

# 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

May 1, 1979  
Senate called to Order by the President.

Prayer by the Honorable Carroll E. Minkowsky of Lewiston.

Senator MINKOWSKY: We thank you for the honor of serving you in the Senate, may we continue to serve our constituents, and the people of the State of Maine with dignity and honor. Amen.

Reading of the Journal of yesterday.

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

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)

In the House, April 25, Minority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-237).

In the Senate, April 27, Majority "Ought Not to Pass" Report, Read and accepted, in non-concurrence.

Comes from the House, that Body Insisted, and asked for a Committee of Conference.

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

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

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I move the Senate Insist and join in a Committee of Conference.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that the Senate Insist and join in a Committee of Conference with the House.

The Chair will order a Division.

Will all those Senators in favor of the Motion to Insist and Join in a Committee of Conference, please rise in their places to be counted.

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

8 Senators having voted in the affirmative, and 15 Senators in the negative, the Motion does not prevail.

Is it now the pleasure of the Senate to Adhere?

It is a vote.

**Non-Concurrent Matter**

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

In the House, April 26, Majority "Ought to Pass" Report, Read and Accepted and the Bill Passed to be Engrossed.

In the Senate, April 27, Bill and Papers, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body Insisted.

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

Senator PIERCE: Mr. President, I move that the Senate Insist and ask for a Committee of Conference.

The PRESIDENT: The Senator from Kennebec, Senator Pierce now moves that the Senate Insist and ask for a Committee of Conference.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I move that the Senate Recede and Concur with the House.

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

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

the motion by Senator Conley of Cumberland.

**Joint Resolution**

A Joint Resolution in Memoriam:  
WHEREAS, the Legislature has learned with deep regret of the death on April 18, 1979, of Flora (Flo) Dickens of Sullivan, an ardent hunter and fisherman and secretary of the Frenchman's Bay Conservation Club for the Past 25 years. . . (H. P. 1353)

Comes from the House, Read and Adopted.  
Which was Read and Adopted, in concurrence.

**Communications**

**DEPARTMENT OF TRANSPORTATION  
May 1, 1979**

Governor Joseph E. Brennan and Members of the 109th Legislature  
Transmitted herewith is a copy of the Town Way Bridge Improvement Program for Fiscal Years 1979 through 1981.

The Town Way Bridge Improvement Program includes projects which the Department has determined to be the priority items that should be authorized for improvement. Projects in the program are dependent upon an available legislative allocation of \$350,000 of State funds as well as on Legislative approval of the current MDOT request of \$500,000 for Fiscal Year 1980 and \$700,000 for Fiscal Year 1981.

We trust that this material will be of interest and will provide information and clarification regarding the Department's efforts to assist in the improvement of Town Way Bridges.

Very truly yours,  
ROGER L. MALLAR  
Commissioner

Which was Read and with accompanying Report Ordered Placed on File.

**HOUSE OF REPRESENTATIVES**

April 30, 1979

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

The Speaker appointed the following Conferencees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Regulating Hunting with Muzzle-loading Rifles" (H. P. 498) (L. D. 622)

Messrs. DOW of West Gardiner  
JACQUES of Waterville  
MASTERMAN of Milo

Respectfully,  
EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on File.

**HOUSE OF REPRESENTATIVES**

April 30, 1979

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

The House voted today to Adhere to its action whereby it Indefinitely Postponed Bill, "An Act to Permit Prosecuting Attorneys to Initiate Petitions for Revocation of Probation" (H. P. 503) (L. D. 611)

Respectfully,  
EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on file.

**HOUSE OF REPRESENTATIVES**

April 30, 1979

Honorable May M. Ross  
Secretary of the Senate  
109th Legislature  
Dear Madam Secretary:

The Speaker appointed the following Conferencees to the Committee of Conference on the dis-

agreeing action of the two branches of the Legislature on Bill, "An Act to Eliminate the Jurisdiction of the Maine Milk Commission over 1/2 Pint Containers of Milk" (H. P. 482) (L. D. 613)

Messrs. BRENERMAN of Portland  
WOOD of Sanford  
STOVER of West Bath

Respectfully,  
EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on File.

**Senate Paper**

Senator Najarian of Cumberland presented. Bill, "An Act to Set Aside Two Days in January of Each Legislative Session to Review the Several County Budgets." (S. P. 525) (Approved by a Majority of the Legislative Council pursuant to Joint Rule 27).

Which was referred to the Committee on Local and County Government, and Ordered Printed.

Sent down for concurrence.

**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 Establish the School Finance Act of 1979." (H. P. 589) (L. D. 746)

Bill, "An Act to Revise the Statute for Municipalities Undertaking Activities Pursuant to Housing and Community Development Act of 1974." (H. P. 612) (L. D. 754)

Bill, "An Act to Clarify the Requirements for the Adoption of a Development District Program Under the Municipal Developments District Act." (H. P. 645) (L. D. 774)

Bill, "An Act to Limit Increases in the Bonded Indebtedness of Municipalities without Referenda thereon by the Same Municipalities." (H. P. 830) (L. D. 1037)

Bill, "An Act Relating to Special Entertainment Permits." (H. P. 222) (L. D. 270)

**Leave to Withdraw**

The Committee on Education on, Bill, "An Act to Revise the Method of Allocation of Educational Subsidies to Local Units." (H. P. 591) (L. D. 747)

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 Relating to Certain Agreements in Construction Contracts." (H. P. 303) (L. D. 422)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Labor on, Bill, "An Act Concerning Unemployment Benefits for Persons Mandatorily Retired because of Age." (H. P. 705) (L. D. 880)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Local and County Government on, Bill, "An Act Concerning the Openings of Private Ways by Municipal Officers." (H. P. 1031) (L. D. 1271)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Marine Resources on, Bill, "An Act to Require a Degradable Section in all Lobster Traps." (H. P. 525) (L. D. 647)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on Marine Resources on.

