

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

April 4, 1979

Senate called to Order by the President.

Prayer by Reverend Reginald Couture, Union Congregational Church of Ellsworth Falls.

Reverend COUTURE: Wherever our thoughts may be at this moment, O God, we pray that Thy loving spirit will permeate whatever we say and do this day. We ask O God, Thy divine guidance and direction in all actions, as chosen leaders of the people of this State. May we find it to be a helpful day for ourselves, and all those that we represent. Amen.

Reading of the Journal of yesterday.

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

Bill, "An Act to Limit the Number and Location of Agency Stores under the Statutes Relating to Alcoholic Beverages." (H. P. 217) (L. D. 602)

In the Senate, March 27, Passed to be Engrossed as amended by Senate Amendment "A" (S-51).

Comes from the House, Passed to be Engrossed as amended by Senate Amendment "A" as amended by House Amendment "B" (H-151), thereto, in non-concurrence.

The PRESIDENT: The Senator from Waldo, Senator Shute, moves that the Senate Recede and Concur with the House. Is this the pleasure of the Senate?

The Motion Prevailed.

Non-concurrent Matter

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

In the Senate, March 28, Passed to be Engrossed as amended by Senate Amendment "A" (S-65), in concurrence.

Comes from the House, Passed to be Engrossed as amended by Senate Amendment "A" as amended by House Amendment "A" (H-167), thereto, in non-concurrence.

On motion by Senator Clark of Cumberland, tabled until later in today's session pending Consideration.

Joint Order

An Expression of Legislative Sentiment recognizing that: The Panthers of Medomak Valley High School have won the Western Maine Class B Boys' Basketball Championship... (H. P. 1284)

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

Which was Read and Passed, in concurrence.

Joint Resolution

A Joint Resolution In Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Edward W. Freeman of Damariscotta, a leader in promoting Maine's major Natural Resources — her forests... (H. P. 1285)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

Joint Order

WHEREAS, boundary disputes and other disputes concerning land constitute a large portion of the litigation heard in Maine courts; and

WHEREAS, the existence of a specialized court system to deal with land disputes may facilitate speedy resolution of these disputes while reducing the pressing load on other courts in Maine; and

WHEREAS, it is necessary to determine if the establishment of a Maine Land Court would be beneficial in helping to accomplish these

goals; now, therefore, it be

ORDERED, the Senate concurring, that the Joint Standing Committee on Judiciary shall study the feasibility of establishing a land court in Maine; and be it further

ORDERED, that the committee shall complete this study no later than 90 days prior to the First Regular Session of the 110th Legislature and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the committee. (H. P. 1283)

Comes from the House, Read and Passed.

Which was read.

On motion by Senator Katz of Kennebec, tabled, pending passage.

Joint Order

WHEREAS, the offices of justice of the peace and notary public exist; and

WHEREAS, a notary may do anything that a justice of the peace is authorized to do and is authorized to perform other acts; and

WHEREAS, a notary public is appointed by the Secretary of State and a justice of the peace is appointed by the Governor; and

WHEREAS, the similar but different responsibilities and different appointing procedures may result in confusion, inconvenience and cost to the public: now, therefore be it

ORDERED, the Senate concurring, that the Joint Standing Committee on State Government study the feasibility of combining these offices and, if it is feasible, recommend the administrative and statutory changes necessary to accomplish the combination; and be it further

ORDERED, that the Secretary of State and other state officers and agencies provide whatever assistance is requested by the committee; and be it further

ORDERED, that the committee shall complete this study and submit it to the Legislature not later than January 15, 1980, including copies of any recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the committee. (H. P. 1286)

Comes from the House, Read and Passed.

Which was Read.

On motion by Senator Katz of Kennebec, Tabled, pending Passage.

House Papers

Bill, "An Act to Allocate Moneys for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance and Administration and the State Liquor Commission for the Fiscal Years Ending June 30, 1980 and June 30, 1981. (Emergency) (H. P. 1265) (L. D. 1514)

Bill, "An Act to Permit Priority Social Services Program Money to be Used as Matching Funds for Federal Money." (H. P. 1235) (L. D. 1501)

Comes 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 Relating to Education in Nutrition." (H. P. 1267) (L. D. 1506)

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

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

Bill, "An Act to Recodify and Resolve Minor Administrative Problems in the Forestry Stat-

utes; and Reorganize the Maine Forestry District." (H. P. 1127) (L. D. 1498)

Committee on Energy and Natural Resources suggested.

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

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

Bill, "An Act to Consolidate Aquatic Pesticide Permits into One Agency." (H. P. 1253) (L. D. 1508)

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

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

Bill, "An Act to Amend the Statutes Concerning the Practice of Medicine." (H. P. 1240) (L. D. 1502)

Bill, "An Act to Require the Department of Human Services to Provide Services Equally to Intact Families." (H. P. 1255) (L. D. 1509)

Bill, "An Act Concerning Maine's Maternal and Child Health Care Program." (H. P. 1128) (L. D. 1505)

Comes 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 a Mandatory Fine of \$250 for Persons Convicted of Operating a Motor Vehicle under the Influence of Alcohol or Drugs." (H. P. 1257) (L. D. 1513)

Bill, "An Act to Provide for Ancillary Complaints in Second Offense Operating under the Influence Cases." (H. P. 1256) (L. D. 1510)

Bill, "An Act Concerning Preservation Interests under the Property Laws Pertaining to Preserving or Restoring Historic Property." (H. P. 1212) (L. D. 1500)

