

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 27, 1979

Senate called to Order by the President.

Prayer by Reverend Earle C. Morse, Fellowship Baptist Church of Augusta.

Reverend MORSE: Heavenly Father, we are reminded today of the words of Solomon, who said, "My Son, if thou wilt receive my words and hide my commandments with thee so that thou incline thine ear unto wisdom, apply thy heart to understanding; yes if thou criest after knowledge, then lift up thy voice for understanding; yes if thou seekest her silver, searcheth for her as for hidden treasures, then thou shalt understand the fear of the Lord and find the knowledge of God, for the Lord giveth wisdom, and out of His mouth cometh knowledge and understanding. He layeth up sound wisdom for the righteous." Dear Father, we seek to lay up this wisdom which cometh from above, for it is not within man to direct his steps aright apart from the Lord who created him, thus, Father, we seek to trust you with all of our hearts that you may direct our thoughts and actions this day. Father, we're also reminded that as a man thinketh in his heart, so is he and that out of the abundance of the heart his mouth speaketh. May we speak today, Lord, only those things which will bring glory and honor unto thy Holy Name. Loving Father, the people of Maine and America are waiting to hear of our good words and decisions, so direct this great government and Senate today. We give you thanks for this direction in Jesus' name, Amen.

Reading of the Journal of yesterday.

Senator Katz of Kennebec, was granted unanimous consent to address the Senate, Off the Record.

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.

Non-concurrent Matter

Bill, "An Act Relating to Certificate of Deposit as it Applies to Survivors." (S. P. 192) (L. D. 459)

In the Senate, March 20, Passed to be En-grossed.

Comes from the House, Recommended to the Committee on Business Legislation, in non-concurrence.

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

Is this the pleasure of the Senate?

The Motion Prevailed.

Joint Order

ORDERED, The Senate concurring, that the Joint Standing Committee on Local and County Government report out a bill, "An Act Extending the Time for Apportionment of County Taxes from March to March, April or May in the Year 1979." (H. P. 1176)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

House Papers

Bill, "An Act to Provide an Additional Retirement Fund for Public School Coaches." (H. P. 1072) (L. D. 1327)

Bill, "An Act to Permit Divorced Persons

who are Married More than 15 Years to Claim Retirement Benefits." (H. P. 1073) (L. D. 1338)

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

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

Bill, "An Act to Appropriate Funds for the Nursing Home Ombudsman Program." (H. P. 1074) (L. D. 1328)

Comes from the House, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

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

Bill, "An Act to Improve Private Remedies for Violations of the Antitrust Laws." (H. P. 1077) (L. D. 1330)

Bill, "An Act to Exempt Out-of-State Technical and Vocational Schools from Registration under the Transient Sellers Law." (H. P. 1076) (L. D. 1329)

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 to Permit the Attorney General to Retain Amounts Recovered for Costs of Investigation and Suit." (H. P. 1075) (L. D. 1339)

Committee on Business Legislation suggested.

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

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

Bill, "An Act to Assure the Continuance of Privately Operated Schools for the Handicapped." (H. P. 1078) (L. D. 1331)

Bill, "An Act to Require that all Teachers have at Least 9 Credit Hours in Special Education." (H. P. 1082) (L. D. 1342)

Bill, "An Act to Establish an Energy Efficient School Year." (H. P. 1079) (L. D. 1340)

Bill, "An Act to Better Reflect True Education Costs by Reducing Transportation Reimbursements to School Units for Noninstructional Purposes." (H. P. 1080) (L. D. 1341)

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 Provide a Grant to Community Health Services, Inc. for a Long-term Care Demonstration Project." (H. P. 1087) (L. D. 1343)

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 Allow Assignment of Personnel in Emergency Situations." (H. P. 1090) (L. D. 1344)

Committee on Health and Institutional Services suggested.

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

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

Bill, "An Act Relating to Retirement Bene-

fits of Superior Court Employees." (H. P. 1093) (L. D. 1332)

Committee on Judiciary suggested.