Bill, "An Act to Prohibit Commerce in Atlantic Salmon in the State of Maine." (H. P. 495) (L. D. 658)

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 Aging, Retirement and Veterans, on Bill, "An Act to Extend World War Assistance to Single Veterans." (H. P. 942) (L. D. 1176)

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 Permit the Inhabitants of Garland to Withdraw from the Maine State Retirement System." (H. P. 76) (L. D. 84)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-280).

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

The Committee on Appropriations and Financial Affairs on, RESOLVE, Authorizing an Appropriation of \$300,000 to Provide Administrative and Other Initial Operating Expenses Incidental to the Construction and Operation of the Maine Veterans Home. (Emergency) (H. P. 1014) (L. D. 1248)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-282).

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

The Committee on Energy and Natural Resources on, Bill, "An Act to Establish a Solar Water Heater Demonstration Program for Maine Small Businesses." (H. P. 296) (L. D. 386)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-281).

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

The Committee on Energy and Natural Resources on, Bill, "An Act to Authorize the State to Provide Technical Assistance and Legal Assistance to Recipients of Waste-water Planning and Construction Grants." (H. P. 1186) (L. D. 1459)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-284)

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

The Committee on Fisheries and Wildlife on, Bill, "An Act Concerning Fire Permits for Registered Guides." (H. P. 431) (L. D. 548)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-286).

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

The Committee on Legal Affairs on, Bill, "An Act to Establish the Beer and Wine Franchising Act." (H. P. 608) (L. D. 776)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-285)

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

The Committee on State Government on, Bill, "An Act Relating to the State Apprenticeship Council." (H. P. 844) (L. D. 1046)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-275)

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, and Resolve Read Once. Committee Amendments "A" were Read and Adopted in concurrence, and the Bills and Resolve, as amended, tomorrow Assigned for Second Reading.

The Committee on Fisheries and Wildlife on, Bill, "An Act Concerning Licensing of Head and Hide Dealers by the Department of Inland Fisheries and Wildlife." (H. P. 275) (L. D. 357)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-272)

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-288), thereto,

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

#### Divided Report

The Majority of the Committee on Education on, Bill, "An Act Relating to the Administration of School Dental Health Programs." (H. P. 733) (L. D. 920)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-273)

Signed:

Sensors:

TROTZKY of Penobscot  
MINKOWSKY of Androscoggin  
GILL of Cumberland

Representatives:

LOCKE of Sebec  
LEWIS of Auburn  
BEAULIEU of Portland  
ROLDE of York  
CONNOLLY of Portland  
GOWEN of Standish

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

Signed:

Representatives:

LEIGHTON of Harrison  
BIRT of East Millinocket  
FENLASON of Danforth  
DAVIS of Monmouth

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

Which Reports were Read.

The Majority Ought to Pass, as amended Report of the Committee Accepted, in concurrence, and The Bill Read Once.

Committee Amendment "A" Read and Adopted, in concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Energy and Natural Resources on, Bill, "An Act to Require Commercial Timber Harvesters to Replace Destroyed Trees." (H. P. 1084) (L. D. 1351)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

McBREAIRTY of Aroostook  
O'LEARY of Oxford

Representatives:

HUBER of Falmouth  
DEXTER of Kingfield  
PELTIER of Houlton  
KIESMAN of Fryeburg  
AUSTIN of Bingham  
HALL of Sangerville  
BLODGETT of Waldoboro  
DOUKAS of Portland

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

Signed:

Representatives:

JACQUES of Waterville  
MICHAEL of Auburn

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

Which Reports were Read.

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

#### Divided Report

The Majority of the Committee on Energy and Natural Resources on, Bill, "An Act to Direct the Office of Energy Resources to Promote Energy Conservation Through the Media and Public Demonstrations." (H. P. 889) (L. D. 1079)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

McBREAIRTY of Aroostook  
O'LEARY of Oxford.

Representatives:

MICHAEL of Auburn  
PELTIER of Houlton  
HUBER of Falmouth  
JACQUES of Waterville  
DOUKAS of Portland  
KIESMAN of Fryeburg  
HALL of Sangerville  
AUSTIN of Bingham

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

Signed:

Representatives:

DEXTER of Kingfield  
BLODGETT of Waldoboro

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

Which Reports were Read.

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

#### Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act Equalizing the Retail Price of Alcoholic Beverages Throughout the State." (H. P. 674) (L. D. 834)

Reported the same Ought Not to Pass.

Signed:

Sensors:

SHUTE of Waldo  
FARLEY of York  
COTE of Androscoggin

Representatives:

McSWEENEY of Old Orchard Beach  
CALL of Lewiston  
VIOLETTE of Van Buren  
DUDLEY of Enfield

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

Signed:

Representatives:

SOULAS of Bangor  
DELLERT of Gardiner  
BROWN of Gorham  
STOVER of West Bath  
GAVETT of Orono  
MAXWELL of Jay

Comes from the House, the Bill Recommended to the Committee on Legal Affairs.

