

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
**OF THE**  
***One Hundred and Ninth***  
***Legislature***

**OF THE**  
**STATE OF MAINE**

**Volume II**

**First Regular Session**

**May 7, 1979 to June 15, 1979**

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

May 24, 1979

Senate called to Order by the President.

Prayer by the Honorable Charles P. Pray, Millinocket.

Senator PRAY: Let us pray. As we near the end of this session, let us keep faith with our actions, and that the people keep faith in our actions. Amen.

Reading of the Journal of yesterday.

Out of Order and Under Suspension of the Rules:

On motion by Senator Pierce of Kennebec, ORDERED, the House concurring, that when the House adjourns, it adjourns to nine o'clock in the morning on Tuesday, May 29; and when the Senate adjourns, it adjourns to ten thirty o'clock in the morning on Tuesday, May 29.

(S. P. 576)

Which was Read and Passed.  
Sent down for concurrence.

(Off Record Remarks)

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

**Order**

On motion by Senator Collins of Knox, ORDERED, the House concurring, that the Joint Standing Committee on Judiciary report out a bill to make additional corrections of errors and inconsistencies in the Laws of Maine to the Senate.

(S. P. 577)

Which was Read and Passed.  
Sent down forthwith for concurrence.

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

Bill, "An Act to Amend the Salary Range for the Insurance Superintendent." (Emergency) (H. P. 1421) (L. D. 1624)

In the House May 21, referred to the Committee on State Government and Ordered Printed.

In the Senate May 22, the Bill Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Adhered.

On motion by Senator Katz of Kennebec, Tabled, pending Consideration.

**Non-concurrent Matter**

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

In the Senate May 22, Passed to be Engrossed as amended by Senate Amendment "A" (S-189).

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

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

Senator SUTTON: Mr. President, I move that the Senate Recede and Concur.

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

Is this the pleasure of the Senate?

The Motion Prevailed.

**Non-concurrent Matter**

Bill, "An Act to Protect Management Personnel Where Unjustly Discharged or Involuntarily Retired." (H. P. 748) (L. D. 957)

In the House May 21, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-448).

In the Senate May 22, Report "A" Ought Not to Pass, Read and Accepted, in non-concurrence.

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

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

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

The PRESIDENT: The Senator from Oxford, Senator Sutton, moves that the Senate Adhere. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Knox, Senator COLLINS.

Senator COLLINS: I request a Division.

The PRESIDENT: A Division has been requested.

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

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

10 Senators having voted in the affirmative, and 15 Senators in the negative, the Motion to Adhere does not prevail.

The Chair recognizes the Senator from Cumberland, Senator CONLEY.

Senator CONLEY: I move that the Senate Insist and Join in a Committee of Conference.

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

Is this the pleasure of the Senate?

The Motion Prevailed.

**Non-concurrent Matter**

Bill, "An Act to Increase Interest Rates on Judgment Debts to 18%." (H. P. 501) (L. D. 608)

In the House May 21, the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-449).

In the Senate May 22, the Majority Ought Not to Pass Report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Adhered.

On motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending Consideration.

**Non-concurrent Matter**

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

In the Senate May 21, Passed to be Engrossed, as amended by Committee Amendment "A" (S-201)

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

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

Senator LOVELL: I move we Recede and Concur.

The PRESIDENT: The Senator from York, Senator Lovell, moves that the Senate Recede and Concur.

The Chair recognizes the Senator from Cumberland, Senator CLARK.

Senator CLARK: Mr. President, I would oppose the pending motion of Receding and Concurring as offered by the good Senator from York, Senator Lovell. This bill is a bill which has a Majority Ought to Pass Report, 12 to 1 from the Committee on Aging, Veterans and Retirement. I must admit that I express my amazement and dismay at the motion that is pending before us this afternoon.

This is an absolutely necessary piece of Legislation, and would ask for a Division on the pending motion.

The PRESIDENT: A Division has been requested.

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

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

12 Senators having voted in the affirmative,

and 14 Senators in the negative, the Motion to Recede and Concur does not prevail.

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

Senator CLARK: Thank you, Mr. President. I move that the Senate Insist.

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

Is this the pleasure of the Senate?

It is a vote.

**Joint Resolution**

Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Durward S. Heal of East Millinocket, an outstanding leader in education and school sports. . . (H. P. 1428)

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

**Orders**

On motion by Senator Katz of Kennebec, Co-sponsors: Senator Chapman of Sagadahoc, Representatives Bachrach of Brunswick and Stetson of Wiscasset,

WHEREAS, there is only one professional, resident musical proscenium theater company performing in the United States today;

WHEREAS, that company started in the summer of 1959 at the Pickard Theater on the Bowdoin Campus at Brunswick; and

WHEREAS, the Brunswick Music Theater, as it is called, has presented over 180 productions and entertained over one million people since its founding; and

WHEREAS, the founder and guiding spirit behind this significant development is Victoria Crandall who first came to Maine to help run a music camp in 1940; and

WHEREAS, she has warmed the hearts of many Mainers and, along with her talented cast, has contributed much to the musical awareness development and enjoyment in this State; now, therefore, be it

ORDERED, the House concurring, that we the members of the Senate and House of Representatives of the 109th Legislature, recognize this important and growing contribution of Mrs. Victoria Crandall and do hereby proclaim this Day, May 24 1979 as

BRUNSWICK MUSIC THEATER DAY in the State of Maine in her honor and urge all citizens to join in appropriate acknowledgement in honor and celebration of the occasion; and be it further

ORDERED, that a suitable copy of this Order be transmitted to Mrs. Crandall in token of our esteem. (S. P. 574)

Which was Read.

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

Senator CLARK: Thank you Mr. President, I would wish the record to reflect that this Senator from Cumberland, whose Senatorial District includes the Town of Brunswick, in which Pickard Theater and Bowdoin Campus is located, is very supportive of Passage of this Order.

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

Senator KATZ: Mr. President, all kinds of good things go on in Brunswick. Every once in awhile in the State of Maine somebody does something that's really quite remarkable. Out here in Readfield, which is not in my District, there's an Aluminum Fabricating Plant, right out in the woods. Unless you know it's there, you would never see it from the road. Yet a family named Saunders has created one of the leading businesses of its type in the United States, out in the woods, in Readfield.

I think about Geiger Brothers who made a little empire out of an idea that's gone on for many, many years in the State of Maine.

I guess Vicky Crandall's accomplishment is something akin to those 2, to have a profitable

non-governmental supported Summer Theater and Music Theater, is in itself a real challenge. Vicky Crandall has done it, she has entertained over 1,000,000 people. She is herself and her theater is an outstanding summer attraction, and I know that she comes from the home town or very close to the Senator Chapman. So all of us take pride and pleasure in her accomplishments today.