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 to Provide for Industrial Notification on Plant Closing and Mass Layoffs." (H. P. 1060) (L. D. 1333)

Bill, "An Act to Amend the Municipal Public Employees Labor Relations Act." (H. P. 1095) (L. D. 1345)

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

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

Bill, "An Act to Create a Class of Security Guards with Limited Powers of Arrest." (H. P. 1030) (L. D. 1312)

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

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

Bill, "An Act to Prohibit the Minimum Charge on Unused Buildings by Electric Power Companies." (H. P. 1098) (L. D. 1346)

Bill, "An Act to Provide Information Assistance Under the Public Utilities Law." (H. P. 1064) (L. D. 1318)

Bill, "An Act to Reduce the Charges for Public Pay Telephones." (H. P. 1063) (L. D. 1317)

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

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

Bill, "An Act Relating to Membership of Treasurer of State on Boards that Issue Debt." (H. P. 1065) (L. D. 1313)

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

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

Bill, "An Act Defining a Retailer's Sale of Equipment Used in Its Business as a Casual Sale under the Sales and Use Tax Statutes." (H. P. 1066) (L. D. 1320)

Bill, "An Act Providing for Administrative Changes in Maine Tax Law." (H. P. 1068) (L. D. 1326)

Bill, "An Act to Require Payment of Taxes on Timberland Repossessed by the Maine Guarantee Authority." (H. P. 1104) (L. D. 1319)

Come 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 to Exempt Financial Institutions from the Motor Vehicle Dealers Law Licensing Requirements." (H. P. 1070) (L. D. 1325)

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

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

Senator KATZ: Mr. President. L. D. 1325 apparently is identical with respect to wording and sponsorship, with L. D. 1232 which has already been referred, therefore I move Indefinite Postponement.

On Motion by Senator Katz of Kennebec, Indefinitely Postponed, in non-concurrence.

Sent down for concurrence.

Bill, "An Act to Deregulate Intrastate Trucking." (H. P. 1069) (L. D. 1321)

Committee on Transportation suggested.

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.

Study Report - Interim Education Finance Commission

The Interim Education Finance Commission In Accordance with PL 1977, c. 711 asks leave to submit its findings and report the accompanying Bill, "An Act to Provide for Reimbursement for Crossing Guards." (Emergency) (H. P. 1155) (L. D. 1322) be referred to the Committee on Education for public hearing and printed pursuant to Joint Rule 17.

Comes from the House, the Report Read and Accepted and the Bill referred to the Committee on Education.

Study Report - Interim Education Finance Commission

The Interim Education Finance Commission In Accordance with PL 1977, c. 711 asks leave to submit its findings and report the accompanying Bill, "An Act to Provide for Using an Average of Recent State Valuations for Purposes of Computing State Subsidies Under the School Finance Report." (Emergency) (H. P. 1157) (L. D. 1324) be referred to the Committee on Education for public hearing and printed pursuant to Joint Rule 17.

Comes from the House, the Report Read and Accepted and the Bill referred to the Committee on Education.

Study Report - Interim Education Finance Commission

The Interim Education Finance Commission In Accordance with PL 1977, c. 711 asks leave to submit its findings and report the accompanying Bill, "An Act to Amend the School Finance Law." (H. P. 1156) (L. D. 1323) be referred to the Committee on Education for public hearing and printed pursuant to Joint Rule 17.

Comes from the House, the Report Read and Accepted and the Bill referred to the Committee on Education.

Which Reports were Read and Accepted in concurrence, and the Bills referred to the Committee on Education, in concurrence.

Senate Papers

Senator Trotzky of Penobscot presented, RESOLVE, to Determine the Feasibility of using Mountaintop Pond for a State Park for the Greater Bangor-Brewer Area. (S. P. 472)

Senator Pierce of Kennebec, Cosponsors: Senator Perkins of Hancock, Senator Conley of Cumberland and Senator Katz of Kennebec presented, Bill, "An Act Concerning Health Services in Rural and Underserved Areas." (S. P. 473)

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

Sent down for concurrence.

Senator Conley of Cumberland, Cosponsor: Senator O'Leary of Oxford presented, Bill, "An Act to Encourage Location of Certain Coastal Heavy Industry in the Portland, South Portland and Upper Penobscot Bay Area." (S. P. 471)

Which was referred to the Committee on Energy and Natural Resources and Ordered Printed.

Sent down for concurrence.

Senator Trafton of Androscoggin presented, Bill, "An Act Relating to Appointment of Bail Commissioners and to Lessen the Burden upon Sheriffs and the Court for 'Prompt Bail Review'." (S. P. 470)

Senator Hichens of York, Cosponsors: Senator Silverman of Washington, Senator Carpenter of Aroostook and Senator McBreairey of

Aroostook presented, Bill, "An Act Relating to the Reporting of Illegal Use and Trafficking of Drugs in Maine Schools" (S. P. 469). (Approved by a Majority of the Legislative Council pursuant to Joint Rule 27).