Comes 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 to Exclude Chainsaw and Skidder Allowances in the Computation of an Employee's Average Weekly Wage Under the Workers' Compensation Act." (H. P. 1259) (L. D. 1507)

Bill, "An Act to Create a Presumption Concerning Asbestosis Under the Workers' Compensation Act." (H. P. 1258) (L. D. 1511)

Comes 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 Revise and Correct Provisions of the Administrative Procedure Act." (H. P. 1248) (L. D. 1504)

Bill, "An Act to Facilitate Recruitment of Qualified Employees for State Government Positions that are Hard to Fill." (H. P. 1246) (L. D. 1503)

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

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

Bill, "An Act to Remove Wallagrass Plantation from the Maine Forestry District." (Emergency) (H. P. 1261) (L. D. 1512)

Bill, "An Act Concerning Fuel Tax Collection Procedures." (H. P. 1262) (L. D. 1516)

Comes from the House, referred to the Committee on Tax Collection Procedures." (H. P. 1262) (L. D. 1516)

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

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

Committee Reports House

Ought to Pass

The Committee on Fisheries and Wildlife on, RESOLVE, to Repeal Certain Provisions Requiring the Construction of a Fishway on the Dam Obstructing the Kennebec River at Augusta. (H. P. 559) (L. D. 706)

Reported that the same Ought to Pass.

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

The Committee on Labor on, Bill, "An Act Relating to Interest on Benefits under the Workers' Compensation Act." (H. P. 420) (L. D. 533)

Reported that the same Ought to Pass.

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

The Committee on Labor on, Bill, "An Act Concerning Workers' Compensation for Fire Personnel." (H. P. 397) (L. D. 504)

Reported that the same Ought to Pass.

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

The Committee on Local and County Government on, Bill, "An Act Extending the Time for Apportionment of County Taxes from March to March, April or May in the Year 1979." (Emergency) (H. P. 1275) (L. D. 1478)

Reported that the same Ought to Pass pursuant to Joint Order H. P. 1176.

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

Which Reports were Read and Accepted in concurrence, and the Bills and Resolve Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass - As Amended

The Committee on Agriculture on, Bill, "An Act Concerning Cruelty to Animals." (H. P. 119) (L. D. 129)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-152)

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

The Committee on Agriculture on, Bill, "An Act Concerning Euthanasia of a Sick or Injured Dog Brought to a Veterinarian, to a Humane Society or to a Shelter." (H. P. 77) (L. D. 85)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-153)

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

The Committee on Business Legislation on, Bill, "An Act Concerning the Maine Property Insurance Cancellation Control Act." (H. P. 208) (L. D. 257)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-148)

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

The Committee on Labor on, Bill, "An Act to Extend the Time in which Appeals from Deputies' Decisions may be Taken in Unemployment Compensation Cases." (H. P. 343) (L. D. 442)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-156)

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

The Committee on Legal Affairs on, Bill, "An Act Concerning the Governor and Council of the Penobscot Indian Tribe." (H. P. 827) (L. D. 1025)

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

154)

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

The Committee on Taxation on, Bill, "An Act to Include the Cost of Processing and Collecting Real Estate Tax Liens within the Amount of the Lien Itself." (H. P. 571) (L. D. 719)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-155)

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

Which Reports were Read and Accepted in concurrence, and the Bills read Once. Committee Amendments "A" were Read and Adopted, in concurrence, and the Bills, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Amend the Workers' Compensation Laws." (H. P. 312) (L. D. 428)

Reported that the same Ought Not to Pass.

Signed:

Senator:

PRAY of Penobscot

Representatives:

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

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-159)

Signed:

Senators:

SUTTON of Oxford
LOVELL of York

Representatives:

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

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

Which Reports were Read.

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

Senator SUTTON: Mr. President, I'd like to move that the Senate Accept the Ought to Pass Minority Report.

The PRESIDENT: The Senator from Oxford, Senator Sutton now moves the Senate Accept the Minority Ought to Pass, as amended, Report of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: 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 pending question before the Senate is the 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 Ought to Pass, as amended, Report of the Committee.

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, Huber, Katz, McBrearty, Per-

kins, Pierce, Redmond, Sutton, Teague, Trotzky

NAY — Carpenter, Clark, Conley, Cote, Martin, Minkowsky, Najarian, O'Leary, Pray, Shute, Silverman, Trafton

ABSENT — Danton, Farley, Hichens, Lovell, Usher

A Roll Call was had.

15 Senators having voted in the affirmative and 12 Senators in the negative, and 5 Senators being absent, the motion to Accept the Minority Ought to Pass, as amended, Report does prevail.

The Minority Ought to Pass, as amended, Report, Accepted, in non-concurrence. The Bill Read Once. Committee Amendment "A" Read and Adopted in non-concurrence. The Bill, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Provide Time for the Employee and Employer to Consider Payment of Compensation by Agreement." (H. P. 141) (L. D. 161)

Reported that the same Ought Not to Pass.

Signed:

Senator:

PRAY of Penobscot

Representatives:

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

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-158)

Signed:

Senators:

SUTTON of Oxford
LOVELL of York

Representatives:

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

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

Which Reports were Read.

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

Senator SUTTON: Mr. President, I move that the Senate Accept the Minority Ought to Pass, as amended, Report.

The PRESIDENT: The Senator from Oxford, Senator Sutton, now moves the Senate accept the Minority Ought to Pass, as amended, Report of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: 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 pending question before the Senate is the 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 Ought to Pass, as amended, Report of the Committee.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

YEA — Ault, Chapman, Collins, Devoe,

Emerson, Gill, Huber, Katz, McBairty, Perkins, Pierce, Redmond, Sutton, Teague, Trotsky.

