

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume II

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An Act to Clarify Inconsistencies in the Liquor Laws. (S. P. 436) (L. D. 1367)

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

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

On motion by Senator Devoe of Penobscot, Tabled for 1 Legislative Day, pending Enactment.

An Act to Allow Unions to Negotiate on Behalf of Former Employees of a Company with Which the Union is Negotiating. (S. P. 319) (L. D. 949)

On motion by Senator Perkins of Hancock, Tabled for 1 Legislative Day, pending Enactment.

Orders of the Day Unfinished Business May 18, 1979

The following matters, in the consideration of which the Senate was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 25.

The President laid before the Senate the First Tabled and specially assigned matter for May 16:

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

Tabled — May 15, 1979 by Senator Pierce of Kennebec.

Pending — Consideration

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

Senator GILL: Mr. President, I move we Recede and Concur, with the House.

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

Is this the pleasure of the Senate?

The Motion Prevailed.

The President laid before the Senate the Second Tabled and specially assigned matter for May 16:

HOUSE REPORT — From the Committee on Education — Bill, "An Act to Amend the Method of Appointment to the Advisory Committee on Medical Education." (H. P. 937) (L. D. 1147) Ought to Pass as amended by Committee Amendment "A" (H-353)

Tabled—May 15, 1979 by Senator Katz of Kennebec.

Pending—Acceptance of Report.

The 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.

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

Senator PIERCE: Mr. President, I now move the Indefinite Postponement of House

Amendment "A".

The PRESIDENT: I now move the Indefinite Postponement of House Amendment "A".

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President and Members of the Senate: It's my understanding that House Amendment "A" merely allows the Department of Human Services or someone to appoint more than a specific number of consumers to this committee, I'm wondering what the objection is to that?

The PRESIDENT: The Senator from Cumberland, Senator Najarian, has posed a question through the Chair.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President and Members of the Senate: The Advisory Committee on Medical Education right now is made up of 15 people. These people are very knowledgeable in the field of health care. They come from all professions. They're doctors, they're hospital administrators, and so on up and down the line. What the committee decided to do, unanimously was to add 5 members to the Advisory Committee, and these members would be consumers.

The Bill then left the Committee. An Amendment was put on in the House, which changed it from 5 members to at least 5 members, which means with that wording that the entire committee could end up being all consumers. So in the committee's wisdom they felt that 5 members should be added, not at least 5, because that means it could go all the way, consumer. You need people who are knowledgeable in the health care profession to be on an Advisory Committee for Medical Education. Therefore, I would support the motion to Indefinitely Postpone House Amendment "A".

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

Senator MINKOWSKY: Mr. President, I just happened to be glancing over here at this amendment. I think the amendment is in good form and should be part of that particular bill, it is very important that consumer representation be on that particular board. I would ask for a Division on the motion to Indefinitely Postpone House Amendment "A".

The PRESIDENT: Is the Senate ready for the question?

A Division has been requested.

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

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

12 Senators having voted in the affirmative, and 11 Senators in the negative, the Motion to Indefinitely Postpone does prevail.

Committee Amendment "A" Adopted, in non-concurrence.

The Bill, as amended, tomorrow assigned for Second Reading.

The President laid before the Senate the Third Tabled and specially assigned matter for May 16:

HOUSE REPORTS — From the Committee on Transportation — Bill, "An act to Provide that a Person's Picture shall Appear on His Driver's License and to Provide for a Photographic Identification for Nondrivers." (H. P. 940) (L. D. 1164) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass

Tabled—May 15, 1979 by Senator Carpenter of Aroostook

Pending—Motion of Senator Pray of Penobscot to Accept Majority Ought Not to Pass Report.

The Majority Ought Not to Pass, Report of the Committee, Accepted, in non-concurrence. Sent down for concurrence.

The President laid before the Senate the

Fourth Tabled and specially assigned matter of May 16:

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

Tabled—May 15, 1979 by Senator Gill of Cumberland.

Pending—Passage to be Engrossed.

On motion by Senator Teague of Somerset, Tabled for 2 Legislative Days, pending Passage to be Engrossed.

