

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 21, 1979
Senate called to Order by the President.

Prayer by Reverend Larry Fairbanks, First Church of the Nazarene of Augusta.

Reverend FAIRBANKS: Let us pray! O mighty God, as we pause at the beginning of this busy day, the words of a song by Andra Kraffs comes to mind which says.

"How can I say thanks for the things you have done for me, things so undeserved that you give to prove your love for me?"

This morning I thank you for your gifts to us, they are numerous, I thank you today especially for families, our nation and our state.

I pray that as these men and women work today to make decisions that will affect our state that you will, "Grant them the serenity to accept the things they cannot change, courage to change the things they can, the wisdom to know the difference."

At the end of this day may we look back with satisfaction because they have served the people of Maine with the best of their abilities and have done what is pleasing in the sight of God. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

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

On Motion by Senator Pierce of Kennebec, Recessed until the sound of the Bell.

Recess

After Recess

The Senate called to Order by the President.

Papers From the House
Non-concurrent Matter

Bill, "An Act to Clarify Executive Conflict of Interest". (S. P. 400) (L. D. 1223)

In the Senate, March 14, referred to the Committee on Judiciary.

Comes from the House, referred to the Committee on State Government, in non-concurrence.

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

Is this the pleasure of the Senate?

The Motion prevailed.

Non-concurrent Matter

Bill, "An Act to Establish more Convenient Hours to Permit Easier Access to Small Claims Court". (H. P. 302) (L. D. 397)

In the Senate, March 16, Report "A" (Ought Not to Pass), Read and Accepted, in non-concurrence.

Comes from the House, Report "B" Read and Accepted, and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-85), in non-concurrence.

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

Senator O'LEARY: I move that we Recess and Concur.

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

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I would request a Division and would urge the Senate to vote against the motion.

The PRESIDENT: A Division has been requested.

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

Senator O'LEARY: This is a very short Bill, Mr. President and Members of the Senate. It just asks that one evening, for one hour in one district court, in each district, the Judge will have a Small Claims for the ordinary people.

We do not hesitate to give the judges of the State a \$3,000 or \$4,000 or \$5,000 a year raise, and that amounts to 12 hours a year. We tell the people who are working for minimum wage, you work for \$2.90 and we are going to give you 20¢ when the Federal Minimum Wage goes up, which is equal to \$400. per year.

This makes the Small Claims Court available to these people, I would submit Mr. President that this Bill as amended, is a good Bill, and would ask for your support.

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

Senator CONLEY: Mr. President. If I may simplify the Bill, what it does primarily is establish that 12 hours a year, 12 hours a year, court shall hold small claims.

The PRESIDENT: Is the Senate ready for the question?

Will all those Senators in favor of the Motion to Recess and Concur with the House, please rise in their places to be counted.

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

13 Senators having voted in the affirmative and 16 Senators in the negative, the Motion to Recess and Concur does not Prevail.

Is it now the pleasure of the Senate to Adhere?

The Motion Prevailed.

Joint Order

An Expression of Legislative Sentiment recognizing that: the South Portland Red Riots, ably led by coach Bob Brown and associates, won the State Schoolboy Class A Basketball Championship on March 17, 1979 at Bangor, Maine and established a new record of scored points for State Class A competition... (H. P. 1111)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

House Papers

Bill, "Act to Allow a Maximum of 25 Years Service Prior to 1942 for Computation of Teachers Retirement Benefits". (H. P. 989) (L. D. 1226)

Comes from the House, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Which was referred to the Committee on Aging, Retirement and Veterans and Ordered Printed, in concurrence.

Bill, "An Act Relating to Registration of Commercial and Custom Establishments under the Maine Meat Inspection Act". (H. P. 991) (L. D. 1228)

Bill, "An Act to Revise the Statutes Governing Chemical Control of Rodents as Agricultural Pests". (H. P. 990) (L. D. 1227)

Bill, "An Act to Amend the Frozen Dairy Products Law". (H. P. 992) (L. D. 1229)

Bill, "An Act Relating to Potato Quality". (H. P. 993) (L. D. 1230)

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

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

Bill, "An Act Concerning Manufacturer Liability on Express Warranties Pursuant to Consumer Sales". (H. P. 995) (L. D. 1231)

Bill, "An Act to Exempt Financial Institutions from the Motor Vehicle Dealers Licensing Requirements". (H. P. 996) (L. D. 1232)

Come from the House, referred to the Committee on Business Legislation and Ordered Printed.

Which were referred to the Committee on Business Legislation and Ordered Printed, in

concurrence.

Bill, "An Act Concerning School Construction Projects". (H. P. 998) (L. D. 1232)

Bill, "An Act Concerning Transportation of Children Living in Locations Inaccessible to Public Highways". (H. P. 973) (L. D. 1221)

Come 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 Require a Study of a Single Source for Funding and Reporting by Residential Programs for Youth". (H. P. 951) (L. D. 1220)

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 Clarify Public Recreation rights Along the Coast of Maine". (H. P. 975) (L. D. 1225)

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

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

Bill, "An Act to Require Premium Impact Statements for Certain Workers' Compensation Legislation". (H. P. 956) (L. D. 1222)

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 to Provide Accounting Services for County Governments". (H. P. 978) (L. D. 1219)

Comes from the House, referred to the Committee on Local and County Government and Ordered Printed.

Which was referred to the Committee on Local and County Government and Ordered Printed, in concurrence.

Bill, "An Act to Establish a Marine Resources Development Commission". (H. P. 980) (L. D. 1212)

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.

Bill, "An Act Concerning the Leasing and Management of Public Lands". (H. P. 981) (L. D. 1217)

Committee on State Government suggested.

