

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 9, 1979

Senate called to Order by the President.

Prayer by The Honorable Albert E. Cote of Lewiston.

Senator COTE: At the start of this holy week, let us pray, in our own way, and ask God to give us the strength and the wisdom to carry out the laws we swore to uphold. To the benefit and not to the detriment of all the citizens of this great State. Amen.

Reading of the Journal of yesterday.

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

Senator PRAY: Mr. President, I move Suspension of the Rules.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that the Senate Suspend its Rules.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Suspending the Rules, please rise in their places to be counted.

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 Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, I would pose a question through the Chair to the Senator from Penobscot, Senator Pray, for what purpose is he moving Suspension of the Rules?

The PRESIDENT: The Chair would advise the Senate that the Motion to Suspend the Rules, is not debatable.

The pending question before the Senate is Suspension of the Rules.

A Yes vote will be in favor of Suspending the Rules.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

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

NAY—Ault, Chapman, Collins, Devoe, Emerson, Gill, Hichens, Huber, Lovell, McBreaity, Perkins, Sutton, Teague, Trozky.

ABSENT—Danton, Katz, Martin, Pierce, Redmond.

A Roll Call was had.

13 Senators having voted in the affirmative and 14 Senators in the negative with 5 Senators being absent, the Motion to Suspend the Rules does not prevail.

Senator Pray of Penobscot, was granted unanimous consent to address the Senate On the Record.

Senator PRAY: Thank you, Mr. President. Mr. President and Members of the Senate. As we left here last Friday, on the way home, it is roughly a 2½ hour drive for me, I kept going over in my mind, what had taken place here Thursday evening, the attempts by some of us to pass on the Legislation dealing with the em-

ployees pay raise, an item which since 1974 when the Labor Relations Act was first passed, and this is the first agreement that had been reached under that Act, and the events that took place, which for many State Employees have temporarily halted their hopes, they would receive a pay raise shortly.

As I go back through my Legislative history in this chamber, over the last 5 years, I can only remember on one occasion State Employees received any type of pay increase, that was a \$10. across the board pay increase in July 1, 1977. Some of you may say that there was more than that, going back to the Hay Plan, but I think those of us that realize exactly what the Hay Plan was, it would be a sham to call it a pay increase for State Employees.

I notice today that a number of individuals of this chamber are missing. While the State Employees sit by and wait to find out the fate of the agreement that they negotiated. We have individuals who are vacationing, we have individuals who are attending conferences in Washington, D. C., these same individuals are individuals who have held up that item or that issue that is of such great concern to so many that keep this State operating on a day-to-day basis.

I think that it is a shame to them, I think that it is a disgrace to the Legislature and I think that it is a disgrace to the Republican Party to hold this issue up at this time.

Senator Collins of Knox, was granted unanimous consent to address the Senate, Off the Record.

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

On Motion by Senator Collins, of Knox, Recessed until the sound of the bell.

Recess

After Recess

The Senate called to order by the President.

(Off Record Remarks)

The President would ask the Sergeant-at-Arms to escort the Senator from Knox, Senator Collins to the rostrum to assume the duties of President Pro-Tem.

The Sergeant-at-Arms escorted the Senator from Knox, Senator Collins to the rostrum, where he acted President Pro-Tem.

The Sergeant-at-Arms escorted the President to the seat assigned to the Senator from Kennebec, Senator Katz.

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

Senator Silverman of Washington, was granted unanimous consent to address the Senate, On the Record.

Senator SILVERMAN: Mr. President and Ladies and Gentlemen of the Senate.

There is an old legend about a man who dared to offend the Gods. His sin was so grave that he was condemned for all eternity to be bound to a tree. Even though there was water up to his chin, he was forever thirsty. Even though there was fruit inches away from his nose, he was forever hungry. For each time he bent over to drink, the water went down, and each time he reached for a fruit, the branches pulled it away.

What grave sin have state employees committed that they should be tormented in the same way? Have state workers offended the Gods by finally doing what the law authorized them to do nearly 5 years ago? Were they given the right to collective bargaining, but condemned to watch their collective bargaining

agreement remain forever outside their reach?

After years of struggle, collective bargaining for state employees became law in June of 1974. But that law is today only a paper promise so long as the majority of state workers must still labor without their contract, and paper promises are not too financially helpful, to anyone today.

State employees waited while the Maine labor relations board did their tedious but necessary work of determining bargaining units, a process which took more than two years to complete.

They waited four months longer while the board heard appeals on its unit determinations, as provided by law.

They waited almost ten months longer while elections were held, as the law provides, to decide whether MSEA, or any union, would represent them.

They waited while negotiations covering over 9,000 employees in over 1,000 classifications dragged on through the administrations of two governors, and all the while, state workers patiently waited for the law to run its course.

