

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

January 3, 1979 to May 4, 1979

Senator KATZ: Mr. President. I hesitate to throw facts into the emotional discussion, but what we are being asked to do today, has nothing to do with the traditional male role, the language in this Bill duplicates existing Federal Laws. It is being put into our Human Rights Act indeed to clarify that we are walking hand and glove with existing Federal Law. You are not jeopardizing anybody, you are not giving one sex an advantage over another, you are just recognizing Federal Law.

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

Senator TROTZKY: Mr. President. I believe that what this Bill is saying is that, in big businesses, have to provide pregnancy disability for women, only big businesses, not small businesses. So in other words small businesses have 15 women working for it, that business does not have to provide pregnancy disability, but yet a large business does, and again this is discriminatory.

The PRESIDENT: The pending question before the Senate is the Enactment of L. D. 548.

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, Carpenter, Chapman, Conley, Farley, Gill, Katz, Martin, Minkowsky, Najarian, O'Leary, Pierce, Pray, Shute, Teague, Trafton, Usher

NAY — Collins, Devoe, Emerson, Hichens, Huber, McBreairty, Perkins, Redmond, Silverman, Sutton, Trotzky.

ABSENT — Clark, Cote, Danton, Lovell.

A Roll Call was had.

17 Senators having voted in the affirmative and 11 Senators in the negative, with 4 Senators being absent, the Bill Passed to be Enacted.

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

Senator CONLEY: Mr. President, with respect to this item, I now move that the Senate Reconsider its action whereby this Bill was Passed to be Enacted, and would urge the Senate to vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate Reconsider its action whereby it Passed L. D. 697 to be Enacted.

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 not prevail.

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

Emergency

An Act for Per Diem Compensation for Active Retired Judges. (H. P. 375) (L. D. 485)

On Motion by Senator Huber of Cumberland, placed on the Special Appropriations Table, pending Enactment.

Emergency

An Act to Increase Salaries of County Officers. (H. P. 201) (L. D. 227)

This being an emergency measure and having received the affirmative votes of 27 members of the Senate, were 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 Knox County for the Year 1979. (H. P. 1008) (L. D. 1170)

This being an emergency measure and having received the affirmative votes of 27 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.

Orders of the Day

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

HOUSE REPORTS — from the Committee on Legal Affairs — Bill, "An Act Concerning Removal of Unattached Nonmembers from Indian Reservations." (H. P. 398) (L. D. 505) Majority Report — Ought to Pass; Minority Report — Ought Not to Pass

Tabled—March 29, 1979 by Senator Katz of Kennebec

Pending—Motion of Senator Shute of Waldo to Accept Minority Report.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President and Members of the Senate, the reason I had this item tabled yesterday was to get a decision from the Attorney General whether this law would be, in fact, Constitutional, which does require that non-Indians be removed from Indian houses if they are living on the Reservation, whether they are living with an Indian or not. I felt this was a little Unconstitutional whereas Indians can live off the Reservation with white people and not be removed in two days, but the Attorney General said that this wasn't Unconstitutional. So now I would move Leave of the Senate to Withdraw my Ought Not to Pass Motion and hope the Senate might Accept the Ought to Pass Majority Report.

The PRESIDENT: Senator Shute of Waldo now requests Leave of the Senate to withdraw his Motion to Accept the Minority Ought Not to Pass Report of the Committee.

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

It is a vote.

The Majority Ought to Pass Report of the Committee, Accepted in concurrence.

The Bill Read Once and Tomorrow Assigned for Second Reading.

The President laid before the Senate, the second tabled and specially assigned matter: Bill, "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine." (Emergency) (S. P. 401) (L. D. 1161)

Tabled — March 29, 1979 by Senator Collins of Knox

Pending — Passage to be Engrossed.

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

Senator COLLINS: Mr. President, I present Senate Amendment "A" to L. D. 1161, S-43 and move its adoption.

The PRESIDENT: The Senator from Knox, Senator Collins, now offers Senate Amendment "A" to L. D. 1161 and moves its Adoption.

Senate Amendment "A" (S-43) was Read.

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

Senator COLLINS: Mr. President and Members of the Senate. This has to do with a matter that was under the jurisdiction of the State Government Committee in the 108th Legislature, and as the Senator from Aroostook, Senator Martin, is still a member of that Committee, and was in the 108th, he may wish to add some words of explanation to this Amendment.

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

Senator MARTIN: Mr. President and Ladies and Gentlemen of the Senate. I, first, want to thank the good Senator from Knox, Senator Collins, to be so kind in presenting this Amendment. This is a correction in our Personnel Classification Bill that we dealt with last year in the 108th Legislature, and it simply brings up two dates, six months prior.

Senate Amendment "A" Adopted.

