

# 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

June 6, 1979

Senate called to order by the President.

Prayer by the Honorable Walter Hichens of Eliot.

Senator HICHENS: Our Father, as we bow before thee this morning, we thank thee for this beautiful day which thou hast given to us. We thank thee that we can come into this Session refreshed from a good night's rest.

We pray that thou will grant us wisdom, that thou will grant us the spirit of empathy, as we work together on this important Legislation before us.

Guide us throughout this day, and help us to remember that thou art watching and that thou are a loving and caring God. For we ask in Thy Name, Amen.

Reading of the Journal of yesterday.

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

Bill, "An Act to Determine what Environmental Laws Apply to Radioactive Waste Materials." (H. P. 799) (L. D. 1004)

In the House May 30, Passed to be Engrossed, as amended by Committee Amendment "A" (H-549).

In the Senate May 31, Passed to be Engrossed, as amended by Committee Amendment "A", as amended by Senate Amendment "A" (S-258) thereto, in non-concurrence.

Comes from the House, that Body having Insisted.

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

Senator KATZ: Mr. President, 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.

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

Senator O'LEARY: Mr. President, I'd move that the Senate Adhere.

This bill really is a lawyer's bonanza. If you want intervenors in the courts with our public utilities, each and every week, trying to determine what environmental laws apply, and anytime someone disagrees, this is exactly what will happen.

This bill received the blessings of the good Senator from Aroostook, Senator McBreairey and I, with the understanding that it would be amended. Therefore, we put our signature on the Ought to Pass. We put the amendment on there, the others don't like it now. So I'd move we Adhere.

The PRESIDENT: The Chair will order a Division.

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.

10 Senators having voted in the affirmative and 13 Senators in the negative, the Motion to Recede and Concur does not prevail.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, the Senate Amendment, which my motion to Recede and Concur would have us draw away from, is a very, very brief amendment that exempts Maine Yankee from any responsibilities from coming in for permission to establish a new pool or whatever, for disposal of atomic waste.

I would be very interested to hear from somebody on the opposing point of view why this amendment is essential for the passage of the bill.

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

Senator O'LEARY: At the present time, the

waste problems that are generated at Maine Yankee in Wiscasset are under certain rules and regulations of the National Atomic Energy Commission. To start exploring all the new laws that may be available, and going through the whole system may possibly shut Maine Yankee down again. That's why this amendment was applied.

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

Senator KATZ: Mr. President, we have a feeling that perhaps there is not a widespread knowledge of what the subject of the debate is. I read you this whole amendment. It says "Exemption; this section shall not apply to existing nuclear generating facilities within the State." If you would vote to Recede and Concur, you will strike that out of the bill. If you vote to Adhere, you insist on this protection for Maine Yankee. That is the only issue that I see unless I'm a late comer on a very, very complex scene.

The PRESIDENT: Is it the pleasure of the Senate to Adhere?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, I move that 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 with the House.

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

Senator O'LEARY: I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Trafton.

Senator TRAFTON: Mr. President and Members of the Senate: Though our numbers are somewhat diminished this morning, I hope that you'll take a very close look at this, because the amendment that went on, I think, has serious implications for our State and the development of nuclear power in our State. I would hope that you would go along with the Motion of the Senator from Kennebec, to Insist and Ask for a Committee of Conference.

What this amendment does is that it exempts Maine Yankee's future spent fuel pools from the requirement that notification be given. It also could involve other fuel elements being brought in from Out of State. So we're not talking about what exists with Maine Yankee right now. We're talking about the future of nuclear fuel dumps in this State. I think it's something that deserves a great deal of attention before we automatically exempt it under this amendment. So I certainly think a Committee of Conference would be a good use of our time.

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

Senator CHAPMAN: Mr. President and Members of the Senate: I'd just like to urge the Senate to support the pending motion, as an appropriate and sensible manner to handle this issue.

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

Will all those Senators in favor of the motion to Insist and Ask for a Committee of Conference with the House, 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 3 Senators in the negative, the Motion to Insist and Ask for a Committee of Conference does prevail.

**Non-concurrent Matter**

Bill, "An Act to Clarify the Form of the Local Consent Resolution Regarding State Housing Authority Assistance Allocation." (H. P. 402) (L. D. 508)

In the House May 24, Passed to be Engrossed, as amended by Committee Amendment "A" (H-503).

In the Senate May 31, Passed to be Engrossed, as amended by Committee Amendment "B" (H-504), 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 Kennebec, Senator Pierce.

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

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

Is this the pleasure of the Senate?

The Motion does Prevail.

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

Senator KATZ: Mr. President, I notice the Chamber now has a goodly number of people in it. Therefore, I move that the Senate reconsider its action on L. D. 1004, whereby it moved to Insist and ask for a Committee of Conference. If I am successful, I will then make a motion to Recede and Concur with the House.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate reconsider its action whereby on Bill, "An Act to Determine what Environmental Laws Apply to Radioactive Waste Materials." (H. P. 799) (L. D. 1004), it voted to Insist and Ask for a Committee of Conference.

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 Prevail.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: 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.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I now move Reconsideration.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that the Senate reconsider its action whereby it voted to Recede and Concur with the House.

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.

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.

**Communications**  
**OFFICE OF THE GOVERNOR**

June 5, 1979

To: The Honorable Members of the Senate and the House of Representatives of the 109th Maine Legislature:

I am returning, without my signature or ap-

proval, S. P. 545 — L. D. 1608, **An Act to Assess a Surcharge on Fines for the Operation of the Maine Criminal Justice Academy.**

When the concept embodied in this legislation was first advanced earlier this year I was tentatively receptive. I believe this idea worthy of consideration, as a majority of you did, because I recognize, as do you, the vital and constructive role filled by the Maine Criminal Justice Academy.

That institution has done a superb job in improving the law enforcement skills and even the operational judgments of Maine police officers. The training the Academy offers is indispensable to the creation of first rate police forces throughout the State.

On further reflection, however, I have become convinced that this Act is an inappropriate method for financing the Academy.

The overwhelming justification for the program cannot justify every conceivable means of financing it.

The essence of my objection is simply this: Our judges have a moral and legal duty to impose fines which, to the best of their knowledge of the circumstances of the defendant and of the case, are truly just.

The courts' verdicts must constitute a sum which is appropriately punitive and deterrent considering the conduct at issue and the person convicted. And, the public must have the perception that our judges do render just verdicts.

Not justice plus 10%.

Not fines with a sales tax added on.

Not penalties with a surcharge.

For such verdicts in the long run would only undermine citizens' respect for our judiciary.

This legislation would force judges into the difficult choice of discounting their fines by 10%, or else participating in a scheme to exact 10% more than was just from the individual defendant.

I believe that Maine courts would largely choose the first alternative, so that this legislation would be not only unwise, but also unproductive of additional revenues.

In fact, we would likely see little more than a shell game with revenues heretofore available for the General Fund shunted into a quasi-dedicated revenue account.

I coin the term "quasi-dedicated" to denote another problem with this legislation. For it does not truly create a new dedicated revenue account assuring funding for the Academy. Instead, the Act provides that the Legislature may make only such appropriations from surcharge funds available as it deems appropriate, with the balance lapsing to the General Fund.

Obviously, there is an implicit preference for Academy funding, but it is not mandated, nor is it predictable. Likewise, there is also an implicit limit for financing to that available from the surcharge.

Consequently, this legislation suffers from the disadvantages of both general fund and dedicated fund revenues.

In closing, let me reiterate my fundamental concerns:

First, that this bill will not truly serve the interests of our very valuable Criminal Justice Academy training program;

Second, that it will undermine public confidence in our judicial system by putting the cash register too close to the court room; and

Finally, that this Act destroys the fundamental principle that the punishment adjudicated ought to fit the crime.

I respectfully request that you sustain my veto of this measure.

Yours truly,

S/JOSEPH E. BRENNAN  
Governor

Which was Read and Ordered Placed on File.

The accompanying Bill, "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 stated the question before the Senate:

Shall this Bill become a law notwithstanding the objections of the Governor?

According to the Constitution, the vote will be taken by the Yeas and Nays.

A vote of Yes will be in favor of the Bill.

A vote of No will be in favor of sustaining the veto of the Governor.

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

Senator PIERCE: Mr. President and Members of the Senate: Surprise! Surprise! Surprise! Unfortunately the communications in the Governor's Office seem to be a little poor. I talked to him yesterday afternoon and he failed to mention this little gem. But I guess it's nothing new, that the Governor's communications with Republicans, especially Republican Leadership, seem to be lacking, or at least they don't seem to be getting any better. I think perhaps his judgment isn't getting any better either, but the one thing I haven't heard the Governor accused of by anybody is good judgment during this session.

I suspect that poor Commissioner Stilphen does indeed think that Representative Lewis's bill passed after all and he is the first victim. I think perhaps the message which is kind of interesting when I read it over a few times, could have been made much simpler. The fact of the matter is it could have said that Senator Conley and Senator Pray and Speaker Martin and Representative Kany and Representative Mitchell were after this bill. They got it! So why not call it as it is. Politics pure and simple.

This is a concept which the Governor has supported in the past. I think it's a better bill than it has been in the past, in addition to that. But you know, one of the advantages of having that person on the second floor is shown in this message. I don't deny the Minority Party using that. I just wish that they weren't able to use him, but they are and that's part of the game.

As I think back over it, I did somehow manage to get the bill through the legislature which was reasonably remarkable. I did manage to at least beat Democratic Leadership, which, of course, is becoming increasingly anti-law enforcement all the time. I did manage to beat them and I wondered where I finally went wrong. I think probably it was at the point where Senator Conley finally said that novena that he mentioned the other day. That's the one thing that I couldn't overcome.

So to the Governor I say, no more Mr. Nice Guy here. We've treated you too well, Governor! Every action has a re-action. Every action has a price. If I'm going to lose a Bill, I could honestly say that I couldn't lose it to a nicer guy than Gerry Conley. I thank the Senators in here who supported me on the Bill. Certainly I would hope you would feel free however you want on the override. Obviously we aren't going to override it, 'We will live to fight another day.'

(Off Record Remarks)

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

Senator COLLINS: Mr. President, I think the Governor's veto is founded in a good judgment about the proper way of financing governmental activity. I hope that the Senate will vote to sustain the veto.

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

Senator CONLEY: Mr. President and Members of the Senate: First of all I'd like to respond to the earlier statement made by the good Senator from Kennebec, Senator Pierce. That is that there has been a breakdown in communications between the Republican Leadership and the Governor. It's clearly evident to me that the Governor sent the good Senator from Kennebec almost a personal message that's on

Page 2 of today's calendar.

In all honestly I think if one reads the message as it's written on Page 2 of this document, it's very clear, it's very precise. It certainly speaks to the philosophy that I think most people in this State would respond to with the Judicial System.

I've always referred to this bill as sort of a Bounty Bill. I thought we'd really start getting every trooper in the State and every local policeman in the State out doing more arrests and overburdening the courts. Perhaps with a lot of trivial matters. It's not the way that I can see to fund the Maine Criminal Justice Academy.

The Governor has indicated in his message his fondness for the Academy. He obviously believes that this is not the proper way of funding the Academy. You take the example of the judge fining you the normal fee, whatever it is, normal fine, then you add on the 10% surcharge. Or then we might have a compassionate judge, who might instead of fining you the \$25, may fine you the \$23.50. Then the surcharge of \$2.50 on top of that, which would then be taking money away from the General Fund.

I don't think we want to operate our court system on a cash register basis, not for the purpose of funding the Maine Criminal Justice Academy. Therefore, if we want justice in the sense that we truly understand it, then I would urge the Senate to sustain the veto of the Governor.

Is the Senate ready for the question?

The Doorkeepers will Secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Chapman, Gill, Hichens, Katz, Lovell, Perkins, Pierce, Redmond, Shute, Sutton, Teague.

NAY—Ault, Carpenter, Clark, Collins, Conley, Cote, Danton, Devoe, Emerson, Farley, Huber, McBreairey, Minkowsky, Najarian, O'Leary, Pray, Silverman, Trafton, Trotzky, Usher, Sewall.

ABSENT—Martin.

11 Senators having voted in the affirmative and 21 Senators in the negative, with 1 Senator being absent; 11 being less than two-thirds of the membership present, the veto of the Governor is sustained.

HOUSE OF REPRESENTATIVES

June 5, 1979

Honorable May M. Ross

Secretary of the Senate

109th Legislature

Augusta, Maine 04333

Dear Madam Secretary:

The Speaker appointed the following Conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature 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)

Mrs. POST of Owl's Head

Mr. BRENERMAN of Portland

Mr. MARSHALL of Millinocket

The Speaker also appointed the following Conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Make Drinking in an Unlicensed Public Place a Class E Crime" (S. P. 2) (L. D. 2)

Mr. VIOLETTE of Van Buren

Mr. BERRY of Buxton

Mr. SPROWL of Hope

Respectfully,

S/EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

Orders

Expressions of Legislative Sentiment recognizing that:

Mr. and Mrs. Hartson Blackstone, Sr., of Perham, will be celebrating their 60th wedding anniversary of June 18, 1979 . . . (S. P. 608) is

presented by Senator McBreairty of Aroostook, cosponsored by Representative Nelson of New Sweden.

Scott McIntosh, son of Mr. and Mrs. Roscoe McIntosh of Wade, and grandson of Senator and Mrs. James McBreairty from Aroostook County, has completed 12 years of school without missing a day . . . (S. P. 609) is presented by Senator McBreairty of Aroostook, cosponsored by Representative Nelson of New Sweden.

Edith Counter, of Brunswick, has achieved the rank of First Class in Girl Scout Cadet Troop No. 475 . . . (S. P. 610) is presented by Senator Clark of Cumberland, cosponsored by Representative Bachrach of Brunswick and Representative Martin of Brunswick.

Valerie Caron, of Brunswick, has achieved the rank of First Class in Girl Scout Cadet Troop No. 475 . . . (S. P. 611) is presented by Senator Clark of Cumberland, cosponsored by Representative Bachrach of Brunswick and Representative Martin of Brunswick.

Beth Rancourt, of Brunswick, has achieved the rank of the First Class in Girl Scout Cadet Troop No. 475 . . . (S. P. 612) is presented by Senator Clark of Cumberland, cosponsored by Representative Bachrach of Brunswick and Representative Martin of Brunswick.

Which were Read and Passed.  
Sent down for concurrence.

Delta Air Lines, Inc. will celebrate its 50th anniversary on June 17, 1979 . . . (S. P. 606) is presented by Senator Usher of Cumberland, cosponsored by Senator Najarian of Cumberland and Senator Conley of Cumberland.

Which was Read.

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

Senator TROTZKY: Mr. President and Members of the Senate: I'm delighted to see that the good Democratic Senators, Senator Conley, Senator Najarian and Senator Usher have singled out Delta Air Lines in S. P. 606. It is true that Delta is one of the most successful, most profitable, most efficient and safest airlines in the United States.

In fact on the New York Stock Exchange Delta gained 1/2 point the other day. It is also the only major carrier that is non-unionized.

Which was Passed.

Sent down for concurrence.

On motion by Senator O'Leary of Oxford,  
WHEREAS, the Legislature finds and declares that an economic, efficient and environmentally sound method of waste disposal is of the highest priority, that municipalities are generating increasing amounts of solid waste with no systematic or consistent methods being used to reduce the volume of waste or to soundly dispose of it, and that failure to plan properly for future solid waste may further deplete already taxed natural resources and aggravate environmental and public health problems resulting from present inadequate practices of resource recovery and solid waste disposal; and

WHEREAS, the proliferation of sanitary landfills may not be in the best economic or environmental interests of the State; and

WHEREAS, it is necessary to perform a comprehensive examination of the methods of planning, implementing and funding solid waste disposal; now, therefore, be it

ORDERED, the House concurring, subject to the Legislative Council's review and determinations hereinafter provided, that the Joint Standing Committee on Energy and Natural Resources shall study the economic, social and environmental feasibility of initiating a statewide, comprehensive system of energy and resource recovery, recycling and disposal of solid waste; and be it further

ORDERED, that the adequacy of rail and other transportation networks be examined to determine the feasibility of consolidating recycling and disposal facilities; and be it further

ORDERED, that alternative methods of funding solid waste facilities be studied; and be it further

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

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

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

(S. P. 607)

Which was Read.

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

The Chair appointed on the part of the Senate as Conferees on "An Act to Clarify the Form of Local Consent Resolution, Regarding State Housing Authority Assistance Allocation." (H. P. 402) (L. D. 508)

Senators:

KATZ of Kennebec  
PIERCE of Kennebec  
NAJARIAN of Cumberland

The Chair appointed on the part of the Senate as Conferees on "An Act to Make Drinking in an Unlicensed Public Place a Class E Crime." (S. P. 2) (L. D. 2)

Senators:

SHUTE of Waldo  
SILVERMAN of Washington  
FARLEY of York

The Chair appointed on the part of the Senate as Conferees on "An Act to Allow Municipalities the Option of Charging Reasonable Service Charges on Certain Tax Exempt Property" (H. P. 982) (L. D. 1162)

Senators:

TEAGUE of Somerset  
PERKINS of Hancock  
USHER of Cumberland

#### (Off Record Remarks)

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

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

The President then retired from the Senate Chamber.

#### Committee Reports

##### House

#### Leave to Withdraw

The Committee on Business Legislation on, Bill, "An Act to Prohibit the Administration of Lie Detector Tests to Employment Applicants" (H. P. 873) (L. D. 1065)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read and Accepted, in concurrence.

#### Ought to Pass

The Committee on Local and County Government on, RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Cumberland County for the Year 1979. (Emergency) (H. P. 1482) (L. D. 1669)

Reported Pursuant to Joint Order (H. P. 135), that the same Ought to Pass.

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

Which Report was Read and Accepted, in concurrence, and the Resolve Read Once.

Under Suspension of the Rules, the Bill was Read a Second Time, and Passed to Be Engrossed, in concurrence.

The Committee on Energy and Natural Resources on, Bill, "An Act to Establish a Solid Waste Management Subsidy for Municipalities." (H. P. 948) (L. D. 1181)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-648).

Which report was Read and Accepted, in concurrence, and the Bill Read Once. House Amendment "A" was Read and Adopted, in concurrence.

Under Suspension of the Rules, the Bill was Read a Second Time, and Passed to be Engrossed as amended, in concurrence.

#### Ought to Pass — As Amended

The Committee on Taxation on, Bill, "An Act to Exempt Certain Bulk Feed Bodies from the Sales Tax." (H. P. 573) (L. D. 721)

Reported that the same Ought to Pass as amended by Committee Amendment "A". (H-600).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-631), Thereto.

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

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

Senator MINKOWSKY: In just researching this bill very quickly, Mr. President, it appears to be a substantial loss of revenue from the Sales Tax Division into the General Fund of the State of Maine by making this exemption.

I wonder if possibly somebody from the Taxation Committee might give us an overview as to what the rationale is on this particular piece of Legislation.

The PRESIDENT pro tem: The Senator from Androscoggin, Senator Minkowsky, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Somerset, Senator Teague.

Senator TEAGUE: Mr. President, this bill exempts a company by the name of B. M. Clark Company down in Union, about the only manufacturer of bulk feed bodies in the East Coast. About 99% of their sales are out of state people and so forth.

They can get around the law if they want to by taking these feed bodies over the State Line. The State of Maine has never collected any sales tax from them.

It's just putting this company in line with a lot of other companies that manufacture things in the State of Maine.

House Amendment "A" Read and Adopted, in concurrence.

Committee Amendment "A", as amended, Adopted, in concurrence.

Under Suspension of the Rules, the Bill was Read a Second Time, and Passed to Be Engrossed as amended, in concurrence.

#### Ought to Pass in New Draft

The Committee on Local and County Government on, Bill, "An Act Converting Lakeville Plantation into the Town of Lakeville and Removing Lakeville Plantation from the Maine Forestry District." (Emergency) (H. P. 317) (L. D. 426)

Reported that the same Ought to Pass in New Draft under same Title. (H. P. 1309) (L. D.

1563)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed as amended by House Amendment "A" (H-242).

Which Report was Read and Accepted, in concurrence, and the Bill in New Draft, Read Once. House Amendment "A" was Read and Adopted, in concurrence.

