

# 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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**First Confirmation Session**

August 3, 1979

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## SENATE

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

May 21, 1979

Senate called to order by the President.

Prayer by the Honorable John D. Chapman of Woolwich.

Senator CHAPMAN: O God, our Creator and Ruler, bless us this day as we go to work which lies before us. We thank Thee for the work and for the health to do it.

Help us to think clearly and act wisely for the common good. Spare us from impatience, from quick temper, from focusing on faults, and from tongues tuned to criticism.

Keep us steadfast in the things that matter, but deliver us from mistaking our will for Thy will. Grant us in all our labors something of the grace, wisdom and beauty of the Master. In who's name, we pray. Amen.

Reading of the Journal of yesterday.

Papers from the House  
Non-concurrent Matter

Bill, "An Act Concerning Strikes or Work Stoppages by Public Employees." (S. P. 249) (L. D. 713)

In the Senate May 17, the Minority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-197).

Comes from the House, the Majority Ought Not to Pass Report Read and Accepted, in non-concurrence.

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

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

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

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, the House accepted the Ought Not to Pass Report of the Committee. I would oppose the Motion to Recede and Concur. What this bill does is puts penalties on public employees that go on strike.

I would remind the Senate of an incident that occurred in New Orleans where the police were on strike, and the head of the union dared the mayor to fire one policeman on strike, because the sanitation workers would walk out, and also the firemen would walk out.

I would also remind the Senate that the MSEA sent out a vote card to all of its membership on whether or not to go on strike. I believe in the field of public employment that public employees should not have the right to strike, and that as a condition of employment. But I would hope the Senate would defeat the motion to Recede and Concur.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

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

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

19 Senators having voted in the affirmative, and 9 Senators in the negative, the motion to recede and concur does prevail.

## Non-concurrent Matter

Bill, "An Act to Authorize Per Diem For Members of an Advisory Committee or Panel of the New England Regional Fisheries Management Council." (H. P. 1245) (L. D. 1490)

In the House May 16, the Majority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-405).

In the Senate May 17, the Minority Ought Not to Pass Report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Adhered.

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.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate: I would move that the Senate Recede and Concur with the House. I just can't understand why there is such strong opposition to this particular bill.

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

Senator CARPENTER: I request that when the vote be taken, it be taken by the Yeas and Nays.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President and Members of the Senate: The reason the 3 Senators voted against this bill in Committee is that this would set a per diem for the members of the Advisory Council.

Now, if we accepted this report, Maine would be the only State out of all the Atlantic Coast States that paid their members a per diem to go to the Advisory Council Meetings. They get paid 17¢ a mile for going to the meeting. They get \$35 for expense money. We didn't think it was quite necessary at this time to give either a \$50 or \$25 per diem for going to those meetings.

Now if you want to start the precedent of being the only state along the Eastern Seaboard of paying your members to go to these meetings, that's fine. But there is an appropriation on the bill, and there is no lack of members willing to make these trips.

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, Martin, Minkowsky, O'Leary, Trafton, Usher.

NAY — Ault, Chapman, Cote, Devoe, Emerson, Farley, Gill, Hichens, Katz, Lovell, McBreaarty, Perkins, Pierce, Redmond, Shute, Silverman, Sutton, Teague, Trotzky.

ABSENT — Collins, Danton, Huber, Najarian, Pray.

A Roll Call was had.

8 Senators having voted in the affirmative, and 19 Senators in the negative, with 5 Senators being absent the Motion to Recede and Concur does not prevail.

Is it now the pleasure of the Senate to adhere?

The Motion Prevailed.

## Non-concurrent Matter

Bill, "An Act Relating to Resident State Police Troopers." (H. P. 841) (L. D. 1069)

In the House May 15, the Majority Report

Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-320).

In the Senate May 17, the Minority Ought Not to Pass Report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted.

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

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

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves that the Senate Insist and ask in a Committee of Conference. Is this the pleasure of the Senate?

The Motion Prevailed.

## Non-concurrent Matter

Bill, "An Act to Assist School Administrative Units in Addressing Problems Associated with Alcohol, Tobacco and Drug Use and Abuse." (S. P. 209) (L. D. 582)

In the Senate May 14, the Majority Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (S-172).

Comes from the House, Bill and accompanying papers Indefinitely Postponed, in non-concurrence.

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

Senator KATZ: I move the Senate Insist and ask for a Committee of Conference.

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

Is this the pleasure of the Senate?

The Motion Prevailed.

## Non-concurrent Matter

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

In the Senate May 15, the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-418), in concurrence.

Comes from the House, the Bill Passed to be Engrossed as Amended by House Amendment "B" (H-469), in non-concurrence.

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

Senator KATZ: Mr. President, I move that the Senate Recede and Concur with the House.

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

Is this the pleasure of the Senate?

The Motion Prevailed.

## Joint Order

An Expression of Legislative Sentiment recognizing that:

John A. Hill, retired businessman and beloved "oldest citizen" of Wells, will celebrate his 99th birthday on July 9, 1979... (H. P. 1415)

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

## Communication

## HOUSE OF REPRESENTATIVES

May 18, 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 accepted the Majority "Ought Not to Pass" Report of the Committee on Fisheries and Wildlife on Bill "An Act to Increase the Fee for Tagging Wild Game to \$1" (S. P. 277) (L. D. 843)

Respectfully,

Signed:

EDWIN H. PERT  
Clerk of the House

Which was Read and Ordered Placed on File.

#### Senate Papers

Senator Pierce of Kennebec presented, Bill, "An Act to Make Certain Adjustments for Legislative Personnel as a Result of Collective Bargaining." (S. P. 564) (Approved by a Majority of the Legislative Council pursuant to Joint Rule 27).

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

Senator KATZ: Mr. President, I move that the Rules be suspended and the Bill be given its First Reading at this time without reference to Committee.

The PRESIDENT: The Senator from Kennebec, Senator Katz moves that the Rules be Suspended, and the Bill be given its First Reading without reference to Committee.

Under Suspension of the Rules, the Bill Read Once. Under Further Suspension of the Rules the Bill was Read a Second Time and Passed to be Engrossed without Reference to Committee.

Sent forthwith for concurrence.

Senator Clark of Cumberland presented, Bill, "An Act Authorizing the State Museum Bureau to Procure a Replica of "The Maine Lobsterman." (S. P. 565) (Approved by a Majority of the Legislative Council pursuant to Joint Rule 27.)

Under Suspension of the Rules, the Bill Read Once. Under Further Suspension of the Rules, the Bill was Read a Second Time and Passed to be Engrossed without Reference to Committee.

Sent down forthwith for concurrence.

#### Committee Reports

##### House

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

Bill, "An Act to Repeal the Forced Deposit Law." (I. B. 1) (L. D. 1412)

##### Leave to Withdraw

The Committee on Judiciary on, Bill, "An Act Concerning Police Records." (H. P. 500) (L. D. 607)

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 Criminal History Record Information." (H. P. 544) (L. D. 675)

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 Impose a Tax on Timber Harvest to Provide for Reimbursement to Communities for Loss from the Tree Growth Tax Law." (H. P. 1270) (L. D. 1523)

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 Establish an Office of Mediation in the Area of Domestic Relations." (H. P. 1211) (L. D. 1541)

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 Energy and Natural Resources on, Bill, "An Act to Require the Reporting of Petroleum Inventories and Deliveries to the Office of Energy Resources."

(Emergency) (H. P. 1355) (L. D. 1591)

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. The Bill Read Once and Tomorrow Assigned for Second Reading.

##### Ought to Pass — As Amended

The Committee on Health and Institutional Services on Bill, "An Act Concerning Persons Exposed to Diethylstilbestrol." (H. P. 499) (L. D. 635)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 447).

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

The Committee on Public Utilities on, Bill, "An Act Concerning Setting of Electric Rates by the Public Utilities Commission." (H. P. 913) (L. D. 1118)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 453).

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

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

##### Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on Bill, "An Act to Increase the Funds for the Displaced Homemaker Program." (H. P. 779) (L. D. 981)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

HUBER of Cumberland  
PERKINS of Hancock

Representatives:

JALBERT of Lewiston  
BOUDREAU of Waterville  
HIGGINS of Scarborough  
KELLEHER of Bangor  
SMITH of Mars Hill

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-432).

Signed:

Sensor:

NAJARIAN of Cumberland

Representatives:

MORTON of Farmington  
CARTER of Winslow  
CHONKO of Topsham  
DIAMOND of Windham  
PEARSON of Old Town

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

Which Reports were Read.

On motion by Senator Katz of Kennebec, Tabled for 1 Legislative Day, pending Acceptance of Either Committee Report.

##### Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Provide for a Method of Arranging Voluntary Meetings Between Adoptees and Adoptive Parents and Natural Parents." (H. P. 1190) (L. D. 1431)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 434).

Signed:

Sensors:

COLLINS of Knox  
DEVORE of Penobscot  
TRAFTON of Androscoggin

Representatives:

SEWALL of Newcastle  
SIMON of Lewiston  
STETSON of Wiscasset  
JOYCE of Portland  
LAFFIN of Westbrook  
HOBBINS of Saco  
SILSBY of Ellsworth  
GRAY of Rockland  
HUGHES of Auburn

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

Signed:

Representative:

CARRIER of Westbrook

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

##### Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Permitting Binding Arbitration for Public Employees in Critical Public Services." (H. P. 102) (L. D. 122)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 425).

Signed:

Sensor:

PRAY of Penobscot

Representatives:

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

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

Signed:

Sensors:

LOVELL of York  
SUTTON of Oxford

Representatives:

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

Comes from the House, Bill and accompanying papers, Indefinitely Postponed.

Which Reports were Read.

