

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume II

First Regular Session

May 7, 1979 to June 15, 1979

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STATE OF MAINE
One Hundred and Ninth Legislature
JOURNAL OF THE SENATE

May 15, 1979

Senate called to order by the President.
Prayer by Rev. Thomas Richard, First Congregational Church of South Paris.

Reverend RICHARD: Let us pray. Almighty and most merciful God, at the beginning of this day, we pause and stand to invoke your presence. We seek your blessing on each Senator who sits into this session, as a living symbol of the role of Government in the lives of people.

Remind us that public confidence is shaken by unnecessary judgments, and laws of the people, exist to serve the people. We are thankful that you are a just judge, yet one whose righteousness never forgets to be merciful. So teach us O God, to be merciful.

Forgive our sudden spirits of anger which grip us, and instead grant us the zeal that bodily stands four-square for truth. We attempted to be trivial or trite, shake our consciences till we awake to the profound meaning of representing the people.

Kindle in each one of us a dream power, one we had in our youth, but grant us sense and stamina like mature persons. Teach us to listen to each other, for whom conscience is guide and sincerity the way of truth.

Thus, O God, may this day be blessing in your sight. May we be dreamers and leaders in thought and word and deed, making godly and goodly living, real and not just a sham. Amen.

Reading of the Journal of yesterday.

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

Bill, "An Act to Amend the Law with Regard to the Diagnostic Laboratory of the Department of Human Services." (S. P. 406) (L. D. 1245)

In the Senate May 8, Passed to be Engrossed as amended by Senate Amendment "A" (S-149).

Comes from the House, Passed to be Engrossed as amended by Senate Amendment "A" and House Amendment "A" (H-393), in non-concurrence.

On Motion by Senator Pierce of Kennebec, Tabled for 1 Legislative Day, pending Consideration.

Bill, "An Act Concerning Fire Permits for Registered Guides." (H. P. 431) (L. D. 548)

In the Senate May 2, Passed to be Engrossed as amended by Committee Amendment "A" (H-286), in concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "B" (H-416) thereto, in non-concurrence.

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

Bill, "An Act Relating to State Participation in General Assistance Programs." (H. P. 1356) (L. D. 1592)

In the Senate May 8, the Bill and accompanying papers, Indefinitely Postponed, in non-concurrence.

Comes from the House, Passed to be Engrossed, as amended by House Amendment "A" (H-418), in non-concurrence.

The PRESIDENT: Is it the pleasure of the Senate to Recede and Concur with the House? It is a vote.

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

In the House May 7, Passed to be Enacted.

In the Senate May 9, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Adhered.

On Motion by Senator Pray of Penobscot, Tabled until later in today's session, pending

Consideration.

Joint Orders

Expressions of Legislative Sentiment recognizing that:

Janet Strain, daughter of Colonel and Mrs. Robert B. Strain of Loring Air Force Base, Maine and a member of the National Honor Society, co-captain of varsity cheerleaders and Queen of the 1979 Limestone Winter Carnival, has been named Class Valedictorian for the class of 1979 at Limestone High School. . . (H. P. 1296)

Ernest P. Abrahamson, III, from Boy Scout Troop 33 of Chebeague Island Methodist Church received rank of Eagle Scout on April 22nd. . . (H. P. 1398)

Lee M. Schepps, a highly respected and faithful public servant, is departing as Director of the Bureau of Public Lands, having served both public and private sectors, and with such accomplishments to his credit as the 1972 Attorney General's Report on the Public Lands, organization and administration of a comprehensive management plan for state public lots, coastal islands and submerged lands and the leading of the return of the people's rights in public reserved land to the State. . . (H. P. 1397)

Craig Croxton, son of Chief Master Sergeant and Mrs. William B. Croxton, Loring Air Force Base, Maine and recipient of the Presidential appointment to the United States Air Force Academy Class of 1983, delegate to Dirigo Boys State in 1978, President of the Letterman's Club, Vice-President of the Limestone Chapter of the National Honor Society and captain of the boy's varsity basketball team, has been named Class Salutatorian for 1979 at Limestone High School. . . (H. P. 1395)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence

House Paper

Bill, "An Act to Extend the Deadline for Legislative Determination of Municipal Cost Components" (Emergency) (H. P. 1403) (L. D. 1616)

The Committee on Taxation suggested.

Comes from the House, Passed to be Engrossed, without Reference to Committee.

Which was read.

Under Suspension of the Rules, without reference to Committee, the Bill Read Once. Under further Suspension of the Rules, the Bill Read a Second Time, Passed to be Engrossed, without reference to Committee in concurrence. Sent forthwith to the Engrossing Department.

**Communication
COMMITTEE ON JUDICIARY**

May 14, 1979

The Honorable Joseph Sewall
President of the Senate of Maine
State House

Augusta, Maine 04333

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 38 of the 109th Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Robert W. Clifford to the position of Superior Court Justice.

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

YEAS:

Senators 3

Representatives 8

NAYS:

Senators 0

Representatives 0

ABSENT:

Representatives 2

Stephen T. Hughes

Rufus E. Stetson, Jr.

11 members of the Committee having voted in the affirmative and 0 in the negative, it was the vote of the Committee that the nomination of Robert W. Clifford to the position of Superior Court Justice be confirmed.

Sincerely,

SAMUEL W. COLLINS, JR.

Senate Chairman

BARRY J. HOBBINS

House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Judiciary has recommended that the nomination of Robert W. Clifford be confirmed.

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

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

Senator MINKOWSKY: Mr. President and Members of the Senate: Before the Senate takes this vote today, I certainly would want to have it on the record of the feelings that I have for Robert W. Clifford as the next Superior Court Justice.

I guess in times it has been said in jest that a judge is a lawyer who knew a Governor. In this particular case, I think it's a very, very fair appraisal, because the Governor's selection of Robert W. Clifford is a great asset to the Legislature and to the people of the State of Maine. Having served with Robert W. Clifford back during the 105th Legislature, I think everyone of us who were here at that particular time understood the great wisdom and great compassion that this gentleman had and his fairness in evaluating the matters before us pertaining to the people of the State of Maine. I am sure this deep compassion, fairness, wisdom that this man possesses will carry on as his duty as a Justice to the Maine Superior Court.

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

Senator SILVERMAN: Mr. President and Members of the Senate: In rising today I wish to state as an Independent that we had 4 years of an Independent Administration. That Administration brought something to Maine Government that hadn't existed for a good many years. When he chose political appointments they were not Democrat, they were not Republican, they were not Independent, all the time. They came from all parties, all groups, and all peoples in the State of Maine.