Which Reports were Read.

On Motion by Senator Shute of Waldo, Re-

committed to the Committee on Legal Affairs, in concurrence.

#### Senate

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

Bill, "An Act Concerning Reimbursements to Mount St. Joseph's Nursing Home for Costs of its Retirement Plan." (S. P. 453) (L. D. 1371)

#### Second Readers

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

#### House

Bill, "An Act to Increase Penalties for Owners of Dogs Chasing Moose, Caribou or Deer." (H. P. 300) (L. D. 399)

Bill, "An Act to Provide for Dismissal of Frivolous Title Claims to Personal Property in Forcible Detainer Actions." (H. P. 599) (L. D. 743)

Bill, "An Act Concerning Causes for a Seventy-day Notice of Termination of Tenancy." (H. P. 466) (L. D. 586)

Bill, "An Act Concerning Restitution under the Juvenile Code." (H. P. 746) (L. D. 932)

Bill, "An Act to Designate the Moose as the State Animal." (H. P. 713) (L. D. 886)

Bill, "An Act to Allow the Evaluation of the Existing Toll Facilities on the Maine Turnpike." (H. P. 533) (L. D. 654)

Bill, "An Act to Allow Assignment of Personnel in Emergency Situations." (H. P. 1090) (L. D. 1344)

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

#### House — As Amended

Bill, "An Act to Define What Foods May be Labeled or Advertised as Natural or Organic." (H. P. 1016) (L. D. 1286)

Bill, "An Act to Regulate the Hunting of Bear." (H. P. 497) (L. D. 634)

Bill, "An Act to Eliminate an Unnecessary Reference in the Hunting Statutes to Use of Lights to Hunt from Vehicles." (H. P. 276) (L. D. 351)

Bill, "An Act to Amend the Salary Range for the State Librarian and the Executive Director of the Historic Preservation Commission." (H. P. 1035) (L. D. 1272)

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

#### Senate

Bill, "An Act to Define Educational Institutions as they relate to the Unemployment Compensation System." (S. P. 351) (L. D. 1099)

Bill, "An Act to Allow the Various Counties to Pay on a Biweekly Basis." (S. P. 124) (L. D. 250)

Bill, "An Act to Provide Additional Assistance to the County Law Libraries." (S. P. 344) (L. D. 1032)

Bill, "An Act Relating to the Location of the Office of Superintendent of Insurance." (S. P. 441) (L. D. 1334)

Bill, "An Act to Expand the Availability of Certain Social Services by Increasing Income Eligibility." (S. P. 530) (L. D. 1589)

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

Sent up for concurrence.

#### Senate — As Amended

Bill, "An Act to Permit Nonreceiving Units to Approve School Appropriations in a Single Warrant Article." (S. P. 173) (L. D. 379)

Bill, "An Act to Increase Merchandising in State Liquor Stores." (S. P. 433) (L. D. 1335)

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

Sent down for concurrence.

Bill, "An Act Relating to Appointment of

Bail Commissioners and to Lessen the Burden upon Sheriffs and the Court for "Prompt Bail Review." (S. P. 470) (L. D. 1418)

Which was Read a Second Time.

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

Senator PIERCE: Mr. President and Members of the Senate: I present an Amendment under Filing Number S-131, and move its Adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now offers Senate Amendment "A" and moves its adoption.

Senate Amendment "A" (S-131) read.

The PRESIDENT: Is it now the pleasure of the Senate to Adopt Senate Amendment "A"?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I wonder if the good Senator from Kennebec, Senator Pierce, might explain the amendment?

The PRESIDENT: The Senator from Cumberland, Senator Conley has posed a question.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President and Members of the Senate: As the Chairman of the prestigious Bills in the Second Reading Committee, I'm offering this as a technical amendment only.

Senate Amendment "A" Adopted. The Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

Bill, "An Act to Provide for a Single Number Plate and to Revise Motor Vehicle Registration Fees." (S. P. 233) (L. D. 685)

Which was Read a Second Time.

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

Senator KATZ: Mr. President, L. D. 685, was just called to my attention. Actually it has nothing to do with license plates. The effect of the bill appeared to be limited to raising the maximum weight of farm vehicles from 50,000 to 54,000 lbs.

First I'd like confirmation that this is the effect of the bill in its present form. Second, I think that I would like some encouragement that this is the appropriate thing to do, at a time when our highways are taking a beating.

The PRESIDENT: The Senator from Kennebec, Senator Katz, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Penobscot, Senator Emerson.

Senator EMERSON: Mr. President, it's with a little bit of embarrassment that I stand up because this bill is one I cosponsored. It became apparent as we heard it that the single license plate was not at this time a good thing.

The only thing we felt we could salvage in the bill was the matter of truck registration. This would be farm trucks and would bring up one category in the licensing of farm trucks, and it would bring it up from 50,000 lbs to 54,000 lbs., which is a long ways from the road limits.

The Bill Passed to be Engrossed, as amended.

Sent down for concurrence.

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

Senator KATZ: Directing the Senate's attention to L. D. 654, I move that the Senate Reconsider its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate reconsider its action whereby Bill, "An Act to Allow the Evaluation of the Existing Toll Facilities on the Maine Turnpike." (H. P. 533) (L. D. 654) was Passed to be Engrossed.