Which was Passed.

Sent down forthwith for concurrence.

#### (Off Record Remarks)

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

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

#### Order

An Expression of Legislative Sentiment recognizing that:

Joan Dow of Auburn is the recipient of the 1979 Greater Portland Ad Club Silver Metal Award which recognizes an outstanding advertising person who is a credit to the profession and the community. . . (S. P. 575) is presented by Senator Trafton of Androscoggin.

Which was Read and Passed.

Sent down for concurrence.

On motion by Senator Pierce of Kennebec, Recessed until the sound of the bell.

#### (Recess)

#### (After Recess)

The Senate called to order by the President.

On motion by Senator Clark, of Cumberland, the Senate voted to Suspend Senate Rule 39 for the remainder of today's session.

The Senate voted to Suspend its Rules, in order to allow the Committee on Fisheries and Wildlife to continue a Public Hearing currently in progress, attended by Senators Redmond of Somerset, Pierce of Kennebec and user of Cumberland.

#### Committee Reports

##### House

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

Bill, "An Act to Revise the Procedure for filing Absentee Ballots." (H. P. 999) (L. D. 1234)

Bill, "An Act to Honor School Construction Projects Approved under Prior Laws." (Emergency) (H. P. 696) (L. D. 874)

##### Leave to Withdraw

The Committee on Business Legislation on, Bill, "An Act to Provide for Public Input to Insurance Classifications and Classification Rate Structures." (H. P. 1021) (L. D. 1253)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

The Committee on State Government on, JOINT RESOLUTION to Ratify an Amendment to the Federal Constitution to Provide for Representation of the District of Columbia in the Congress." (H. P. 679) (L. D. 805)

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 Agriculture on, Bill, "An Act to Increase the Self-imposed Tax on Blueberries to Support Research and Extension Work as to the Effects of Inflation, the Shortage of Fuel Oil and Promotional and Marketing Aspects to Keep Maine Blueberries Competitive in North America." (H. P. 1340) (L. D. 1584)

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 the Coordination of Health Services Funded through the State and Federal Funds." (H. P. 737) (L. D. 924)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-483)

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

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

#### Ought to Pass — As Amended

The Committee on Energy and Natural Resources on, Bill, "An Act to Amend the Stream Alteration Act." (H. P. 267) (L. D. 385).

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-457)

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-506) Thereto.

Which Report was Read and Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" was Read.

On motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending Adoption of Committee Amendment "A".

#### Ought to Pass in New Draft

The Committee on Transportation on, Bill, "An Act to Revise the Motor Vehicle Inspection Laws." (H. P. 515) (L. D. 638)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Incorporate Standards in the Motor Vehicle Inspection Law and to Provide for Legislative Review of Rules Promulgated to Implement the Inspection Program." (H. P. 1423) (L. D. 1628)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed.

The Committee on State Government on, Bill, "An Act to Provide for an Environmental Doctor in the Department of Environmental Protection." (H. P. 880) (L. D. 1090)

Reported that the same Ought to Pass in New Draft under New Title, RESOLVE, to Study the Need for an Environmental Health Program." (Emergency) (H. P. 1422) (L. D. 1627)

Comes from the House, the Resolve, in New Draft, Passed to be Engrossed.

Which Reports were Read and Accepted, in concurrence, and the Bill, and Resolve New Draft, Read Once and Tomorrow Assigned for Second Reading.

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

#### Paper from the House

##### Non-Concurrent Matter

Bill, "An Act Relating to Arbitration under the State Employees Labor Relations Act." (H. P. 142) (L. D. 162)

In the House May 18, 1979, Passed to be En-

acted.

In the Senate May 23, 1979, Failed of Enactment.

Comes from the House, that Body having Adhered.

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

Senator SUTTON: Mr. President, I move the Senate Adhere.

The PRESIDENT: The Senator from Oxford, Senator Sutton, moves that the Senate Adhere.

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

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

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.

8 Senators having voted in the affirmative, and 18 Senators in the negative, the Motion to Recede and Concur does not Prevail.

Is it now the pleasure of the Senate to Adhere?

The Motion Prevailed.

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

Senator KATZ: I move reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate reconsider its action whereby it voted to Adhere.

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

Will all those opposed, please say No.

A Viva Voce Vote being had.

The motion does not Prevail.

#### (Off Record Remarks)

#### Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act Relating to Withdrawal Penalties under the Tree Growth Tax Law." (H. P. 1003) (L. D. 1237)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

TEAGUE of Somerset  
CHAPMAN of Sagadahoc  
CLARK of Cumberland

Representatives:

POST of Owl's Head  
KANE of South Portland  
COX of Brewer  
LEONARD of Woolwich  
BRENERMAN of Portland

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-476).

Signed:

Representatives:

MARSHALL of Millinocket  
TWITCHELL of Norway  
IMMONEN of West Paris  
WOOD of Sanford  
CARTER of Bangor

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" Thereto (H-485).

Which Reports were Read.

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

#### Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Allow Municipalities the Option of Charging Reasonable Service Charges on Certain Tax Exempt Property." (H. P. 982) (L. D. 1162)

Reported that the same Ought to Pass as

amended by Committee Amendment "A" (H-466).

Signed:  
Senators:

CHAPMAN of Somerset  
CLARK of Cumberland

Representatives:

MARSHALL of Millinocket  
WOOD of Sanford  
POST of Owl's Head  
BRENERMAN of Portland  
LEONARD of Woolwich  
KANE of South Portland  
COX of Brewer

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

Signed:  
Senator:

TEAGUE of Somerset

Representatives:

CARTER of Bangor  
IMMONEN of West Paris  
TWITCHELL of Norway

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-466).

Which Reports were Read.

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

#### Divided Report

Five members of the Committee on Judiciary on, Bill, "An Act to Increase the Good Times Deduction." (H. P. 1058) (L. D. 1308)

Reported in Report "A" that the same Ought to Pass as amended by Committee Amendment "A" (H-436).

Signed:  
Senators:

COLLINS of Knox  
DEVOE of Penobscot

Five members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass as amended by Committee Amendment "B" (H-437).

Signed:  
Senator:

TRAFTON of Androscoggin

Representatives:

HOBBS of Saco  
SEWALL of Newcastle  
SILSBY of Ellsworth  
HUGHES of Auburn

Two members of the same Committee on the same subject matter reported in Report "C" that the same Ought Not to Pass.