That Administration in appointment to judicial position, I think received from the news media and from all political parties the reputation that we had improved the caliber of men we put on the bench. Something that many of the public felt was being neglected, but those who are on the bench are the ones who finalize what order we have in Maine society.

We are in an era where order is certainly lacking. We can pass all the laws we want in the world, but they have no value, unless society recognizes those laws, unless the Judicial System can control that society in performing order under those laws.

I sat with Robert Clifford for 2 years in State Government, certainly he can be highly recommended, but I challenge the present administration that the judicial appointments will decide the criminal rate in the State of Maine.

Let's see where it goes from here. I am proud to say that the Independent Administration received an excellent report for its judicial appointments and I hope the same appointments are forthcoming under this administration. Thank you.

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

Senator PRAY: Mr. President and Members of the Senate: I'm a little puzzled as to the remarks of the previous speaker and to the intent. I think today as we address the issue that is before us, and that is the nomination of Robert Clifford, I think the Governor has made a very clear choice, and a very great choice, an individual who I have the most respect and regards for. I think if anybody is going to question the Judicial System as to its credibility, I think that the addition of Robert Clifford only adds to the credibility of the entire system and that the Governor, no matter what party, could not have made a better choice.

I think to imply that a Republican or Democrat or even an Independent Governor choosing from within his own party ranks, fails to find qualified people. I am sure that there are many attorneys around this State of all political philosophies, that are highly qualified, and would be an addition to the Maine Bench. To imply otherwise would be erroneous.

The PRESIDENT: 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, Cote, Devoe, Emerson, Farley, Gill, Hichens, Huber, Katz, Lovell, Martin, McBreaity, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Silverman, Sutton, Teague, Trafton, Trotzky, Usher, Sewall

ABSENT — Conley, Danton, Shute

No Senators having voted in the affirmative and 30 Senators in the negative, with 3 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 Robert W. Clifford is confirmed.

Orders

Expressions of Legislative Sentiment recognizing that:

Karen Anderson of Woodland has been named Valedictorian of Caribou High School graduating class of 1979 . . . (S. P. 552) is presented by Senator McBreaity of Aroostook, cosponsored by Representative Peterson of Caribou and Representative Matthews of Caribou.

Sharon Ouillette of Caribou has been named Salutatorian of Caribou High School graduating class of 1979 . . . (S. P. 553) is presented by Senator McBreaity of Aroostook, cosponsored by Representative Peterson of Caribou and Representative Matthews of Caribou.

The Maine Mariners have won their second straight Calder Cup and, in their second year of existence, remain American Hockey League Champions . . . (S. P. 554) is presented by Senator Conley of Cumberland, cosponsored by Senator Najarian of Cumberland, Senator Usher of Cumberland and Representative Nelson of Cumberland.

Which were Read and Passed.

Sent down for concurrence.

May 4, 1979, marks the 50th anniversary of the Jackson Laboratory at Bar Harbor, the world's largest center of mammalian genetics research . . . (S. P. 555) is presented by Senator Perkins of Hancock, cosponsored by Representative Bunker of Gouldsboro.

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President and Ladies and Gentlemen of the Senate: I asked the good Senator from Kennebec to set aside S. P. 555 because I felt this was a landmark in both the economy of the State of Maine and the scientific experience of the country.

Jackson Memorial Laboratory started and was founded in the year 1929, with a staff of 12, and a budget of \$50,000. Today, in 1979 it has a staff approaching 500 and a budget of over \$10,000,000. Their contributions to the economy of Hancock County and to the scientific community of our country have been inestimable, I would like to commend them for it.

Which was Passed.

Sent down for concurrence.

Order

On motion by Senator Hichens of York, WHEREAS, there is a need among the people of Maine to have a broad range of health and social services available to persons in their homes to enable people to avoid being unnecessarily placed in nursing homes; and

WHEREAS, home care services are currently provided by many different state agencies, including home health care agencies, area agencies on aging, homemaker agencies and priority social services' programs; and

WHEREAS, draft legislation to provide a comprehensive and coordinated home health care program will be lengthy and complex and should be developed with the assistance of concerned health care providers; now, therefore, be it

ORDERED, the House concurring, subject to the Legislative Council's review and determinations hereinafter provided, that the Joint Standing Committee on Health and Institutional Services shall study the existing home health care services in Maine to determine the appropriateness and feasibility of a comprehensive coordinated program to provide long-term home health care as an alternative to institutional care for the residents of Maine; and be it further

ORDERED, that the Pine Tree Association of Home Health Care Agencies, nursing home operators and any other individuals or organizations the committee deems appropriate be requested to assist in completing this study; and be it further

ORDERED, that the committee review the Laws of New York, 1977, chapter 895, as a model for enactment of a similar program in Maine, being free to modify or disregard whatever sections the committee finds inappropriate for implementation in Maine, but addressing the following issues:

1. Whether the model program is unduly duplicative of existing programs and services in Maine;

2. Whether a significant number of health care providers could meet the requirements and would participate in such a program if enacted;

3. Whether such a program is feasible in Maine in light of the availability of personnel trained to provide home health care;

4. Whether the funding mechanism of the New York program is administratively feasible for Maine, whether the funding mechanism meets the requirements for federal funding and, if not, whether waivers of federal requirements could be obtained;

5. Whether a Council on Home Health Care Services should be created in Maine in light of the existence of the Human Services Council; and

6. Whether the insurance laws of Maine should be amended to make coverage of home care services mandatory in any policy issued to a Maine resident that covers inpatient hospital care; and be it further

ORDERED, that the committee review the proposal for a demonstration home health care project submitted by the Department of Human Services, Bureau of Maine's Elderly, to

the Health Care Financing Administration, as a model for state wide implementation, being free to modify or disregard it if found inappropriate for statewide application; and be it further

ORDERED, that the committee report its findings and recommendations, together with all necessary implementing legislation in accordance with the Joint Rules, to the Legislative Council for submission in final form at the 2nd regular session of the 109th Legislature; and be it further

ORDERED, that the Legislative Council, before implementing this study and determining an appropriate level of funding, shall first ensure that this directive can be accomplished within the limits of available resources, that it is combined with other initiative similar in scope to avoid duplication and that its purpose is within the best interests of the State; and be it further

ORDERED, that upon passage in concurrence, suitable copies of this Order be forwarded to members of the committee.

(S. P. 556)

Which was Read.

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

The President would ask the Sergeant-at-Arms to escort the Senator from Sagadahoc, Senator Chapman to the rostrum to assume the duties of the President pro tem.

The Sergeant-at-Arms escorted the Senator from Sagadahoc, Senator Chapman, to the rostrum, where he acted as President pro tem.

The President then retired from the Senate Chamber.