Is this the pleasure of the Senate?

It is a vote.

On motion by Senator Katz of Kennebec, tabled for 1 Legislative Day, pending Passage

to be Engrossed.

#### Enactors

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

RESOLVE, to Authorize Kennebec County to Develop a Pilot Program for Inmates Incarcerated at the County Jail." (H. P. 301) (L. D. 398)

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

#### Orders of the Day Unfinished Business

May 1, 1979

The following matters, in the consideration of which the Senate was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 25.

The Chair laid before the Senate, the First Tabled and specially assigned matter for April 30.

Bill, "An Act to Prohibit Regulation of Solar Heating and Cooling Equipment by the Oil Burner Men's Licensing Board." (H. P. 240) (L. D. 285)

Tabled—April 26, 1979 by Senator Pierce of Kennebec

Pending—Passage to be Engrossed

The Bill Passed to be Engrossed, in concurrence.

The Chair laid before the Senate, the Second Tabled and specially assigned matter for April 30.

Bill, "An Act to Establish Registration of Polygraph Examiners." (H. P. 91) (L. D. 103)

Tabled—April 26, 1979 by Senator Devoe of Penobscot

Pending—Enactment

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 Senate the Third Tabled, and specially assigned matter for April 30:

Bill, "An Act Relating to Self-insurance under the Workers' Compensation Act." (H. P. 396) (L. D. 526)

Tabled—April 26, 1979 by Senator Chapman of Sagadahoc

Pending—Passage to be Engrossed

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

Senator CHAPMAN: Mr. President, I present an amendment, Senate Amendment "A", to (S-121), and moves its adoption.

Senate Amendment "A" (S-128) Read.

The PRESIDENT: The Senator has the floor.

Senator CHAPMAN: Mr. President and Members of the Senate: This amendment would allow dissimilar groups of employers to organize for the purpose of self-insuring under Title 24A, which sets forth standards and protections necessary to properly secure the public interest.

As you are well aware, I tabled this item for a number of times, attempting to address it. This bill has been somewhat of a frustration to me, as to just how to approach a new idea. I don't want to not permit modern innovation into the insurance area, but I also want to preserve the integrity of the Workmen's Compensation Benefit System for the employee, the worker, for whose benefit and protection present law exists.

The bill is being put forward primarily by the business community, and it is being heavily lobbied by them, and I truly sympathize with their concern over the rising premium costs in the Workmen's Compensation area.

I'd like to address the concern that they share, but not at the potential expense of the worker, not by leaving the bill in its present.

rather loose posture. I was at one time, tempted to Indefinitely Postpone this Bill, but I want to be constructive and to encourage innovation, and that's why I'm offering this amendment.

There's nothing wrong with permitting individual initiative in our free enterprise system to solve a problem. This has always been recognized in Worker's Compensation Statute, in that individual employers are permitted to self-insure or more properly non-insure their obligations to pay the benefits mandated by law, provided they could demonstrate their ability to do so through bonds, stop-loss insurance, and their own balance sheets.

In 1973 permission, the permission allowed to individual employers was extended to groups of employers engaged in similar businesses. Since that time only 3 self-insured groups have actually been activated. One of those had folded, leaving one in logging and one from municipalities, currently in business.

The stampede even among those in the same businesses, has hardly been overwhelming. The escalation of benefits has created cost pressures that cause employers to look for new solutions, and this objective should not necessarily be denied. The State, however, has a legitimate right to see that any funding mechanism can actually deliver in the future the benefits it promises today. This is particularly true of such a basic security system as Workers Compensation, which the people have erected to protect workers and their families from occupational injuries and diseases, without regard to negligence.

Benefits are frequently paid over many, many, years and long term financial security is essential here. It should be recognized that the high level of benefits in Maine can generate a single loss in excess of a 1/2 million dollars, and with inflation the prospect, in relatively few years, is to see that figure doubled.

Employers in the same industry have a common understanding and an appreciation of each other's problems, including control of occupational injury, and they can make effective use of peer pressure to enforce safety standards. They operate as a business league, with a mutuality of interest running right across their entire operation, not merely Workers Compensation.

So long as such a group can demonstrate a high degree of long term stability and fiscal integrity, there would seem to be internal characteristics through broad common interest, that would permit special consideration, as we are now doing. The extension of group self-insurance to employers in dissimilar businesses destroys the overall commonality of interest and the understanding within a business league and makes Workers Compensation funding the soul purpose of the group. Such employers have in effect, formed a mutual protection society, otherwise known in my view as a Mutual Insurance Company.

This is nothing new. Ben Franklin founded one in Philadelphia before the American Revolution. Such insurance companies are carefully regulated by the State owing to their importance a fundamental financial mechanism.

There is an insurance code in the State under Title 24-A, which regulates the financial and other affairs of insurance companies. There can be no objection, whatever, to any group of any description banding together to provide for their common financial security, against unpredictable demands on one of them of the Workers Compensation Statute, but such a combination is an insurance company, pure and simple, and should be subject to the same rules as any other insurance company.

We do not need L. D. 526 to grant such a right in its original form. Of particular interest to the State is that self-insurers be required to contribute to the cost of State supervision of their affairs by the Bureau of Insurance, and to the cost of the Operation of the Workers Com-

pensation System by the Workers Compensation Commission, through the payment of premium taxes in the same fashion as other insurance companies.

