

# 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 27, 1979

Senate called to Order by the President.  
Prayer by Reverend Douglas H. Robbins,  
Retired, of Augusta.

Reverend ROBBINS: Eternal and infinite spirit in whom we live and move and have our being, we recognize thee as the author of all good, and pray that we may be worthy of all thy gifts.

As we continue the deliberations of this Legislative Body, may we learn to respect and courageously defend the rights of all. May we strive to understand those opinions which are different from our own. May we learn to control our tongues when we are tempted to speak unfairly and unkindly of others.

We would thus, find a deeper comradeship and a truer happiness, through learning to know each other better.

We pray that Thou will bind our citizens together by the glow of neighborly good will, and by the thrill of common joys, and the pride of common possessions.

May we ever remember that our Nation's and State's true wealth consist not in the abundance of the things which we possess, but rather in the justice of her laws and institutions, and in the brotherly way of her citizens.

Lift up, O Lord, Thy countenance upon us this day, and give us peace, Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

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

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

Joint Order (S. P. 523) Relative to amending Joint Rules by repealing Joint Rule 22.

In the Senate, April 25, Read and Passed.  
Comes from the House, Indefinitely Postponed, in non-concurrence.

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

Senator KATZ: Mr. President, in regard to this non-concurrent item, I would look to the Senator from Penobscot, for guidance to the Senate.

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

Senator PRAY: As so often happens around here with a number of matters that we have that go back and forth and usually that the Democratic Party so often does, I move that we Recede and Concur.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves the Senate Recede and Concur, with the House.

Is this the pleasure of the Senate?

It is a vote.

**House Paper**

Bill, "An Act to Provide Property Tax Relief through a Homestead Exemption Tax Credit." (H. P. 1343) (L. D. 1585)

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

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

**Joint Orders**

Expressions of Legislative Sentiment recognizing that: Presque Isle High School's Shipmate Playhouse, coached by Daniel Ladner, Glenna Smith and Richard Lord, has won First Place in the New England Drama Festival with the play "Zen Substitute" and was given awards for "Best Makeup" and "Best Ensemble Work"... (H. P. 1345)

Mylan Cohen, a member of the cast of Presque Isle High School's Shipmate Playhouse,

was selected "Outstanding Player" at the New England Drama Festival... (H. P. 1344)

The Maine Association of Police has named Scarborough Officer Richard H. Babine as 1978 Officer of the Year for distinguished work with juveniles and for designing crime prevention programs... (H. P. 1341)

Kim Gilman and her sister Kathy Gilman, students at Lawrence High School, were selected as the top debating team in the State at the Annual State Debating Championship at Bates College on March 24, 1979... (H. P. 1342)

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

**Communications  
HOUSE OF REPRESENTATIVES**

April 27, 1979

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

The House today voted to Insist and Join in a Committee of Conference on Bill "An Act to Eliminate the Jurisdiction of the Maine Milk Commission over ½ Pint Containers of Milk" (H. P. 482) (L. D. 613)

Respectfully,  
S/EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on file.

**COMMITTEE ON HEALTH &  
INSTITUTIONAL SERVICES**

April 26, 1979

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

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th Maine Legislature, the Joint Standing Committee on Health and Institutional Services has had under consideration the nomination of Diana Chase Scully to the position of Member on the Health Facilities Cost Review Board.

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 Assistant called the roll with the following result:

YEAS: Senators 3 — Representatives 8

NAYS: Senators 0 — Representatives 0

ABSENT: Senators 0 — Representatives 2

Rep. Prescott, Rep. Vincent

Eleven members of the Committee having voted in the affirmative and none in the negative, it was the vote of the Committee that the nomination of Diana Chase Scully to the position of Member on the Health Facilities Cost Review Board be confirmed.

Sincerely,

S/BARBARA GILL

Senate Chairman

S/SANDRA PRESCOTT

House Chairman

Which was Read and Ordered Placed on file.

The PRESIDENT: The Joint Standing Committee on Health and Institutional Services has recommended that the nomination of Diana Chase Scully be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Health and Institutional Services 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 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, Hichens, Huber, Katz, Lovell, McBreairty, Minikowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Trotzky, Usher, Sewall.

ABSENT—Danton, Farley, Gill, Martin.