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 Concerning Manufacturer Liability on Express Warranties Pursuant to Consumer Sales" (H. P. 995) (L. D. 1231)

Bill, "An Act Authorizing Inclusion of the District Attorneys' Budgets in the Attorney General's Budget and Reducing County Payments for District Attorneys' Expenses." (H. P. 1249) (L. D. 1497)

Bill, "An Act to Permit Municipal Constables to Serve as Full-time Deputy Sheriffs." (H. P. 473) (L. D. 589)

Bill, "An Act to Revise Certain Duties of the Commission on Governmental Ethics and Election Practices." (H. P. 950) (L. D. 1183)

Bill, "An Act to Provide that the Recall Petitions for Municipal Officers May be Circulated." (H. P. 949) (L. D. 1182)

Bill, "An Act to Provide that Persons who Run for Elective Office and who do not have Anyone Running Against them do not have to File Reports on Campaign Expenses." (H. P. 83) (L. D. 94)

Bill, "An Act Concerning Bear Hunting with Dogs." (H. P. 664) (L. D. 824)

Bill, "An Act Concerning the Training of Dogs while Bear Hunting." (H. P. 542) (L. D. 673)

Bill, "An Act to Amend the Possession Limit for Fish taken from Inland Waters." (H. P. 390) (L. D. 499)

Bill, "An Act to Provide for Reimbursement for Crossing Guards." (H. P. 1155) (L. D. 1322)

Bill, "An Act to Eliminate Inspection and Registration for Motor Vehicles Used Solely on Islands." (H. P. 919) (L. D. 1130)

Bill, "An Act to Require the Bureau of Civil Emergency Preparedness to Contract for the Inspection of Dams." (H. P. 1216) (L. D. 1539)

Bill, "An Act Relating to the Notice Provisions of the Workers' Compensation Act." (H. P. 749) (L. D. 934)

Leave to Withdraw

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

Senator KATZ: Mr. President, I notice on the calendar today that items 6-1 through 6-25 are Bills which have gone the Legislative process. They have been printed, they have been advertised, they have had public hearings and now we are killing all 25 of these Bills, and I move that further reading of items 6-14 through 6-25 be dispensed with and the Leave to Withdraw Reports of the various Committees be Accepted.

The Committee on Local and County Government on, Bill, "An Act to Require the State to Partially Reimburse Municipalities for Functions which the State Requires of Municipalities." (H. P. 1234) (L. D. 1546)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Fisheries and Wildlife on, Bill, "An Act to Create Bruce McCrea Game Sanctuary in Fort Fairfield." (H. P. 933) (L. D. 1175)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Energy and Natural Resources on, Bill, "An Act to Redistribute the Powers of the Department of Environmental Protection to Localities to the Maximum Extent Possible." (H. P. 1291) (L. D. 1558)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Education on, Bill, "An Act Concerning the Governance of Vocational Centers." (H. P. 903) (L. D. 1119)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Education on, Bill, "An Act to Require Vocational-Technical Institutes to Provide Vocational Education for Handicapped Students." (H. P. 931) (L. D. 1145)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Education on, Bill, "An Act to Permit Special Education students who have Completed Available Special Education Programs to Enter Vocational Schools before Attaining the Age of 16." (H. P. 697) (L. D. 875)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Education on, Bill, "An Act to Permit High School Sophomores to Attend Vocational Education Institutes." (H. P. 14) (L. D. 31)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

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

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

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

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

The Committee on Transportation on, Bill, "An Act Providing Additional Driver License Examiners in the Division of Motor Vehicles." (H. P. 551) (L. D. 682)

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 Limit the Requirement that a Natural Parent Must Give Written Consent to the Adoption of that Parent's Child before a Probate Judge to Situations Involving Adoption of an Illegitimate Child." (H. P. 504) (L. D. 612)

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 to Set a Penalty for Employers Who Prevent Employees from Organizing an Employee Organization." (H. P. 1059) (L. D. 1309)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which Reports were Read.

On Motion by Senator Katz of Kennebec, the Leave to Withdraw Reports were Accepted, in concurrence.

Ought to Pass

The Committee on Transportation on, Bill, "An Act Relating to the Purchase of Railroad Rights of Way." (Emergency) (H. P. 1042) (L. D. 1275)

Reported that the same Ought to Pass.

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

The Committee on Judiciary on, Bill, "An Act to Make Arson a Class A Crime under the Maine Criminal Code." (H. P. 810) (L. D. 1013)

Reported that the same Ought to Pass.

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

The Committee on Transportation on, RESOLVE, to Further Study Feasibility of Cargo Port Facilities. (Emergency) (H. P. 1278) (L. D. 1526)

Reported that the same Ought to Pass.

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

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

Ought to Pass — As Amended

The Committee on Judiciary on, Bill, "An Act to Provide for an Official Seal for the Department of Human Services and to Expedite the Establishment of Court-ordered Child Support Obligations in Non-AFDC Cases." (H. P. 745) (L. D. 931)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-382)

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

The Committee on Marine Resources on, Bill, "An Act to Increase Lobster Fishing License Fees and Establish a Lobster Advisory Council." (H. P. 959) (L. D. 1184)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-385)

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

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

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-386).

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

The Committee on Education on, Bill, "An Act to Amend the Statute Relating to Alternative Procedure for Adoption of School Budgets." (H. P. 238) (L. D. 284)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-387)

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

The Committee on Education on, Bill, "An Act Relating to Current Funding of Special Education Tuition." (H. P. 410) (L. D. 527)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-388)

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

The Committee on Marine Resources on, Bill, "An Act to Provide for Oversight of Marine Research by the Department of Marine Resources." (H. P. 1272) (L. D. 1476)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-389)

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

(Off Record Remarks)

The Committee on Education on, Bill, "An Act to Amend the Method of Appointment to the Advisory Committee on Medical Education." (H. P. 937) (L. D. 1147)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-353)

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-371) Thereto.

Which Report was Read.

On Motion by Senator Katz of Kennebec, Tabled for 1 Legislative day, pending Acceptance of the Report.

The Committee on Legal Affairs on, Bill, "An Act to Regulate State Liquor Stores and Agencies." (H. P. 1243) (L. D. 1487)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-338)

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-381) Thereto.

The Committee on Public Utilities on, Bill, "An Act to Increase the Membership of the Gardiner Water District to Six." (H. P. 284) (L. D. 362)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-372)

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-391) Thereto.

The Committee on Business Legislation on, Bill, "An Act to Prohibit Cancellation of Automobile or Property Insurance without Actual Notice to the Insured." (H. P. 170) (L. D. 221)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-373)

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-394) Thereto.