When negotiations went to impasse, charges of unfair labor practices went back and forth while the labor board held hearings, as the law requires.

When mediation failed to restore the talks, a fact-finding panel was called in, as the law provides, and hearings lasted for six months.

When a new governor came into office and negotiations resumed, state workers were stalled because of national policies beyond their control.

And ever patiently, they continued to give good and faithful service to the state until marathon talks resulted in a tentative agreement after 100 hours of crisis.

Now the effective date for that agreement is passing, and state workers want to know if the law will be permitted to continue running its course, or whether the law will be knocked off its course at the last hour.

Now, after all the promises, and the years of struggle, after the months of crisis, after the law has almost completed its course, the promise is again broken, the right violated, their justice denied.

After the unanimous approval of the impartial fact-finding panel appointed by law:

After the unanimous approval of the governor and his negotiators, who fulfill their function by agreeing to the terms of the contract:

After the resounding endorsement of the provisions of the contract by the Majority of State employees subject to the agreement;

After the unanimous recommendation of the House appropriations committee that the Bill approving the cost items of the contract Ought to Pass;

And after the approval of the full House for the funding of the contract.

A handful of partisan politicians now want to hold this agreement hostage for the sake of appeasing the anti-labor interests who have always opposed collective bargaining.

Now collective bargaining passed this Republican Controlled Senate years ago.

Now collective bargaining is the only hope for the MSEA and their 9,000 employees. Now we know today with prices ever on the increase, and where are they — what have you said to them? You have said that we have closed the door to you, and why? Because of a fair bargaining, fair cost sharing agreement. We are not talking about closed shop, we are not talking about union shop, we are not talking about an agency shop.

We are saying this, if you are going to have collective bargaining, someone has to pay, for is it fair to let those who belong to a union and pay their fees have to pay for those who do not belong to that union and expect the same benefits, the same wages and the same privileges. That is the gut issue right here today, and that is an issue that is by far the most important

issue that will be faced by the 109th Legislature.

The employees of Maine have been fair enough to you, not to violate their contract, and go out on strike. I ask you, are you being fair to them?

On April 1st they were supposed to get a pay increase, on April 1st they did not get that pay increase, and they know who is to blame for not getting that pay increase.

You can sit here and hold them hostage to your hearts' delight, but I am afraid that in Maine, where we have had a political system, that has been mostly unorganized, an organization in the Republican Party and organization in the Democrat Party and then a few Independents came along, but it has been unorganized. If you play games with the State Employees like you are now, they will become organized, they will vote for those who are helping them, and they will become much more knowledgeable about who is on their side.

Collective Bargaining is a law of this State, the fair share clause has not been tested, by the courts, are you going to let the courts test it, or are you going to play political shenanigans and not allow the courts to have that privilege?

A hand full of partisan politicians now want to hold this agreement hostage for the sake of appeasing the anti-labor interests, the anti-workers interests, who have always opposed collective bargaining. Collective bargaining if we have passed it to be a law, in the State of Maine, it is my hope that it improves the wages, hours, the working conditions of State Employees.

It is a way we have to accept in government, if we have made it law. It is the public policy of this State to promote the improvement of the relationship between the State of Maine and its employees.

This policy has yet to be implemented, the law has yet to be fulfilled. Those who today hold this contract hostage for the benefit of the anti-labor, anti-workers interests are repudiating this policy, and frustrating the final enactment of so long-awaited collective bargaining law and the benefits and wages our State Employees rightly deserve. Thank you.

(Off Record Remarks)

House Papers

Bill, "An Act to Establish the Maine Potato Industry Promotion Board and to Set the Potato Tax at \$.0125 per Hundredweight." (H. P. 1233) (L. D. 1544)

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

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

Bill, "An Act to Require the State to Partially Reimburse Municipalities for Functions which the State Requires of Municipalities." (H. P. 1234) (L. D. 1546)

Committee on Appropriations and Financial Affairs suggested.

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

On Motion by Senator Huber of Cumberland, referred to the Committee on Local and County Government and Ordered Printed, in concurrence.

Bill, "An Act to Consolidate the Mining and Rehabilitation of Land into the Site Location of Development Statute." (H. P. 1239) (L. D. 1543)

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 Clarify the Administration of the Department of Manpower Affairs." (H. P.

1247) (L. D. 1547)

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.

Communications SENATE CHAMBER President's Office

April 6, 1979

Honorable Howard Trotzky
Honorable Laurence Connolly
Chairmen, Education Committee
State House
Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating Rene P. Simard of Biddeford to be a member of the State Board of Education.

Pursuant to Title 20 MRSA, Section 51, this nomination requires review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,
S/JOSEPH SEWALL
President of the Senate
S/JOHN MARTIN
Speaker of the House

(S. P. 496)

Which was Read and Referred to the Committee on Education.