Under Suspension of the Rules, the Bill Read a Second Time, and Passed To Be Engrossed, as amended, in concurrence.

There being no objections, all items previously acted upon were sent forthwith.

#### Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act Amending the Law Relating to Elevators and Tramways." (H. P. 692) (L. D. 870)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-620)

Signed:

Senators:

CHAPMAN of Sagadahoc  
AULT of Kennebec

Representatives:

HOWE of South Portland  
BROWN of Bethel  
JACKSON of Yarmouth  
BRANNIGAN of Portland  
WHITTEMORE of Skowhegan  
SPROWL of Hope  
DUTREMBLE of Biddeford

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

Signed:

Senator:

CLARK of Cumberland

Representatives:

GWADOSKY of Fairfield  
LIZOTTE of Biddeford  
ALOUPIS of Bangor

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-628), Thereto.

Which Reports were Read.

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

Committee Amendment "A" Read. House Amendment "A" Read and Adopted, in concurrence. Committee Amendment "A" as amended, Adopted, in concurrence.

The Bill, as amended, Assigned for Second Reading later in today's session.

#### Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Define Suitable Work After the First Twelve Consecutive Weeks of Unemployment." (H. P. 823) (L. D. 1023)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-344).

Signed:

Senators:

SUTTON of Oxford  
LOVELL of York  
PRAY of Penobscot

Representatives:

WYMAN of Pittsfield  
TUTTLE of Sanford  
CUNNINGHAM of New Gloucester  
LEWIS of Auburn  
FILLMORE of Freeport  
DEXTER of Kingfield

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

Signed:

Representatives:

BAKER of Portland  
MARTIN of Brunswick  
BEAULIEU of Portland

McHENRY of Madawaska

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, Assigned for Second Reading later in today's session.

#### Divided Report

The Majority of the Committee on Education on, Bill, "An Act to Provide Funds for Side-by-Side School as a Demonstration Project for Alternative Education Programs." (Emergency) (H. P. 1125) (L. D. 1397)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-624).

Signed:

Senators:

TROTZKY of Penobscot  
GILL of Cumberland  
MINKOWSKY of Androscoggin

Representatives:

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

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

Signed:

Representatives:

LEIGHTON of Harrison  
DAVIS of Monmouth

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A" as amended by House Amendment "B" (H-649), Thereto.

Which Reports were Read.

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

Senator KATZ: I move that the Senate Accept the Minority Report, Ought Not to Pass Report of the Committee.

The PRESIDENT pro tem: The Senator from Kennebec, Senator Katz moves that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

The PRESIDENT pro tem: The Senator has the floor.

Senator KATZ: Mr. President and Members of the Senate. Every committee is faced with a series of Bills that would be nice to enact and nice to fund. This is such a bill. By any standards in the face of significant costs in the field of Education this session, this is not an expensive bill, but by the same token it is not a high priority bill.

On the Appropriations Table there will be such things as bringing our leeway payments up to date, which is a multi-million cost, there is a Bill which will create a one million dollar cost by raising the level of leeway, a cost of almost a million dollars in solving the problem between S. A. D.'s which may have a pay in community. This is a program that possibly could be funded partly by the State, probably should be funded by the City of Portland and on that basis I have moved acceptance of the Ought Not to Pass report.

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

Senator TROTZKY: Mr. President and Members of the Senate.

I oppose the motion of the Senator from Kennebec, Senator Katz, to accept the Ought Not to Pass Report, but I urge the Senate to accept

the Ought to Pass Report of the Committee.

The State under the Constitution has a responsibility for educating the children in the State. Consequently the State appropriates multi-millions of dollars, which are given to the cities and towns of the State to educate the kids.

In the State, many of the towns and communities we have problems with our drop-outs from school and chronic truants. Portland is the largest city in the State and has such a problem and it appears to the majority of the committee that the Portland School System was not handling that problem, and the result was that a school was formed, known as 'Side by Side' and many social service agencies in the City of Portland came forth and supported that school.

The Committee on Education was concerned that there were 25, possibly up to 30 kids would be on the streets, roving the streets in the City of Portland out of school. It was the obligation of the State to make sure that they got some kind of education. Consequently the majority felt that it would be appropriate if the Commissioner of the Department of Education and Cultural Services approved 'Side by Side' as a school that approximately \$19,000 for the first year of the biennium could be given to the City of Portland, and the City of Portland would act as fiscal agents, and if the school obtained approval, these funds would be allocated to 'Side by Side'.

Now these pupils if they were in the City Schools in Portland the State would be sending approximately \$650 for every student to the City of Portland, and the community of Portland would probably come up with the other \$650 or so, to make approximately \$1300, to educate that secondary school student.

So consequently the feeling of the majority of the committee was that it wasn't taking away from any other community, it wasn't taking away from the educational fund of any other community in the State of Maine. If these students who come from Portland and should be in the schools in Portland, if they were not on the rolls of the attendance list in the Portland School System, the City of Portland would not be receiving, the school system would not be receiving the \$650 per pupil, instead the money would go to the 'Side by Side', via the City of Portland acting as fiscal agent.

In our committee, the teachers came forward, presented the program, the young people who were in the school came forth and described their situation, how they had been on the street before the school had come into existence. Also we received testimony and quite a few letters here from the Community Counseling Center in Portland, a group called Faiths in Action, the United Way for example, a letter from the United Way, the United Way Legislative Issues Committee supports the 'Side by Side' school, Maine Medical Center from a doctor and a nurse, Community Counseling Center, the Diocesan Human Relations Services, a letter from some director of Outreach in the Portland Boy's Club, etc. The feeling was that, if the community itself was successful, that it was worthwhile putting \$19,000, I believe its \$19,000 the first year, and \$21,000 the second year, to give from the State this money to keep 25 kids who would normally be on the street, in a school.

I would like to say something because there is concern on money here. We have many bureaucrats working for the State of Maine and I'm sure there are quite a few who receive \$19,000, but all we're doing here is saying, let's put \$19,000 into a school which is going to educate kids, which is going to give direct service to 25 or 30 chronic dropouts or truants. So I feel that if the school was approved by the Department of Educational & Cultural Services, that this money is well worthwhile.

People will say, why don't you do this in other communities, but we haven't had any



other communities come forth with any kind of programs to the Education Committee asking for funding. So consequently, I feel that this should go on the Appropriations Table, it should be passed, put on the Appropriations Table and then take its place among the priorities of the Education Committee and the priorities of the Legislature and not be given the 'deep-six' at this time.

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

Senator MINKOWSKY: Mr. President and Members of the Senate. Also being a member of the Education Committee, I concur wholeheartedly with the remarks made by the good Senator from Penobscot, Senator Trotzky. As you are all aware, the drop-out rate in the State of Maine is very, very high. This is not just zeroing in on low income families or moderate income families, it is also applying to many of our well-to-do families. A lot of these kids as we found out from the Education Hearings, could not hack it in the so-called public school system. Maybe because they were a little brighter than some of the other kids, there was just no challenge to them. Maybe because the teachers did not really pay that close attention to their needs. The end result is they just became a nuisance in some cases.

Well the 'Side by Side' school brought forth a different concept all together. A concept of which I was not aware of before and maybe when I first heard of the bill I was rather dubious of it. But after going through the hearing and listening to some of the students who appeared before the Education Committee, and expressed their points of view as to why they were failing in the public school system; why they needed more personalized attention, why they needed a different challenge, why they had to be motivated, brought to mind that this is a good investment in keeping these children in school so they could gain additional knowledge, so they can become more productive citizens of our community, as well as keeping them off the streets so they can become more productive citizens of our community, as well as keeping them off the streets so that they do not become delinquents and end up in the state institutions, costing the taxpayers of the State of Maine a great deal more money.

I really believe, Mr. President and Members of the Senate, that this is one unique way for a pilot program to salvage many of our Maine youth who would ordinarily fall by the wayside and the end result become a burden to the taxpayers. Also there is another note to this, Mr. President, and that is very simply that if we can salvage these youngsters, and make them realize the importance of a good educational curriculum, these people can matriculate right back into the Portland School System again and continue with their education, hopefully to get their high school diploma. I certainly hope that the Members of the Senate would support the Majority of the Education Committee Ought to Pass.

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

Senator COLLINS: I recognize that a number of these alternative programs have much value, I oppose this bill for two reasons. One is that it takes a significant amount of money from the State to a local program which is not strongly supported from official local sources, as I understand it. Some of my friends in Portland say that this program has rather mixed reviews in Portland. I'm sure the good Senator from Portland, Senator Conley can give more accurate information than I, but I have a letter from the Community Counseling Center who was mentioned by the Chairman of the Education Committee. It says that if it's left to the Portland School Department to decide the fate of 'Side by Side' then the program will die, if given a choice the school department would prefer to fund an alternative they have origi-

nated themselves. So my principal objection is that, it seems to me we are interfering with a local situation where much of officialdom in education has not felt this sort of thing to be worthy of their support, and that we ought not to be involved.

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

Senator TROTZKY: Mr. President and Members of the Senate: Just for the Record, I'd like it to be known that the Portland School Committee took no position on this program. In fact, they didn't even show up at the hearing, they were neither for nor against. The committee didn't hear from them. So the committee's feeling was that maybe that the Portland School Committee isn't doing the job it should be doing, and that's the reason that 'Side by Side' school has developed.

It's my feeling also, that the Portland School Committee should be doing this job, but the reality of the situation is, you had 25 young people, many of them who are not in school. I felt that as Chairman of the Education Committee and making my decision that we have an obligation on the State level to make sure that children in this State get an education. In this case you did have, from the letters I've received, you had, I think, some community support from many social service agencies, so that is the reason I am supporting the bill, and hope the Senate will give it consideration.

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

Senator CONLEY: Mr. President and Members of the Senate. I hesitate to rise on this particular issue for fear of the charge of parochialism perhaps. I wish to thank the good Senator from Penobscot, Senator Trotzky, the good Senator from Androscoggin, Senator Minkowsky for their remarks with respect to this bill.

Last week I listened quite attentively to the remarks of the good Senator from Kennebec, Senator Katz when we were discussing another issue and that issue that was on alcoholism, prevention V treatment, etc. When you look at the problem you look at the whole problem, and regardless of whether you're talking about that particular issue we debated last Friday, or whether we look at the issue that is being discussed here at this moment, you really have to give some weight to it.

The years I've sat in the legislature and I've heard debate after debate with respect to laws on truancy. It's hard for me to imagine for years the State of Maine sanctioned putting kids in the Boy's Training Center in South Portland for truancy. Whether he lived in Madawaska, Maine or whether he lived down in York County, he was removed from his home, moved from his parents and put in a class at the Boy's Training Center in South Portland. Hardly the way to treat a problem of truancy. It certainly did not resolve any of the major problems of that child.

I can speak for my community in a respect that I know it pretty well. It's the largest community in the State, roughly 70,000 people and we have a great deal of problems with kids, like any other community. But our problems are of a much larger nature than you'd find them in a little community up north or to the west of us. This program has come about because of the fact that some people cared as to what was happening with kids because the State had never offered any other alternative. No, we say you go to school and you follow a pattern that's been laid out for you by your forefathers. But we have problems. We've got to recognize that they are there, and how do we treat them?

When the good Senator from Penobscot, Senator Trotzky makes mention of the fact that the Portland School System, neither endorses nor opposes, perhaps I agree with the good Senator

from Kennebec, Senator Katz, that there should be some initiative shown by the Portland School System, but they haven't, they haven't! People outside of the system, just like these kids are outside the system, are trying to do something about it. They have got kids back in school, not only into the 'Side by Side' school once they have got them in there, the good Senator from Penobscot, Senator Minkowsky stated, they've been able to get back into the school system itself.

What other alternative does the good Senator from Kennebec, Senator Katz offer to remove these kids from the street? Do we pass a law mandating the Portland School System to do something? Oh, he would be the last to do that. We're going to allow local control. Well think of those 25 kids and the 25 more that will come in afterwards. This is not the biggest bill in the world, and I don't think I'm going to be a bit surprised as to what might happen to it, but when you vote for it, I don't know who these 25 kids are, I don't have any idea who they are. They're just faceless individuals — but they have lives ahead of them and if we have any concern whatsoever, any concern of trying to regroup or trying to make a victory in the future for them, then I would urge you to at least allow this bill to get as far as the Appropriations Table.

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

Senator GILL: Mr. President, we've heard today about the School Committee in Portland and where they allocate their funding. As we all know, budgets in all communities in school departments have been cut recently. Portland is no exception. The Portland system is certainly not going to reach out and spend some of their money on kids that aren't in their schools at this time, so of course they are not going to worry about them.

I happen to know some of the kids that were in that 'Side by Side' school. I met them for the first time at the meeting but the grandmother of one of those children happens to be a constituent of mine and she couldn't say enough good things about that school. The high praise, what happened to those children that have been in that school, somebody cares about them. Somebody is trying to educate them.

The school system in Portland evidently fell short in not being able to hold those kids in school and the fact that there is an alternative program for them to go to I think is marvelous for these people to come up with. A lot of it is volunteer efforts, a lot of these kids are from broken homes, they have volunteers that are in there helping them, it is a relationship that is existing that didn't exist before in the Portland system, then I would encourage you to vote for this bill.

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

Senator KATZ: Mr. President. The Senator from Cumberland, Senator Conley asked my alternatives. I suggest the Senator take a look at a record of 12 years as Chairman of that Committee searching for alternatives, supporting alternatives, speaking for alternatives, getting so many scars on my backside from Members of the Legislature for trying to push additional funding.

Right at the moment the State of Maine is paying something over 58% of the cost of local education. Our total cost is approaching \$350,000,000. We divide responsibilities — we place heavy responsibilities on locally elected, local officials to run the local schools and to establish their priorities. This isn't a question of an alternative it's a question of who pays. That's it, very, very simply, who pays?

Now I guess that I have seen so much of local groups pushing a worthwhile cause, failing to sell it to the local people, going to the county, trying to get the county to absorb the costs.

Failing the county level, going to the State. Failing at the State Legislative Level going to the Federal Government which places a blanket over everything and picks up the tab and then the process gets increasing control. That's all this issue is. There's nothing superb or unique about the idea of an alternative school. There's nothing superb or unique of trying to get somebody else to pay the cost.

The truancy problem in the State is enormous and I suggest that it was controllable as long as we had at least the bottom line threat of dealing with the hardcore truant who needed some kind of a discipline he wasn't able to get at home or in his local community and as long as we had the threat of the Boy's School we had a controllable problem.

The fact is parents don't have any control. I have had principals and they're the ones where the action is, have had principals tell me, what can I do with this kid? His parents drive him up to the front door, he gets out of the front door of the school, he walks through the school and out the back door. The parents say, what can I do? Well, the fact is, everybody's trying to find a solution.

This isn't a solution, it's an alternative. It may be a good alternative, but if you've gone through the Part II Budget as I have, and been heartbroken and discouraged at some of the meaningful things that have been cut out of the Part II Budget, if you've been through weeks of county budget and seen worthwhile social services cut, the guts cut right out of them in county budgets. Then you can at least develop some kind of a hardness and say, this isn't a question of whether this proposal is good or bad, it's a question of who pays and I feel that the City of Portland has statutory responsibility to meet the needs of the truants and they have a moral responsibility to pay.

The PRESIDENT pro tem: The Chair recognizes the Senator from Angroscoffin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate: I got the clear cut indication when the Superintendent of the Portland School System who was there, was fully supportive of this particular alternative. I guess the Portland School Committee possibly did not take a particular stand on this because they did not want to jeopardize their funding or know exactly what direction to go in, and this could be part of the reason why. But a member of our Education Committee who was a former member of the Portland School Committee, gave me at least, the indication that the Portland School Committee did support the 'Side by Side' concept.

I mentioned earlier that this was a pilot program, but I think I should refine that a little more closely by saying, what was in the statutory law or what has been proposed under this particular law. Under Section 3 under Report and Evaluation and it states the following: "The Commissioner of the Department of Educational and Cultural Services shall carry out an evaluation program and shall present an interim report to the Second Regular Session of the 109th Legislature, and a final report to the First Regular Session of the 110th Legislature. This evaluation shall include, but not be limited to the quality of the educational services provided by the school, meaning 'Side by Side', and the applicability of the programs to other administrative units."

I think this is a very, very good safeguard to have in this particular bill, to really develop the statistics to show the Legislature in the next two years or next year and a half, the performance and productivity of this program. I sincerely hope that you would support my motion to Accept the Majority Ought to Pass Report.

(Off Record Remarks)

The PRESIDENT pro tem: The Chair recog-

nizes the Senator from York, Senator Farley.

Senator FARLEY: Mr. President and Members of the Senate: I would hope that we would pass this Bill on here today. We discuss education today. I am rather bewildered about the whole situation, education. Fifteen years ago you could put a Bill in here for three million dollars and have it fly. Now I understand about 20 years ago when the Russians put up the old Sputnik and everybody in this country went crazy. There used to be a day when a kid went to school to the 4th, 5th, 6th, 7th and 8th grade, they stayed with all those kids. We had a level of education where if you were a little slow, well the course was engineered that way, or fast, quick and you engineered it that way.

Today you have 20 kids in a class, for an hour they go down to the 4th class to read for an hour, then they run to the 8th grade for math, bring home math that a lot of parents don't even understand. We're the ones who caused the problem. Let's accelerate education. Let's let these smart kids in the school of engineering and let's beat those reds with the missiles, and that's what it was geared to. Along the line some of the slower kids who were not going to be engineers, who we don't want anymore by the way, are being left behind because of our educational system. I think a program like this here on a pilot basis, maybe we can find out something, either that or let's roll back our whole level of education.

What we do now with the eighth grade, or freshman year, a kid at that point doesn't really want to get involved, we tell them, okay. You grab a tool because you're going to be a mechanic the rest of your life. Send him off to the trade school.

I went to school with kids who were B, C and in some cases who were D students. There was no incentive to learn because the parents 20 years ago, you had Bates, Bowdoin, Orono or Colby. They couldn't afford either one of them. If you're going to go in a mill or something, why accelerate. But now there is, we do have a chance for these kids to go to school. I think to give up on them in the sixth grade because they are not doing too good and send them into a shop course is making an early prediction, which I think a lot of kids resign themselves, well, that's what I'm going to be.

I say we've taken our education system the last 20 years and just geared it to the brightest kid there. It's cost us a lot of money to do that. What about the kid who, maybe, because of our system we gave him to live with can't cope with it all? What about that kid? He deserves a chance. I think a program like this will give us at least some idea, what we ought to be doing. Maybe the whole system ought to take a half a step backwards, and maybe we wouldn't need projects like this.

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

Senator LOVELL: Mr. President and Ladies and Gentlemen of the Senate: This is a typical Portland Bill, and it only calls for \$19,000, and the City of Portland, the largest city in Maine, I am sure can dig up \$19,000 to finance this program so that the State won't have to.

The PRESIDENT pro tem: The Chair recognizes the Senator from Androscoffin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate: I disagree that this should be evaluated from the viewpoint that it is a Portland Bill. I think it should be looked at from the viewpoint of keeping kids in school, no matter where they are located in the State of Maine.

Listening to the arguments by Senator Katz, when you speak in general about the amount of dollars we are probably getting for our educational system, it's very obvious the amount of waste that is very, very prevalent. I guess generally, I could conclude that evaluation, but I guess I'm looking just beyond that particular point, that if you are salvaging the lives of kids,

regardless where they are located in the State of Maine, this is more important. I think the issue to me is so important this morning, that I'm going to ask for a Roll Call vote, Mr. President.

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

Senator CONLEY: Mr. President. I just want to set the Record straight. In no way would I try to impugn the Record made by the good Senator from Kennebec, Senator Katz in respect to education. Everyone knows that he's been one of those out front for years. I would only suggest this. When the good Senator from Kennebec, Senator Katz, makes a point of the fact that the State spends well over 50% of the cost of education on the local level, I would ask you to think this. How much do they spend on these kids, and how much is it going to cost the State if these kids are not in this program or a program similar to this? How much are they going to cost us in the future? I suggest as I stated earlier that this is a viable alternative for children who are out of the system. I don't care whether I make 10 novenas, the chances are that these kids are not going to find their way back in. Again, I'm sorry that this thing has been tagged as a Portland Bill but as I stated earlier, these kids could very well be in Fort Kent, Madawaska, or even the City of Augusta.

