

# 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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August 3, 1979

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

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

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

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

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

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

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

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

The PRESIDENT: A Division has been requested.

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

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

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

Sent down for concurrence.

#### Enactors

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDENT: A Division has been requested.

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

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

The Chair recognizes the Senator from Kennebec, Senator Pierce.

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

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

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

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

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

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

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Devoe.

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

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

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

It is a vote.

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

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Ault, Chapman, Emerson, Gill, Huber, Katz, Lovell, Martin, McBreairty, Perkins, Pierce, Redmond, Shute, Silverman, Sutton, Teague.

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

ABSENT — Clark.

PAIRED — Devoe-Hichens.

A Roll Call was had.

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

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

Senator KATZ: I move reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate reconsider its action whereby L. D. 1608 was Passed to be Enacted.

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

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The motion does not prevail.

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

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

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

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

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I request a Division.

The PRESIDENT: A Division has been requested.

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

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

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

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

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

The PRESIDENT: The Chair recognizes the

Senator from Cumberland, Senator Conley.

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

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

Senator COLLINS: I request a Division on Enactment.

The PRESIDENT: A Division has been requested.

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

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: I request a Roll Call.

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

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

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

The pending question before the Senate is Enactment of L. D. 1482.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

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

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

ABSENT — Hichens

A Roll Call was had.

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

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

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

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

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: I request a Roll Call on reconsideration.

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

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

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

The Chair recognizes the Senator from Cumberland, Senator Huber.

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

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

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

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

The PRESIDENT: The Chair recognizes the

Senator from Oxford, Senator O'Leary.

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

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

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

The PRESIDENT: A Division has been requested.

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

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

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

Sent down for concurrence.

#### Orders of the Day

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

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

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

Pending—Passage to be Engrossed.

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

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

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

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

Pending—Acceptance of Report.

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

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

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

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

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

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

Will all those opposed, please say No.

A Viva Voce Vote being had.

The Motion does not Prevail.

Sent down for concurrence.

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

A Roll Call has been ordered on the Recon-

sideration Motion.

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

A Yes vote will be in favor of Reconsideration.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

#### ROLL CALL

YEA — Ault, Chapman, Clark, Collins, Emerson, Huber, Katz, Lovell, Najarian, Perkins, Pierce, Shute, Trafton, Trotzky.

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

ABSENT — Hichens

A Roll Call was had.

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

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

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

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

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

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

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

The Senator has the floor.

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

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

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

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

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

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

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

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

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

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

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