Sent down for concurrence.

COMMITTEE ON AGING, RETIREMENT AND VETERANS

April 6, 1979

The Honorable Joseph Sewall
President of the Senate of Maine
State House
Augusta, Maine 04333
Dear President Sewall:

In accordance with 3 M. R. S. A., Chapter 6, section 151, and with Joint Rule 37 of the 109th Maine Legislature, the Joint Standing Committee on Aging, Retirement and Veterans has had under consideration the nomination of Mary Louis Kurr to the position of the Board of Trustees of the Maine State Retirement System.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate of the 109th Maine Legislature that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Clerk called the role with the following result:

YEAS: Unanimous

ABSENT: Senator Lovell of York and Senator Teague of Somerset, Representative Paul of Sanford

10 members of the Committee having voted in the affirmative and 0 in the negative, it was the vote of the Committee that the nomination of Mary Louis Kurr to the position of the Board of Trustees of the Maine State Retirement System be confirmed.

Sincerely,
S/MERLE NELSON
House Chairwoman

Which was Read and Ordered Placed on file.

The PRESIDENT pro tem: The Joint Standing Committee on Aging, Retirement and Veterans has recommended that the nomination of Mary Louis Kurr be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Aging, Retirement and Veterans be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th Legislature, the vote will be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question?

The PRESIDENT pro tem: The Chair recog-

nizes the Senator from Penobscot. Senator Devoe.

Senator DEVOE: Mr. President and Members of the Senate: I would just like to make some brief comments this morning, concerning Mrs. Kurr's nomination and, hoped for approval, by this body, as a trustee of the State Retirement System.

It has been a privilege for me to have Mrs. Kurr work in my office, since July, of 1972. Since that time I have come to have a deep appreciation of her skill and meticulous work that she performs in all matter that she is given responsibility for.

I attended the hearing before the Committee last Friday morning and I wished that I had been able to reproduce the comments that Mrs. Kurr made to the committee, concerning her views of the fiscal condition in which the Retirement finds itself.

I would like to assure all members of this body that Mrs. Kurr is extremely concerned with the fiscal safety of the Retirement Fund. It is my pleasure to speak on her behalf and enter these comments into the record. Thank you very much Mr. President.

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

Senator FARLEY: Mr. President and Members of the Senate: I see that my words of last time that we had a confirmation come before us. I do have the resume of the candidate. I had the opportunity to meet her, talk with her, with the good Senator from Penobscot, Senator Devoe, and would urge prompt approval of this nomination.

The PRESIDENT pro tem: The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

YEA—None.

NAY—Ault, Carpenter, Chapman, Clark, Collins, Conley, Cote, Devoe, Emerson, Farley, Gill, Hichens, Huber, Lovell, McBreairey, Najarian, O'Leary, Perkins, Pray, Redmond, Shute, Sutton, Teague, Trafton, Trotzky, Usher, Sewall.

ABSENT—Danton, Katz, Martin, Minkowsky, Pierce, Silverman.

No Senators having voted in the affirmative and 27 Senators in the negative, with 6 Senators being absent and none being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Mary Louis Kurr is confirmed.

HOUSE OF REPRESENTATIVES

April 6, 1979

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

The House voted today to Adhere to its former action whereby it accepted the Majority "Ought Not to Pass" Report 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)

The House also voted to Adhere to its former action whereby it accepted the "Ought Not to Pass" Report of the Committee on Labor on Bill "An Act to Amend the Workers' Compensation Laws" (H. P. 312) (L. D. 428)

Respectfully,
EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on file.

DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES

TO: Joseph E. Brennan, Governor, and Members of the 109th Legislature
FROM: Commissioners George Zitnay, H. Sawin Millett and David Smith

SUBJECT: Coordinating Services for Children and Families

DATE: March 15, 1979

We are pleased to transmit the attached Interim Progress Report of the Interdepartmental Committee. This report represents the combined efforts of the Department of Human Services, Mental Health and Corrections, and Educational and Cultural Services to coordinate child and family services in Maine. While much has been accomplished by the Interdepartmental Committee since the initial report of January 27, 1978, this report clearly indicates the challenge which still exists for comprehensive interdepartmental coordinated efforts for services relating to children and family services.

It is our hope that this report accurately reflects the present status of the interdepartmental cooperative achievements and that this past year's efforts have provided an essential foundation for a more effective and responsive system of services meeting the needs of Maine's children and families.

(H. P. 1294)

Comes from the House, Read and with accompanying report, ordered Placed on file.

Which was Read and with accompanying report, Ordered Placed on file, in concurrence.