The PRESIDENT pro tem: 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 Kennebec, Senator Katz, that the Senate accept the Minority Ought Not to Pass Report of the Committee.

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Ault, Chapman, Collins, Cote, Devoe, Emerson, Hichens, Huber, Katz, Lovell, McBreaity, Perkins, Pierce, Redmond, Shute, Silverman, Sutton, Teague, Sewall.

NAY — Carpenter, Clark, Conley, Danton, Farley, Gill, Minkowsky, Najarian, O'Leary, Pray, Trafton, Trotzky, Usher.

ABSENT — Martin.

A Roll Call was had.

19 Senators having voted in the affirmative, and 13 Senators in the negative, with 1 Senator being absent, the Motion to accept the Minority Ought Not to Pass Report does prevail.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I move Reconsideration.

The PRESIDENT pro tem: The Chair recognizes the Senator from Kennebec, Senator Pierce, moves that the Senate reconsider its action whereby it accepted the Minority Ought Not to Pass Report.

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 forthwith.

#### Divided Report

Six members of the Committee on State Government on, Bill, "An Act to Increase the Salaries of Constitutional Officers and the State Auditor by \$5,000." (Emergency) (H. P. 131) (L. D. 142)



Reported in report "A" that the same Ought to Pass as amended by Committee Amendment "A" (H-636).

Signed:

Senator:

AULT of Kennebec

Representatives:

DAMREN of Belgrade

LUND of Augusta

LANCASTER of Kittery

PARADIS of Augusta

CONARY of Oakland

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-637).

Signed:

Senator:

SUTTON of Oxford

Representatives:

KANY of Waterville

REEVES of Pittston

MASTERTON of Cape Elizabeth

BACHRACH of Brunswick

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

Signed:

Representative:

BARRY of Fort Kent

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

Which Reports were Read.

On motion by Senator Katz of Kennebec, Tabled, pending Acceptance of a Committee Report.

#### Second Readers

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

#### House

Bill, "An Act to Clarify the Administration of the Department of Manpower Affairs." (H. P. 1470) (L. D. 1658)

Bill, "An Act to Clarify the Manner of Disposing of Abandoned Property in the Hands of State Institutions." (H. P. 1471) (L. D. 1659)

Bill, "An Act to Shift Local Leeway Payments to a Current Year Basis." (H. P. 1477) (L. D. 1663)

Bill, "An Act to Amend the Laws Relating to School Attendance." (H. P. 1479) (L. D. 1666)

RESOLVE, for laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1979. (H. P. 1481) (L. D. 1668)

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

RESOLVE, Authorizing and Directing the State Director of the Bureau of Public Lands to Convey the Interest of the State in Certain Islands in Muscongus Bay. (H. P. 566) (L. D. 712)

Which was Read a Second Time.

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

Bill, "An Act Restructuring the Oil Burner Men's Licensing Board and Providing for the Testing of Energy-related Equipment." (H. P. 1476) (L. D. 1662)

Which was Read a Second Time.

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

Senator CHAPMAN: Mr. President, in order to correct some inadvertent omissions in the New Draft, I offer Senate Amendment "A" to the Bill under Filing S-303, and move its Adoption.

The PRESIDENT pro tem: The Senator from Sagadahoc, Senator Chapman now offers Senate Amendment "A" to L. D. 1662.

Senate Amendment "A" (S-303) Read and Adopted.

The Bill, Passed to be Engrossed, as

amended, in non-concurrence.

Sent down for concurrence.

Bill, "An Act Relating to Membership of Treasurer of State on Boards." (H. P. 1448) (L. D. 1646)

Which was Read a Second Time

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

#### House — As Amended

Bill, "An Act to Remove the Town of Medford from the Maine Forestry District." (H. P. 17) (L. D. 34)

Bill, "An Act Concerning Repossession of Consumer Goods from a Consumer in Default under a Consumer Credit Transaction." (H. P. 152) (L. D. 191)

Bill, "An Act Concerning the Rate of Return on the Investment Factor under the Railroad Excise Tax." (H. P. 530) (L. D. 651)

Bill, "An Act Relating to Unemployment Compensation Benefits for Persons Collecting Workers' Compensation." (H. P. 819) (L. D. 1027)

Bill, "An Act to Allow Municipalities to Levy a User Charge in Place of Taxes for Service Provided State and County Owned Property." (H. P. 849) (L. D. 1049)

Bill, "An Act to Revise the Van Buren Light and Power District Charter." (H. P. 836) (L. D. 1068)

Bill, "An Act to Encourage the Use of Solid Waste as a Fuel Source." (H. P. 921) (L. D. 1163)

Bill, "An Act to Provide Reimbursement of Sales Tax on Depreciable Machinery and Equipment Used in Aquaculture." (H. P. 1002) (L. D. 1236)

Bill, "An Act to Remove Wallagrass Plantation from the Maine Forestry District." (H. P. 1261) (L. D. 1512)

Bill, "An Act to Amend the Maine Traveler Information Services Law." (H. P. 1179) (L. D. 1535)

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

Bill, "An Act Relating to Potato Quality." (H. P. 993) (L. D. 1230)

Which was Read a Second Time.

The PRESIDENT pro tem: The Chair recognizes the Senator from Aroostook, Senator McBreaity.

Senator McBREAITY: Mr. President, I'd like to offer Senate Amendment "A" to L. D. 1230 under filing Number S-318, and move its Adoption.

The PRESIDENT pro tem: The Senator from Aroostook, Senator McBreaity, now offers Senate Amendment "A" to L. D. 1230 and moves its Adoption.

Senate Amendment "A" (S-318) Read.

On motion by Senator Pray of Penobscot, Tabled until later in today's session, pending Adoption of Senate Amendment "A".

Bill, "An Act to Amend Certain Provisions of the Employment Security Law." (H. P. 1096) (L. D. 1449)

Which was Read a Second Time.

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

Bill, "An Act Relating to the Identification and the Hazards of Chemicals in the Workplace." (H. P. 750) (L. D. 958)

Bill, "An Act to Reestablish the Boundary Line between Winslow and China." (H. P. 834) (L. D. 1031)

Bill, "An Act to Amend the Municipal Public Employees Labor Relation Act." (H. P. 1095) (L. D. 1345)

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

Sent down for concurrence.

#### Senate

Bill, "An Act to Protect Subcontractors from Nonpayment on Certain Contracts with the Department of Transportation." (S. P. 594) (L. D. 1667)

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

Sent down for concurrence.

Bill, "An Act Making Supplemental Appropriations and Other Necessary Adjustments from the General Fund to the Fiscal Years Ending June 30, 1980 and June 30, 1981." (S. P. 600) (L. D. 1673)

Which was Read a Second Time.

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

Senator KATZ: Mr. President, this is the Supplemental Appropriations Bill. Although we caucused on it this morning, it's my understanding there are still a few unanswered questions. May I ask that anybody with specific questions including those who are presently not occupying their seats, be prepared to vote on this measure, if somebody will table it until later in today's session.

On motion by Senator Conley of Cumberland, tabled until later in today's session, pending Passage to be Engrossed.

#### Senate — As Amended

Bill, "An Act to Establish the Maine Probate Code." (S. P. 1) (L. D. 1)

Bill, "An Act to Establish a Protection and Advocacy System for the Developmentally Disabled of the State of Maine." (S. P. 358) (L. D. 1106)

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

Sent down for concurrence.

Bill, "An Act to Remove Moose River from the Maine Forestry District." (S. P. 4) (L. D. 4)

Which was Read a Second Time.

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

Senator CONLEY: Mr. President, I would only suggest that perhaps the proper title for this Bill that would be more fitting would be An Act to Remove Moose from the Maine Forestry District.

The Bill Passed to be Engrossed, as amended.

Sent down for concurrence.

The President pro tem would ask the Sergeant-at-Arms to escort the Senator from Penobscot, Senator Sewall, to the Rostrum where he may assume his duties as President.

The Sergeant-at-Arms escorted the Senator from Penobscot, Senator Sewall to the Rostrum where he assumed his duties as President.

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

The PRESIDENT: The Chair wants to thank the Senator from Aroostook, Senator Carpenter, for doing an extremely competent job.

Under Suspension of the Rules, there being no objections, all items previously acted upon were sent forthwith.

#### Orders of the Day

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

Bill, "An Act Relating to Lending Institutions and Selection of Title Attorneys." (H. P. 332) (L. D. 431)

Tabled—June 5, 1979 by Senator Katz of Kennebec.

Pending—Adoption of Committee Amend-

ment "A" (H-611)

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

Senator PERKINS: Mr. President, I'd like to offer Senate Amendment "A" to Committee Amendment "A" under Filing Number S-310 and move its adoption.

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

Senate Amendment "A" (S-310) Read.

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

Senator DEVOE: Thank you very much, Mr. President. I would like to direct a question through the Chair, if I may, to the Senator from Hancock, and ask him if he can explain to the Senate the rationale behind the amendment. As I read the Committee Amendment, as it would be amended by the proposed amendment with a Filing Number S-310. It purports to deal with residential mortgages, and exempts from its application mortgages for commercial purposes or for business purposes involving a mortgage for real estate.

It seems to me that a mortgage loan is a mortgage loan whether it's made to a business or for a resident. Maybe the Senator could favor us with the reason for simply directing this amendment at residential mortgage loans rather than all mortgage loans. Thank you very much, Mr. President.

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

Senator PERKINS: Mr. President and Ladies and Gentlemen of the Senate: As we discussed yesterday some of the rationale behind this Bill, individuals for the most part are those who are affected by this piece of Legislation or who are disenfranchised of their choice of attorneys by this piece of Legislation.

I, therefore, was not unagreeable to amending it to include those up to 4 family dwellings as opposed to multi-unit dwellings or housing developments or things which would fall into the larger classification of housing units and others, because these fall into the development area. I felt that this was not an unreasonable request, that we deal with individual units or those up to 4 units.

Senate Amendment "A" Adopted.

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

Senator DEVOE: Thank you, Mr. President. Mr. President, I present Senate Amendment "B" to Committee Amendment "A" with a Filing Number of S-313 and would move its Adoption.

The PRESIDENT: The Senator from Penobscot, Senator Devoe, offers Senate Amendment "B" to Committee Amendment "A" and moves its Adoption.

Senate Amendment "B" (S-313) Read.

The PRESIDENT: The Senator has the floor.

Senator DEVOE: Thank you, Mr. President. Mr. President and Members of the Senate: I'll admit very frankly that Senate Amendment "B" is offered for purposes of illustrating a point.

As the Bill is presently postured, it says that as long as a bank has a Title Insurance Policy, and that can be in my view, the only interpretation, when it says "adequate liability insurance or such other written policy requirements as the bank may deem necessary." That can only refer to title insurance. It attempts to inject into the statute the view that as long as you have title insurance, everything is going to be okay. The consumer is going to be protected 100%.

Senate Amendment "B" simply tries to point out that if insurance policies are going to be considered the panacea for the narrow problem that this bill is aiming at, then why shouldn't attorneys have the right to represent large financial institutions such as insurance companies, doing defense work if they can provide a

sufficiently large lawyer's liability policy to the insurance company.

I'm offering this for purposes of illustrating the rather unusual approach that is being used in Committee Amendment "A" and also in the Senate Amendment "A" which you've just adopted. Thank you very much.

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

Senator CHAPMAN: Mr. President and Members of the Senate: I move the Indefinite Postponement of this amendment. I can understand a little bit what the good Senator from Penobscot, Senator Devoe is trying to illustrate. Nevertheless, I think this amendment is a dangerous one.

Let me just say that when a person secures an insurance contract from an insurance company, it is a contract. The insured pays a premium in return for which the insurance company agrees to perform some services. In this case, if there is an issue of liability, the insurance company will respond to it, defend it and make payment. It's the insurance company's money that is being put on the line to make any payment. Therefore, insurance companies should have the right to select their own attorney in this instance. I don't think there is a direct correlation to the other situation that we're talking about.

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

Senator CLARK: Thank you, Mr. President. Mr. President, Men and Women of the Senate, I support the pending motion as offered by the good Senator from Sagadahoc, Senator Chapman.

L. D. 431, as amended, now relates to a need where abuses have been shown. This amendment offered by the Senator from Penobscot, Senator Devoe, is completely gratuitous and attempts to change an existing process which has worked well and to the benefit of Maine Citizens and consumers. The lawyers cost absorbed by the industry.

In the banking area they are a separate charge and the services are directly for the benefit of the consumer. In insurance the lawyer is attempting to reduce the exposure and liability of the insurance company.

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

Senator COLLINS: Mr. President I am somewhat confused about the overall thrust of this measure with respect to insurance, and I know that the good Senator from Cumberland, Senator Clark, is a champion of consumer measures, I find in the Committee Amendment this language that the Financial Institution may require the Mortgagor, this is the consumer I think that she would be interested in being provided with Adequate Liability Insurance.

Now the Senator from Penobscot, Senator Devoe has said that to make any sense that that means 'Title Insurance'. I am not clear if that is really what it means or not. I would very much appreciate knowing the intention of the Business Legislation Committee, as to what kind of insurance that they mean in this case?

If they mean 'Title Insurance', then it seems to me that the consumer is having his costs compounded, he will have to pay not only an attorney for a Title Search, but he will have to pay an Insurance Company for a Title Insurance Policy. In my experiences it tends to greatly increase the costs to the consumer doing business with the bank when he wants to mortgage his home.

On the other hand if the Business Legislation Committee, in presenting this amendment meant by the term Adequate Liability Insurance, if they meant that if the lawyer that was selected would have to have evidence of Professional Malpractice Insurance, now that is another matter. Most attorneys who do much work in this area would have Malpractice Insurance, but like Professional Malpractice Insurance in every field the costs of such

insurance and its availability has been going up every year to a point where some attorneys are getting to be just like some physicians they are willing to go naked with respect to insurance because it costs so much. Now if of course they do have to have very expensive Malpractice Insurance then this is another item that tends to increase the costs to the consumer.

So I would like very much to know the intent of the Business Legislation Committee, that is those who advocated Committee Amendment "A", as to what kind of insurance they intended? Was it 1 of these 2, was it both of these 2, or was it some other combination? If they intended this insurance to come into play in a case where it is not now in play, pray tell, how does this decrease the costs to the consumer?

The PRESIDENT: The Senator from Knox, Senator Collins has posed the question to the Chair, to any Member of the Business Legislation Committee who may care to answer.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: Mr. President, we just adopted Senate Amendment "A" under Filing S-310. Senate Amendment "B" goes exactly to the same part of the Committee Amendment and amends it. It seems to me the Senate has a choice of accepting Senate Amendment "B" or Senate Amendment "A" because they are in direct conflict.

We don't have any provisions with this Senate for a Conference Committee within one body, but if ever I saw a bill that needed such a Conference Committee this is it. I would plead as a layman that this bill be tabled until later in today's session. Please bring us back a coherent response to the problem facing us.

On motion by Senator Chapman of Sagadahoc, Tabled until later in today's session, pending the motion of Senator Chapman of Sagadahoc to Indefinitely Postpone Senate Amendment "B".

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

Bill, "An Act Relating to the Reporting of Illegal Use and Trafficking of Drugs in Maine Schools." (S. P. 469) (L. D. 1417)

Tabled—June 5, 1979 by Senator Trotzky of Penobscot.

Pending—Passage to be Engrossed.

On motion by Senator Collins of Knox, the Senate voted to reconsider its action whereby it adopted Committee Amendment "A". Under Suspension of the Rules.

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

Senator COLLINS: I present Senate Amendment "A" to Committee Amendment "A" under Filing S-320 and move its Adoption.

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

Senate Amendment "A" (S-320) Read and Adopted. Committee Amendment "A", as amended, Adopted.

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

Senator TRAFTON: Mr. President and Members of the Senate: I think that the amendment which we have just adopted offered by the Senator from Knox, Senator Collins, is indeed an improvement in the Bill.

However, I think that there are problems that remain, that also remain unanswered by his amendment. I would like to call them to your attention.

The granting of immunity to school personnel, who make these reports has been alleged to be analogous to the Child Abuse Law. I think that it is useful to look at the differences between our mandatory Child Abuse Laws, and what we have before us today. First of all, reports on Child Abuse and Neglect are mandatory. As you can see from this Bill now amended, the reporting of certain kinds of drug instances

is not mandatory.

Secondly, the reports on Child Abuse and Neglect must be made immediately by telephone and a written report must follow within 48 hours. Reports of drug use or trafficking have no requirement of when and what form either written or oral or both that they are made.

Reports of Child Abuse and Neglect are required to include certain specific information. For example, the names, age, sex of child, nature and extent of the injuries, description of any abuse and so forth. But under this Bill reports of drug use or trafficking are not required to include any specific information, and I think that some specific information should be required, really to insure uniformity but, indeed, to make the report usable.

The Child Abuse and Neglect Laws require an immediate investigation of all reports and a determination of the injuries involved in immediate and appropriate action. Under this Bill nothing is required of the school officials to whom these alleged reports would be made.

The amendment that Senator Collins has offered to us does specify what drugs will be included in the report. Although I favor that part of it, I think that there still remains some questions unanswered. First of all, I do not think that the school personnel would knowingly be likely to report the use of patent medicines or prescription drugs with or without that amendment and the definition of drugs now under the criminal code, I think we have to be concerned with the mistaken report of the proper use of drugs. Since there are no requirements on the content of the reports, the possibility of a mistaken and yet good faith and thus immunized under the Bill report is still with us.

The Collins amendment also provides for notification of the parents within 60 days, and again that is an improvement but it still leaves a problem in the Bill. I would ask why shouldn't the parents be notified immediately? I certainly, as a parent, would like to be notified immediately if the school authorities had suspicions that Benjamin Trafton was trafficking drugs in the school.

Also since there is no investigation of the report required, and no disciplinary action is taken no report has to be made to the parents at all. So, indeed, we could have the child's record still containing a number of accusations by a teacher which were either groundless or have been investigated and found not to be sufficient to bring any disciplinary action.

The Bill permits access by police or grand juries to the child's entire record, when there is an investigation of the child's activities and there is probable cause to believe that the child is using or trafficking in drugs. This seems a very broad access, and I wonder if it should not be limited to an investigation of a specific incident about which the report might have been filed.

I guess that there still remains the broader question which has not been addressed by the amendment, which is, why is the Bill needed to immunize one group at the expense of another group's civil rights?

We have a Bill before us which places no responsibilities on the school personnel and yet they are granted total immunity from civil action. I think that it is at the expense of removing important protections from children and parents.

I have many other comments but I would stop here and just say that I hope that some of the problems that have been raised with regard to this Bill might be answered in amendment form. If the sponsors of this Bill feel that these problems could be addressed that this Bill would be tabled and amended further, perhaps tomorrow.

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

Senator COLLINS: Mr. President. The concern of the good Senator from Androscoggin, Senator Trafton, has been carefully outlined

and I have some sympathy with it but I recognize also that the problem we are trying to hit here, is one in our schools where teachers have been reluctant to pass along information that they observe in their classrooms because at times the parents have tended to overreact and to attack those teachers on a civil basis for doing this very sort of thing.

It's very difficult to filter out information in schools and to get it into channels where the administration of the school and the authorities can deal with it. Obviously this is what is being attempted here to make the teacher feel a little less nervous about reporting things that ought to be reported. The concern of my amendment was that this not happen without some cut off period in which the parents or responsible people, guardians, would be informed. There is nothing to prevent their being informed immediately in the picture but on the other hand there may be cases where the school authorities become aware of some ring, some narcotic ring that is at work in the school and they are not certain whether the parents are involved in or not and they may think it best to let the criminal authorities, the undercover people doing a little investigating before it becomes a thrust into the community and the parents to try to stop the problem. So that is why we haven't called for immediate notification, although I know that in many cases schools do make that a policy. Each school can make its own policy, the school board can direct what should happen in their own schools.

