

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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 30, 1979  
Senate called to Order by the President.

Prayer by Reverend Thomas W. Cahill, Church of the Nazarene, Oakland.

Reverend CAHILL: Let us pray! Our Father, we bow in Thy presence this afternoon with grateful hearts for Thy goodness and mercy to us. We thank you today that you have given us the responsibility and the privilege of being called in leadership positions, and along with that has come the task of making so many hard and difficult decisions. We pray for each one here in the Senate today that Thy wisdom and Thy grace shall rest upon them. We ask that in a very real sense each one will lose themselves in Thee and discover, beyond themselves, a strength and a wisdom, and an ability to make that kind of choice that will be a blessing to the physical, emotional and spiritual lives of our people in the State of Maine. We thank you for your help and your strength, in Christ's Name, Amen.

Reading of the Journal of yesterday.

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

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

In the Senate, March 27, Passed to be Engrossed as amended by Committee Amendment "A" (S-33) as amended by Senate Amendment "B" (S-60), thereto, in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A", as amended by House Amendment "A" (H-144) thereto, in non-concurrence.

On Motion by Senator Carpenter of Aroostook, Tabled until later in today's session, pending consideration.

**Non-Concurrent Matter**

Bill, "An Act to Adjust Unemployment Benefits for Employees on Layoff who are Temporarily Recalled to Work by their Regular Employer." (H. P. 219) (L. D. 267)

In the House, March 22, Recommitted to the Committee on Labor.

In the Senate, March 28, Bill and Papers, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body Insisted.

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

Is this the pleasure of the Senate?

The Motion prevailed.

**Non-Concurrent Matter**

Bill, "An Act to Create a Special Commission on State Mandates Imposed on Local Units." (H. P. 1083) (L. D. 1350)

In the House, March 20, referred to the Committee on Local and County Government.

In the Senate, March 28, referred to the Committee on State Government, in non-concurrence.

Comes from the House, that Body Insisted.

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

Is this the pleasure of the Senate?

The Motion prevailed.

**House Papers**

Bill, "An Act to Allow Credit under the Maine State Retirement System for Prior Non-military Service with the United States Government." (H. P. 1158) (L. D. 1440)

Bill, "An Act to Include Teachers in the Hope Training School for Retarded Children in the Maine State Retirement System." (H. P. 1177) (L. D. 1442)

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 Reimburse the Division of Community Services for the Expenditures Incurred in Operating an Excess Property Program." (H. P. 1159) (L. D. 1424)

Bill, "An Act to Appropriate \$40,000 to Youth-in-Action, Inc., of Portland for the Youth Tides Program." (H. P. 1178) (L. D. 1437)

Bill, "An Act to Fund and Implement Agreements Between the State and the Maine State Employees Association and to Fund and Implement Benefits for Managerial and Other Employees of the Executive Branch Excluded from Coverage Under the State Employees Labor Relations Act." (Emergency) (H. P. 1263) (L. D. 1447)

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

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

Bill, "An Act to Reduce State Review Requirements of School Projects." (H. P. 1161) (L. D. 1426)

Bill, "An Act to Define Residency for School Purposes." (H. P. 1160) (L. D. 1425)

Bill, "An Act Concerning Driver's Education for the Physically Disabled." (H. P. 1162) (L. D. 1427)

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 for Environmental Education." (H. P. 1182) (L. D. 1434)

Committee on Education suggested.

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

On Motion by Senator Katz of Kennebec, Tabled until later in today's session, pending Reference.

Bill, "An Act to Create a Department of Forestry." (H. P. 1140) (L. D. 1433)

Committee on Energy and Natural Resources 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 Provide for more Humane Trapping of Wild Animals." (H. P. 1188) (L. D. 1445)

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

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

Bill, "An Act to Clarify the Interstate Corrections Compact." (H. P. 1167) (L. D. 1435)

Bill, "An Act Relating to the Division of Probation and Parole." (H. P. 1165) (L. D. 1430)

Bill, "An Act to Clarify the Uniform Act for Out-of-state Parolee Supervision." (H. P. 1164) (L. D. 1438)

Bill, "An Act Relating to the Transfer of Prisoners to Federal Penal Institutions." (H. P. 1166) (L. D. 1441)

Come from the House, referred to the Committee on Health and Institutional Services and Ordered printed.