Which were referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

House

The Committee on Legal Affairs on, Bill, "An Act Relating to Issuance of Licenses to Carry Concealed Weapons." (H. P. 442) (L. D. 559)

Reported that the same Ought Not to Pass. Comes from the House, with the following notation: "Reported out of Committee in Error and Returned to Committee on Legal Affairs."

Which Report was Read.

On Motion by Senator Shute, of Waldo, returned to the Committee on Legal Affairs, in concurrence.

Leave to Withdraw

The Committee on Appropriations and Financial Affairs on, RESOLVE, Authorizing the State to Pay the Indebtedness of Eastern Maine Friends of Retarded Citizens. (H. P. 538) (L. D. 669)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act Concerning Governmental Documents and Records of the Juvenile and Criminal Justice System." (H. P. 667) (L. D. 827)

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 Concerning the Voluntary Quit Provisions of the Employment Security Law." (H. P. 376) (L. D. 484)

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 to Expand Eligibility for Unemployment Compensation Benefits if a Worker has a Serious Personal Emergency." (H. P. 215) (L. D. 263)

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 to Increase the Limit that the State Minimum Wage can Rise from \$3 to \$4." (H. P. 63) (L. D. 71)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on State Government on, Bill, "An Act Creating the Bureau of Management Services within the Department of Finance and Administration." (H. P. 353) (L. D. 467)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on State Government on, Resolution, Proposing an Amendment to the Constitution of Maine to Abolish the Office of Secretary of State and to Create the Office of Lieutenant Governor. (H. P. 382) (L. D. 489)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on State Government on, Bill, "An Act Relating to Training, Counseling and Managerial Service Programs in Maine State Government." (H. P. 225) (L. D. 273)

Reported that the same be granted Leave to

Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on State Government on, Bill, "An Act to Establish a Commission to Study the State Personnel System." (H. P. 936) (L. D. 1148)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on State Government on, Bill, "An Act to Establish the Privacy Study Commission." (H. P. 647) (L. D. 800)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on State Government on, Bill, "An Act to Conform State of Maine Recruitment, Examination and Employment Practices with Provisions of the Maine Human Rights Act and Related State and Federal Legislation." (H. P. 258) (L. D. 303)

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.

On Motion by Senator Pierce of Kennebec, the Senate voted to reconsider its action of earlier in today's session whereby Bill, "An Act Relating to the Reporting of Illegal Use of Trafficking of Drugs in Maine Schools" (S. P. 469) was referred to the Committee on Judiciary and Ordered Printed.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act Relating to Method of Turning at Intersections." (H. P. 325) (L. D. 406)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

EMERSON of Penobscot
USHER of Cumberland
O'LEARY of Oxford

Representatives:

JACQUES of Lewiston
ELIAS of Madison
STROUT of Corinth
CARROLL of Limerick
HUNTER of Benton
BROWN of Mexico
MCKEAN of Limestone

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

Signed:

Representatives:

McPHERSON of Eliot
HUTCHINGS of Lincolnville
LOUGEE of Island Falls

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

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

Senate

Leave to Withdraw

Senator Huber for the Committee on Appropriations and Financial Affairs on, RESOLVE, Reimbursing E. G. Foden of South Portland for Cigarette Stamps. (S. P. 360) (L. D. 1107)

Reported that the same be granted Leave to Withdraw.

Senator Emerson for the Committee on Local and County Government on, Bill, "An Act Relating to Facsimiles of County Register of Deeds and Deputy Register of Deeds." (S. P.

193) (L. D. 460)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted.
Sent down for concurrence.

Ought to Pass

Senator Emerson for the Committee on Local and County Government on, Bill, "Act Concerning Dismissal of Municipal Police Chiefs." (S. P. 122) (L. D. 231)

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 Lovell for the Committee on Aging, Retirement and Veterans on, Bill, "An Act to Clarify the Application of Military Service Credits to Retirement Benefits for Policemen, Firemen, Local District Employees, Sheriffs and Full-time Deputy Sheriffs." (S. P. 147) (L. D. 324)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-57)

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

Divided Report

Seven members of the Committee on Labor on, Bill, "An Act Relating to Occupational Loss of Hearing." (S. P. 199) (L. D. 495)

Reported in Report A that the same Ought to Pass as amended by Committee Amendment "A" (S-58)

Signed:

Senator:

PRAY of Penobscot

Representatives:

McHENRY of Madawaska
MARTIN of Brunswick
BAKER of Portland
BEAULIEU of Portland
TUTTLE of Sanford
WYMAN of Pittsfield

Four members of the same Committee on the same subject matter Reported in Report B that the same Ought Not to Pass.