The President laid before the Senate the fifth Tabled and specially assigned matter for May 16:

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

Tabled—May 15, 1979 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

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

Senator COLLINS: Mr. President, this is the one bill with respect to abortions that I support. I want to offer an amendment to the Committee Amendment, so that the definition of abortion is the same in the bill as it is in the other bills that have been and will be before the Committee.

I, therefore, move reconsideration of our adoption of Committee Amendment "A" under suspension of the rules.

The PRESIDENT: The Senator from Knox, Senator Collins, moves the Senate reconsider its action whereby it adopted Committee Amendment "A" to L. D. 676, under suspension of the rules.

Is this the pleasure of the Senate?

It is a vote.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I now offer Senate Amendment "A" to Committee Amendment "A" under Filing S-160, 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-160) Read.

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

Senator MINKOWSKY: Mr. President, I'm sorry to keep jumping up like this, but I wish the good Senator from Knox would explain a little more clearly the rationale behind the amendment he is offering at the present time.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, has posed a question through the Chair to the Senator from Knox, Senator Collins, who may answer if he so desires.

The Chair recognizes that Senator.

Senator COLLINS: Mr. President, the definition of abortion, in the Statistical Reporting Law that is already on the books and which we are slightly adapting by this bill before us, so that it will fit in with standardized reporting used all over the country, that's the basic thrust of it. The definition is a few words different from the definition that has been developed in the bill that is on the table concerning abortions after viability, and the definitions that appear in the other bills. It's a matter of a very few words, I don't have them on the tip of my tongue.

The point is that if we have 2 different definitions of abortion in the statutes, and anyone of these other items should pass, that it would give the courts one more problem in trying to decide what was intended. That's the only purpose I have.

Senate Amendment "A" 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 President laid before the Senate the Sixth Tabled and specially assigned matter for May 16:

Bill, "An Act to Insure Parental Participation in a Minor's Decision to have an Abortion" (S. P. 200) (L. D. 604)

Tabled — May 15, 1979 by Senator Pierce of Kennebec.

Pending — Passage to be Engrossed.

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

Senator TROTZKY: Mr. President, I move the Senate Suspend its rules.

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, moves the Senate Suspend its Rules.

Is this the pleasure of the Senate?

It is a vote.

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President, I move the Senate reconsider its action whereby it adopted Committee Amendment "A".

The PRESIDENT: The Senator from Penobscot, Senator Trotzky, moves the Senate reconsider its action whereby it adopted Committee Amendment "A".

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I would pose a question through the Chair to the good Senator from Penobscot, as for what reason he wishes to reconsider Committee Amendment "A".

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair to the Senator from Penobscot, Senator Trotzky, who may answer if he so desires.

The Chair recognizes that Senator.

Senator TROTZKY: Mr. President, and members of the Senate. I asked reconsideration whereby the Senate Adopted Committee Amendment "A" so to present Senate Amendment "B" under Filing Number S-209.

On motion by Senator Conley of Cumberland, tabled until later in today's session, pending the Motion to Reconsider.

The President laid before the Senate the Seventh Tabled and specially assigned matter for May 16:

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

Tabled — May 15, 1979 by Senator Redmond of Somerset.

Pending — Passage to be Engrossed.

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

The President laid before the Senate the Eighth Tabled and specially assigned matter for May 16:

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

Tabled — May 15, 1979 by Senator Katz of Kennebec.

Pending — Enactment.

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

The President laid before the Senate the Ninth Tabled and specially assigned matter for May 16:

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

Tabled — May 15, 1979 by Senator Sutton of

Oxford.

Pending — Passage to be Engrossed.

On motion by Senator Emerson of Penobscot, Retabled for 1 Legislative Day.

The President laid before the Senate the Tenth Tabled and specially assigned matter for May 16:

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

Tabled — May 15, 1979 by Senator Farley of York.

Pending — Enactment.

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

The President laid before the Senate the Eleventh Tabled and specially assigned matter for May 16:

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

Tabled — May 15, 1979 by Senator Pray of Penobscot.

Pending — Consideration.

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

Senator PERKINS: Mr. President and Ladies and Gentlemen of the Senate: As you will recall this was the bill that I had some discussions on earlier and Indefinitely Postponed here in the Senate a few days ago. I have since then been persuaded by many of those who have other programs which are underfunded on the Appropriations Table and while I have no problem at all with the validity of the program and its effectiveness, I did question that the sincerity or the real logic in putting more items to the test of underfunding when we are now funding AFDC at only 95% of 1969 levels. We are underfunding Mental Health and Day Care and Boarding Homes and the list could go on and on.