Which Reports were Read and Accepted, in concurrence, and the Bills Read Once. Com-

mittee Amendments "A" were Read. House Amendments "A" to Committee Amendments "A" were Read and Adopted, in concurrence. Committee Amendments "A" as amended by House Amendments "A" thereto, Adopted, in concurrence. The Bills, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Aging, Retirement and Veterans on, Bill, "An Act to Permit Divorced Persons who are Married More than 15 Years to Claim Retirement Benefits." (H. P. 1073) (L. D. 1338)

Reported that the same Ought Not to Pass.

Signed:

Senators:

LOVELL of York
TEAGUE of Somerset
SILVERMAN of Washington

Representatives:

REEVES of Newport
STUDLEY of Berwick
LOWE of Winterport
THERIAULT of Rumford
DELLERT of Gardiner
PAUL of Sanford
CHURCHILL of Orland
HICKEY of Augusta
HANSON of Kennebunkport

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

Signed:

Representative:

NELSON of Portland

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

Which Reports were Read.

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

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act to Provide that a Person's Picture shall Appear on His Driver's License and to Provide for a Photographic Identification for Nondrivers." (H. P. 940) (L. D. 1164)

Reported that the same Ought Not to Pass.

Signed:

Senators:

EMERSON of Penobscot
O'LEARY of Oxford
USHER of Cumberland

Representatives:

STROUT of Corinth
HUTCHINGS of Lincolnville
LOUGEE of Island Falls
HUNTER of Benton
CARROLL of Limerick
BROWN of Mexico
JACQUES of Lewiston
McPHERSON of Eliot

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

Signed:

Representatives:

McKEAN of Limestone
ELIAS of Madison

Comes from the House, the Minority Report Read and Accepted and the Bill Passed to be Engrossed as amended by House Amendment "A" (H-370)

Which Reports were Read.

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

Senator PRAY: I move we Accept the Majority Ought Not to Pass Report.

The PRESIDENT pro tem: The Senator from Penobscot, Senator Pray, moves that the Senate accept the Majority Ought Not to Pass Report.

On Motion by Senator Carpenter of Aroostook, Tabled for 1 Legislative Day, pending the motion by the Senator from Penobscot, Senator

Pray.

Divided Report

The Majority of the Committee on Judiciary on, RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for Five-year Terms for Judges Instead of Seven-year Terms and to Provide for Legislative Action upon Public Petition of Judicial Misconduct. (H. P. 1213) (L. D. 1489)

Reported that the same Ought Not to Pass.

Signed:

Senators:

COLLINS of Knox
DEVOE of Penobscot
TRAFTON of Androscoggin

Representatives:

STETSON of Wiscasset
HOBBINS of Saco
SEWALL of Newcastle
JOYCE of Portland
SIMON of Lewiston
SILSBY of Ellsworth

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-376)

Signed:

Representatives:

LAFFIN of Westbrook
GRAY of Rockland
CARRIER of Westbrook

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

Which Reports were Read.

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

Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act Relating to Telephone Company Directories." (H. P. 1134) (L. D. 1402)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-359)

Signed:

Senators:

DEVOE of Penobscot
TRAFTON of Androscoggin

Representatives:

BERRY of Buxton
DAVIES of Orono
NELSON of Portland
LOWE of Winterport
GAVETT of Orono
BROWN of Livermore Falls

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

Signed:

Senator:

COLLINS of Knox

Representatives:

REEVES of Newport
McKEAN of Limestone
CUNNINGHAM of New Gloucester
VOSE of Eastport

Comes from the House, the Majority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-417) thereto.

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

Senate

Ought to Pass — As Amended

Senator Gill for the Committee on Health and Institutional Services on, Bill, "An Act to Amend the Maine Certificate of Need Act of

1978." (S. P. 283) (L. D. 857)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-187)

Senator Huber for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Concerning Health Services in Rural and Underserved Areas." (S. P. 473) (L. D. 1414)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-186)

Which Reports were Read and Accepted and the Bills Read Once. Committee Amendments "A" were Read and Adopted and the Bills, 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 Extend until July 1, 1980, the Date for the Newport Water District to Purchase the Property of the Maine Water Company." (H. P. 1334) (L. D. 1581)

Bill, "An Act Relating to Revisions of the Adoption Law." (H. P. 242) (L. D. 287)

Bill, "An Act to Ensure Firefighters may use a Reasonable Degree of Nondeadly Force to Carry Out their Firefighting Duties." (H. P. 815) (L. D. 1017)

Bill, "An Act to Provide for Full-time Workers' Compensation Commissioners and to Organize the Administration of the Commission." (H. P. 1379) (L. D. 1604)

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

Bill, "An Act to Amend Certain Property Tax Exemptions and to Require Continuing Periodic Review of Tax Exemptions." (H. P. 768) (L. D. 855)

Which was Read a Second Time.

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

House — As Amended

Bill, "An Act Concerning Writ of Possession." (H. P. 669) (L. D. 829)

Bill, "An Act to Exempt Teacher Certification Records from the Freedom of Access Statutes." (H. P. 953) (L. D. 1186)

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

Bill, "An Act to Clarify Certain Provisions Relating to the Statistical Reporting of Abortions." (H. P. 545) (L. D. 676)

Which was Read a Second Time.

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

Bill, "An Act Concerning Part-time Licenses under the Liquor Statutes." (H. P. 1215) (L. D. 1494)

Bill, "An Act to Eliminate the Boards of Visitors within the Department of Mental Health and Corrections." (H. P. 1143) (L. D. 1405)

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

Sent down for concurrence.

Senate

Bill, "An Act Concerning the Maine Development Districts Law." (S. P. 179) (L. D. 409)

Bill, "An Act Concerning Assistance to Blind or Disabled Voters in Marking Ballots." (S. P. 549) (L. D. 1611)

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act to Insure the Accountability of Counties in the Expenditure of Federal

Funds." (S. P. 140) (L. D. 316)

Bill, "An Act to Correct Certain Obsolete References in Title 30 of the Maine Revised Statutes and to Make County Policies Concerning Pay Schedules, Vacation and Sick Leave Consistent with State Policies." (S. P. 307) (L. D. 903)

Bill, "An Act Concerning Insurance Consultants." (S. P. 381) (L. D. 1213)

Bill, "An Act to Increase the Fee for Tagging Wild Game to \$1." (S. P. 277) (L. D. 843)

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

Sent down for concurrence.

Bill, "An Act to Insure Parents Participation in a Minor's Decision to have an Abortion." (S. P. 220) (L. D. 604)

Which was Read a Second Time.

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

Bill, "An Act to Insure that Informed Consent is Obtained before an Elective Abortion is Performed." (S. P. 484) (L. D. 1482)

Which was Read a Second Time.

On Motion by Senator Pierce of Kennebec, the Senate voted to reconsider its action whereby it adopted Committee Amendment "A".

