

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 2 to April 3, 1980

THIRD SPECIAL SESSION

May 22, 1980

THIRD CONFIRMATION SESSION

July 17, 1980

FOURTH CONFIRMATION SESSION

July 24, 1980

FIFTH CONFIRMATION SESSION

September 12, 1980

**REPORT, HEARING TRANSCRIPT AND
RELATED MEMORANDA OF THE JOINT
SELECT COMMITTEE ON INDIAN LAND
CLAIMS**

STATE OF MAINE
One Hundred and Ninth Legislature
Second Regular Session
JOURNAL OF THE SENATE

February 7, 1980

Senate called to order by the President.

(Off Record Remarks)

Prayer by Father Thomas J. Joyce of St. Mary's Catholic Church of Augusta.

Father JOYCE: O God we humbly ask your blessing on all gathered here this morning. We ask your assistance in their work that is important for all of us. Give them the fortitude to accomplish the task that is theirs.

Their work is both a pious and a patriotic duty, one to their fellow human beings, acts that are all contained in the great virtue of charity, love of God, love of neighbor.

O God as all things begin and end with you, we begin this session with our humble prayer. Thank you for the past blessings. We petition that you continue to bless us in the days ahead. May we ask this in God's name. Amen.

Reading of the Journal of yesterday.

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

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

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.

Papers from the House
Non-concurrent Matter

Bill, "An Act to Provide Low-interest Loans for Middle and Low Income Families for Residential Energy Conservation Improvements." (S. P. 743) (L. D. 1922)

In the Senate February 5, 1980, referred to the Committee on Energy and Natural Resources.

Comes from the House, referred to the Committee on State Government, in non-concurrence.

On Motion by Senator Pierce of Kennebec, referred to the Committee on Appropriations and Financial Affairs, in non-concurrence.

Sent down for concurrence.

Joint Orders

Expressions of Legislative Sentiment recognizing:

The Hon. Luman P. Mahany of Easton, who celebrated on January 30, 1980 the Seventy-Ninth anniversary of his birth. (H. P. 1807)

Tammy Emerson, of Addison, a silver medal winner in the statewide gymnastic competition held at Bangor. (H. P. 1806)

Kim Perry, of Addison, a bronze medal winner in the statewide gymnastic competition held at Bangor. (H. P. 1805)

Mr. and Mrs. Ernest Boutin of Old Orchard who will celebrate their 50th wedding anniversary on February 10, 1980. (H. P. 1803)

Come from the House, Read and Passed.

Which were Read and Passed, in concurrence.

Steven Pelletier, son of Raymond and Gerry Pelletier of Sanford, the winner in the 12-13 age category of the 8th Annual Elk's Hoop Shoot Contest. (H. P. 1804)

Comes from the House, Read and Passed.

On Motion by Senator Pierce of Kennebec, Indefinitely Postponed, in non-concurrence.

Sent down for concurrence.

Joint Resolution

Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of Carl Moskowitz of Presque Isle. (H. P. 1808)

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

House Paper

Bill, "An Act Relating to Transfer of Pupils from One Administrative Unit to Another." (H. P. 1802) (L. D. 1923)

Comes from the House, referred to the Committee on Education and Ordered Printed.

Which was referred to the Committee on Education and Ordered Printed in concurrence.

(Off Record Remarks)

Communication

Committee on Health & Institutional Services
February 6, 1980

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

Augusta, Maine

Dear President Sewall:

In accordance with 3 M.R.S.A., Chapter 3, section 51, and with Joint Rule 38 of the 109th Maine Legislature, the Joint Standing Committee on Health and Institutional Services has had under consideration the nomination of Kevin W. Concannon of Portland to the position of Commissioner of the Department of Mental Health and Corrections.

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

YEAS:

Senators 2
Representatives 9

NAYS:

Senators 1
Senator Hichens
Representatives 0

ABSENT:

Senators 0
Representatives 1
Rep. Vincent

Eleven members having voted in the affirmative and one in the negative, it was the vote of the Committee that the nomination of Kevin Concannon to the position of Commissioner of the Department of Mental Health and Corrections be confirmed.