Signed:  
Representatives:

LAFFIN of Westbrook  
CARRIER of Westbrook

Comes from the House, Report "B" Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "B" as amended by House Amendment "A" Thereto (H-486)

Which Reports were Read.

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

Senator COLLINS: Mr. President, I move the Adoption of Report "A".

The PRESIDENT: The Senator from Knox, Senator Collins, moves that the Senate Accept Report "A" of the Committee.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President and Members of the Senate: I would hope that you would not accept Report "A" but instead would accept Committee Amendment "B".

Before you today, on your desks you have letter I have had distributed to you from Donald Allen, who is the Director of the Bureau of Corrections. In that letter, he speaks very strongly in support of Committee Amendment "B" which would increase the good time deductions from 10 days to 12 days, and the gain

time deductions from 2 days to 3 days. The second page of that also speaks to Committee Amendment "B", and offers you some of the reasons behind the suggested change.

I think it's important to remember that good time deductions are not just given, they are earned by the inmates of the Maine State Prison. They are earned by those individuals who strictly adhere to the rules of that institution, and who earn those days each month. Good time can be taken away if there is an infringement of the rules and it can only be earned as I said if there is strict adherence to those rules. The National Average for good time is 15 days, and Maine is presently only at 10 days. It seems a reasonable increase in the amount of good time allowed.

At the Maine State Prison now they presently have a little over 400 inmates. This is one of the major incentives they have for keeping the inmate population under control. It provides a great incentive for those individuals there to abide by the rules, because they can earn this so-called good time.

In the Committee Amendment "A", which 5 members of the Committee did support, there is another provision which relates to gain time. That provision is also included in Committee Amendment "A", which only increases gain time, is the result of what an increase in gain time could result in. That is, gain time is earned time by participating in a job. There are only about 100 jobs that are now available in the Maine State Prison, and 400 prisoners competing for those jobs. What results in the prison population is a great deal of animosity towards one another, a great deal of competition for those jobs, and sometimes a great deal of disruptiveness can result.

I would urge you to vote against the pending motion and to allow for the compromise offered in Committee Amendment "B". This is a compromise that has been worked out by the department in conjunction with the inmates at Maine State Prison. I think it presents a reasonable alternative to our present law.

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

Senator COLLINS: Mr. President, the differences in the two reports have been well described by the Senator from Androscoggin, Senator Trafton. I would like to relate the reasons for Report "A".

These reasons are perhaps best set forth in the recommendation of the Criminal Code Advisory Committee, which spends some time on these matters, and which includes a carefully selected panel of both prosecutors and defense attorneys.

The first reason is that when judges impose sentences, they are aware of the amount of good time, presently that's 10 days per month. They take it into account when they calculate the probable amount of time that would actually be served. If the Legislature is going to re-sentence criminals, we are second guessing the judges in this process.

The second thing is that no real penological interest has been argued in support of increased good time. The reasons advanced by the prisoners are that it's a matter of fairness. The reasons advanced by the bureau are that there's a problem of overcrowding. But we haven't really heard that extra time is needed as an incentive to encourage good behavior.

The present amount of time off is already substantial. We need to remember that one of the original goals of the sentencing structure of the criminal code was honesty with the public. The public had the idea, pre code that if there was a sentence of 3 to 6 years, that that might mean nearly 6 years incarceration, but in fact, it meant 3 years minus good time, and people were out of the streets in short order and the public was rather unhappy about that. This is one of the reasons that we shifted to a definite time structure of sentencing.

Now if we have approximately half of the good time deducted, then we're rapidly approaching this tendency to deceive the public. Now another goal of the code sentencing was certainty, that the prisoners would know their release dates more or less precisely.

The prisoners, of course, are urging a new lesser certainty. No matter what we do for them, they will want something else, I can assure you. This very process of urging more and more good time creates more uncertainty.

So if we want to really shape the structure that we created 4 years ago, that has now been in operation approximately 3 years, we can do it by adopting Report "B" but I don't think that makes good sense.

The merit time is a little different. The reasons the Committee decided in Report "A" to recommend 1 additional day of merit time is that it has to be earned by work. The language of the amendment encourages the prison official to provide more work. The more jobs that can be provided that permit the earning of merit time, we think the better, because the more people that are working, in a prison population, the happier it's going to be. So we went that 1 day per month step of recommending additional merit time. It really is a message to the prison administration and to the bureau that we hope they'll create more jobs. We've talked with them about that in the Committee, about greater use of the prison farm, greater use of inside occupational activity, and outside projects such as tearing down old buildings and cleaning up ball fields and things of that sort, that can be used to permit the earning of merit time.

So those are the 2 schools of thought that you have to consider. I hope that we won't depart from the basic idea of definite sentencing from the criminal code. The prisoners say, well, you've already got 2 classes or 3 classes of citizens. We all ought to be 1 class of citizens. Obviously you cannot make a change without creating different classes, because you cannot retroactively sentence people in a satisfactory manner. The idea that we give a blanket windfall in the sentencing seems to me to be a way of eroding the certainty that now prevails. I hope you will support Report "A".

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 Accept Report "A" of the Committee, please rise in their places to be counted.

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

14 Senators having voted in the affirmative, and 10 Senators in the negative, the Motion to Accept Report "A" in non-concurrence, does prevail, and the Bill Read Once. Committee Amendment "A" Read and Adopted, in non-concurrence, the Bill, as amended, Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Amending the Claim Period Provision of the Workers' Compensation Act." (H. P. 706) (L. D. 881)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-450)

Signed:  
Senator:

PRAY of Penobscot

Representatives:

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

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

Signed:

## Senators:

SUTTON of Oxford  
LOVELL of York

## Representatives:

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

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

Which Reports were Read.

On motion by Senator Sutton of Oxford, the Minority Ought Not to Pass, Report of the Committee, Accepted, in non-concurrence.

Sent down for concurrence.

**Divided Report**

The Majority of the Committee on Labor on, Bill, "An Act to Clarify the Disqualification Provision of the Employment Security Law." (H. P. 821) (L. D. 1028)

Reported that the same Ought Not to Pass.

Signed:

## Senator:

PRAY of Penobscot

## Representatives:

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

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

Signed:

## Senators:

SUTTON of Oxford  
LOVELL of York

## Representatives:

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

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

Which Reports were Read.

On motion by Senator Lovell, of York, the Minority Ought to Pass Report of the Committee, Accepted, in non-concurrence.

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

**Divided Report**

The Majority of the Committee on State Government on, Bill, "An Act to Create a Department of Forestry." (H. P. 1140) (L. D. 1433)

Reported that the same Ought Not to Pass.