No Senators having voted in the affirmative and 29 Senators in the negative, with 4 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 Diana Chase Scully is confirmed.

**Committee Reports  
House**

The following **Ought Not to Pass** reports shall be placed in the legislative files without further action pursuant to Rule 22 of the Joint Rules:

Bill, "An Act to Provide for more Humane Trapping of Wild Animals." (H. P. 1188) (L. D. 1445)

Bill, "An Act Concerning Evidence of Illegally Hunting Deer." (H. P. 274) (L. D. 356)

Bill, "An Act to Permit Hunting of Wild Game upon Certain Lands on Sunday." (H. P. 802) (L. D. 1005)

Bill, "An Act to Remove Weight Restrictions on Black Bass." (H. P. 736) (L. D. 923)

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

Bill, "An Act to Encourage the Conservation of Electricity by Providing for Promotional and Informational Material." (H. P. 839) (L. D. 1042)

Bill, "An Act Relating to Inspecting Electricity and Water Meters by the Public Utilities Commission." (H. P. 835) (L. D. 1034)

**Leave to Withdraw**

The Committee on Agriculture on, Bill, "An Act to Provide Funds for Sterilization of Female Dogs." (H. P. 653) (L. D. 814)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Agriculture on, Bill, "An Act to Equalize the License Fees for Dogs." (H. P. 453) (L. D. 567)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Judiciary on, Bill, "An Act to Allow Officers to Summons Persons who have Attained their 15th Birthday to Court for Liquor Law or Certain Drug Violations without Going Through an Intake Bureau and to Repeal the Requirement that Verbatim Records be Kept for Certain Juvenile Hearings." (H. P. 502) (L. D. 609)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Public Utilities on, Bill, "An Act to Amend the Charter of Mapleton to Increase the Sum Paid to the Trustees of the Mapleton Sewer District and to Amend the Provisions Relating to Liens for Collection of Rates Due." (H. P. 711) (L. D. 884)

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 Transportation on, Bill,

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

Reported that the same Ought to Pass.

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

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

#### Ought to Pass — As Amended

The Committee on Aging, Retirement and Veterans on, Bill, "An Act to Revise the Service Requirements for Maine Veterans to Determine Eligibility for Veterans Benefits." (H. P. 943) (L. D. 1177)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-265)

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 to Require Construction Permits Prior to Building Hotels and Motels with 2 or more Stories." (H. P. 488) (L. D. 617)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-267).

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

The Committee on Transportation on, Bill, "An Act Establishing Weight Tolerances for Certain Vehicles." (H. P. 575) (L. D. 723)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-268)

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 Education on, Bill, "An Act to Provide Student Loans to Candidates for Practice of Chiropractic in Maine." (H. P. 694) (L. D. 872)

Reported that the same Ought to Pass.

Signed:

Sensors:

MINKOWSKY of Androscoggin  
GILL of Cumberland

Representatives:

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

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

Signed:

Sensor:

TROTZKY of Penobscot

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

Which Reports were Read.

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

Senator TROTZKY: Mr. President, I move the Senate Accept the Minority Ought to Pass Report, and I'd like to speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator TROTZKY: Mr. President, and Members of the Senate: When this bill was voted on in committee, I was not the only Member of the Committee to vote on the Mi-

nority Ought Not to Pass Report of the Committee, but since that time, between the time it came out of committee and the time it came to the floor, there were a few changes.

We have a loan program right now for young people who want to go into allopathic medicine, osteopathic medicine, dentistry, veterinary practice and so on. I think that at a certain point we have to draw the line.

There was a show on "60 Minutes" this past week which some of you may have seen, and I think that there are many unsubstantiated claims being made by the chiropractic profession in this country today.

The price tag on this bill is \$25,000, however, during the next biennium it would rise to \$75,000. Our health care dollars today are very scarce, and I question whether this is the best way to tie up scarce health care dollars.

After we have a chiropractic student loan fund, in come the podiatrists to get involved in it, and it goes on and on and on. I know there is Federal Programs for people to go on to higher education and so on, and I feel that the Senate should draw the line here today.