NAY — Carpenter, Clark, Conley, Cote, Martin, Minkowsky, Najarian, O'Leary, Pray, Shute, Silverman, Trafton.

ABSENT — Danton, Farley, Hichens, Lovell, Usher.

A Roll Call was had.

15 Senators having voted in the affirmative and 12 Senators in the negative, and 5 Senators being absent, the motion to accept the Minority Ought to Pass, as amended, Report of the Committee does prevail.

The Minority Ought to Pass, as amended, Report, Accepted, in non-concurrence.

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

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

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act Concerning Issuance and Renewals of Liquor Licenses." (H. P. 316) (L. D. 382)

Reported that the same Ought to Pass.

Signed:

Senators:

SHUTE of Waldo
FARLEY of York

Representatives:

DELLERT of Gardiner
MAXWELL of Jay
SOULAS of Bangor
DUDLEY of Enfield
GAVETT of Orono

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

Signed:

Senator:

COTE of Androscoggin

Representatives:

CALL of Lewiston
VIOLETTE of Van Buren
BROWN of Gorham
McSWEENEY of Old Orchard Beach
STOVER of West Bath

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

Which Reports were Read, and the Majority Ought to Pass Report of the Committee, Accepted in non-concurrence. The Bill Read Once and Tomorrow Assigned for Second Reading.

Divided Report

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

Reported that the same be granted leave to Withdraw.

Signed:

Senators:

SHUTE of Waldo
FARLEY of York

Representatives:

DELLERT of Gardiner
VIOLETTE of Van Buren
MAXWELL of Jay
McSWEENEY of Old Orchard Beach
STOVER of West Bath
DUDLEY of Enfield

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

Signed:

Senator:

COTE of Androscoggin

Representatives:

CALL of Lewiston
GAVETT of Orono
SOULAS of Bangor
BROWN of Gorham

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

Which Reports were Read, and the Majority

Leave to Withdraw Report of the Committee, Accepted, in concurrence.

Senate

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: Bill, "An Act to Require a Quiet Time in the Schools." (S. P. 324) (L. D. 954)

Leave to Withdraw

Senator Pierce for the Committee on Fisheries and Wildlife on, Bill, "An Act to Establish a Hunting Season for Moose." (S. P. 62) (L. D. 99)

Reported that the same be granted Leave to Withdraw.

Which Report was Read.

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

Senator CONLEY: Mr. President, I move that this bill and all its accompanying papers be Indefinitely Postponed.

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

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

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

Senator CONLEY: Mr. President, there are a few of us who would like to enjoy the luxury of being able to kill this bill just once.

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

Senator SILVERMAN: This is my bill you're killing, Gerard.

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

Senator PIERCE: Mr. President, in light of the previous testimony, I withdraw my request for a division.

On motion by Senator Conley of Cumberland, the Bill Indefinitely Postponed.

Sent down for concurrence.

Senator Usher for the Committee on Transportation on, Bill, "An Act to Amend the Law Regarding the Decibel Levels of Motorcycle Mufflers." (S. P. 334) (L. D. 969)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Senator Shute for the Committee on Legal Affairs on, Bill, "An Act to Repeal Mandatory Public Meetings by the State Liquor Commission." (S. P. 289) (L. D. 848)

Reported that the same Ought to Pass.

Senator Farley for the Committee on Legal Affairs on, Bill, "An Act to Provide Malt and Table Wine Licenses for Ship Chandlers." (Emergency) (S. P. 288) (L. D. 851)

Reported that the same Ought to Pass.

Which Reports were 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 Clarify Standards for Consumer Membership under the Health Facilities Information Disclosure Act." (Emergency) (S. P. 141) (L. D. 317)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S. 81).

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

The Majority of the Committee on Education on, Bill, "An Act Concerning the Continuation of Pilot Projects for more Effective and Effi-

cient Delivery of Services to Preschool Handicapped Children." (Emergency) (S. P. 75) (L. D. 165)

Reported that the same Ought to Pass.

Signed:

Senators:

TROTZKY of Penobscot
GILL of Cumberland

Representatives:

CONNOLLY of Portland
LOCKE of Sebec
FENLASON of Danforth
LEWIS of Auburn
GOWEN of Standish
BIRT of East Millinocket
ROLDE of York
DAVIS of Monmouth
BEAULIEU of Portland

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

Signed:

Senator:

MINKOWSKY of Androscoggin

Representative:

LEIGHTON of Harrison

Which Reports were Read.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: I would oppose the Ought to Pass Report of the Education Committee, and I'd like to state the following reasons why.

This is a continuation of a pilot project we had implemented previously, and I think the estimated cost of that particular segment at that time was about \$150,000. To the best of my knowledge all that was received for that \$150,000 pilot program was 454 more or less screenings of children and about 94 evaluations. Insofar as what happened to the child beyond that particular point, was he referred to the Department of Human Services, was he or she, referred to the Department of Mental Health and Corrections or to the Department of Education for further treatment, never has been answered to my satisfaction. Today, we're faced with the very same thing, a continuation of an on-going program, a pilot program in the amount of \$197,000 to continue the very same thing we already have evaluations and reports for.

Now in my particular area, these evaluations and screenings are done by the Head-Start Programs and the Day Care Centers. The question I projected to the lady who was representing the interests of this particular bill, is why have you not taken these statistics we have developed and merged them all in together to have an on-going program as to what we are going to do, and how we're going to address the problem of the children who have handicaps?