On motion by Senator Sutton of Oxford, Indefinitely Postponed, in concurrence.

##### (Senate At Ease)

The Senate called to Order by the President.

##### (Off Record Remarks)

##### Divided Report

The Majority of the Committee on Aging, Retirement and Veterans on, Bill, "An Act Concerning Retirement for State Prison Employees." (H. P. 1138) (L. D. 1404)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (442)

Signed:

Sensors:

LOVELL of York  
TEAGUE of Somerset  
SILVERMAN of Washington

Representatives:

HICKEY of Augusta  
NELSON of Portland  
LOWE of Winterport  
STUDLEY of Berwick  
DELLERT of Gardiner

CHURCHILL of Orland  
HANSON of Kennebunkport  
PAUL of Sanford

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

Signed:

Representatives:

THERIAULT of Rumford  
REEVES of Newport

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 Public Utilities on, Bill, "An Act to Abolish the Fuel Adjustment Clause." (H. P. 961) (L. D. 1189)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

DEVOE of Penobscot  
COLLINS of Knox  
TRAFTON of Androscoggin

Representatives:

DAVIES of Orono  
GAVETT of Orono  
REEVES of Newport  
BROWN of Livermore Falls  
NELSON of Portland  
LOWE of Winterport  
VOSE of Eastport  
CUNNINGHAM of New Gloucester  
McKEAN of Limestone

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

Signed:

Representative:

BERRY of Buxton

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

Which Reports were Read.

On motion by Senator Conley of Cumberland, the Majority Ought Not to Pass Report of the Committee, Accepted, in concurrence.

#### Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Provide Mandatory Penalties for Drunken Driving." (H. P. 43) (L. D. 54)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

COLLINS of Knox  
DEVOE of Penobscot  
TRAFTON of Androscoggin

Representatives:

HOBBINS of Saco  
SEWALL of Newcastle  
JOYCE of Portland  
STETSON of Wiscasset  
CARRIER of Westbrook  
SIMON of Lewiston

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

Signed:

Representatives:

LAFFIN of Westbrook  
GRAY of Rockland  
SILSBY of Ellsworth

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

Which Reports were Read.

On motion by Senator Conley of Cumberland, the Majority Ought Not to Pass Report of the Committee, Accepted in concurrence.

#### Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Provide Matching Funds to Support and Expand the Foster Grandparent Program." (H. P. 685) (L. D. 865)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

HUBER of Cumberland  
PERKINS of Hancock

Representatives:

CARTER of Winslow  
HIGGINS of Scarborough  
BOUDREAU of Waterville  
DIAMOND of Windham  
MORTON of Farmington  
CHONKO of Topsham  
PEARSON of Old Town  
JALBERT of Lewiston  
KELLEHER of Bangor  
SMITH of Mars Hill

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

Signed:

Sensor:

NAJARIAN of Cumberland

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

Which Reports were Read.

On motion by Senator Katz of Kennebec, Tabled for 1 Legislative Day, pending Acceptance of Either Committee Report.

#### Senate

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 Increase State Reimbursement for the Net Costs of Local General Assistance." (S. P. 216) (L. D. 601)

Bill, "An Act to Provide an Elderly Home Heating and Cooking Fuels Program." (S. P. 431) (L. D. 1382)

#### Leave to Withdraw

Senator Emerson for the Committee on Local and County Government on, Bill, "An Act to Provide County Commissioners with the Exclusive Jurisdiction Over the Removal of Ice Jams." (S. P. 187) (L. D. 454)

Reported that the same be granted Leave to Withdraw.

Senator Teague for the Committee on Taxation on, Bill, "An Act to Provide a Maine Homestead Property Tax Credit." (S. P. 474) (L. D. 1471)

Reported that the same be granted Leave to Withdraw.

Which Reports were Read and Accepted.

Sent down for concurrence.

#### Ought to Pass

Senator Huber for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Allocate Moneys for the Administrative Expenses of the State Lottery Commission for the Fiscal Years Ending June 30, 1980 and June 30, 1981." (S. P. 492) (L. D. 1532)

Reported that the same Ought to Pass.

Which Report was Read and Accepted.

The Bill Read Once and Tomorrow Assigned for Second Reading.

#### Ought to Pass — As Amended

Senator Collins for the Committee on Judiciary on, Bill, "An Act to Clarify the Consent Requirements for Adoptions." (S. P. 455) (L. D. 1385)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S. 207)

Senator McBairty for the Committee on Energy and Natural Resources on, Bill, "An Act Relating to Appointment of Local Plumbing Inspectors in the Unorganized Townships." (S. P. 378) (L. D. 1158)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S. 206)

Senator Shute for the Committee on Marine Resources on, Bill, "An Act to Increase the Term of Special Licenses under the Marine Resources Law." (S. P. 169) (L. D. 370)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S. 210)

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.

#### Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds for Abortion Procedures for Persons Otherwise Eligible under Medicaid and to Effect Substantial Savings in the Costs of Government Services." (S. P. 464) (L. D. 1410)

Reported that the same Ought Not to Pass.

Signed:

Representatives:

DIAMOND of Windham  
SMITH of Mars Hill  
CHONKO of Topsham  
BOUDREAU of Waterville  
JALBERT of Lewiston  
KELLEHER of Bangor  
CARTER of Winslow  
PEARSON of Old Town

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

Signed:

Sensors:

HUBER of Cumberland  
PERKINS of Hancock  
NAJARIAN of Cumberland

Representatives:

MORTON of Farmington  
HIGGINS of Scarborough

Which Reports were Read.

On motion by Senator Katz of Kennebec, Tabled until later in today's session, pending Acceptance of Either Committee Report.

#### Divided Report

The Majority of the Committee on State Government on, Bill, "An Act to Exempt Certain Transportation Statutes from the Administrative Procedure Act." (Emergency) (S. P. 445) (L. D. 1365)

Reported that the same Ought to Pass.

Signed:

Sensors:

AULT of Kennebec  
SUTTON of Oxford  
MARTIN of Aroostook

Representatives:

MASTERTON of Cape Elizabeth  
KANY of Waterville  
PARADIS of Augusta  
LUND of Augusta  
DAMREN of Belgrade  
LANCASTER of Kittery  
REEVES of Pittston  
CONARY of Oakland

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

Signed:

Representatives:

BACHRACH of Brunswick  
BARRY of Fort Kent

Which Reports were Read.

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

Senator CONLEY: Mr. President, I'd pose a question through the Chair to any member of the Committee on State Government. I'd like to know if they could respond to why should the Department of Transportation all of a sudden be excluded from A.P.A.?

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair to any member of the State Government Committee who may care to answer.

The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator MARTIN: Mr. President and Ladies and Gentlemen of the Senate: At the hearing on L. D. 1365, which by the way, is my bill, the Department of Transportation notified us that annually there were well over 250 causes for hearings to be held state-wide, if these certain exemptions from the A.P.A. on Transportation were not exempted.

Simply, in response to the question from the Senator from Cumberland, basically 250 good reasons.

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

Senator O'LEARY: Mr. President, the Committee on Transportation is presently studying some of the rules and regulations promulgated by the Department of Transportation and Public Safety. There has also been studies by the Committee in the last session.

The Committee on Transportation has been concerned about this bill. We haven't had an opportunity to look at it, and whereas the Department of Transportation and Public Safety does come under the Transportation Committee, I would recommend that this bill be referred to the Committee on Transportation.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator MARTIN: Mr. President and Ladies and Gentlemen of the Senate: In response to the suggestion from my good colleague, Senator O'Leary. During our work session on this bill, the House Chairman of the Transportation Committee, along with 2 other members sat in at both the hearing and the work session.

At the time, I believe your Chairman was notified of this bill. You were all invited and welcomed at the work session. Obviously certain members of the Transportation Committee were involved in this bill. There was no opposition whatsoever.

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

#### Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Establish a Statutory Limit on County Expenditures During any One Fiscal Year." (S. P. 256) (L. D. 730)

Reported that the same Ought Not to Pass.

Signed:

Senator:

NAJARIAN of Cumberland

Representatives:

DIAMOND of Windham  
CHONKO of Topsham  
BOUDREAU of Waterville  
JALBERT of Lewiston  
KELLEHER of Bangor  
PEARSON of Old Town

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

Signed:

Sensors:

HUBER of Cumberland  
PERKINS of Hancock

Representatives:

MORTON of Farmington  
HIGGINS of Scarborough  
CARTER of Winslow  
SMITH of Mars Hill

Which Reports were Read.

On motion by Senator Katz of Kennebec, Tabled for 2 Legislative Days, pending Acceptance of Either Committee Report.

#### Second Readers

The Committee on Bills in the Second Read-

ing reported the following:

#### House

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

Bill, "An Act Concerning Traditional Methods of Construction Under the Manufactured Housing Statutes." (H. P. 724) (L. D. 911)

Bill, "An Act Relating to the Powers of Hospital and Medical Service Organizations." (H. P. 806) (L. D. 1009)

Bill, "An Act to Clarify the Interstate Corrections Compact." (H. P. 1167) (L. D. 1435)

Bill, "An Act to Amend the Split Sentencing Provisions of the Criminal Code." (H. P. 1130) (L. D. 1399)

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

#### House — As Amended

Bill, "An Act to Enable Delegation of the Prevention of Significant Deterioration of Air Quality Program." (H. P. 1207) (L. D. 1540)

Bill, "An Act to Allow Approved Conservation Plans to Satisfy the Requirements of the Water Pollution Abatement Licensing Program." (H. P. 1185) (L. D. 1458)

Bill, "An Act Concerning Detentions, Public Proceedings and Recording Requirements under the Juvenile Code." (H. P. 1144) (L. D. 1406)

Bill, "An Act to Establish Standard Assessment Procedures for the Tax Laws." (H. P. 1067) (L. D. 1348)

Bill, "An Act to Update the Insured Value Factor in the Computation of Legal Tuition Fees Under the Education Statutes." (H. P. 732) (L. D. 919)

Bill, "An Act to Provide Moneys for Snow Removal at Private Airports Open to the Public." (H. P. 1043) (L. D. 1194)

Bill, "An Act Concerning the Categories of "Horseless Carriage" and "Antique Motor Car" under the Motor Vehicle Statutes." (H. P. 635) (L. D. 786)

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

Bill, "An Act to Prohibit Rate Discrimination by Public Utilities." (H. P. 837) (L. D. 1041)

Which was Read a Second Time.