#### (Off Record Remarks)

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

Senator MINKOWSKY: Thank you, Mr. President. Mr. President, and Members of the Senate: I definitely want to oppose the motion by my very dear, dear friend on the Education Committee, the good Senator from Penobscot, Senator Trotzky. It was clearly pointed out and it's very obvious from the Committee Report that there is a definite need in the State of Maine for more students in chiropractic medicine. At the present time I believe we have in the area of 72 licensed chiropractors in Maine. I think with our 1 million population there should be at least a couple hundred, but over the years other professions have seen to it that they have been held down, unfortunately. If that's not a classic case of discrimination, I don't know what it is.

Presently we have 37 students from the State of Maine, in various chiropractic colleges, and all this infinitesimal bill calls for is a small amount of assistance, \$25,000 to put through 4 students.

Do you realize, ladies and gentlemen of the Senate, it is costing us roughly \$14,500 to put through a law student at the University of Maine each year, on the average of \$15,000 for veterinary medicine and all these other indifferent professions. Why is this particular profession, which is recognized and accepted by the people of the State of Maine, being talked against by especially the lobbying group representing an elite organization in the State of Maine.

It's a sad day in the State of Maine when we start discriminating against student aid, on students or people in the State of Maine who qualify and accept a particular lot in life to serve the people of Maine.

I don't have to refer to "60 Minutes" or any other broadcast. There's skeletons in the other closet also, Mr. President, and Members of the Senate, and we all recognize the amount of charging that the elite profession charges people in the State of Maine. We recognize the unnecessary amount of operations these people perform, but nobody says too much about them, but chiropractors, oh no, we have to, all of a sudden, set them aside.

If we can recognize almost every other category in the State of Maine, and allow these students student aid, or student assistance or loans, then I don't see why we have to, all of a sudden, put the chiropractors to one side. They serve a vital function here in the State of Maine. People accept them, people like going to them, and above all, it's freedom of choice for the individuals of the State of Maine to

make that determination.

I certainly hope, Mr. President, and Members of the Senate, that you would not accept the Minority Report, and accept the Majority Ought to Pass Report and give it a chance to work its way through both branches of the Legislature, and you'll come to realize the value of the assistance we can lend to these students in the State of Maine.

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

Senator LOVELL: Ladies and Gentlemen of the Senate: I've been a pharmacist for 50 years, and we have never been allowed to fill a chiropractor's prescription. I've gone along with the MD's and Osteopaths and they have no particular use for chiropractors, in other words, they work on sort of a religious type basis. We have 2 chiropractors in Sanford, and I've seen people go to chiropractors and were treated wrongly, and then had to go to an M.D. to have it rectified. So I would certainly want to go along with the Senator from Penobscot, for the Minority Ought Not to Pass Report.

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

Senator PRAY: Mr. President and Members of the Senate: This is an issue that I was going to kind of be quiet on, and just sit down and listen to the debate, but the last speaker made several remarks which I have to stand up and respond to.

A number of years ago, when I was in the Military, and being married, my wife had some severe pains or problems in the small of her back, to the point that it became very uncomfortable and she could not work any longer. We had gone to several medical doctors on base, and you can remember that was the time that they had the doctor crisis in the service so they started drafting MD's.

The M. D. on base that had examined her gave her a prescription which she was highly allergic to, and she had filled out the card saying that she was allergic to it, the prescription included that chemical, or the drug that she had reactions to. Since that did not give her any relief, out of my own pocket, we went off base, and went to an MD, in Texas, at the time I was in Austin, Texas, and we went to an M. D. there who basically diagnosed another problem, and gave her a different type of prescription.

She took that for several weeks and still had no relief. Finally her boss, who was a great believer in chiropractors suggested she go see a chiropractor, and that perhaps he could take care of the problem. Upon doing so, approximately 10 minutes after we had arrived at his office, and he had gone in and talked slightly to her and gave her an examination, he immediately said I can't do a thing for you. Your problem is a medical problem. Not being what some people insinuate they are, he quickly suggested to go back and see a medical doctor and tell what was wrong. Thus doing so, the third doctor we went to, was surprised that neither one of the other two doctors had noticed what was wrong. She had had a cyst on the spine, very painful, but the chiropractor, not trained in medical knowledge and everything else, made no attempt to feather his own pockets, didn't try to treat her, didn't try to prescribe any type of medication or any type of program. He just told her what the problem was and sent her back to a medical doctor.