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

On Motion by Senator Katz of Kennebec, referred to the Committee on Energy and Natural Resources and Ordered Printed, in concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish Property Tax Exemptions for Maine Homesteads. (H. P. 983) (L. D. 1218)

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 to Authorize a Bond Issue in the Amount of \$526,000 for Expansion and Improvement of the Sanford Municipal Airport". (H. P. 963) (L. D. 1211)

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 con-

currence.

Bill, "An Act Regulating Motor Vehicle Repairs". (H. P. 965) (L. D. 1209)

Bill, "An Act to Correct Certain Abuses in the Motor Vehicle Repair Business". (H. P. 964) (L. D. 1208)

Committee on Transportation suggested.

Come from the House, referred to the Committee on Business Legislation and Ordered Printed.

Which were Referred to the Committee on Business Legislation and Ordered Printed, in concurrence.

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

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

Bill, "An Act Making Additional Appropriations from the General Fund and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government." (H. P. 1007) (L. D. 1169) (Emergency)

Tabled—March 20, 1979 by Senator Conley of Cumberland

Pending—Passage to be Engrossed.

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

Senator COLLINS: Mr. President. I am extremely unhappy with this Bill, as many of you know. I suppose that it is unusual to have a Bill that has a negative aspect to it, in other words a money saving aspect of a half million dollars comes before us, I do not think that I have seen one before.

My concern primarily with the allocation to the Judicial Department, the Judicial Department request was for a million-two, the Governor in his request cut that back to \$642,000, and the Committee has trimmed another \$87,000, from it. The report itself indicates that the reason for this is to make it clear that any salary program has to get advance approval of the Legislature.

I think that that is a sound principal and I submit that the reasons that it was not done in this case, is a matter of inexperience on the part of those who administer the Judicial Budget, and conduct its relations with the Legislature. I submit that this is truly a punitive measure against the judicial department.

We all have emotional reactions, people do things in a way that we think that they should not be done. I think it is important to rise above emotional reactions and look at a problem on its own merits, to see whether the pay plan that this department did adopt is a fair one or not, if it is fair and it retroacts to December 1st, not July 1st, then it ought to have the same consideration as any other submission to us of a pay plan.

I recognize there are very few voices in this body or in the Legislature that speak for the Judicial Department. It is the weakest Department in State Government, it has no power of the tax, or to veto. I think that it is my duty, as Chairman of the Judicial Committee, to call to the attention of the Senate, the fact that a real meat-axe has been applied to this department.

Now I am sure that many of you will say Yes, but we have to punish bad boys and girls, but I submit that punishment of erroneous procedure ought not to be our prime motivation. We ought to look at whether the budget submitted by that department is a fair one which treats its employees fairly.

I prepared an amendment, to this budget bill. It is not ready yet I asked Leadership for another day, I have been denied it, and I recognize that I am not going to win this vote. The minority leader concurs with me on that, we agree on a few things.

I think it ought to be in the record, that the sort of approach used by this Committee is a punitive approach. When you have whipped the baby and drawn the blood, I hope that you feel

better about it, and I hope you will recover from the feeling and with calmer heads, cleaner hearts, that you will take another look at this problem, some further day down the road.

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

Senator HUBER: Mr. President, and Members of the Senate. As the good Senator from Knox, points out \$87,000 has been removed from the Personnel Services Account in the Judicial Department.

I do not feel that it is a meat-axe approach or a punitive approach, it does however, give a signal that the Judicial Department has in fact adopted a pay plan and implemented a pay plan without Legislative approval or Legislative Funding, is not appreciated.

I think the whole subject of Judicial Salaries and Salaries within the Judicial Department, can be addressed and will be addressed in the proper manner responding to the input from the Judiciary Committee. There are bills before the Legislature which do address this and can address this. I think the language in this bill is important. I think by including the \$87,000 which would be the cost for this year of the Judicial Pay Plan, we would be condoning the adoption of a Pay Plan which has not been reviewed by the Legislature by the Judiciary Department and I think this would be wrong. I think there are ways to correct this situation, I do not feel that this Bill is the proper vehicle to do so, I hope the recommendation in this Bill is adopted and I foresee a reasoned and proper addressing of this problem in other Legislation.

The PRESIDENT: 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 Passage of this Bill to be Engrossed, please rise in their places to be counted.

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

20 Senators having voted in the affirmative and 5 Senators in the negative, the Bill Passed to be Engrossed, in concurrence. Under Suspension of the Rules, sent forthwith.

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

Bill, "An Act to Require that Heads of State Agencies Report to the State Auditor any Suspected Improper or Illegal Financial Activity in their Agency." (H. P. 195) (L. D. 244)

Tabled—March 20, 1979 by Senator Pierce of Kennebec

Pending—Enactment

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

Senator KATZ: Mr. President we are on Tabled Item #2?

The PRESIDENT: The Chair would answer the Senator in the affirmative.

Senator KATZ: Mr. President. I have detected substantial reluctance to see this Bill enacted because of concerns about the necessity and propriety of it, at the very least, Mr. President, I request a Division, on the Enactment.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Passage of this Bill to be Enacted, please rise in their places to be counted.

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

18 Senators having voted in the affirmative and 11 Senators in the negative, the Bill Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Bill, "An Act to Increase Penalties for Violation of the Statutes Concerning Minimum Wages." (S. P. 82) (L. D. 155)

Tabled—March 20, 1979 by Senator Katz of Kennebec.

Pending—Motion of Senator Teague of Somerset to Reconsider Enactment.

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

Senator CONLEY: Mr. President. This Bill was well debated the other morning, I would urge the Senate to vote against this Reconsideration, and when the vote is taken I request that it be taken by the Yeas and Nays.

The PRESIDENT: A Roll Call has been requested.

Under the Constitution in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

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

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

The pending question before the Senate is the Motion by Senator from Somerset, Senator Teague that the Senate Reconsider its Action whereby L. D. 155 was Passed to be Enacted.