On motion by Senator Devoe of Penobscot, Tabled until later in today's session, pending Passage to be Engrossed.

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

Which was Read a Second Time.

On motion by Senator Pierce of Kennebec, Tabled, pending Passage to be Engrossed.

#### Senate — As Amended

Bill, "An Act to Expand the State's Program to Promote Apprenticeships." (S. P. 354) (L. D. 1102)

Bill, "An Act Concerning Gas Tax Refunds." (S. P. 150) (L. D. 327)

Bill, "An Act to Amend the Statutes Governing Vocational Regions." (S. P. 402) (L. D. 1266)

Bill, "An Act to Establish Special Retirement Provisions for CETA Employees." (S. P. 268) (L. D. 809)

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

Sent down for concurrence.

#### Enactors

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

An Act to Create a Ground Water Protection Commission to Review the Laws Dealing with Ground Water. (S. P. 397) (L. D. 1215)

An Act to Make the Attorney General's Explanations of Proposed Constitutional Amend-

ments and Statewide Referenda more Available to the Voters. (H. P. 183) (L. D. 235)

On motion by Senator Huber of Cumberland, Placed on the Special Appropriations Table, pending Enactment.

An Act to Clarify the Publication of School Records. (S. P. 123) (L. D. 249)

An Act to Eliminate the Termination Provisions of the "Food Products" Sales Tax Exemption. (S. P. 462) (L. D. 1428)

An Act to Amend the Maine Automobile Insurance Cancellation Control Act. (S. P. 463) (L. D. 1429)

An Act to Amend the Rate Filing Disapproval Requirements Pertaining to Nonprofit Hospital and Medical Service Organizations and Health Insurance Carriers. (S. P. 505) (L. D. 1566)

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

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

An Act Concerning Writ of Possession and Abandoned Property. (H. P. 669) (L. D. 829)

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)

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

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

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

#### Emergency

"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)

This being an emergency measure and having received the affirmative votes of 26 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.

#### Orders of the Day

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

SENATE REPORTS — from the Committee on labor — Bill, "An Act Permitting Binding Arbitration for Public Employees in Critical Public Services." (S. P. 197) (L. D. 464) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (S-191); Minority Report — Ought Not to Pass.

Tabled — May 17, 1979 by Senator Katz of Kennebec.

Pending — Acceptance of Either Report.

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

Senator SUTTON: Mr. President, I move the Senate Accept the Minority Ought Not to Pass Report.

On motion by Senator Conley of Cumberland, Tabled for 1 Legislative Day, pending the motion of Senator Sutton of Oxford.

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

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)

Tabled — May 17, 1979 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

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

Senator LOVELL: I move indefinite postponement of this bill, and all its accompanying papers. I would request a Roll Call.

The PRESIDENT: The Senator from York, Senator Lovell, moves that the Senate Indefinitely Postpone L. D. 1442.

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

Senator O'LEARY: Mr. President, the vote on this bill the other day, in this body, was 18 to 12, Ought to Pass. It was a Minority Report I will agree, but the Report of the Committee was 7 to 6, and it kind of astounds me that the good Senator from York County would be the one that would oppose this.

As I stated the other day, in York County they do exactly what we are asking in this. They do have an Educational Compact. It is for the Mentally Retarded. It does save money for the taxpayers of York County, and the School Districts.

We have something like 27 retarded students at the Hope Training School. The state does require that we have Special Education for the retarded. The school is accredited by the State Board of Education. The teachers are certified. The State Board of Education continues to review the program as it is in the school.

It behooves me to think that we pay these teachers less than we pay our other teachers in our public schools. We don't provide them with any Social Security, because the expense of the school is such that it requires less students per teacher, that all the money is used for the education. It behooves me to think that these dedicated people, who teach these students, are really dedicated and that when they reach an age where they can no longer teach, that there's nothing in the future for them. All I can think of is welfare programs that might assist them.

Mr. President, I look at myself as being very fortunate. I'm one of 9 children. Perhaps I'm a little mentally retarded myself, I don't know, but the rest of my brothers and sisters are all normal. I can't anywhere in my family, and out of the 9 of us children, I don't know how many more there are. I have 6 of my own. They're all healthy. There's none in my brothers and sisters, dozens of kids along the way, children that are mentally retarded.

My heart goes out to these people who have retarded children. The retarded children deserve as much as we can give them in the way of Special Education. Whereas we demand that they be given Special Education, I think it's only right that we provide some kind of compensation in the future years for these people. To just deny the teachers the right to pay their fair share into the system is wrong.

We had today a nearly unanimous Committee Report from the Committee on Aging and Retirement that deals with the guards. I notice that there's a cost on that of \$48,000. The cost on this bill is \$7,139 the first year, \$7,265 in the second year.

When I think of all the people that we put under the system, that have never paid a cent in, I wonder what's wrong with us. Mr. President, I hope that the Senate will bear with me today. Let this bill get to the Appropriations Table. If there is enough money it will be funded. If there isn't it will go the way of the other bills, if there's not enough money. Thank you, Mr. President.

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

Senator LOVELL: Might I inquire if I could hear the Secretary's Report on this bill.

The Committee Report was Read.

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

Senator LOVELL: Mr. President and Members of the Senate: All 3 Senators voted this bill Ought Not to Pass. Now I sympathize greatly with these 6 or 7 teachers in this school for the retarded, as every bill that we've had before our Committee on Aging that I've had to vote against, I've always felt sorry. We've got about \$8,000,000 worth of bills on the Appropriations Table now. The Committee picks out the first 5

they want passed. Certainly this is not going to be 1 of the first 5.

If the Senate wants to let this go through, go on the Appropriations Table, I don't mind. But it's been my policy, as it has been with the other Senators in this Senate, to on this type of bill, to go Ought Not to Pass, because it opens a whole new field of private schools. We just took three 3 private schools out of the Retirement System. Fryeburg Academy is one, I've forgotten the other 2. But the Committee as a whole, the Majority of the committee felt that this bill would open the door for 30 more private schools to come in. We just didn't feel that we could do that at this time. Thank you.

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

Senator O'LEARY: Mr. President, we're just rehashing old arguments that we went over last week. I understand the frustration of a lot of these bills before the Committee on Aging and Retirement. I sat for 2 terms on that Committee. There's a lot of bills that your heart goes out to. But some of these bills just ask for outright gifts.

I was in the same predicament as the good Senator from York, Senator Lovell, a lot of compassion, but they just weren't justified. The action taken by the Committee now is following right along the same policy set down by the good Senator from Knox, Senator Collins, and Representative Theriault of Rumford.

We're not talking about private schools here. We're talking about a public school. This is what disturbs me. We hear that there may be 30 more that are eligible. Well this I don't know. I assume and I believe that the figure given is correct. Once again, I would reiterate, you heard the Committee Report, and it was 7 to 6, it wasn't 10 to 3 as previously stated. I would reiterate what the Attorney General's opinion said, when he gave a definition of what a public school was. "Any public school conducted with in the state under the authority and supervision of a duly elected Board of Education, Superintendent of School Committee, or School Directors".

We have School Directors that are appointed by each one of the School Administrative Districts. As I said the other day, the children are from Northern Oxford County. They are from Franklin County, and one from Androscoggin County. It is clear in the Attorney General's opinion that this is a public school.

So I would just ask you once again to think about the 50 to 100 new teachers we have each year, that come into the Retirement System. The System absorbs them without any problem at all. They pay their share of the cost over the years. These same teachers would pay their share of the cost over the years. Thank you, Mr. President.

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 the Senate Indefinitely Postpone L. D. 1442.

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 — Ault, Clark, Devoe, Emerson, Huber, Katz, Lovell, McBreairty, Perkins, Pierce, Redmond, Shute, Silverman, Teague, Trotzky.

NAY — Carpenter, Conley, Cote, Farley,

Gill, Hichens, Martin, Minkowsky, O'Leary, Pray, Sutton, Trafton, Usher.

ABSENT — Chapman, Collins, Danton, Najarian.

A Roll Call was had.

15 Senators having voted in the affirmative, and 13 Senators in the negative, with 4 Senators being absent, the motion to Indefinitely Postpone in non-concurrence does prevail.

The Chair recognizes the Senator from York, Senator Lovell.

Senator LOVELL: Having voted on the prevailing side, I would request reconsideration, and hope you'll vote against me.

The PRESIDENT: The Senator from York, Senator Lovell, moves the Senate reconsider its action whereby it voted to Indefinitely Postpone L. D. 1442.

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

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The motion to reconsider does not prevail.

Sent down for concurrence.

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

Bill, "An Act to Clarify the Powers and Duties of the Office of Energy Resources." (S. P. 423) (L. D. 1294)

Tabled — May 17, 1979 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator McBreairty.

Senator MCBREAIRTY: I move Suspension of the Rules.

The PRESIDENT: The Senator from Aroostook, Senator McBreairty, moves the Senate Suspend its Rules.

Is this the pleasure of the Senate?

It is a vote.

The PRESIDENT: The Senator has the floor.