In my community, there has been a policy of getting to the parents as promptly as is feasible through the administration. So this immunity situation is not unlike others that we've granted when we wanted something reported rather badly and know that the reporters would be very nervous about doing it for various reasons. Now for example, two years ago we required the physicians to report abortions. I was not in favor of this but it passed and at that time the Maine statutes said abortions were crimes and so you are asking physicians to incriminate himself so we can grant him immunity if we wanted to have him report. Well, this isn't quite to that degree, but it's similar in nature and I feel that we have to just make a judgment of the balance of purposes. It does not seem to me that a child's record is going to be permanently hurt if there is an absolute requirement that within a reasonable time, I've chosen 60 days here, the parents are notified because if it ought not to be in the records I think the parents will then see to getting it out, at least that's been my experience.

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

Senator HICHENS: Mr. President and Members of the Senate: I certainly hope that you go along with the engrossment of this bill today. As the main sponsor of the bill supported by 3 other members of our Senate, representing both parties and the independent Senator, approved the Senate members on the Education Committee and certainly endorsed by the School Management Association, endorsed by the Maine Civil Liberties Union, as amended, I believe that I have something now that is workable in our school system.

We have schools in our State where it is reported that up to 90% of the students and some of the teachers use drugs. The teachers especially have been handicapped because of threat of civil reciprocity against them. I feel now that this is an opportunity to give them the opportunity to report these. I think they are going to be well protected and I think the youngsters are going to be well protected along with the parents through the amendment that Senator Collins has put on. I certainly hope that you will go along with the Engrossment of this Bill.

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

Senator TRAFTON: Mr. President and Members of the Senate: I guess from the lack

of a tabling motion that either the sponsors feel that my questions are frivolous or that they cannot be addressed in an amendment form, therefore, I would move the Indefinite Postponement of this Bill and all its papers.

I would like to correct a statement that was made by the Senator from York, Senator Hichens, this Bill certainly is not endorsed by the Maine Civil Liberties Union and I have a letter with me from them which expresses concern.

I think it's tempting today, certainly in the final days of the session and it would be tempting in any days of the session to do something about the drug problem. I'm sure that we're all concerned about it, but I think that although we have that frustration and have that desire to in some way address the drug problem, that it's a mistake today to take this kind of approach instead of taking a more considered approach which would truly yield results.

I have expressed some of my concerns, but I would like to again say that although proponents of this bill might argue that we're only going to have good faith reports immunized, I would also call to your attention that there is a rebuttable presumption in this Bill which makes any report a good faith report. That could indeed cause problems as I have said, with good faith mistakes instead of good faith reports.

It's interesting to me that in my district which has many, many teachers, that I have not been contacted by one teacher or one principal, or anyone really asking me to support this bill, and expressing their concerns about their lack of ability to do anything about drugs in the school.

Under our Criminal Code right now every citizen has a responsibility to report illegal actions so that you shouldn't think that because this Bill isn't passed that any of us should not take our citizenship seriously and report any kind of illegal actions that we see, whether they relate to drugs or not.

Finally, in my review of the situation and in talking with some of the Committee Members in Education, it's my understanding that although some school personnel came forward to express fears about drug problems in the schools, that there was no actual hard data presented to the committee so that they could have actual incidence of where teachers had not reported because of the threat of suits or really hard facts to justify the need for giving out this kind of very special immunity that we usually reserved in incidences such as the Child Abuse Law which has very specific requirements of those who are being granted immunity. So I would hope you would Indefinitely Postpone this bill, today.

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

Senator TROTZKY: Mr. President and Members of the Senate: The hard data is that there is widespread drug use in the schools. Those members of the Committee, I believe including the 3 Senators who signed this Bill out, would like to see the drug use eliminated or hopefully cut down.

The Maine Civil Liberties attorney, the attorney for the Maine Civil Liberties Union was invited into the work session on this Bill and worked with the people from the Maine School Management with the Committee. It was my understanding that when the Bill came out of a Committee, as amended that at least the attorney for the Maine Civil Liberties Union was in agreement with that amendment.

Then I find on my desk here a letter addressed to all the members of the Legislature with a lot of reasons for all of sudden killing this Bill. I feel that's less than honest in terms of the way people should work with one another.

Looking at this Bill it was watered down greatly. All it's saying is that if a teacher reports in 'good faith' to a school administrator the use or trafficking in drugs on school prop-

erty that that teacher will be immune from civil liability. The reason for that is because teachers are afraid to report trafficking in drugs because of suits that can be brought against them. That report can only be made to the school officials. The record is confidential.

The only way someone could get access to that record, for example police or law enforcement agency, court or grand jury, etc. is with probable cause, having probable cause. This was a suggestion of the Maine Civil Liberties Union's attorney, this was put into the bill, Then Senator Collins, whom I am sure is concerned with Civil Liberties had some concerns, we had the bill tabled yesterday, and had an amendment prepared which is agreeable to me and I believe probably to the other Senators on the Committee.

My concern is that we've got to do something to try and cut down the drugs in the schools. It's a complaint of parents and I hear it, so I hope that the Senate will not go along with the Motion to Indefinitely Postpone.

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

Senator SUTTON: Mr. President and Ladies and Gentlemen of the Senate. This is my first session and I've listened to us refuse to do anything to try and stem the problems we have with our young people in the State. We refuse to put their names in the paper even after the second and third time they've committed offenses. We are so busy protecting the minorities, so busy protecting those who are allegedly doing wrong, that the majority and the rest of us are suffering. Everytime we try to take a small step we're hurting someone's rights, but the thing is we forget that when we're protecting someone's rights we may be hurting someone else's. I certainly would disagree with the Motion to Indefinitely Postpone, I would call for a Roll Call and I think it's time we settled down and start doing something to help the people of Maine.

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

Senator FARLEY: Mr. President and Members of the Senate: I would like to cite an example, something happened in our local school in the City of Biddeford. I inquired about, right on the school grounds in the area, they smoke pot. So I inquired, don't the teachers see that or know about it? The response that I got was, a few weeks before I asked the question one teacher did. Went out and told the kids to put it away and didn't want to see anymore of it. One of the students looked at the teacher and said, we know where you live, you come out here tomorrow and your house goes up in smoke. That's the problem we're dealing with.

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 Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate: Being a member of the Education Committee, I am very concerned with the Senate Amendment that we were looking at yesterday, also the hard work that Senator Collins put in to redraft this amendment to meet some of the concerns both of Senator Trafton and I had, in talking this over further with all the members of this body, it's very obvious to me now that we are not really going to solve anything in this particular bill as is presently written or if we keep amending it. The only solution at the present time, would be to Indefinitely Postpone this particular measure.

All I can visualize coming out of this as time goes on is some youngster in the school system who maybe does to meet the approval of some members of the administration, some principal or some individual teachers, who maybe as a joke is popping a few pills in his mouth, and this often can happen, this will be construed by the teacher or the administrator in the school as somebody being under the influence of drugs. If this individual later on in time decides to get a job, and this material that is accumulated on his record comes forth, it can be very devastating for this person, even though the actual act did not take place.

I think we can amend this thing till doomsday and the end result is we're going to be faced with more serious problems, and I think Senator Trafton is obviously correct, that this bill be Indefinitely Postponed.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Androscoggin, Senator Trafton, that L. D. 1417 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 — Conley, Cote, Minkowsky, Trafton.

NAY — Ault, Carpenter, Chapman, Clark, Collins, Danton, Devoe, Emerson, Farley, Gill, Hichens, Katz, Lovell, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silberman, Sutton, Teague, Trotzky, Usher

ABSENT — Huber, Martin, McBreaity.

A Roll Call was had.

4 Senators having voted in the affirmative, and 25 Senators in the negative, with 3 Senators being absent, the motion to Indefinitely Postpone does not prevail.

The Bill Passed to be Engrossed, as amended, sent down forthwith for concurrence.

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

Bill, "An Act to Grant the Public Utilities Commission Jurisdiction to Review Adjustments under the Fuel Adjustment Clause." (S. P. 507) (L. D. 1567) (Emergency)

Tabled—June 5, 1979 by Senator Katz of Kennebec.

Pending—Motion of Senator Pierce of Kennebec to Reconsider.

On motion by Senator Pierce of Kennebec, Retabled.

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

SENATE REPORTS — from the Committee on Health and Institutional Services — Bill, "An Act to Place an Annual Limit on Capital Expenditures Approved in Accordance with the Provisions of the Maine Certificate of Need Act of 1978." (S. P. 477) (L. D. 1474); Majority Report — Ought to Pass as Amended by Committee Amendment "A" (S-290); Minority Report — Ought Not to Pass.

Tabled—June 5, 1979 by Senator Katz of Kennebec.

Pending—Acceptance of Either Report.

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

Senator GILL: I move the Minority Ought Not to Pass Report.

The PRESIDENT: The Senator from Cumberland, Senator Gill, moves that the Senate accept the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President and Members of the Senate: I hope you will not vote for the Minority Ought Not to Pass Report of the Committee. I'd like to explain to you as briefly as I can what the Bill does and why it's before you today.

The Bill would put a lid on capital expenditures by hospitals and nursing homes up to \$20,000,000 in the coming year. Then would all it to increase for construction costs beyond \$20,000,000 in each additional year, with the exception of emergency needs of hospitals and nursing homes would be exempt from the list.

In the last 2 years hospitals and nursing homes have expended an average of \$17,500,000 so the \$20,000,000 limit is more than they have spent in the last 2 years. Now there are several reasons why I think it's important that we put a lid on these expenditures.

The Department of Human Services is currently faced with proposals and applications totaling \$170,000,000. If the \$170,000,000 in expenditures are approved it will cost our State Budget \$11,000,000 alone. That doesn't count for the 20% or so increases that we've been seeing in medical care and intermediate care budgets for the last several years.

Just to give you an example. Since I have been on the Appropriations Committee, I have seen the Nursing Home Appropriation increase from \$9,700,000 in 1977 to \$20,000,000 in 1981. There are many who consider this underfunded for the next 2 years.

In the medical care program it has increased from \$14,000,000 in 1977 to \$29,000,000 in 1981. Over 100% increase in both of these accounts in just 4 years. It's the one area of our State Budget over which we have absolutely no control. It depends on hospitals and physician and nursing home charges, for our medicaid and medical need patients we have to pay those.

What I'm proposing in this Bill is no different than what we do on public schools. There's a \$30,000,000 limit I think on public school construction. They have to submit their proposals to the School Board. They set priorities. When that \$30,000,000 is reached, then they are put on the back burner for the next \$30,000,000.

It's the same as we do for our university. Our university, each campus submits its request for capital construction. The Board of Trustees prioritizes that and submits it to the Legislature. We do what we can. It's the same for our State Budget. Each agency, each department of State Government submits their requests to BPI and BPI prioritizes all those requests on a state-wide priority basis. Then the Legislature decides what's to be funded, based on what we think are our available funds.

2 years ago Governor Longley, the request totalled over \$35,000,000 and we funded \$3,500,000 because that's all that we had available. I think we've got to start doing this with our hospitals and nursing homes.

There are many advantages to doing this. Currently we review them. They have to get approval but the problem is that we review them one by one. It's difficult when you hear a request for capital expenditures or a renovation or a new construction to determine whether that's a merely desirable project or whether it's a needed proposal, because when the institution makes their request, they can make something that is merely desirable seem needed, simply because we have no other basis at the moment to compare.

This has not really been in place long enough to justify this piece of legislation coming in. This piece of legislation would put an arbitrary cap on \$15,000 as the original Bill and \$20,000 on the amended version. The problem with this is then when it comes to different facilities, for instance, the Eastern Maine General Hospital in Bangor. They demonstrate a need for a \$12,000,000 project. \$12,000,000 for one hospital.

Then we have the Mid-Maine Medical Center which demonstrates the need for a \$13,000,000 project in Waterville. Then we have lesser costs for hospitals in Calais, in Caribou, in Bath, in Biddeford, in Millinocket, totaling \$8,000,000.

I ask you. Who do you think is going to get their projects done? Not the rural areas certainly. I think the present law provides the



proper way to contain unneeded expenditures by hospitals. They ought to be approved on their need, on the health care needs of the people in the area that that particular hospital serves, not on the basis of an arbitrary tax.

One thing that this Bill does not take into consideration is the fact that there are necessary replacement and renovation costs, and the necessary repairs for existing facilities. These can be very costly, where does this fit into the plan?

I just do not think that, I think that the laws that we have now with Certificate of Need and going to the Health Systems Agency with the Department of Human Services, I think that we can watch that. We have no long range plan for Health needs in the State, there has been no assessment made and here, we are trying to put an arbitrary cap on and we do not know what we need in this State. I would urge you please not to support the Bill, and go with the Ought Not to Pass Report.

(Off Record Remarks)

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

Senator NAJARIAN: Mr. President and Members of the Senate: I would just like to make a few remarks in response to the remarks made by the gentlewoman from South Portland, Senator Gill.

In the first place this is not an arbitrary figure that has been pulled out of the air, it is more than has been spent in the last 2 years by Maine's hospitals and nursing homes.

It is true that we enacted the Certificate of Needs Bill, in the last session of the Legislature, however, the State of Maine had been using the process called 1122 under the Social Security Act for 4 years to the Certificate of Need Act, which does essentially the same thing. In fact we raised the capital expenditure from \$100,000, we are reviewing all proposals over \$100,000 for the last 4 years.

The Certificate of Need process allows no means for comparison, and when Senator Gill states that some hospitals have needs of \$13,000,000 or another hospital has need of \$24,000,000 that is not necessarily so, that is their request to do those things. The need has to go through the review process similar to our Legislative Committee hearings to determine whether or not it is need.

I would just give you one example of how this can happen. We had a request for a proposal from a Major Medical Center for \$250,000 for a chapel, and a couple of conference rooms. Now we have similar request maybe for Health Centers in the rural areas, or for a nursing home to add some beds that might cost a similar amount. Now if we could compare the needs for a chapel and a couple of conference rooms, to the need for additional beds in a rural area, then we could say that the nursing home beds are needed more than you need the chapel right now, and we'll put you on a back burner until a later time. The present system does not allow us to make those kinds of comparisons.

If this Senate is for spending limits on the Federal Government and if you are for spending limits on State Government, this is one way you can get at our spending over which we have no control at the present time. It just makes sense that if you follow that philosophy, spending limits on Federal and State Government, because every dollar that we save here will make \$3 at the Federal level, that you would want to do something like this, we are not going to penalize them, it is more than they have been spending.

I think the reason that we have requests of this magnitude is because President Carter proposed a capital expenditure that was 2/3 of what they had spent in the last two years. It did not make it through Congress and they are apprehensive that it will come. They have got all of these proposals in, trying to build up that

level, prior to a cap being set at the National Level.

We do not have to wait for the Federal Government we can do it here in Maine, emergency kinds of things, are exempt from the law, from coverage it would allow a hospital who wants to do a \$24,000,000 renovation, and we have one of those, and another one at \$15,000,000 to spread that out over 4 years. In other words they would only take out maybe \$4,000,000 or \$5,000,000 of the total \$20,000,000 that we are allowing them to spend and another \$4,000,000 in the second years because they cannot do all of it one year anyway. So there are provisions in this bill for that kind of large expenditure of such a large magnitude, a provision in the amendment not in the Bill.

Really I hope that you really consider this seriously. I think that it is one of the most important Bills that I have before the Legislature, out of all that I have.

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

Senator GILL: I think some of the reasons that the good lady from Cumberland, Senator Najarian has stated are precisely the reasons we do not need this piece of Legislation.

We're better then on the local level to determine what your needs are in the area for the people that you are serving. You have already got the Health Systems Agency in place, you have already got the department in place to check to see whether they are in fact needed.

I have some information here that letters of intent from various areas of the State that have sent in, remember this Legislation does not differentiate between what nursing home people feel might be needed in their areas and what hospitals feel that they might need. There is no differentiation between those they are just lumped into one big sum. Letters the intent already in the hospitals total to \$20,000,000, Nursing homes, have letters of intent in totalling \$36,000,000, but applications on file are \$64,000,000 for hospitals and for nursing homes, they have applications in for \$19,000,000. We have got a total of between letters of intent and applications pending of \$142,000,000.

Now I think that these can be all looked at, individually to see whether the area needs what these people are asking for, but both from the hospital level and the nursing home level.

We all hear about nursing homes and I have had quite a few complaints from people who have been in nursing homes, 10 or 15 years that the department is reevaluating and putting them in boarding homes, because according to the department need that necessary nursing home care. They are doing it because there is a shortage of nursing homes. I think that the area and the people that are really concerned can develop what they need to go to the Health Systems Agency, go to the Department and they will do a study or survey and if they agree they will go along with it, and if not then they will not get an application OK.

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

Senator HICHENS: Mr. President and Members of the Senate: I certainly hope that you listened very carefully to the statements that the good Senator from Cumberland, Mrs. Gill, because they go along with the statements that I would have made had she not made them. I want to reaffirm the fact that as a member of the National Council of State Legislatures Human Resources Commission, that I have been congratulated not for anything that I have done because of the Health and Institutional Services Committee in the Legislature did it in the last session, for the action that we have done and the leadership that we have done in the Certificate of Need programs. I think to try to change those programs, and to put a limit on them right now would be a wrong step, and I hope that you will go along with the minority report.

The PRESIDENT: The Chair recognizes the

Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President I will make this extremely brief, it is obvious to me that this Bill has been well talked about in other places other than this Chamber. I think that the point that the good Senator from Cumberland, Senator Najarian has made is one that should be given most consideration by the Members of this Senate. If this Senate is to remain consistent, with its ideals on putting a cap on County Government, on State Government and proposing such a thing as a Constitutional Convention for the sole purpose of putting a limit on Federal spending, if there is one area in the country that is running amuck with costs that we have absolutely no control, this is one of those given areas.

Mr. President no one is strangling the medical profession whatsoever, there is plenty of leeway as was stated by the good Senator from Cumberland, Senator Najarian, for hospitals and nursing homes, to work within that area. I think that this issue is vital to the taxpayers of the State, when the vote is taken Mr. President, I request that it be taken by the Yeas and Nays.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Aroostook Senator Carpenter.

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate. Very briefly, as a member also, of the Committee on Health and Institutional Services. I certainly concur wholeheartedly with the remarks of the good Senator from Cumberland, Senator Najarian and my good friend Senator Conley.

If we intend to get serious about somehow controlling hospital costs, here is one small way where we might really show some leadership. I do not really feel that we have shown a great deal of leadership in the health care cost containment field, since I have been down here. We have done somethings, sure we have Certificate of Need because the Federal Government told us that we had to have Certificate of Need.

I do not really feel that the State of Maine is showing a great deal of leadership. You just heard the good Senator from Cumberland, Senator Gill tell you that \$140,000,000 worth of requests, Letters of Intent on file already, \$140,000,000. Where is that money going to come from? It is not even going to come out of the general fund which is bad enough it is going to come from the Health Care Subscribers, the sick people of the State of Maine. People who buy insurance to take care of them when they do get sick. We continue and we continue and we continue to allow this to happen and the rates keep going up and up and up and everybody says what a terrible thing that it is, and how we must do something about it.

Well in front of you, you have a measure a very small measure a very long range measure that might just do something about it. I would suggest very strongly that you look very carefully at this Bill and go along with it this morning. Thank you.

The PRESIDENT: A Roll Call has been requested.

On motion by Senator Katz of Kennebec, recessed until 2 o'clock this afternoon.

(Recess)

(After Recess)

Senate called to order by the President. Senator Pierce of Kennebec was granted unanimous consent to address the Senate, Off the Record.

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.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President and Members of the Senate: We've debated the Bill this morning pretty thoroughly. I would just like to add a few words.

This is a bill that would put a \$20,000,000 capital expenditure lid on hospitals and nursing homes. I think it's necessary to do this because presently they have no incentive not to spend money and every incentive to do so, because for every dollar that they spend there is a dollar returned.

We do not have a health plan, we probably won't for a couple more years, and it just makes sense to control these expenditures until we do get a health plan at which point we are liable to find out that we approved a lot of different things in a lot of different places in the State where we later find out that they should not have been placed. Thank you.

