State through the Department of Human Services, for reimbursement to programs in hospitals and nursing homes.

I cannot emphasize enough the confusion that it is going to cause the hundreds and hundreds of small employers that we have in this State of Maine. The small business group of our state is the biggest business group of any that we have. They have already received a wall hanging that they must display in their plant showing the Federal Minimum Wage and to get something from the State, 3 months before the Federal changes again, as our good friend Senator Katz has already pointed out, is going to cause confusion. It is going to put them in a situation where they are going to inadvertently miss paying the minimum wage and it is going to cause problems that we just should not really put them in.

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

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: Briefly, I think if this morning each individual Senator decides in his or her own mind, that they want to vote against increasing the minimum wage 3 months earlier that they ought to do so.

I don't really think that the argument of confusion, arguments of supposed costs to the State, as far as this mailing is concerned, ought to be legitimate arguments that we can hang our hat on.

I look at the notes that I received in the last days, most of which are concerned with this, and I would say that the business community, probably is quite well aware, at this point, what is being contemplated especially since the situation took place just a couple of years ago.

I wonder also about the credibility of this body, if I remember correctly there were 24 members of this Body that are on the record as favoring a \$4.00 minimum wage. If you want to talk about confusion, you go back and talk to your people who are working minimum wage and if \$3.10 three months early fails, they are going to say, now there are 33 members of the

Maine Senate and 24 of them favored a \$4.00 minimum wage, yet this Bill died in the Senate, now you try to explain that. I hope that Senator Pierce and Senator Clark can explain that particular situation when they meet with the club at lunch time.

I think perhaps there will be a bit of confusion. I submit to you, I think it is an interesting paradox since the Maine Legislature determines the minimum wage. I submit to you that there isn't a man, a woman, sitting in this chamber, who would be willing to work for \$2.90 per hour, yet we are the ones sitting down here determining.

Now I know the arguments about people being laid-off, I know the arguments about the business situation, and I do not say that the business situation is good. I happen to come from an area that is predominantly minimum wage. I am talking after 10, 12, 14 years of working at the same plant. The only reason the majority of these people are making \$2.90 per hour today is because the State and Federal Government have told the employers that they must pay it. We are not talking about big unions, we are not talking about big organized labor or anything else. So I submit to you this morning, when the vote is taken, I would request that it be taken by the Yeas and Nays, Mr. President. When the vote is taken this morning I would just ask you, to ask yourselves, if you were not sitting in this Chamber if you were back home working for \$2.90 per hour, how would you be regarding this?

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 the Senate Recede and Concur with the House.

A Yes vote will be in favor of Receding and Concurring.

A No vote will be opposed.

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

ROLL CALL

YEA—Carpenter, Conley, Cote, Farley, Martin, Minkowsky, O'Leary, Pray, Shute, Usher.

NAY—Ault, Chapman, Clark, Collins, Devoe, Emerson, Gill, Hichens, Huber, Katz, Lovell, McBrearty, Najarian, Perkins, Pierce, Redmond, Silverman, Sutton, Teague, Trafton, Trotzky.

ABSENT—Danton.

A Roll Call was had.

10 Senators having voted in the affirmative and 21 Senators in the negative, with 1 Senator being absent, the Motion to Recede and Concur does not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to Adhere?

The Motion Prevailed.

Non-concurrent Matter

Bill, "An Act to Place Responsibility for Preparation and Implementation of Emergency Evacuation Plans in the Bureau of Civil Emergency Preparedness." (H. P. 352) (L. D. 449)

In the House, March 8, Passed to be Engrossed as amended by House Amendment "A" (H-68).

In the Senate, March 13, Passed to be Engrossed, in non-concurrence.

Comes from the House, that Body Insisted.

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

Is this the pleasure of the Senate?

The Motion prevailed.

Non-concurrent Matter

(1-4) Bill, "An Act to Revise the Service Charge for Local Vehicle Registration Agents." (H. P. 147) (L. D. 150)

In the House, March 7, Passed to be Engrossed as amended by Committee Amendment "A" (H-54).

In the Senate, March 12, Passed to be Engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" (S-34) thereon, in non-concurrence.

Comes from the House, that Body Having Adhered. (The Speaker Ruled Senate Amendment "A" Not Germane).