Senator MCBREAIRTY: I move we reconsider adoption of Committee Amendment "A".

The PRESIDENT: The Senator from Aroostook, Senator McBreairty, moves the Senate reconsider whereby it adopted Committee Amendment "A".

Senator MCBREAIRTY: I present Senate Amendment "A" to Committee Amendment "A" and move its Adoption.

The PRESIDENT: The Senator from Aroostook, Senator McBreairty, now offers Senate Amendment "A" to Committee Amendment "A", and moves its Adoption.

Senate Amendment "A" (S-211) Read and Adopted. Committee Amendment "A" as amended, Adopted, in non-concurrence. The Bill, as amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

HOUSE REPORT — from the Committee on Energy and Natural Resources — Bill, "An Act to Make Substantive Changes in the Forestry Statutes." (H. P. 1126) (L. D. 1396) Ought to Pass as Amended by Committee Amendment "A" (H-428)

Tabled — May 18, 1979 by Senator Pierce of Kennebec.

Pending — Acceptance of Report.

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

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

HOUSE REPORTS — from the Committee on Judiciary — Bill, "An Act to Limit Abortions in the Second and Third Trimesters to Certain Specified Situations." (H. P. 865) (L.



D. 1061) Majority Report — Ought to Pass in New Draft and New Title of "An Act Relating to Abortions" (H. P. 1394) (L. D. 1612) Minority Report — Ought to Pass with Committee Amendment "A" (H-413)

Tabled — May 18, 1979 by Senator Pierce of Kennebec.

Pending — Acceptance of Either Report.

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

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

HOUSE REPORTS — from the Committee on Labor — Bill, "An Act Concerning Arbitration Involving Municipal Fire and Police Departments." (H. P. 1191) (L. D. 1463) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-415) Minority Report — Ought Not to Pass

Tabled — May 18, 1979 by Senator Pierce of Kennebec.

Pending — Acceptance of Either Report.

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

Senator SUTTON: Mr. President, I move the Senate accept the Minority Ought Not to Pass Report.

The PRESIDENT: The Senator from Oxford, Senator Sutton, moves the Senate Accept the Minority Ought Not to Pass Report of the Committee.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate: The proposal that is before us, as amended, is one which was worked out in the Labor Committee, at one time had all but 2 members supporting it, including the Senator from Oxford, Senator Sutton.

The bill, as amended, addresses Police and Fire Departments, and allows binding arbitration for that area of our society which we consider to be of critical services. Presently, as you know on the existing law, if an impasse is reached, there is no further step that either side can take. Just the other day, we passed a bill put in by the Senator from Penobscot, Senator Trotzky, L. D. 713, "An Act Concerning Strike or Work Stoppage by Public Employees."

If you remember at the time, I suspended the rules and gave the bill its second reading, to speed it along in the process. But we must address the fact that these individuals have no other alternative after an impasse is reached. There's nowhere to go. It's illegal for them to strike, and they gain nothing by sitting at the tables.

The arbitration, binding upon the parties negotiating, in this area would allow that to go on for the last step of binding arbitration in which a settlement would be reached. The Senator from Penobscot, at the time, when an earlier bill was discussed, expressed concern about people coming in from out of state. The amendment requires that the arbitrators be Maine residents. It also sunsets this legislation at the end of 4 years. It requires that the Maine Labor Relations Board report back to the legislature on this small segment of society as to the effect of binding arbitration.

In reality, what we'd be talking about is very few contracts would enter into this binding arbitration. Thus it would set a model for the Legislature to actually know as to how it would work. We only need to look around the country and take a few examples of what has happened elsewhere.

Just this winter, the police struck in New Orleans. It caused a great deal of economic hardship on the State of New Orleans, because it was during one of their busiest times during the "Mardigras". Then it was estimated that almost a third of the crowd stayed away, because of that situation.

Police and firefighters are slowly becoming

frustrated at their inability to keep up with the private sector. In the private sector we do have binding arbitration.

I think that this proposal that's before us today, as amended, is a small step, addresses a small part of our public sector, that which is of critical service. Again, as I said, it sunsets at the end of 4 years. So very few contracts would be negotiated over this time period. Very few of them will probably reach an impasse. But those that do, this may help us prevent having a problem which has happened elsewhere in the country. I think it's better that we take the steps now instead of after an illegal strike takes place. Mr. President, I'd request a Roll Call on the motion.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, Ladies and Gentlemen of the Senate: Just a couple of remarks. The good Senator from Penobscot, Senator Pray, indicated that as the strike penalty bill came through the Senate it was given its second reading, and speedily sent on to the House for its automatic demise, and that's exactly what happened and that's why we did that.

I would like to point out to the Senate that part of what the good Senator had to say is certainly true. We, on the Committee, are concerned about the fact that when arbitration fails we do have a problem. We did try to work it out. Of course, one of the most important provisions that we sought to cover, was the fact that the municipalities lose all control of their budget and taxes by having binding arbitration. We suggested if it were to have even a slight chance of being workable that it should have an option for the financial package to go back to the voters for their referendum or their O.K. That was taken out. The University Police were added. They did make some good suggestions, as far as the arbitrators and the sunset provision.

I might point out also that the binding arbitration for State Employees is in its circuit between the Houses, someplace right now. That does have the legislative approval of the package, but again, administratively, it takes the bargaining out of the Governor's hands. He has publicly said that he will veto the bill, if it is passed.

I'd like to suggest also that binding arbitration is in effect in New York. In New York, just went through one of its biggest strikes with its prisons guards even though they had binding arbitration. I'll suggest to you that binding arbitration will not stop unions from going on strike if they don't like the package, regardless of what the arbitrator says. I'd urge you to not pass the Bill.

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

Senator TROTZKY: Mr. President and Members of the Senate: I believe that if the union and not the employers which have demanded binding arbitration, I ask each Senator to answer this question. Have the elected officials in your communities asked for binding arbitration? In my community they've gone on record, City Council, 8 to 1 against binding arbitration.

Historically this State Legislature has refused to surrender its own right of Final Budget determinations. I would suggest that it's unfair to the elected officials in your municipalities to force them to surrender their right to determine budgets.

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

Senator PRAY: Mr. President and Members of the Senate: I have no problems in trying to compromise a little bit with the Senator from Oxford, Senator Sutton. I'd have no problems in offering an amendment to take out the University Police. I'd have no problems in putting an amendment on there that would also require

that the package, after binding arbitration would go to referendum with the people, if either parties, let's say perhaps within 30 days, wanted to take it to the people. That way there we would allow the people to have the final say. Then both parties could present their sides of the argument to the general public. To do so though, of course, would require that we get the bill to Second Reading.

I would withdraw my request for a Roll Call, if the Senator from Oxford would withdraw his request to move the Minority Report.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The pending question before the Senate is the motion by the Senator from Oxford, Senator Sutton that the Senate accept the Minority Ought Not to Pass Report of the Committee.

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Ault, Devoe, Emerson, Gill, Hichens, Huber, Katz, Lovell, McBreairey, Perkins, Redmond, Shute, Sutton, Teague, Trotzky.

NAY — Carpenter, Chapman, Clark, Conley, Cote, Farley, Martin, Minkowsky, O'Leary, Pierce, Pray, Silverman, Trafton, Usher.

ABSENT — Collins, Danton, Najarian.

A Roll Call was had.

15 Senators having voted in the affirmative and 14 Senators in the negative, with 3 Senators being absent, the motion to accept the Minority Ought Not to Pass Report in non-concurrence does prevail.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I request reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Katz, having voted on the prevailing side, moves the Senate reconsider its action whereby it accepted the Minority Ought Not to Pass Report of the Committee.

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

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The motion does not prevail.

Sent down for concurrence.

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

Bill, "An Act to Provide Help to Small Businesses in Dealing with State Statutory and Regulatory Requirements." (H. P. 263) (L. D. 339)

Tabled — May 18, 1979 by Senator Redmond of Somerset.

Pending — Passage to be Engrossed.

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

The President laid before the Senate the Eighth Tabled and specially assigned matter: Bill, "An Act to Increase the Dollar Amount of an Accident that Must be Reported from \$200 to \$500." (H. P. 636) (L. D. 787)

Tabled — May 18, 1979 by Senator Emerson of Penobscot.

Pending — Passage to be Engrossed.

On motion by Senator Chapman of Sagadahoc, Retabled for 1 Legislative Day.

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

Bill, "An Act to Permit Nonprofit Legal Ser-



vice Organizations." (H. P. 642) (L. D. 797)

Tabled — May 18, 1979 by Senator Pierce of Kennebec.

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

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

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

Bill, "An Act to Continue Medical Benefits to Employees During Collective Bargaining Negotiations, Lockouts, Strikes and Other Job Actions." (S. P. 317) (L. D. 947)

Tabled — May 18, 1979 by Senator Pierce of Kennebec.

Pending — Passage to be Engrossed.

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

Senator SUTTON: Mr. President, I move that this L. D. 947 be Indefinitely Postponed with all its accompanying papers.

The PRESIDENT: The Senator from Oxford, Senator Sutton, moves that L. D. 947 be Indefinitely Postponed.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from York, Senator Farley.

Senator FARLEY: Mr. President, I would request a Division on the motion, and would request permission to speak very briefly.

The PRESIDENT: The Senator has the floor.

Senator FARLEY: Mr. President and Members of the Senate: The title of this piece of legislation, I guess is kind of scary to a lot of you. But I want you to know the truth is that in a majority of the cases, this is policy now.

This bill merely addresses some of those industries that where the working wage of many of the people are not to the level where they can persist for too long a period of time out, while collective bargaining is going on. In fact, the industries that I think this bill is addressing presently after the contract is negotiated, the employees are reimbursed. All that goes on now is just mental anguish for those people for that period of time that they are out during collective bargaining.