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

Senator GILL: I think that the statement that Senator Najarian just made proves the point that we do not need this piece of Legislation. Within a year we should have a health plan. The Legislation that we passed 2 years ago, the Certificate of Needs Legislation had a provision in it that the Health Systems Agency and the State Health Planning and Development Agency would work out a Statewide Health Plan. It would seem to me that it would be fitting and proper to wait until this has been devised and before we put a cap on anything.

We have a Bill which wants to change our laws, from approving projects based on needs, to approval based on relative needs in other areas of the State. I think that it is more important that the needs of each individual project be looked at rather than not having any state plan to go by to say what we need in various parts of the State. So I would think that it would be all the more reason why this piece of Legislation not be passed today.

The PRESIDENT: Is the Senate ready for the question?

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 Gill, that the Senate accept the Minority Ought Not to Pass Report of the Committee.

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

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

**ROLL CALL**

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

NAY — Carpenter, Clark, Danton, Farley, Huber, Minkowsky, Najarian, O'Leary, Pray, Trafton, Usher.

ABSENT — Conley, Martin, McBreaity.

A Roll Call was had.

18 Senators having voted in the affirmative and 11 Senators in the negative, with 3 Senators being absent, the motion to accept the Minority Ought Not to Pass Report does prevail.

The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Mr. President, having voted

on the prevailing side, I would ask reconsideration, and would hope that you would vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Gill, moves that the Senate reconsider its action whereby it voted to accept 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.

Out of Order and Under Suspension of the Rules, on motion by Senator Pierce of Kennebec, the Senate voted to consider the following.

**Committee Report****House****Ought to Pass — As Amended**

The Committee on Local and County Government on, Bill, "An Act to Separate Ogunquit Village Corporation from the Town of Wells." (H. P. 753) (L. D. 959)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-660).

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

Which Report was Read and Accepted in concurrence.

The Bill Read Once. Committee Amendment "A" Read.

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

Senator EMERSON: I now present Senate Amendment "A" to Committee Amendment "A" and move its adoption.

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

Senate Amendment "A" (S-319) Read.

The PRESIDENT: The Senator has the floor. Senator EMERSON: Mr. President this amendment in no way changes any part of the Bill. It is only for clarification.

Senate Amendment "A" adopted.

Committee Amendment "A" as amended, adopted in non-concurrence. Under Suspension of the Rules, the Bill was Read a Second Time, and Passed to be Engrossed, as amended, in non-concurrence.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: I move Reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves that the Senate reconsider its action whereby this Bill 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.

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

SENATE REPORT — from the Committee on Health and Institutional Services — Bill, "An Act Relating to Dental Health." (S. P. 330) (L. D. 964); Majority Report — Ought to Pass as amended by Committee Amendment "A" (S-291); Minority Report — Ought Not to Pass. Tabled—June 5, 1979 by Senator Katz of Kennebec.

Pending—Acceptance of Either Report.

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

Senator GILL: Mr. President, I would urge acceptance of the Minority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Cum-

berland, Senator Gill, moves that the Senate accept the Minority Ought Not to Pass report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President and Members of the Senate: I oppose the pending motion.

This Bill merely provides for another alternative to bring the fluoridation question to referendum. It would require a City Council if they voted to fluoridate or your selectmen or whatever, if they voted to fluoridate the water after a properly advertized public hearing, then opponents to that decision would have 30 days in which to initiate a referendum. In instances where there is more than one town on a water district the fluoridation question would have to be approved by 51% of those voting in the election or 51% of the towns. That is all that it does. It keeps the present referendum provisions still on the books, it just added another method.

Two things I think are important. One is, it sort of equalizes things and instead of the proponents of fluoridation always having to take the initiative, it would require in some cases, perhaps for the opponents of fluoridation to have to take action to repeal instead of always the other way around.

Secondly on the books it requires 80% of the users of a water district before fluoridation can be added to the water. That is simply and grossly unfair and I do not think that anybody in this Senate would fail to realize that.

Even to amend our Constitution, to elect the President, to amend the Constitution only takes 2/3, to elect the President only 50% and why we have an 80% provision for this one issue. It just seems to me that it is way out of line. I hope that you can go along with this Bill. Thank you.

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

Senator LOVELL: Mr. President, I was not checking, is this Item 5 on the Dental Health?

The PRESIDENT: The Chair would answer in the affirmative.

Senator LOVELL: Ladies and Gentlemen of the Senate. I have been contacted by a number of dentists. We have had fluoridated water in Sanford for some 10 or 12 years. Now I did not get the benefit of it, because I have got pretty near all false teeth. The dentists tell me that this fluoridation of the water, is a wonderful discovery in stopping dental decay of teeth. This is only a Bill that is not demanding, the town has to vote to have the fluoridated water. So I would hope that you would go along and let the towns have the chance to have the fluoridated water, and let the children have good clean teeth, do not let them have cavities like I have got all over. They did not have fluoridated water when I was a kid, but please let's vote the Ought to Pass. Thank you.

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

Senator HICHENS: Mr. President and Members of the Senate: This Bill has nothing to do, whether you approve of fluoridation or not. L. D. 964 is a back door approach to the issue that has been a hot potato in communities and in the State Legislature for many years.

It attempts to force the people of Maine, to fluoridate water supplies continue to plague us. This year in an attempt to force the issue on us, once more we have an L. D. with a misleading title: "An Act Relating to Dental Health". Resulting in few opponents to force fluoridation of our water supplies even knowing the fluoridation problem was before us.

The Statement of Fact reads that it directs the commission of Human Services to determine the fluoride content of a water supply and if it is not at an optimum level to notify the local board of health.

The local board of health having been so notified if it considers doing so, to be in the best interests of the inhabitants of the City, town or



district may order the upward adjustment of the fluoride content of the water supply.

Such pressure forces the towns to vote once more on the fluoridation issue a privilege that they have had and still have today. There is no need for the passage of L. D. 964 it simply puts more pressure on towns that do not have fluoridated water supplies, because the State reports a below optimum level. Towns that do not have fluoridation know that fact already. Further more if more than one town is supplied by a common source the majority of the towns can force the other towns to fluoridate their water supply, regardless of how the people in that town vote. I feel that this is an outrageous discrimination.

I urge you to vote against the Majority Report this morning and allow the freedom of choice the power of local control without undue pressure from the State Office of Human Services. I would again remind you that this Bill has nothing to do whatsoever with whether you approve of fluoridation or not. It puts State pressure on local control and I hope that you will consider it in this light. I hope that you will support the Minority Report. When the vote is taken I request a Roll Call.

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

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: I would disagree, I think, with the good Senator from York, Senator Hichens. I think that this has everything to do with whether or not you want, or you believe in fluoridation and I think it also has a lot to do with local control.

If you'll look at Committee Amendment "A" under filing of S-291, that is in essence the Bill now. Don't be deceived by what you've heard about this Bill or by the Statement of Fact that was just read to you because things have changed considerably since that Statement of Fact was drawn up.

I've received a lot of mail on this Bill, from all over the State, people urging me to vote against mandatory fluoridation and this is not mandatory fluoridation. If you will look at the Bill, look at the Committee Amendment, it will explain to you that this merely sets up, an alternative way to authorize fluoridation. Very briefly as has already been outlined for you it would allow municipal officers, your duly elected locally controlled municipal officers to authorize fluoridation. If however, at referendum a petition drive with 10% of the voters that cast votes in the last gubernatorial election, signed a petition, then the whole thing is suspended until we can take it out to an election. Very simple, very simple, that's all it is. It doesn't give the municipal officers the outright authority to fluoridate anybody's water.

I think it's very interesting that the dentists in the State of Maine support this legislation, it's like they are working against themselves almost.

I have a list here of Maine communities with fluoridated water, in the year that it was started. Norway, 1955, 24 years ago the town of Norway fluoridated its water and I don't think we've seen too many drastic happenings up there in the little town in Oxford County in terms of deaths caused by fluoridation. I could go through the whole list. Many, many towns in the State of Maine have fluoridated their water over the past years.

This just sets up a little bit of a different system. A system that still is locally controlled, locally controlled as anything you can have in the State. So if you believe that fluoridation is a local question, it should not be mandated by the Department of Human Services, or should not be mandated by the State Legislature, you will almost have to vote for this bill, because that's exactly what it does.

I also have a list here of the number of communities across this nation that have naturally fluoridated water. Now nobody has shown me any evidence that because this naturally fluoridated

water happens to rise in these towns that there has been any great increase in cancer or anything else. So let's not get too hung up in the emotionalism of the great debate, it still rages nationwide over to fluoridate or not to fluoridate. But look at the Bill, it is not mandatory fluoridation. It simply sets up an alternative procedure which could be controlled by the local electorate.

I hope you will oppose the pending motion which was to accept the Ought Not to Pass Report.

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

Senator COLLINS: Mr. President, I too, hope that you will vote no on the pending motion.

We've had a good chance in the State of Maine to see the effects of fluoridation on the teeth of the children. After ten years in Norway Maine, fluoridation has produced results that are in general agreement with those reports in the major fluoridation studies; 55% reduction in the average number of decayed, missing and filled permanent teeth, and the three-fold increase in the proportion of children entirely free of decay in permanent teeth. I think we should commend the dentists of the State of Maine for bringing this once again before the Legislature. It hasn't been here every years. There was a time when we were seeing it quite often. The record is clear that this has a very great value to health. We've been hearing a lot these past few days about prevention. Alcoholism in connection with teenage pregnancy with all kinds of our problems and this is an area where we can help the prevention program.

I want to take issue with a couple of points that were made by my friend the Senator from York, Senator Hichens. He spoke of pressure from the Human Services Department. I think the pressure ought to be interpreted as really an education program by the dental profession, and I think that's a very wholesome thing. I don't think we ought to look on that as pressure. The Human Services people are putting out information about the value of fluoridation, they are surely doing what we want them to do, trying to save taxpayer dollars and getting better health for our children.

The other thing is that he spoke about a multi-town district but this law doesn't permit one town to coerce another. In a multi-municipality district. As I understand the Bill, the authorization comes after a majority of the municipal officers, or the voters, in each town, vote for the installation of fluoride. Now if a referendum should be brought into action by petition, if a referendum is held in any one town then all the towns in the district have to vote in the next State-wide election. This election of 51% of those voting and living in towns is required for the installation of fluoride. This provision covers all customers except those who are not state residents and therefore cannot vote. After any final vote on fluoridation the town or district cannot vote again on fluoride until after 2 years from the date of the vote.

This whole program, it seems to me, is while different from what now is now in the books is still a good orderly program. There has to be a public hearing before any vote can be taken. It isn't going to be flipped over by surprise on people. The vote has to be by a majority of either the elected municipal officials or the voters in the town meeting, the latter of course would be necessary if it was a money decision that was involved. So I submit to you that we ought to take a new look at this matter and we ought to put in place a different, but still a very fair method of approaching this problem. I hope you'll vote no.

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

Senator SUTTON: Mr. President. Just briefly I would like to address this issue. I do believe it is a dental health issue. I am absolutely 100% for supporter for local control but I don't be-

lieve we've abrogated local control in this bill. Certainly not the back door, maybe the side door but strictly the local control is still there unequivocally. I've been drinking Norway water since 1955, though it didn't start then it started in 1952. I am convinced that fluoride is probably the most important single preventative thing that's happened in dental medicine.

As a matter of interest, a lot of the dentists tell me that the AFDC kids take most of their aid money as far as teeth are concerned where fluoride has been put in they have already seen the difference as far as these kids that are coming in.

I would certainly support his bill as a prevention method. We talk about a lot of bills that affect treatment but this is a prevention method, one of the most important things in dentistry, and I do believe, unequivocally that local control is still there.

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

Senator GILL: Mr. President, the community I come from has repeatedly during elections voted down fluoridation. I see this amendment as putting the burden on the people who want to keep their water clear. Fluoridation is not really the issue here. You can obtain fluoride treatment, you can get fluoride pills, there are many other ways—fluoride can be applied topically by a dentist. It can be administered on a voluntary basis. I think that's the point we are at right now. We're going to put into law some things that quite a few people find unacceptable to them.

I happened to read in the paper, about a month or so ago, when the hearing was there that the Gloucester, Mass water supply would be fluoridated by September of this year and it caught my eye because it talked about engineering work and was estimated to cost around \$10,000 for the engineering work. They have to design a new system that should take quite awhile to do, and the firm made a very, very preliminary estimate of \$75,000 to \$100,000 for first year installation and operation costs from Gloucester, Mass.

So that made me wonder a little bit just what it would do to my water supply and my water company in Portland, so I called the Portland Water District to see what would happen there, and in September 1976, when they last looked at this issue, the least expensive method was \$75,000 a year, and along with that they would have to purchase equipment and not only purchase the equipment but along with that, house the equipment, so that means build a building to house it with.

It just seems that within these days when we're talking about keeping utility costs down and reducing the bills that all these people pay, utility bills, monthly bills, that if people are really interested in fluoridation, they can go to their dentist, they can get a prescription and they can take it that way.

During the whole debate we had questions about how much fluoride a person needs to really do them benefit and we all know that some of us maybe drink one glass of water a day, some of us drink 20 glasses a day. Would 20 glasses be too much fluoride going into our system? We are dealing with children, we're dealing with middle age people, we're dealing with adults, I question, no I know I don't want fluoride in my water, I'll buy it over the counter with a prescription.

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

Senator LOVELL: It is true what the good Senator from Cumberland, Senator Gill, has said. You can go to a doctor and get a prescription for fluoride tablets but he'll charge you \$10.00 for the office call. Now it is also true that you can go to the dentist and have your teeth painted with fluoride but he'll charge you \$10.00 to have them painted with fluoride, but if you put it in the water, it doesn't cost you anything.

The PRESIDENT: The Chair recognizes the

Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: I'd just like to add to that. We pay now over \$2,000,000 in the State Budget for Medicaid children for dental work. Also in our programs we have in schools, it costs about \$4.00 per child in those school systems that will put \$2.00 to match the State's funds to have the fluoride rinse, etc.

I sent away through the Public Libraries, they have a computer system and you can have anything researched. So I had the research on the fluoridation question from medical journals. I have over here 40 pages of summaries, reports and studies in medical journals, there must be over a hundred of them, all except one, maintaining the benefits of fluoridation and the non-harmful effects of fluoride in the water and the amounts we were talking about which is 1 part per million, I believe. The one study that showed side effects was later on in another computer printout refuted by another study.

I just want to quote from one which I thought was kind of funny. It concerns the Government of Scotland. It says that "despite the fact that it has been recommended by the World Health Organization advocated by successive governments for over 20 years and supported by the Scottish Home and Health Department, and every reputable body of Public Health throughout the world, progress in Scotland towards its implementation has been disappointing." I think that's the history here in the State of Maine as well.

We're really, though, not talking about fluoridation. We're talking about adding another method to bring this question to referendum, which may or may not be any more successful than the present method of putting the fluoridation question to referendum.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator HICHENS.

Senator HICHENS: Mr. President and Members of the Senate: I'd like to elaborate on the statements by the good Senator from Cumberland, Mrs. Gill, as far as the amount of water some people drink. I personally drink quite a lot of water. It doesn't do my teeth any good because I've had false teeth since 1945. But my grandchildren won't drink plain water. They have to have Kool-Aid and juices like that. The tonics that they drink, if the water supply is fluoridated, they're drinking fluoridated water, whether they want it or not, whether their parents want it or not.

As far as the good Senator from York, Senator Lovell, has stated, I believe I can go in and buy fluoride pills without going to a dentist or to a physician to have a prescription. I've seen them advertised in drug stores. So I don't have to pay the \$10 fee to get a prescription for that.

The dentist who testified before our committee testified that he puts fluoride pills in the water that his little daughter drinks. He doesn't have it in his well. I was glad to hear that because I was a guest at his house one night and I'm glad I didn't have to drink fluoridated water there. I also have a well, so I don't have to drink fluoridated water at home.

But I think this should be a prerogative of the people. If they want their children to have fluoride, fine. If they don't want to have to have fluoride in their water, they shouldn't have to do so.

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 pending question before the Senate is the motion by the Senator from Cumberland, Senator Gill, that the Senate

accept the Minority Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of accepting the Minority 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 — Danton, Farley, Gill, Hichens, O'Leary, Perkins, Pierce, Shute, Silverman, Teague, Trotzky, Usher.

NAY — Ault, Carpenter, Chapman, Clark, Collins, Cote, Devoe, Emerson, Huber, Lovell, Minkowsky, Najarian, Pray, Redmond, Sutton, Trafton.

ABSENT — Conley, Katz, Martin, McBreairty.

A Roll Call was had.

12 Senators having voted in the affirmative, and 16 Senators in the negative, with 4 Senators being absent, the motion to accept the Minority Ought Not to Pass Report does not prevail.

The Majority Ought to Pass, as amended, Report of the Committee, accepted, and the Bill Read Once. Committee Amendment "A" Read and Adopted.

Under Suspension of the Rules, the Bill was Read a Second Time and Passed to be Engrossed, as amended.

Sent down for concurrence.

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

Bill, "An Act to Coordinate, Effectively Utilize and Comprehensively Plan the Service Needs of Maine's Children and Families by Establishing a Maine Council of Families and Children, County Councils on Families and Children and a State Office for Children and Families." (H. P. 1254) (L. D. 1554)

Tabled—June 5, 1979 by Senator Gill of Cumberland.

Pending—Passage to be Engrossed.

On motion by Senator Gill of Cumberland, the Senate voted to Suspend the Rules.

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

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

Senator GILL: I have Senate Amendment "A" that I'd like to present.

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

Senate Amendment "A" (S-314) Read and Adopted.

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

Senator PIERCE: Mr. President, I present Senate Amendment "B" to Committee Amendment "A" under Filing Number of S-323.

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

Senate Amendment "B" (S-323) Read.

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

Senator NAJARIAN: Mr. President, I would ask for a Division on the Adoption of this Amendment. It calls for repeal of this Bill. If we're going to pass it, I think a sunset would be better. These people have been coming up here, this is the third year in a row. It's going to automatically be repealed. They're going to have to come up, and everybody fight for this again.

I think a sunset provision makes sense, but an absolute repeal, I personally would oppose.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of Adopting Senate Amendment "B" to Committee Amendment "A", 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 10 Senators in the negative, Senate Amendment "B" is Adopted.

Committee Amendment "A", as amended, adopted, in non-concurrence.

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

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

Senator GILL: Having voted on the prevailing side, may I move for reconsideration and hope everyone votes against me.

The PRESIDENT: The Senator from Cumberland, Senator Gill, moves the Senate reconsider its action whereby L. D. 1554 was Passed to be Engrossed.

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

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

A Viva Voce Vote being had.

The Motion does not Prevail.

Sent down for concurrence.

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

Bill, "An Act Concerning the Profession of Public Accountancy." (H. P. 234) (L. D. 280) Tabled—June 5, 1979 by Senator Pierce of Kennebec.

Pending—Enactment.

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

Senator PIERCE: Mr. President, I would ask for a Division on Enactment.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President and Members of the Senate: I'd just remind the Senate we do now have a Bill before us for Enactment, a posture where your Public Accountants are being authorized now in addition to CPA's, have essentially the same ability to perform all the functions with some minor exceptions that CPA's do.

As you know we had quite a discussion on this, when I attempted to urge the Senate to adopt amendments to restrict the function of the opinion audits and the attest function. I'm disturbed at this point that the difference between the Public Accountants and the CPA's is going to be very minor. I feel that it is not a position that I can support at this time.

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

Senator LOVELL: Mr. President, Ladies and Gentlemen of the Senate: I certainly feel that we should Enact this Bill.

We have killed the bad amendments on the Bill. As the Bill stands now, you've got to be a college graduate. Now my son's got his M.S. from the University of Southern Maine. He flunked the exam.

I got a call in from a fellow from Biddeford. He flunked the exam 7 times, 7 times, and they only give it once a year as I understand. Now the amendment! The amendment says the education is an experience for Certified Public Accountant. You've got to take an examination, pass 1 and 2 examinations in Accounting Practices portion of the Uniform Certified Public Accountant Examination, prepared by the Board of Examiners of the American Institute of Certified Public Accountants.

Well, my Lord! The Public Accountants and Certified Public Accountants are going to give the exam. They can make it just as hard as they want to. Nobody's going to be a Public Accountant, if they don't want them to. So I say let's enact this Bill. I hope you will stick with me the way you have the last 2 or 3 times. I pray for you.