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 — Ault, Collins, Devoe, Emerson, Gill, Huber, Katz, Lovell, McBreairey, Perkins, Pierce, Redmond, Shute, Silverman, Trotzky, Usher.

NAY — Carpenter, Chapman, Clark, Conley, Cote, Farley, Hichens, Martin, Minkowsky, Najarian, O'Leary, Pray, Sutton, Teague.

ABSENT — Danton, Trafton.

A Roll Call was had.

Senator Chapman of Sagadahoc, was granted permission to change his vote from Nay to Yea.

Senator Hichens of York, was granted permission to change his vote from Nay to Yea.

Senator Usher of Cumberland, was granted permission to change his vote from Yea to Nay.

17 Senators having voted in the affirmative and 13 Senators in the negative, with 2 Senators being absent, the Motion to Reconsider does prevail.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President. Obviously it is the first day of spring.

The pending question as I understand it is the enactment and request a Roll Call on the Enactment.

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 Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate: As my good seat mate, the good Senator from Cumberland, Senator Conley, stated this bill has been debated to great lengths and I have to this point stayed out of the debate, but there are several points that I think should be brought up.

The other day the Senator from Kennebec, Senator Katz, stated that there were 288 violations in relationship to this law, and while those figure are not clearly incorrect, they are misleading. The figures of 288 are the number of individuals, the number of employees who the law were violated against. Under the minimum wage statutes, last year that there was 6,145 violations, but to understand how we come to the point, of where we go from the 6,145 to 288 is we have to understand the entire minimum

wage statutes under the section of law that we are applying this penalty to.

The 288 individuals who minimum wage law was violated against, were individuals who have amounts owed to them from wages that they earned by employment of \$17,072.36. None of these cases have gone to court, because the individual has the opportunity, the employer, has the opportunity to pay back these back wages or wages that are earned. Of the 6,145 violations these individuals had an opportunity to correct those violations, and upon doing so they are not faced with any type of penalties.

We have over the years addressed the minimum wage issues as to the dollars, or what we feel should be a sufficient amount of money, a minimal amount of money, that a person needs to earn for subsistence. This year we addressed that same issue, and by the wisdom of this body, it was seen fit, not to give an increase to these individuals, I can accept that, but I think at the same time we should tell those individuals out there who are paying minimum wage who have to follow the statutes that we understand that there are hardships, but we are not going to put up with violators.

The present penalties that we have were established in 1965. We have gone 14 years and we have never addressed the penalties in that same time period. We have increased minimum wage over eleven times, the 1965 minimum wage was \$1.15 per hour, January 1 of the next year it will go to \$3.10, but we have kept the penalties the same.

I think this Bill addresses the fact that the dollar paid to these individuals are almost three times as much as what they were then and this Legislation increases the penalties for those who violate that law, and who after an audit by the department fail to recognize their obligations then this is the penalty that they would be faced with and that is the question that we are addressing today in the enactment of this Legislation.

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

Senator KATZ: Mr. President, and Members of the Senate. I would ask any fair minded member of this body, in evaluating a law which attempts to reduce the burdens of an unfair, unknowing, or unscrupulous employer in the entire work force of the State of Maine. Whenever a law is working where in the last 5 years the number of employees, involved in violations of the minimum wage, by an employer is reduced state wide, the entire work force, from 1,238 employees, to 1,031 to 663, to 310 to 288, I ask you is the law working or isn't it working?

If it is working why in the world is this Legislature mucking around to pass another law to lay a heavy hand on the system that seems to be working very well?

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

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate. I would like to think that I was a fair minded member of this body.

I happen to be involved from time to time with a lot of constituent work and one of the problems that I am having right now deals with the minimum wage, and an employer's refusal to pay said minimum wage.

I do not, as was brought up here when this Bill was last debated the first part of this week, we are not enacting a new statute we are simply amending a statute, we are increasing the penalties, something that we do in this body practically every day, on other statutes.

I do not see where any businessmen, any fair minded businessmen, excuse me, would be the least bit concerned about this piece of Legislation, unless they are found in violation of the minimum wage.

Now minimum wage has been around long enough, so that I would suspect that probably I could say that 90% of the businessmen in the

State of Maine are aware of it. Probably I would be able to say that 100% of the businessmen in the State of Maine that are aware of it.

I have a situation in my particular district, that I haven't been involved in this Bill really until this situation arose, but I have a situation in my district where I have an employer who refuses to pay minimum wage and the Bureau of Labor thus far has not done much about it, they have been notified of it. They have not done much. I wonder if it is perhaps because he knows that the penalty for doing, what he is doing or what I am alleging that he is doing, is so minor.

It has been pointed out that the minimum wage has risen and risen and risen, and the penalty for violating that minimum wage has stayed the same. I for one have not received a phone call, a phone call from a businessman saying that he or she thought that this was terribly unfair thing to do. Thank you.

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

Senator CONLEY: Mr. President and Members of the Senate. I was a little chagrined when I saw this Bill on the calendar the other morning that it was held, after this Senate had Enacted the Legislation.

In fact, I was walking around with a shamrock on my forehead because it was the first victory that the minority party has been able to claim during this session, in fact the Chief Executive told me the other morning that every one has got to have a victory at least once in their life and I thought that this was our one victory during this session.

The remarks of the good Senator from Kennebec, Senator Katz. Somewhat astonishing though this morning, when once again, a unanimous Committee Ought to Pass Report is stopped on the threshold of enactment, by the Majority Party.

It deeply disturbs me when an honorable gentleman from Oxford, the good Senator, Senator Sutton and his committee presented in both bodies a unanimous report only to have it torn down.

We are talking about the minimum wage, the lowest level, the lowest, and we are saying that anyone who violates that law knowingly shall be prosecuted and shall pay penalties. Do we have any heart at all, for the working men and women in this State? It is easy for the good Senator from Kennebec, Senator Katz to come out and create these rhetorics having nothing to do with the Legislation. If you have any concern for the men and women of this State, I ask you to support Enactment of this Bill.