Sincerely,

S/BARBARA A. GILL

Senate Chairman

S/SANDRA K. PRESCOTT

House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Health and Institutional Services has recommended that the nomination of Kevin W. Concannon be confirmed.

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

Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Mr. President, Members of the Senate. I find it difficult this morning to

stand here and urge you to vote against the appointment of Kevin Concannon as Commissioner of Mental Health and Corrections having known and worked with this man for many years. Mr. Concannon has had splendid training in the field of mental retardation and has served well in New Brunswick and Maine. He has done an exceptional job as Director of Mental Retardation and Acting Superintendent of Pineland for a time, but according to his resume and his own testimony before the Health & Institutions Services Committee he has had no immediate connection with corrections, which at present, is a part of Mental Health & Corrections Department. Every person who testified in favor of the nomination yesterday are related with mental retardation and justifiably support his nomination in relation to his capabilities in that field. There were no representatives from areas of corrections who spoke.

I feel it very inopportune that we have been asked to consider this nomination today with the Legislation to split the department before us. It has been suggested to me from many sources that this appointment is indeed a ploy of the Governor to have two separate departments. I personally feel that the Governor is being unfair to Mr. Concannon and the people of Maine by suggesting that he be removed from his present position as Director of Mental Retardation and giving him these added responsibilities just as I felt former Governor Longley did in taking Superintendent George Zitnay from Pineland and nominating him as Commissioner with the eventual results.

In answer to questions as to how much authority he would have in making appointments, Mr. Concannon stated that the Governor had assured him that he would not interfere in anyway in his selections of superintendents or directors. This certainly wasn't the case with the previous commissioner who was overruled by his excellency in the appointment of a superintendent at one institution and the dismissal of a superintendent at another.

I feel that with this other Legislation pending that it is unwise to select a new commissioner at this time, especially with the acting commissioner doing a reasonably good job.

I, therefore, hope that you'll support me in voting against this nomination this morning.

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

Senator GILL: Mr. President, I stand to urge the Members of the Senate to go along with the committee's recommendation. Kevin Concannon appeared before the Committee on Health and Institutional Services yesterday in perhaps the longest hearing that we've had other than Commissioner Barringer. I think he fielded a barrage of questions into the three different aspects of the department both of Mental Retardation, Mental Health and Corrections very well.

There were many in depth questions asked. He was really on the spot. He answered them with much assurance. He intends to act as an administrator and seek out the best possible people to run the departments that come under his control. He was well aware of the fact that the job description was for Mental Health and Corrections. He has no qualms at all about dealing with Corrections.

I think Kevin Concannon will probably bring a humaneness to the bureaucracy that we all deal with every day here, that is sorely needed. I think that we need someone like this who has the personality, who can get the work done, who can work with people effectively.

I had many questions myself as far as this goes. Kevin Concannon happens to be a very close friend of mine, but yet I felt as Committee Chairman that I had many questions in regard to the position. He answered them satisfactorily as far as I'm concerned. So I would urge the Senate to go along with this nomination.

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

Senator CARPENTER: Mr. President, and Ladies and Gentlemen of the Senate, I just rise to briefly concur with the remarks of the good Senator from Cumberland, Senator Gill. I attended the hearing yesterday as a Member of the Committee on Health and Institutional Services and I thought, as did Senator Gill, that Mr. Concannon probably went through the most drilling examination of any commissioner, with the exception of possibly Commissioner Barringer, that we've had since we started this whole process.

It seems to me that the Governor has nominated Kevin Concannon to be the Commissioner of Mental Health and Corrections. I don't think the Governor nor do I think this body should make its decisions based on what might happen if such and such Legislation passes. I think we all know that the bill to break up the department does have some problems, is going to have some problems in this session, I support it but I think it's going to have a difficult time.