Signed:

Representatives:

CUNNINGHAM of New Gloucester
FILLMORE of Freeport
DEXTER of Kingfield
LEWIS of Auburn

Two members of the same Committee on the same subject matter Reported in Report C that the same Ought to Pass as amended by Committee Amendment "B" (S-59).

Signed:

Sensors:

SUTTON of Oxford
LOVELL of York

Which Reports were Read.

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

Senator SUTTON: Mr. President. I would move the Acceptance of Report "C" Ought to Pass, as amended, by Committee Amendment "B".

The PRESIDENT: The Senator from Oxford, Senator Sutton, moves that the Senate Accept Report "C" the Ought to Pass, as amended by Committee Amendment "B".

Is this the pleasure of the Senate?

Report "C" Accepted, the Bill Read Once. Committee Amendment "B" (S-59) Read and Adopted. The Bill, Tomorrow Assigned for Second Reading.

Second Readers

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

House

Bill, "An Act to Centralize the Administration of Uniform Reciprocal Enforcement of Support Act Petitions Filed in the State of Maine by the Official Child Support Agency of Another State." (H. P. 643) (L. D. 796)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Remove the Literacy Requirements for Eligibility to Vote. (H. P. 430) (L. D. 547)

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

Bill, "An Act Concerning Certain Allocations from the General Highway Fund for the Repair of Certain Bridges in Baxter State Park." (Emergency) (H. P. 134) (L. D. 145)

Which was Read a Second Time.

On Motion by Senator Pierce of Kennebec, Tabled for 2 Legislative Days, pending Passage to be Engrossed.

House — As Amended

Bill, "An Act to Establish Registration of Electrologists." (H. P. 48) (L. D. 57)

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

Senate — As Amended

Bill, "An Act to Amend the Workers' Compensation Statute to Provide for Podiatric Services." (S. P. 151) (L. D. 328)

Which was Read a Second Time.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: In reading over this Bill, especially the amendment, I was wondering, from the vote that we had taken on this Bill yesterday where it passed 12 to 13, if the sponsor or somebody who is familiar with this particular Bill could give us an explanation relevant to the equivalency of a degree of Doctor of Podiatry Medicine versus an MD, because there seemed to be a question in the past, that the existing podiatrist in the State of Maine, some do not have the educational background? I want to be sure that if we are going to compensate these people under this particular Bill that they be well qualified. I first wonder if there could be a collation made between an MD and a Podiatrist?

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, has posed a question through the Chair.

The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Podiatrists receive their professional education at one of five colleges of podiatric medicine which are accredited by the council of Podiatry Education. The colleges that they attended are located in Chicago, Cleveland, New York City, Philadelphia and San Francisco.

The entrance requirements for admission include a minimum of two years of pre-med study. I have here a schedule from the California College of Podiatry Medicine which is a four year college.

Each of the years they gave pathology, pharmacology, anatomy, microscopic anatomy, biochemistry, dermatology, they go into internal medicine, so they will know what they are working with in the human body, a little neurology, plastic and reconstructive surgery, clinical therapeutics they have a total of 1,284 hours. If you would require any more indepth, I would be glad to go through the rest of the course of studies.

I might add that in 1967 congress amended the Medicare Act to include podiatrists participation under medicare, and they are allowed to qualify for payment in the same manner as physicians, allopathic and osteopathic, and dentists.

In 1974 Congress enacted the Federal Employee Compensation Act, which classified Podiatrists as physicians participants.

In 1976 Podiatrists were included on a parody with other physicians in the malpractice protection act.

I might also add that there are only three states in the union that do not include podiatrists under Workmen's Compensations Alabama, Indiana, and Maine. What we are trying to do is to upgrade the Workmen's Compensation Act. If there are any further questions I would be happy to answer.

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

Senator LOVELL: Mr. President and Ladies and Gentlemen of the Senate: I am somewhat distressed that there is no grandfather clause on this Bill, because I am a podiatrist and podologist and have been since 1937. I took a course given by Dr. Scholl's, the company that makes the famous foot remedies. It was a correspondence course and I still have my framed diploma and I graduated from that correspondence school.