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

Bill, "An Act to Provide for a Method of Arranging Voluntary Meetings Between Adoptees and Adoptive Parents and Natural Parents." (H. P. 1190) (L. D. 1431)

Bill, "An Act Concerning Limited Decrees for Alimony." (H. P. 1168) (L. D. 1443)

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

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

Bill, "An Act Extending Public Utilities Commission Regulatory Authority to Residential Fuel Oil Dealers." (H. P. 1148) (L. D. 1415)

Bill, "An Act to Clarify the Authority of the Public Utilities Commission in the Enforcement of Rebate Orders." (H. P. 1149) (L. D. 1416)

Bill, "An Act to Reduce the Minimum Public Utility Monthly Electrical Charge to \$2 and to Prohibit the use by Electric Utilities of an Estimated Meter Reading as a Basis for a Customer Bill." (H. P. 1193) (L. D. 1444)

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 to Provide a Tuition Tax Credit for Maine Citizens." (H. P. 1152) (L. D. 1422)

Bill, "An Act to Extend the Period for Tax Abatement From One to 5 Years if the Abatement is Justified by an Admitted Error in Assessment Records or Procedure." (H. P. 1172) (L. D. 1432)

Bill, "An Act to Reduce the Inheritance Tax Liability on Family-owned Farms Maintained in Farm Production and Inherited by the Immediate Family." (H. P. 1153) (L. D. 1423)

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 Provide Special Free License Plates for the 100% Disabled Veteran." (H. P. 1174) (L. D. 1436)

Bill, "An Act Relating to Registration of Trailers and Semitrailers under the Motor Vehicle Laws." (H. P. 1173) (L. D. 1439)

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

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

On Motion by Senator Katz of Kennebec, the Senate voted to remove from the Table, Bill, "An Act to Provide for Environmental Education." (H. P. 1182) (L. D. 1434), tabled earlier in today's session.

On Motion by Senator Katz of Kennebec, referred to the Committee on Education and Ordered Printed, in non-concurrence.

Sent down for concurrence.

(Off Record Remarks)

**Communication  
HOUSE OF REPRESENTATIVES**

March 29, 1979

The Honorable May M. Ross  
Secretary of the Senate  
109th Legislature  
Augusta, Maine 04333  
Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Provide for a Student Member of the Board of Trustees of the University of Maine" (H. P. 155) (L. D.

194)  
Mr. HUGHES of Auburn  
Mr. TARBELL of Bangor  
Mr. DAVIES of Orono

Respectfully,  
EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on file.

The President appointed the following concerees of the part of the Senate:

Senators:  
TROTZKY of Penobscot  
GILL of Cumberland  
COTE of Androscoggin

#### Senate Papers

Senator Najarian of Cumberland presented, Bill, "An Act Establishing Expenditure Limits for Federal Funds Expended by State Departments and Agencies for the Fiscal Year Ending June 30, 1980." (S. P. 486)

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

Sent up for concurrence.

Senator Farley of York presented, Bill, "An Act to Prohibit Loitering for the Purpose of Engaging in a Criminal Offense." (S. P. 488)

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

Sent down for concurrence.

Senator Conley of Cumberland, Cosponsors: Senator Najarian of Cumberland, Senator Sewall of Penobscot and Senator Katz of Kennebec presented, Bill, "An Act to Appropriate Money for Public Fish Piers, Airports and other Transportation Improvements and to Authorize General Fund Bond Issue in the Amount of \$11,810,000." (S. P. 487)

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

Sent down for concurrence.