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

Senator PRAY: Mr. President and Members of the Senate: To clarify the, or to further expand on the remarks of the good Senator from Kennebec, Senator Katz, in reference to a law that is working.

The good Senator shared with us those figures of the number of employees who violations were against, and he ran through the year of 74 through 78 and showed us that there has been a decline in the number of employees violated against.

Let's talk about violations, in that same time period, 1974 (1,975); 1975 (2,512); 1976 (3,108); 1977 (4,821) and in 1978 (6,145) a continuing increase in violations. When we want to stop and talk about these individuals violating the law and to what we should do for penalties just stop for a quick figure of the 288 individuals who the law was violated against last year to a tune of \$17,000 and divide that and find out what the average individual is losing in wages. I think you will find that the penalties today in the last penalty in 1977 was only a \$50.00 fine, that there are advantages if you are a large employer that pays minimum wage to perhaps not pay an individual time and a half and after a while if you do not get caught you are making money on it, but the poor fool that is sitting there working

who does not know it until the department comes around and checks the books. He is the individual who is living presently on \$5,800 if he is working 40 hours a week for 50 weeks per year, and just think of how far that \$5,800 would get that individual, in shelter, in taking care of the health care of his family just think of how far that individual is going to go.

Then note and pity the poor businessman who cannot afford a \$300 fine after he has been told by the Department that he is violating the law and has an opportunity to retribute that crime, take care of it himself without any penalties, then pity the poor businessman.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: I have been listening to these debates, and no one has mentioned that many house-wives at various times, have a large garden or they have some other extra house cleaning to do and they aren't even conscious of what the minimum wage is, they have some neighbor or some friend who wants to help them and to find out at a later date, that they have been in violation of the law. Well I do not think that that would be very good for many of the working people in this State to increase that fine, because I am sure that in many many cases this has happened, somehow or another they discover that they have been working below the minimum wage and I do not think that those people should be punished.

The PRESIDENT: Is the Senate ready for the question?

A Roll Call has been ordered.

The pending question before the Senate is Enactment of L. D. 155.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Clark, Conley, Cote, Farley, Martin, Minkowsky, Najarian, O'Leary, Pray, Sutton, Teague.

NAY — Ault, Chapman, Collins, Devoe, Emerson, Gill, Hichens, Huber, Katz, Lovell, McBreairey, Perkins, Pierce, Redmond, Shute, Silverman, Trotzky, Usher.

ABSENT — Danton, Trafton.

A Roll Call was had.

12 Senators having voted in the affirmative and 18 Senators in the negative with 2 Senators being absent, the Bill Fails of Enactment.

Sent down for concurrence.

Communication Senate Chamber PRESIDENT'S OFFICE

March 20, 1979

Honorable Ralph Lovell
Honorable Merle Nelson
Chairmen, Aging, Retirement & Veterans
State House
Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating Mary Louis Kurr of Orono to serve on the Board of Trustees of the Maine State Retirement System.

This nomination will require review by the Joint Standing Committee on Aging, Retirement, and Veterans and confirmation by the Senate.

Sincerely,
JOSEPH SEWALL
President of the Senate
JOHN MARTIN
Speaker of the House
(S. P. 437)

Which was Read and Referred to the Committee on Aging, Retirement and Veterans.
Sent down for concurrence.

Senate Papers

Senator Danton of York presented, Bill, "An Act Concerning the Licensing of Wholesale

Used Vehicle Dealers". (S. P. 435)

Which was referred to the Committee on Business Legislation and Ordered Printed. Sent down for concurrence.

Senator Danton of York, Cosponsor: Senator Farley of York presented, Bill, "An Act to Clarify Inconsistencies in the Liquor Laws". (S. P. 436)

Senator Pierce of Kennebec, Cosponsor: Senator Danton of York presented, Bill, "An Act to Increase Merchandising in State Liquor Stores". (S. P. 433)

Senator Pierce of Kennebec, Cosponsor: Senator Danton of York presented, Bill, "An Act to Provide for the Use of Credit Cards at the Kittery Liquor Store Only". (S. P. 434)

Which were referred to the Committee on Legal Affairs, and Ordered Printed. Sent down for concurrence.

(Off Record Remarks)

Committee Reports

House

Leave to Withdraw

The Committee on Education on, Bill, "An Act to Extend the Educational Programs at the Maine Youth Center". (H. P. 489) (L. D. 618) Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read and Accepted, in concurrence.

Ought to Pass — As Amended

The Committee on Education on, 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)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-106)

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

Which Report was Read.

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

Senator TROTZKY: I move that this bill, be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Senator TROTZKY: Mr. President and Members of the Senate. This Bill came in for a quick hearing unlike other bills, because there was a championship game going to be played between South Portland and Presque Isle, a group of Legislators felt that they wanted to see the winner of this game, of the State Championship, which happened to be South Portland, go on to the New England Championship.

I felt, if this Bill were passed that South Portland would be able to play in the championships. I had great reservations at the time that the committee was discussing this Bill, but went along with the Committee because of the strong emotion of the moment. Which was the feeling, I believe, of most of the people in this State, that they would like to see Maine teams go on to interscholastic competition to play in championship events whether they be the New Englands or further competition.

Let me give you one background in this because I think that it is important. The State Principals Association manages and regulates interscholastic athletic competition in the State of Maine. They look after the welfare of the kids in the State of Maine, in making sure that all athletic events are run properly. The State Principals Association has managed athletics in a fair and equitable manner for 58 years in the State of Maine. They establish uniform rules, in athletics, they determine eligibility requirements, they make sure officials are secured and again I say they look after the welfare and safety of the kids.