So I think to stand up and to insinuate that these people are a religious cult that practice voodoo or black magic or something like that is a little insidious, and I think that it insults the intelligence of the Members of this Chamber.

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

Senator LOVELL: Mr. President, in response to the good Senator from Penobscot, Senator Pray, he has just mentioned one case. I know of dozens of cases where chiropractors have done good in rubbing, they're very good,

like an osteopath used to be, they used to be just considered a person to massage and so finally they increased their education and they became equivalent to M. D.'s

Now when chiropractors increase their education, and can become equivalent to an Osteopath or an M. D. then I would be all for it, but in just one particular case, and I know of many cases that chiropractors have damaged the patient, and so I would urge it Ought Not To Pass.

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

Senator HICHENS: Mr. President, and Members of the Senate: I think the good Senator from York has just hit on the very point of what we're speaking about today. He said if they were more educated, maybe they could qualify, well this is going to give them the chance to get more educated.

I'm going to save my talk as far as the value of chiropractic medicine is concerned for another bill which is coming before us later on, but I think that we are being very discriminatory if we should accept the Minority Ought Not to Pass on this bill, and I hope that you'll vote against that motion.

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

Senator KATZ: Mr. President, let's just change the tone of the debate for just a minute. What we're talking about is really not the qualifications of these professions, we're talking about establishing a loan program. O. K.! I don't care whether you go to a chiropractor or you don't go to a chiropractor, you never watch CBS or whether you watch it all the time.

The fact is we have no present loan programs of this kind. We don't have a loan program of this kind for Allopathic Physicians, we don't have them for Osteopathic Physicians; we don't have them for people going into study of Optometry, we don't have it for Veterinary Medicine. There are no individual loan programs and why don't we? Why don't we have a loan program?

Well, because we have a guaranteed student loan program, and we phase out all the other little things. We've loaned out almost \$60,000,000 in Maine's guaranteed student loan program to anybody, no matter what field of specialty he's going into. I'm absolutely confident that the people who are pursuing chiropractic training have had the benefit of this multi-million dollar loan program. Our experience is superb, we've got one of the lowest default rates in the United States, something around 5%, something we can be proud of.

Now I just don't understand why, at a time of tight money, and I had a conference this morning with the Senator from Cumberland, Senator Huber, who leads me to believe that we have tight money, why are we appropriating money out of the General Fund for this one specialty when nobody else has it. I'm completely unclear, if chiropractic students want to go to their local bank and borrow \$1,500 guaranteed by the State of Maine, today the law is there, they are taking advantage of it.

Why, to use the expression of the Senator from York, are we segregating one special profession and making special treatment of it? I just don't understand the logic of those who brought the bill in, and I don't understand why they want to tap the General Fund to help them when you don't need it.

Now I think what you're doing is getting mixed up with the contract programs. We have contract programs and they're enormously expensive. We don't have a contract program for chiropractic.

If there are those who believe that we ought to have a contract program for chiropractic training, please bring in such a bill. But this is a shocking misuse of General Fund money that we really, really, don't need.

On my desk, in my office, I have my latest report on what's happening to student loans in the State of Maine. It's about this thick, it lists

dozens and dozens and dozens and dozens of Maine banks in your community who'll loan money to chiropractic students under the existing loan. I just have a feeling the Committee got confused, confused the contract program with the loan program, and if you pass this, it will be the only loan program of its type in the books.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, when we take into consideration, regardless of the student loans, or however the good Senator from Kennebec wants to weigh or analyze it; we are still assisting Maine students who need this assistance through the State fund, yes, through the \$25,000 General Fund assistance, there's no doubt about it.

Also, Ladies and Gentlemen of the Senate, you'll be seeing in the next few days a few other bills coming out of the Education Committee relevant to Veterinarian Medicine, and yet if you'll research a little further you'll find that the A. W. Little Report shows we have a surplus of veterinarians in the State of Maine. Yet we're pumping in 4 to 16 new slots at the taxpayers' expense of \$9,600 and the students' expense the difference between \$9,600 and \$15,000. Yet we're asking for a lousy \$25,000 for 4 students and we have to go through this harassment.

I hope, Mr. President, and Members of the Senate, you do accept the Majority Ought to Pass Report of the Committee and give this time to go through the process so we can get more definite answers on this entire matter, so I'm trying to do away with it this morning.