Signed:

## Senator:

MARTIN of Aroostook

## Representatives:

KANY of Waterville  
MASTERTON of Cape Elizabeth  
BACHRACH of Brunswick  
LUND of Augusta  
PARADIS of Augusta  
REEVES of Pittston  
BARRY of Fort Kent

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

Signed:

## Senators:

SUTTON of Oxford  
AULT of Kennebec

## Representatives:

DAMREN of Belgrade  
CONARY of Oakland  
LANCASTER of Kittery

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

Which Reports were Read.

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

Sent down for concurrence.

The PRESIDENT: The Senator from Kennebec, Senator Ault, moves that the Senate Accept the Minority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Aroostook, Senator Martin.

Senator MARTIN: Mr. President, and Ladies and Gentlemen of the Senate: I would first request a Division, and simply point out that this bill would create a Department. At this time, I don't think it is needed. I would simply like the record to show that I would think that the good Chairman of the so-called I.Q. Alert Projects, Senator Katz would be interested in this bill, and would help me meet its defeat.

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

Senator KATZ: Mr. President, because the sound system is not of the best, I'm not sure I heard what the gentleman said. I hope that despite the fact that his arguments are very cogent that we might keep this bill alive over the Memorial Day weekend in respect to the Committee.

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

Senator PRAY: Mr. President and Members of the Senate: Since I'm going to spend the weekend with the idea that this bill is still alive, could I know what it's going to cost us?

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

Senator AULT: It's my understanding that since it just elevates the Bureau to the Department level there is no additional cost.

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

Senator SILVERMAN: Mr. President and Members of the Senate: About 6 years ago, when I was new at this work, I was placed on a Committee called State Government Reorganization, which many of you are familiar with. In that Committee we were responsible to organize the entire structure of Maine State Government.

We spent about 2 years at it, putting in a full summer. The approach at that time, and it was an expensive approach was to try to make the cabinet positions reporting to the Governor as small as possible, because if you sit around a cabinet table, I'm familiar with this too, over the last 2 years, and have 20 people reporting to a Governor. For the Governor who is the head of State, it is much easier to run the State with 20 people reporting to him than to sit around as it was before with 50, 60 or 70. You can imagine the type of operation you're running.

I'm not saying that the Department of Forestry isn't as important a Department as we have in the State. But if we're going to start destroying the work we did, and were praised for, 4 years or 5 years ago, I'm beginning to think, what is Government? First you spend money to go in one direction, and say isn't that wonderful! Then 4 years later you come back and spend money to go in just the opposite direction.

I do think there should be an accountability here, if we're going to start disorganizing what we reorganized 4 or 5 years ago, I think we should take a major stand to decide that, do we really need to start disorganizing what we reorganized and will it be beneficial on the cabinet level with the Executive to be more efficient and effective in running the State other than the system we have today? Thank you.

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

Senator KATZ: Mr. President, the Senator from Washington, propounds a very dangerous point of view. If the people of this State ever find out that it's not necessary that we constantly pass laws changing things, that we just put in position the previous session. The Legislature's liable to be out of business completely, and that would be a terrible thing. But I would urge the Members of the Senate, not to drag out the big guns at this time, and to save them for

whatever future occasion may arise on this bill.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of the Motion to Accept the Ought to Pass Report of this Bill, please rise in their places to be counted.

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

13 Senators having voted in the affirmative and 12 Senators in the negative, the Motion to Accept the Minority Ought to Pass Report in non-concurrence, does prevail.

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

**Divided Report**

The Majority of the Committee on Judiciary on, Bill, "An Act to Prohibit Drinking in Public under the Criminal Code." (H. P. 562) (L. D. 709).

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-489).

Signed:

## Senators:

COLLINS of Knox  
DEVOE of Penobscot  
TRAFTON of Androscoggin

## Representatives:

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

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

Signed:

Representative:

STETSON of Wiscasset

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

Which Reports were Read.

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

**Divided Report**

The Majority of the Committee on Business Legislation on, Bill, "An Act to Clarify the Regulation and Control of Financial Institutions with Respect to Life and Health Insurance." (H. P. 486) (L. D. 616)

Reported that the same Ought to Not to Pass.

Signed:

## Senator:

CLARK of Cumberland

## Representatives:

ALOUPIS of Bangor  
WHITEMORE of Skowhegan  
JACKSON of Yarmouth  
BRANNIGAN of Portland  
HOWE of South Portland  
GWADOSKY of Fairfield  
SPROWL of Hope

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

Signed:

## Senators:

CHAPMAN of Sagadahoc  
AULT of Kennebec

## Representatives:

BROWN of Bethel  
DUTREMBLE of Biddeford  
LIZOTTE of Biddeford

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

Which Reports were Read.

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

#### Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Revise the State Employee Labor Relations Act." (H. P. 341) (L. D. 440)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-500).

Signed:

Senator:

PRAY of Penobscot

Representatives:

TUTTLE of Sanford

BAKER of Portland

BEAULIEU of Portland

McHENRY of Madawaska

MARTIN of Brunswick

WYMAN of Pittsfield

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

Signed:

Sensors:

SUTTON of Oxford

LOVELL of York

Representatives:

FILLMORE of Freeport

DEXTER of Kingfield

LEWIS of Auburn

CUNNINGHAM of New Gloucester

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

Which Reports were Read.

On motion by Senator Sutton of Oxford, the Minority Ought Not to Pass Report of the Committee Accepted.

#### Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Provide a Property Tax Relief through a Homestead Exemption Tax Credit." (H. P. 1343) (L. D. 1585)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-499).

Signed:

Sensors:

TEAGUE of Somerset

CHAPMAN of Sagadahoc

CLARK of Cumberland

Representatives:

POST of Owl's Head

CARTER of Bangor

BRENERMAN of Portland

COX of Brewer

IMMONEN of West Paris

TWITCHELL of Norway

KANE of South Portland

WOOD of Sanford

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

Signed:

Representatives:

LEONARD of Woolwich

MARSHALL of Millinocket

Comes from the House, 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 Election Laws on, Bill, "An Act to Establish a Presidential Primary in the State of Maine." (H. P. 45) (L. D. 56)

Reported that the same Ought Not to Pass.

Signed:

Senator:

PIERCE of Kennebec

Representatives:

BERRY of Buxton

SEWALL of Newcastle

SMALL of Bath

GOULD of Old Town

WENTWORTH of Wells

STUDLEY of Berwick

TIERNEY of Lisbon

BENOIT of South Portland

NADEAU of Lewiston

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-502).