The only relevant part of this particular bill is under the Statement of Fact that says "there is undisputed need to serve handicapped children as early in life as possible." Where do they go beyond that particular point, they have not addressed this. We can evaluate and screen people until we are blue in the face, but the end result is, what services are we going to render to them beyond that particular point?

Now, during a period of time we are speaking of austerity and curtailing some of the spending in State Government, and to prevent the proliferation of the bureaucratic system, in my estimation this is one ideal way to start showing exactly what we mean. The Legislature has put a tremendous burden upon the Committee on Audit and Program Review to review all these different programs in these different departments. Here's one example, that if you pass this, and put it on the Appropriations Table and it is finally funded, we'll have to go back and see exactly the job performance, the job description of these different people. All it appears to me is we're just guar-

anteeing jobs to the people in State Government at the present time.

If they could show, maybe, beyond the shadow of a doubt, that there was going to be services above and beyond this evaluation and screening, I might have a different perspective of this altogether, but there is nothing at all that has been proven to us, at least to me, on the Education Committee, that they will be doing for us. If they had any good satisfaction of doing this, from the statistics they have gathered so far, they should have given us an ongoing program, exactly what has happened to the kids that have been evaluated, and what programs they are receiving to rectify the problems they might have had, whether hearing problems, speaking problems, or whatever it may be. On that particular basis, Mr. President and Members of the Senate, I certainly would hope that the Senate would not accept the Majority Ought to Pass Report.

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

Senator TROTZKY: Mr. President and Members of the Senate: This program was set up by the 108th Legislature, as I understand it the bill which was passed was put on the Appropriations Table and also funded. The bill concerned pre-school handicapped children, screening them. Maine's a big State and when problems are not caught early in life, what happens many times later on, is people with handicaps are institutionalized, and one person being institutionalized for life can cost way over \$200,000.

What this bill is calling for is \$197,000 to continue the funding for 6 pilot projects around the State. These pilot projects are used to get out and screen and to use the community services available in the different agencies in the communities, to get them out and screen most of the children in the State to find out what kind of handicaps some of these children have, and then to have those children referred to the appropriate agency for treatment.

The Committee felt that this was a very cost-effective measure. What it's doing, it's taking people who have handicaps and treating them early in life so that they can overcome those handicaps, and therefore succeed and not become wards of the State of Maine.

We had parents of many children come in to that hearing, and one parent described had a child who had a retardation problem, didn't know what to do, and finally through this pilot project they reached me, it's made my life easier, enabled me to take my child for therapy.

The other concern about this is we do have many agencies in the State of Maine, going off in different directions, and what these pilot projects do is bring them together by continuing the funding for inter-departmental coordination between the Department of Education, the Department of Mental Health and Corrections, between those two departments. So, I feel that it's a cost-effective measure and again even though it has a price tag of \$197,000, on it, just remember that one person who is institutionalized in the State of Maine, becomes a ward of the State, the cost for one person can be over \$200,000.

The PRESIDENT: The Chair will order a Division.

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

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

22 Senators having voted in the affirmative and 2 Senators in the negative, the motion to Accept the Majority Ought to Pass Report does prevail.

The Majority Ought to Pass Report, Accepted. The Bill Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Health

and Institutional Services on, Bill, "An Act to Permit Juvenile Offenders who are Deaf or Mute, or Both, to be Committed to the Maine Youth Center." (Emergency) (S. P. 207) (L. D. 580)

Reported that the same Ought to Pass.

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

CURTIS of Milbridge

PRESCOTT of Hampden

BRENERMAN of Portland

BRODEUR of Auburn

CLOUTIER of South Portland

VINCENT of Portland

NORRIS of Brewer

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

Signed:

Senators:

GILL of Cumberland

HICHENS of York

Representatives:

MACBRIDE of Presque Isle

MATTHEWS of Caribou

PAYNE of Portland

Which Reports were Read.

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

Senator GILL: Mr. President, I move the adoption of the Minority Ought Not to Pass Report.

The PRESIDENT: The Senator from Cumberland, Senator Gill now moves the Senate accept the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, I would oppose the pending motion, and request a Division. I would like to speak just briefly to the Senate.

The PRESIDENT: The Senator has the floor.

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate. If you will look at L. D. 580, it really is a very simple little housekeeping bill, and I really don't understand why it broke down, almost purely on party lines. The bill would simply strike the words deaf and mute from present statute, it appears to me that perhaps this is a leftover from the 1800's.

At the hearing, the Department of Mental Health and Corrections, the Council for the Developmentally Disabled, the Special Education Director's Association, Portland School Department and all the people who had been working with a specific child that is a problem, and I'm sure that this one child is not the only problem in the State of Maine, came in and testified in favor of the bill. There was absolutely no opposition to the bill.

People who had been working and trying to help this boy, felt that the Youth Center was much more capable of handling this particular situation and others like it around the State of Maine, than was the Augusta Mental Health Institute, the Bangor Mental Health Institute, or Pineland, which are, at present, the only options available to this particular juvenile. So I certainly think that since all of these organizations who have been trying to work with this particular man, and as I say, it's not just one case, there was some evidence presented that there are other cases around the State, and that there are people at the Maine Youth Center, who are most capable of dealing with this young man even though he does have obviously some disability problems.

I would hope that this morning we would go ahead and accept the Majority Ought to Pass Report.