Kevin Concannon is at least as qualified to run the Department of Corrections, as the Commissioner of Mental Health and Corrections, as any commissioner we've had, since I've been here. I'm concerned that we may be using a different yardstick in measuring Kevin Concannon because of a residual bad taste in some people's mouths over the replacement or the moving of former Commissioner George Zitnay who I spoke in favor of after his confirmation hearing and who I think is still a good friend of mine.

I don't think we should look at it that way. I think each individual should be judged on his or her own merits. I looked at the resume and the experience and the testimony yesterday for Mr. Concannon and I found it be to very wide-ranging and very positive. He comes out of the department, he is very well respected within the department.

I think that if we use this yardstick, that, well, we may split up the Department of Mental Health and Corrections, so we shouldn't have a commissioner at this time because of that. I think we can look at almost any department in State Government, and see pending re-organizational ideas, be they studies, or joint select committees or actual legislation, I think we could thus justify holding up the appointment of any commissioner.

As Kevin pointed out yesterday at the hearing, policy matters, or major policy decisions tend to get sluffed off under acting commissioners because we want to wait until the new person gets on board because he or she may have different ideas. I think this is a natural tendency and a problem that has happened in the department.

As far as I know Don Allen is still in the Department of Corrections, doing his usual good job. Kevin Concannon did say yesterday that the situation at the Maine State Prison, the overcrowding, other problems down there, would be a very high priority of his if he were confirmed.

So I would urge this morning that we do vote No on the Roll Call, and do confirm Kevin Concannon, a personal friend of mine as well, who I personally believe will be one of the outstanding commissioners in the Brennan administration. Thank you.

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

Senator CONLEY: Mr. President and Members of the Senate. I have heard no reason given here this morning to vote against confirmation of Mr. Kevin Concannon. In fact even the good Senator from York, Senator Hichens, who signed the report in the negative or the positive, I guess which every way you read it, sort of whacky, any way he feels he shouldn't be confirmed had good words to say about Mr. Concannon.

You know the funny thing about it, I've known Kevin Concannon since he had a runny nose and was wearing short pants in a neighborhood of mine back in Portland. The fact is he comes from a family that has dealt in problems of Human Services from on high down to the lowest youngster in the family; priests in the family; there are nuns in the family. Their are people who have been dedicated to the problems of the world, and Kevin Concannon certainly has played a most vital role in his activity in trying to make life a better world for some of those handicapped.

If the Senate can take any consolation whatsoever today on the voting of the confirmation, of Kevin Concannon, let me tell you this. It is perhaps the first commissioner to come before you who doesn't reside on Munjoy Hill.

The PRESIDENT: Is the Senate ready for the question?

The Doorkeepers will secure the chamber.
The Secretary will call the roll.

ROLL CALL

YEA — Hichens.

NAY — Ault, Carpenter, Chapman, Clark, Collins, Conley, Cote, Danton, Devoe, Emerson, Farley, Gill, Huber, Lovell, Martin, McBreaity, Minkowsky, Najarian, O'Leary, Perkins, Pierce, Pray, Redmond, Shute, Silverman, Sutton, Teague, Trafton, Trotzky, Usher, Sewall.

ABSENT — Katz.

1 Senator having voted in the affirmative and 31 Senators in the negative with 1 Senator being absent and 1 being less than two-thirds of the membership present, it is the vote of the Senate that the Committee's recommendation be accepted. The nomination of Kevin W. Concannon is confirmed.

(Off Record Remarks)

Senate Paper

Senator Collins of Knox presented, Bill, "An Act Concerning Revisions in the Maine Criminal Code and Other Criminal Laws." (S. P. 750)

Which was referred to the Committee on Judiciary and Ordered Printed.

Sent up for concurrence.

Order

An Expression of Legislative Sentiment recognizing:

Mr. and Mrs. Fred A. Savoy, Sr., of Milford who celebrated their 50th wedding anniversary on January 8, 1980. (S. P. 751) is presented by Senator Devoe of Penobscot (Cosponsor: Representative Paradis of Stillwater).