Signed:

Senator:

FARLEY of York

Representative:

HALL of Sangerville

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

Which Reports were Read.

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

#### Senate

##### Ought to Pass — As Amended

Senator Trotzky for the Committee on Education on, Bill, "An Act to Provide that SAD's May Contract for High School Education for its Students with any Other Approved School." (S. P. 242) (L. D. 691)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-231).

Senator Chapman for the Committee on Business Legislation on, Bill, "An Act Concerning the Financial Responsibility Laws." (S. P. 132) (L. D. 309)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-232).

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.

Senator Clark for the Committee on Business Legislation on, Bill, "An Act Concerning the Accountancy Statutes." (S. P. 175) (L. D. 367)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-233)

Which Report was Read and Accepted, and the Bill Read Once. Committee Amendment "A" Read.

On motion by Senator Katz of Kennebec, Tabled for 1 Legislative Day, pending Adoption of Committee Amendment "A".

#### Second Readers

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

##### House

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1979. (H. P. 1417) (L. D. 1621)

Bill, "An Act to Increase the Short-Term Investment Capabilities of the State." (H. P. 1048) (L. D. 1306)

Bill, "An Act to Revise the Medical Examination System." (H. P. 1151) (L. D. 1533)

Bill, "An Act Concerning Preservation Interests under the Property Laws Pertaining to Preserving or Restoring Historic Property." (H. P. 1212) (L. D. 1500)

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

##### House — As Amended

RESOLVE, for Laying of the County Taxes and authorizing Expenditures of Lincoln County for the Year 1979. (H. P. 1416) (L. D. 1620)

Bill, "An Act to Revise the Laws Relating to

Motor Vehicle Operator's Licenses." (H. P. 618) (L. D. 759)

Bill, "An Act Providing Additional Funds to Acquire Land for a Passenger Terminal, Transfer Bridge and a Parking Area for the Casco Bay Ferry Service in Portland and to Provide Funds for their Construction." (H. P. 199) (L. D. 248)

Bill, "An Act Concerning the Adoption of Management Plans by the Commissioner of Marine Resources." (H. P. 912) (L. D. 1120)

Bill, "An Act to Create a Special Commission on State Mandates Imposed on Local Units." (H. P. 1083) (L. D. 1350)

Bill, "An Act to Permit Optional Credit Life Insurance for the Co-maker of a Debt." (H. P. 929) (L. D. 1142)

Bill, "An Act Relating to Personnel Records of Employees of Political Subdivisions of the State." (H. P. 666) (L. D. 826)

Bill, "An Act to Monitor the Juvenile Code." (H. P. 892) (L. D. 1080)

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

#### Senate

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)

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

Sent down for concurrence.

##### Senate — As Amended

Bill, "An Act Relating to the Listing of Contracts Made by Real Estate Brokers and Salesmen." (S. P. 389) (L. D. 1200)

Bill, "An Act to Amend the Maine Consumer Credit Code." (S. P. 243) (L. D. 692)

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

Sent down for concurrence.

Bill, "An Act to Amend the Unit Ownership Act." (S. P. 429) (L. D. 1377)

Which was Read a Second Time.

On motion by Senator Clark of Cumberland, the Senate voted to reconsider its action whereby it Adopted Committee Amendment "A".

Senator CLARK: Mr. President, I present Senate Amendment "A" to Committee Amendment "A" under Filing number (S-236) and move its Adoption.

The PRESIDENT: The Senator from Cumberland, Senator Clark now offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption.

Senate Amendment "A" (S-236) Read, and Adopted. Committee Amendment "A" as amended, Adopted.

##### (Senate at Ease)

The Senate called to Order by the President.

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

Senator PIERCE: I offer Senator Amendment "A" to the Bill, under filing number S-237 and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now offers Senate Amendment "A" to L. D. 1377 and moves its adoption.

Senate Amendment "A" (S-237) Read and Adopted.

The Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

Bill, "An Act to Amend the Financial Institutions and Credit Union Laws." (S. P. 450) (L. D. 1413)

Which was Read a Second Time.

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



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

Senator DEVOE: Mr. President, I move that we reconsider our actions whereby we engrossed L. D. 1410.

The PRESIDENT: The Senator from Penobscot, Senator Devoe, moves that the Senate reconsider its action whereby

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) was Passed to be Engrossed.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Huber.

Senator HUBER: I request a Division, and would speak to my motion.

The PRESIDENT: The Senator from Cumberland, Senator Huber, moves a Division on the motion by the Senator from Penobscot, Senator Devoe, that the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

The Senator has the floor.

Senator HUBER: Mr. President and Members of the Senate: I would like to first point out that this Bill has nothing to do with legality or illegality of abortion. It does address the fact that at present access to this medical procedure is denied to some women simply because they are poor.

More affluent people do have access to safe legal abortion at present. We're talking about a mutual decision made in good conscience, and I repeat in good conscience, between a pregnant woman and her doctor.

Although almost all of us are reluctant to see this option acted upon, I feel that it should still remain a viable option to those who have this agonizing decision to make about their unwanted pregnancy.

To some morally acceptable. To others unacceptable. I appreciate the depth of conviction on both sides and respect the right to hold either view.

The sane and most humanitarian response to the problem posed by unwanted pregnancy of poor and non-poor would be to give adequate support to programs that would allow voluntary avoidance of pregnancy in the first place.

The prime justification for this bill is what it can do to allow individual self determination to allow people from falling into the pretty desperate situation this can cause.

We are experiencing an epidemic nationally of teenage pregnancy. These young people and primarily young people are facing a loss of options for the remainder of their life.

The estimate of this bill is that 600 of Maine's poorest women will be denied access to safe, legal abortions if present policy is followed.

"To tell a poor, pregnant woman that she has a legal right to an abortion but that she must pay for it herself is to tell her that her real choices are an unwanted birth, a hazardous self-abortion, resorting dangerous quackery or depriving her existing children of food or clothing so she can make the abortion payment."

The consequences of such unwanted births for the young mother, their children, their fathers and society are deep and long lasting. These include more illegitimacy or forced unstable marriages, more unwanted births, deepened poverty and dependency.

For the substantial number of teenagers who are denied abortion solely because of their poverty, the health, social and economic impact is especially devastating for parent, child and society.

I would point out although again to repeat the primary point of the bill is what it can do for individuals, that family planning services cost about \$65 per client per year, an abortion costs about \$250, if a medicaid delivery costs about

\$2,500, and Public Dependency under AFDC, Food Stamps and Medicaid, is about \$4,500 to \$4,600 a year.

