

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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oral hygiene."

Now my normal inclination would be to favor this because I could see terrific increases in my sale of toothbrushes, and the permanent equipment. I suspect my waterpick sales could be increased at the same rate.

These things are all noble and very good and I think that in our effort to perhaps protect those who are in problems, from the cradle to the grave, that we should, in fact, do them. My point is that we cannot do all of these things, and until we can do some of the other causes well we should not attempt any new programs. We should not establish another level of bureaucracy which would be to administer a program, while we leave others which are not adequately funded.

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

Senator TROTZKY: Mr. President and Members of the Senate: I oppose the motion to Indefinitely Postpone this bill. First of all, one of the major issues in government costs today is controlling medical costs. In the State of Maine there is a high degree of dental decay which is prevalent throughout the State.

The federal government did provide seed money for a program which enabled communities which wanted to, it was permissive to purchase for example fluoride tablets, so that young students in school could swish with the fluoride treatment and the fluoride treatment has been proven to harden the teeth and prevent decay.

Once these federal funds are dried up, then I think most of you people are aware that our school systems are cutting back on funds, the school boards are and the city councils are throughout the state, that one of the first programs that is going to be dropped is the dental health program. But again if we look at the total cost down the line, if we do not provide protection for young people today, we are going to pay for it later. We are going to pay for it in terms of treatment rather than the smaller cost which is prevention, so I hope that the Senate would not indefinitely postpone this bill.

The PRESIDENT: Is the Senate ready for the question?

The Chair will order a Division.

Will all those Senators in favor of the motion to Indefinitely Postpone L. D. 920, 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 10 Senators in the negative, the motion to Indefinitely Postpone does prevail.

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

Senator PERKINS: I move Reconsideration.

The PRESIDENT: The Senator from Hancock, Senator Perkins, moves that the Senate Reconsider its action whereby it Indefinitely Postponed L. D. 920.

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

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

The Motion does not prevail.

Sent down for concurrence.

The President laid before the Senate the Fourth Tabled and specially assigned matter: Bill, "An Act to Amend the Authority Granted to Municipalities to Enact Police Power Ordinances." (H. P. 957) (L. D. 1187)

Tabled—May 8, 1979 by Senator Najarian of Cumberland.

Pending—Passage to be Engrossed.

On Motion by Senator Conley of Cumberland, Retabled for 1 Legislative Day.

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

HOUSE REPORTS — from the Committee on Labor — Bill, "An Act to Amend the Labor

Law in Relation to Items to be Furnished Employees by Railroad Corporations with Every Payment of Wages." (H. P. 344) (L. D. 443) Majority Report — Ought to Pass as Amended By Committee Amendment "A" (H-309) Minority Report — Ought Not to Pass

Tabled—May 8, 1979 by Senator Sutton of Oxford.

Pending—Acceptance of Either Report.

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

Senator LOVELL: Mr. President and Ladies and Gentlemen of the Senate: This is truly a strange bill, it is before this body at the suggestion of the Railroad Labor Union.

We are being asked to Legislate an issue that should properly be negotiated between labor and management. The whole issue centers on wage information supplied by Railroad Management to employees. This information is very complete now.

The very precise information supplied employees is the result of negotiations between Labor and Management over the years. This issue would properly be one more item for negotiation. Labor has never attempted to bring this issue to the bargaining table, until the attempt has been made, I am opposed to this Legislation and I urge that you Accept the Ought Not to Pass Report.

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

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President and Members of the Senate: I would oppose the motion by the good Senator and speak briefly.

There seems to be after looking into this Bill, there seems to be a very genuine difference of opinion on whether or not this is in fact a negotiation item. I am having difficulty in determining whether it is or it isn't. It seems to me that the request made by the Union is not an unreasonable one in this case.

Presently after looking into this I found that each railroad employee, and this by the way, effects only operating personnel, for instance, somebody on the Maine Central railroad, this bill would effect about 400 people. Each person turns in at the end of the week a sheet which lists daily the number of hours worked, etc., etc., When they get their pay check back, it is a gross amount, so if there is a miscalculation or if there is a difference of opinion they cannot really tell exactly where it is, they have to go through quite a process of filing a grievance or going to the people and finding out exactly where the discrepancy came in.