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

Senator PIERCE: Mr. President, I now present Senate Amendment "A" to Committee Amendment "A", under Filing S-190, and move its Adoption.

The PRESIDENT pro tem: The Senator from Kennebec, Senator Pierce, now offers Senate Amendment "A" to Committee Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-190) Read and Adopted. Committee Amendment "A", as amended, Adopted. The Bill, Passed to be Engrossed, as amended.

Sent down for concurrence.

The President pro tem would ask the Sergeant-at-Arms to escort the President to the rostrum to assume his duties as President.

The Sergeant-at-Arms escorted the President to the rostrum, where he assumed his duties as President of the Senate.

The Sergeant-at-Arms escorted the Senator from Sagadahoc, Senator Chapman, to his seat on the floor of the Senate.

The PRESIDENT: The Chair will thank the Senator from Sagadahoc, Senator Chapman, for doing a very nice job this morning.

On Motion by Senator Redmond of Somerset, the Senate voted to reconsider its action of earlier in today's session whereby Bill, "An Act to Correct Certain Obsolete References in Title 30 of the Maine Revised Statutes and to Make County Policies Concerning Pay Schedules, Vacation and Sick Leave Consistent with State Policies." (S. P. 307) (L. D. 903), was Passed to be Engrossed.

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

Enactors

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

An Act to Appropriate Funds for the Nursing Home Ombudsman Program. (H. P. 1074) (L. D. 1328)

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

An Act to Provide County Commissioner Districts in Washington County. (H. P. 474) (L. D. 591)

On Motion by Senator Katz of Kennebec, Tabled for 1 Legislative Day, pending Enact-

ment.

An Act to Enable Town Meetings to be Held Outside the Corporate Limits Subject to Certain Limitations. (H. P. 979) (L. D. 1192)

An Act to Clarify the Filing Deadline for Candidates' Reports to the Commission on Governmental Ethics and Election Practices. (H. P. 49) (L. D. 58)

An Act Relating to Registration of Commercial and Custom Establishments under the Maine Meat Inspection Act. (H. P. 991) (L. D. 1228)

An Act to Allow the Board of Environmental Protection to Exempt Snow Dumps from the Waste Discharge Licensing Provisions of the Statutes. (H. P. 1023) (L. D. 1256)

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

An Act Concerning Warning Signs Posted at Certain Railroad Grade Crossings under the Public Utilities Commission. (H. P. 1133) (L. D. 1401)

An Act Relating to Municipal Recreation Grants. (H. P. 1120) (L. D. 1392)

An Act to Establish Maine Cultural Heritage Week. (H. P. 677) (L. D. 836)

An Act to Amend the Uniform Criminal Extradition Act and the Uniform Interstate Compact on Juveniles. (S. P. 373) (L. D. 1153)

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

An Act Relating to Bass Tournament Permits. (H. P. 413) (L. D. 529)

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

Senator PRAY: Thank you, Mr. President. Mr. President and Members of the Senate: I've been sitting here reading L. D. 1600, which went across our desks just a short while ago. It's a bill to increase revenues available to the Department of Inland Fisheries and Wildlife, due to the affect that inflation is going to have on the Department.

I noticed in that bill we have several changes in fees for breeding licenses, \$5 increase. A fee for field trials of a \$6 increase. Then we have L. D. 529 relating to Bass Tournament, which just passed in the Legislative Session and established a fee of \$25. At this time we're coming in, the following session, asking to reduce that fee from \$25 to \$5.

I noticed that L. D. 1600 states that the Department needs an additional \$920,000 which is on top of the expected revenues of \$150,000 to \$200,000 that they'll be receiving from the Moose Lottery Bill which passed through. So the Department has stated that they need well over \$1,000,000. Though this one bill probably is nickels compared to the total cost, I think it's definitely inconsistent for us to be lowering fees, where we're going through with other Legislation addressing most all of the licenses and permits and what not issued by the Department, and L. D. 1600 is over 24 Sections dealing with roughly 45 changes in licenses and permits and fees through the Department of Fisheries and Wildlife. Due to this inconsistency, I move that we Indefinitely Postpone L. D. 529.

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

Senator REDMOND: Mr. President, I oppose that move. I request a Division and I'd like to speak to my motion.

The PRESIDENT: The Senator has the floor. Senator REDMOND: I'm not sure what the good Senator from Penobscot is referring to. We did enact a bill last year for Bass Tournaments. This year we had other groups that take Boy Scouts and young campers out and requested that they could have the same privilege for a fee of \$5.

This is what this bill will do. It doesn't change the bill that we passed last year. It just amends it to permit these other groups to do

the same as the adults for a lesser fee. The Committee gave it a very favorable report. We haven't had any problems until Senator Pray, if he wants to debate it at length at this late hour. I'm willing to do it. I hope that the Senate will not vote for his motion.

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

Senator PRAY: Mr. President and Members of the Senate: My concern is for a Department which I have heard about, that I have heard through the media and through talking to some of its members is in grave financial concerns. They're not definitely sure of the revenue sales of licenses in the following year, with an increase. Usually when you increase licenses you have a 12 to 15% fall-off.

My concerns were to the financial impact of the Department over all, not necessarily in this 1 Legislation but in reference to L. D. 1600, the Moose Bill and a number of other pieces of Legislation that we have passed in this session already that relate loss of revenue to the Department.

Another example is a bill that we had out of the Fisheries and Wildlife Committee, which I think had a 11 to 2 report for a buck only season, and there's a fiscal note on that of \$216,000. So between a number of bills, we're already addressing probably a quarter of a million dollars, and at the same time we have other proposals before us asking for well over a million dollars.

I think that if we're going to address the concern of the financial straights of the Department, then we should start looking even at the small bills that go through that affect the Department.

The remarks of the Senator from Somerset, Senator Redmond, referred to children, and boys camps and girls camps. As I read the enactor before us, it just states that for groups of 20 or less, that there'll be a fee of \$5. It doesn't say if they're minors, it doesn't say if they're boys' camps or Boy Scouts or Girl Scouts. It just addresses all individuals, not adults versus children. It's any individual that decides to form a Bass Tournament and if it's a small group then we're only going to charge them a fee of \$5, over the \$25. I would question as to whether or not this does have a financial impact on the department. It may be small, but still the concerns are there.

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

Senator USHER: Mr. President and Members of the Senate: First of all I'd say the amendment relates to Bass Clubs that have less than 20 members. This enables them to buy a \$5 license, to have a tournament throughout the summer. Any membership of a club over 20 members will still buy a \$25 license.

It's been estimated there's about 7 or 8 clubs, so you're talking \$35 to \$40, which will greatly affect the Fish and Game Budget. I would hope the Senate would oppose this motion.

