

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 II

First Regular Session

May 7, 1979 to June 15, 1979

INDEX

First Confirmation Session

August 3, 1979

INDEX

First Special Session

October 4-5, 1979

INDEX

Second Special Session

October 10-11, 1979

INDEX

Second Confirmation Session

December 7, 1979

INDEX

age, it is not a channeling at a young age. What it is is an exposure to other facets of employment in the area.

We found that our business communities in South Portland, have been very supportive of this. We bring children into different businesses, they can decide that they think that they would like to try a certain job, and they can shadow someone for 1/2 a day to see if they would like that.

A lot of this is worked right into the curriculum during the regular classroom. In an English Class or a Reading Class they expose them to the different types of things.

I use this as an example of myself. If when I was in school, going to elementary school, junior high school, there wasn't a guidance program as such, you were either a nurse or became a teacher, or you went out to work. I could have very easily followed in the foot steps of my parents and my mother happens to work in a factory. If someone had not have come along and seen that I had 1/2 a brain somewhere I probably would have worked in that factory for the rest of my life, but I had the chance in high school which was late for me to be exposed to something else. So I chose another route to follow. I think that I would like to see this happen for the young people now and we have got this in place we have got a National Career Education Act, we have got funding from the Federal Government that will give the State of Maine \$125,000 for a 5 year period.

South Portland put their pilot project into effect. It is working beautifully, we have assisted other communities. We have assisted Bangor in setting up a system up there, and we have many people who have come and testified at the hearing and told how effective this was. So I would urge you to let us try to put this in — in the State of Maine. We are asking for very little money to develop career education program. What we want is someone in the department that is really aware of the career education and can help the communities that want to get involved in it.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of accepting the Majority Ought to Pass in New Draft 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.

5 Senators having voted in the affirmative and 18 Senators in the negative, the Motion to Accept the Majority Ought to Pass in New Draft Report does not prevail.

The Minority Ought Not to Pass Report of the Committee, Accepted.

Sent down for concurrence.

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on, Bill, "An Act to Eliminate the Jurisdiction of the Maine Milk Commission over 1/2 Pint Containers of Milk." (H. P. 482) (L. D. 613)

Ask leave to report: that they are unable to agree.

On the Part of the Senate:

HICHENS of York
EMERSON of Penobscot
USHER of Cumberland

On the Part of the House:

BRENERMAN of Portland
STOVER of West Bath

Which Report was Read and Accepted.

Sent down for concurrence.

(Off Record Remarks)

The President would ask the Sergeant-at-Arms to escort the Senator from Kennebec, Senator Katz, to the rostrum to assume the duties of President pro tem.

The Sergeant-at-Arms escorted the Senator

from Kennebec, Senator Katz, to the rostrum, where he acted as President pro tem.

The President then retired from the Senate Chamber.

Second Readers

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

House

Bill, "An Act Relating to Abortions." (H. P. 1394) (L. D. 1612)

Which was Read a Second Time.

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

Senator TRAFTON: Mr. President, I now offer Senate Amendment "A" to L. D. 1612, under Filing Number S-228, and move its Adoption.

The PRESIDENT pro tem: The Senator from Androscoggin, Senator Trafton, offers Senate Amendment "A" under Filing Number S-228 and moves its Adoption.

Senate Amendment "A" (S-228) Read.

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

Senator TROTZKY: Mr. President and Members of the Senate: I would strongly oppose this amendment. It says "the purpose of this amendment is to repeal Maine's Unconstitutional Abortion Statute." The amendment does no such thing, as I see here, the Bill does that. The Bill repeals the statute which is unconstitutional on the book. However, the amendment repeals the intent of the bill, which is the section on viability.

Now the Supreme Court, and I think the Senate should be reminded of this, said that basically a woman's right is not absolute in that she's entitled to terminate her pregnancy at any time, in whatever way and for whatever reason she alone chooses. The Supreme Court Decisions have been consistent by saying, in the beginning basically each case must be handled on an individual basis, and that basically it's up to the woman in the beginning. But it states that, as the gestation period goes on, you eventually have a potential for a life that can live on its own. The Supreme Court says that when a fetus reaches viability, meaning a potential of a life on its own, at that time, a state has a right to proscribe abortion, to prohibit abortion except for the life or the health of a mother.

Without any statutes on the books concerning abortion, Maine says nothing during the whole pregnancy period. I feel as the Supreme Court says also, there's a compelling reason at the end of pregnancy for the state to step in and protest the potential of a life that can live on its own. So I would hope that the Senate would defeat this amendment offered by the Senator from Androscoggin, Senator Trafton.

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

Senator COLLINS: Mr. President, I support the amendment from the Senator from Androscoggin, Senator Trafton. I won't plow old ground, but I noticed today that we had on our desks a list of reasons for voting in favor of this bill, in its present state without the amendment. The first 3 paragraphs, I think, are not argument. Senator Trafton's amendment, would insure that the bill would go along with number 3, that only physicians could perform abortions.