Now I would like to see this grandfather in there so that I can keep on working in my old age because we are getting inflation all the time and I will not make enough money in the Senate to really live on. Thank you.

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

Senator KATZ: Mr. President. It is my understanding that the Senator from York, Senator Lovell, will be available immediately after the session in Room 327.

The PRESIDENT: Is the Senate ready for the question?

The pending question is the Engrossment of L. D. 528.

Which was 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 Raising the Amount of the Homestead Exemption in Attachment and Bankruptcy Proceedings. (H. P. 419) (L. D. 532)

On Motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending Enactment.

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

An Act to Establish a Sign on the Maine Turnpike for Lost Valley. (S. P. 202) (L. D. 534)

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

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

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

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

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

On Motion by Senator Emerson of Penobscot, placed on the Special Highway Appropriations Table, pending Final Passage.

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

On Motion by Senator Huber of Cumberland, placed on the Special Appropriations table, pending Final Passage.

Emergency

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)

This being an emergency measure and having received the affirmative votes of 25 members of the Senate with 2 Senators having voted in the negative, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

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

This being an emergency measure and having received the affirmative votes of 28 members of the Senate, was Finally Passed 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 to Limit the Number and Location of Agency Stores under the Statutes Relating to Alcoholic Beverages." (S. P. 217) (L. D. 602)

Tabled—March 23, 1979 by Senator Katz of Kennebec

Pending-Adoption of Senate Amendment "A" (S-51)

Senate Amendment "A" (S-51) Adopted. The Bill, Passed to be Engrossed, as amended. Sent down for concurrence.

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

SENATE REPORTS — from the Committee on Labor — Bill, "An Act to Encourage Retraining of Handicapped Workers." (S. P. 164) (L. D. 368) Majority Report — Ought to Pass; Minority Report — Ought to Pass as amended by Committee Amendment "A" (S-55)

Tabled—March 26, 1979 by Senator Pray of Penobscot.

Pending—Motion of Senator Sutton of Oxford to Accept Minority Report.

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

Senator PRAY: Mr. President and Members of the Senate. For those of you who have taken time to look at the 2 committee reports, you will see that the Committee was unanimous on the first section of the Bill, which deals with correcting the present situation, which I think was overlooked earlier, that is the exchange of the Medical Records between employers and employees in a workers comp case.

The present law requires that the employee has to turn over his medical records to the employer or his council, and the present law does not qualify an employer to turn over any medical records which they may have. The minority report as amended addresses that first problem.

The Bill, as it goes on addresses another situation, which there is great concern about, I have in my three terms served on the Labor Committee, I come from a Labor intensified area so I have a very sincere interest in vocational rehab. and this is what this Bill addresses.

It is my own desire to have individuals off from Workmen's Comp and return them to employment, instead of continuing them through life collecting on Workmen's Comp. The problem with the present law, is the wording which states "that after an individual who has been injured and it appears that vocational or educational rehabilitation is necessary, and desirable," the bad word here is not so much desirable, but the word necessary.

I would like to kind of give you an example. Let's take an example in my district of an individual who is a paper maker, 38 years old, has a

10th grade education, and has a reading problem. Through an injury in the mill, that neither side contests, it is clearly decided that he was injured and he has been declared 70% disabled. That 70% disability is based on the fact that he can not do any heavy work for the rest of his life. At the age of 38. He still could pump gas, therefore vocational rehab is not necessary.

You are talking about an individual, probably as a paper maker, in Maine, is earning around \$20,000. or more a year, all of a sudden becoming injured and with no qualification of Vocational Rehab. because it is not necessary for him to have gainful employment. Now we are going to talk about going from \$20,000. down to pumping gas. We have already discussed minimum wage issue here, so we are talking about perhaps a drop of income down to the \$6,000. area.

The Bill as in the Majority Ought to Pass Report changes, necessary to materially assist, the individual into regaining his earning capacity, prior to his injury. The question that I come down to basically is, would you rather have that individual on Workmen's Comp for the next 40 years, collecting his 70% disability or would you rather have him, for example, go through Vocational Rehab. and become an electrician, and go back into an income bracket of what he is accustomed to, what he is capable of doing, that probably through a Vocational Rehab Program which would take roughly 3 years?

Section 3 of the Bill, addresses the situation of the individual opens up some of the authority for the Workmen's Comp Commission and asks for the Workmen's Comp Commission to make a decision as to whether or not that individual would be assisted while he is involved in the rehab program.