#### Committee Reports House

The following Ought Not to Pass report shall be placed in the Legislative Files without further action pursuant to Rule 22 of the Joint Rules:

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for gubernatorial Run-off Elections. (H. P. 239) (L. D. 384)

#### Ought to Pass

The Committee on Transportation on, Bill, "An Act to Prohibit Vehicles from Passing School Buses on School Property while Buses are Receiving or Discharging Students." (H. P. 637) (L. D. 788)

Reported that the same Ought to Pass.

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

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

#### Senate Leave to Withdraw

Senator Lovell for the Committee on Labor on, Bill, "An Act to Improve Public Access to Public Labor Negotiations." (S. P. 34) (L. D. 22)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

#### Ought to Pass — As Amended

Senator Chapman for the Committee on Business Legislation on Bill, "An Act Concerning the Period of Liability of a Financial Institution on a Written Instrument under the Abandoned Property Statute." (S. P. 114) (L. D. 204)

Reported that the same Ought to Pass as

amended by Committee Amendment "A" (S. 69).

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.

#### Second Readers

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

##### House

Bill, "An Act to Allow Prorated Benefits for Times When a Person is Available for Work but Cannot Work for Important Personal Reasons." (H. P. 345) (L. D. 444)

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

##### House — As Amended

Bill, "An Act to Adjust the Penalty Assessed Against Small Employers under the Employment Security Law." (H. P. 310) (L. D. 400)

Bill, "An Act to Increase the Legally Authorized Length of a Combination Tractor-trailer Operating Upon the Roadways of the State of Maine." (H. P. 328) (L. D. 383)

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

##### Senate

Bill, "An Act Relating to the Limitation on the Amount of Dependent Group Life Insurance Which May be Issued." (S. P. 45) (L. D. 76)

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

Sent down for concurrence.

Bill, "An Act to Eliminate the Dependency Disqualification for Persons Receiving Survivor's Benefits from the State Retirement System." (S. P. 203) (L. D. 535)

Which was Read a Second Time.

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

Senator KATZ: Mr. President, L. D. 535 apparently places some kind of financial burden on the retirement fund, might I ask through the Chair of any member of the committee as to the nature of the burden that it might place?

The PRESIDENT: The Senator from Kennebec, Senator Katz, has posed a question through the Chair to any member of the Aging, Retirement and Veterans Committee who may care to answer, or to any other knowledgeable Senator.

On Motion by Senator Katz of Kennebec, Tabled for 1 Legislative Day, pending Passage to be Engrossed.

##### Enactors

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

An Act Authorizing the Public Utilities Commission to use a Modified Procedure in Uncontested Cases Relating to the Assignment and Transfer of Special or Charter Bus Licenses. (S. P. 113) (L. D. 207)

An Act Making Minor Revisions in the Aeronautics Law. (H. P. 166) (L. D. 198)

An Act Concerning the Investigation and Invalidation of Indian Tribal Elections. (H. P. 388) (L. D. 498)

An Act Concerning Notice Provisions for Penobscot Indian Tribal Elections. (H. P. 389) (L. D. 525)

An Act Concerning Fines Resulting from Fish and Game Violations on Land of the Penobscot Indians. (H. P. 392) (L. D. 541)

An Act Relating to Fatal Motor Vehicle Accidents. (H. P. 459) (L. D. 572)

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

An Act Relating to Constables and Special Police Officers. (H. P. 250) (L. D. 295)

On Motion by Senator Katz of Kennebec, Tabled for 2 Legislative Days, pending Enactment.

An Act to Clarify Sex Discrimination in the Maine Human Rights Act. (H. P. 548) (L. D. 679)

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

Senator TROTZKY: Mr. President I would urge the Senate to vote against enactment of L. D. 679. What this Bill does—it appears to equate pregnancy with disability.

Disabilities are uncontrollable, if a person gets caught in an accident and cannot work, it is uncontrollable, however pregnancy today is mostly planned, I'd say voluntary when a woman gets pregnant. Essentially what we are doing here is we are forcing business to subsidize childbirth.