The PRESIDENT: The Senator from Penobscot, Senator Emerson, moves that the Senate Recede and Concur with the House.

Is this the pleasure of the Senate?

The Motion prevailed.

House Papers

Bill, "An Act to Relieve Local School Districts from the Impact of Social Services Institutions." (H. P. 902) (L. D. 1116)

Bill, "An Act Concerning the Governance of Vocational Centers." (H. P. 903) (L. D. 1119)

Bill, "An Act to Allow State Championship Athletic Teams and Athletes the Right to Participate in New England Championship Events in Competition." (Emergency) (H. P. 901) (L. D. 1117)

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

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

Bill, "An Act to Facilitate Absentee Voting in Foreign Jurisdictions." (H. P. 905) (L. D. 1126)

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

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

Bill, "An Act to Provide for a 15% Excise Tax Exemption for any Motor Vehicle Exemption for any Motor Vehicle Manufactured in 1979 or Later which Achieves 25 Miles Per Gallon or Greater Gas Economy." (H. P. 907) (L. D. 1125)

Committee on Energy and Natural Resources suggested.

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

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

Bill, "An Act Requiring Medicaid Recipients to Aid in the Payment of Medical Services." (H. P. 909) (L. D. 1122)

Comes from the House, referred to the Committee on Health and Institutional Services and Ordered Printed.

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

Bill, "An Act to Provide for Service Fees for Nonmembers Represented by Collective Bargaining Agents." (H. P. 893) (L. D. 1115)

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

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

Bill, "An Act Concerning the Adoption of Management Plans by the Commissioner of Marine Resources." (H. P. 912) (L. D. 1120)

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

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

currence.

Bill, "An Act Concerning Setting of Electric Rates by the Public Utilities Commission." (H. P. 913) (L. D. 1118)

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

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

Bill, "An Act Concerning Proof of Eligibility for Rebate Programs Under the Taxation Statutes." (H. P. 914) (L. D. 1124)

Bill, "An Act to Provide Elderly Persons More Time to Pay Their Property Tax Bills." (H. P. 915) (L. D. 1121)

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

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

Bill, "An Act Concerning Rules and Regulations governing the Inspection of Motor Vehicles." (H. P. 918) (L. D. 1123)

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

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

Communications

House of Representatives

March 14, 1979

The Honorable May M. Ross

Secretary of the Senate

109th Legislature

Augusta, Maine 04333

Dear Madam Secretary:

House Paper 5, Legislative Document 11, An Act to Prohibit Smoking at Public Meetings, having been returned by the Governor together with his objections to the same pursuant to the Provisions of the Constitution of the State of Maine, after reconsideration the House proceeded to vote on the question 'Shall this Bill become a law notwithstanding the objections of the Governor?'

Seventy-seven voted in favor and sixty-four against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Respectfully,

EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on file.

Senate Papers

Senator Trotzky of Penobscot presented, Bill, "An Act to Amend the Statutes Governing Vocational Regions." (S. P. 402)

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

Sent down for concurrence.

Senator Hichens of York presented, Bill, "An act to Establish an Office of Deafness and Communications Disorders." (S. P. 407)

Senator Gill of Cumberland presented, Bill, "An Act to Amend the Law with Regard to the Diagnostic Laboratory of the Department of Human Services." (S. P. 406)

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

Sent down for concurrence.

Senator Perkins of Hancock, Cosponsor: Senator Najarian of Cumberland presented, Bill, "An Act to Aid Recovery of Medicaid Funds." (S. P. 408)

Committee on Judiciary suggested.

On Motion by Senator Pierce of Kennebec, referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

Senator Minkowsky of Androscoggin pre-

sented, Bill, "An Act Concerning Reserve Officer Standards for Professional Law Enforcement Personnel." (S. P. 405)

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

Sent down for concurrence.

Senator Conley of Cumberland presented, Bill, "An Act to Amend the Charter of the Portland Water District." (S. P. 404)

Which was referred to the Committee on Public Utilities and Ordered Printed.

Sent down for concurrence.

Senator Conley of Cumberland presented, Bill, "An Act to Conform State Statutes to the Federal Food Stamp Program." (S. P. 403)

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

Sent down for concurrence.