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

Senator TROTZKY: Mr. President, and Members of the Senate: I want it to be made very clear that my opposition to this bill is in no way an opposition to a patient having the freedom of choice. A patient in the State of Maine should have the freedom of choice if they want to see a chiropractor, and no one is denying them that.

All my concern is here is that essentially what Senator Katz said also, specifying our loan program chiropractors.

The other thing is, the only people who came in and said there was a need for chiropractors, and Senator Minkowsky gave you the figures, was the chiropractor. There is a study being done where \$22,500 has been appropriated to take a look at the health care needs of the State of Maine for the next ten years in terms of all the professions. So there is no proof at this time, that there is a need in the State for chiropractors.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

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

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: I would 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 Penobscot, Senator Trotzky, that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of Accepting the Ought Not to Pass Report.

A No vote will be opposed.

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

#### ROLL CALL

YEA — Ault, Chapman, Collins, Devoe, Emerson, Huber, Katz, Lovell, Najarian, Perkins, Shute, Sutton, Teague, Trotzky

NAY — Carpenter, Clark, Conley, Cote, Hichens, McBreairty, Minkowsky, O'Leary, Pierce, Pray, Redmond, Silverman, Trafton, Usher

ABSENT — Danton, Farley, Gill, Martin

A Roll Call was had.

14 Senators having voted in the affirmative and 14 Senators in the negative, and 4 Senators being absent, the motion to Accept the Ought Not to Pass Report does not prevail.

Is it now the pleasure of the Senate to accept the Majority Ought to Pass Report of the Committee.

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

Senator TROTZKY: I request a Division.

The PRESIDENT: A Division has been requested.

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

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

13 Senators having voted in the affirmative and 15 Senators in the negative, the Majority Ought to Pass report of the committee does not prevail.

#### Senate at Ease

The Senate called to Order by the President.

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

Senator CONLEY: Mr. President, I move this item lie on the table 1 Legislative Day pending the Acceptance of Either Report.

On motion by Senator Katz of Kennebec, tabled until later in today's session.

#### Divided Report

The Majority of the Committee on Labor on. Bill, "An Act to Require that Certain Employers Provide Regular Physical Examinations for their Employees to Detect Carcinogenic and Pulmonary Disorders." (H. P. 220) (L. D. 268)

Reported that the same Ought Not to Pass. Signed:

Sensors:

SUTTON of Oxford  
LOVELL of York  
PRAY of Penobscot

Representatives:

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

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-237)

Signed:

Representatives:

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

Comes from the House, Minority Report Read and Accepted, and the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Reports were Read.

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

Sent down for concurrence.

**Divided Report**

The Majority of the Committee on Legal Affairs on, Bill, "An Act to Include the Term 'Sexual or Affectional Orientation' in the Maine Human Rights Act." (H. P. 673) (L. D. 860)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

SHUTE of Waldo  
FARLEY of York  
COTE of Androscoggin

Representatives:

McSWEENEY of Old Orchard Beach  
STOVER of West Bath  
GAVETT of Orono  
CALL of Lewiston  
SOULAS of Bangor  
DUDLEY of Enfield  
BROWN of Gorham  
MAXWELL of Jay

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

Signed:

Representatives:

DELLERT of Gardiner  
VIOLETTE of Van Buren

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

Which Reports were Read.

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

Senator CONLEY: Mr. President and Members of the Senate: It would be very easy to stay in my seat and allow this to go under the hammer, but I believe that the issue before the Senate today, is a Human Rights Issue. I believe that those individuals of sexual or affectional orientation should have the same rights under the statutes of this State, as those of minority groups, women's groups, those who have been handicapped.

I feel that it is right that this Legislature should come out of the closet and recognize these individuals as human beings. I do not believe that anyone should be discriminated by employment or by housing, because of the fact that they may be gay.

I recognize the fact that the statistics have shown from Doctor Kinsey's report that 10% of the population of this country are affiliated in this manner.

As I have stated I know what the results were at the other end of the hall, but I just want to free my conscience to let the people of this State know exactly how I stand, not only with respect to this issue, but the rights of any individual in this State and I would urge the Senate accept the Minority Ought to Pass Report.