Employees have a right to know that their benefits are safeguarded through an insolvency fund mechanism, which will pick up the outstanding obligations of a self-insurance fund which has gone bankrupt. This is a mechanism, also, that is provided by the insurance industry to protect the public against insolvencies.

My amendment will allow the use of these important provisions and others which are already provided for in our insurance code. The passage of L. D. 526 in its original form to allow the formation of self-insured groups in unaffiliated industry's without the same sort of protection that is afforded the public through the Insurance Code is unwise and seriously jeopardizes the ability of Workers Compensation Statute to absolutely guarantee its benefits to the injured employees. I urge the Senate to Adopt Committee Amendment "A".

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

Senator FARLEY: Mr. President and Members of the Senate: I'm a little confused here. I read the Statement of Fact, and it says "this amendment will allow dissimilar groups of employers to organize for purpose of self-insuring under Title 24A." Then I go back to Subsection 2 of the amendment and it says "group self-insurers shall be those individuals or corporations associated together having similar business objectives, similar types of employment, and employees engaged in the same type of work."

I wish the good Senator from Sagadahoc, would explain Section 2 and then the Statement of Fact, I'm a little confused here.

The PRESIDENT: The Senator from York, Senator Farley, has posed a question through the Chair.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President and Members of the Senate: I would direct your attention primarily to Section 2B, the bottom of the amendment. "Any group of employers which desires to become a self-insurer and which does not qualify under Subsection 2A for any reason, shall obtain a certificate of authority pursuant to 24A."

The law presently allows firms of a similar commonality of interest, to organize for the purposes of self-insurance. If groups of employers are not similar and do not have a common interest, my amendment then requires that they obtain such a certificate of authority for organization under 24A, which is the Insurance Code, allows for dissimilar interest to seek mutual protection.

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

Senator LOVELL: Mr. President, I move Indefinite Postponement of Senate Amendment "A", and would speak to the motion.

The PRESIDENT: The Senator has the floor.

Senator LOVELL: I would like to speak in support of the bill, not the amendment. The amendment spoils the bill.

First, in order to place this matter in perspective, I would like to point out that over the past 4 years, the amount of Workers Compensation Insurance Premium paid by Maine employers has risen from \$40,000,000 to nearly \$70,000,000. The insurance companies are presently seeking a 20% increase in existing rates, so one can expect that these premiums costs will soon exceed \$80,000,000.

The purpose of this bill is to reduce costs for employers by making the group self-insurance option more generally available particularly for small businesses, and small businesses are in jeopardy, with all the taxes and the various things that they have to pay. The only practical way for a smaller company to self-insure itself is to join with other employees to form a self-

insurance group. Yet the present statute places an unjust fine or restriction on the availability of that option.

It provides that only similar businesses or industries may join in self-insurance groups. This restriction is totally unwarranted, there are ample safeguards in the statute without this requirement. First a group is permitted to obtain self-insured status only upon satisfying the superintendent of its solvency and ability to meet its obligations to pay compensation under Workers Compensation Act.

Secondly, it is required to post a bond or deposits securities with the Workers Compensation Commission, in order to insure future compliance with its obligation.

Third, it is required to file annual reports relating to its experience and financial position.

Finally, it's frivolous to self-insure and subject to revocation at any time for non-compliance.

This bill, therefore, removes the restriction and allows dissimilar companies to join together as a group self-insurer. Since it is potentially very beneficial, very beneficial to small businesses in this state, I strongly urge that you enact this bill, but Indefinitely Postpone Amendment "A", and I'm going to request a Division on Senate Amendment "A".

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

Senator SUTTON: Mr. President, Ladies and Gentlemen of the Senate. I have mixed emotions about this subject, of course it came before our Labor Committee.

What's trying to be accomplished here is very laudable, and I basically approve of it. There is a difference between similar companies and dissimilar companies, and I appreciate what the good Senator from Sagadahoc, Senator Chapman is trying to do, and I basically agree with him, although I think the one area is too lax and the other is maybe a little too stringent, and I'm not really sure how it should be handled. I guess I rise only in frustration. I don't know that the Amendment should be defeated, but I'm concerned about the bill being passed in its present form, so I guess you all might as well have a headache along with me.

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

Senator CHAPMAN: Mr. President and Members of the Senate: I might just add a few additional points.

There's no questioning the fact that premiums have risen in this area dramatically in recent years. They've risen to a great extent because we, in the Legislature, have enacted improved benefit levels. In many ways we are to be commended to have done that because Maine's Workmens Compensation Statute stands among the highest in its benefits level in the country.

I'd like to point out also, that when groups of people band together that have no common bond, for the purposes of self-insuring or insuring themselves, isn't that not a Mutual Insurance Company?

The medical doctors last session were very concerned, as perhaps some of you will remember, about the high premiums that they have been suffering in their professional malpractice liability coverage, and they did do something about it and they did it within the present structure. They formed the Maine Medical Mutual Insurance Company, that name may not be exactly the name that they have organized themselves under but they organized and they are providing a commendable market for medical Malpractice Insurance, and doing it I might say, with a fair amount of innovation.

I contend that the present statutes allow for a fair amount of innovation. If anyone wishes, or group wishes to attempt to do so. Groups can organize under present statute, they can operate in any desired manner, with agents, or without agents, they can sell specially filed or

participating or retention plans, or whatever.