I would hope that we would today defeat the pending motion, and address this again in a more serious time and prior to Enactment.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, I'd just like to point out briefly that this is a very encompassing bill. As the good Senator pointed out, most of this is already being done. But it talks about medical, health, accident life insurance coverage or benefits. It covers everything. This is something that definitely should be left to be discussed between union and management and should not be legislated by the state.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from York, Senator Farley.

Senator FARLEY: Just briefly to respond to the good Senator from Oxford, this is medical benefits only. The rest of the benefits that he's addressing in regard to retirement, severance whatever it is, is not included in this piece of legislation. It's something that's never negotiable, the improvements are to those benefits. But the existing benefits in the contract are; not what's being addressed here. Merely that the health and life insurance benefits for the employee during that time of collective bargaining. I'll say it again, in a majority of the cases in the State of Maine, during collective bargaining, this is taken care of.

The bill calls for, if it's 50-50 medical insurance benefit, when the collective bargaining process starts, that is continued.

The PRESIDENT: The Chair recognizes the

Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I wouldn't want to cloud the issue. To listen to the good Senator from Oxford, Senator Sutton expresses this to be somewhat of a complicated bill.

I think one has to understand that if any individual that is involved in a strike, if their insurance premiums are not met, they can be very easily without insurance. All this bill tends to do is to allow that individual to be able to pay his 50% share of the cost of insurance and at the same time mandating that the company itself also meet its responsibilities by paying the other 50%.

The individual out on strike doesn't come forward with his monies for the cost of the insurance, then obviously he's not covered. It seems to me that by not at least passing this legislation, certainly puts a large number of families in jeopardy. We know that once ratification of a contract has taken place, that practically in every case, it's always retroactive with benefits and coverage. But the fact of the matter is it could very easily be a time period when one could be involved in such a situation where a very serious injury could effect a member of the family, and because of the fact that he was unable to obtain coverage for insurance, he could be a very serious problem. I think that those problems eventually fall back upon the state. I just believe that bill is a very reasonable piece of legislation.

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

Senator LOVELL: Mr. President and Ladies and Gentlemen of the Senate: I voted Ought Not to Pass on this bill. Section 8 says, "continuation of benefits during collective bargaining negotiations, walkouts, strikes and other jobs". I think the bill is wide open, I think the bill is dangerous.

Also to have to pay the insurance on a strike if a person is injured, I think it's up to that person to take care of himself. So I would request a Roll Call on this motion.

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

Senator HUBER: Mr. President, when the vote is taken I request Leave of the Senate to pair my vote with the Senator from Cumberland, Senator Najarian, who if she were here, would be voting No, and I would be voting Yes.

The PRESIDENT: The Senator from Cumberland, requests Leave of the Senate to pair her vote with the Senator from Cumberland, Senator Najarian, who if she were here would be voting Yes, and the Senator from Cumberland, Senator Huber, would be voting Yea.

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

It is a vote.

The pending question before the Senate is the motion by the Senator from Oxford, Senator Sutton, that L. D. 947 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 — Ault, Chapman, Collins, Devoe, Emerson, Gill, Hichens, Katz, Lovell, Pierce, Redmond, Sutton, Teague, Trotzky, Sewall.

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

ABSENT — Danton, Perkins.

PAIRED — Huber-Najarian.

A Roll Call was had.

15 Senators having voted in the affirmative, and 14 Senators in the negative, with 2 Senators having paired their votes, and 2 Senators being absent, the motion to Indefinitely Postpone does prevail.

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

Senator KATZ: I move reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves the Senate reconsider its action whereby L. D. 947 was Indefinitely Postponed.

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

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The motion to reconsider does not prevail.

Sent down for concurrence.

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

Bill, "An Act Relating to Gifts in Contemplation of Death." (H. P. 1145) (L. D. 1407)

Tabled — May 18, 1979 by Senator Devoe of Penobscot.

Pending — Enactment.

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

Senator DEVOE: Thank you, Mr. President. Mr. President, I move Indefinite Postponement of this bill and all its accompanying papers.

The PRESIDENT: The Senator from Penobscot, Senator Devoe, moves that L. D. 1407 be Indefinitely Postponed.

The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: Mr. President, all this Bill does and the amendment to it, is bring in line with the federal tax law to 3 years from the 2 year period. It is an increase of \$50,000 per year for the General Fund. It had a unanimous Ought to Pass from the Committee.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, does this represent a tax increase by passage of this bill?

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

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you, Mr. President. It does not increase the rate of inheritance tax. But it does increase possibly the number of gifts that might become subject to the inheritance tax. At the present time there is a difference between the federal law and the state law on the taxation of gifts made prior to death.

The federal law says that gifts made within 3 years of death are deemed to have been made in contemplation of death, therefore, they are fully includable in the federal estate tax return of the decedent, if there has to be one filed.

The State of Maine, however, has a tax period calling for taxation of gifts made within 2 years prior to death, but not beyond 2 years. This law will increase the period for which gifts made prior to death will be taxable.

The final sentence of this bill also exempts from tax, gifts of \$3,000 or less made to any one person during each of the 3 years prior to death. That is also a provision in this bill.

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

Senator KATZ: I thank the gentleman for his response. As I understand his response the answer is yes, that this is an increase in taxes, although the schedule remains unchanged, the application becomes broader and the result is a net increase in taxes, I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, as one who deals in this area with some frequency professionally, I would say that it is very uncertain whether there will be any tax increase or not. As soon as the public is informed through its professional advisors, that's the way most of the larger gifts happen these days, I think it's quite likely that there will not be any change in revenues or otherwise.

Personally I think that those who administer estates and the families that are affected by it, in the long run will be just as happy with the law made the same as the federal law, as they will if we leave things alone. There is a set off with respect to not having to argue about the smaller gifts of \$3,000 or less. With the great bulk of gifts in contemplation of death that we see in Maine estates, I think this is an advantage to the taxpayer that may well offset any disadvantage occasioned by the extra year time period. Therefore, I would urge that we go through the enactment of this particular piece of legislation.

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

Senator SHUTE: Mr. President, and Members of the Senate: I oppose this bill. I don't see that passing this bill just because we're going into conformity to the federal government is good enough reason to pass this. Now the good Senator from Knox, Senator Collins said that probably the people with large estates and have their own attorneys won't be affected by this anyway. But there are a lot of people who don't have their own attorneys and don't have large estates but they will be affected by this.

Now you've got to have a better reason for passing a law than to just say you're going to come into conformity with the federal standards. I think it's bad enough to know you're going to die 2 years prior to the date of your death. You make some contributions to members of the family, without putting this up to 3 years. Then say you can't make any contributions because they're going to collect extra taxes on it.

What if next session, we put this up to 10 years, then who's going to qualify for any gift or anything? The people that are going to escape under this law are the people that are escaping under it now. The ones that know the tax laws, the ones that have the attorneys.

Now, ordinarily the medium income family doesn't have an attorney to map out their estate. I support the Indefinite Postponement of this bill, made by the good gentleman from Penobscot, Senator Devoe.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of the motion to Indefinitely Postpone L. D. 1407, please rise in their places to be counted.

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

24 Senators having voted in the affirmative, and 6 Senators in the negative, the motion to Indefinitely Postpone does prevail in non-concurrence.

Sent down for concurrence.

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

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)

Tabled — May 18, 1979 by Senator Perkins of Hancock.

Pending — Enactment.

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

Senator KATZ: I request a Division.

The PRESIDENT: A Division has been requested.

requested.

Will all those Senators in favor of Enactment of L. D. 949, please rise in their places to be counted.

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

17 Senators having voted in the affirmative, and 13 Senators in the negative, the Bill Passed to be Enacted.

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

Senator CONLEY: Mr. President, having voted on the prevailing side, I would move reconsideration.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that the Senate reconsider its action whereby L. D. 949 was Passed to be Enacted.

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

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The motion does not prevail. Having been signed by the President, the Bill was by the Secretary presented to the Governor for his approval.

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

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

Tabled — May 18, 1979 by Senator Conley of Cumberland.

Pending — Motion of Senator Trotzky of Penobscot to Reconsider Adoption of Committee Amendment "A" (S-181).

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

Senator CONLEY: Mr. President, I would ask for a Division on the reconsideration.

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

Senator TROTZKY: Mr. President, and Members of the Senate: I'd hope the Senate would reconsider the adoption of Committee Amendment "A" so that I may offer Senate Amendment "B" Filing Number S-209 to this Committee Amendment.

I'd like to first ask what is the purpose of this bill? I would suggest by reading the Statement of Fact that the purpose of the bill is to protect minors in our society who are in trouble by being pregnant and are very vulnerable and need parental support. If you look at the bill, L. D. 604, Statement of Fact, the purpose of the bill is to insure parental participation in a minor's decision to have an abortion.

The amendment talks about complications may threaten the life or health of the patient, and therefore, the minor's parents being responsible should be notified.

I think that probably all of us in this Senate, support the concept that the parent should be notified of a minor's decision to have an abortion. However, we cannot ignore certain facts in our society. The Department of Human Services has been obliged to reallocate significant resources to the emerging problem of child abuse in our society, which is a tragedy but exists. It's a very sad reality, but there are parents who would, in fact, be abusive who would further mental anguish of an already despairing pregnant child.

What this committee amendment does is it puts forth an absolute mandate that parental notification must take place before an abortion is performed on a minor in the State of Maine. I feel that there must be some discretion exercised on behalf of the doctor. By this Committee Amendment we take away any discretion that the doctor may have.

What Senate Amendment "B" would do, is it would state that if in the judgment of the physician the notification of a parent would result in harm to the mental or physical health of the

minor, then that notice would not be necessary. I would suggest to members of the Senate that probably in the overwhelming majority of cases, that doctors do notify the parent. But in certain situations I think we should leave some discretion to the doctor.