Seven states have been enjoined by courts from enforcing more restrictive laws. Ten states and the D. of C. continue to pay voluntarily for all or most abortions to medicaid eligible women.

There are those who feel strongly that tax revenues should not be used to fund a medical procedure that is morally unacceptable to some people. We all support some programs we don't like. Pacifists support the defense budget, perhaps unwillingly but they do. Christian Scientists pay their share of Medicaid. Industrial interests finance various regulatory activities that they may oppose. Environmentalists support development interests with which they may disagree. We live in a pluralistic society in which various interests must co-exist without imposition of one view or belief upon another.

I would further point out that the original intent of Medicaid was to equalize medical services between rich and poor and to help the poor become independent and self sufficient. To make them ineligible for abortion defies justice, common sense and rational policy. Women and families burdened by unwanted children are often trapped in the poverty-welfare cycle. Neither abortion nor childbirth should be forced on poor women.

Of course, the best of solution of all would be to allow people to avoid unwanted pregnancies in the first place so that there would be no need to consider an abortion. Better sex education and more effective provision of family planning services are important ways of preventing those situations where abortion might be considered.

If the energies of those so much opposed to this subject could be focused in the direction of sex education and family planning we might be able to deal with the problems of unwanted pregnancies more creatively. Meanwhile, there are going to be unwanted pregnancies. There are going to be people who are going to have to make this agonizing decision. I hope this legislature will not close their options solely because they are poor.

I would call on this Legislature to deal with this subject openly and rationally. I have long advocated efforts to provide family planning services to those who need it. I think the Legislature should also attempt to provide more adequate education on this subject. However, unless we provide additional support in these comparatively inexpensive areas the difficult subject of abortion, legal or illegal will be constantly with us.

I would hope that the Senate will continue to support the Ought to Pass Report of this bill.

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

Senator DEVOE: Thank you, Mr. President. Mr. President and Members of the Senate: As we've all discovered the last 2 or 3 weeks, when we've been debating these issues, they are extremely sensitive and as the good Senator's from Cumberland just acknowledged view are held very deeply and sincerely by parties on both sides of this issue.

I would like to bring to the attention of the Senate that in 1977 Congress passed the Hyde Amendment to the Health and Educational and Welfare Appropriations Bill, which limited the use of federal funds for Medicaid abortions. Now let's look at what states have done since the Hyde Amendment was passed in 1977.

My understanding of what the states have done is that only 4 state legislatures have made the choice to expand abortion funding as the good Senator from Cumberland, is proposing. It so happens that 27 state legislatures have taken affirmative action which has resulted in more restrictive funding of abortion regulations than the federal guidelines.

Maine has continued to fund abortions in ac-

cordance with federal regulations. So if we can look and try to look dispassionately on what has happened across the country concerning this issue, we can see that there appears to be a clear trend in the minority and a vast minority of states to adopt an abortion funding program such as the good Senator is proposing.

A clear majority of the states have gone ahead and passed more restrictive regulations than the federal guidelines and 16, roughly 1/3 of the states have decided to continue funding abortions in accordance with the federal regulations.

So this gives us some idea of what other states are thinking. I submit to you that the evidence shows that one third of the states are continuing with the status quo in accordance with the Hyde Amendment, roughly 1/2 of the states have decided, and I'm sure after full exhaustive and rather emotional debate, they have decided to pass more restrictive funding.

Only 4 out of 50 states have decided to adopt the funding approach to the abortion situation that the good Senator is proposing. Now we have to get back to what the Supreme Court has said in recent cases. One of the things they said in Roe versus Wade is that to the extent that there is a constitutional right to have an abortion, we will not violate that right if we continue to fund abortions for indigent women only in cases of medical necessity. By restricting Medicaid abortions to such cases and by promoting normal childbirth, we are following and proposing a set of values that is in keeping with the sentiments of our people that have been specifically approved by the Supreme Court.

For these reasons, Members of the Senate, I ask you to vote for reconsideration of this matter. Thank you, very much.

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

Senator GILL: I don't want to speak long on this. We've talked about many abortion issues. I'm just very upset with having this in. Reading the title it talks about effective substantial savings, and the cost of governmental services, in providing these programs to people after they've delivered children, that they will be on AFDC and all that. I maintain the Senator from Cumberland, Senator Huber spoke about welfare programs, medicaid being initiated primarily to take care of people. The welfare assistance was to help the poor, not eliminate the poor, and I maintain that if we go along with this bill, what we'll be doing, we'll be eliminating any poor children in the future.

I happened to read an article not too long ago, it was about the International Year of the Child. Included in the article it talked about the Planned Parenthood Federation and how once it was performing a very worthwhile service in helping mom and dad stop having too many children and getting pregnant so often.

Now it acknowledges that children have rights to sexual expression. Once they are expressed they bring that Planned Parenthood Federation rings his hands over the lack of devices. Now we have before us a measure to allow for payment of abortions for children. I am very much opposed to this bill. I would also urge reconsideration.

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

Senator NAJARIAN: Mr. President and Members of the Senate: Given the fact that even among couples using birth control, 1 in 3 will have an unwanted pregnancy, every 5 years, we could expect the minimum number of 1,050 unplanned pregnancies per year among AFDC women.

Without public funding for abortions, poor women who do not want to be pregnant face 2 choices. They can get an illegal abortion, or they can have a baby they do not want. Hospitals and clinics cost so much money that this choice available to other women is closed off to the poor. Illegal abortions are cheaper, but much more dangerous. The risk of death is 12



times greater. The final risk is childbirth, 4 times as many women die of childbirth as of illegal abortions.

Poor women have a higher maternal mortality rate and more serious complications than women who are not poor. Teenagers have the highest mortality rate of all. Still growing children themselves, they are neither physically nor mentally ready to give birth to children of their own.

The teenage mother is a growing national tragedy, and a growing Maine tragedy. She's a lost life. She marries hastily, if at all, drops out of school, takes a paying job if she can find one, has another child before she is 20. She is caught in a treadmill. She will never have a chance to break out of the cycle of poverty and neither will her children.

I care very deeply for the lives and rights of women and the lives and rights of children. I care when I hear all around me, more concern for the welfare mother's boyfriend, than for her children. I care when I hear people say that all those women on welfare ought to put their kids in day care and get out and work. There weren't enough day care centers to take care of one tenth of the welfare children when I came to the Legislature, and that was 7 years ago. We haven't increased it much since.