But with the safeguards that we have set up, to safeguard the interest of the public, and that is the key concern that I have, the Statement of Fact says it will present no risk to employees as any group seeking self-insurance status will continue to be required to satisfy the State as to its financial ability to provide compensation, and will continue to be subject to the bonding requirements of this section.

Well, what happens if a re-insurer to one of these groups cancels its re-insurance, or fails to renew that re-insurance? That happens, I know it does. Suppose this group cannot find a replacement re-insurance carrier in an expeditious time, or suppose the premium that a re-insurance market doubles or triples, what if the underlying retention limit is dramatically raised by the re-insurance carrier? These things have dramatic influence upon the stability of such an organization without the protections of present statute.

Do you suddenly just stop providing coverage when these situations occur. What about outstanding claims, some of which may be unknown to the employer, that may have occurred or may be subsequently reported? New accident claims don't wait for these problems to be solved. Who loses? I think really it's the worker, but it's also the employer.

I think we should look for innovation in these fields and I would be the last person to argue against innovation, but at the present time, I feel we must stand by the provisions that we, in our wisdom in the past, established for the protection of the public.

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

Senator FARLEY: Mr. President and Members of the Senate: 3 or 4 sessions ago when I sat as a Member on the Labor Committee, in regard to Workmen's Compensation legislation here, there was a gentleman that appeared before the committee with some knowledge in the Workmen's Comp. area, made the statement that nationwide every dollar that's put into Workmens Comp., 88¢ finds its way back to the employee, by means of benefits. No one has ever appeared before the Committee that I know of to deny those statements.

So I can appreciate the frustrations of the businessman in the State of Maine. We've had this type of legislation before us before, and it's always been defeated, but this time it does have the support of industry, and labor both.

The purpose of the bill is for self-insurance, the amendment we have here before us takes that out of that category. This is not self-insurance, and I would urge the members of this body to defeat the motion and kill this amendment.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you, Mr. President. Mr. President and Members of the Senate: I hesitate to disagree with the people who obviously support Indefinite Postponement of the amendment before us, but the fact remains that the original thrust of the bill continues to exist. The amendment simply replaces the administration and the rules of procedure and approval, and the appropriate bureau, the Bureau of Insurance, in the Department of Business Regulation, there insurance is housed, and headquartered and administered.

The legislation, the original bill, is still enabling legislation, and I think it's particularly appropriate the administration of self-insured, and the eventual forming of Mutual Insurance Companies, as suggested by the gentleman from Sagadahoc, Senator Chapman, is appropriate and indeed proper.

I know of no other bureau within, let's say, the State of Maine bureaucracy, that has more experience and expertise in the administration of insurance than the Bureau of Insurance, and

I would challenge that the Chairman of the Workmen's Compensation Commission has the same credentials, experience in the area of insurance as does the Superintendent of Insurance.

I urge you to vote against the current motion of Indefinite Postponement of this Amendment.

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

Senator LOVELL: Being a pharmacist, I hesitate to debate against one of the top insurance men in the State of Maine on an insurance policy, but I would like to bring to your attention just one thing which I spoke of before, that the premiums, the amount of the Workmen's Compensation are going from \$47,000,000 to \$70,000,000 and then eventually to \$80,000,000. I don't think that the small businessman can survive with all the expenses that he has. I feel definitely that we should kill this amendment so that the small businessman has a chance like I had. I was a small business man and it got so my insurance was getting so high that I could just barely about stand it. In fact, I paid the insurance on my car the other day, my wife's and my car and it was \$900 for one year.

So consequently insurance is just climbing too fast, and if we can save money in a program such as this, I hope that you will Indefinitely Postpone the Amendment, and I would request a Roll Call vote as we've had quite some debate on it.

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

Senator CHAPMAN: Mr. President and Members of the Senate: One final remark that I left out in my original presentation.

If the bill in its present form is passed, it is my view that there should be a fiscal note on the bill to cover loss of revenue to the State. Currently an insurance company is paying a 1% premium tax, which supports State operation and of course, we've spent a great deal of money to fund the Insurance Department.

Self-insured plans, groups, do not pay a 1% premium tax. They pay an income tax on any income, but it is the intention of these groups generally to not earn income to pass all these savings on.

Just looking ahead and assuming that such a trend should develop and expand, there would be substantial future loss, could be substantial future loss of revenue. This is another reason, I feel, at least at the present time, we should retain the present protections of law.

The PRESIDENT: Is the Senate ready for the question?

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 York, Senator Lovell, that Senate Amendment "A" to L. D. 526 be Indefinitely Postponed.

A Yes vote will be in favor of Indefinite Postponement.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Collins, Conley, Cote, Devoe, Emerson, Farley, Gill, Katz, Lovell, Martin, McBreairty, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Trafton, Trotzky, Usher

NAY — Carpenter, Chapman, Clark, Hichens, Minkowsky, Najarian, Sutton, Teague  
ABSENT — Ault, Danton, Huber

A Roll Call was had.

21 Senators having voted in the affirmative

and 8 Senators in the negative, and 3 Senators being absent, the Motion to Indefinitely Postpone Senate Amendment "A" does prevail.

The Bill, Passed To Be Engrossed, in concurrence.

The President laid before the Senate the Fourth Tabled and specially assigned matter for April 30:

Bill, "An Act Regulating Business Practices Between Motion Picture Distributors and Exhibitors." (H. P. 365) (L. D. 473)

Tabled—April 26, 1979 by Senator Collins of Knox.