When we pass criminal laws, looking at the laws we've passed, most of the criminal laws, we always leave discretion to judges. We leave discretion in terms of sentencing. We leave discretion in terms of fines.

So I would suggest that although most of us probably come from families where when we look back, there has been understanding, and parental support in our families, there are probably cases in the State of Maine where mandating the notification of the parent might lead to a young person running away, seeking abortions from people who are not doctors and also possibly the anxiety of running from doctor to doctor will result in the end in a possible suicide.

So I think we ought to have trust in the physicians of the state and I do support the concept of the bill. I think probably we all do that parents are responsible for minor children, and should be notified. But we should leave that small discretion for a doctor.

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

Senator HUBER: Mr. President, and Members of the Senate: I whole heartedly support the proposed amendment. I think this bill deals obviously with unemancipated minors. There are those in this unfortunate situation who can speak to their parents, and I'm sure they will.

Those minors who cannot speak to their parents are the real subject of this bill, and are those with whom I am most concerned. The notification by a doctor, which is the subject of this bill, informs the parent of several things. Four that I can think of, first of all, a third party notification that your child is sexually active. I think this is in many cases an explosive piece of information. Second, your child is pregnant, also an explosive piece of information. Third, your child is considering an abortion, which like the preceding two is also explosive. Finally, your child is unable to communicate with you.

Each of these facts presented by notification is the potential trigger for violence. I feel the intent of this bill is well meaning, but the results for some, at least, could be disastrous. Despite the good intentions the results for some minors, I'm convinced will be physical and mental abuse of pregnant children, suicide and perhaps even manslaughter.

This amendment preserves the humanitarian intent of the original bill, but it would allow a professional judgment by a physician to avoid the disasters that I'm convinced would be caused by the unamended bill. I do hope that the Senate will reconsider its action and will adopt the Senator from Penobscot, Senator Trotzky's amendment, and thus convert what may be one of the most inhumane bills before this legislature into a humane bill as originally intended.

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

Senator DEVOE: Thank you, Mr. President, Mr. President, I rise in opposition to the pending motion. As I've thought about this since I heard this possible amendment being introduced about a week ago, it seems somewhat inconsistent.

We have a lot of laws today that affect minors. That seems to me to be an inescapable fact. We say categorically that minors may not contract on behalf of themselves.

We have other laws protecting minors. To my knowledge none of them has an exception. There may be one exception that I can think of, involving minors contracting for necessities.

But let's look at the context in which exception might come into play. Very possibly the young lady who happens to find herself preg-

nant is likely to be at a clinic or in a community other than where she resides, talking with the doctor. How can a doctor based on a 10, 15, 20 minute or even a half hour conference, with this young lady who's under stress, make a decision that will be supported in fact, by which he decides that the exception must come into play.

Does that doctor know the family? Does that doctor or staff person at a clinic know the family? Very likely not, unless the young lady is from the South Portland area. If a girl from Bangor, finds herself pregnant and chooses not to go to some gynecologist in Bangor, where is she likely to go? Either south or north of her, maybe not in Bangor. If she does go to a doctor in Bangor, it's very likely that that particular doctor is not going to know her very well unless he also happened to be the attending physician when she was born.

So the proponents of this amendment are asking us to put in what I view as an enormous loophole into this statute under the guise of making an irrational law a rational law. But let's stop and think just a minute. Think of the context in which this is going to occur. Very likely a girl is going to be going to a doctor she has never seen before. Very possibly in a community where she does not live.

If this were to pass, I can see lots of the groups who have been lobbying against these bills rush to their typewriters and via for the distinction of coming up with a script which they would hand the girl. Doctor, here's my situation at home, and the girl will immediately go through this parade of horrors written out in the script.

The doctor is going to nod his head and say yes, Miss, I agree with you. You might be abused, therefore, you're subject to the exemption in the Statute, and I will exercise my discretion and you won't have to notify anyone, nor will I notify anyone. That's precisely what's going to happen, members of the Senate, whether we want to face it or not. That's exactly the kind of thing that is going to happen. It would make a charade of the doctor trying to exercise his judgment based on a 15 or 20 minute conversation.

It's hard enough to be a judge and a good judge of medical facts. What this exception proposes to do is to make the doctor a judge of non-medical facts based on 1 solitary visit of 10, 20, 30 minutes duration, with a patient. Very likely talking with a young lady he has never seen before and probably will never see again. I don't think that's a reasonable basis on which a doctor can make a truly informed decision as to whether or not the girl should be exempted from the notice requirements. Thank you very much, Mr. President.

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

Senator GILL: Mr. President, I'll try to be brief. I know we discussed this whole issue in quite a lengthy debate last week.

I know that Senator Trotzky means well in presenting his amendment, and I think that the reason he stated for presenting it was for fear of abuse for children in the pregnant situation. We have within the Department of Human Services a Child Abuse and Neglect Division. It's a liability now when there is abuse that has taken place, where there is possible abuse. It's a liability for people who don't report that. I maintain that the children that might be in such an abusive situation, they should have already been reported that their parents have abused them in the past or that there is chance for abuse in the future.

This Bureau has an Emergency Service that has people on call, social workers on call 24 hours a day. They can handle any emergency. There's a phone call there. For those people who don't report any possible abuse or abusive situation there is a fine of \$500 for those people. Since professional people working with the children must report and it goes down the

whole list of people who work with children who are mandated to report to Human Services on this.

As I spoke the other day, I don't believe there'll be any abusive situations develop in this particular instance where children if they've been abused, they've been abused in the past. I can't see that parents are going to start abusing children once they learn children are pregnant.

I go back to the family as the main stay. We know that there are many teenage pregnancies but I believe that what we've been doing in the past is taking care of the problem of pregnancy. I think we need to solve the underlying problems that exist. We can only do that with the involvement of the family in the situation. What affects one member of the family remember, affects all members of the family. I think it's about time that families got involved, and didn't try to call teenage pregnancy a Social Issue. Teenage pregnancy is a possible life-involved affair. I think the only way to handle that is with a family getting involved with that teenager who's in the situation she's in so that they can help her get through it. She needs that support.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, if it's the purpose of this bill to help the minor by bringing in parental support, then what reason is there to bring in parents if their role is not going to be supportive.

It seems to me that the amendment that will be offered by the Senator from Penobscot, Senator Trotzky, is a very humane compromise to a difficult problem. I hope you will vote in favor of the procedures necessary to permit this to become a part of this legislation.

It really surprises me a great deal to hear my brother, from Penobscot, who is a professional man, say that the members of another profession do not have the capacity in a short period of time to make judgments about what is best for the health of their patients.

As a professional man, I make judgments about what is best for the health of my clients many, many times on the basis of a half hour or a 1 hour interview. I'm able to make those judgments in a short space of time, because I've had years of training and years of experience. That's why people come to me, because they have confidence in my professional judgment.

When I go to a physician, I go to him because I have confidence in his professional judgment or her professional judgment. After the matter has been talked over and the facts are all known, I accept the professional judgment of the physician that I have consulted.

Does this legislature really think that it's an intelligent step to say to a physician. You shall not apply your professional judgment for the best interest of your patient. It seems to me that's the logical conclusion we come to if we accept the argument of the good Senator from Penobscot, Senator Devoe.

That's all that this amendment is really asking, to give a little more faith and confidence to the judgment of the physician in this very difficult and delicate situation. So that if he sees that it is not going to help his patient, that it is probably going to harm his patient, that there is this out.

I can tell you out of my own experience, members of the Senate, that that judgment properly applied may very well prevent suicide and manslaughter, because I have seen those things happen and talked to the people that were affected. I speak out of real experience, in this regard. I hope that you will vote to permit the reconsideration so that this amendment may be offered.

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

Senator GILL: I would request a Roll Call when the vote is taken. I respect Senator Col-

lins a great deal, but I don't believe that these physicians have the time or at least the physicians, I know, don't have the time to counsel people and don't have the background to counsel people for one hour or an hour and one half. I think what we need here is someone who is truly interested in that individual, either the parent, if the parent can't do it, I mentioned that there are social workers involved, that can help out, if the parents feels that they can't handle the child themselves, they can call in a third party.

I think what we need to do is get the family involved. This is the only way I know how. I don't like the amendment. I would request a Roll Call.

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

Senator LOVELL: Mr. President, I respect the good Senator from Knox, Senator Collins, but I would speak and go along with his ideas and statements.

If this bill should pass, or we should defeat this amendment, then the girl who may be from Bangor can go to Portland, but be refused in Portland, and then continue on out of state to a non-physician.

Now I'm the oldest member of the Senate, and I've been a pharmacist for 50 years, and I've had a great deal to do with abortions, and have seen abortions. An abortion is a very simple thing. It isn't as serious as a tonsillectomy. But it can spoil a girl's life, 13, 14, 15, 16, or 17. It can spoil her life because the man that gets her pregnant doesn't marry her and she is tied down with a child that has to go on the state.

If the doctors, and I know the doctors very well all over the state of Maine, they take the Oath of Hypocrities. Whenever they work on the patient they do their best. If it's an abortion, it's only a 10 minute job, and very, very seldom, in fact, I have never seen anyone that's had an abortion that was very sick from the abortion.

We've got 4,300,000,000 people in the world now, 4,300,000,000. By the year 2,000 we're going to have 7,000,000,000. An abortion is allowed in most of the countries of the world. We've got to have abortions, we've got to cut the population down because we can't feed 7,000,000,000 by the year 2,000. Some of you are going to be alive then, I'm not going to be. I'll be dead, being the oldest member of the Senate. Some of you are going to be alive. If you've got 7,000,000,000 people in this world, what are you going to do with them? How are you going to feed them? How are you going to get the land for farming? How are you going to get enough potatoes in Aroostook County? I believe this amendment should pass, be reconsidered.