The whole argument in this bill concerns the term viability and what it means, because as the Senator from Penobscot, has said, every case is different and ought to be judged on it's own merits.

The thing that we continue to ignore in this whole problem is that we are intruding into the area of the judgment of the physician.

When we get into that area, we have constitutional question marks. I don't proclaim to be an authority about whether this bill is or is not

constitutional. I have a lot of doubt about it in a very technical area, but I think it's just bad policy to continually be trying to regulate the medical profession in using its judgment.

Now the Bill is carefully written to preserve an area where the physician does use his judgment about the health of his patient. But physicians like everyone else are very anxious to stay on the proper side of the law. The effect of this bill is to intimidate them, to make them feel that they have to lean over backward on the side of not doing abortions.

There are very few abortions done beyond the 24th week. Really this type of bill is like putting in a cannon to kill an ant. We really don't need it in the State of Maine. This isn't where the difficult area is at all, in the second and third trimesters.

I think it's interesting that there is a very diverse group of people who support the position that I speak for today. I respect the right of everyone in this Legislature to employ their own particular religious philosophy in making decisions in matters of this sort. This sort of thing goes deeply into our heritage and our own personal thinking. It's a very personal choice, I think, for all of us.

I think that as we respect the right of others to differ from us, we must always be careful not to impose a particular philosophy on everyone else. We look at one of the other lists on our desks, for example, we see a list that supports public funding of abortions, that includes American Baptists, B'Nai B'rith, Catholics with Free Choice, Episcopal Church, the Union of American Hebrew Congregations, the Unitarian Universalist Association, the United Church of Christ, Board of Homeland Ministries, the United Methodist Church, Board of Church and Society, the National Council Churches of Christ in the United States of America, the Episcopal Church, the United Methodist Church. This is a group of religious thinking bodies that encompasses probably all of us in one way or another, some of our religious compatriots. Yet each of us retains our own privilege to make our own decision regardless of what our church or particular philosophy may lead to in a formal context.

But again I urge you not to tie the hands of our physicians, not to impose a particular religious philosophy upon all the citizens of this State. But to have confidence in the professional judgment of the doctor, in consultation with the patient. I urge you to vote yes on this amendment.

The PRESIDENT pro tem: Is the Senate ready for the question?

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, I haven't spoken on this, and I guess I really don't want to make a positive statement now. I, more or less, want to ask a question. I'm a little confused.

As I understand the law of the land says that abortions are legal. We have passed a law that says a girl has to be counseled, told all the ramifications, given all the places she can go, and all the alternatives. We've passed a law that says she has 48 hours to change her mind. We've passed a law to require physicians to notify the parent of a girl that's intending to have an abortion.

I don't quite understand how this particular document fits into this program. Is there some reason that we need to legislate after all this has gone on at what particular time a girl can have an abortion? I know I'm confused. If you could help me, I might vote better.

The PRESIDENT pro tem: The Senator from Oxford, Senator Sutton, has posed a question through the Chair to any member who may care to answer.

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: Thank you, Mr. President. I will endeavor to answer the question of the

good Senator from Oxford, Senator Sutton.

Let's go back to 1973 when the Supreme Court decided *Roe vs. Wade*. That struck down 46 out of the State's abortion laws. One of the things that *Roe vs. Wade* said was that abortions were up to the medical judgment of the doctor and the woman prior to viability. It attempted to set out standards that would determine viability.

Now a later case called *Planned Parenthood vs. Danforth* was decided by the U.S. Supreme Court in 1976. That case among other things addressed the definition of viability, which you will find verbatim in L. D. 1612, and I quote: "Viability means the state of fetal development when the life of the fetus may be continued indefinitely outside the womb by natural or artificial life supportive systems." This definition has taken verbatim from the *Planned Parenthood vs. Danforth* Case. So in our view it has the stamp of approval of the U.S. Supreme Court.

Now it's ironic when we have those who oppose measures like this we're campaigning the decision of the Supreme Court several years ago in the *Roe vs. Wade* and *Doe vs. Bolton* Case. One of the things that seemed to escape a lot of people was that those 2 cases beside striking down the abortion laws, of 46 of the States, did go on to say that States have a right, there is a state interest, states have a right to do certain things in regulating abortions.

This bill is an effort to go forward, within the guidelines of the *Planned Parenthood vs. Danforth* Case, that have been approved by several federal courts subsequent to 1976. It's an attempt to go forward within the limits set out by the *Planned Parenthood* Case to do precisely what the U.S. Supreme Court said that States had a legal right to do in 1973.