Pending—Passage to be Engrossed.

On Motion by Senator Collins, of Knox. Retabled for 2 Legislative Days.

The President laid before the Senate the Fifth Tabled, and specially assigned matter for April 30:

Bill, "An Act to Require Conspicuous Posting of Retail Gasoline and Diesel Fuel Prices." H. P. 624) (L. D. 766)

Tabled—April 26, 1979 by Senator Chapman of Sagadahoc.

Pending—Enactment.

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

The President laid before the Senate the Sixth Tabled, and specially assigned matter, for April 30:

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

Tabled—April 27, 1979 by Senator Chapman of Sagadahoc.

Pending—Passage to be Engrossed.

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

The President laid before the Senate the Seventh Tabled, and specially assigned matter, for April 30:

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 27, 1979 by Senator Katz of Kennebec.

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

On Motion by Senator Katz of Kennebec, Committee Amendment "A" Indefinitely Postponed, in concurrence.

House Amendment "A" (H-257) Read and Adopted. The Bill, as amended, Tomorrow Assigned for Second Reading.

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

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

Tabled—April 27, 1979 by Senator Trafton of Androscoggin.

Pending—Passage to be Engrossed.

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

Senator HUBER: Mr. President and Members of the Senate: I do not think that this Bill, is one of the most earth shaking in the world. In 1973 Airmobiles which in fact hardly existed at the time, were prohibited in fact under the Statues enacted that year.

This Bill would allow airmobiles, which basically my feeling is, these are a form of locomotion done in summer when people have feet that work and so on, and I really think that it is unnecessary, I do not think that every nook and cranny in the wildlands and elsewhere, every little stream has to have some motorized device, that makes no more noise than the snowmobile.

I would, therefore, move that Bill and it's accompanying papers be Indefinitely Postponed. I do not think that there is any necessity for every rich kid to be everywhere in the State.



The PRESIDENT: The Senator from Cumberland, Senator Huber now moves that this Bill be Indefinitely Postponed.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President and Members of the Senate. I was at the hearing in the last session of the Legislature and as I recall Maine was the only state that had an outright ban on airmobiles.

I also remember that they wanted a testing program because they may find some use for airmobiles. For example somebody stated I think, a Warden, that these could be used over the clam flats in terms of going over them without hurting the clam flats to sample or see what was going on out there.

Also the other day I think that I saw something that had to do with some kind of a lawn mower that rested on a cushion of air. So I think that technology might benefit man, and have just an outright ban on airmobiles I do not think might be in the best interests of the State in the future.

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

Senator HUBER: Perhaps I was wrong in my reference to rich kids, perhaps I was referring to kids from the Bronx that came up here with their expensive toys.

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

Senator TROTZKY: There are other Senators that come from the east side of Manhattan.

The PRESIDENT: The Chair will order a Division.

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

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

12 Senators having voted in the affirmative and 13 Senators in the negative, the Motion to Indefinitely Postpone does not prevail.

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

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

SENATE REPORT—from the Committee on Labor—Bill, "An Act to Allow Unions to Negotiate on Behalf of Former Employees of a Company with Which the Union is Negotiating." (S. P. 319) (L. D. 949) Leave to Withdraw Tabled—April 30, 1979 by Senator Katz of Kennebec.

Pending—Acceptance of Report.

Motion by Senator Conley of Cumberland, Retabled for 1 Legislative Day.

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

SENATE REPORTS—from the Committee on Fisheries and Wildlife—Bill "An Act to Require Safe Hunting Certification to Obtain a Hunting License." (S. P. 212) (L. D. 585) Majority Report—Ought to Pass as Amended by Committee Amendment "A" (S-125) Minority Report—Ought Not to Pass

Tabled—April 30, 1979 by Senator Katz of Kennebec.

Pending—Motion of Senator Usher of Cumberland to Accept Majority Report

On motion by Senator Conley of Cumberland Retabled for 1 Legislative Day.

The President laid before the Senate the Fourth Tabled, and specially assigned matter: Bill, "An Act Authorizing a Legislative Study on Family Impact." (S. P. 386) (L. D. 1198)

Tabled—April 30, 1979 by Senator Katz of Kennebec

Pending—Enactment

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

The PRESIDENT: 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, pending the motion by the Senator from Cumberland, Senator Conley that the Senate Recede and Concur with the House.

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

Senator KATZ: Mr. President as I recall this has been debated at some length, the Senate took a position, the motion from the Senator from Cumberland, seeks to overturn the Legislature's position. I oppose the motion and request a Roll Call.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate: I am not trying to overturn anyone's decision. I think that is the decision of the members of this body, to make up their minds as to what they want to do.

It is my understanding, if I recall that this Bill has fallen on two sides, in this Chamber, and I think that the motion to Recede and Concur with the House is the proper motion and I hope that wisdom has been restored and that we do exactly that.

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

Senator KATZ: Mr. President. I tried to explain perhaps without great success the nature of our loan and contracts programs. It has taken us a good many years to put together a rational program of supporting Maine kids who want to go into health specialties.

I hoped that I would see the day when we would have a program so that we could evaluate, not only the need for the kids for education, but also make an evaluation of what it is that Maine people need. What are the shortages in the various health specialties.