I care that the best standard of living this state will provide them is at the 1969 poverty level. I care that the children of welfare mothers are ridiculed in school. Everybody makes fun of the project kids and wants nothing to do with them. They are smelly and unwashed because their mothers don't care. Landlords don't want them and this Legislature doesn't care. A bill to prevent discrimination against children went under the hammer here yesterday. Ought Not to Pass.

Their parents don't want them. The father simply goes his own way, and the mother can't cope with all the pressures and stress. The imposition of our moral and religious standards by denying access to abortion only for those at the bottom of the heap, and then promptly forgetting our responsibility to provide a decent life for those children is cruel, inhumane, and a misuse of our power.

This Legislature will succumb to political pressure and kill this bill. Then you will turn around and succumb to other political pressure, offered from the same source to defeat any increases in AFDC monthly allotments for the 50,000 children now on welfare.

To me there is nothing more tragic than a little child who is unloved and neglected, who is neglected and can't understand why, but old enough to feel the pain. Who becomes an unfulfilled adult with an aching and longing for love that is never satisfied, because the mother's love was never there. I can't believe that God wanted us to do this. Unless you're willing to vote to raise taxes, to provide enough to keep these children adequately nourished, clothed, sheltered, and to provide more money for social services, for the mother, day care centers, foster grandparents, half-way houses, residential treatment centers, mental health centers, and all the rest, so the mother can complete her education, can have job training, develop job skills. Unless you're willing to do these things and more, we should not be forcing these children to be brought into the world.

The PRESIDENT: A Division has been requested.

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

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

13 Senators having voted in the affirmative, and 13 Senators in the negative, the motion to reconsider does not prevail.

Sent down for concurrence.

#### Enactors

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

An Act to Modify the Dispute Resolution Process under the Labor Statutes. (H. P. 824) (L. D. 1035)

An Act to Establish a Committee to Report to the Legislature on the Feasibility of Rebuilding Dams for the Production of Electricity. (H. P. 1194) (L. D. 1461)

An Act to Encourage the Maine State Museum Commission to Acquire Works of Art Beneficial to the State. (H. P. 1171) (L. D. 1454)

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

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

An Act to Improve Election Laws and to Make Equal Application of Legal Requirements for Independents, Democrats and Republicans in all Respects. (H. P. 898) (L. D. 1136)

An Act to Clarify the Authority of the Public Utility Commission in the Enforcement of Rebate Orders. (H. P. 1149) (L. D. 1416)

An Act to Convert Wallagrass Plantation into the Town of Wallagrass. (H. P. 832) (L. D. 1039)

An Act Relating to the Protection of Underground Facilities. (H. P. 838) (L. D. 1036)

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

An Act to Regulate State Liquor Stores and Agencies. (H. P. 1243) (L. D. 1487)

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

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

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

Senator COLLINS: I request a Division on the question of Enactment.

The PRESIDENT: A Division has been requested.

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

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

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I request a Roll Call.

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

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

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate: I do not intend to belabor this piece of legislation, but I honestly believe that if this bill is to be enacted, that the funds for this bill should be taken from the General Fund, and not through some idea of gimmicky funding.

I can think of no better incentive for the police across this State than to go out and arrest everyone on the highway, as an incentive to fund the Maine Criminal Justice Academy. I think it's deplorable to try to fund a program, therefore, I would urge the Senate to vote against the Passage of this Bill.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you, Mr. President. Mr. President and Members of the Senate: I request permission to pair my vote with Senator Hichens. Were he here and voting, he would be voting Yes and I would be voting No.

The PRESIDENT: The Senator from Penobscot, Senator Devoe now requests Leave of the Senate to pair his vote with the Senator from York, Senator Hichens, who if he were here would be voting Yea, and the Senator from Penobscot, Senator Devoe, would be voting Nay.

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

It is a vote.

The pending question before the Senate is Enactment of L. D. 1608.

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, Chapman, Emerson, Gill, Huber, Katz, Lovell, Martin, McBreairey, Perkins, Pierce, Redmond, Shute, Silverman, Sutton, Teague.

NAY — Carpenter, Collins, Conley, Cote, Danton, Farley, Minkowsky, Najarian, O'Leary, Pray, Trafton, Trotzky, Usher

ABSENT — Clark.

PAIRED — Devoe-Hichens.

A Roll Call was had.

16 Senators having voted in the affirmative, and 13 Senators in the negative, with 2 Senators having paired their votes, and 1 Senator being absent, L. D. 1608 is Passed to be Enacted.

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 that the Senate reconsider its action whereby L. D. 1608 was Passed to be Enacted.

Will all those Senators in favor of the motion to reconsider, please say Yes.

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The motion does not prevail.

The Bill, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

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

Senator PERKINS: Mr. President, I move this item lie on the Table 1 Legislative Day.

The PRESIDENT: The Senator from Hancock, Senator Perkins, moves L. D. 1482, be tabled for 1 Legislative Day, pending Passage to be Enacted.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I request a Division.

The PRESIDENT: A Division has been requested.

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

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

15 Senators having voted in the affirmative, and 15 Senators in the negative, the Motion to Table does not Prevail.

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

Senator KATZ: Mr. President. I think the tabling motion is not indicative of how we would normally vote on this bill. Out of courtesy, I hope that irrespective of how you will feel, you will withhold your vote on Enactment. It's a tie vote, 15 to 15 vote, would reasonably slow this down so that the good Senator from Hancock, Senator Perkins to do whatever he wanted to do. So I hope it does end up in a 15-15 vote.

The PRESIDENT: The Chair recognizes the

Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, in response to the good Senator from Kennebec, Senator Katz. I would only suggest that the good Senator from Hancock, Senator Perkins, has had ample opportunity to do anything he wanted to do with this bill that has been around here for quite awhile.

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

Senator COLLINS: I request a Division on Enactment.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Enactment, please rise in their places.

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: 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 pending question before the Senate is Enactment of L. D. 1482.

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 — Carpenter, Conley, Cote, Danton, Devoe, Farley, Gill, Lovell, Martin, McBreairty, Minkowsky, O'Leary, Pierce, Pray, redmond, Silverman, Sutton, Teague, Usher

NAY — Ault, Chapman, Clark, Collins, Emerson, Huber, Katz, Najarian, Perkins, Shute, Trafton, Trotzky

ABSENT — Hichens

A Roll Call was had.

19 Senators having voted in the affirmative, and 12 Senators in the negative, with 1 Senator being absent, L. D. 1482 is Passed to be Enacted.

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

Senator DEVOE: Thank you, Mr. President. Mr. President, I move reconsideration, and ask that the Senate vote against me.

The PRESIDENT: The Senator from Penobscot, Senator Devoe, moves the Senate reconsider its action whereby L. D. 1482 was Passed to be Enacted.