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

Senator LOVELL: Mr. President this Bill came before my committee on Human Resources 2 years ago. In that hearing we had some 200 gay's and the only person that testified against it was a member of the other body, a minister. He was the only person there in that room in solid full gay.

Now I have nothing against Gay's. I have nothing against Sex, but I do not believe and I certainly don't believe that they should come out of the closet. Now I do not mind my children going to school to a gay, whether they be a man or a woman or a homosexual, but I do not want to know it, and I do not want them to know it.

I do not think that this has anything to do with Human Rights, this is something in a more religious fashion, this is something that the Lord does not tolerate and does not want to tolerate. It is not mentioned to my knowledge in the Bible, so I think that we should go along and if there is not any motion on the floor I would move that we accept the Majority Ought Not to Pass Report and request a Division.

The PRESIDENT: The Chair would advise the Senator from York, Senator Lovell that the Senator from Cumberland, Senator Conley

moved acceptance of the Ought to Pass Report.

Is the Senate ready for the question?

A Division has been requested.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President and Members of the Senate: This bill was before Legal Affairs Committee this year, and there was more than 1 opponent to it. There were probably more opponents than there were proponents for it.

I think when the Reverend Buddy Franklin spoke on this, spoke against this he summed up quite a lot of the thoughts of the people at the hearing. He said that if the Legislature was going to Legislate in this area, that he felt his rights should be protected too. He is running a Christian School he did not feel any need to make this a minority group of people so that he would have to hire 10% of those people to teach in his Christian School. Other ministers that attended the hearing, they did not feel that they should have to rent their buildings to people that they did not want to rent to.

As far as this goes, I think any of the people that might come under what you might call Gay Rights or gay people they are protected just as well under the Constitution as anybody else in this State or the nation is. To my knowledge there is not any other State that has a Gay Rights in the Human Rights Act. I would urge you to vote against the Ought to Pass Report and vote with the Majority Ought Not to Pass Report.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Washington, Senator Silverman.

Senator SILVERMAN: I would 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 Cumberland, Senator Conley that the Senate Accept the Minority Ought to Pass Report of the Committee.

A Yes vote will be in favor of the motion to Accept the Ought to Pass Report.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

YEA—Clark, Collins, Conley, Huber, Katz, Najarian, Trafton, Usher.

NAY—Ault, Carpenter, Chapman, Cote, Devoe, Emerson, Hichens, Lovell, McBreaity, Minkowsky, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trotzky.

ABSENT—Danton, Farley, Gill, Martin.

A Roll Call was had.

8 Senators having voted in the affirmative and 20 Senators in the negative, with 4 Senators being absent, the Motion to Accept the Minority Ought to Pass Report does not Prevail.

Is it now the pleasure of the Senate to Accept the majority Ought Not to Pass Report of the Committee?

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

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

Senator LOVELL: Mr. President, having voted on the prevailing side I now ask for Reconsideration and hope that you will vote against me.

The PRESIDENT: The Senator from York, Senator Lovell, now moves that the Senate Reconsider its action whereby it voted to Accept the Majority Ought Not to Pass Report of the

Committee.

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

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion to Reconsider does not prevail.

**Senate****Leave to Withdraw**

Senator McBreaity for the Committee on Energy and Natural Resources on, RESOLVE, Authorizing the Sale of Certain Public Reserved Lands to Cobb's Bosebuck Mountain Camps. (S. P. 85) (L. D. 176)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

**Ought to Pass — As Amended**

Senator McBreaity for the Committee on Energy and Natural Resources on, Bill, "An Act Relating to the Plumbing and Subsurface Disposal Laws." (S. P. 376) (L. D. 1156)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-122).

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

**Second Readers**

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

**House**

Bill, "An Act to Permit Sorority Houses at University of Maine Campuses." (H. P. 946) (L. D. 1179)

Bill, "An Act Relating to the Management of the Department of Attorney General." (H. P. 1100) (L. D. 1352)

Bill, "An Act Concerning Public Agencies Contracting for Architectural Services." (H. P. 1331) (L. D. 1578)

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

Bill, "An Act to Direct the Criminal Law Revision Commission to Study Treatment Alternatives for Sex Offenders." (H. P. 1310) (L. D. 1564)

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

Sent down for concurrence.