If you read the bill very carefully it is also discriminatory. What it says is that big businesses have to subsidize the women and childbirth, but small businesses are exempt, that is Section 5 of the Bill. So I would urge you the Senate to vote against this Bill. I will say that I am opposed to forcing businesses to subsidize pregnancy and childbirth.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President I shall not attempt to qualify as the previous speaker did, as an expert witness about pregnancy but I think the gentleman was in error. It is not referring to pregnancy, it is referring to disability from pregnancy. I think that is a very important distinction.

If it did indeed refer to the period of pregnancy as and of by itself, I would be opposed to it, but what we are asking here today is that you equate disability from pregnancy in the same manner as you identify disability from any other physical ailment.

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

Senator COLLINS: I think that the good Senator from Penobscot, Senator Trotzky, and I both know full well the futility of attacking anything that has the wonderful aura of motherhood around it.

When you really analyze this Bill, what it really is saying is that the traditional function of the father, at the time of childbirth is hereby made obsolete, with respect to certain groups of women. Probably that is where we want to go in this society, but do not be fooled by the title on the Bill. It really has nothing to do with sex discrimination, except that it does put the traditional function of the male in a very inferior place to what it has been for many many centuries.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

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.

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

Senator KATZ: Mr. President, may I request a Roll Call, please?

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 Kennebec, Senator Katz.

Senator KATZ: Mr. President. I hesitate to throw facts into the emotional discussion, but what we are being asked to do today, has nothing to do with the traditional male role, the language in this Bill duplicates existing Federal Laws. It is being put into our Human Rights Act indeed to clarify that we are walking hand and glove with existing Federal Law. You are not jeopardizing anybody, you are not giving one sex an advantage over another, you are just recognizing Federal Law.

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

Senator TROTZKY: Mr. President. I believe that what this Bill is saying is that, in big businesses, have to provide pregnancy disability for women, only big businesses, not small businesses. So in other words small businesses have 15 women working for it, that business does not have to provide pregnancy disability, but yet a large business does, and again this is discriminatory.

The PRESIDENT: The pending question before the Senate is the Enactment of L. D. 548.

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 — Ault, Carpenter, Chapman, Conley, Farley, Gill, Katz, Martin, Minkowsky, Najarian, O'Leary, Pierce, Pray, Shute, Teague, Trafton, Usher

NAY — Collins, Devoe, Emerson, Hichens, Huber, McBrearty, Perkins, Redmond, Silberman, Sutton, Trotzky.

ABSENT — Clark, Cote, Danton, Lovell.

A Roll Call was had.

17 Senators having voted in the affirmative and 11 Senators in the negative, with 4 Senators being absent, the Bill Passed to be Enacted.

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

Senator CONLEY: Mr. President, with respect to this item, I now move that the Senate Reconsider its action whereby this Bill was Passed to be Enacted, and would urge the Senate to vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate Reconsider its action whereby it Passed L. D. 697 to be Enacted.

Will all those Senators in favor of Reconsideration, please say Yes.

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion to Reconsider does not prevail.

The Bill, having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Emergency

An Act for Per Diem Compensation for Active Retired Judges. (H. P. 375) (L. D. 485)

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

#### Emergency

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

This being an emergency measure and having received the affirmative votes of 27 members of the Senate, were 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 Knox County for the Year 1979. (H. P. 1008) (L. D. 1170)

This being an emergency measure and having received the affirmative votes of 27 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:

HOUSE REPORTS — from the Committee on Legal Affairs — Bill, "An Act Concerning Removal of Unattached Nonmembers from Indian Reservations." (H. P. 398) (L. D. 505) Majority Report — Ought to Pass; Minority Report — Ought Not to Pass

Tabled—March 29, 1979 by Senator Katz of Kennebec

Pending—Motion of Senator Shute of Waldo to Accept Minority Report.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President and Members of the Senate, the reason I had this item tabled yesterday was to get a decision from the Attorney General whether this law would be, in fact, Constitutional, which does require that non-Indians be removed from Indian houses if they are living on the Reservation, whether they are living with an Indian or not. I felt this was a little Unconstitutional whereas Indians can live off the Reservation with white people and not be removed in two days, but the Attorney General said that this wasn't Unconstitutional. So now I would move Leave of the Senate to Withdraw my Ought Not to Pass Motion and hope the Senate might Accept the Ought to Pass Majority Report.