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

Senator CLARK: Mr. President, and Men and Women of the Senate: I was a signer of the

unanimous Ought to Pass Report from the Committee on Business Legislation on L. D. 280. As I have stated and shared with you in previous testimony in this Chamber, it was my understanding that the compromise which was effected between the parties of interest included deletion of the attest function for those who will be re-established through the licensing process as Public Accountants.

Since this Chamber has chosen to defeat that good amendment, in slight contradiction, to the good Senator from York, Senator Lovell. I must publicly state that I do not support passage of this measure. As we have failed to license denturists without supervision, as we do not license draftsmen to be surveyors, then I also do not think that we should establish the licensing of Public Accountants to do that work, which is the privilege and responsibility of Certified Public Accountants.

If an individual fails the CPA Exam 7 times, I think that's adequate reason for disallowing the attest function of Public Accountants.

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

Senator LOVELL: Mr. President, and Ladies and Gentlemen of the Senate: I respect the good Senator from Cumberland, Senator Clark very greatly, but in my opinion, with the CPA's giving the exam they are going to give such a hard exam that we won't have any more Public Accountants except those that are already in.

Now for example, in the Public Accountant, the big firms can hire a CPA. They can pay the money, but the small firms can hire a CPA. They can pay the money, but the small firms like I was in a drugstore. I have never had a Certified Public Accountant. I was in business 40 years. I never had my income tax checked but once. It only cost me \$200 the time they checked it. So consequently a Public Accountant is needed in the small businesses. You voted very well with me the last time, I hope you will keep your position.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Lovell.

Senator LOVELL: 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 York, Senator Lovell.

Senator LOVELL: Could I Withdraw my Motion for a Roll Call and ask for a Division.

The PRESIDENT: The Senator from York, Senator Lovell, now requests Leave of the Senate to Withdraw his request for a Roll Call.

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

It is a vote.

A Division has been requested.

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

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

18 Senators having voted in the affirmative, and 12 Senators in the negative, L. D. 280 is Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

The Chair laid before the Senate the Eighth Tabled and specially assigned matter:

Bill, "An Act Concerning Maine's Maternal and Child Health Care Program." (H. P. 1128) (L. D. 1505)

Tabled—June 5, 1979 by Senator Pierce of Kennebec.

Pending—Enactment.

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

Senator PIERCE: Mr. President, I move the Indefinite Postponement of this bill and all accompanying papers.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves that L. D. 1505 be Indefinitely Postponed.

The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: I request a Division on that motion.

May I speak, Mr. President?

The PRESIDENT: The Senator has the floor.

Senator GILL: This is a Bill that was brought to the Legislature because of a study that was done by the Legislative Health Policy Analysis Project.

What it will do is it will identify where the needs are, and where the health needs of the mothers and infants are. It will coordinate the planning activity for these health needs. It will also set up guidelines and process the standard for these needs. I would suggest we vote against the pending motion.

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

Senator TRAFTON: Mr. President and Members of the Senate: It was certainly a surprise to me to have Indefinite Postponement of this bill moved, as you will remember this had a unanimous Committee Report Ought to Pass.

Briefly I'd like to make a few points. First of all, there's no state money involved in this bill. There's no fiscal note. It tells the Department to have a plan to administer \$2,000,000 of Federal money which is already available for this purpose.

It allows pregnant women in rural areas as well as urban areas to help get good nutrition for all their needs. This Bill was supported by all the Family Planning Centers as well as the Right to Life Groups, and all people who are concerned with the status of pregnant women, and the health of pregnant women.

As the good Senator mentioned from Cumberland, Senator Gill, this is as a direct result of a study done by the Health and Institutional Service Committee of the 108th Legislature. I hope you'll support its enactment.

The PRESIDENT: Is the Senate ready for the question.

A Division has been requested.

Will all those Senators in favor of Indefinite Postponement of L. D. 1505, 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 Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President, I'd simply pose a question through the Chair to any Member of the Senate who would care to answer, that opposed to this bill as to why?

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, has posed a question.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President and Members of the Senate: As I've watched on various pieces of Legislation as they come through here, this is a classic example of another one of these funny money bills. They start off with a

clear statement from the department that it needs an appropriation. I've seen bills for \$100,000, for \$20,000. I think this one is only \$10,000 on it. Right in black and white from the department.

The sponsors go running around, get the department to withdraw the appropriation. We pass it. Then the department goes to the Appropriations Committee, and say we need more money, we need more spots. This is a classic one right here. If they want to do what's entailed in this bill, they can do it with the people they've got now. That's the reason I'm voting against this.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator Pierce that L. D. 1505 be Indefinitely Postponed.

The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: I request permission to pair my vote with Senator McBreairty. If he were here, he would be voting Yes and I would be voting No.

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

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

It is a vote.

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, Hichens, Huber, Katz, Lovell, Perkins, Pierce, Redmond, Shute, Silverman, Sutton.

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

ABSENT — Martin, Teague.

PAIRED — Gill-McBreairty.

A Roll Call was had.

15 Senators having voted in the affirmative, and 13 Senators in the negative, with 2 Senators having paired their votes, and 2 Senators being absent, the Motion to Indefinitely Postpone does prevail.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: I move Reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves the Senate reconsider its action whereby it Indefinitely Postponed this Bill.

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

Senator LOVELL: I'm sorry but I forgot to ask for reconsideration on L. D. 280. So I'd like to ask for reconsideration and hope that everybody will vote against me.

The PRESIDENT: The Senator from York, Senator Lovell, moves that the Senate reconsider its action whereby Bill, "An Act Concerning the Profession of Public Accountancy." (H. P. 234) (L. D. 280), was Passed to be Enacted.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: 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 af-

firmative 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 reconsider its action whereby L. D. 280 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, Hichens, Huber, Katz, Pierce, Redmond, Sutton, Teague, Trotzky.

NAY — Carpenter, Conley, Cote, Danton, Devoe, Emerson, Farley, Gill, Lovell, Minkowsky, Najarian, O'Leary, Perkins, Pray, Shute, Silverman, Trafton, Usher.

ABSENT — Martin, McBairty.

A Roll Call was had.

12 Senators having voted in the affirmative, and 18 Senators in the negative, with 2 Senators being absent, the Motion to Reconsider does not prevail.

The Chair laid before the Senate the Ninth tabled and specially assigned matter:

HOUSE REPORTS — from the Committee on State Government — Bill "An Act to Create an Office of Housing Affairs." (H. P. 962) (L. D. 1240) Majority Report — Ought to Pass in New Draft in New Title, "An Act to Provide an Executive Department Focus for Housing Affairs." (H. P. 1469) (L. D. 1657); Minority Report — Ought Not to Pass.

Tabled—June 5, 1979 by Senator Katz of Kennebec.

Pending—Motion of Senator Conley of Cumberland to Reconsider.

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

Senator AULT: I request a Division on the Motion to Reconsider and hope you'd vote against the motion.

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

Senator CONLEY: Mr. President and Members of the Senate: I doubt very much if I'll be successful in my endeavors upon this piece of Legislation, although I have spoken with 2 of those members of the Senate who said that they really have no particular hard feelings on this Bill. Secondly the Chairman, the good Senator from Kennebec, Senator Ault, will express his own thoughts with respect to the Bill. But I think that the Senate should be concerned about one thing, and that is that perhaps housing is the most important priority that this State has.

The Bill in its New Draft focuses on the need for Maine to get its maximum fair share of Federal Housing Funds and to make most effective use of these funds. Today we get over \$100,000,000 annually in Housing and Urban Development Funds, and also the Farmers Home Mortgage in subsidies monies. This amount would be closer to \$150,000,000 if Farmers Home had not had approximately \$40,000,000 cut out of its Maine annual allocation.

In 1976 Farmers' Home financed over 2,500 new home starts in Maine. This year they will finance only between 500 and 600 new units. A drop of 2,000 units means approximately \$70,000,000 spent in the Maine economy, which also means about a 5% reduction in tax revenues for the State, and it means 2,000 less jobs.

I personally feel that if we have a commitment to provide decent and adequate housing in the State, then we should try to have a program that would initiate and bring upon the attention by the Executive Branch of Government to coordinate all of the housing programs that are in effect.

Now people will say we have the Maine State Housing Authority, we have local housing authorities, we have the Farmer's Home. The real problem is that there isn't any real coordination being done to effectuate the need to demonstrate the actual need of housing and take the bull by the horn and to run with it.

All this bill does primarily, it doesn't cost any money. What it does it makes the Chief Executive of this State set up within his Executive Branch, appointing some individuals to be totally responsible for the coordination of such a program. There, Mr. President, I've said my 2¢ worth on this bill. I would urge the Senate to vote for Reconsideration.

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

Senator MINKOWSKY: Mr. President and Members of the Senate: I would urge the members of the Senate to vote against the reconsideration motion.

I've done a little checking on this during interim of time. The statistics brought forth by the good Senator from Cumberland, Senator Conley, are accurate, but I can sum it up in one particular sentence. It can be done, it will be done through the State Planning Office, through the Executive Branch, with people presently employed that we do not have to mandate the Executive Branch to do this.

I believe it's the intent and purpose of the Executive Branch to handle this with in-house people, without any additional costs. They can handle its coordination very easily without this particular piece of Legislation.

I would hope then, that you would vote against the motion to reconsider.

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

Senator CONLEY: Mr. President, I wish the good Senator from Kennebec, Senator Pierce, was in his seat because I know how much he respects my words when I address the Executive Branch of Government. I tell you right now I feel extremely safe because I know that right at this moment the Chief Executive is presently cruising over Biscayne Bay somewhere heading for Washington in a round about way. But whether he's there or here or whether it was some other Governor downstairs, I feel that strongly about this. I think that if we have a commitment to make sure that these people, citizens of this State are afforded the top priorities of housing, then I ask you again to mandate the Chief Executive to do it.

The PRESIDENT: Is the Senate ready for the question?

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.

10 Senators having voted in the affirmative, and 11 Senators in the negative, the motion does not prevail.

The Chair laid before the Senate the Tenth tabled and specially assigned matter:

HOUSE REPORTS — from the Committee on Business Legislation — Bill, "An Act to Amend the Law Relating to the State Board of Social Worker Registration." (H. P. 1018) (L. D. 1251); Majority Report — Ought to Pass; Minority Report — Ought Not to Pass.

Tabled—June 5, 1979 by Senator Katz of Kennebec.

Pending—Acceptance of either report.

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

Senator AULT: I move acceptance of the Ought to Pass Report.

The PRESIDENT: The Senator from Kennebec, Senator Ault, moves the Senate accept the Majority Ought to Pass Report of the Committee.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President, Men and Women of the Senate: I would oppose the pending motion, L. D. 1251, "An Act to Amend the Law Relating to the State Board of Social Worker Registration," is a Bill that had a very interesting and lively public hearing. Essentially the Bill seeks a total exemption from Maine's Nursing Homes for licensed social worker and consultations.

It represents what I consider to be a gross erosion of the Social Worker Registration Law which this Legislature passed in the 108th Maine Legislature.

There are 4 major points which were brought to the attention of the Committee on Business Legislation at the public hearing. First the issue of costs was raised by the proponents of this measure. The costs of placing the State in compliance is projected to be approximately \$59,000 per year for the 6,000 to 8,000 medicaid patients in nursing homes. The cost of having Social Work Services supervised by licensed practitioners is only 2 to 2½¢ a day per patient.

Point 2. Since one of the major functions of the social workers is to assist the patient in making an adjustment to the nursing home and their illness or injury, the provision of supervised social work staff may actually create a savings, something which is resisted by proponents of this measure. In other words, if competent social work services are not available to assist in this way, nursing homes might spend more than 2½¢ a day just to provide either tranquilizing medication, sedation, or even that extra special staff to manage the disturbing or noisy or unhappy or depressed patients.

Point 3. Some of the services provided by the licensed social work consultant would include assisting the patient make the transition from independence to dependence within the home, help the patient to resolve feelings of anger, frustration, loss and fear. Help the patients through the process of facing their own death, which involves denial, anger, bargaining, acceptance, and yes, even planning. Encouraging the family to remain involved in the family and the community. Encouraging the patient to exercise his or her civil and legal rights in decision making regarding their own treatment and life planning.

Of course, it must be remembered that with a greater ability to save people's lives today, there are more than ever, more elderly people in the nursing homes across our State. There are in fact, in addition a number of young victims of accidents, as well as mentally retarded and mentally ill patients who have been placed out of State Institutions and into Maine's nursing homes. These individuals certainly require as many social work services as do the elderly and often times they require more social work services.

While my remarks have been addressed mainly to those who are State funded, we must always keep in mind that there are many, many patients whose costs of nursing home care are privately paid. They too merit quality care.

Point 4. And I think perhaps most important, is the idea that no exemptions should be permitted, nor really need to be permitted. The better legislative approach could seem to be not only to not allow a third exemption for we already have exemptions for state employment and hospitals, but to also remove the present exemption for accredited hospitals in State Government. That's a long way down the road and we all acknowledge that.

Instead it would seem to be better to allow no automatic exemptions but to allow the State Licensing Board, the Social Worker Registration Board the authority to grant waivers to agencies, hospitals, and in this case, State and nursing homes, who can document that they have made legitimate attempts to recruit licensed social workers for supervision and consulta-



tion, but have been unable to secure any for lack of funds.

It may be interesting to note that the State of Maine has been out of compliance with the Social Worker Registration Law, relative to Social Services and Social Worker Services in the nursing homes since July 1, 1978.

The procedure to which I've just alluded, would better serve the public and those patients, in that quality social work services would be expected of all agencies, but any agency that legitimately could not recruit a Licensed Social Worker as has been alleged, could receive a waiver from the Licensing Board upon request, an action which has not been sought by Maine nursing homes.

This procedure would also assist in developing the needed specialties within social work as a list of the waivers would quickly indicate where the unmet need existed. With this data, schools and students could specifically address the areas of training that were needed so that all agencies would avail themselves of well-trained, competent supervisors, social workers, independent consultants. Even if they couldn't and didn't want to have each social work position filled by a licensed social worker.

For these reasons in particular, I oppose the pending motion. As a postscript, I'm not exactly proud of the Department of Human Services, in that it is my understanding that it was that Department of State Government which sought the exemptions that we find incorporated in L. D. 1251. I find it unusual and without precedent that a State Agency would seek to erode a professional licensing law. I think it might have been more appropriate, had that State Agency acting for those nursing homes over which they have coordination and supervision and other kinds of responsibility, to have sought as I've mentioned, a waiver. So that down the road, Maine's nursing homes will be in compliance, and that quality care will be assured the patients who live in those nursing homes.

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

Senator SUTTON: Mr. President, I had a very long and intricate speech prepared on this subject, but there's really nothing left to say. I support the good Senator from Cumberland, Senator Clark 100%. I think it's dastardly to think that we would not put professionals in nursing homes.

I would certainly support the re-licensing of those in hospitals and working with the State. It's a profession that's very important. In the end, other than cost and money, it could very easily save us money by helping to possibly rotate some of these folks out of nursing homes and back into public life. I certainly hope that you would support the Ought Not to Pass Motion.

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

Senator AULT: Mr. President and Members of the Senate: I want the Members of the Senate to know that I certainly believe in the best quality of care for the residents of nursing homes. My mother is now in a nursing home. I and the rest of my family are very pleased with the care that she does get there.

As Senator Clark pointed out, the present law requires any person who represents himself to the public as or uses the title of a Certified or Registered or Social Worker, any abbreviation thereof, without being registered is subject to a fine, etc. It does exempt those that work for Federal or State Agencies or in hospitals.

Both Senator Clark and Senator Sutton have said they would like to see those exemptions repealed. I would like them to respond to a question. Do they have any idea what that would cost the State of Maine if the State or Federal Agency employees were to come under this law?

Now this proposed Bill L. D. 1251 does attempt to exempt the social workers from the

nursing homes. Under the existing law the rules and regulations as promulgated by the Board of Social Workers can determine how many hours a social worker is going to have to work in a nursing home. They are presently, I understand, contemplating 1 to 2 1/2 hours per week.

I would ask the question of how much effect this is going to have on improvement of quality care with that limited amount of hours in a nursing home? I would also express a concern whether there are enough available social workers to handle all the nursing homes in the State of Maine?

If this Bill, L. D. 1251 is not Enacted, and these social workers do go to work in the homes and they do advise the patients to leave, I'd like to ask you where are they going to go? Are they going to go to boarding homes? There are waiting lists already for boarding homes. Are they going to live independently? They can't afford it, and—or they would be doing it now if they could. Home Health care, I support that but it's just beginning to get started. Or are they going to return to the family, I know in my case, and most others, if they could they would be with the family.

Now if this bill is not passed, and the social workers do begin their work in the nursing homes, they will be paid by the homes itself, which then is reimbursed on a 30% State—70% Federal funding.

As Senator Clark has said, if the proposed 1 to 2 1/2 hours per week goes into effect, then it's going to cost the State of Maine approximately \$60,000. It's possible that the Board could recommend more hours, which would cost even more money. It is my understanding that the Department of Human Services has no such request in its budget before this Legislature. So the funds have not even been requested to do the work. So I would urge you to vote for passage of L. D. 1251.

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

Senator CLARK: Thank you, Mr. President. Mr. President and Members of the Senate. I would attempt to respond to the concerns expressed by the good Senator from Kennebec, Senator Ault. He has asked where will people go if they don't stay in nursing homes. I'm making an assumption. I hope not erroneously that he's talking about skilled care and skilled nursing homes.

One of the fallacies, I think, which many of us have assumed, me included, until I began to deal with Social Worker Registration Law, because I've never had experience on the Health and Institutional Services Committee is that nursing homes are too frequently perceived as the end of the road, when in fact, with the multi-tiered system in Health Care today, if one is in a skilled nursing home and requires skilled nursing services, as improvement progresses, that person may be moved to intermediate care facility or even boarding homes, even their own family home. Of course, that is the goal we hope, all to achieve with home health care back-up, which has been addressed previously by other legislatures as well as peripherally by this one.

Senator Ault has also mentioned costs and I realize that that's a major cost. We're dealing with approximately \$60,000 here. But I would remind the Members of this Senate that the Department of Human Services can seek a waiver and while I cannot speak for the Board of Social Worker Registration, I think that Board would be responsive knowing that the Department of Human Services is experiencing some fiscal crises of one sort or another, and that the waiver would be extended to them, knowing also in the same breath, that the Department of Human Services is equally concerned about quality care for residents of Maine's nursing homes as we in this Chamber are. As a matter of fact as all Maine citizens are, I hope.

There's one thing which I equally didn't learn

at the public hearing, even though it was long. That's the whole issue of cost determination. I've done a little homework and this is what I would share with you. It seems that the issue of cost is the main concern. The cost of consultation. That presumably, as has been discussed in the halls of this Legislature is the cost of consultation with an MSW, a Master of Social Work, a person who holds that, and he holds the license of Certified Social Worker in the Senate.

According to the present law, this consultation is not required for a Registered or an Associate Social Worker. Someone who is also licensed by the Board and working in a nursing home. Therefore, clearly does not need this consultation. It is up to the Department of Human Services to determine whether the social worker in the nursing home should be an Associate Social Worker, a Registered Social Worker, a Certified Social Worker, or even a Social Worker, licensed for independent practice. Those are the 4 tiers of Social Workers licensing in the State.

Nursing homes will be regulated by the Department of Human Services, just as hospitals are regulated by the Joint Commission for the Accreditation of Hospitals. Now the JCAH has set standards for hospitals, which required qualified consultation. Those standards are that hospitals employ either an MSW or its equivalent, which is why hospitals currently enjoy a complete exemption.

The Department of Human Services does have the responsibility currently, to set the standard of social work in a nursing home. There's no requirement in the Social Worker Registration Law for them to set the standard requiring consultation. They must merely set it in compliance with the Social Worker Licensing Law. They can set it at a level of Registered, Associate, or Certified. Even a Social Worker who's qualified for independent practice, if they would choose to spend the money. The level of expense of their choice is dependent of the selection of the tier.