Let's go back to the same example, that I have used of the individual in a 3 year training program, is that the Workmen's Comp Commission could determine the individual would qualify to be treated, totally disabled instead of 70% disabled to financially assist him, through that time period. Mr. President I oppose the motion by the Senator from Oxford, Senator Sutton, and would ask for a Roll Call.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, Ladies and Gentlemen of the Senate: I would just like to respond briefly to some of the remarks of the good Senator from up country, Senator Pray.

As he pointed out we do agree in Section 1 that clarification is necessary.

In regard to Section 2, it was brought to our attention that the reason for changing Section 2 was that necessary and desirable were hard to understand and not really definable. It was pointed out to us that recent court decisions have clarified this language, and so we felt that that was not necessary to make any changes in the law.

With regard to Section 3, we all are very concerned about the retraining of workers who have been hurt, there is no question about it, and our current law provides for both pay and training for a person who has been hurt. We feel that this would make it possible for them to be classified as totally incapacitated until rehabilitation has been completely completed, would open up avenues that are very hard to define, from a start stop standpoint, would put additional costs on what we find very hard to determine. Since we are already taking care of these folks, we feel that both Sections 2 and 3 are not necessary and that is why we have amended the Bill to go with Section 1.

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

Senator PRAY: Mr. President and Members of the Senate: I am very happy to hear the Senator from Oxford, Senator Sutton is concerned about returning individuals back to gainful em-

ployment. But I think that this Legislation is necessary because since the Court ruling of an interpretation of what is necessary, is where we have come into the example that I gave you, and since that time not one petitioner to the Workmen's Comp. Commission has won a case.

It has been determined that the individual, no matter what he does, in the example that I gave, I'll respond back to that, is that the individual could go out and pump gas. Now, we're talking again about in my district of somebody maybe earning \$20,000 a year down to \$6,000 a year, because he can pump gas.

It would be my contention and my argument that Workmen's Compensation probably would go down, in rate and not increase, because you would have an individual off Workmen's Compensation and not collecting for the next 40 years. You'd also have that individual back earning an income which he was earning prior to his injury, not collecting the 70% disability that he was collecting before.

If you think the price is too big to pay for the additional 30% by the individual who is already qualified for a rehabilitation program, to have that individual back out in the labor force is too great a price to pay, then compare that 30% for three years to him collecting 70% for maybe the next forty years, the rest of his life.

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

Senator LOVELL: Mr. President and Ladies and Gentlemen of the Senate: As the second ranking member on the Labor Committee, I would just speak briefly in accord with Senator Sutton, the Senator from Oxford. To me, amending out Section 2 and 3 is very, very, essential because the person in Section 2, "Employee shall be entitled to reasonable and proper rehabilitation service for period not exceeding 52 weeks, now he can collect unemployment and rehabilitation both, and to me that doesn't seem right. Rehabilitation is enough, so we certainly don't need Section 2.

In Section 3 it's so vague that if the Workmen's Compensation Commission determines that an employee engaged in any program of Vocational Educational Rehabilitation requires financial support during the rehabilitation it shall award the employee compensation for total incapacity until the rehabilitation has been completed.

My good gracious, this could go on for a year. If a fellow had cut his finger pretty bad, and it didn't heal up good, it's really a bad bill. With the Amendment, I think that it would place the Bill in the proper perspective, so that I think the Senate could go along with it, with Section 2 and 3 out of the Bill. Thank You.

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 Motion by the Senator from Oxford, Senator Sutton, that the Senate Accept the Minority Ought To Pass, as amended, Report of the Committee.

A Yes vote will be in favor of Accepting the Minority Report.

A No vote will be opposed.

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

ROLL CALL

YEA—Ault, Chapman, Collins, Devoe, Emerson, Gill, Hichens, Huber, Katz, Lovell, McBreairty, Perkins, Pierce, Redmond, Shute, Sutton, Teague, Trotzky.

NAY—Carpenter, Conley, Cote, Farley, Minkowsky, Najarian, O'Leary, Pray, Silverman, Trafton, Usher.

ABSENT—Clark, Danton, Martin.

A Roll Call was had.

18 Senators having voted in the affirmative and 10 Senators in the negative with 3 Senators being Absent the Motion to Accept the Minority Ought to Pass, as amended, Report does prevail.

The Bill Read Once.

Committee Amendment "A" Read and Adopted.

The Bill as amended Tomorrow Assigned for Second Reading.