The State Principals Association has joined together with State Principals Associations in other New England States to form a group called the Council of New England Secondary School Principals. It is this Council of New England Secondary School Principals which sanctions the New England Tournaments. The State Principals Association, recently withdrew from this, the New England Council competition, therefore South Portland couldn't play in the championship.

I would like to mention also something about the New England Competition, that New England Championship, Connecticut has withdrawn, Massachusetts, I do not believe takes part in that fully, and what this Bill would be a direct slap in the face to the State Principals Association.

They are having a meeting in April, to, I believe reconsider their action, look at their action in terms of withdrawing. I feel that the Legislature has no business getting involved in, you might say, short circuiting their actions.

The New England Tournament and I mentioned this, the New England Tournament is not sanctioned by the individual states, it is set up by the Principals Associations of the different states. Therefore, I feel the State Legislature should not be involved in a tournament which is not set up by the states.

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

Senator CONLEY: Mr. President and Members of the Senate. Once again, I call your attention to the calendar, a unanimous committee report, unanimous Ought to Pass Committee Report. I wonder this morning, why we bother having public hearings? I wonder why committees spend such long hours of deliberation and making reports out to the House and to the Senate? I really wonder if it is worth the Legislative process at all to get through the ritual that we are undertaking at this moment? I wonder if perhaps the good Senator from Penobscot, Senator Troitzky, could elaborate on that just a little bit?

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

Senator TROTZKY: Mr. President and Members of the Senate: When this Bill had its hearing on Friday, then had its work session right afterward in the afternoon, as I say, emotion was very strong there because at that time, Legislators felt that South Portland, could go to that tournament if this Bill were passed.

At the meeting, I questioned. I was the only one who basically objected to the Bill and stated at the time that I felt even if this Bill were passed it would not force the New England Council to accept the Maine Championship Team.

I reluctantly went along with the Committee, however, things have changed over the weekend, South Portland won a championship. They did try to get into the tournament and as I predicted at the Committee Hearing, the New England Council rejected, the South Portland attempt to get into the tournament. I think that they did that basically because the tournament already, and I would remind the Minority Leader in this Senate that I reserve the right to change a decision of mine at any time.

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

Senator GILL: Mr. President. I rise to speak on this Bill and I rise even though my Team is the Best Team in the State and they handled the ball just superbly during that whole thing and they are now really a professional team in a high School. We are very proud of them.

The Bill was put into the Legislative hopper the first of January, the bill was not an emergency Bill at that point. It was not for South Portland, it was not for us knowing that South Portland was going to win.

It was put in there by a Representative not from the South Portland area at all as prime sponsor, it did happen to have a cosponsor as a

representative from South Portland.

But the point is the State Statute, Chapter 109, Section 1011, says "the duty of the school committee is to make provision for the organization and development of adequate programs of health safety and physical education for their local jurisdiction."

All this Bill does is allow that governing body that unit the School Board at the local level to decide whether an athletic team or individual athletes can participate in post-season championship competition.

I have no objections with SPA setting up the team schedule for the games during the school session, but after when it is post-season as these teams or these competitors are invited to participate in sports events, after the season I see no objection why the local school board cannot rule on that. They know whether they can afford to send a team. They will pick up the cost of it, I am sure if any unit or city had a championship team, I am sure that the boosters club, I am sure that the parents groups there would get behind the team and see that it went further than what we are able to do now.

I object to the SPA bringing in this rule, because out of the 142 participating principals there, there are only 34 members who voted on this. I do not consider that the majority necessary to vote. I think that they should have sent out letters to the different school principals and asked them that way to vote, by mail, if they could not attend in person, but I think that it should have been a larger vote than that, at the time.

There are other areas, you know we are not involved in Basketball. South Portland did win the State Championship, I am very thrilled with that, but there are other areas that are involved, we have tennis coming up now, we have field hockey, we have debating, we have the dramatic clubs of the different schools, who should be allowed to participate in competition, New England wide, region wide, throughout the country if they were invited. What happens here is that the school, the Principals Association has made the ruling that they are not able to participate, only if they give their authorization.

I think that somewhere along the line that after the season's competition is over, we have to allow the local school board that right to make that decision for their own team. I think that one of the questions that was asked at the hearing was about sanction about whether the State Principals Association would sanction a team if they did participate without their authorization.

That question was not answered. They said that they would prefer to wait until the Bill came out to let their attorneys look at it to see how they would rule on that. I think that the schools are afraid of what sanction the State Principals Association would take on them, so I would ask that, we do have a Division, I would hope that you vote yes.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: This was one of the bills, that we had last Friday morning that lasted 3½ hours. We discussed everything and brought back very fond memories I had of my debate as a member of the Legislative Research Committee, 10 years ago against the SPA and their activities in the State of Maine.

At that time we thought we had solved the problem with the SPA, but it is very obvious that with the sanctions that have been discussed by previous speakers that the criterion that they used still exists.

I would call the Senate's attention to amendment F-106 which states the following: "Interscholastic athletic competition, the governing body of an administrative unit shall be the soul body authorized to decide whether athletic teams or individual athletes of an administra-

tive unit, who are qualified or otherwise selected to participate in post season interscholastic championship competitions shall be allowed to participate."

This is the entire crux of the matter, if they do not get authorization because of SPA's affiliation with the New England Council, then it is up to the local municipality of that team, to make that determination, in my estimation.

We should not have to have a super body over and above us, to tell a community or municipality and a championship team, what they should or should not do.

You have to bear in mind also that the SPA collected money at the gate for these various championship games which they retained, and I think that the fee in that particular case runs as high as 70%. Now in this particular case since South Portland did prevail, it only seemed right and proper that they shouldn't have to go back to the municipality to gain that money to go on to the New England Championship, but in reality that is what they must do.