The PRESIDENT: Senator Shute of Waldo now requests Leave of the Senate to withdraw his Motion to Accept the Minority Ought Not to Pass Report of the Committee.

Is it the pleasure of the Senate to Grant this Leave?

It is a vote.

The Majority Ought to Pass Report of the Committee, Accepted in concurrence.

The Bill Read Once and Tomorrow Assigned for Second Reading.

The President laid before the Senate, the second tabled and specially assigned matter: Bill, "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine." (Emergency) (S. P. 401) (L. D. 1161)

Tabled — March 29, 1979 by Senator Collins of Knox

Pending — Passage to be Engrossed.

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

Senator COLLINS: Mr. President, I present Senate Amendment "A" to L. D. 1161, S-43 and move its adoption.

The PRESIDENT: The Senator from Knox, Senator Collins, now offers Senate Amendment "A" to L. D. 1161 and moves its Adoption.

Senate Amendment "A" (S-43) was Read.

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

Senator COLLINS: Mr. President and Members of the Senate. This has to do with a matter that was under the jurisdiction of the State Government Committee in the 108th Legislature, and as the Senator from Aroostook, Senator Martin, is still a member of that Committee, and was in the 108th, he may wish to add some words of explanation to this Amendment.

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

Senator MARTIN: Mr. President and Ladies and Gentlemen of the Senate. I, first, want to thank the good Senator from Knox, Senator Collins, to be so kind in presenting this Amendment. This is a correction in our Personnel Classification Bill that we dealt with last year in the 108th Legislature, and it simply brings up two dates, six months prior.

Senate Amendment "A" Adopted.

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

Senator COLLINS: Mr. President and Members of the Senate. I present Senate Amendment "C" to L. D. 1161, (S-64), and move it's

Adoption.

The PRESIDENT: The Senator from Knox, Senator Collins, now offers Senate Amendment "C" and moves its Adoption.

Senate Amendment "C" (S-64) was Read and Adopted.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President and Members of the Senate. I would like to present Senate Amendment "E" (S-73) to L. D. 1161, and move its Adoption.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, now offers Senate Amendment "E" (S-73) and moves its Adoption.

Senate Amendment "E" (S-73) Read.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President and Members of the Senate. During the first session of the 108th Legislature, the Business Legislation Committee considered major new legislation dealing with Credit Life and Health Insurance. Due to the complexity of the new ground the proposed legislation attempted to address, the Business Legislation Committee decided that a Study Commission to report back to the Second Regular Session of the 108th was desirable. As a result of the Study commission's work, the Business Legislation Committee in the Second Regular Session of the 108th major credit insurance regulations were enacted in the State of Maine. Under the enactment of the credit insurance regulations the then Commissioner of Business Regulations, Alfred Perkins, was charged with promulgating rules for the new credit insurance regulations. Commissioner Perkins set up an advisory task force of the three largest writers of credit insurance in the State, Union Mutual, John Hancock, and Prudential, plus representatives from the National Consumer Law Center.

In the process of promulgating the rules for the new Credit Health Insurance, a technical error was discovered, whereby if a policyholder fails to pay premiums to the insurance carrier under the law, as it now stands, the insurance carrier could not terminate coverage.

I assure you it is not the intent of the law, and it is my concern that if the technical error is not corrected, that the availability of credit insurance to consumers in the State of Maine may be adversely affected.

Secondly, Senate Amendment D corrects an oversight in the area of Credit Insurance for Mortgages. Many consumers purchase disability insurance, so that in case of illness their monthly mortgage payments will be paid by the insurance. However, the law passed last year fails to take into account those individuals who escrow their property taxes, and/or their homeowner's insurance premiums. Thus, it is possible to have an individual who is disabled, to have the monthly mortgage payment paid by the insurance, but not be able to purchase credit insurance on the tax or homeowner's insurance portion of their monthly payment. Consumers do not have to purchase this coverage if they do not wish, however, it was definitely an oversight that the credit insurance laws were passed in such a form that would prohibit the purchase of insurance to cover one's entire monthly payments, the mortgage and the escrow taxes.