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

Bill, "An Act to Amend the Requirements for Registration of Professional Foresters." (H. P. 82) (L. D. 93)

Tabled — March 26, 1979 by Senator Katz of Kennebec

Pending — Passage to be Engrossed.

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

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Purposes for the Meeting of the First Regular Session of the Legislature during December to Election of Constitutional Officers and Legislative Officers and to Provide for Senate Apportionment in 1983. (H. P. 288) (L. D. 348)

Tabled — March 26, 1979 by Senator Katz of Kennebec

Pending — Final Passage

On Motion by Senator Conley of Cumberland Retabled for 1 Legislative Day

The President laid before the Senate the Fifth tabled and specially assigned matter:

Bill, "An Act to Amend the Representation of Town on Community School Districts." (S. P. 93) (L. D. 179)

Tabled—March 26, 1979 by Senator Katz of Kennebec.

Pending—Consideration.

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

Senator CARPENTER: I move that we Recede.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, moves that the Senate Recede.

Is this the pleasure of the Senate?

It is a vote.

House Amendment "A" (H-116) Read.

On Motion by Senator Carpenter of Aroostook, House Amendment "A" Indefinitely Postponed, in non-concurrence.

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

Senator CARPENTER: Mr. President, I would move that the Senate Recede from Adoption of Committee Amendment "A".

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, moves that the Senate Recede from Adoption of Committee Amendment "A".

Is this the pleasure of the Senate?

It is a vote.

The Senator from Aroostook, Senator Carpenter, further moves that the Senate Recede from Adoption of Senate Amendment "A" to Committee Amendment "A".

Is this the pleasure of the Senate?

It is a vote.

On Motion by Senator Carpenter of Aroostook, Senate Amendment "A" Indefinitely Postponed.

The Senator has the floor.

Senator CARPENTER: Mr. President, I offer Senate Amendment "B" to Committee Amendment "A" and move its Adoption.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, now offers Senate Amendment "B" to Committee Amendment "A" and moves its Adoption.

Senate Amendment "B" (S-60) Read.

The Senator has the floor.

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate, I apologize for having to back this bill up, it is my bill, it's trying to rectify a problem with the community school district representation. The problem that I had was, in a case of a town with only one representative on the community school district. If that member happened to be missing from a meeting, the town had no representation, even though, they might have had two other elected non-voting members there, they had no representation to attend executive sessions or to vote.

We've been trying now for about a week, the good Senator from Penobscot, Senator Trotzky and I, to get this situation straightened out.

I think this straightens it out. Basically what it says is, in the case of the town with only one representative on the community school district, if that voting member is absent, a senior non-voting member that happens to be present, may attend all executive sessions, may have all the rights and privileges of the voting member, except the right to vote. We could not give him the right to vote, because you get into a problem with the one-man, one vote concept. This will insure that they always have representation on the Community School District Board, in most cases, as long as there is an alternate present.

I would, however, make one further point of clarification. The last sentence in the amendment says, "This paragraph shall only apply to the community, with only one member on the Community School Committee". That sentence is meant to refer only to the last part of the amendment.

The first part of the amendment which was proposed by the good Senator from Penobscot, Senator Trotzky, under a different amendment, allows that in the case of any town, when a member has missed three consecutive meetings the school committee may declare a vacancy and may appoint another member.

So the last paragraph, which refers to the situation where there is only one member, the one member town, so-called, that sentence only refers to the last paragraph of the amendment. Thank you.

Senate Amendment "B" to Committee Amendment "A" Adopted. Committee Amendment "A" as amended adopted in non concurrence. The Bill, as amended, Passed to be Engrossed, in non concurrence.

Sent down for concurrence.

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

HOUSE REPORT — from the Committee on Judiciary — Bill, "An Act to Permit the Publication of the Names of Juveniles in Connection with Arrests and Court Appearances." (H. P. 18) (L. D. 35) Report "A" Ought to Pass with Committee Amendment "A" (H-117); Report "B" Ought to Pass with Committee Amendment "B" (H-118); Report "C" Ought Not to Pass.

Tabled—March 26, 1979 by Senator Sutton of Oxford.

Pending—Motion of Senator Katz of Kennebec to Accept Report "A".

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

Senator SILVERMAN: Mr. President and Members of the Senate: I'd like to ask Senator Collins, if we pass Report "A", have we actually changed any law or accomplished anything?