Senate Paper

Senator Najarian of Cumberland, Cosponsors: Senator O'Leary of Oxford and Senator Usher of Cumberland presented, Bill, "An Act Coordinating Regional and Intercity Public Transportation Programs." (Emergency) (S. P. 495)

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

Sent down for concurrence.

Committee Reports

House

Leave to Withdraw

The Committee on Taxation on, Bill, "An Act to Partially Exempt School Books from the Sales Tax." (H. P. 938) (L. D. 1143)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

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

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Taxation on, Bill, "An Act to Provide a State Income Tax Deduction for the Cost of Removing Architectural and Transportation Barriers to the Handicapped." (H. P. 916) (L. D. 1127)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Transportation on, Bill, "An Act to Provide Driver Competency Testing for Mopeds." (H. P. 881) (L. D. 1089)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted, in concurrence.

Ought to Pass

The Committee on Business Legislation on, Bill, "An Act Relating to Lines of Credit Authority of Credit Unions." (H. P. 485) (L. D. 615)

Reported that the same Ought to Pass.

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

The Committee on Business Legislation on, Bill, "An Act Relating to Guaranty Fund Re-

quirements for Credit Unions." (H. P. 484) (L. D. 614)

Reported that the same Ought to Pass.

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

The Committee on Business Legislation on, Bill, "An Act Concerning the Degree of Flammability of Insulation Installed in Residences." (Emergency) (H. P. 412) (L. D. 513)

Reported that the same Ought to Pass.

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

The Committee on Election Laws on, Bill, "An Act Concerning Nomination of Candidates for Municipal Offices." (H. P. 8) (L. D. 17)

Reported that the same Ought to Pass.

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

The Committee on Judiciary on, Bill, "An Act to Eliminate the Requirement that Judicial Department Payrolls be Approved by the Commissioner of Personnel." (H. P. 813) (L. D. 1015)

Reported that the same Ought to Pass.

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

The Committee on Judiciary on, Bill, "An Act to Eliminate the Requirement that all Personnel Actions for the Judicial Department be Reported to the Commissioner of Personnel." (H. P. 812) (L. D. 1014)

Reported that the same Ought to Pass.

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

(Off Record Remarks)

The Committee on Local and County Government on, Bill, "An Act Concerning the Term of Office of Plantation Assessors." (H. P. 651) (L. D. 804)

Reported that the same Ought to Pass.

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

The Committee on Taxation on, Bill, "An Act to Amend the Excise Tax on Certain Pickup Trucks." (H. P. 763) (L. D. 943)

Reported that the same Ought to Pass.

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

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

The Committee on Energy and Natural Resources on, Bill, "An Act to Create a Lake Restoration Fund." (H. P. 734) (L. D. 921)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "B" (H-184).

Which Report was Read and Accepted, in concurrence, and the Bill Read Once. House Amendment "B" was Read and Adopted, in concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Judiciary on, Bill, "An Act to Abolish County Subsidies to the Superior Court System." (H. P. 597) (L. D. 741)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-171).

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

The Committee on Labor on, Bill, "An Act Relating to Attorney's Fees when Expenses are Paid in Workers' Compensation Cases." (H. P. 421) (L. D. 516)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-170).

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 Election Laws on, Bill, "An Act Relating to Nomination Petitions for Municipal Office." (H. P. 556) (L. D. 703)

Reported that the same Ought to Pass.

Signed:

Senator:

FARLEY of York

Representatives:

BENOIT of South Portland

BERRY of Buxton

NADEAU of Lewiston

GOULD of Old Town

TIERNEY of Lisbon

HALL of Sangerville

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

Signed:

Senator:

PIERCE of Kennebec

Representatives:

SEWALL of Newcastle

SMALL of Bath

STUDLEY of Berwick

WENTWORTH of Wells

Comes from the House, the Majority Report Read and Accepted, and the Bill Passed to be Engrossed.

Which Reports were Read.

On Motion by Senator Perkins of Hancock,

Tabled 2 Legislative Days, pending Acceptance of Either Committee Report.

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act to Authorize the Town of Dennysville to Vote on Certain Local Option Questions Concerning the Sale of Liquor." (H. P. 188) (L. D. 238) (Emergency)

Reported that the same Ought to Pass.

Signed:

Senators:

SHUTE of Waldo

FARLEY of York

COTE of Androscoggin

Representatives:

DUDLEY of Enfield

McSWEENEY of Old Orchard Beach

DELLERT of Gardiner

CALL of Lewiston

VIOLETTE of Van Buren

MAXWELL of Jay

SOULAS of Bangor

GAVETT of Orono

STOVER of West Bath

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

Signed:

Representative:

BROWN of Gorham

Comes from the House, the Majority Report Read and Accepted and the Bill Passed to be Engrossed as amended by House Amendment "D" (H-164).

Which Reports were Read.