Neither of these corrections contained in Senate Amendment "E" are substantive changes in the credit insurance law, but merely address the technical error in the first instance, and the omission, in the second, which did not come to light until after the law was enacted. These errors and omissions will, if uncorrected, create some serious inequities among insurers and consumers and may adversely affect the availability of Credit, Life, and Health Insurance in the State of Maine. I urge the Senate to Adopt this Amendment.

the Senate to Adopt this Amendment.

Senate Amendment "E" Adopted.

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

Senator COLLINS: Mr. President, just for the record, it is the position of the Judiciary Committee that the Amendment we just adopted did qualify under the 24 hour rule, because it was printed under Filing Number S-54, under the name of Senator Clark. When Senator Clark found that she could not be here today, she arranged for Senator Chapman to have it reprinted under his name, and its the identical text, so we feel that the rule has been met.

I have one more amendment to offer at this time. I now offer Senate Amendment "D", under Filing Number S-66, and move its adoption.

The PRESIDENT: The Senator from Knox, Senator Collins, now offers Senate Amendment "D" and moves its adoption.

Senate Amendment "D" (S-66) Read and Adopted.

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

The President laid before the Senate, the Third Tabled and specially assigned matter: Bill, "An Act to Clarify the Ability of the State Auditor to Seek the Advice of the Attorney General." (H. P. 196) (L. D. 245)

Tabled—March 29, 1979 by Senator Perkins of Hancock.

Pending—Motion of Senator Ault of Kennebec to Indefinitely Postpone Bill and Papers.

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

Senator CONLEY: Mr. President, I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion to Indefinitely Postpone this Bill, please rise in their places to be counted.

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

Senator AULT: Mr. President, I request a Roll Call.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

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

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

The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: Mr. President, I think an explanation is necessary on this Bill. The title originally was An Act to Permit the State Auditor to Report Certain Suspected Improper Transactions in the Attorney General's Office and the Bill simply says the State Auditor may, at any time, seek the advice of the Attorney General concerning any transactions which he feels may be illegal or improper.

It became apparent to all of the Committee, I believe, that he already had that authority, and so a number of us, knowing that he had the authority decided that we would put the bill out, Ought Not to Pass. The other members of the Committee, who had come to the conclusion that he already had the authority, in their wisdom, kicked it out, Ought to Pass with an Amendment. The Amendment says, this Amendment changes the Title of the Bill to indicate that the State Auditor currently has the power to seek the advice of the Attorney General. To me it's the height of absurdity and I would urge you to vote against it.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Ault, that this Bill L. D. 245 and its Accompanying Papers be Indefinitely Postponed.

nitely Postponed.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Ault, Chapman, Collins, Devoe, Emerson, Gill, Hichens, Huber, Katz, Martin, McBreairey, Pierce, Pray, Redmond, Shute, Silverman, Teague, Trafton, Trozky

NAY — Carpenter, Conley, Farley, Minkowsky, Najarian, O'Leary, Perkins, Sutton, Usher

ABSENT — Clark, Cote, Danton, Lovell

A Roll Call was had.

19 Senators having voted in the affirmative and 9 Senators in the negative, and 4 Senators being absent, the Motion to Indefinitely Postpone does prevail.

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

Senator AULT: Mr. President, having voted on the prevailing side, I now move reconsideration and I would urge you to vote against my motion.

The PRESIDENT: The Senator from Kennebec, Senator Ault, now moves the Senate reconsider its action whereby this Bill was Indefinitely Postponed.

Will all those Senators in favor of Reconsideration, please say Yes.

Will all those Senators opposed please say No.

A Viva Voce Vote being had.

The Motion to Reconsider does not prevail.

Sent down for concurrence.

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

Tabled—March 29, 1979 by Senator Pierce of Kennebec.

Pending—Adoption of Senate Amendment.