Now we all know that Medicaid monies are expensive. Medicaid monies are now supporting many, many people in hospitals at the average cost in a 50 bed facility of approximately \$200 a day. Considerably more expensive than the average daily cost of maintaining a resident in a nursing home, or in some of the other intermediate care facilities, which are available for those who have, if you will, graduated from nursing home care.

Just as the Joint Commission for the Accreditation of Hospitals chose to set very high standards for hospital social workers, then it's up to the Department of Human Services to set their standards within their budgetary allocations. All we ask is that the standards comply with the law. That's item number 1 and item number 2 I will repeat. All the Department of Human Services has to do is apply for a waiver to the Social Worker Registration Board.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

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

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

11 Senators having voted in the affirmative, and 15 Senators in the negative, the Motion to accept the Majority Ought to Pass Report does not prevail.

The Minority Ought Not to Pass Report of the Committee, accepted, in non-concurrence.

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

Senator CONLEY: Mr. President, I move that the Senate reconsider its action whereby it accepted the Minority Report and urge the Senate to vote against me.

The PRESIDENT: The Senator from Cum-

berland, Senator Conley, moves the Senate reconsider its action whereby it accepted the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: 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 the motion by the Senator from Cumberland, Senator Conley, that the Senate reconsider its action whereby it accepted the Minority Ought Not to Pass Report of the Committee.

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, Carpenter, Collins, Cote, Hichens, Huber, Lovell, Minkowsky, O'Leary, Pierce, Redmond, Shute, Silverman, Teague.

NAY — Chapman, Clark, Conley, Danton, Devoe, Emerson, Farley, Najarian, Pray, Sutton, Trafton, Trotzky, Usher, Sewall.

ABSENT — Gill, Katz, Martin, McBreaity, Perkins.

A Roll Call was had.

14 Senators having voted in the affirmative, and 14 Senators in the negative, with 5 Senators being absent, the motion to Reconsider does not prevail.

Sent down for concurrence.

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

Bill, "An Act to Ensure the Prompt Decision of Cases Before the Workers' Compensation Commission." (H. P. 1380) (L. D. 1605)

Tabled—June 5, 1979 by Senator Katz of Kennebec.

Pending—Enactment.

On motion by Senator Pierce of Kennebec, retabled.

The Chair laid before the Senate the Twelfth tabled and specially assigned matter:

Bill, "An Act to Regulate Commercial Whitewater Outfitters." (S. P. 348) (L. D. 1094)

Tabled—June 5, 1979 by Senator Conley of Cumberland.

Pending—Motion of Senator O'Leary of Oxford to Reconsider Adoption of Senate Amendment "C" (S-308) to Committee Amendment "A" (S-215)

On motion by Senator O'Leary of Oxford, the Senate voted to reconsider its action whereby it Adopted Senate Amendment "C" to Committee Amendment "A".

On motion by Senator O'Leary of Oxford, Senate Amendment "C", Indefinitely Postponed.

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

Senator O'LEARY: Mr. President, I now present Senate Amendment "D" to Committee Amendment "A" under Filing S-316 and move its Adoption.

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

Senate Amendment "D" (S-316) Read.

The PRESIDENT: The Senator has the floor.

Senator O'LEARY: Mr. President, the purpose of this amendment is to add dories under the licensing provisions of the bill.

Senate Amendment "D" Adopted. Committee Amendment "A", as amended, Adopted, in

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

Sent down forthwith for concurrence.

Under Suspension of the Rules, there being no objection, all items previously acted upon were sent forthwith.

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

#### Order

On motion by Senator Sutton of Oxford, Co-sponsor Representative Wyman of Pittsfield, WHEREAS, the Maine Workers' Compensation Act provides for a largely "passive" agency which is able to provide only a bare minimum of information and assistance to an injured employee or his employer; and

WHEREAS, the Maine Workers' Compensation Act makes necessary a lengthy wait for employee compensation, whether or not the employer contests the case; and

WHEREAS, a great majority of employers and employees are currently unaware of their rights and duties under the Workers' Compensation Act; and

WHEREAS, this passive administration and lack of information results in a workers' compensation system that is unduly expensive yet inefficient; and

WHEREAS, a significant number of states, including Michigan and our neighboring state, New Hampshire, have turned to a "direct pay" system of workers' compensation which has resulted in greater efficiency (e.g., initial compensation is usually received within 15 days of the injury); now, therefore, be it

ORDERED, the House concurring, subject to the Legislative Council's review and determinations hereinafter provided, that the Joint Standing Committee on Labor direct its legislative staff to prepare a background report on the benefits and liabilities of the "direct pay" system of workers' compensation; and be it further

ORDERED, that this report be forwarded to the Joint Standing Committee on Labor for its consideration by October 1, 1979; and be it further

ORDERED, that the committee shall study the report and any ramifications which a "direct pay" system would have in Maine; and be it further

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

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

ORDERED, that upon passage of this Order in concurrence a copy of this Order shall be sent to the members of the committee.

(S. P. 613)

Which was Read.

On motion by Senator Pierce of Kennebec, tabled, pending Passage.

#### Committee Reports

##### House Ought to Pass

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

Reports that the same Ought to Pass.

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

Which Report was Read and Accepted, in concurrence, and the Bill Read Once.

Under Suspension of the Rules, the Bill was Read a Second Time, and Passed to be Engrossed, in concurrence.

#### Ought to Pass — As Amended

The Committee on Taxation on, Bill, "An Act to Encourage Pilot Projects using Solid Waste for Energy Production." (H. P. 876) (L. D. 1081)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-654).

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

The Committee on Local and County Government on, Bill, "An Act to Provide for County Self-government." (H. P. 831) (L. D. 1038)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-659).

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

The Committee on Taxation on, Bill, "An Act to Remove Restrictions on Eligibility under the Elderly Householders Tax and Rent Refund Act based on Marital Status." (H. P. 24) (L. D. 41)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-653).

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

The Committee on Taxation on, Bill, "An Act to Exempt Purchased Meals for the Elderly Meals Program from the State Sales and Use Tax." (H. P. 357) (L. D. 452)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-652).

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

The Committee on Taxation on, Bill, "An Act to Exempt Nonprofit Medical Centers from Maine Sales Tax." (H. P. 289) (L. D. 365)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-646).

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

The Committee on Taxation on, Bill, "An Act to Exempt Used Machinery from the Sales Tax." (H. P. 514) (L. D. 629)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-655).

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.

Under Suspension of the Rules, the Bills were Read a Second Time, and Passed to be Engrossed, as amended, in concurrence.

#### Divided Report

The Majority of the Committee on Energy and Natural Resources on, Bill, "An Act to Authorize a General Fund Bond Issue in the Amount of \$16,500,000 to Assist Municipalities with Solid Waste Management." (H. P. 906) (L. D. 1131)

Reports that the same Ought Not to Pass.

Signed:

Senators:

McBREAITY of Aroostook  
O'LEARY of Oxford

Representatives:

BLODGETT of Waldoboro  
PELTIER of Houlton



KIESMAN of Fryeburg  
DEXTER of Kingfield  
JACQUES of Waterville

The Minority of the same Committee on the same subject matter reports that the same Ought to Pass as amended by Committee Amendment "A" (H-657).

Signed:  
Representatives:

HUBER of Falmouth  
MICHAEL of Auburn  
DOUKAS of Portland  
AUSTIN of Bingham  
HALL of Sangerville

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

Which Reports were Read.

On motion by Senator O'Leary of Oxford, the Majority Ought Not to Pass Report Committee, accepted, in non-concurrence.

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

Senator PIERCE: Mr. President, in regards to L. D. 1131, I move Reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves the Senate reconsider its action on L. D. 1131, whereby the Senate accepted the Majority Ought Not to Pass Report of the Committee.

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

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.  
The Motion does not Prevail.  
Sent down for concurrence.

#### Second Readers

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

##### House — As Amended

Bill, "An Act to Define Suitable Work After the First Twelve Consecutive Weeks of Unemployment." (H. P. 823) (L. D. 1023)

Bill, "An Act Amending the Law Relating to Elevators and Tramways." (H. P. 692) (L. D. 870)

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

Out of Order and under suspension of the Rules, the Senate voted to consider the following:

##### Papers from the House

##### Non-concurrent Matter

Bill, "An Act to Revise the Physical Therapist Practice Act." (S. P. 593) (L. D. 1664)

In Senate June 5, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-661), in non-concurrence.

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

Senator CLARK: Mr. President, there has developed a technical problem, an omission from the Bill. I would hope that perhaps someone would table this for one day. The amendment should be ready very late this afternoon. We promise it promptly tomorrow morning.

On motion by Senator Chapman of Sagadahoc, Tabled until later in today's session, pending Consideration.

##### Non-concurrent Matter

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

In the House May 14, Passed to be Engrossed as amended by Committee Amendment "A" (H-353) as amended by House Amendment "A" thereto (H-371).

In the Senate June 5, Passed to be Engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto (S-300), in non-concurrence.

Comes from the House that Body having Adhered. (Chair ruled Senate Amendment "A"

not germane)

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

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

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves the Senate Adhere. Is this the pleasure of the Senate?

The Motion Prevailed.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: I move reconsideration.

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

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.

##### Non-concurrent Matter

Bill, "An Act to Increase the Funds for the Displaced Homemakers Program." (H. P. 779) (L. D. 981)

In the House June 1, Passed to be Enacted.

In the Senate June 4, Bill and accompanying papers, Indefinitely Postponed.

Comes from the House, that Body having Adhered.

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

Senator PIERCE: I move the Senate Adhere.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves the Senate Adhere. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Najarian.

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

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

The Chair will order a Division.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I request when the vote is taken, it be taken by the Yeas and Nays.

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 Najarian.

Senator NAJARIAN: Mr. President and Members of the Senate, I guess this would be Enactment. I don't know what the process is or whether it would just automatically go on the Table. There's a \$25,000 appropriation on it.

This program has been in operation in the Kennebec County area. It's been reviewed by the State Government Committee. It's helped many women desperately in need of help. We have a similar program for the veterans which comes up automatically for funding every year, at a greater amount than what we're requesting here for this particular group or class of people.

There's really no reason to kill this bill. It will be put into the Department of Manpower Affairs. The Council will be done away with, so that there will be less Board travel and expenditure of money that way, and administered in that department. It's a very worthy program. I hope you will Enact it.

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

Senator CONLEY: Mr. President, I would move that the Senate Recede.

The PRESIDENT: The Senator from Cum-

berland, Senator Conley, moves that the Senate Recede.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I ask for a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I would request a Roll Call on the motion. Mr. President and Members of the Senate, there are very few programs of the Executive that have been having very much luck in this Chamber. The motion to Recede really doesn't even take care of that, but at least it keeps the bill alive, at which time the priorities can be measured by the leadership of the Majority Party in this body.

It would be hoped that you would at least consider that part.

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

Senator LOVELL: Mr. President, Ladies and Gentlemen of the Senate. This bill was entered by my Chairman in the other body. She has been a very good Chairman. I would hope that you would vote to Recede. I think that she means well on this bill. I think it will be a good bill.

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 York, Senator Lovell.

Senator LOVELL: Mr. President, I have been asked to pair with Senator McBreairey. If he were here, he would be voting No, and I am voting Yes.

The PRESIDENT: The Senator from York, Senator Lovell, now requests leave of the Senate to pair his vote with the Senator from Aroostook, Senator McBreairey, who if he were here would be voting Nay, and the Senator from York, Senator Lovell, 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 Cumberland, Senator Conley, that the Senate Recede.

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

A No vote will be opposed.

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

##### ROLL CALL

YEA — Carpenter, Clark, Conley, Danton, Farley, Minkowsky, Najarian, O'Leary, Pray, Trafton, Usher.

NAY — Ault, Collins, Cote, Devoe, Emerson, Gill, Hichens, Huber, Katz, Perkins, Pierce, Redmond, Shute, Sutton, Teague, Trotzky.

ABSENT — Chapman, Martin, Silverman.

PAIRED — Lovell-McBreairey.

A Roll Call was had.

11 Senators having voted in the affirmative, and 16 Senators in the negative, with 2 Senators having paired their votes, and 3 Senators being absent, the Motion to Recede and Concur does not prevail.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

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

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves the Senate Adhere. Is this the pleasure of the Senate?

The Motion Prevailed.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I move Reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves the Senate reconsider its action whereby it voted to adhere.

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.

#### Non-concurrent Matter

RESOLVE, to Reimburse Norman M. Curtis for Financial Loss Due to a Legislative Oversight. (S. P. 412) (L. D. 1268)

In the Senate on June 5, Passed to be Engrossed as amended by Committee Amendment "A" (S-279).

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

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

Senator AULT: I move that the Senate insist and ask for a Committee of Conference.

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

Is this the pleasure of the Senate?

The Motion does Prevail.

#### Enactor

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

An Act to Authorize the Administration of Medications by State Corrections Officials in Certain Cases. (H. P. 1025) (L. D. 1270)

Comes from the House, Failed of Enactment.

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

Senator GILL: I move that we Recede and Concur with the House.

The PRESIDENT: The pending question before the Senate, the Chair would advise the good Senator, is Enactment of L. D. 1270. We are not at this point out of concurrence with the House.

Senator GILL: I would request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: Mr. President and Ladies and Gentlemen of the Senate: If you will look at L. D. 1270, on Supplemental Senate Journal #4, and you'll see a Bill that we had in here just the other day, dealing with medication, State Prison Corrections Officers.

I think there is still some hope for this Bill. I would certainly hope that we would go ahead and Enact this Bill this afternoon, and try to work out our differences, or I will try to work out our differences. There is nothing wrong with this bill. Every possible fairy tale that could ever be dreamed up has been dreamed up and thrown at this bill.

Fortunately, this body saw fit to look at the facts, look at the way the system is presently handled, and I think handled well in our county jails today. I would just remind you that they have this authority. All we're trying to do is extend the authority to our State Prison, which I feel more comfortable with. I would certainly hope that we would go ahead and Enact this Bill this afternoon. Thank you.

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

Senator HICHENS: 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 Sen-

ators present and voting.

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

Less than one-fifth having arisen, a Roll Call is not ordered.

Will all those Senators in favor of Enactment of L. D. 1270, please rise in their places to be counted.

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

11 Senators having voted in the affirmative, and 12 Senators in the negative, L. D. 1270 Fails of Enactment.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I move Reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves the Senate reconsider its action whereby L. D. 1270 Failed of Enactment.

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.

Under Suspension of the Rules, there being no objections, all matters previously acted upon were sent forthwith.

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

#### Papers From the House Joint Orders

Expressions of Legislative Sentiment recognizing that:

David A. Kriger, son of Mr. and Mrs. James S. Kriger of 13 Larchwood West, South Portland, is Valedictorian of the Class of 1979 at South Portland High School. . . (H. P. 1490)

David Rallis, son of Mr. and Mrs. Roy Rallis, 1651 Broadway, South Portland, is Salutatorian of the Class of 1979 at South Portland High School. . . (H. P. 1491)

Kathy Chasse, of Damariscotta, has been selected Valedictorian of the Class of 1979 at Lincoln Academy. . . (H. P. 1492)

Christie Jacobs, of Damariscotta, has been selected Salutatorian of the Class of 1979 at Lincoln Academy. . . (H. P. 1493)

Judith Kierstead of Mapleton, is Valedictorian of the Class of 1979 at the University of Maine at Presque Isle. . . (H. P. 1494)

Robert MacCall of Presque Isle, is Salutatorian of the Class of 1979 at the University of Maine at Presque Isle. . . (H. P. 1495)

David S. Immel, son of Mr. and Mrs. Richard W. Immel of Winterport, is Salutatorian of the Class of 1979 at Hampden Academy. . . (H. P. 1496)

Rebecca Lee Spang, daughter of Mr. and Mrs. David Spang of Hampden is Valedictorian of the Class of 1979 at Hampden Academy. . . (H. P. 1497)

Miss Michelle Charland of Biddeford is a finalist for Outstanding Achievement in the United States Environmental Protection Agency's Elementary Education Ecology Poem and Poster Program. . . (H. P. 1498)

Gerald K. Burns of Gray, Superintendent of Schools for Gray-New Gloucester MSAD 15, will enter retirement in June 1979, after 25 years of dedicated service in the field of education. . . (H. P. 1499)

Portland High School's track team is the State Class "A" Champion for 1979. . . (H. P. 1501)

Cheverus High School's track team is the State Class "B" Champion for 1979. . . (H. P. 1502)

Come from the House, Read and Passed.

Which were Read and Passed in concurrence.

#### Order

On motion by Senator Trotzky of Penobscot, WHEREAS, Maine's transportation system is presently facing a serious budget crisis; and

WHEREAS, state highways are being repaved every eight years, although the pavement life expectancy is five years, a condition which is rapidly leading to a severe deterioration in the condition of Maine's highways; and

WHEREAS, if this deterioration is allowed to continue, the State will soon be faced with major repairs on these highways which will be much more costly on a long-term basis than the current costs of upkeep; and

WHEREAS, the poor condition of many of the roads in the State greatly increases the amount of wear and tear to which the motor vehicles of this State are subjected; and

WHEREAS, the major source of funding for highway and bridge programs is the gas tax; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee on Taxation be ordered to report out to the House a bill concerning increasing the gasoline tax by 2¢.

(S. P. 614)

Which was Read.

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

Senator TROTZKY: Mr. President and Members of the Senate: What this Joint Order would do if passed by the Senate and passed by the House, it would order the Joint Standing Committee on Taxation to report out a Bill to the House concerning an increase in the gas tax by 2¢.

I feel very strongly that if we're going to raise money for the highways, and the highways are in need of repair, that part of that money be raised by a gas tax, and not by a lot of bonding. We should pay as we go here.

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

Senator PRAY: Thank you, Mr. President. Mr. President and Members of the Senate: I move the Indefinite Postponement of this order.

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

Senator CONLEY: Mr. President, I just like reiterating my words of yesterday, which seems to be a month ago. But I'd like to look directly into those bright brown eyes of that. . .

The PRESIDENT: The Chair would advise the Senator to avoid ad hominem wherever possible.

Senator CONLEY: I apologize, Mr. President. I'd like to direct my remarks to that very gracious Senator from Penobscot, Senator Trotzky, that the Governor said No! No! No! The Minority Leader of this Senate says No! No! No! Senator Trotzky. No tax increase. Has the Republican Party gone mad in this day of escalating high prices? Are they all walking around with tax packages in their back pocket. I can't stand any more taxes. The Democratic Party can't stand any more taxes. The people of the State of Maine cannot stand any more taxes, Senator Trotzky.

Mr. President, when this vote is taken, I plead that it be taken by the Yeas and Nays.

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

Senator SUTTON: Mr. President, I stand in sympathy and support of the good Senator from Penobscot, Senator Trotzky. I think this is completely unnecessary rhetoric, that has been taking place. Regardless of whether the Minority Leader feels that the State of Maine doesn't even need any taxes, or the Governor doesn't need any more taxes, they're both acting and talking irresponsibly. I believe as a responsible representative of a responsible party from a responsible County that we ought to talk about it.

The only way we can talk about it is to get a Bill out. This is ridiculous, these games the we're playing raising registrations and fees

and not calling them taxes. I'm getting sick of it. It's time we talked about what had to be talked about. We have a transportation problem. The way to address it is with a gas tax. I think that's what we ought to talk about.

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

Senator DANTON: Mr. President and Members of the Senate: It's getting late. The session is almost over. Regardless of Majority Party or Minority Party, Governor Brennan in the corner office doesn't want any taxes. He isn't going to accept any taxes on his desk. He'll veto them. They'll be sustained. Let's stop kidding ourselves.

I may agree with most of you in here. That's beside the point. In fact, the last gas tax that was passed in the State of Maine was passed in 1971 right in this Chamber. I was sitting in the seat where the good Senator from Hancock, Senator Perkins, is sitting. I got up and changed my vote from No to Yes to pass the gas tax. That's the last time we passed a gas tax for the State of Maine was in 1971.

Now the Senate has always voted to pass a gas tax. It's the other body that never voted for it. There's some members from the other body here today from both parties that didn't vote for a gas tax, just 2 years ago. So let's stop kidding ourselves, it's getting too late to play games.