If the Municipality in their wisdom is willing to raise the money to send that team to the New England's, so be it. It should be their determination, but I also brought out to the SPA members that there should be some way of reimbursing municipalities for some of the costs, from the money that they collected, in the fair or the gate take.

It was also discussed and I think that it is fair to bring this out at the present time, that if South Portland did go to the New England Competition, that it might be referred to as a hollow victory. The reason for that being that there were 2 other New England States the 2 largest ones population wise, Massachusetts and Connecticut, that also are not participating in the New England Tournament. This was discussed at some length because of conflicts and there seems to be a lot of internal conflict within the New England Council and the various State Principals Associations.

At the present time after evaluating this a little more closely, Mr. President and Members of the Senate, I would hope that we would defeat the Motion to Indefinitely Postpone, this particular Bill, pass it on and possibly enact it, hopefully enact it. To get a message across to the administrative units and to the principals in the State of Maine, that they are working for the municipalities we are not working for them. Hopefully a study order in addition to this particular Bill, will address this in more detail as it should have been continued 10 years ago, but unfortunately wasn't.

I think it is really too bad when an organization can secretly and I use the word, secretly, impose sanctions to the various schools by telling them what will happen to them if they deviate from their set policy. We are still in a democracy and as to collecting that money at the gate, and they are not in any position at all in my estimation, to be imposing any type of sanctions to any municipality who wants to pursue going into the New England Tournament. So Mr. President, I would hope that the Senate would allow this Bill to continue on and defeat the pending Motion which is the Motion of Indefinite Postponement of this Measure.

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

Senator COLLINS: Mr. President. I think that it ought to be pointed out that no school, has to join in the Maine Principals Association, it is a voluntary association. If a school does not want to belong they do not have to belong, they can run their own show and their own program as they see fit.

It seems to me that if the Maine Legislature is going to undertake to regulate school athletics and other competitive programs, that we are going to be here 12 months a year rather than 6. We would really be opening up a tremendous area of controversy, because it is a supercharged area of emotion when you get athletic teams that want to do this or that. I

think that it would be a great mistake to have the Legislature, intrude into what has been working as a very satisfactory system for a long time.

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

Senator LOVELL: Mr. President and Ladies and Gentlemen of the Senate: This is truly a home rule Bill, this is a Bill and I agree with the good Senator from Androscoggin, Senator Minkowsky, that they are taking 70% of the money for the Principals Association, there are 142, but yet only 42 voted, the last time against this thing 39 to 5 out of a 142 members, so that is a pretty poor showing, I would say. This is definitely a Home Rule Bill and I do not want to bore you more but I would request a Division and lets vote on this and get it through and get it through as soon as possible.

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

Senator TROTZKY: Mr. President and Members of the Senate: I feel compelled to rise now to correct a few things that have been said on the floor here.

SPA makes money in Basketball, Football, and Ice Hockey Tournaments. These three sports, the money coming in from these 3 sports, the profits are used to offset the costs of non income producing activities. There are many other activities that the SPA supervises, track, ski, swimming, basketball, hockey, wrestling, soccer, also debating, non-athletic competition.

We have local control right now, and I do not believe principals are employed by superintendents who are employed by school boards so this is local control with the SPA. Secondly, even if this Bill were to be passed, by the way school boards can control whether a team, whether they want to send a team to a tournament or not, but because you have this Bill, you can't force a team into a tournament run by the council of the New England Principals Association, this Bill is not going to force these teams in. I will just give this example to you, assuming that the Maine Principals Association, withdraws from the competition and one of our teams, school boards, decides that they want their team to play in that competition and they call up and ask to be invited. I cannot see how the principals of another state are going to turn around and invite that team. I think that they also have colleagues in the State of Maine and will respect the wishes of the State Principals Association in Maine which make up that council. I do not think that the Bill is going to accomplish what the sponsors would like it to accomplish.

I repeat again, there is no other organization that has come forward voluntarily to regulate and manage school athletics. The SPA has done it they have done a good job with it. Again I say that all this is a slap in the face to the State Principals Association. I would hope that this Bill would be Indefinitely Postponed.

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

Senator PIERCE: Mr. President and Members of the Senate: When I left here last night I went directly to a hockey banquet which lasted close to 5 hours and like the Senator from South Portland, Senator Gill, I too represent an area which represents the very best in the State in Class "A" Hockey. I had an opportunity to talk to many of them and it made me really, to talk to these young people, who were involved in hockey and the hockey program in Waterville, which had always been so strong. I am very proud.

It made me think of how proud I would be of them, if they could go to the New England, if they could represent Maine and what Maine youth is out of the State. I thought wouldn't it be great if they could go. It brought back memories of not so long ago, great years not so long ago when Waterville High School won year after year, not only the State Championship,

letting Lewiston slip one in once in awhile, and won several New England Championships as well. In talking to the students, I think that I pretty much found out where their heads are. it was pretty obvious that most of them would be more than interested in attending a New England Tournament and showing again that they were the very best that the region had to offer.

First let me say, I think that I get a general feeling of what is going to happen to this piece of Legislation, but having served in both bodies of the Legislature I have always thought that both of them have their strengths and their weaknesses, but one of the strengths that I have identified in the Senate is that perhaps, in many many issues, we can react with a little less emotion than the other body, where it is larger, is able to do.

I thought back over the history of what little I know about the SPA evidently in the past when I guess nobody wanted to run athletics in the State. They did it and have done it for many, many years. I heard the Senator from Penobscot indicate and refer to the SPA as fair and equitable, well I have only had one dealing with the SPA in my life and I did not find them fair or equitable. This year's championship game at Waterville which was scheduled for weeks and weeks, the Waterville/Lewiston Game was scheduled at 7:30 and at the last minute they changed it and had it at 1:30 which was a real problem for many, many people. Many parents who had sons competing in the Bantam championships which were being held I believe in Biddeford. So I have not found them in my limited experience to be fair and equitable.