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: I request a Roll Call on reconsideration.

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 Huber.

Senator HUBER: I move this item be tabled 1 Legislative Day.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves L. D. 1482 be Tabled 1 Legislative Day, pending the motion of the Senator from Penobscot, Senator Devoe.

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

An Act Pertaining to Motor Vehicles Passing Stopped School Buses. (H. P. 1041) (L. D. 1278)

The PRESIDENT: The Chair recognizes the

Senator from Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President, I would ask for a Division on the Enactment of this piece of legislation. I think that the penalties provided in this are exceptionally stiff. There would be circumstances beyond the driver's control, and I don't see how there is any way in this world to enforce this piece of legislation.

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

Senator EMERSON: Mr. President, and Ladies and Gentlemen: I just want to remind you again that this is an honest effort to try to find a way to enforce the laws for passing stopped school buses, and perhaps saving children's lives.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Enactment of L. D. 1278, please rise in their places to be counted.

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

14 Senators having voted in the affirmative, and 16 Senators in the negative, L. D. 1278 Fails of Enactment.

Sent down for concurrence.

#### Orders of the Day

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

Bill, "An Act to Make Substantive Changes in the Forestry Statutes." (H. P. 1126) (L. D. 1396)

Tabled—May 23, 1979 by Senator Redmond of Somerset.

Pending—Passage to be Engrossed.

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

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

HOUSE REPORT — from the Committee on State Government — Bill, "An Act Establishing Mechanisms to Pinpoint Responsibility and Facilitate Coordination between the Various Manpower Training and Economic Development Programs." (H. P. 714) (L. D. 887) Ought to Pass in New Draft in same Title (H. P. 1418) (L. D. 1622)

Tabled—May 23, 1979 by Senator Ault of Kennebec.

Pending—Acceptance of Report.

The Ought to Pass in New Draft of the Committee, Accepted in concurrence, and the Bill in New Draft Read Once, and tomorrow assigned for Second Reading.

The President laid before the Senate the third tabled, and specially assigned matter:

HOUSE REPORTS — from the Committee on Health and Institutional Services — Bill, "An Act to Provide a Grant to Community Health services, Inc., for a Long-term Care Demonstration Project." (H. P. 1087) (L. D. 1343) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-390); Minority Report — Ought Not to Pass.

Tabled—May 23, 1979 by Senator Pierce of Kennebec.

Pending—Motion of Senator Carpenter of Aroostook to Reconsider Acceptance of Minority (Ought Not to Pass) Report

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

Will all those 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, Bill, "An Act to Insure that Informed Consent is Obtained before an Elective Abortion is Performed." (S. P. 484) (L. D. 1482) was tabled earlier in today's session by the Senator from Kennebec, Senator Katz, pending the motion by the Senator from Penobscot, Senator Devoe.

A Roll Call has been ordered on the Recon-

sideration Motion.

The pending question before the Senate is the Motion by the Senator from Penobscot, Senator Devoe that the Senate Reconsider its action whereby L. D. 1482 was Passed to be Enacted.

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, Clark, Collins, Emerson, Huber, Katz, Lovell, Najarian, Perkins, Pierce, Shute, Trafton, Trotzky.

NAY — Carpenter, Conley, Cote, Danton, Devoe, Farley, Gill, Martin, McBreairty, Minkowsky, O'Leary, Pray, Redmond, Silverman, Sutton, Teague, Usher.

ABSENT — Hichens.

A Roll Call was had.

14 Senators having voted in the affirmative and 17 Senators in the negative, with 1 Senator being absent, the Motion does not Prevail.

The Bill, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Senator NAJARIAN: Is the Chair in possession of L. D. 855?

The PRESIDENT: The Chair would answer in the affirmative, the Bill having been held.

Senator NAJARIAN: Mr. President, I would ask reconsideration of this Bill's Passage to be Engrossed, and would speak to my motion.

The PRESIDENT: The Senator from Cumberland, Senator Najarian, now moves that the Senate Reconsider its action whereby Bill, "An Act to Amend Certain Property Tax Exemptions and to Require Continuing Periodic Review of Tax Exemptions." (H. P. 768) (L. D. 855) was Passed to be Engrossed.

The Senator has the floor.

Senator NAJARIAN: Mr. President and Members of the Senate: I am asking for reconsideration so that we can reconsider the adoption of Senate Amendment "A" that was put on yesterday.

Unfortunately, it went on very fast and I admit that I certainly and a lot of others did not know what was happening. As I understand the situation this Amendment would again place property tax exemptions on equipment leased by hospitals or health maintenance organizations. I can not see that this amendment benefits either the hospitals or the citizens and towns, because the equipment that hospitals lease are from out-of-state corporations. When we had the property tax exemption placed on the leased equipment, the out-of-state corporations did not reduce their rental fees to the hospitals, therefore, the hospitals did not save any money, which they could have passed on to their patients.

On the other hand the cities because of the exemption they could not tax the companies for this equipment, and in the end nobody benefits. Neither the cities and towns in Maine where these hospitals are renting equipment or the patients, so I do not see any point in having this amendment on this bill.

If we remove the amendment at least the towns and the cities where there are major hospitals who lease equipment could benefit from the tax exemption, because the only people who are benefiting now are companies like IBM and National Cash Register.

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

Senator GILL: I understand Senator Najarian's concern about the municipalities but I also am concerned and I am sure that she is about the consumers of those services in the hospitals and the leases that the hospitals have on leased equipment allow for a pass through to the hospital, if there is a surcharge or any taxes. The IBM companies or the large companies do not

have to pay, they will pass through that increase to the hospital for that leased equipment. The hospital in turn will pass it through to the consumers of services, of the hospitals. We are trying to keep health care costs down and I think those people who have to afford themselves of the services in the hospital are going through a trying enough time with their initial bills that they have to maintain without having an extra burden, or a pass through to them on leased equipment. I would urge that we not reconsider.

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

Senator TEAGUE: In answer to Senator Najarian, I checked with Mid-Maine Medical Center in Waterville, and they have about 2½ million dollars of equipment that is leased and they said that in every instance of those leases that if they were taxes that the lease reads the hospital would have to pay the tax, and multiplying say 2½ million roughly times 20 mil tax, would be a \$40,000. increase to Mid-Maine Medical Center.

On motion by Senator Devoe of Penobscot, Tabled 1 Legislative Day, pending the motion by Senator Najarian of Cumberland.

On motion by Senator Pierce of Kennebec, the Senate adjourned until Tuesday, May 29, at 10:30 o'clock in the morning.