The Majority Ought to Pass Report of the Committee, Accepted, in concurrence. The Bill Read Once. House Amendment "D" Read.

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

Senator O'LEARY: I would request a ruling on the germaneness of this amendment. The proposed Bill deals with the municipality of Dennysville and the amendment applies to all of the municipalities within the State?

Senate at Ease

The Senate called to Order by the President pro-tem.

On Motion by Senator Conley of Cumberland, Tabled for 1 Legislative Day, pending Adoption of House Amendment "D".

Senate

Leave to Withdraw

Senator Lovell for the Committee on Aging, Retirement and Veterans on, Resolve, to Provide a Minimum Retirement Credit to Shirley Quint of Hodgdon. (S. P. 224) (L. D. 639)

Reported that the same be granted Leave to Withdraw.

Senator Lovell for the Committee on Aging, Retirement and Veterans on, Resolve, to Provide a Minimum Retirement Credit to Mrs. M. Jerome Dickinson of Hodgdon. (S. P. 225) (L. D. 640)

Reported that the same be granted Leave to Withdraw.

Senator Lovell for the Committee on Aging, Retirement and Veterans on,

Resolve, to Provide Minimum Retirement Credit for Elwood Lloyd of Smyrna. (S. P. 284) (L. D. 839)

Reported that the same be granted Leave to Withdraw.

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

Ought to Pass

Senator Clark for the Committee on Business Legislation on, Bill, "An Act Concerning the Reason For Nonrenewal of Policies Under the Maine Property Insurance Cancellation Control Act." (S. P. 392) (L. D. 1196)

Reported that the same Ought to Pass.

Senator Clark for the Committee on Business Legislation on, Bill, "An Act to Exempt Automobile Assigned Risk Policies from the Countersignature Requirements." (S. P. 393) (L. D. 1197)

Reported that the same Ought to Pass.

Senator Gill for the Committee on Health and Institutional Services on, Bill, "An Act to Aid Recovery of Medicaid Funds." (S. P. 408) (L. D. 1254)

Reported that the same Ought to Pass.

Senator Farley for the Committee on Legal Affairs on, Bill, "An Act to Provide for Metric Measurements." (S. P. 286) (L. D. 856)

Reported that the same Ought to Pass.

Senator Cote for the Committee on Legal Affairs on, Bill, "An Act to Allow Reduced Pricing of Discontinued Liquor Items." (Emergency) (S. P. 290) (L. D. 852)

Reported that the same Ought to Pass.

Which Reports were Read and Accepted and the Bills Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

Senator Teague for the Committee on Aging, Retirement and Veterans on, Bill, "An Act Appropriating Funds to Allow Maine State Retirement Members a Cost-of-Living Increase in Benefits." (S. P. 189) (L. D. 456)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-94).

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 the Second Reading.

Divided Report

The Majority of the Committee on Energy and Natural Resources on, Bill, "An Act to Amend the Spruce Budworm Protection District Boundary." (S. P. 320) (L. D. 950)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-92)

Signed:

Representatives:

HALL of Sangerville
DOUKAS of Portland
MICHAEL of Auburn
AUSTIN of Bingham
JACQUES of Waterville
KIESMAN of Fryeburg
DEXTER of Kingfield
BLODGETT of Waldoboro

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

Signed:

Sensors:

McBREAIRTY of Aroostook
O'LEARY of Oxford
TROTSKY of Penobscot

Representative:

PELTIER of Houlton

Abstained:

Representative:

HUBER of Falmouth

Which Reports were Read.

The PRESIDENT pro tem: The Chair recognizes the Senator from Aroostook, Senator McBreaity.

Senator McBREAIRTY: Mr. President, I move that we Accept the Minority Ought Not to Pass Report.

The PRESIDENT pro tem: The Senator from Aroostook, Senator McBreaity moves that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Somerset, Senator Redmond.

Senator REDMOND: Mr. President I request a Division.

The PRESIDENT pro-tem: A Division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, I would like to pose a question through the Chair to any member of Energy and Natural Resources Committee, if they could explain the difference between the original Bill, with the amendment on it?

The PRESIDENT pro-tem: The Senator from Penobscot, Senator Pray, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Aroostook, Senator McBreaity.

Senator McBREAIRTY: Mr. President, Honorable Members of the Senate. Back in 1976 the Legislature passed a 6 year Budworm Suppression Act. The Suppression Act established a Budworm Suppression District.

This Bill is an attempt by 1 company to withdraw from the district. I personally have not been happy with the suppression act, I still feel that allowing anyone to withdraw other than by the provisions written into the Act, would be very unfair to all others concerned.

I have not looked at the amendment, but the amendment I am sure adds more towns to the withdrawal to this Bill, it would allow more towns to withdraw from the budworm district.