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

Senator NAJARIAN: Mr. President and Members of the Senate. This is a bill that I in-

troduced, at the request of the Portland School Department, our special Education Director. As Senator Carpenter, explained, there is currently a law against allowing anyone who is deaf or mute and a juvenile offender from being committed to the Maine Youth Center. We are talking about one boy. He had been committed to the Maine Youth Center for about two years, and at the time he was there, he was also attending an alternative school in Portland for behavioral or emotionally disturbed children. It's called PREP, and he responded very well and was learning.

Then our District Attorney discovered there was a law not allowing him to be there and so they had to take him out of the Maine Youth Center, and they took him up to the Augusta Mental Health Institute where he was mostly kept under drugs and nothing was done to help him become rehabilitated, and their evaluation showed that he was not mentally ill and therefore, could not be kept there anyway.

I'm going to go into more detail on this because even though it concerns one child, it's terribly important to an awful lot of people, and to the boy himself. This boy has massive problems, and he's posed massive problems to both the Department of Mental Health and Corrections, the Department of Human Services, the Department of Education, and the Portland School Department.

He has been involved with alcohol and marijuana, stealing, bizarre sexual behavior, and assaults on his family. He has battered doors down, knocked holes in the wall of his family's living room, jumped through a second story window - glass and all, stolen money, pawned family possessions, assaulted his seven year Cerebral palsy sister, threatened to kill his mother with a butcher knife, and his sister. On the street he assaults young children and takes their money and is into homosexual prostitution. Now certainly this is no Helen Keller we're dealing with here today, although I suspect that he has the same anger and frustrations that she experienced.

He is fourteen years old. He has reached an academic level of a high first grader or low second grader. He has been judged neither Mentally Retarded or Mentally Ill and therefore cannot be committed to either Pineland or the Augusta Mental Health Center.

A PET evaluation team, in March 1977 recommended residential treatment as the first priority. Since that time, the Portland School Department, has had refusals from Elan, Bancroft North, Spurwink, and AMHI. They have tried to work with Baxter School for the Deaf who wants a 24 hour body guard coverage, and will only provide residence for 5 days, which means he'd have to go home on weekends which is unacceptable for the reasons I've already stated, that he is a real threat to the life of the members of his family.

They have contacted Mystic Oral School in Mystic, Conn. They can not provide the needed care and do not take students with as many behavioral problems as this one.

Seven Elms, Lebanon, Maine, unacceptable because of the limitations of their program.

Gallaudet College's Model Secondary Program for the Deaf, in Washington said this boy would not be accepted, because there he must meet at least a third grade level in reading and a fourth grade or higher level in other subjects.

The Petra Howard House in St. Paul, Minn. would not consider this boy until he turned 16.

The same for Crossroads Rehabilitation Center in Indianapolis, Indiana.

St. Elizabeth's Hospital in Washington reported that they could not take him until he was 18.

In addition, inquiries have been made to the Maryland School For the Deaf, Western Pennsylvania School For the Deaf, Beverly School For the Deaf, Boston College Campus School for Multiply Handicapped Children, Lexington School for the Deaf and New York School for

the Deaf. Information obtained suggested that most of these places do not take students from Maine or could not program for all of this boy's many problems. No encouragement was received to seriously pursue any of these institutions.

The Portland School Department is still currently working through Senator Muskie's Office to see if they can obtain admission to Gallaudet and St. Elizabeth's, though that is going to take time and ultimately may not prove anymore successful than all their other endeavors.

More recently he was released from AMHI where he was being held temporarily pending a court hearing. The Court on March 16 committed him to the Department of Mental Health and Corrections.

The Department has turned him over to Family Advocacy Council of Auburn at a cost of nearly \$50,000, until June 30, 1980 that was their original cost figure.

He is to be transported to Portland daily from Auburn, to the same PREP school that he attended when he was at Maine Youth Center at a cost of \$150 a week to the Portland School Department.

His first day there was Monday a week ago, he lasted about three minutes. He was punching kids with pencils and a lot of other things. He then decided that he wanted to go home and he went home. They had to call the people from Auburn, to come back down and get him, his mother came for him.

The second day he caused a huge disturbance in the school and fought with two staff people from Family Advocacy Council on the street in front of the school who were trying to restrain him, the police said move the fight inside, they went inside. Then for some reason or other he settled down and took the test that the school department needs to have him take to apply to Saint Elizabeth's and go to that school in Washington. The principal of the school advised them not to bring him back for the rest of the week.

Finally, I'd just like to say that Henry Berry, our District Attorney, suggested to the Portland Special Education Department that they work to get the law changed so that this boy can be committed to the Youth Center. The Department of Mental Health and Corrections supports this Bill, the Maine Association of Directors of Services for Exceptional Children representing some 70 directors supports this Bill.

This is just an alternative. It does not say that they have to put him there. If Family Advocacy does not work, I do not know what they are going to do. I just do not know, if they can send him back to AMHI or not.

I quote from a letter written by Dr. Carmen Marcy, Assistant Director of Special Services for the Portland schools to Sawin Millet: "We are worried that this boy will seriously injure or kill his mother or little sister. State Law precludes commitment to the best placement in the State, the Maine Youth Center."

They see no alternative. We have spent hundreds of hours on this case. We have accumulated over 600 pieces of paper relating to this case. We are frustrated by interagency squabbles and lack of progress. Please advise us, we need your help, and I need your help and he needs your help too. Thank you.

(Off Record Remarks)

The PRESIDENT: A Division has been requested.

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

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

4 Senators having voted in the affirmative and 19 Senators in the negative, the Motion to Accept the Minority Ought Not to Pass Report

does not prevail.