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

Senator COLLINS: Mr. President, Report "A", as it stands doesn't do a lot, but if Report "A" is adopted, I then will offer to the Senate tomorrow, an amendment, which will clarify the intent of Report "A". Both Reports "A" and "B" as they stand are somewhat confusing. This wasn't entirely realized until the matter was out of committee and various mis-

statements of fact began to show up in the Legislative Hall.

If you should read the horse blanket or talk with some people who are interested in this, you would gain the impression that all Juvenile Records, at the present time are closed and that is not so.

The present state of the law, as we adopted it when we enacted the juvenile code, a couple years ago, refined it last year, is that juvenile hearings on murder and Class "A", "B", and "C" crimes are open to the public. Hearings on other charges of Juvenile crime may also be open to the public if combined with a murder charge or a Class "A", "B", or "C" charge, and if the juvenile requests a single hearing on all charges.

In all such cases the Petition, Record of Hearing, and Order of Adjudication are open to public inspection. In all other cases, the general public is excluded from the hearing and may not inspect any pertinent court records.

The court has no discretion to close any hearing or record made public by the Juvenile Code or to open any hearing that the Juvenile Code closes. The Court does have discretion to allow inspection of court records that are not open to public inspection, that's Class "D" and "E" crimes, by persons having a legitimate interest in the proceedings or by persons conducting pertinent research studies, the data identifying the Juvenile must be excluded. This discretion does not extend to allowing inspection of any such records by the general public or allowing inspection of identifying data by anyone.

Now, if we adopt Report "A" and it is followed by the clarifying Amendment that I would offer tomorrow, this would give the Court discretion to allow public inspection of certain Court Records, namely, the Petitions, and Order of Adjudication, in Juvenile cases involving Class "D" and "E" crimes and other minor offenses.

The public would continue to be excluded from the Hearing in such cases, since the Court would not be in a position to decide whether the Juvenile's name should be made public until the case has been heard. The Petition and Order of Adjudication, in such cases, would be public, unless the Court decided it would be in the best interest of the Juvenile to close these records. If that were the Court's decision, the Court would have to put into the record this statement to that effect and explain why the Court thought so.

This Amendment that I would offer tomorrow would make no change in public hearings in Class "A", "B" or "C" crimes or in public access to Court Records in those cases. I submit to the Senate that this is a middle ground that does permit the Court, in some cases, when the Court sees and is willing to put on the Record an explanatory statement to close a record in these minor crime situations. I submit that that is a better position than to open the Record wide as the original Bill would have requested.

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

Senator SUTTON: Mr. President and Ladies and Gentlemen of the Senate. I'm concerned about this matter. Our present law, as I understand it does allow, in some instances, to see the records, it also allows under the Judge, in his discretion, in some cases to publish the name of Juveniles, and as our good friend and Senator from Knox, Senator Collins mentioned in answer to Senator Silverman, what we're talking about now doesn't make much change. I submit to you ladies and gentlemen we need some changes, the rules and laws and policies that we've been operating under in the past are not working. Our Towns, our Courts, our Jails are full of young people who have grown up under the philosophies and the laws that we have now, without any respect for anything and without any responsibility and their parents

are the same way. So I submit to you that what we are doing is not right. I submit to you that we don't need a middle ground, I submit to you that we need something different, something better, something stronger.

I don't know as this is a very big answer to it, but it's certainly a step forward. As I read the statement of fact, I'm not going to get into too much detail as to what should be open, I think everything should be open that can be open. I don't think the judges have been making the right decisions in the best betterment of the young people. Certainly for the Court to exclude the name of a Juvenile after a second or subsequent adjudication of guilt, doesn't make any sense whatsoever to me.

As I say, I don't think this goes far enough but it's certainly a little bit of a step forward, because I don't think what we have is working. I would submit to you that we should not accept Report "A", that we ought to turn it down, and we ought to accept Report "B" and at least take a small step forward. Thank You.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: I would like to ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Accepting the Motion by Senator Katz of Kennebec, that the Senate Accept Report "A" of the Committee, which is Ought to Pass with Committee Amendment "A", please rise in their places to be counted.

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

12 Senators having voted in the affirmative and 7 Senators in the negative, the Motion to Accept Report "A" does prevail.

The Bill Read Once.

Committee Amendment "A" Read and Adopted, in non-concurrence.

The Bill, as amended, tomorrow assigned for Second Reading.

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

Bill, "An Act Relating to Abatement Proceedings." (H. P. 181) (L. D. 209)

Tabled—March 26, 1979 by Senator Teague of Somerset.

Pending—Enactment.

On Motion by Senator Teague of Somerset, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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