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

Senator O'LEARY: Mr. President in answer to the question by the good Senator from Penobscot, Senator Pray. The amendment takes out the entire district, the whole county of Piscataquis.

In the northern part of Piscataquis County is some of our most valuable soft woods which are heavily infested and will be sprayed.

The PRESIDENT pro-tem: The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President and Members of the Senate: I too, am looking at the amendment, and perhaps I am confused but, it not only includes Penobscot County, but it includes portions of Piscataquis County, Somerset County, Washington County, Hancock County, Franklin County and Aroostook.

Looking at the Statement of Fact, it says that the Bureau of Forestry has indicated that spraying for budworm control is not an appropriate management practice for 114 of the townships now in the protection district.

This amendment takes all of these towns out of the district, so that land owners would not have to pay excise tax, for which they get no benefits.

It seems to me that the amendment offers some local control to these districts, to these towns, who are not receiving any benefits, perhaps someone could explain their impression of that amendment to me?

On Motion by Senator Pray of Penobscot, Tabled for 1 Legislative Day, pending Motion by Senator McBreaity of Aroostook.

Second Readers

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

House

Bill, "An Act Authorizing the Postponement of National School Lunch Programs." (H. P. 172) (L. D. 218)

Bill, "An Act to Provide for the Consideration of Environmental and Economic Effects Associated with the Tidal Power Demonstration Project at Half Moon Cove." (H. P. 558) (L. D. 705)

Bill, "An Act to Amend the Mandatory Shoreland Zoning Act." (H. P. 210) (L. D. 258)

Bill, "An Act Concerning the Registration under the Motor Vehicle Statutes of Farm Motor Vehicles Using Dolly Axles." (H. P. 426) (L. D. 588)

Bill, "An Act to Prohibit the Possession of Manufactured Items the Serial Numbers of Which Have Been Altered." (H. P. 470) (L. D. 598)

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

Senate

Bill, "An Act to Amend the Definition of Wholesale Life Insurance." (S. P. 234) (L. D. 686)

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

Sent down for concurrence.

Bill, "An Act to Appropriate Funds to the Department of Mental Health and Corrections." (Emergency) (S. P. 494) (L. D. 1545)

Which was Read a Second Time.

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

Bill, "An Act Relating to the Rules Governing the Inspection and Licensing of Motor Vehicle Racing." (S. P. 232) (L. D. 684)

Which was Read a Second Time.

The PRESIDENT pro-tem: The Chair recognizes the Senator from Cumberland, Senator Usher.

Senator USHER: Mr. President, I present Senate Amendment "A" to L. D. 684 under filing number S-95 and move its Adoption.

The PRESIDENT pro-tem: The Senator from Cumberland, Senator Usher now offers Senate Amendment "A" to L. D. 684 and moves its Adoption.

Senate Amendment "A" (S-95) Read.

Senator USHER: Mr. President and Members of the Senate: All that this Amendment does is to put back in the enforcement part of the State Fire Marshal which was previously enforced by the State Fire Marshal's Department.

Senate Amendment "A" Adopted.

Passed to be Engrossed, as amended.

Sent down for concurrence.

Senate — As Amended

Bill, "An Act to Make Private Organizations which Receive a State Subsidy Subject to the Maine Freedom of Access Law." (H. P. 257)

(L. D. 763)

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

(Off Record Remarks)

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

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

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:
An Act Relating to the Limitation on the Amount of Dependents' Group Life Insurance Which May be Issued. (S. P. 45) (L. D. 76)

An Act to Designate and Mark a Trans-Maine Highway Trail. (H. P. 576) (L. D. 724)

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

An Act Regulating Hunting with Muzzle-loading Rifles. (H. P. 498) (L. D. 622)

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

Senator O'LEARY: Mr. President and Members of the Senate: I am totally confused by this Bill, and when I try to put it in its proper perspective with the rest of our hunting laws, I look and it says, this is to be Section 2458B. 2458A Hunting Deer With Certain Weapons, says "it is unlawful to hunt deer with any firearms using a 22 caliber rim-fire cartridge but not including a 22 caliber rim-fire magnum."

Now this one says "muzzle-loading firearms of less than 44 caliber are not permitted for the purpose of hunting large game."

I can not understand why they should discriminate against muzzle-loading caliber of less than 44, because they can really load them up. What bothers me is that it also refers to Section 2456, but in order to put Section 2456 into its proper perspective you have to go back to 2455A, which is hunting from public ways.

It says, "it shall be unlawful for any person to hunt any wild birds, or wild animals from any paved public-way within the State. Possession of a loaded firearm within the limits of a public way."

Now this does prohibit any and all firearms from being loaded in an automobile, whereas Section 2456 only refers to Law Enforcement Officers, really, when you come right down to it.