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

Senator COLLINS: Mr. President and Members of the Senate. I present Senate Amendment "C" to L. D. 1161, (S-64), and move it's

Adoption.

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

Senate Amendment "C" (S-64) was Read and Adopted.

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

Senator CHAPMAN: Mr. President and Members of the Senate. I would like to present Senate Amendment "E" (S-73) to L. D. 1161, and move its Adoption.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, now offers Senate Amendment "E" (S-73) and moves its Adoption.

Senate Amendment "E" (S-73) Read.

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

Senator CHAPMAN: Mr. President and Members of the Senate. During the first session of the 108th Legislature, the Business Legislation Committee considered major new legislation dealing with Credit Life and Health Insurance. Due to the complexity of the new ground the proposed legislation attempted to address, the Business Legislation Committee decided that a Study Commission to report back to the Second Regular Session of the 108th was desirable. As a result of the Study commission's work, the Business Legislation Committee in the Second Regular Session of the 108th major credit insurance regulations were enacted in the State of Maine. Under the enactment of the credit insurance regulations the then Commissioner of Business Regulations, Alfred Perkins, was charged with promulgating rules for the new credit insurance regulations. Commissioner Perkins set up an advisory task force of the three largest writers of credit insurance in the State, Union Mutual, John Hancock, and Prudential, plus representatives from the National Consumer Law Center.

In the process of promulgating the rules for the new Credit Health Insurance, a technical error was discovered, whereby if a policyholder fails to pay premiums to the insurance carrier under the law, as it now stands, the insurance carrier could not terminate coverage.

I assure you it is not the intent of the law, and it is my concern that if the technical error is not corrected, that the availability of credit insurance to consumers in the State of Maine may be adversely affected.

Secondly, Senate Amendment D corrects an oversight in the area of Credit Insurance for Mortgages. Many consumers purchase disability insurance, so that in case of illness their monthly mortgage payments will be paid by the insurance. However, the law passed last year fails to take into account those individuals who escrow their property taxes, and/or their homeowner's insurance premiums. Thus, it is possible to have an individual who is disabled, to have the monthly mortgage payment paid by the insurance, but not be able to purchase credit insurance on the tax or homeowner's insurance portion of their monthly payment. Consumers do not have to purchase this coverage if they do not wish, however, it was definitely an oversight that the credit insurance laws were passed in such a form that would prohibit the purchase of insurance to cover one's entire monthly payments, the mortgage and the escrow taxes.

Neither of these corrections contained in Senate Amendment "E" are substantive changes in the credit insurance law, but merely address the technical error in the first instance, and the omission, in the second, which did not come to light until after the law was enacted. These errors and omissions will, if uncorrected, create some serious inequities among insurers and consumers and may adversely affect the availability of Credit, Life, and Health Insurance in the State of Maine. I urge the Senate to Adopt this Amendment.

the Senate to Adopt this Amendment.

Senate Amendment "E" Adopted.

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

Senator COLLINS: Mr. President, just for the record, it is the position of the Judiciary Committee that the Amendment we just adopted did qualify under the 24 hour rule, because it was printed under Filing Number S-54, under the name of Senator Clark. When Senator Clark found that she could not be here today, she arranged for Senator Chapman to have it reprinted under his name, and its the identical text, so we feel that the rule has been met.

I have one more amendment to offer at this time. I now offer Senate Amendment "D", under Filing Number S-66, and move it's adoption.

The PRESIDENT: The Senator from Knox, Senator Collins, now offers Senate Amendment "D" and moves its adoption.

Senate Amendment "D" (S-66) Read and Adopted.

On Motion by Senator Katz of Kennebec, Tabled for 2 Legislative Days, pending Passage to be Engrossed.

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

Bill, "An Act to Clarify the Ability of the State Auditor to Seek the Advice of the Attorney General." (H. P. 196) (L. D. 245)

Tabled—March 29, 1979 by Senator Perkins of Hancock.

Pending—Motion of Senator Ault of Kennebec to Indefinitely Postpone Bill and Papers.

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

Senator CONLEY: Mr. President, I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion to Indefinitely Postpone this Bill, please rise in their places to be counted.

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

Senator AULT: 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 Kennebec, Senator Ault.

Senator AULT: Mr. President, I think an explanation is necessary on this Bill. The title originally was An Act to Permit the State Auditor to Report Certain Suspected Improper Transactions in the Attorney General's Office and the Bill simply says the State Auditor may, at any time, seek the advice of the Attorney General concerning any transactions which he feels may be illegal or improper.