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

Senator PRAY: Mr. President, I ask leave of the Senate to Withdraw my Senate Amendment.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now requests Leave of the Senate to Withdraw his Amendment.

Is this the pleasure of the Senate?

It is a vote.

Senator PRAY: Mr. President, I offer Senate Amendment "A" to Committee Amendment "A" (S-72) and move its Adoption.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now offers Senate Amendment "A" to Committee Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-72) Read and Adopted. Committee Amendment "A", as amended, Adopted.

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

Senator KATZ: Mr. President, it was my understanding, that there was another Amendment to be offered, and I'm uncertain as to what it was. If indeed, there is going to be a further amending process, this bill might be tabled for a day.

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

Senator DEVOE: Mr. President, this bill relates to rights which a community may negotiate with firemen and policemen who are working under 20 year retirement provisions, and it simply gives the community another option. Senator Pray's Amendment was simply to extend by approximately 3 months or a little more the effective date of this Act, so that people who might be able, between now and January 1, 1980 to negotiate in a certain way to

do so. I'm the sponsor of the Bill and Senator Pray and I discussed it, and agreed on this Amendment, and I'm satisfied with it, and I, as the sponsor, do not know of any other Amendments that are proposed at this time.

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

Senator PRAY: Mr. President and Members of the Senate. Just for clarification purposes, I would just like to correct one statement that's been made by the Senator from Penobscot, Senator Devoe, that the military retirement is not a negotiable item.

The Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

The PRESIDENT: The Chair would direct the Senate's attention to Bill, "An Act to Amend the Representation of Towns on Community School Districts." (S. P. 93) (L. D. 179) tabled earlier in today's session.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, I would now move that the Senate Recede.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, now moves that the Senate Recede, whereby this Bill (L. D. 179) was Passed to be Engrossed.

Is this the pleasure of the Senate?

It is a vote.

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

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

Is this the pleasure of the Senate?

It is a vote.

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

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, now moves that the Senate Recede whereby it Adopted Senate Amendment "B" to Committee Amendment "A".

Is this the pleasure of the Senate.

It is a vote.

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

House Amendment "A" (H-144) to Committee Amendment "A" Read.

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

Senator CARPENTER: Mr. President, I would now present Senate Amendment "C" to Committee Amendment "A" and move its Adoption.

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

Senate Amendment "C" (S-70) Read.

Senator CARPENTER: Just a brief word of explanation, on this Bill of mine L. D. 179. All that we have done in this whole mess, and I apologize for having to back this Bill up and square it away again, but all we have done in this situation is what we did the other day, plus put an emergency clause on it. I hope that the Bill will go along and be passed because I sincerely hope that I never have another Bill dealing with Community School Districts.

Senate Amendment "C" to Committee Amendment "A" Adopted.

Committee Amendment "A", as amended, Adopted, in non-concurrence.

The Bill Passed to be Engrossed, as amended, in non-concurrence.

Sent down for concurrence.

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

Four years ago there came a man into our Legislature who promptly proved himself to be of a determined nature. Involved with snowmobile laws he soon made himself heard and fellow legislators learned to take him at his word. He won the battle that he waged snowmobile laws and then went on to motorcycle helmets without pause. He made for himself quite a name for better or for worse and was endorsed for his record by Chambers of Commerce. This year he's joined our solemn ranks on audit and review. He's throwing his great weight around proving his points too; he doesn't speak too often, but when he speaks, he's heard; and when he makes his mind up he seldom is deterred. It's hard to throw him for a loss when he is on the loose such as when he ran the ball to hunt the majestic moose. And how, when he is travelling home, he sees one passing by, he has clear conscience when he voted this great beast must die by ruthless hunters' bullets—is beyond my comprehension, but I'm not speaking here today—to add to further tension. I'm standing here before you to ask that you join me in wishing happy birthday to Jim McBreairty and ask God's richest blessings in this society that he may live in happiness and strict sobriety.

---

On Motion by Senator Pierce of Kennebec, adjourned until Monday, April 2, at 10:30 o'clock in the morning.