Committee Reports House Leave to Withdraw

The Committee on Business Legislation on, Bill, "An Act to Reduce License Fees for all Tradesmen over the Age of 62." (H. P. 367) (L. D. 474)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Labor on, Bill, "An Act Relating to the Establishment of a Benefit Year in the Unemployment Compensation Program." (H. P. 245) (L. D. 290)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Provide a Trade-in Credit for Musical Instruments." (H. P. 146) (L. D. 147)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

Ought to Pass

The Committee on Aging, Retirement and Veterans on, Bill, An Act to Permit Participating Local Districts of the Maine State Retirement System to Discontinue Special Retirement Benefits Prospectively. (H. P. 361) (L. D. 470)

Reported that the same Ought to Pass.

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

Which Report was Read.

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

Senator PRAY: Mr. President, I'd like to pose a question to the Chair to some member of the Committee, if they could briefly explain the Bill. I have one concern and that is in reference to the possibility, that this Bill would allow a change of benefits to an individual through his employment. Such as an individual perhaps hired by a City to be a Firefighter or a Policeman, that when he was hired, and goes into the system, the benefits to a negotiable item is at, say half pay twenty year retirement, and at some point along they could change those benefits, ten years after he's employed to perhaps less than that. Thus the individual may be employed for ten years under one system and another ten years or fifteen years under another system.

The PRESIDENT: The Senator from Penobscot, Senator Pray, has posed a question to the Chair to any member of the Committee who may care to answer.

The Chair recognizes the Senator from York, Senator Lovell.

Senator LOVELL: Mr. President L. D. 470 was unanimous Ought to Pass by the Commit-

tee, and the purpose of this Bill is to permit participating local Districts, to discontinue special retirement benefits under Title 5, Section 1092, Subsection 3. Prospectively, to substitute for this continued benefit, any other benefit provided for by the Maine State Retirement System. It's a very simple Bill.

I don't think it is cause for worry by the good Senator from Penobscot, Senator Pray, because of the fact that the discontinuation of any such benefit, as to employees in a class hired before the effective date of the action only and may therefore substitute for the benefits, any other benefits provided by this chapter. There's no cost attached to the Bill, I don't think there's anything to worry about.

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

Senator PRAY: Mr. President and Members of the Senate: If I understand the Bill correct an example or a situation which we may have is for an example something like survivors benefits. Let's take the example of a firefighter who through a contract negotiable, negotiated, was hired, had been working roughly five years for the fire department and he had survivors benefits. Somewhere along the line they changed the benefits and you had a new man come on that did not have survivor benefits, and in a situation such as a fire, you may be involved in a situation where you have a burning building, you have some people left in that building, one firefighter may run around and try to find somebody whose's got survivor benefits to go in, because he doesn't have it in case something happens to him. I think that this Bill would allow that type of situation to happen, thus I move the Indefinite Postponement of this Bill and accompanying papers.

The PRESIDENT: The Senator from Penobscot, Senator Pray, moves that this Bill be Indefinitely Postponed.

The Chair recognizes the Senator from York, Senator Lovell.

Senator LOVELL: Mr. President I don't have my notes on the Bill with me, but I would request that the Majority Leader Table the Bill for at least one Legislative Day.

On Motion by Senator Katz of Kennebec, Tabled for 1 Legislative Day, pending the Motion by Senator Pray of Penobscot.

Divided Report

The Majority of the Committee on Education on, Bill, An Act Concerning Material Required for Courses in Maine Classrooms. (H. P. 36) (L. D. 47)

Reported that the same Ought Not to Pass.

Signed:

Sensors: TROTZKY of Penobscot
GILL of Cumberland

Representatives: CONNOLLY of Portland
ROLDE of York
LEIGHTON of Harrison
BEAULIEU of Portland
FENLASON of Danforth
DAVIS of Monmouth

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-74).

Signed:

Sensor: MINKOWSKY of Androscoggin

Representatives: LEWIS of Auburn
GOWEN of Standish
BIRT of East Millinocket
LOCKE of Sebec

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

Which Reports were Read.

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

Senator TROTZKY: I move that the Senate Accept the Majority Ought Not to Pass of the

Committee.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, now moves that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate: I would hope the Senate would defeat the Majority Ought Not to Pass Report of the Education Committee. I would like to call the Senate's attention to the amendment which is under filing H-74. Just for a bit of clarification just read part of the statement of fact, which I think explains in detail, why I feel this particular bill has merit. Bear in mind, Ladies and Gentlemen of the Senate, this is relevant only to supplemental required material in reading.