The railroads already have computer print-outs and this one is a typical example of 6 different people and as you can see each day is listed, with a series of information from how many miles that they travel, over-time earnings, the regular earnings, and so forth.

Really all that they are asking is that taken from this computer sheet they just take one section of this and attach it to their check. Then the person would know exactly where a discrepancy may come in and then I think that it would actually benefit both parties so that if a grievance was filed or there was a discrepancy they certainly would know exactly where it is.

There is no doubt about it, it would take a little bit of extra time, and force them either to clip this off, or whatever the process is and paper clip it to a person's check, but people on the railroad, because it is a complicated pay system, really feel that this would be a great benefit to them. I hope that you would go along with their request to do this, I think that is not an unreasonable request, and would ask for a division on the motion.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion of the Senator from York, Senator Lovell, that

the Senate Accept 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.

13 Senators having voted in the affirmative and 13 Senators in the negative, the motion to Accept the Minority Ought Not to Pass Report does not prevail.

On Motion by Senator Katz of Kennebec, tabled for 1 Legislative Day, pending Acceptance of the Majority Report.

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

Bill, "An Act to Define What Foods May be Labeled or Advertised as Natural or Organic." (H. P. 1016) (L. D. 1286)

Tabled—May 8, 1979 by Senator Trafton of Androscoggin.

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

Senator CONLEY: Mr. President, I move the Senate Reconsider Accepting the Majority Ought Not to Pass Report on L. D. 1347.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that the Senate Reconsider its action whereby on RESOLUTION, Proposing an Amendment to the Constitution of Maine Changing the Legislature to a Single Chamber, Unicameral System. (H. P. 1033) (L. D. 1347) it accepted the Majority Ought Not to Pass Report of the Committee.

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

Senator MARTIN: I request a Division.

The PRESIDENT: A Division has been requested.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: I know that you are not going to like me, but I request a Roll Call.

The PRESIDENT: The Senator is absolutely accurate.

A Roll Call has been requested.

Under the Constitution in order for the Chair to order a Roll Call, it requires the affirmative vote of at least one fifth of those Senators present and voting.

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

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

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

Senator TRAFTON: Mr. President and Members of the Senate: Just to recall for you what this bill is about, this is the bill that would create a Unicameral legislature and it would essentially eliminate the Senate, and reduce the size of the one remaining body, somewhat. It would also provide for a referendum to allow the people of Maine to decide if they felt that that was more acceptable form of government. I would just ask you to reconsider, to at least, allow us to debate this issue. I am sure that we are all interested in the form of government that we have here and whether some improvements can be made.

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

Senator KATZ: Mr. President, as I read the bill, it will be the House that will be done away with and the Senate will be expanded.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Conley, that the Senate Reconsider its action whereby it ac-

cepted the Majority Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of Reconsideration.

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Conley, Katz, Pray, Trafton.

NAY — Ault, Chapman, Clark, Collins, Cote, Danton, Devoe, Emerson, Farley, Gill, Hichens, Huber, Lovell, Martin, McBreairty, Minkowsky, O'Leary, Perkins, Pierce, Redmond, Shute, Silverman, Sutton, Teague, Trotzky, Usher.

ABSENT — Carpenter, Najarian.

A Roll Call was had.

4 Senators voting in the affirmative and 26 Senators in the negative, with 2 Senator being absent, the Motion to Reconsider does not prevail.

The PRESIDENT: The Chair would direct the Senate's attention to Bill, "An Act to Require Conspicuous Posting of Retail Gasoline and Diesel Fuel Prices." (H. P. 624) (L. D. 766), tabled earlier in today's session by the Senator from Cumberland, Senator Conley, pending the Motion by the Senator from Sagadahoc, Senator Chapman, to Indefinitely Postpone.

The Chair will order a Division.