Which was Read and Passed.

Sent down for concurrence.

Committee Reports

House

Leave to Withdraw

The Committee on Agriculture on, Bill, "An Act Concerning Harness Racing in the State of Maine." (H. P. 1661) (L. D. 1770)

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 Judiciary on, Bill, "An Act Relating to State Liability for Damages Suffered on Certain State and State Aid Highways." (H. P. 1686) (L. D. 1794)

Reported that the same Ought to Pass.

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

The Committee on Transportation on, Bill, "An Act Relating to the Maximum Seating Capacity of School Buses Transporting a Combination of Students Attending Grades Kindergarten through 12." (H. P. 1675) (L. D. 1782)

Reported that the same Ought to Pass.

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

The Committee on Transportation on, Bill, "An Act to Revise the Local Registration Program to Authorize the New Registration of Trucks Weighing more than 6,000 pounds." (H. P. 1752) (L. D. 1868)

Reported that the same Ought to Pass.

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

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

Ought to Pass — As Amended

The Committee on Business Legislation on, Bill, "An Act to Add the Commissioner of Educational and Cultural Services to the Energy Testing Laboratory of Maine and to Correct References to the Oil and Solid Fuel Burner Technicians Licensing Board." (H. P. 1674) (L. D. 1781)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-763).

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

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

The Committee on Public Utilities on, Bill, "An Act to Authorize the Town of East Millinocket to Purchase the Assets of Northern Water Company." (Emergency) (H. P. 1651) (L. D. 1760)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-767).

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

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

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

Senator DEVOE: Thank you very much, Mr. President. Mr. President, due to the time problems that the Town of East Millinocket is facing, I move that this bill be given its Second Reading at this time.

Under Suspension of the Rules, on Motion by Senator Devoe of Penobscot, the Bill, as amended, given its Second Reading, and Passed to be Engrossed, in concurrence.

Divided Report

The Majority of the Committee on Education on, Bill, "An Act Relating to Publication of School Records Under the Education Laws." (H. P. 1595) (L. D. 1706)

Reported that the same Ought to Pass.

Signed:

Senator:

MINKOWSKY of Androscoggin

Representatives:

CONNOLLY of Portland

BEAULIEU of Portland

LEIGHTON of Harrison

LOCKE of Sebec

ROLDE of York

LEWIS of Auburn

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

Signed:

Senators:

GILL of Cumberland

TROTZKY of Penobscot

Representatives:

DAVIS of Monmouth

FENLASON of Danforth

BIRT of East Millinocket
GOWEN of Standish

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

Which Reports were Read.

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

Senator TROTZKY: Mr. President, I move the Senate Accept the Minority Ought Not to Pass Report of the Committee, and would like to speak to my motion.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky moves that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

The Senator has the floor.

Senator TROTZKY: Mr. President and Members of the Senate. The Right to Know Law made a lot of information public, so what took place is a Bill came into the Legislature in the First Session of the 109th Legislature to determine what school records, should be kept private and what should be public.

The Maine Press Association came in and wanted to make most items public. The Maine School Management Association came in and wanted to make many things private. These two groups and the committee got together and worked out a compromise in the First Session of the 109th Legislature. This cooperative effort was intended to maintain a delicate balance between an individuals right to privacy and the publics right to know.

I would like to take a moment just to indicate what was made public and what was made private. What was made confidential information as regards to teachers, working papers used in examination and evaluation of applicants for jobs, employment, medical information pertaining to diagnosis of treatment of mental and emotional disorders, performance evaluations, personal reference, credit information, complaints and charges of misconduct, replies, materials pertaining to disciplinary action.

What was made public: it stated that each administrative unit shall maintain a record of directory information pertaining to each employee of that administrative unit containing the following information. This was done in the superintendents office. The name of the employee (teacher), the residence (address), the date and place of birth, the date of employment, the subjects taught, the extracurricular activities, the educational institutions attended by the teacher, and the major and minor fields of study. That information was open to inspection and copying by any member of the general public.