**House — As Amended**

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

Bill, "An Act to Require that all Public Employees be Paid at Least the Federal Minimum Wage." (H. P. 435) (L. D. 552)

RESOLVE, Authorizing Barry A. Brann of Wilton to Bring Civil Action Against the State of Maine. (H. P. 547) (L. D. 678)

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

Bill, "An Act to Amend the Statutes Relating to Airmobiles." (H. P. 663) (L. D. 838)

Which was Read a Second Time.

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

**Senate — As Amended**

Bill, "An Act to Appropriate Funds for Emergency Shelters and Service for Victims of Domestic Violence." (S. P. 316) (L. D. 946)

Which was Read a Second Time.

On Motion by Senator Chapman, of Sagadahoc, 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 to Revise the North American Indian Scholarship Act. (H. P. 387) (L. D. 497)

An Act to Clarify the Responsibilities of the State Parole Board. (H. P. 977) (L. D. 1191)

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:

Bill, "An Act to Clarify and Correct Laws Related to Real Estate Brokers and Salesmen." (S. P. 391) (L. D. 1202)

Tabled—April 26, 1979 by Senator Chapman of Sagadahoc

Pending—Consideration

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

Senator CLARK: Mr. President, I move that the Senate Adhere.

The PRESIDENT: The Senator from Cumberland. Senator Clark moves that the Senate Adhere.

Is this the pleasure of the Senate?

It is a vote.

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

Bill, "An Act Relating to Discharges and Emissions From Nuclear Generating Facilities." (H. P. 268) (L. D. 349)

Tabled—April 26, 1979 by Senator Huber of Cumberland

Pending—Passage to be Engrossed.

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

Senator TROTZKY: Mr. President and Members of the Senate: This Bill concerns reporting of Emissions from a Nuclear Power Plant. I just want to state, for the record, that the Maine Yankee already transmits the information that would be required under L. D. 349 to the Health Engineering Office of the Department of Human Services, as soon as it is sent to the Nuclear Regulatory Commission. The same information is available to the public locally at the Wiscasset Library and on request for the NRC via the Public Document Room of the Federal Government.

The legislation really is unnecessary, however there have been problems in the Nuclear Field very recently in Pennsylvania and consequently I think that many members of the Committee felt that it was very unpopular to vote against this Bill, but the information is already being sent to the Department of Human Services.

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

Senator HUBER: Mr. President and Members of the Senate: I believe that this was a unanimous report out of the Committee. As I understand it there were no opponents to the Bill at the hearing.

I would require a Report to the Department of Human Services and a translation of this report into reasonably understandable language for the general public.

This is already done voluntarily but this would make sure that the information is available at the state level. It conforms with Federal requirements of the Nuclear Regulatory Commission which requires these reports, and would incur no additional expense or paperwork or additional information. It simply assures that such information is provided on the State level and is reasonably accessible within the State.

The Bill, Passed to be Engrossed, in concurrence.

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

Bill, "An Act to Revise the Statutes Govern-

ing Chemical Control of Rodents as Agricultural Pests." (H. P. 990) (L. D. 1227)

Tabled—April 26, 1979 by Senator Clark of Cumberland

Pending—Enactment.

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

Senator TRAFTON: Mr. President. Mr. President and Members of the Senate: I'd like to thank the good Senator from York, Senator Hichens, for providing me with some of the information that was made available to his committee on this subject.

I have reviewed the information that he has given me and I've also talked with Mr. Donald Mairs, who is the supervisor of the pesticides program. The various other regulations that the Department of Agriculture has with regard to pesticides and rodenticides, and the other Federal regulations that control these control only the type of pesticide or rodenticide to be used.

What's unique about the statute that we now have is that it requires a permit for that use, and the Board of Pesticide Control can determine if there could be any adverse impact and I would give you an example. Back in about 1975, Mr. Mairs told me that because of this rodenticide that was used in the Merrymeeting Bay area, there were considerable Canadian geese that were killed during their migratory flights.

So I think the current statute does provide another protection in an area of increasing concern to many of us and that is in the area of pesticides and rodenticides, and although there may need to be some revision of all these statutes relating to that, I have some hesitation about treating this piecemeal and taking out this one portion of the statutes. Therefore, I would move the Indefinite Postponement of this Bill and all of its accompanying papers.