It became apparent to all of the Committee, I believe, that he already had that authority, and so a number of us, knowing that he had the authority decided that we would put the bill out, Ought Not to Pass. The other members of the Committee, who had come to the conclusion that he already had the authority, in their wisdom, kicked it out, Ought to Pass with an Amendment. The Amendment says, this Amendment changes the Title of the Bill to indicate that the State Auditor currently has the power to seek the advice of the Attorney General. To me it's the height of absurdity and I would urge you to vote against it.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Ault, that this Bill L. D. 245 and it's Accompanying Papers be Indefinitely Postponed.

nately 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 — Ault, Chapman, Collins, Devoe, Emerson, Gill, Hichens, Huber, Katz, Martin, McBreairty, Pierce, Pray, Redmond, Shute, Silverman, Teague, Trafton, Trozky

NAY — Carpenter, Conley, Farley, Minkowsky, Najarian, O'Leary, Perkins, Sutton, Usher

ABSENT — Clark, Cote, Danton, Lovell

A Roll Call was had.

19 Senators having voted in the affirmative and 9 Senators in the negative, and 4 Senators being absent, the Motion to Indefinitely Postpone does prevail.

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

Senator AULT: Mr. President, having voted on the prevailing side, I now move reconsideration and I would urge you to vote against my motion.

The PRESIDENT: The Senator from Kennebec, Senator Ault, now moves the Senate reconsider its action whereby this Bill was Indefinitely Postponed.

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 not prevail.

Sent down for concurrence.

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

Bill, "An Act to Clarify the Application of Military Service Credits to Retirement Benefits for Policemen, Firemen, Local District Employees, Sheriffs and Full-time Deputy Sheriffs." (S. P. 147) (L. D. 324)

Tabled—March 29, 1979 by Senator Pierce of Kennebec.

Pending—Adoption of Senate Amendment.

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

Senator PRAY: Mr. President, I ask leave of the Senate to Withdraw my Senate Amendment.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now requests Leave of the Senate to Withdraw his Amendment.

Is this the pleasure of the Senate?

It is a vote.

Senator PRAY: Mr. President, I offer Senate Amendment "A" to Committee Amendment "A" (S-72) 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-72) Read and Adopted. Committee Amendment "A", as amended, Adopted.

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

Senator KATZ: Mr. President, it was my understanding, that there was another Amendment to be offered, and I'm uncertain as to what it was. If indeed, there is going to be a further amending process, this bill might be tabled for a day.

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

Senator DEVOE: Mr. President, this bill relates to rights which a community may negotiate with firemen and policemen who are working under 20 year retirement provisions, and it simply gives the community another option. Senator Pray's Amendment was simply to extend by approximately 3 months or a little more the effective date of this Act, so that people who might be able, between now and January 1, 1980 to negotiate in a certain way to

do so. I'm the sponsor of the Bill and Senator Pray and I discussed it, and agreed on this Amendment, and I'm satisfied with it, and I, as the sponsor, do not know of any other Amendments that are proposed at this time.

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

Senator PRAY: Mr. President and Members of the Senate. Just for clarification purposes, I would just like to correct one statement that's been made by the Senator from Penobscot, Senator Devoe, that the military retirement is not a negotiable item.

The Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

The PRESIDENT: The Chair would direct the Senate's attention to Bill, "An Act to Amend the Representation of Towns on Community School Districts." (S. P. 93) (L. D. 179) tabled earlier in today's session.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

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

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, now moves that the Senate Recede, whereby this Bill (L. D. 179) was Passed to be Engrossed.

Is this the pleasure of the Senate?

It is a vote.

Senator CARPENTER: Mr. President, I further move that the Senate Recede from Adoption of Committee Amendment "A".

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, now moves that the Senate Recede from its Adoption of Committee Amendment "A".

Is this the pleasure of the Senate?

It is a vote.

Senator CARPENTER: Mr. President, I would move that the Senate Recede from Adoption of Senate Amendment "B" to Committee Amendment "A".

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, now moves that the Senate Recede whereby it Adopted Senate Amendment "B" to Committee Amendment "A".

Is this the pleasure of the Senate?

It is a vote.

On Motion by Senator Carpenter of Aroostook, Senate Amendment "B" Indefinitely Postponed.

House Amendment "A" (H-144) to Committee Amendment "A" Read.

On Motion of Senator Carpenter of Aroostook, House Amendment "A" to Committee Amendment "A" Indefinitely Postponed, in non-concurrence.

Senator CARPENTER: Mr. President, I would now present Senate Amendment "C" to Committee Amendment "A" and move its Adoption.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, now offers Senate Amendment "C" to Committee Amendment "A" and moves it Adoption.

Senate Amendment "C" (S-70) Read.

Senator CARPENTER: Just a brief word of explanation, on this Bill of mine L. D. 179. All that we have done in this whole mess, and I apologize for having to back this Bill up and square it away again, but all we have done in this situation is what we did the other day, plus put an emergency clause on it. I hope that the Bill will go along and be passed because I sincerely hope that I never have another Bill dealing with Community School Districts.

Senate Amendment "C" to Committee 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.