This report is date April the 13th, it comes from the Medical Care Development under contract with the Department of Education and it is the first comprehensive evaluation of what it is that Maine has in health specialties and what it is it needs in health specialties and compares it with other rural states, with other New England States and it comes to some interesting conclusions, as to where our money can best be spent. At least it is a start in rationality. Our program is approaching a million dollars in this area. Are we getting our money's worth?

Along comes this Bill, which brings us right back to where we were before, with a split program that is being proposed that is going to be handled completely differently from everything that we are doing today. When over the years we have made such painful progress in a comprehensive approach to these health specialties. Along comes this single specialty and says, "Let's forget everything that we have accomplished, let's forget all the progress the Legislature has made and let's set up our own thing, without respect to the others." It comes along as a loan program, there are already loan programs if that is all that is wanted. There is a loan program called the National Defense Student Loan, there is a guaranteed student loan program, there are student loan programs with institutions, there are loan programs up to here. The problem is not the loan, the problem is repaying the loan, but the loans are available.

I appreciate the mixed emotions and the defensiveness about people who feel that Chiropractors are good guys and I wish that I could push aside the hostility of those that say that Chiropractors are bad guys, so that we could judge this only on the basis of the progress that we have made to having a comprehensive approach to all these specialties.

The PRESIDENT: The Chair recognizes the

Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: I will not be so vociferous today as I was earlier in the week, and I apologize if I made any unnecessary statements relevant to my very dear friends who carry the title MD after their names.

I guess that what I was looking for in this particular piece of legislation was one simple thing, equity and fair play for the Chiropractors in the State of Maine.

The point that was debated somewhat last week, that we do not have an existing law relevant to this, and I think that if we research Title 20, Chapter 302B, there is a section in here, for loan for candidates for the practice of Osteopathic Medicine.

Going back to my original statement, equity and fair play, if it is good for the Osteopaths, it is good enough for the Chiropractors.

An interesting point under section 3 on Financial Resources for the Osteopathic Bill, that is Financial Resources are such that if in the absence of a loan he will be deterred by financial considerations from beginning or completing his education at an Osteopathic College or University. The chiropractors are asking for the very very same thing. I really believe very sincerely that we are not talking professionalism as much as letting a youngster in the State of Maine fulfill his desires to serve the people of Maine in a recognized and accepted profession.

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

Senator LOVELL: Thank you, Mr. President. In regards to the good Senator from Androscoggin, Senator Minkowsky. An Osteopath is now considered about the same as an MD. They have to go 8 years to college and serve 2 years internship.

A Chiropractor is very much less educated, and as I said before even a druggists can not fill a Chiropractors prescription, because he is not allowed to write a prescription.

Now if the agency, I have nothing against Chiropractor we have two or three in Sanford, and they do a good job as far as they go, but it is dangerous for a person, well not as bad as acupuncture maybe, but dangerous for a person in my opinion to go to a Chiropractor for something that the Chiropractor does not know how to handle or treat except by massage or something. On the other hand a good chiropractor sends them to an MD.

I do not feel that we should loan money from the State Funds as pinched as we are, I think that they should try to get their money as the good Senator from Kennebec, Senator Katz says, get their money from some other loan sources. Guaranteed loans from their own local banks, or other sources such as that.

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

Senator FARLEY: Mr. President and Members of the Senate: I would like to read to some of you an interesting article in today's Kennebec Journal. It says "10 years ago today, Thursday May 1, 1969, it says that a Bill to provide for payment of chiropractors with Workmen's Compensation Law Funds favored earlier in the House was rejected Wednesday by the Maine Senate, so it was returned to the House for further consideration".

I assume the President of this body at that time might have had something to do with the action.

I think that in later session we now have, Chiropractors come under the Workman's Compensation the wisdom of the Legislature did prevail and I would hope that it would in this case, too, and pass this piece of Legislation today.

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

Senator HICHENS: Mr. President and Members of the Senate: As the good Senator from York, has referred back to 10 years ago, and I too, would refer back to 10 years ago, when I



fought just as hard for the rights of the Osteopaths against the opposition of the MD's and I am fighting today for the rights of the Chiropractors. 10 Years ago, the Osteopaths were ridiculed they were prevented from having any rights for education or anything else. They have fought their way up and now they stand rightfully in the place which they are, even with their own college in this State.

I believe that the Chiropractors should have the same chance, for student training and I am firmly in favor of this Bill.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, goodness gracious the Senator from Androscoggin was so anxious to give a brief speech that he forgot to mention that the program that he is extolling is being phased out and I say thank heavens because it was just one of those splinter things that we used to trip over all the time. We never had any system of dealing with all these. That program is being phased out and now we have a single program. I ask you to maintain a single program.

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 Recede and Concur with the House.

A Yes vote will be in favor of the motion to Recede and Concur.

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, Gill, Hichens, Martin, McBreairty, Minkowsky, O'Leary, Pray, Redmond, Shute, Silverman, Trafton, Usher

NAY — Ault, Chapman, Collins, Devoe, Emerson, Huber, Katz, Lovell, Najarian, Perkins, Pierce, Sutton, Teague, Trotzky

ABSENT — Danton

A Roll Call was had.

17 Senators having voted in the affirmative and 14 Senators in the negative with 1 Senator being absent, the motion to Recede and Concur does prevail.

On motion by Senator Pierce of Kennebec, adjourned until 8:30 o'clock tomorrow morning.