The Majority Ought to Pass Report of the Committee Accepted. The Bill Read Once and Tomorrow Assigned for Second Reading.

Second Readers

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

House

Bill, "An Act to Clarify the Rule-making Procedure of the Commissioner of Public Safety." (H. P. 549) (L. D. 680)

RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Lands in the Town of Atkinson, Piscataquis County and St. John Plantation in Aroostook County and the Unorganized Territory." (H. P. 1264) (L. D. 1448)

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

The Committee on Engrossed Bills reported Bill, "An Act to Permit Signed Statements of Psychologists and Chiropractors to be Admitted into Evidence Before the Workers' Compensation Board." (H. P. 377) (L. D. 540)

Which was Read a Second Time

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

Senator SUTTON: Mr. President I would move that this Legislative Document be Indefinitely Postponed, with its accompanying papers.

The PRESIDENT: The Senator from Oxford, Senator Sutton, now moves that L. D. 540 be Indefinitely Postponed.

On Motion by Senator Pray of Penobscot, Tabled until later in today's session pending the Motion by the Senator from Oxford, Senator Sutton.

House — As Amended

Bill, "An Act to Amend the Membership and the Legislative Mandate of the Capitol Planning Commission." (H. P. 476) (L. D. 593)

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

Senate

Bill, "An Act to Authorize Municipalities of Under 2,500 Inhabitants to Permit Persons other than Arborists to Remove Trees within Municipal Boundaries." (S. P. 219) (L. D. 761)

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

Sent down for concurrence.

Bill, "An Act Exempting Certain Nonconsumer, Industrial Uses of Aerosols from the Statute Prohibiting Certain Aerosols." (S. P. 160) (L. D. 335)

Which was Read a Second Time.

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 Relating to Revisions of the Occupational Safety and Health Statute and to Conform the Occupations Safety and Health Rules and Regulations to Federal Requirements. (H. P. 309) (L. D. 427)

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

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 laid before the Senate the First Tabled and specially assigned matter:

JOINT RESOLUTION URGING THE STATE PRINCIPAL'S ASSOCIATION TO ALLOW PARTICIPATION IN NEW ENG-

LAND CHAMPIONSHIP GAMES. (H. P. 1280) Tabled—April 3, 1979 by Senator Pierce of Kennebec.

Pending—Adoption.

On Motion by Senator Katz of Kennebec, Retabled.

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

HOUSE REPORTS - from the Committee on Aging, Retirement and Veterans - Bill, "An Act to Provide Continued Educational Benefits for Veterans' Widows after Remarriage." (H. P. 553) (L. D. 700)

MAJORITY REPORT - Ought to Pass as Amended by committee Amendment "A" (H-141); Minority Report - Ought Not to Pass Tabled—April 3, 1979 by Senator Katz of Kennebec.

Pending—Acceptance of Either Report.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: I move that we Accept the Ought Not to Pass Report.

The PRESIDENT: The Senator from Somerset, Senator Teague, now moves that the Senate accept the Minority Ought Not to Pass Report of the Committee.

The Minority Ought Not to Pass Report of the Committee Accepted, in non-concurrence.

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on Education - Bill, "An Act Relating to the Advisory Board to the Fireman's Training Program of the Department of Educational and Cultural Services." (H. P. 173) (L. D. 223)

MAJORITY REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-132); MINORITY REPORT - Ought to Pass as Amended, by Committee Amendment "B" (H-133)

Tabled—April 3, 1979 by Senator Hichens of York.

Pending—Acceptance of Either Report.

On Motion by Senator Perkins of Hancock, retabled for 1 Legislative Day.

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

Bill, "An Act to Provide that Unemployment Compensation be Based on the Minimum Wage for Certain Services Rather than on tips and Gratuities Received for the Services." (S. P. 204) (L. D. 536)

Tabled—April 3, 1979 by Senator Pierce of Kennebec.

Pending—Passage to be Engrossed.

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

Senator PRAY: Mr. President, I move that this be Indefinitely Postponed.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pray, who now moves that L. D. 536 be Indefinitely Postponed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate: To explain the LD that is presently before us, as in the existing statutes, I am sure that many of you are familiar with the fact that waitresses under the minimum wage law are paid \$1.45 per hour and the rest of it is made up in tips and gratuities.

Presently under the law, Unemployment Compensation is based upon the real wages or the earnings that an individual has. The waitresses pass on what they make in tips to their employer and the employer has to file when he files his unemployment rate, based upon those

wages that are claimed.

The intention of the Bill was to allow that the employer only pay on the minimum wage or \$2.90 per hour, no matter what the real wages were. The amendment requires that they pay only on what is given to them in a written report by the employee. If the employee fails to give them a written report, then they would pay on \$2.90 and not real wages.

I believe that the amendment, although an attempt to go in the right direction of the intent of the sponsor still allows that loop-hole for the employer who fails to tell the employee that unless they get it in writing that they are only going to receive their unemployment benefits, in case, that they should become unemployed, based upon \$2.90 instead of real wages.

I think that many of us, also, are aware that a good waitress probably could make in excess of \$3. or \$4. or \$5 per hour. If that individual becomes unemployed should be compensated for real wages, thus I have moved the Indefinite Postponement.

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

Senator SUTTON: I do not think that the Labor Committee feels to strongly about this, we thought that we were moving in the right direction, if there is something that can be done at a later date to make it more palatable.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Indefinite Postponement, please rise in their places to be counted.

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

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

Sent down for concurrence.