You have two conflicting chapters right here, or sub-sections that are going to be kind of confusing. First it says that you may and in another part of the law it says that you may not. We are not amending that part of the law which says that you may not so this is really a bad bill, there is no safety in it whatsoever, for anyone.

Our laws were designed to give a certain amount of protection to our game as well as to the occupants of a motor vehicle. Imagine yourself in one of these motor vehicles, with a charge of maybe 60 or 70 grams of black powder, no flint or cap in it, but the thing is sitting between the driver and the occupant and the occupant is smoking a cigarette and he accidentally knocks his ashes down and you have an instant convertible, or put it the other position where the muzzle-loader is headed down towards the floor boards and once again the cigarette ash gets into the percussion cap holder and what have you got, you have got a car without a transmission.

Then you take the time that it really takes to put a flint or a cap in one of these things, and you might just as well amend this Bill if you are really going to do it, so that anyone driving

along with a lever-action rifle; it is only necessary that he have the lever open, or if he is going to be using a bolt-action rifle just to have the bolt-action open, or a semi-automatic just to have the clip out and it is just a matter of slapping the clip in and you are ready to go.

Our laws specifically forbid you to have in 2455, which is now being amended, from having one of these loaded in a vehicle and it prohibits you from stepping on a public right-of-way with a loaded muzzle-loader or rifle.

I hope that you, will vote against the enactment of this Bill. It is going to be totally confusing for our law enforcement officials.

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

Orders of the Day

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

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)

Tabled — April 5, 1979 by Senator Pierce of Kennebec

Pending — Passage to be Engrossed

On Motion by Senator Sewall of Penobscot, Passed to be Engrossed.

Sent down for concurrence.

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

House Reports — from the Committee on Education — Bill, "An Act Relating to the Advisory Board to the Firemen'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 5, 1979 by Senator Perkins of Hancock

Pending — Acceptance of Either Report

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

Senator TROTZKY: Mr. President, I move that the Senate Accept the Majority Ought to Pass Report of the Committee.

The PRESIDENT pro tem: The Senator from Penobscot, Senator Trotzky, moves that the Senate Accept the Majority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President and Ladies and Gentlemen of the Senate: After looking at this Bill, and after having read a letter from a supposed proponent of the Bill, the Maine Federation of Fire Fighters, I spent the weekend discussing the Bill, with many of my Local Volunteer Fire Departments, none of which had been polled by the group in Casco who quoted them as being all in favor of this piece of Legislation.

This piece of Legislation speaks to an appointment of a new Council on Education, which would be governed by the Department of Education and Cultural Services.

I frankly feel that without a new commissioner having been appointed yet and by thus changing the whole advisory service of this training association, with the opposition that I have met from my local departments, I would move that this Bill and all of its accompanying papers be Indefinitely Postponed.

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

Senator TROTZKY: Mr. President and Members of the Senate: What this Bill simply does is changes the membership slightly on the Advisory Committee to the Fireman's Training

Program.

What it does is the majority of the members of the Committee felt that two members should be put on the committee, by the commissioner which would be recommended by the Maine Council of Fire Fighters Incorporated, which is the Maine Fire Fighters Union, in the large cities in the State of Maine.

If you look at the entire membership of the Advisory Committee, and this is all that it is, an Advisory Committee, it calls for 1 municipal chief, 1 call chief, 1 volunteer chief, 1 municipal fire fighter, 1 call fire fighter, 1 volunteer fire fighter and so on. It is very broad, but it was the feeling of the majority of the committee, was the union fire fighters which is the Maine Council of Fire Fighters Incorporated, which again make up the fire fighters in our large cities in Maine, should be members of the Advisory Committee, which recommends the Training Program for Firemen throughout the State.

This Maine Council of Fire Fighters again are leaders on the National Level and as everyone knows fires are changing today, there are new products on the market, there are new toxic-gases, introduced by the burning of the different petrochemical products and so on, so I feel and most of the members feel it should have as wide a representation as possible.

On Motion by Senator Sewall of Penobscot, tabled, for 1 Legislative Day, Pending the Motion by Senator Trotzky of Penobscot.

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

HOUSE REPORT — from the Committee on Aging, Retirement and Veterans, — Bill, "An Act to Provide Continued Education 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 6, 1979 by Senator Pierce of Kennebec

Pending — Consideration

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

Senator TEAGUE: I move that we Adhere.

The PRESIDENT pro tem: The Senator from Somerset, Senator Teague, moves that the Senate Adhere.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, I would oppose the pending motion; this was a Bill that I had intended to introduce. Essentially what happened is that once a veteran widow remarry's, regardless of what may happen to that marriage, even if the second husband may pass away or there may be a divorce or what not, that the widow loses all of her rights, as the widow of the first husband.