I know the good Senator has good intentions, but I would hope that when I make the motion to Indefinitely Postpone this Order, that's exactly what we do. If you don't like the bond issue or whatever other program the Governor has, vote against it. I know we're going to end up with something, but it will not be a gas tax. So let's stop kidding ourselves. Thank you.

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

Senator TROTZKY: Mr. President, I would suggest to the members of the other party that I am not playing games. I think the Governor's playing games and the members of his party are following right along.

If you look at the proposal, all the proposals that I've seen, they're taxes. People are paying. Increasing registration fees, increasing motor vehicle transfer fees. What are these, if they're not taxes?

I'd like to pose a question to the Chair to any member of the opposite party, to ask what are these increases in fees, if they're not taxes?

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

Senator CONLEY: Mr. President, I understand the question from the good Senator from Penobscot, if I understand the question, they are user fees, user fees.

Now the IRS may not interpret that as a tax. I don't, but I think to get down to the nuts and bolts of the whole situation. We've had one program that was presented to you that was outrightly rejected. Another alternative package was presented today. It's my understanding that even that program has problems.

Well, I think now we have 4 days left. We'll sit back and see what you can generate, other than a TAX, Tax Program!

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

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

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

The pending question is the motion by the Senator from Penobscot, Senator Pray, that this Joint Order (S. P. 614) 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 — Carpenter, Clark, Conley, Cote, Danton, Farley, Minkowsky, Najarian, O'Leary, Pray, Shute, Trafton, Usher.

NAY — Ault, Chapman, Collins, Devoe, Emerson, Gill, Hichens, Huber, Lovell, Perkins, Pierce, Redmond, Silverman, Sutton, Teague, Trotzky.

ABSENT — Katz, Martin, McBrearty.

A Roll Call was had.

13 Senators having voted in the affirmative, and 16 Senators in the negative, with 3 Senators being absent, the Motion to Indefinitely Postpone does not prevail.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President, I'd like to pose a question through the Chair to the sponsor of the Joint Order. If he could enlighten us to exactly what the 2¢ will bring in for revenue.

The PRESIDENT: The Senator from Penobscot, Senator Pray, has posed a question through the Chair.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: The 2¢ will bring in \$12,000,000 per year.

Which was Passed.

Sent down for concurrence.

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

#### Papers From the House

##### Non-concurrent Matter

Bill, "An Act Regarding Laws Relating to Town Lines." (H. P. 1281) (L. D. 1534)

In the House June 4, Passed to be Engrossed as amended by Committee Amendment "A" (H-507).

In the Senate June 5, the Majority 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 Penobscot, Senator Emerson.

Senator EMERSON: I move we Recede.

The PRESIDENT: The Senator from Penobscot, Senator Emerson, now moves the Senate Recede.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I move that this item be tabled for 1 Legislative Day, pending the motion by the good Senator from Penobscot, Senator Emerson.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that L. D. 1534 be tabled for 1 Legislative Day.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I withdraw my motion.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now requests leave of the Senate to withdraw his motion.

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

It is a vote.

The Chair recognizes the Senator from Penobscot, Senator Emerson.

Senator EMERSON: I move we Recede from our position whereby the Senate accepted the Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Penobscot, Senator Emerson, moves the Senate Recede from its position whereby it accepted the Majority Ought Not to Pass Report of the Committee.

Is this the pleasure of the Senate?

The Motion Prevailed.

On motion by Senator Emerson of Penobscot, the Minority Ought to Pass Report of the Committee, Accepted, in concurrence, and The Bill

Read Once.

Committee Amendment "A" Read and Adopted, in concurrence.

Under Suspension of the Rules, the Bill was Read a Second Time.

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

Senator EMERSON: I now present Senate Amendment "A" and move its Adoption.

The PRESIDENT: The Senator from Penobscot, Senator Emerson, now offers Senate Amendment "A" to L. D. 1534 and moves its Adoption.

Senate Amendment "A" (S-325) Read and Adopted.

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

Sent down for concurrence.

#### Committee Report House

##### Leave to Withdraw

The Committee on Taxation on, RESOLUTION, Proposing an Amendment to the Constitution of Maine Allowing the Legislature to Impose a Property Tax in Excess of the Cost of Services upon Properties in the Unorganized Territories. (H. P. 1040) (L. D. 1283)

Reports that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read and Accepted, in concurrence.

#### Enactors

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

An Act to Implement a Plan for the Prevention and Treatment of Alcoholism and Alcohol Abuse. (H. P. 1206) (L. D. 1485)

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

An Act to Clarify the Regionalization of Special Education. (S. P. 363) (L. D. 1110)

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

An Act to Facilitate the Licensing of Small Hydroelectric Generating Facilities. (H. P. 1195) (L. D. 1472)

An Act to Consolidate the Mining and Rehabilitation of Land into the Site Location of Development Statute. (H. P. 1239) (L. D. 1543)

An Act Relating to the Employment of Minors and Overtime Pay. (H. P. 1214) (L. D. 1520)

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

RESOLVE, to Study the Need for an Environmental Health Program. (H. P. 1422) (L. D. 1627)

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

#### Emergency

An Act to Allow Dealers to Restrict the Hours during which they will Accept Returnable Beverage Containers. (H. P. 69) (L. D. 75)

This being an emergency measure and having received the affirmative votes of 23 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.

#### Emergency

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

This being an emergency measure and having received the affirmative votes of 24 Members of the Senate, was Finally Passed and having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Enactors

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

An Act to Increase Real Estate Broker and Salesman License and Examination Fees and to Eliminate Ambiguities. (S. P. 443) (L. D. 1381)

Comes from the House, Bill and Papers Indefinitely Postponed.

Which was Passed to be Enacted in non-concurrence and signed by the President.

Sent down for concurrence.

#### Bond Issue

An Act to Appropriate Money for Public Fish Piers, Airports and other Transportation Improvements and to Authorize General Fund Bond Issue in the Amount of \$11,810,000. (S. P. 487) (L. D. 1549)

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

#### Orders of the Day

The Chair laid before the Senate:

RESOLVE, Authorizing and Directing the State Director of the Bureau of Public Lands to Convey the Interest of the State in Certain Islands in Muscongus Bay. (H. P. 566) (L. D. 712)

Tabled—Earlier in the Day by Senator Katz of Kennebec.

Pending—Passage to be Engrossed.

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

Senator TROTZKY: Mr. President, I oppose the Passage of this Bill to be Engrossed, and would move its Indefinite Postponement.

I've got a letter which has been passed out to all the Senators. It comes from the law firm of Lund, Wilk, Scott and Goodall. This firm represents the Bureau of Public Lands. In the letter which is on your desk, essentially what they're saying here is that 1,500 islands have been registered.

Under the present law what they have to do is look at the title on all those islands that are registered to determine if the title is good. On 5 of those islands, the islands in the bill, they've determined that the town never had title to those islands, and could not, therefore, convey title.

There are also other cases coming up, where other towns in the State have issued Quit Claim Deeds. What they feel is the appropriate way to handle this is to wait until the title to all of the islands registered has been checked by the Attorney for the Bureau of Public Lands. Then all of those cases, where there is a disputed title, should be handled together.

What we're doing now in this bill is the State is giving up title to 5 islands, releasing title to 5 islands. We are setting a precedent. What's going to happen when the other thousand or more islands are searched, they're going to be more people coming in here asking the State to give up title to the islands.

I've got a letter from the Department of Conservation here. I've got this commitment, I've handed a copy of it to Senator Collins and also to the Majority Leader. It says that this is to confirm that if L. D. 712 is not Passed by the Legislature, the Bureau of Public Lands will take no action to possess the islands mentioned therein, those are those 5 islands, until such time as the title search program for all coastal islands has been completed. It's signed by the Acting Commissioner of Conservation.

I feel that it's only right at this time that we not pass this Bill because we're setting a precedent. There are going to be other islands which the title to is faulty. What's going to happen, is

the people who feel they possess those islands are going to come in here and ask for the State to release its claim to those islands. So I feel it's a very bad precedent, this bill, and hope the Senate will follow in Indefinitely Postponing it.

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

Senator COLLINS: Mr. President, I hope the Senate will vote No on the pending motion and sustain the position that it adopted only yesterday.

The State has examined these titles on a case by case basis. They started out using various law students and CETA personnel to do it. Whether it will take a couple of years or a dozen years I'm not sure. It depends on how money holds out and how good a service they're able to contract.

In any event, the State, of course, can outlast private people in many ways, and drag this thing on at great length if they choose to. Even if they dragged it on for 4 or 5 years, or 1 or 2 years, or whatever it might be, everything would have to be addressed on a case by case basis, because we're acting here on equities, not on any fast rule of law that applies to every case.

This case, this bill, this decision that the Senate and the other body have made up to this point is based on a series of happenings that we have felt created an equity in the people who bought these islands in good faith. That's really all we can decide. I think we know all the facts that relate to these cases, these 5 cases. We might as well decide these now. If we put it off we'd have to go through exactly the same thing when we had maybe 5 or 6 more to decide.

I think we ought to dispose of these. I hope you'll vote No.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, I consider this to be a very important issue because by Passing this Bill the State is giving up title to 5 Islands in Muscongus Bay. These islands belong to all the people of the State. Therefore, first I would request a Roll Call.

Secondly, the communication that's been relied on is a communication which in 1963, Austin Wilkins sent to the Town of Bremen in Waldoboro when they requested information about the islands. It has to do with town jurisdiction. Commissioner Wilkins at that time said: "This is to certify from the records available in the Land Office, it would appear that the Hungry Island is within the confines of the Town of Bremen, and undoubtedly should come under that jurisdiction for taxation and other municipal purposes."

Now jurisdiction for taxation and municipal purposes has nothing to do with ownership. The town doesn't necessarily own the island, because it has jurisdiction for taxation and other municipal purposes. Also the Hungry Island is not these 5 islands here. At that time there was a dispute between 2 towns, Bremen and another adjoining town as to who had jurisdiction over the island. It had nothing to do with title to the island.

We are setting a bad precedent. If we Pass this Bill, we give up title, the State gives up its title to 5 islands. Then when the other cases come in, all they're going to do is say, you did it for those 5 owners. We'd like the same treatment.

The suggestion of the attorneys for the Public Lands Department is that they will probably finish the Title Searches on all these islands within a year or two. Therefore, they say that the Legislature should consider the equities in all the cases at once.

Probably the legal case right now would be for the State. But the Senator from Knox, Senator Collins, considers the equities in favor of the owners. So therefore, I would hope that this Bill would not be passed.

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

Senator CHAPMAN: I, too, would like to urge that the Senate oppose the motion of the Senator from Penobscot, Senator Trotzky. I don't see this as setting a precedent, unless in the future there is established a similar kind of equity situation that we have here, as the Senator from Knox, Senator Collins has pointed out.

These people that own these islands, some of which are hardly any bigger than this room bid in good faith on the information that was available at that time. They've owned them for 16 years in that respect and paid taxes. I would urge that we re-affirm our previous action.

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.

Less than one-fifth having arisen, a Roll Call is not ordered.

The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Trotzky, that L. D. 712 be Indefinitely Postponed, 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 14 Senators in the negative, the Motion to Indefinitely Postpone does not prevail.

The Bill, Passed to be Engrossed, in concurrence.

The Chair laid before the Senate: Bill, "An Act Relating to Membership of Treasurer of State on Boards." (H. P. 1448) (L. D. 1646)

Tabled—Earlier in the Day by Senator Katz of Kennebec.

Pending—Passage to be Engrossed.

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

Senator SUTTON: Mr. President, I present Senate Amendment "A" under Filing Number S-322 and move its adoption.

The PRESIDENT: The Senator from Oxford, Senator Sutton, now offers Senate Amendment "A" to L. D. 1646, and moves its Adoption.

Senate Amendment "A" (S-322) Read and Adopted.

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

Sent down for concurrence.

The Chair laid before the Senate: Bill, "An Act Relating to Potato Quality." (H. P. 993) (L. D. 1230)

Tabled—Earlier in the Day by Senator Pray of Penobscot.

Pending—Adoption of Senate Amendment "A" (S-318).

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

Senator PIERCE: Mr. President, I move this item lie on the table for 1 Legislative Day.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, moves L. D. 1230 be tabled for 1 Legislative Day.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President, I withdraw my motion and move the pending question.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, requests Leave of the Senate to withdraw his motion to Table this Bill.

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

It is a vote.

Senate Amendment "A" Adopted.

The Bill, Passed To Be Engrossed, as amended, in non-concurrence.  
Sent down for concurrence.

The Chair laid before the Senate:

Bill, "An Act to Amend Certain Provisions of the Employment Security Law." (H. P. 1096) (L. D. 1449)

Tabled—June 6, 1979 by Senator Katz of Kennebec.

Pending—Passage to be Engrossed.

On motion by Senator Pray of Penobscot, the Senate voted to reconsider its action whereby it adopted Committee Amendment "A".

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

Senator PRAY: Mr. President, I present Senate Amendment "A" to Committee Amendment "A" and move its Adoption.

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

Senate Amendment "A" (S-326) Read and Adopted.

Committee Amendment "A", as amended, adopted, in non-concurrence.

The Bill Passed To Be Engrossed, as amended, in non-concurrence.

Sent down for concurrence.

The Chair laid before the Senate:

Bill, "An Act Making Supplemental Appropriations and Other Necessary Adjustments from the General Fund for the Fiscal Years Ending June 30, 1980 and June 30, 1981." (Emergency) (S. P. 600) (L. D. 1673)

Tabled—Earlier in the Day by Senator Conley of Cumberland.

Pending—Passage to be Engrossed.

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

Senator HUBER: Mr. President and Members of the Senate. The Part II Budget Legislation normally referred to as a budget for new programs and expanded programs. I would point out as I did I believe it was yesterday, that there are very few, if any new programs in this Part II Budget. There are very few program expansions it consists of refunding a number of programs basically at their current level.

The major changes, and they are major, in terms of dollars are in Education where there is a net increase of \$3,833,000, the decrease accounted primarily because \$5,722,000, the first year funding for the school subsidy decreased to 29.6 mill rate was contained in a separate Bill. The additional funding in this area is primarily in the VTI areas.

There is a further deletion of \$150,000 for a study of the Retirement System, this item recommended by the Governor will be considered in L. D. 1524, concerning Federal Revenue Sharing Funds.

In the Department of Finance and Administration this Bill apparently shows a large increase, but the increase consists mainly of about \$6,600,000 which was transferred from the Governor's Emergency Appropriation Act to this Part II Bill, and it is in the same amount as recommended by the Governor.

In the Department of Human Services there are a number of changes increasing this amount by \$3,348,000 over the Governor's recommendation. This would provide 42 additional administrative staff for the AFDC Medically Needy Program. This has been worked out with the Commissioner, the original request was 56. These people would be auditing medicaid eligibility and medicaid bills. It does add \$750,000 to bring AFDC Funding up to current levels of funding and any further alteration of the AFDC program would be addressed in the specific Bill dealing with this program. It does add \$275,000 to the Bureau of Maine's Elderly, to maintain current services and adds \$438,000 to

the State CETA Account for Title 20 programs.

It does provide the \$314,000 each year to maintain current services for Alcoholism and Drug Abuse and adds an additional \$1,600,000 to comply with the Pineland Consent Decree. This is not all directed to Pineland but is directed to a number of community based centers to comply with that decree.

In the area of the Judicial Department there is an increase of \$589,000 which provides funds to implement the Judicial Department Compensation Plan; salaries for judges, district attorneys, etc., will be handled in a separate bill, which, I believe, is L. D. 322.

In the area of Mental Health & Corrections there is again a large increase amounting to about \$2,878,000, again these funds are either matching or replacing declining Federal Funds in the area of Community Mental Health Services. It does add some funding to Bangor Mental Health Institute to maintain current year staffing and adds \$700,000 for Children's Mental Health Services, again to maintain current services. It further adds \$742,000 for Community Correctional Services.

In the University of Maine, there is an addition which nets \$2.8 million dollars. This addition was made at the recommendation of the Governor and is with his approval.

The net changes from the Governor's Bill total \$11.5 million and the appropriations in the Part II area and also in the Part I area, amounting to \$3.6 million or a net for major additions of 7.9 million dollars, and minor additions of 1 million dollars, a total of 8.9 million dollars increase over the Governor's original Part II.

In Part B of the Bill, there are a number B appropriations from the Part I Budget, these are primarily mostly small dollar amounts distributed fairly widely. There are some B appropriations where over-appropriations were found.

If there are any questions of specific items within this Bill, I will be glad to attempt to answer them, or perhaps other members of the Committee would be willing to do so.

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

Senator MINKOWSKY: Mr. President and Members of the Senate. At least I had a chance to analyze part of this and of course it is a very, very comprehensive document, of which you are all aware. An interesting fact which is not clear in my mind as yet, we are talking of several new slots for employment in the various Departments of State Government. I understand that part of this will be a wash-out, but I would like to find out what it means from the Chairman of the Appropriations Committee, how many new jobs are we creating in the various Departments under the Part II Budget? That's the first question I would like to propose to him.

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

Senator HUBER: Mr. President and Members of the Senate: There are a number of new positions here, the biggest single amount are the 42 positions in the Department of Human Services. Most of the positions added are to comply with the provisions of existing law. For example, there is staffing at the Maine Youth Center in the amount of 18 people that staff the Maximum Security Cottage which the Legislature I believe the last session constructed.

Also, at the VTI's, there are a number of facilities that have been constructed, they have not been staffed. It seemed in these areas certainly it was the Legislature's intent to not only construct facilities, but also staff them.

There are other positions scattered throughout the Bill. In general they are to comply with existing law or staff facilities which the Legislature has provided funds to construct, and they are also positions needed because of declining Federal Funds, and again, as usual, de-

clining CETA positions.

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

Senator TEAGUE: I asked the same question so I went up to Legislative Finance. I asked for the number of positions, that were added in the Part II Budget, and we have an addition of 229 new jobs in the Part II Budget, for the year '79 and '80, and in the second year, there would be four more created. If the good gentlemen would like to have a printout of all, of where the jobs come from, I would be glad to give it to them. There are 229 new jobs in this budget.

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

Senator MINKOWSKY: Mr. President, I would like to thank the Senator very sincerely for his evaluation of the total net amount of jobs, including the washout. This as I have said before, a very, very comprehensive document. I think the people in the State of Maine are not asking us to create more slots, even though some of these are partially funded by CETA positions or by federal slots mandated to the State of Maine.

Some parts of this are good, other parts I don't agree with, and I think the net end result, as far as I can see, as of this moment, at least the information I have, where we took up in caucus, and what has been brought forward to me by the Chairman of the Appropriations Committee, that I'm going to vote against the Part II Budget. I think the people of Maine have asked for an austerity program, and until the Appropriations Committee, or the Executive Branch can come up with a more viable document, that I could be satisfied with, and at least I can explain the increased costs in a constructive manner to my constituency, I intend to vote against this document.

The PRESIDENT: Is the Senate ready for the question?

The Bill Passed To Be Engrossed.

Sent down for concurrence.

The Chair laid before the Senate:

Bill, "An Act Relating to Lending Institutions and Selections of Title Attorneys." (H. P. 332) (L. D. 431)

Tabled—Earlier in the Day by Senator Chapman of Sagadahoc.

Pending—Motion of Senator Chapman to Indefinitely Postpone Senate Amendment "B" (S-313) to Committee Amendment "A" (H-611).

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

Senator DEVOE: Thank you, Mr. President. Mr. President, seeing the hour is late, I move this be Tabled 1 day.

The PRESIDENT: The Senator from Penobscot, Senator Devoe, moves that L. D. 431 be Tabled for 1 Legislative Day.

The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: I request a Division on the Tabling Motion.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion to Table L. D. 431 for 1 Day, 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 11 Senators in the negative, the Motion to Table for 1 Legislative Day, does prevail.

The Chair laid before the Senate:

Bill, "An Act to Revise the Physical Therapist Practice Act." (S. P. 593) (L. D. 1664) tabled earlier in the day by the Senator from Sagadahoc, Senator Chapman, pending Consideration.

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

**Senate at Ease**

Senate called to order by the President.

Under Suspension of the Rules, there being no objections, all matters previously acted upon were sent forthwith.

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

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