The Minority of the Committee, and it was a close vote, 7 to 6, the Minority of the Committee, including 2 of the Senators in this body felt that the law should be given a chance to work. It's only been in effect for about 3 or 4 months, first give it a trial period, and then maybe there should be some changes made. But at this time there were no specific complaints of harassment of any teachers because of the possibility of an address being made known to a member of the public. So I hope the Senate would go along with the Minority Ought Not to Pass Report of the Committee.

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

Senator MINKOWSKY: Mr. President and Members of the Senate, I would oppose the motion to accept the Minority Report of the Education Committee. I guess Senator Trotzky did give you a pretty good overview of exactly what the wheeling and dealings were with the Maine School Management Association, as well as, with the Press Association. I guess I looked at it from the viewpoint that the only ones who had input were those 2 associations and very little people from the public.

My estimation was that there should be more input from the public, but unfortunately the public didn't know too much about this particu-

lar thing. I was opposed to it originally, I'm still opposed to it today. In fact, if you look at it objectively it really is government's intrusion in private affairs.

Now all we intend to do, in this particular bill today, is to delete what I consider some pertinent information which is available to anybody if they so desire to go to the school system during the regular business hours to solicit that information. We are saying in this particular bill at the present time we are deleting the resident's address, the date and place of birth, if somebody is that curious as to a teacher's date of birth, their residency or anything else, they have every right, by the Right to Know Law to go into the school system and obtain the information. But to mandate this and put it in the register, I think basically is an invasion upon the teacher's privacy. I would be very, very opposed to it. I think that's the general thrust of the entire matter today.

There's been several articles written on this particular bill, and different quotes from various teachers. But I guess all in all people feel in today's society with so much computerization there should be a little bit of confidentiality in our own personal affairs and our own particular lifestyles. Maybe birth and place of birth and our age, maybe quite valuable to some people.

The bill's sponsor had quite an article in the Kennebec Journal relevant to this. It specifically stated that all this would do is reverse a section of the State Law which went into effect just last year, making public a teacher's home, age, address, place of birth, and other information. Now I really think that is not asking too much.

You know the people who have been hollering the loudest, about all this information has been the Maine School Management Association, as well as, the Press Association. But we have not had no vociferous outcry from the teachers who this will be affecting. I guess they are just a little more understanding and more compassionate compared to some people who want to get more deeply involved in other people's affairs.

Another point that came out in that article, was I don't know of any other business where you have to open up an employee's whole personal folder to anyone who asks for it. There is one school department, Mr. President, and Members of the Senate, that does publish a Register. It's right here in the City of Augusta, I understand, but that is available only to the School Board Members, it's employees and the press. I think this would be readily available to anybody else. I sincerely hope that the Members of the Senate would vote against the pending motion and accept the Majority Ought to Pass Report of the Education Committee.

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

Senator TROTZKY: Mr. President and Members of the Senate, I have not had one teacher speak to me about this bill. I asked the other Members of the Senate have teachers contacted you about this bill? If they're concerned if they are being harassed or anything like that? I don't see any point right now in changing a law when we passed a good compromise measure, which went into effect only 4 months ago.

Give the bill a chance to work. If there are problems, it maybe there are more changes than the ones that are being considered today, but give the bill a chance to work. That's what the argument I think is important. I've not had any contact, no teachers have contacted me on this issue. How many have contacted you?

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

Senator GILL: Mr. President, I think we have to look at the bill and realize that we're talking about a directory located in the administrative unit of a school system. One directory. There was no good reason presented at the

hearing to indicate that we had to change this law, particularly, since the law has only been in effect for 3 months.

This certainly isn't an emergency measure that we have to deal with, in what this is supposed to be an emergency session of the Legislature.

I did have a teacher contact me. That teacher told me that this bill was much to do about nothing.