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

Senator CLARK: Thank you, Mr. President. Mr. President, and Members of the Senate: The Senator from Cumberland, Senator Gill, has used as an argument resisting the proposed amendment the Child Abuse Council as it exists in the Department of Human Services. I would wonder for the purpose of clarification if that same Senator would expand the use or explain to me how the Child Abuse Council and the laws pertaining thereto could be implemented expeditiously in a situation that we're dealing with this afternoon.

The PRESIDENT: The Senator from Cumberland, Senator Clark, has posed a question through the Chair to the Senator from Cumberland who may answer if she so desires.

A Roll Call has been requested. Under the Constitution, in order to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen

a Roll Call is ordered.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I request Leave of the Senate to pair my vote with the Senator from Cumberland, Senator Najarian, if she were here, she would vote Yea, and I would vote Nay.

The PRESIDENT: The Senator from Cumberland, Senator Conley, requests Leave of the Senate to pair his vote with the Senator from Cumberland, Senator Najarian, who if she were here would be voting Yea, and the Senator from Cumberland, Senator Conley, would be voting Nay.

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

It is a vote.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President, I request Leave of the Senate to pair my vote with the Senator from York, Senator Danton, if Senator Danton were here, he would be voting Nay, and I would be voting Yea.

The PRESIDENT: The Senator from Cumberland, Senator Clark, requests Leave of the Senate, to pair her vote with the Senator from York, Senator Danton, who if he were here would be voting Nay, and the Senator from Cumberland, Senator Clark would be voting Yea.

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

It is a vote.

The pending question before the Senate is the motion by the Senator from Penobscot, Senator Trotzky, that the Senate reconsider its action whereby it adopted Committee Amendment "A" to L. D. 604.

A Yes vote will be in favor of reconsideration.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Ault, Chapman, Collins, Emerson, Huber, Katz, Lovell, McBreaity, Perkins, Pierce, Shute, Sutton, Teague, Trafon, Trotzky.

NAY — Carpenter, Cote, Devoe, Farley, Gill, Hichens, Martin, Minkowsky, O'Leary, Pray, Redmond, Silverman, Usher.

ABSENT — None.

PAIRED — Conley-Najarian; Clark-Danton. A Roll Call was had.

15 Senators having voted in the affirmative, and 13 Senators in the negative, with 4 Senators having paired their votes and no Senator being absent, the motion to reconsider Committee Amendment "A" does prevail.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, I present Senate Amendment "B" (Filing Number S-209) to Committee Amendment "A" and move its adoption.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, now offers Senate Amendment "B" to Committee Amendment "A", and moves its adoption.

Senate Amendment "B" (S-209) was Read.

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

Senator CARPENTER: Mr. President, I would oppose the adoption of Senate Amendment "B". Very briefly, things have been pretty well covered here this afternoon but I think that we ought to look a little bit harder maybe at what the good Senator from Penobscot, the points that Senator Devoe raised, in reference to this issue.

There aren't that many clinics in the state of Maine that are doing abortions. I'm very curious because I was approached several times on this amendment and I kept asking the people who approached me, and they were in favor of the amendment. I kept asking them to some-

how include the words evidence or something along this line that "the physician after having some evidence or reason to believe." Wording like that would have made me much more comfortable than judgment, but if you vote for this amendment you're gutting the entire bill, in my opinion.

We presently have laws, as the good Senator from Cumberland, Senator Gill, has already pointed out dealing with child abuse. If you pass this bill, and a physician makes a judgment that there is potential mental or physical abuse likely to come upon the pregnant teenager, then that physician is, in my opinion, in violation of other statutes. If he does not report that to the Department of Human Services, who then would investigate and the whole thing comes full circle.

I think the point that Senator Devoe brought out about the fact that the clinics are located in most cases, or in many cases, a long ways from the home of the particular teenager. I think that's a very, very fine point for us to look at. How is a doctor in South Portland going to make a decision on the potential abuse of a pregnant teenager from Fort Kent, from Houlton, from Bangor, from Augusta, based on a 10 or 15 minute interview, at which time the child is probably going to know what the law is and probably going to say, if that teenager has not already notified her parents regardless of what the family situation is going to be, you can bet that that teenager is going to know what the law is and is going to say all the terrible things that are going to happen to her if her parents are notified.

Where is this thing going to put the doctor then? What does he do then? Is he obligated to report to the Department of Human Services the potential child abuse case? I think if this amendment passes, Mr. President, I would ask when the vote is taken, it's taken on the Yeas and Nays.

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

Senator CONLEY: Mr. President, and Members of the Senate: As I read the title of this bill, it says "An Act to Insure Parental Participation in a Minor's Decision to have an Abortion."

The amendment presently before us dealing with Section 4, totally diffuses the entire bill. As I read the exception, "if a minor objects to notification, and if in the judgment of a physician, the notification over the minor's objections would result in harm to the mental or physical health of the minor, then notice as required under Sub-section 2, shall not be necessary."

Well I would ask members of the Senate, what is the purpose of the bill? What is the purpose of the bill? As a parent, each and every one of us are charged under the laws of this state, and are mandated for practically everything our children do or don't do. We are forced under the law to make sure that we feed them, that we clothe them, that we house them, that we give the proper education to them. Yet, we as parents who love our children, are being denied because of this amendment that is destroying this bill the right to know if one of our children have the misfortune of becoming pregnant, and seeks ramification through that means of an abortion.

I ask everyone in this Senate, as a parent, would you want to know if your daughter was being faced with that decision, with that decision, without any parental guidance whatsoever? We're going to allow a stranger who none of us have ever seen to make that decision for himself because of this exemption.

An abortion is a very serious decision in one's life. If we talk about a daughter 15, 16, 14, whatever the case may be, should we as parents not be concerned whether you are for abortion or whether you're against abortions, the question as a parent, don't I have that right?

We talk about the mental and physical abuse.

What about the mental abuse of a parent? We talk about physical abuse. Well I ask, think back 20 years or 25 years ago, or 45 years in the case of the good Senator from York, Senator Lovell. Think back! Would you dare to go before your parents and say I want an abortion, or I have to have an abortion. Would you dare do it? Have we established any different guidelines today for this new generation.

I know that under the law, as the father of 12 children, that I have a responsibility, not only under the law, but a moral responsibility. I have great concern for my kids, and practically every other kid in my neighborhood where things aren't as well as they are in other sections of the state. But I can tell you this. The kids are well loved by their parents. Yes, there are abuses, but we see abuses day after day after day. But for someone who voted for this bill last week, and turn around this morning and try to compromise their conscience to me is deplorable, because if you're in favor of this amendment you might just as well vote to Indefinitely Postpone the bill.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I understand the concerns of the good Senator from Cumberland, who is a good family man. I would only point out to the Senate, that there are all kinds of parents in this world. The kind of parent that the good Senator from Cumberland speaks of is going to be helped by this bill in its amended form.

The parent that deserves to know, ought to know, and can provide support. But the parent who is guilty of incest and beating and child abuse, that parent does not deserve to know. I say that it is intelligent discrimination to make a decision that permits a qualified professional man to help that child make that decision. I hope you will vote yes.

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

Senator CONLEY: Mr. President, I'd only respond to my good friend, the good Senator from Knox, Senator Collins, in this manner, when that decision has been made by that young girl, and all she has to say if you notify my parents I'm in grave despair, that is all that is required under this section for the doctor. Without ever meeting the girl's parents, without ever so much as seeing the girl's parents.

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

Senator LOVELL: Mr. President and Ladies and Gentlemen: In response to the good Senator from Portland, he is what you would call a good father. I have 7 children and I think I've been a good father. But we have at the present rate, we are the poorest state in the United States.

We have many thousands of divorced women and their husbands have left them and run off. They can't be caught. Now that's not the type of father that I'm talking about, like Senator Conley is. I'm talking about these people, these women, young girls, some of them, very young, getting pregnant and nobody to help them. Their father is divorced and their mother maybe is running out with some other man. It's happened to thousands all over the state. We're getting thousands of children that eventually the state takes care of. I think some of you folks are going to see the day when the population of the United States and the world is going to have to be limited. They are going to allow just so many children per family. After that, you may see it. After that the family will have to have an abortion unless it's a very strong thing against their religion, and can't be passed.

But the time is coming when we're not going to be able to feed everybody in the United States and everybody in the world. I think that now is the time that we should pass this amendment.

The PRESIDENT: The Chair recognizes the



Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, Ladies and Gentlemen of the Senate: Since you all pretty well know where I stand on this amendment, but in response to the remarks of the good Senator from York, Senator Lovell. I think this amendment, the intent of this amendment, and I'm not impugning the motives of the good Senator from Penobscot, Senator Trotzky. I'll rephrase that, not the intent, but the reality of this amendment is a pretty poor way to take care of world population.

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

Senator HICHENS: Mr. President and Members of the Senate: I'm hesitant to get up this morning because when I start speaking or even thinking about this issue, I get quite emotional. But I cannot let the statements of the good Senator from York go unchallenged. He has stood here this morning, and he's so worried about the overpopulation of this world, but yes, a couple weeks ago in the Senate Retiring Room he was reading about how a hundred youngsters had been killed in some country over in Africa.

We read about the earthquakes and we read about the other calamities. It really bothers us. But yet, this morning we're advocating that teenage girls can go and commit murder and that's all that it is. It's murder, and get away with it, and it's keeping down the population of our world. I think statements like this are ridiculous. I also go along with the Senator from Cumberland. As the parent of five daughters, I raised them to have faith that even though they might get into trouble, sometimes that they could come to their father, and he would try to understand.