But having no objections really to the real goodness of the program it may create, and yielding to those who feel that they would like this to join their other please. I have only one other problem and that is of those communities who joined 4 years ago in this program and accepted the challenge and said they indeed would with some seed money provide their own programs for Dental Health Education.

This problem would be that those who in their sincerity did fund these programs now find that those who did not pick up the ball, are still going to get more moneys. So if someone would be kind enough to table this, I will offer an amendment in the future that will sunset this piece of Legislation after 2 years. Then we will again look at it and see if the communities have indeed taken the care and have funded their programs.

On motion by Senator Minkowsky of Androscoggin, Retabled for 1 Legislative Day.

The President laid before the Senate the First Tabled and specially assigned matter for May 17:

Bill, "An Act to Require County Budgets from the Legislature to the Counties." (H. P. 1412) (L. D. 1618)

Tabled—May 16, 1979 by Senator Katz of Kennebec.

Pending—Reference.

On motion by Senator Emerson of Penobscot, Retabled for 1 Legislative Day.

(Senate at Ease)

The Senate called to order by the President.

The President laid before the Senate the First Tabled and specially assigned matter for later in the day for May 17:

HOUSE REPORTS — From the Committee on Public Utilities — Bill, "An Act to Prohibit

rate Discrimination by Public Utilities." (H. P. 837) (L. D. 1041) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass as Amended by Committee Amendment "A" (H-384)

Tabled—Earlier in the day by Senator Katz of Kennebec.

Pending—Acceptance of Minority Report.

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

The President laid before the Senate the Second Tabled and specially assigned matter for later in the day for May 17:

HOUSE REPORTS — from the Committee on Public Utilities — Bill, "An Act to Reduce the Minimum Public Utility Monthly Electrical Charge to \$2 and to Prohibit the use by Electrical Utilities of an Estimated Meter Reading as a Basis for a Customer Bill." (H. P. 1193) (L. D. 1444) Report A — Ought to Pass as Amended by Committee Amendment "A" (H-383) Report B — Ought Not to Pass

Tabled—Earlier in the day by Senator Pierce of Kennebec.

Pending—Motion of Senator Devoe of Penobscot to Accept Report B.

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

Senator TRAFTON: I would ask for a Roll Call on this motion. I would ask you to oppose the pending motion. If your constituents are similar to my constituents there probably has been no singular issue that has concerned them more than the \$5.70 per month electrical charge from Central Maine Power Company.

We've had an extensive hearing on this to try and examine whether or not this is a justified charge, and the information presented at the hearing, I think demonstrated that it is not a justified charge.

\$5.70 per month for residential customers does bring \$22.6 million per year. The total customer accounting, collecting, billing and meter reading expenses for CMP for 1978 were \$6.2 million. Now the PUC operating under the assumption that distribution charges should be added into that, came up with a figure of \$5.70. But in fact, when you add in the distribution charges, which is \$12,400,000, the total only comes to \$18.6 million. That still doesn't add up to \$22.6 million which they are now collecting with the \$5.70 charge.

Report "B" would make a customer charge of \$3.75 per month. Now that's not an arbitrary figure. That's approximately what the PUC said is the customer cost once the so-called minimum transition facilities are subtracted from the \$5.70 charge.

I've handed out for the Senate's consideration some information on L. D. 1444. In that I compared the kilowatt used, the electrical bill for the kilowatt used under the \$5.70 charge and under the \$3.75 charge. 87% of CMP's customers use less than 550 kilowatt hours. You can see that with the reduction in the utility bills for those individuals. I would hasten to add that we're not talking about the utilities losing any money. We're talking about how their going to collect it.

The utilities did not oppose this bill. It's our contention in the Report "B", that this is a much more logical way to collect the money. It's an energy conservation statement. It means that the more energy people use the more they pay, the less that they use the less they pay.

The higher that the customer service charge is the less incentive there is of conservation of energy. I think that it is appropriate at this time to remind the Public Utilities Commission that in fact the Legislature is the policy making body and that we prefer in the utility rate structure an energy conservation policy to