It gets a bit complicated, perhaps the best way to explain what this Bill and subsequent Committee Amendments would do is to ask yourself the question, of whether Jacqueline Onassis should still be regarded as the widow of John Kennedy?

Under Federal Law, in terms of educational benefits, Mrs. Onassis would be regarded still as the widow of John Kennedy. Under state law she would not be in terms of being able to receive educational benefits. I would move therefore that the Senate Recede and Concur and ask for a Division.

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

Senator TEAGUE: I would thank the good Senator for explaining the Bill, but we had a man by the name of Mr. Johnson come to us from Togus and said that there has only been two widows in the past 17 years that would be eligible, I just thought that it was needless leg-

isolation.

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

Senator CARPENTER: Mr. President and Members of the Senate: I would just counter the arguments of my good friend from Somerset, Senator Teague. If there's been two cases where this might help out and if there had been no objections from the Veterans Service Department or wherever, I certainly do not see why we shouldn't clear up what appears to be a very clear inconsistency in our law. I will emphasize again, this would simply bring our law in line with Federal Law.

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

Senator LOVELL: Mr. President and Ladies and Gentlemen of the Senate.

This Bill, came before our committee and it seemed to us a little bit strange that a widow of a veteran could remarry, after she was widowed and for 10 years or longer, could get education free from the government or the state. Now it would seem to us that if a widow of a veteran remarries the new husband, even if he should pass away, the new husband should be responsible for the widow, not the first husband, who was in the service.

Now the second husband might not have been in the service at all, but it would still go back that the government would have to pay or the state would have to pay for the education and training of the widow, who was a second widow of somebody else.

The Aging and Retirement Committee just felt that we just could not afford the bill, our funds are in jeopardy, we do not have the money that we would like to have, we would like to pass all of the Bills that call for money, but we just cannot do it. I would have to go along with the good Senator Teague.

The PRESIDENT pro tem: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President and Men and Women of the Senate. I would respond briefly to the remarks from the good Senator from York, Senator Lovell.

It would seem to me, that a woman or a spouse, who had been widowed, had earned her rights for educational assistance and what have you, as the spouse of the veteran.

I would hope should this woman or individual remarry that the second husband would not necessarily be responsible for her, but that he would endorse the concept that she had earned her veteran's widow's benefits, in her marriage to her unfortunately deceased husband. Thank you.

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

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: If you will look at House Amendment 141, first of all I will emphasize that we are not talking about Retirement Benefits, we are not talking about any money or any drain on the Retirement Fund. I know that we are all very concerned about that.

We are talking about educational benefits, all right? The committee amendment that was put on before House 141 simply says the remarriage of the widow or the widower of a veteran shall not bar the furnishing of benefits to the widow or widower, if the remarriage has been terminated by death, the second marriage, or has been dissolved by divorce and the benefits are paid within 10 years of first eligibility, that is what the Bill says at the present time.

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

Senator LOVELL: I would like to request a Division. I still feel, Ladies and Gentlemen of the Senate, that if a woman is widowed, the government will take care of her to a certain extent on training and that the state shouldn't

necessarily have to, after she remarries.

She has 10 years, after her husband dies, she still has 10 years after she marries the second husband, she still has 10 years to get training.

It seems to me that a woman that marries the second husband that the second husband should be able to give her the proper training that she might need.

The PRESIDENT pro tem: A Division has been requested.

Will all those Senators in favor of the Motion by the Senator from Aroostook, Senator Carpenter, that the Senate Recede and Concur with the House, please rise in their places to be counted.

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

10 Senators having voted in the affirmative and 14 Senators in the negative, the Motion to Recede and Concur does not prevail.

Is it now the pleasure of the Senate to Adhere?

The Motion Prevailed.

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

House Reports — from the Committee on Legal Affairs — Bill, "An Act to Permit the Sale of Dessert Wine at Retail Stores." (H. P. 671) (L. D. 831) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass as Amended by Committee Amendment "A" (H-168)

Tabled — April 6, 1979 by Senator Pierce of Kennebec

Pending — Acceptance of Either Report

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

Senator SHUTE: Mr. President, I move the Acceptance of the Majority Ought Not to Pass Report.

On Motion by Senator Sewall of Penobscot, Tabled for 1 Legislative Day, pending the Motion by Senator Shute, of Waldo.

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

Bill, "An Act to Permit Deer Hunting with Muzzle-loading Rifles." (S. P. 39) (L. D. 25)

Tabled — April 6, 1979 by Senator Pray of Penobscot

Pending — Passage to be Engrossed

On Motion by Senator Sewall of Penobscot, Retabled, for 2 Legislative Days.

On Motion by Senator Sewall of Penobscot, adjourned until 10 o'clock tomorrow morning.