The purpose of this amendment is to permit a parent or guardian of a public school student, who is a minor, to prevent the student from having to read, as a condition of completing a course, as a condition of completing a course are the key words. Any material which contains language that the parent or guardian feels morally offensive, the parent or guardian must identify the material in a letter written to the Superintendent of the Student's Administrative Unit.

If the material has been approved by the School Board, School Committee, Board of Directors, the student may be required to read the material in spite of any written objection of the parent or guardian.

This is a very, very good safeguard to be built in to this particular Bill, and this is the reason why the Minority of the Education Committee, decided to sponsor this particular amendment. I would hope Mr. President and Members of the Senate, that at least you'd give this Bill a chance at this particular point, by Accepting the Minority Report, and possibly leaving it open for further amendments or evaluation.

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

Senator TROTZKY: Mr. President and Members of the Senate: What this Bill does basically it permits the parents to write a letter to the school, objecting to material the parent or guardian finds morally offensive, then the student doesn't have to read this. Now this issue has been resolved constructively at the local level, and there's no need for the state to get into this kind of Legislation. Enactment of the legislation would enable each parent to impose his or her own standards and biases upon the educational experiences of his or her child.

I believe the amendment is much broader than it appears to be, in that it would allow parents to influence the child's curriculum, in literature, health, science and possibly all other subjects. This in effect advocates the authority, specifically granted to local school boards and boards of directors. Our communities in the State of Maine, most of the communities are small communities, and I think that parents in the communities should have a close relationship with the school board members that they elected and the Superintendent of Schools. I don't believe this legislation is needed.

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

Senator HICHENS: Mr. President and Members of the Senate: I just can't understand how anyone who's concerned with the deterioration of our society and our family life can stop, or try to stop the passage of a Bill like this. I was probably brought up in a very strict home, my father was very careful as to what I was allowed to read, at least in the home. I think there were times when on the outside, I read things that he didn't know I read, that would be the case today. When my children were in school they use to bring home a prescribed list of reading material and they along with their parents chose the books that they would read. Now the teacher has a right to tell the youngster

what they are going to read, regardless of whether their parents are concerned or not. I have had people in my own area, even school board members, who have come with books which teachers have been ordered to have their students read, which have appalled them. The parents have been ridiculed by the press for trying to interfere with what is being read and prescribed in our public schools.

I think this Bill gives us a little leeway, allows the parents to have a little supervision over what their children are going to read. If it does state in that last paragraph, the statement of fact, the school board members as a unanimous effort can prescribe that reading, they know what the teacher is prescribing, and the parents have a right to go to the school board. But we, sad to say, have a lot of quacks in our school teaching system today, that don't give a hoot as to what these students are going to be, because it's not their responsibility, but it is the responsibility of the parents. I think this Bill is going to give a little of that responsibility back to them.

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

Senator FARLEY: Mr. President and Members of the Senate: In regards to this issue before us, I'm probably as liberal as anyone here, but I think sometimes, and a good case in point, was a case in Aroostook County, a couple of years ago when a school teacher, because of trying to save a few dollars had requested a book to be read by a class. Those books were ordered by a teacher that was there previous to him, gave as required reading for the class, before long he was in all kinds of trouble with the school board and the parents. I think the Bill before us does give some guidance to some teachers, as to what, the opinions of the school board are and the parents are before this kind of situation occurs. I wish the members of the body would go along with the minority report, at least to get this Bill to Second Reading.

(Off Record Remarks)

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

Senator GILL: Mr. President. During so many debates in the chamber we hear so much about the home rule and local control, and I think this Bill is a perfect issue, where if a parent finds objectionable reading material that their children are forced to read in the schools all they have to do, or suggested to read in the schools, all they have to do is approach the teacher or the school board locally and share their objection with them. I don't know of any teacher or any school board, and I have served on a school board, that wouldn't go along with the parents rules in this. I think this is a matter where it belongs right on the local level between the parent and the teacher involved or the school board involved.

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

Senator MINKOWSKY: Mr. President. Since this Bill has generated such interest I think that is of paramount importance that we have a Roll Call vote, and I so request.