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

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)

Tabled—April 3, 1979 by Senator Pierce of Kennebec.

Pending—Passage to be Engrossed.

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

Senator EMERSON: Mr. President, I now present Senate Amendment "A" to L. D. 145 and move its Adoption.

The PRESIDENT: The Senator from Penobscot, Senator Emerson, now offers Senate Amendment "A" to L. D. 145 and moves its Adoption.

Senate Amendment "A" (S-82) Read and Adopted.

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:

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

Tabled—April 3, 1979 by Senator Pierce of Kennebec.

Pending—Enactment.

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

Senator CONLEY: Mr. President and Members of the Senate: On occasion I get an opportunity of reading all the L.D.'s and on occasion comparing the Engrossed copy with the original L. D. This is one of those times, where I am totally astonished as to the Bill that is presently before us, because as an enactor compared with the initial L. D. on introduction has varied completely.

First of all, L. D. 195 as originally introduced dealt with an act relating to constables and special police officers.

The L. D. specifically spelled out, having

bonding over these officers or constables and special police officers, for any wrong doing that might come about.

The L. D. as is now been engrossed and now to be enacted, totally ignores any type of bond and it is the type of Legislation that always sort of irks me, or scares me is probably a better word, when we put statutes like this on the books.

It is no real significant statute, but sometimes I worry as a municipal officer, when every first and third Monday of the month, I sit in that other chamber down in the little community south of here, and we are asked to approve of the names of several individuals who have requested to become constables. I have often wondered what the qualifications of any one becoming a constable was, and generally what they do around the City of Portland is that they serve papers for either some lawyers or some sort of very minimal chores.

We start talking about allowing constables to wear guns, that petrifies me. We have a law today, that requires all county sheriffs, all liquor inspectors, all state police, all policemen, all fish and game wardens have to go through the Criminal Justice Academy.

I think that, there is an attempt here to somehow regulate, with this statute that has presently been engrossed to regulate or at least to inform municipal officers of the importance prior to giving approval or a certificate of appointment, stating whether he is allowed to carry a weapon or not.

It is my understanding that, the Maine Municipal Association supports this particular bill, because it improves, at least, what is presently on the books. There is a section in the law, though, that is before us that says that this prohibition shall be not affected by any weapons license that the individual may possess.

Well, that puts a question in my mind for the fact, that if he has a licensed weapon, does that give him the right to carry that weapon on the job? Particularly that one sentence that states "this prohibition shall not be affected by any weapons license that the individual may possess."

The council may say no gun on the job, but if I read this right because of the fact that he has a permit to carry one, then he can carry it on the job. I just can not vote for legislation like this and I think that we as a Senate should be more concerned, certainly concerned as to who has been appointed by municipal officials, when we get to sort of the bottom of the totem pole, in a sense, when we make reference to special officers or to constables, it is grave concern, it should be to all of us because of the fact that so many types of accidents happen, when someone has been provoked.

I think that one of the reasons that we established the Maine Criminal Justice Academy was to put people through a training course and to try to test their endurance and to make them aware of the problems that they may be confronted with. Constables or special police officers are in no way, nor do they in any way receive that type of training, and for that purpose, Mr. President and Members of the Senate, I would move for the Indefinite Postponement of this Bill.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: I request a Division, and would like to speak.

The PRESIDENT: The Senator has the floor. Senator REDMOND: I can very well appreciate the comments of the good Senator from Cumberland on this Bill because one has to place himself into the proper context if he is going to really analyze this Bill properly.

Having lived in many small communities and having had some contact with some of the constables in some of these communities, I think that some of these constables, the town government is pleased to have them for constables. I know one that has a record of being a constable

for over 40 years in the same town, without making an arrest, and he never carried a firearm on him.

In other towns some of these constables could be a retired military man who has used weapons and understands weapons, and the consequences of them.

In these towns assuming that a bunch of gypsies move in and they are very much concerned about problems that could occur. The selectmen like to have the power to delegate to some of these constables that are capable of handling a firearm to carry one.

This is all that this Bill is doing. I can appreciate, I have no problem with the comments that the good Senator from Cumberland has made. I can understand that and we all are in favor of that. It makes a lot of sense, but in our small communities we have to also appreciate the problems that we have there and we cope with them the best that we can. I request a Division.

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

Senator CONLEY: Mr. President, perhaps even one thing is far more important that should be raised, is that under the Maine Supreme Court set down governmental immunity and, if one of these individuals creates a serious enough problem accidentally or whatever the case may be, may very well be that that little community that the good Senator from Somerset is making reference to, may be on the auction block tomorrow to pay off the claim.

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

Senator SHUTE: Mr. President and Members of the Senate. I appreciate the remarks made by the Senator from Cumberland, Senator Conley, on the Bill; but I think that by killing this Bill that we will be taking a step backwards from what he is trying to get at.

Right at the present time municipal officials can appoint a constable. They do not have to say whether he can carry a gun or not. Naturally he is going to carry a gun if he wants to.

This Legislation requires a municipal official to certify whether that person shall or shall not be certified to carry a gun. Now there might be some situations where you might not want a constable carrying a gun. We have to appoint a dog catcher in each town, he is a constable. We have to appoint a clam warden if we have a conservation program, for the clams, and several statutes require the appointment of constables. This Legislation makes it more restrictive on the town officials when they make that appointment, and they must signify whether they want that person to carry a gun in the performance of his duty or not. Right at the present time once he is appointed, he can go home and put his gun on and that is it because nobody tells him whether he is supposed to carry one or not, and in that absence he can carry one.