I also thought that it seems to me that these are the rules, that basically Principals, Superintendents, Athletic Directors and others involved in the athletic program, these are the rules that they have decided voluntarily to live by. They have asked the SPA to run this program, and I wonder and ask myself should we here change these rules now that all the parties involved have decided to live by them?

It seems to me that much of what this Legislation aims to do we have done.

I think that we have delivered a message loud and clear to the SPA that we are very unhappy with them and we are unhappy with the actions that they have taken. As the Senator from Penobscot pointed out, they do have a meeting coming up and I spoke to the principal of Waterville High School about that last night and asked him to communicate to the State Principals just how the Legislature on the whole probably did feel about their action.

So while it may be popular and easy to vote for this legislation and it sounds so good, I wonder if it really is the responsible thing to do? I wonder if we in the Legislature in effect want to run athletics in the State of Maine, or if we want to let somebody, like the SPA, whom the people involved chose to run it, run it? I think that School Boards, Parents, Athletic Directors, the result of this whole controversy are going to have a lot more to say about what goes on in the SPA. If the SPA is not responsive to it I suspect that they will look to another organization, but I would hope that they would not look to the Legislature to run athletics, because I really do not think we are the proper group to do it.

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

Senator KATZ: Mr. President. I think that the Senator from Kennebec, Senator Pierce, has put his finger on the crux of this argument, one cannot listen to the forceful arguments of the Senator from Cumberland, Senator Gill, without being impressed. The burdens of being Chairman of Education are rather heavy and one can not be impressed by listening to the Senator from Penobscot, Senator Trotzky.

May I suggest an alternative that might be fair, honest and effective. I have concerns about the Legislature getting involved in this. I conducted a public hearing 10 years ago, with-

out any piece of Legislation in front of us because the situation at that time was even hotter because it involved Androscoggin County. You know that they are rougher than the Cumberland people ever thought of being, it had to do with the distribution of dollars in a football game and Lewiston felt that it got ripped off. But I came to the conclusion, so did my committee, that this was really not a proper area, a thicket, for the Legislature to get involved in.

Who is responsible for the establishment of Educational Policy. The Local School Board, they are elected and they really are the only ones who are responsible for establishing Educational Policy. Might I suggest that an alternative position for us to take would be to suggest to the Senator from Penobscot, Senator Trotzky, that his committee might like responsibility in this area, to review the entire question of establishment of policy by SPA, they are the bosses, they are the ones that we elected to do the job, not the Legislature, and might not this be a bridge between the Senator from Penobscot's, point of view and the Senator from Cumberland's point of view and get the Legislature out of the thickets that I really, really do not want to tread in. On that basis I ask you to defeat this Bill, but to urge the Senator from Penobscot, to pursue it through the State School Board Association.

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

Senator FARLEY: Mr. President and Members of the Senate: I think that all of you should just look at the present makeup of the SPA. There are 142 members, Principals of every High School, I imagine, in the State of Maine.

There are only 10 or 12 New England Championship Tournaments of some kind going on. So if you had a vote I would imagine the 10 that were going to send somebody would vote for it, the other 32 that see a loss of revenues because they were not the ones going, to vote against it. I do not doubt that if they were all there it would not be any different percentage wise. The only ones that are going to vote for it probably are the ones that have teams that are going to these tournaments. They all know a year ahead of time what kind of a basketball team they are going to have, or football team.

I just can go back and relate my experience when I used to go to the New England at Boston Gardens for years and years, saw the great Skip Chappelle from Old Town when he set the New England Record in scoring in one basketball game. The great team from Bath, Mr. Harrington and Mr. McKinnon and a few others. All of Maine used to be there, not just Bath, or Old Town, people, the entire State of Maine, was there, they had a larger contingent than any other state, South Portland when they were there, Chevrus, the Great Ellsworth Team. I would urge the members of this body to support this piece of Legislation before us and to support it overwhelmingly and send a message back to the SPA. Thank you very much.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of Indefinite Postponement of this Bill and its accompanying papers, please rise in their places to be counted.

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

9 Senators having voted in the affirmative and 15 Senators in the negative the Motion to Indefinitely Postpone does not prevail.

The Ought to Pass as amended, Report of the Committee, Accepted, in concurrence, and the Bill Read Once, Committee Amendment "A" Read and Adopted in concurrence.

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

Divided Report

The Majority of the Committee on Judiciary

on, Bill, "An Act to Allow Former Judges to Practice Criminal Law". (H. P. 465) (L. D. 587)

Reported that the same Ought Not to Pass.

Signed:

Senators:

COLLINS of Knox
DEVOE of Penobscot
TRAFTON of Androscoggin

Representatives:

STETSON of Wiscasset
HOBBINS of Saco
CARRIER of Westbrook
SEWALL of Newcastle
SILSBY of Ellsworth
GRAY of Rockland
SIMON of Lewiston

The Minority of the same committee on the same subject matter reported that the same Ought to Pass.

Signed:

Representatives:

LAFFIN of Westbrook
JOYCE of Portland

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

Which Reports were Read.

The Majority Ought Not to Pass Report of the Committee Accepted, in concurrence.

Senate

Leave to Withdraw

Senator Pierce for the Committee on Election Laws on, Bill, "An Act to Enable voters who cannot Read or Mark Their Ballots or Whose Religious Beliefs Prevent Them From Marking Their Ballots to Obtain Assistance in Marking Their Ballots From Individuals of Their Choice". (S. P. 36) (L. D. 24)

Reported that the same be granted Leave to Withdraw.

Senator Teague for the Committee on Taxation on, Bill, "An Act to Ensure that the Property Tax Exemption for Residential Real Estate Owned by Blind Persons shall be Based on Just Value". (S. P. 210) (L. D. 583)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted.

Sent down for concurrence.