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 Trotzky, that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of Accepting the Ought Not to Pass Report.

A No vote will be opposed.

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

YEA—Ault, Chapman, Clark, Collins, Conley, Cote, Emerson, Gill, Huber, Katz, Lovell, Martin, McBreairey, Najarian, Perkins, Pierce, Redmond, Sutton, Trafton, Trotzky, Usher.

NAY—Carpenter, Devoe, Farley, Hichens, Minkowsky, O'Leary, Pray, Shute, Silverman, Teague.

ABSENT—Danton.

A Roll Call was had.

21 Senators having voted in the affirmative and 10 Senators in the negative with 1 Senator being absent, the Motion to Accept the Majority Ought Not to Pass Report of the Committee does prevail.

Senate

Leave to Withdraw

Senator Chapman for the Committee on Business Legislation on, Bill, An Act to Establish a Registry of Persons Holding Inactive Pharmacy Licenses. (S. P. 304) (L. D. 894)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

Second Readers

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

House — As Amended

Bill, An Act to Amend the Duties of the Commissioner of Education Relating to Bilingual Education. (H. P. 182) (L. D. 232)

Bill, An Act to Repeal the Tax on Marine Worms. (H. P. 62) (L. D. 70)

Bill, An Act Amending Certain Laws Relating to the Packing of Sardines. (H. P. 129) (L. D. 140)

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

Senate

Bill, An Act Relating to Self Employee Workers' Compensation Insurance Coverage. (S. P. 148) (L. D. 325)

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

Sent down for concurrence.

Senate — As Amended

Bill, An Act Relating to Appropriation of Funds for Assistant District Attorneys. (S. P. 128) (L. D. 306)

Bill, An Act to Remove the Sunset Provision on the Tort Claims Act. (S. P. 119) (L. D. 228)

Which were 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 Relating to the Wholesale Sale of Malt Liquor and Wine. (H. P. 315) (L. D. 421)

An Act to Amend the Per Diem Rate for Persons Serving on the State Board of Nursing. (H. P. 354) (L. D. 450)

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

An Act to Change the Date on Which the Annual Sessions of the County Commissioners are Held. (H. P. 57) (L. D. 66)

On Motion by Senator Emerson of Penobscot, Tabled for 1 Legislative Day, pending Enactment.

An Act Concerning the Uniform Processing of Employer Contributions into the Retirement System. (S. P. 108) (L. D. 213).

On Motion by Senator Huber of Cumberland placed on the Special Appropriations Table, pending Enactment.

Emergency

An Act Increasing Borrowing Capacity of Mars Hill Utility District and Extending the Time Which That District has to Take Over Mars Hill and Blaine Water Company. (H. P. 54) (L. D. 63)

This being an emergency measure and having received the affirmative votes of 28 members of the Senate, was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

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

Bill, "An Act Raising the Amount of the Homestead Exemption in Attachment and Bankruptcy Proceedings." (H. P. 419) (L. D. 532) REPORT "A" — Ought Not to Pass; REPORT "B" — Ought to Pass with Committee Amendment "A" (H-79); REPORT "C" — Ought to Pass.

Tabled — March 14, 1979 by Senator Conley of Cumberland

Pending — Acceptance of a Report

On Motion by Senator Katz of Kennebec, Retabled for 1 Legislative Day.

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

Joint Order — Relative to Joint Rule 35 regarding Memorials. (S. P. 342)

Tabled — March 14, 1979 by Senator Pierce of Kennebec

Pending — Passage

On Motion by Senator Katz of Kennebec, Retabled for 1 Legislative Day.

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

Joint Order — Relative to Joint Rule 6-A regarding Legislative Papers. (S. P. 359)

Tabled — March 14, 1979 by Senator Pierce of Kennebec

Pending — Passage

On Motion by Senator Katz of Kennebec, Retabled for 1 Legislative Day.

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

Joint Order — Relative to Joint Rule 6 and adding a New Joint Rule 35A. (H. P. 897)

Tabled — March 14, 1979 by Senator Pierce of Kennebec

Pending — Passage

On Motion by Senator Katz of Kennebec, Retabled for 1 Legislative Day.

On Motion by Senator Pierce of Kennebec, Adjourned until 12 noon tomorrow.