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

Senator HICHENS: I'll ask for a Division on that Motion.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of Indefinite Postponement of L. D. 1227, 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 17 Senators in the negative, the motion to Indefinitely Postpone does not prevail.

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

The Chair laid before the House the Fourth Tabled and specially assigned matter:

Bill, "An Act to Prohibit the Gathering of Signatures Within 250 Feet of the Entrance to a Polling Place and Within any Registrar's Office." (H. P. 174) (L. D. 208)

Tabled—April 26, 1979 by Senator Katz of Kennebec

Pending—Adopting of Committee Amendment "A" (H-203)

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

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

**Papers from the House  
House Paper**

Bill, "An Act to Repeal the Control of Milk Prices at the Wholesale and Retail Levels." (H. P. 1346) (L. D. 1587)

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.

**Communication****HOUSE OF REPRESENTATIVES  
Speaker's Office**

April 26, 1979

To: All Members of the 109th Maine Legislature

Pursuant to Joint Rule 21, the Legislative Council has voted to extend the deadline for reporting out bills from Friday, April 27, to Friday, May 18, 1979.

S/JOSEPH SEWALL  
President of the Senate  
S/JOHN L. MARTIN  
Speaker of the House  
(H. P. 1348)

Comes from the House, Read and Ordered Placed on File.

Which was Read.

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

Senator PRAY: Mr. President and Members of the Senate: When I saw this communication, I was a little surprised, conferred with the Chairman of the Legislative Council, since as a member of that council, I was not aware of such a meeting or a vote. I inquired as to perhaps when such a meeting was held or such a vote was taken, and informed by the Chairman of the Council that there was none.

I'm a little concerned at the haphazard and questionable maneuver, and notification to Members of Legislature, I think it's kind of a dangerous, flagrant path for us to follow. I believe that the communication is an insult not only to the process, but to the integrity of which we try to establish to that process each and every day.

I notice further down we have a Joint Order which is being offered by the Senator from Kennebec, Senator Pierce, which I think would be more in order, but I guess since the House has adjourned we're kind of into a little box, and since we've already addressed the situation with communications as to what we do with it, I move that this communication be accepted and placed on file.

On Motion by Senator Pray of Penobscot, Placed on File, in concurrence

**Joint Order**

Ordered, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a Bill to Extend the deadline for enactment of educational funding legislation for 1979 from May 1st to May 15th. (H. P. 1349)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

The Chair would direct the Senate's attention to Bill, "An Act to Provide Student Loans to Candidates for Practice of Chiropractic in Maine." (H. P. 694) (L. D. 872), tabled earlier in today's session, by the Senator from Kennebec, Senator Katz, pending Acceptance of Either Committee Report.

The PRESIDENT: The Chair recognizes that Senator.

Senator KATZ: Mr. President, I was really distressed by our earlier debate, that the Senate was not focusing on the real issue, and the real issue is whether or not to establish a unique program for chiropractors, which does not exist for any other specialty.

I suspect that the proper approach would be to come and seek a contract program such as we have for all other specialties. We've had 2 votes, they're very, very close. We've got to have some Parliamentary Motion to resolve this issue, and I'll make the motion to Indefinitely Postpone this bill and request a Division.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that L. D. 872 and it's accompanying papers be Indefinitely Postponed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I move this item be tabled for 1 Legislative Day, pend-

ing the Motion to Indefinitely Postpone.

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

Senator TROTZKY: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of tabling L. D. 872 for 1 Legislative Day, please rise in their places to be counted.

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

11 Senators having voted in the affirmative and 13 Senators in the negative, the Motion to Table L. D. 872 does not prevail.

The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Katz, that L. D. 872 be Indefinitely Postponed.

A Division has been requested.

Will all those Senators in favor of the Motion to Indefinitely Postpone L. D. 872, please rise in their places to be counted.

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

15 Senators having voted in the affirmative and 13 Senators in the negative, the Motion to Indefinitely Postpone L. D. 872 does prevail.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I move reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves the Senate reconsider its action whereby it Indefinitely Postponed L. D. 872.

Will all those Senators in favor of the Motion to Reconsider, please say Yes.

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion to reconsider does not prevail.

Sent down for concurrence.

On motion by Senator Pierce of Kennebec, adjourned until Monday, April 30, at 11 o'clock in the morning.