Will all those Senators in favor of the Indefinite Postponement of L. D. 766, please rise in their places to be counted.

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

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

The PRESIDENT: Is it now the pleasure of the Senate that this Bill be Passed to be Enacted?

The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: 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. 766.

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 — Clark, Conley, Cote, Farley, Hichens, Huber, Martin, Minkowsky, O'Leary, Pray, Trafton, Usher.

NAY — Ault, Chapman, Collins, Danton, Devoe, Emerson, Gill, Katz, Lovell, McBreairty, Perkins, Pierce, Redmond, Shute, Silverman, Sutton, Teague, Trotzky.

ABSENT — Carpenter, Najarian.

A Roll Call was had.

12 Senators having voted in the affirmative, and 18 Senators in the negative, with 2 Senators being absent, L. D. 766 Fails of Enactment.

The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: I move reconsideration.

The PRESIDENT: The Senator from Hancock, Senator Perkins, moves the Senate reconsider its action whereby L. D. 766 Failed of Enactment.

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

Will all those Senators opposed, please say No.

A Viva Voce Vote being had.

the Motion does not prevail.

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

Paper from the House Joint Order

An Expression of Legislative Sentiment recognizing that:

Dave Whitlow has resigned his post as Town Manager of Falmouth after serving the community well for the past 5 years. . . (H. P. 1376) Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

House Papers

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

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

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

Bill, "An Act Relating to Motor Carrier Reform." (H. P. 1381) (L.D. 1606)

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

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

Senator KATZ: Mr. President, before I move the pending question, I want to express my concern. This is the 78th Legislative Day, it is May the 9th. Here we have additional bills going into an extraordinary crowded committee schedule, which we're deeply concerned about.

I sincerely hope this is the last of what we're going to see.

Which was referred to the Committee on Public Utilities and Ordered Printed, in concurrence.

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

Senator PIERCE: Mr. President, is the Chair in possession of L. D. 319.

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

Senator PIERCE: I would now move reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now moves the Senate reconsider its action whereby Bill, "An Act Relating to the Maine Medical and Hospital Malpractice Joint Underwriting Association Act." (S. P. 143) (L. D. 319) (Emergency) was Passed to be Engrossed.

Is this the pleasure of the Senate?

It is a vote.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President, I offer Senate Amendment "A" to L. D. 319, under Filing S-158, and move its adoption.

The PRESIDENT: The Senator from Sagadahoc, Senator Chapman, now offers Senate Amendment "A" to L. D. 319 and moves its Adoption.

Senate Amendment "A" (S-158) Read.

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

Senator CONLEY: Mr. President, I wonder if the good Senator might explain what the amendment does?

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Thank you, Mr. President. Mr. President and Members of the Senate: This bill corrects a date that was inadvertently allowed out of committee incorrectly.

This bill has to do with extending the authority of the Joint Underwriting Association for another year. One of the dates was incorrectly stated.

Senate Amendment "A" Adopted.

The Bill, as amended, Passed to be Engrossed.

Sent up for concurrence.

The Chair appointed on the part of the Senate as Conferees on An Act to Require that Persons Convicted of Habitually Sexually Molesting a Child, under the Age of 14, may be Asexualized. (H. P. 816) (L. D. 1018)

Senators:

COLLINS of Knox

DEVOE of Penobscot

CLARK of Cumberland

The Chair appointed on the part of the Senate as Conferees on An Act Regulating Hunting with Muzzle-loading Rifles. (H. P. 498) (L. D. 622).

Senators:

HUBER of Cumberland

HICHENS of York

O'LEARY of Oxford.

The Chair appointed on the part of the Senate as Conferees on An Act to Eliminate the Jurisdiction of the Maine Milk Commission over 1/2 Pint Containers of Milk (H. P. 482) (L. D. 613).

Senators:

HICHENS of York

EMERSON of Penobscot

USHER of Cumberland

(Off Record Remarks)

On Motion by Senator Pierce of Kennebec, Adjourned until 9 o'clock, tomorrow morning.