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

Senator PRAY: Thank you. For the last time, in reference again to L. D. 1600 going through section 1 for a club or a fee that has field trials, no matter what their size, if there's less than 20 members to the club that run field dogs, presently they pay \$15. There is a request in there to make it \$21. On Section 3 of the bill, again for field trials for sporting dogs, for the purposes of demonstrating the skill of retrieving dead or wounded game birds from \$15 up to \$21. No matter what size the club is and we can go down through the list to Sections 7, 8, 9, relating to groups, groups licenses and permits.

We're not asking for a discount for small clubs or groups in that bill. Again, I'd just express those same concerns through this bill may be \$35 or \$40, or may be a hundred and some odd dollars, when we get down to it, and the Department starts adding up each license that it sells to a non-resident \$60 or under the

increase in here of \$66, those dollars start adding up. We're going to be addressing that on each license that is sold. This is just another section where people enjoy a resource of the State, and all we're asking of them is to pay for it.

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

Senator REDMOND: Could we ask the Secretary to read the Committee Report Please? Thank you, Mr. President.

The Committee Report was Read.

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. 529, please rise in their places to be counted.

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

2 Senators having voted in the affirmative, and 25 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.

Orders of the Day

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

Bill, "An Act to Improve Local Government Investment Opportunities." (S. P. 449) (L. D. 1364)

Tabled—May 11, 1979 by Senator Katz of Kennebec.

Pending—Passage to be Engrossed.

On Motion by Senator Sutton of Oxford, Retabled for 1 Legislative Day.

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

Bill, "An Act to Authorize the Provision of Services to Developmentally Disabled Children." (S. P. 377) (L. D. 1157)

Tabled—May 11, 1979 by Senator Gill of Cumberland.

Pending—Passage to be Engrossed.

The Bill, Passed to be Engrossed.

Sent down for concurrence.

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

Bill, "An Act to Merge the Septage and Hazardous Waste Law into the Solid Waste Law and to Conform them with the Requirements of the Federal Resource Recovery and Conservation Act." (H. P. 1139) (L. D. 1518)

Tabled—May 11, 1979 by Senator Pierce of Kennebec.

Pending—Adoption of House Amendment "A" (H-318).

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

Senator O'LEARY: Mr. President, I present Senate Amendment "A" to House Amendment "A" under Filing Number S-180, and move its Adoption.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now offers Senate Amendment "A" to House Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-180) Read.

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

Senator KATZ: I wonder if the Senator could explain the impact of the amendment?

The PRESIDENT: The Senator from Kennebec, Senator Katz, has posed a question through the Chair.

The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President, in answer to the question of the good Senator from Kennebec, Senator Katz, this limits to industrial and commercial areas the entry permit by the Department or Agency.

Senate Amendment "A" Adopted, House

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

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

The President laid before the Senate the Fourth Tabled and specially assigned matter: Bill, "An Act Pertaining to Motor Vehicles Passing Stopped School Buses." (H. P. 1041) (L. D. 1278)

Tabled—May 14, 1979 by Senator O'Leary of Oxford.

Pending—Adoption of House Amendment "A" (H-368).

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

Senator O'LEARY: Mr. President, I present Senate Amendment "A" to House Amendment "A" under Filing Number S-188, and move its Adoption.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now offers Senate Amendment "A" to House Amendment "A" and moves its Adoption.

Senate Amendment "A" (S-188) Read.

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

Senator O'LEARY: Mr. President, all that's added to the House Amendment besides the identification of the number plate, you have to have other identifying features to be absolutely sure that you have the right vehicle. That's all this amendment does.

Senate Amendment "A" (S-188) Adopted.

House Amendment "A" as amended, in non-concurrence.

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

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

Bill, "An Act to Assess a Surcharge on Fines for the Operation of the Maine Criminal Justice Academy." (S. P. 545) (L. D. 1608)

Tabled—May 14, 1979 by Senator Katz of Kennebec.

Pending—Motion of Senator Conley of Cumberland to Indefinitely Postpone Bill and Papers.

The PRESIDENT: Is it now the pleasure of the Senate, that this bill and its accompanying papers be Indefinitely Postponed?

The Chair will order a Division.

Will all those Senators in favor of the Indefinite Postponement of L. D. 1608, please rise in their places to be counted.

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

9 Senators having voted in the affirmative, and 10 Senators in the negative, the Motion to Indefinitely Postpone does not prevail.

The Bill Passed to Be Engrossed.

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

Senator PIERCE: Mr. President, in regard to L. D. 1608, I would now ask Reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves that the Senate Reconsider its action whereby L. D. 1608 was Passed to be Engrossed.

The Chair recognizes the Senator from Penobscot, Senator Pray.

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

The PRESIDENT: A Division has been requested.

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

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

11 Senators having voted in the affirmative, and 12 Senators in the negative, the Motion to Reconsider does not prevail.

Sent down for concurrence.

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

Bill, "An Act to Require Payment of Taxes on Timberland Repossessed by the Maine Guarantee Authority." (H. P. 1104) (L. D. 1319)

Tabled—May 14, 1979 by Senator Pierce of Kennebec.

Pending—Passage to be Engrossed.

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

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

Bill, "An Act Authorizing the State to Contract with Tufts University School of Veterinary Medicine." (H. P. 411) (L. D. 528)

Tabled—May 14, 1979 by Senator Collins of Knox.

Pending—Enactment.

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

Senator SUTTON: Mr. President, may I ask a question of the Chair, I apologize at this late date, but could I find out whether just the substance of this bill, whether it requires that all of our Med. Students go to Tufts only?

The PRESIDENT: The Senator from Oxford, Senator Sutton, has posed a question through the Chair to any member of the Senate, who is knowledgeable in this area.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President and Members of the Senate: Right now the State has contracts, holds spots at Cornell University School of Veterinarian Medicine, and also at the University of Pennsylvania.

Tufts is opening a new Veterinary School this coming year and this bill is permissive and allows the State to contract with Tufts. As I understand it right now the State of Maine will be holding 2 spots at Tufts, 1 spot at Cornell, and probably 1 at the University of Pennsylvania, for the coming year for students who are interested in pursuing a career in Veterinary Medicine.

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

Senator SUTTON: May I just ask one more question to the Chair. Has this cut down our shares at these other places, and do I understand that Tufts is not accredited Veterinary School yet at this point.

The PRESIDENT: The Senator from Oxford, Senator Sutton, has posed an additional question to the Chair.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President and Members of the Senate: My understanding is that Tufts cannot be accredited until it graduates its first class. Consequently it takes a while, it takes, I believe, 4 years for it to graduate its first class. But it needs the support of the States in New England if we are to have a New England School of Veterinary Medicine. So the Education Committee felt that it was an obligation of the State of Maine to try and help Tufts get off the ground and finally reach accreditation.