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

Senator MINKOWSKY: Mr. President, I don't know if I made myself clear. But we are not changing that much in the so-called compromise as worked out with a few members of the Education Committee and the Maine Press Association. We are simply saying leave out the teachers' residence, place of birth, and date of birth. If that doesn't work, come back in the next session and re-instate it. At least give these people an opportunity to have this much freedom of choice, without having this disclosed to the public.

You know, we are putting our teachers in a very, very serious bind here in the State of Maine. We are mandating every single thing, as far as curriculum, as far as outside duty, educational requirements, the whole works. Now we're getting into their personal lives by saying we have to disclose their residence, their date of birth and other pertinent information which should be private. All I'm saying is keep the law intact with those deletions and we'll all be happy.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator McBreairty.

Senator MCBREAIRTY: Mr. President, May I ask a question through the Chair to anyone who may answer?

The PRESIDENT: The Senator may pose his question.

Senator MCBREAIRTY: How does teachers records compare at this time to other records that's kept on individuals in other sections?

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

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: I'm not an authority on the matter, but my committee did deal with one of these personnel laws last year, for State and State Sub-divisions. We did not make any requirement that the age, date of birth, place of birth, or social security number be available to the public.

As far as I know the School Administrative District Law is the only one of publicly supported personnel where this is specific requirement that that be so. I expect that it's quite a variety of practice from county to county, town to town and so on, in the degree of data that is considered public, but we have not specified that that be public in any other situation.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of accepting the Minority Ought Not 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.

9 Senators having voted in the affirmative, and 19 Senators in the negative, the Motion to Accept the Minority Ought Not to Pass Report does not prevail.

The Majority Ought to Pass Report of the Committee, Accepted, in concurrence, and the Bill read once, and Tomorrow Assigned for Second Reading.

Second Readers

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

House

Bill, "An Act to Eliminate Restrictions on Grants Made by the Bureau of Mental Retardation." (Emergency) (H. P. 1684) (L. D. 1793)

Bill, "An Act to Amend the Law Dealing with the Identity of Fish Produced by Aquaculture." (H. P. 1710) (L. D. 1815)

Bill, "An Act to Increase the Debt Limit of the Kingfield Water District from \$80,000 to \$350,000." (H. P. 1660) (L. D. 1769)

Bill, "An Act Concerning the Brake Requirements on Farm Registered Vehicles under the Motor Vehicle Laws." (H. P. 1627) (L. D. 1737)

Bill, "An Act Relating to the Vocational-technical Institutes." (Emergency) (H. P. 1788) (L. D. 1907)

Bill, "An Act Relating to Budgetary Hardship in Maintaining Special Education Students." (H. P. 1789) (L. D. 1908)

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

House — As Amended

Bill, "An Act Concerning Recording, Comments and Notice Dates Under Administrative Procedure Laws." (H. P. 1643) (L. D. 1752)

Bill, "An Act to Amend the Laws Relating to the Maine Student Incentive Scholarship Program." (H. P. 1622) (L. D. 1732)

Bill, "An Act Providing Release Benefits for Certain Persons Discharged from the Maine Correctional Center." (H. P. 1714) (L. D. 1820)

Bill, "An Act to Limit the Activities Authorized by the Wholesale Seafood License." (H. P. 1625) (L. D. 1735)

Bill, "An Act to Amend the Capitol Planning Commission Law." (H. P. 1669) (L. D. 1786)

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

Bill, "An Act Concerning Mobile Barber Shops." (H. P. 1658) (L. D. 1767)

Which was Read a Second Time.

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

Bill, "An Act to Clarify the Statutes Relating to Natural Gas Pipeline Companies." (H. P. 1593) (L. D. 1704)

Which was Read a Second Time.

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

Senator DEVOE: Thank you very much, Mr. President. I do not oppose this bill, it's from the Public Utilities Committee. We have acted unanimously on it. I just want to explain that some concern was expressed at the hearing on the bill which deals with the right to lay a natural gas pipeline from the Canadian Border to the New Hampshire Border running through Maine. The question arose, at the hearing, on whether or not any existing Maine utilities would be allowed to tap into this natural gas pipeline to sell to Maine customers.