I don't know how I'd cope with the situation if I ever found out that one of my daughters. They're not minors any more, they've all reached maturity. But when they were minors, if I had found out that they had gone and had an abortion without my knowledge, I don't know whether I'd ever been able to forgive them or not.

I think that we should consider the parents. The good gentleman behind me just stated that there are many fathers who would abuse their children. I think more fathers would abuse their children if they found out they'd had an abortion than there are those who would find out that they were pregnant.

I believe in the family structure in this country. I think that this amendment is one good way to erode that structure.

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

Senator TROTZKY: Mr. President, looking at the title of this bill. The title says, "An Act to Insure Parental Participation in a Minor's Decision to have an Abortion". Again I ask the Senate to examine what's the real purpose of this bill? I voted for this bill the first time around, and I voted for it because I think I know what the purpose is. The purpose is to bring a minor and the parents together. But those parents who will give support, not those parents who will harm that minor.

So essentially, I want to make it very clear, this bill in no way involves world populations or anything. I think it's a humane amendment and I would hope the Senate would give it consideration.

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

Senator CONLEY: Mr. President, once again, I'll pose the question through the Chair to the good Senator from Penobscot, Senator Trotzky, and ask who is making that decision? The parent, or some doctor who has never seen the parent, who never cares or even engage or consult with the parent, who because some child in her fear, her fear of being in that condition takes this route. Tells to a total stranger, the individual who is going to perform this act, that if you notify my parents, I will get

whipped, or I'm going to have mental problems. You tell me, where does that doctor make a diversion.

Any girl, all girls walk into that office and say I do not want this reported to my parents, out of fear. Now the good Senator from Penobscot, Senator Trotzky, cannot possibly be that naive.

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

Senator TROTZKY: Mr. President and Members of the Senate: I would suggest that we look at the situation in reality and Senator from Cumberland look at the situation in reality.

Assuming a young lady from some town up north goes to Bangor and the doctor says I'm under mandate to notify your parents. If the young person doesn't want the abortion there, on she goes to Portland. The same thing happens in Portland, from there the young person goes out of state and keeps moving. So I would suggest that the purpose of this bill is to protect minors. The purpose is concern for minors.

Again the bill itself, with the amendment, says to doctors in the state of Maine, that you shall notify the parent, when the parent can give that youngster support one way or another. But there are exceptions. There is a high rate of alcoholism in the state of Maine. There are many problems which occur because of poverty and extreme circumstances. So again that this amendment is adopted.

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

Senator GILL: Mr. President, I believe Senator Trotzky in his heart is a good soul. But I think he's focusing on the worst cases involved, and I think most parents, and I say most parents in this state can rise to the occasion to any occasion. They've had experiences, bad and good. They know how to handle all situations. They brought those children into the world. They have fed them, they have clothed them, they've gone through many hardships with them. I think that those are the people that should be responsible for them, and not someone for 10 or 15 minutes somewhere along the road.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, the pending question is the adoption of Senate Amendment "B".

The PRESIDENT: The Chair would answer in the affirmative.

Senator CONLEY: Mr. President, I request Leave of the Senate, to pair my vote with the Senator from Portland, Senator Najarian, if she were here she would be voting Yea, and I will be voting Nay.

The PRESIDENT: The Senator from Cumberland, Senator Conley, requests Leave of the Senate, to pair his vote with the Senator from Cumberland, Senator Najarian, who if she were here would be voting Yea and the Senator from Cumberland, Senator Conley, would be voting Nay.

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

It is a vote.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President, I request Leave of the Senate to pair my vote with the Senator from York, Senator Danton, who if he were here would be voting Nay, and I would be voting Yea.

The PRESIDENT: The Senator from Cum-

berland, Senator Clark, requests Leave of the Senate to pair her vote with the Senator from York, Senator Danton, who if he were here, would be voting Nay, and the Senator from Cumberland, Senator Clark, would be voting Yea.

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

It is a vote.

The pending question before the Senate is the Adoption of Senate Amendment "B" to Committee Amendment "A".

A Yes vote will be in favor of adoption of Senate Amendment "B".

A No vote will be opposed.

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

#### ROLL CALL

YEA — Ault, Chapman, Collins, Emerson, Huber, Katz, Lovell, McBreairey, Perkins, Sutton, Teague, Trafton, Trotzky.

NAY — Carpenter, Cote, Devoe, Farley, Gill, Hichens, Martin, Minkowsky, O'Leary, Pierce, Pray, Redmond, Shute, Silverman, Usher.

ABSENT — None.

PAIRED — Conley-Najarian; Clark-Danton.

A Roll Call was had.

13 Senators having voted in the affirmative, and 15 Senators in the negative, with 4 Senators having paired their votes, and no Senator being absent, the Adoption of Senate Amendment "B" to Committee Amendment "A" does not prevail.

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

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

Senator PRAY: Having voted on the prevailing side, I move reconsideration.

The PRESIDENT: The Senator from Penobscot, Senator Pray, moves that the Senate reconsider its action whereby L. D. 604 was Passed to be Engrossed.

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

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The motion does not prevail.

Sent down for concurrence.

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 Fund and Implement Agreements Between the State and the Maine State Employees Association and to Fund and Implement Benefits for Managerial and Other Employees of the Executive Branch Excluded from Coverage Under the State Employees Labor Relations Act. (H. P. 1361) (L. D. 1597)

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I support the Enactment of this bill and congratulate the Union and the Governor in working out this agreeable compromise.

For technical reasons I am going to read into the record Article 3 of the proposed contract. I wonder how many Senators in this room would be bold enough to hold up their hand if they have seen this contract. I note 2 hands have gone into the air.

I think this bespeaks a great deal of confidence in the personal integrity of our Governor and in the integrity of the Union leaders. For technical reasons because the bill that we are using is the same bill that was used prior to the modification of the contract on May 10, I want to read into the record, Article 3, the Union Security Clause, which is the change in the agreement as compared with the contract that was before the legislature when the original bill was considered.

## ARTICLE III. UNION SECURITY

Within thirty (30) days following the execution of this Agreement, all employees covered by the Agreement and who are not members of MSEA shall be provided and required to choose from the options of membership in MSEA, the payment to MSEA of a service fee equal to eighty percent (80%) of MSEA dues as a contribution towards the costs of collective bargaining, contract administration and the adjustment of grievances or exclusion from both. Any employee thereafter who is or becomes covered by the Agreement and is not a member of MSEA shall be provided and required to choose from such options within thirty (30) days after such conditions are met. A failure to choose membership or the eighty percent (80%) service fee options shall constitute a choice of exclusion from both.

Any employee choosing either the option of membership in MSEA or the option of payment of the eighty percent (80%) service fee shall be required to sign a written payroll deduction authorization form authorizing deduction from his or her pay of the membership dues or service fee from the thirtieth (30) day following the execution of the Agreement or the day thereafter the employee becomes covered by the Agreement and such written authorization shall be irrevocable for the term of this Agreement.

Any employee choosing exclusion from both the membership and the eighty percent (80%) service fee options shall be bound by such choice for the term of the Agreement and shall be entitled to the services of MSEA under the Agreement only upon payment to MSEA of reasonable fees, including reasonable fees for employee representative services and attorneys' fees, and costs and expenses, including arbitrators' fees and expenses, incurred by MSEA. The current schedule of MSEA fees is attached to this Agreement for informational purposes.

Any such employee complying with these conditions shall be entitled to MSEA services under the Agreement only on the same basis and under the same terms as MSEA members and employees paying the eighty percent (80%) service fee.

MSEA shall indemnify, defend and hold the state harmless against all claims and suits which may arise as a result of action taken pursuant to this Article.

I have read from a document entitled Agreement between the State of Maine and the Maine State Employees Association, Administrative Services Bargaining Unit 1978-1979, transmitted to me on the date of May 21, 1979, by Lanning Mosher of the Department of Employee Relations, under the heading MSEA Agreements. Enclosed is a copy of the final MSEA Administrative Services Agreement. The others will be almost identical. There are minor differences in overtime scheduling provisions in some, for example.

Thank you, Mr. President.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I request a Roll Call.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The Chair recognizes the gentleman from Washington, Senator Silverman.

Senator SILVERMAN: Mr. President and Members of the Senate: It's good to see that the Senator from Knox now willing to go along with the Contract of the Maine State Employees Association. But I think we ought to

have it on record that the working people for the State of Maine, the working men and women waited 4 years to come up with a suitable contract to meet the inflationary costs of today.

In our system of government, was presented on April 1, with that contract, and on May 21, this Senate finally gave final approval. I think the Maine State Employees should be well commended on the way they have acted and lived under the laws of our state of Maine.

I still will put a question that when the Judicial Court, the Supreme Court of the State of Maine, said that a fair share clause was legal and lawful, that there were members in this Senate, that would not allow this contract to pass until it was taken out. Thank you.

The PRESIDENT: The pending question before the Senate is the Enactment of L. D. 1597.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

## ROLL CALL

YEA — Ault, Carpenter, Chapman, Clark, Collins, Conley, Cote, Devoe, Emerson, Farley, Gill, Hichens, Huber, Katz, Lovell, Martin, McBreairty, Minkowsky, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Troitzky, Usher, Sewall.

NAY — None.

ABSENT — Danton, Najarian.

A Roll Call was had.

31 Senators having voted in the affirmative, and no Senators in the negative, and 2 Senators being absent, L. D. 1597 is Passed to be Enacted.

This being an emergency measure and having received the affirmative votes of 31 members of the Senate, with no Senators voting in the negative, 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 Katz of Kennebec, there being no objections, all items previously acted upon were sent forthwith.

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