Ought to Pass

Senator Collins for the Committee on Public Utilities on, Bill, "An Act Authorizing the Public Utilities Commission to use a Modified Procedure in Uncontested Cases Relating to the Assignment and Transfer or Charter Bus Licenses". (S. P. 113) (L. D. 207)

Reported that the same Ought to Pass.

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

Ought to Pass — As Amended

Senator Gill for the Committee on Health and Institutional Services, on Bill, "An Act to Provide Interpreter Service for the Hearing Impaired". (S. P. 80) (L. D. 157)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-44).

Which Report was Read.

On Motion by Senator Pierce of Kennebec, Tabled for 1 Legislative Day, pending Acceptance of the Committee Report.

Senator Shute for the Committee on Legal Affairs, on Bill, "An Act to Limit the Number and Location of Agency Stores; under the Statutes Relating to Alcoholic Beverages". (S. P. 217) (L. D. 602)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-45)

Which Report was Read and Accepted and the Bill Read Once. Committee Amendment "A" Read.

The PRESIDENT: The Chair recognizes the

Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President and Members of the Senate. Because of an error in the Amendment, I would move Indefinite Postponement of the Amendment, and amend the bill tomorrow.

The PRESIDENT: The Senator from Waldo, Senator Shute, moves that the Senate Indefinitely Postpone Committee Amendment "A". Is this the pleasure of the Senate?

It is a vote.

Committee Amendment "A" Indefinitely Postponed. The Bill, Tomorrow Assigned for Second Reading.

Second Readers

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

House

Bill, "An Act Relating to Identification of Motor Vehicles used to Transport Handicapped Persons". (H. P. 326) (L. D. 403)

RESOLVE, Providing for a Study to Reexamine the Location of an Additional River Crossing in the Town of Skowhegan. (H. P. 168) (L. D. 199)

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Waldo County for the Year 1979. (Emergency) (H. P. 1009) (L. D. 1171)

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1979. (Emergency) (H. P. 1008) (L. D. 1170)

RESOLVE, Appropriating Funds for State Share of Access Bridge in the Town of Medford. (H. P. 405) (L. D. 509)

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

House — As Amended

Bill, "An Act to Increase the Size of the Human Services Fraud Investigation Unit". (H. P. 338) (L. D. 437)

Bill, "An Act to Increase the Personal Needs Allowance for Recipients of State Supplemental Income Residing in Adult Foster Homes and Boarding Homes". (H. P. 212) (L. D. 260)

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

Bill, "An Act to Increase the Permissible State Discount to State Agency Stores to 12% Under the Alcoholic Beverages Statutes". (H. P. 88) (L. D. 100)

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

Sent down for concurrence.

Enactors

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

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

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

An Act to Amend the Duties of the Commissioner of Educational and Cultural Services Relating to Bilingual Education. (H. P. 182) (L. D. 232)

An Act to Revise the Podiatric Practice Act. (H. P. 235) (L. D. 281)

An Act Relating to Inspection by the State Fire Marshal. (H. P. 438) (L. D. 555)

An Act to Clarify the Meaning of "the Prevention of Fire" under the Public Safety Statutes. (H. P. 440) (L. D. 557)

An Act to Expand the Meaning of the Term "Exits" under the Public Safety Laws. (H. P. 441) (L. D. 558)

An Act to Transfer Jury Commissioners' Functions to Clerks of Courts and Permit Grand Jury Terms to be Set by Order of the Chief Justice. (H. P. 280) (L. D. 358)

An Act to Revise the Service Charge for

Local Vehicle Registration Agents. (H. P. 147) (L. D. 150)

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

An Act to Require Personnel Files to Include Medical Records and Nurses' Station Notes. (H. P. 138) (L. D. 158)

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

Senator GILL: Mr. President I would like to pose a question through the Chair. It is my understanding that in the term medical records in the Bill where it is kept in the industrial plants, and paper companies, that it just talks about what the nurses put in what the company wants put in the record and that it does not pertain to medical records from hospitals or insurance company records or anything like that?

The PRESIDENT: The Senator from Cumberland, Senator Gill, has posed a question through the Chair.

The Chair recognizes the Senator from York, Senator Lovell.

Senator LOVELL: No, we amended off, that Bill all of the words after the \$500.00. Now, the nurse if she does not keep the records and so forth is fined, the hospital is fined, so much per day, and after the \$500.00 the money was to go to the employee. The Committee did not feel that it was the right thing for the money to go to the employee, instead of to the State or wherever the money was supposed to be going, so we amended that part off. I think that makes the Bill satisfactory.

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

Senator SUTTON: Mr. President, to answer the good Senator's question, from Cumberland, the answer is Yes.

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

Senator DEVOE: Mr. President, is L. D. 459 in the possession of the Senate?

The PRESIDENT: The Chair would answer in the affirmative, L. D. 459 having been held at the Senator's request.

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

The PRESIDENT: The Senator from Penobscot, Senator Devoe moves that the Senate reconsider its action whereby Bill, "An Act Relating to Certificate of Deposit as it Applies to Survivors." (S. P. 192) (L. D. 459)

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

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

Senator PRAY: Mr. President, is the Senate in possession of L. D. 470?

The PRESIDENT: The Chair would answer in the affirmative, L. D. 470 having been held at the Senator's request.

Senator PRAY: Mr. President, I would like to move Reconsideration whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Penobscot, Senator Pray now moves that the Senate Reconsider its action whereby 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) was Passed to be Engrossed.

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

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

Order

An Expression of legislative sentiment recognizing that: Maine's Teacher of the Year 1975, Miss Roberta Rogers has touched and enriched the lives of thousands over the past 42 years with the magic of her teaching... (S. P. 438) is presented by Senator Clark of Cumberland.

Which was Read and Passed.
Sent down for concurrence.

On Motion by Senator Pierce of Kennebec, adjourned until 10 o'clock tomorrow morning.