We contacted the Trans-Continental Gas Pipeline Corporation and Algonquin Gas Transmission Company. We've received a copy of a letter that they have addressed to the President of the Northern Utilities Company in Portland in which they have stated on February 1.

This letter confirms to you that statements have been made in our intent to honor such representations. That they will not oppose any action before the Federal Regulatory Commission any effort by the Maine Gas Company called Northern Utilities, Inc. to connect to this pipeline to serve Maine customers in the event the need in the future arises.

So with that matter in the Legislative Record I would urge that the Senate pass this bill.

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

Bill, "An Act to Establish \$10,000,000 as the Limit of the Maine Coastal Protection Fund." (H. P. 1618) (L. D. 1728)

Which was Read a Second Time.

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

Senator FARLEY: Mr. President, and Members of the Senate. L. D. 1728 increases the funding limit of the Maine Coastal Protection Law from \$6,000,000 to \$10,000,000. It also adds another half a cent to the Barrell Tax, that I have no difficulty with at all.

My reason for putting this bill aside and speaking to you briefly this morning is, as you all can remember last December, we were in here when the Fuel Assistance Bill, we were called into Emergency Session by the Governor, we were at that time looking for monies to fund this particular program.

At that time we had money in this fund here and under the present statutes we cannot except for special provisions in the law now use that money at all. I think the problem last year certainly was energy related, certainly would have been nice if we could have borrowed from this fund.

My only reason for speaking this morning is to try to have this bill tabled. So if you people have no problems with the amendment, I would like to get an amendment ready so stating that in the future, if there is another energy problem arrives for assistance, and the State doesn't have any money in it's kitty, we can borrow from this fund. That's my sole reason for getting up. I would hope someone would table it for 1 Legislative Day.

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

Senate

Bill, "An Act to Aid Recovery of Medicaid Funds." (S. P. 709) (L. D. 1845)

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

Sent down for concurrence.

Orders of the Day

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

Bill, "An Act to Encourage Car Pools and Van Pools." (S. P. 683) (L. D. 1806)

Tabled—February 6, 1980 by Senator Katz of Kennebec.

Pending—Passage to be Engrossed.

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

Senator USHER: Mr. President, and Members of the Senate. I offer Senate Amendment "A" to L. D. 1806 and move its adoption, and would like to speak to my motion.

The PRESIDENT: The Senator from Cumberland, Senator Usher now offers Senate Amendment "A" to L. D. 1806 and move its adoption.

Senate Amendment "A" (S-409) Read.

The PRESIDENT: The Senator has the floor.

Senator USHER: Mr. President, and Members of the Senate. All this amendment does is put the emergency part onto it. I had a call from the Energy Resources Office, that said that they have 2 companies who have already inquired and would like to get into this program right away. By putting on an emergency status, this will help these companies to buy their vehicle right away.

Senate Amendment "A" (S-409) Adopted.

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

Sent down for concurrence.

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

JOINT ORDER — relative to Taxation Committee reporting out a bill regarding the Maine Forestry District. (S. P. 746)

Tabled—February 6, 1980 by Senator Katz of Kennebec.

Pending—Passage.

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Undedicate the Highway Fund. (H. P. 1799) (L. D. 1921)

In the House February 5, 1980, referred to the Committee on Taxation.

In the Senate February 6, 1980, referred to the Committee on Transportation, in non-concurrence.

Comes from the House, that Body having Adhered.

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

House Paper

Bill, "An Act Establishing a News Media Privilege." (H. P. 1810)

Comes from the House, referred to the Committee on Judiciary and Ordered Printed.

Which was Referred to the Committee on Judiciary, and Ordered Printed in concurrence.

On Motion by Senator Pierce of Kennebec, Adjourned until 10 o'clock tomorrow morning.