It will cut down on spots at the other schools. As I say, in the past we've had 2 spots at Cornell, 2 at the University of Pennsylvania, whereas this year, probably this coming academic year, probably will be 2 at Tufts, 1 at the University of Pennsylvania, 1 at Cornell.

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 President laid before the Senate the Eighth Tabled and specially assigned matter:

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

Tabled—May 14, 1979 by Senator Hichens of York.

Pending—Enactment.

On Motion by Senator Farley of York, Retabled for 1 Legislative Day.

The President laid before the Senate the Ninth Tabled and specially assigned matter: Bill, "An Act Relating to Arbitration under the State Employees Labor Relations Act." (H. P. 142) (L. D. 162)

Tabled—May 14, 1979 by Senator Katz of Kennebec.

Pending—Motion of Senator Trotzky of Penobscot to Indefinitely Postpone Bill and Papers.

The PRESIDENT: The Chair will order a Division.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I wonder if the good Senator from Penobscot, Senator Pray, who has much experience in this area would explain to the Senate what would be different, if this law were passed, as compared to the present law. If you could give us a blow by blow description, I think it might be very helpful.

The PRESIDENT: The Senator from Knox, Senator Collins, has posed a question through the Chair.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Thank you, Mr. President. At present the State Employees' Labor Relations Act provides for binding arbitration on non-monetary items. An arbitrator's decision upon the major issues of wages, pensions, and insurance is advisory only.

The lack of a final step to resolve the impasse upon major issues of the labor negotiations have in the past contributed to the length of time necessary to resolve disputes between labor and management of the State of Maine and State Government. This Legislation would make arbitration binding upon the parties to negotiate. Example, the unions representing State Employees and the Governor, it will place greater pressure upon the parties to come to a negotiated settlement.

This Legislation does not, however, change the role of the Legislature in approving cost items of any arbitrated settlement. Arbitration will be binding only upon the unions and the Chief Executive. The Legislature would still have its final approval of cost items and settlement.

Basically, what the bill would do is once an impasse is reached, it would set a third neutral party to make binding decisions upon those matters not yet settled and would push it one step forward into the Legislature's hand where the Legislature could still accept or reject.

The PRESIDENT: Is the Senate ready for the question?

Will all those Senators in favor of the Motion to Indefinitely Postpone, 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 13 Senators in the negative, the Motion to Indefinitely Postpone does not prevail.

The PRESIDENT: Is it now the pleasure of the Senate that this Bill be Passed to be Engrossed?

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, I would request a Roll Call, and speak on my motion, please.

The PRESIDENT: The Senator has the floor.

Senator SUTTON: Ladies and Gentlemen of the Senate: I would just like to remind you one more time that in my opinion, we are setting a very bad precedent in the State of Maine by allowing binding arbitration. It's going to be the first step in the public sector for binding arbitration. It's going to be the first step to take it away from our elected officials the opportunity of making the final decisions, regardless of whether the cost items come to the Legislature

or to the public at all. I would ask you to carefully consider this step.

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

Senator PRAY: Mr. President and Members of the Senate: When we debated this issue last week, the Senator from Oxford, Senator Sutton, rose to his feet and claimed that he had 3 concerns about the bill. 1, he just reiterated on the binding arbitration the fact that we're setting a precedent and establishing it for the first time. First of all that is not true, as I stated earlier, we do have binding arbitration presently on non-monetary items. And the fact that this, as far as being binding is only binding upon the Chief Executive and the Legislative Role. Let's look at it on the local level, the Town Council or anything else, those elected bodies which still have the yes-no concern authority, if this same principle was carried through to the local level as well, if they enacted Legislation similar to that, which we're acting at this time.

On a local level situation, which it does not apply to, if that's the concerns he raises, adopted the same type of procedure here, would only force the negotiator for the town, usually the Town Manager and the unions on the local level, it would make a settlement between them and then that proposal would go to the Town Council itself.

But as the bill itself addresses just the State level, I don't think that we're setting a precedent. The role of the elected body still is intact, and safeguards the system.

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

Senator TROTZKY: Mr. President and Members of the Senate: I would suggest to Senator Pray and other Members of the Senate, that the Governor is also elected by the taxpayers of the State of Maine. What we're essentially doing in this, is we're putting in compulsory arbitration, bringing in an arbitrator who has no responsibility, in my viewpoint, he is not responsible to the taxpayers. He can come in from out of State and he can leave right afterwards. I think it's wrong taking the responsibility away from the Governor of the State of Maine whether the Governor is a Democrat or a Republican or an Independent. He's still elected by the taxpayers and should not be held accountable to an arbitrator.

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

Senator SUTTON: Mr. President, I request Leave of the Senate to withdraw my motion.

The PRESIDENT: Senator Sutton of Oxford, now requests Leave of the Senate to Withdraw his motion for a Roll Call on Passage to be Engrossed.

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

It is a vote.

The Bill, Passed to be Engrossed, in concurrence.

The President laid before the House the Tenth Tabled and specially assigned matter: Bill, "An Act to Improve Private Remedies for Violations of the Antitrust Laws." (H. P. 1077) (L. D. 1330)

Tabled—May 14, 1979 by Senator Clark of Cumberland.

Pending—Passage to be Engrossed.

On Motion by Senator Chapman of Sagadahoc, Recommended to the Committee on Business Legislation, in non-concurrence.

Sent down for concurrence.

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

HOUSE REPORTS — from the Committee on Aging, Retirement and Veterans — Bill, "An Act to Include Teachers in the Hope Training School for Retarded Children in Mexico in the Maine State Retirement System." (H. P. 1177) (L. D. 1442) Majority Report — Ought

Not to Pass; Minority Report — Ought to Pass as Amended by Committee Amendment "A" (H-354)

Tabled—May 14, 1979 by Senator O'Leary of Oxford.

Pending—Acceptance of Either Report.

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

Senator O'LEARY: Mr. President, I move the Acceptance of the Minority Ought to Pass Report of the Committee.

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

The Chair recognizes the Senator from York, Senator Lovell.

Senator LOVELL: Mr. President and Members of the Senate: I would like to just simply state that this bill came out of the Committee 10 to 3 Ought Not to Pass. One of the persons that signed the Ought Not to Pass was the Chairman in the other body, who is a good Democrat.

This is a local bill for Oxford County. The Trustees of the Retirement System at a special board meeting held on May 1st, it was the unanimous opinion of those board members that this legislation would result in inequitable treatment of members, would be inconsistent with other provisions of the Maine State Retirement System Statutes, and would be of no value to the system.