Another section of the Bill, the last sentence in the Bill, which the Senator referred to, whether this would affect a license he might now have on concealed weapons, it was my contention and I think the intention of the Committee on this sentence in the Law, that if the community said that he should not carry a gun in the performance of his duties, regardless of what license he might have to carry a concealed weapon, he would not be allowed to carry a weapon in the performance of his duty.

So this does make it more restrictive than what we have on the books now, and it is not always practical to hire a person that has been through the Criminal Justice Academy to be a dog catcher or a clam warden. It is difficult to do in some of the rural areas, and under this the municipal officials would have to give their OK before he could carry a gun.

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

Senator CONLEY: Mr. President and Mem-

bers of the Senate: I appreciate the remarks made by the good Senator. Mr. President I think that an amendment could possibly be offered to this bill that would make it far more palatable for me. I am willing to sit down and I know that the good Senator from Knox, Senator Collins, who we have a great deal of respect for in this field would be amiable enough to reason out an amendment to it. If that would be the wish of the Senate, I would withdraw my Motion presently before the Senate to Indefinitely Postpone this Bill.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now requests Leave of the Senate to Withdraw his Motion to Indefinitely Postpone this Bill.

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

It is a vote.

On motion by Senator Katz of Kennebec, tabled for 1 Legislative Day, pending the Enactment.

On Motion by Senator Pray of Penobscot, the Senate voted to take from the table, Bill, An Act to Permit Signed Statements of Psychologists and Chiropractors to be Admitted into Evidence Before the Workers' Compensation Board. (H. P. 377) (L. D. 540), tabled earlier in today's session, pending the Motion by the Senator from Oxford, Senator Sutton, that the Bill be Indefinitely Postponed.

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

Senator PRAY: Mr. President and Members of the Senate. I have been following this piece of Legislation, since it came into the Senate. If I am right I think that the Bill went before the Judiciary, Committee even though it deals with Workmen's Compensation Commission. I also believe that the three Senators, the Chairman, the Senator from Knox, Senator Collins, the Senator from Penobscot, Senator Devoe, and the Senator from Androscoggin, Senator Trafton all supported the bill out of a Committee, unanimous Senate support. I guess really I'm kind of confused and was taken back when the Senator from Oxford, Senator Sutton stood up and moved the Indefinite Postponement of this bill. I'm lost for the intent or the reasoning behind the Senator's motion. Perhaps if he could explain it, maybe my objections to the indefinite postponement could be forestalled.

The PRESIDENT: The Senator from Penobscot, Senator Pray, has posed a question through the Chair, to the Senator from Oxford, Senator Sutton who may answer if he so desires.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, and Members of the Senate, again in reference to the bill although I have been following it and also in relationship to the Workmen's Compensation Commission, presently under the Workmen's Compensation claims, these individuals are recognized. The bill, as I understand it, allows a written statement to go before the Commission. I would appreciate it if somebody from the Judiciary Committee could explain if this is the intent of the bill and this is exactly what it does do.

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

Senator DEVOE: Mr. President, I have followed the comments made by the Senator from Penobscot, Senator Pray, and as I view the present statutes we have it provides that signed statements by a medical doctor or osteopathic physician relating to medical questions, shall be admissible in Workmen's Compensation Hearings provided that the testimony to be used is given, and a copy is provided to opposing council within 14 days of the scheduled hearing.

What this bill does is provide that in the instances, and I'm certain that they are going to be rather limited, where a psychologist is

called upon to testify, and does testify or provides written statements, and a chiropractor, he would be permitted to do so under the present statute.

The five of us on the committee who signed this out, felt that this was a responsible step forward, and for that reason we signed the Report and I'm going to vote for this bill. Thank you, Mr. President.

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

Senator SUTTON: A point of clarification, am I correct in remembering that this came from the House, Indefinitely Postponed in the House?

The status of the Bill Read.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Oxford, Senator Sutton, that this Bill L. D. 540, be Indefinitely Postponed.

The Chair will order a Division.

Will all those Senators in favor of the Motion to Indefinitely Postpone L. D. 540 please rise in their places to be counted.

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

2 Senators having voted in the affirmative and 23 in the negative, the motion to Indefinitely Postpone does not prevail.

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

Sent down for concurrence.

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

Senator CHAPMAN: Mr. President, is the Senate in possession of L. D. 204?

The PRESIDENT: The chair would answer the Senator in the affirmative, the bill having been held at the Senator's request.

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) received Passage to be Engrossed.

On Motion by Senator Chapman of Sagadahoc, the Senate voted to reconsider its action whereby it Adopted Committee Amendment "A", as Amended.

On Motion by Senator Chapman of Sagadahoc, the Senator voted to reconsider its action whereby it Adopted Senate Amendment "A", Committee Amendment "A"

On Motion by Senator Chapman of Sagadahoc, Senate Amendment "A" Indefinitely Postponed.

Senator CHAPMAN: I now offer Senate Amendment "B" to Committee Amendment "A" and move its Adoption.

Senate amendment "B" (S-83) Read and Adopted.

Committee Amendment "A", as amended, adopted, The bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

The PRESIDENT: The Chair laid before the Senate, Bill, "An Act to Amend the Requirements for Registration of Professional Foresters." (H. P. 82) (L. D. 93)

Which was tabled earlier in today's session by the Senator from Cumberland, Senator Clark.

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

Is this the pleasure of the Senate?

The Motion Prevailed.

Senator Minkowsky of Androscoggin was granted unanimous consent to address the Senate, Off the Record.

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