This opinion was based from the information from the Legislative Assist find to your committee indicating that there are approximately 30 other similar schools in the State, private schools that will be asked to get into the Retirement System.

Now we have just taken 3 private schools out of the Retirement System, now a new one wants to come in. It's a local bill, and it will hurt the Retirement System. So I'd move Indefinite Postponement of this bill and all accompanying papers.

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

Senator O'LEARY: I'm kind of confused by the remarks by the good Senator from York, Senator Lovell. However, I'll proceed in the normal manner and then I'll perhaps get back to his remarks.

Mr. President and Members of the Senate, this bill is to admit into the Retirement System the Teachers of Hope School for Retarded Children. Teachers who because of a misunderstanding or a very narrow interpretation of the law in the word private, are being denied their right extended to other teachers.

Mr. President and Members of the Senate, I submit to you here today that although this school is known as the Private Hope School for the Mentally Retarded, it is not a private school. A private school, in my opinion, is one where students have to pay tuition, and is supported solely by private funds.

The only thing private about the Hope School is it's for the retarded children from a number of communities in Northern Oxford County, School Districts, including one from Franklin County and one from Androscoggin County.

A public school is one where the maintenance of the school and the salaries of the teachers are paid by tax monies, has a Board of Directors, or a School Board, is accredited by the State Board of Education, and the teachers are certified by that same board.

I would submit to you that Hope School is funded by tax monies and is under Title 1, receiving money the same as all other public schools. It does have a Board of Directors, that come from the School Administrative Districts, from each of the S.A.D.'s that have students at the school. This school is accredited by the State Board of Education. The teachers are certified by that same board. The State Board of Education continues to review both the schools and the teachers to see that they con-

tinue to meet their standards. Hope School meets all the criteria of a public school, and in fact, is a public school.

We all know that the towns in School Administrative Districts are now obligated to give all children an equal education. If they fail to do this it is discrimination therefore acting contrary to law and are liable for prosecution.

In our area the Hope School takes care of this by creating a vehicle which solves the problem at much less cost. The only difference, Mr. President, that exists between the teachers in Hope School and other public schools is the salaries they receive. They are much lower in Hope School and the other fringe benefits other teachers enjoy are non-existent. They do not have Social Security coverage, the problem, of course, is lack of funds.

The Department of Education restricts the cost per student that can be asked for, for each student at the Hope School. As this is of a necessity, special education requires less students per teacher, it means the teachers are grossly underpaid and that they have to be really dedicated people to continue to teach at Hope School and it really leaves no funds for their Retirement Benefits.

Mr. President, in regards to the comments of the good Senator from York, Senator Lovell, I would remind him that in June of 1977, it was signed into law by the Governor, a bill that established the York County Special Education Compact. This went before the Committee on Education, I believe, and let me tell you just what their school programs are.

1. Is established class for the severely profounded, mentally handicapped children.
2. Class for the Trainable Retarded Children.
3. Class for Educable Retarded Children.
4. A Vocational Work or Study Program for Trainable or Educable Children up to the age of 20.

This is exactly the same thing that the Hope School is in Mexico. It is a public school that we have in Mexico, it is a public school that you have in York County.

Your York County Director wrote to the Retirement System asking if the teachers could be covered under the State Retirement System. Mr. Blodgett then asked for an opinion from Attorney General.

In that opinion rendered by the Attorney General, it says definition of public schools. "Any public school conducted within the State under the authority and supervision of a duly elected Board of Education, Superintendent of Schools or Committee, or School Districts, is a public school."

It goes on down through and the answer is affirmative. These people could belong, so there is no reason to discriminate. Mr. President and Members of the Senate, I would submit to you that the York County Special Education Compact and the Hope School are identical in nature, that they meet all of the requirements for public schools, by the same token of special education.

There can be no legitimate bases for this discrimination between teachers who teach so-called normal students versus those who teach students who are in need of special education.

Mr. President, the argument is made, there are 30 other schools and I would submit to you that if these other schools meet all of the criteria such as the York County Compact and the Hope Schools, are in fact public schools, funded by tax dollars, teachers certified by the Board of Education and the school is accredited by that Board, they should be permitted to come into the system. That is what it is there for.

You can be sure that in any given year there are 50 to 100 teachers added into the system. The system absorbs them without any problems, after all the teachers will pay their share of the cost, in no way can it be fairer, or just to treat teachers in one group paid by tax monies differently than another group paid for by the

same tax dollars.

I would submit, Mr. President that there is a cost to this Bill, the cost in the first year is \$7,139, and the second year of \$7,265, piddling pennies compared to the rest of the money that we spend.

A year ago or two years ago, we put something like \$980,000 into our budget for people who never paid one penny into the system. These people are certified teachers in an accredited school and they will pay their way. I oppose the Motion to Indefinitely Postpone this and ask for a Division.

The PRESIDENT: A Division has been requested.

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

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

11 Senators having voted in the affirmative and 16 Senators in the negative, the Motion to Indefinitely Postpone does not prevail.

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

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

Senator REDMOND: Is the Senate in possession of H. P. 1399?

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

Senator REDMOND: Mr. President. I move reconsideration whereby this Order was Indefinitely Postponed.

The PRESIDENT: The Senator from Somerset, Senator Redmond, moves that the Senate Reconsider its action whereby this Joint Order relative to the Committee on Fisheries and Wildlife reporting out a Bill to make corrections and clarify provisions on the Inland Fisheries and Wildlife Laws. (H. P. 1399) was Indefinitely Postponed.

Is this the pleasure of the Senate?

It is a vote.

The Joint Order Passed, in concurrence.

The President laid before the Senate:

Bill, "An Act Concerning Fire Permits for Registered Guides." (H. P. 431) (L. D. 548) Tabled until later in today's session pending further Consideration.

On Motion by Senator Pierce of Kennebec, the Senate voted to Recede and Concur.

The President laid before the Senate:

Bill, "An Act Relating to the Administration of School Dental Health Programs." (H. P. 733) (L. D. 920) Tabled earlier in today's session, pending Consideration.

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

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

Paper from the House House Paper

Bill, "An Act Creating a State of Maine Trustees Advisory Board." (H. P. 1404) (L. D. 1617)

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.

(Senate at Ease)

The Senate called to order by the President.

Senator Carpenter of Aroostook, was granted unanimous consent to address the Senate, Off the Record.

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

(Off Record Remarks)

(Senate at Ease)

The Senate called to order by the President.

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

Enactor

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

Emergency

An Act to Extend the Deadline for Legislative Determination of Municipal Cost Components. (H. P. 1403) (L. D. 1616)

This being an emergency measure and having received the affirmative votes of 22 members of the Senate, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Senator Pierce of Kennebec, adjourned until 9:30 o'clock tomorrow morning.