Now that we are coming forward with proposals to live within the guidelines set out by *Planned Parenthood* and *Roe vs. Wade*, those very people who years ago said it was a grave decision to decide *Roe vs. Wade* and *Doe vs. Bolton*, they're now objecting. I think it's rather inconsistent, that they want to pick and chose the aspects of a Supreme Court Case that they will follow.

If they find some paragraphs that they like that's great. If they find some other paragraphs or there are paragraphs that say states may do certain things then the court goes on to set out guidelines of what the state does and does not have right to regulate. Then we try to do it and we can show you in cases where we believe we are living within the limits set out by the U.S. Supreme Court. Now the people who liked what the court did in *Roe vs. Wade* are standing up and bitterly objecting to it.

I can't understand how they can be consistent in liking some part of *Roe vs. Wade*, and not liking other parts of *Roe vs. Wade*.

Now I haven't viewed this as an effort by any group to impose a particular religious philosophy. The Right to Life Group certainly or the various Right To Life Groups are not monopolized by those of any particular religious persuasion. Maybe there are some Senators here who feel that it is a religious issue, but I do not believe that it is a particularly religious issue. You certainly can fairly say it's a moral issue, but it's a moral issue that people, I think, of many religious faiths seem to be agreeing on. Thank you very much, Mr. President.

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

Senator TRAFTON: Mr. President and Members of the Senate: I too would like to briefly answer the good Senator's question, the Senator from Oxford, Senator Sutton.

I guess since this whole issue has come before us again this year, many of us have tried to become constitutional scholars, and some of us feel very insecure in that role. But we can

review the various cases that are before us. As the good Senator from Penobscot, Senator Devoe, has suggested, it seems as if those on one side choose certain paragraphs to demonstrate their points.

I have been referring to the same cases as the good Senator from Penobscot, has been referring to, and I find different language which again raises into question the definition of viability. That's the issue that's really before us today. I don't think anyone questioning what has been set out by the Supreme Court, that the State does have an interest at a certain point in the abortion question. What we are questioning is the very definition, which we see before us today. Although the good Senator has quoted from the *Planned Parenthood vs. Danforth*, he failed to mention this other paragraph which states "it is not the proper function of the Legislature or the courts to place viability which essentially is a medical concept at specific points, in the gestation period. The time when viability is achieved may vary with each pregnancy, and the determination of whether a particular fetus is viable is and must be a matter of judgment of the responsible attending physician."

Also he failed to mention that in the Supreme Court Decision of *Roe vs. Wade*, we have another definition of viability and I quote states: "Potentially able to live outside the mother's womb, albeit with artificial aid." Again this seems to suggest that we have various decisions which have spoken to the question of viability.

With the changes in technology that we experience every day, viability will be in a state of flux, I think, until the Supreme Court speaks again. Again my amendment, which is before you, is to leave in those portions which I think are good portions, making it a crime for a person who is not a licensed physician to perform an abortion, striking the unconstitutional language from our statutes, but eliminating those portions which deal with the definition of viability, which, I think, will continue to remain constitutionally vague and give us problems if we enact them in this statute.

The PRESIDENT pro tem: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Trotzky.

Senator TROTZKY: Mr. President and Members of the Senate: I would like to read the second paragraph that was written by the Supreme Court in the decision *Roe vs. Wade*. I think it's an important paragraph because it shows the sensitivity of the Justices in dealing with this issue. I quote: "we forthwith acknowledge our awareness of the sensitive and emotional nature of the abortion controversy, of the vigorous opposing views, even among physicians, and of the deep and seemingly absolute convictions that the subject inspires. One's philosophy, one's experiences, one's exposure to the raw edges of human existence, one's religious training, one's attitude toward life and family and their values, and the moral standards one establishes and seeks to observe are all likely to influence and to color one's thinking inconclusively about abortion."

I think the Supreme Court Justices, in that paragraph, show the sensitivity that they were showing towards this issue. Now in *Western Society*, in the United States, there's a high regard for the individual life. It's highly precious and highly regarded in this country, as opposed to other societies throughout the world.

What this bill basically is saying here, it's saying, when viability is reached, which is somewhere around the 7th, 8th, 9th month, the later part of pregnancy. At that time a physician will perform an abortion only for the life or the health of the mother. It makes the physician, at least, take into consideration when the abortion is performed that the life or the health of the mother must be considered. I don't think

that's asking too much.

Right now we have absolutely no standards that I can see on the books on abortion. An abortion can be performed just because a woman wants it. I feel at that point in time when the potential of a life that can live on its own, at least we can ask for the physician, and that's leaving up to their judgment that it's only performed for the life or health of the mother. I don't think this bill puts that many restrictions on abortion.

The PRESIDENT pro tem: Is the Senate ready for the question?

The Chair will order a Division.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President, I request when the vote is taken, it be taken by the Yeas and Nays.

The PRESIDENT pro tem: 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 Knox, Senator Collins.

Senator COLLINS: I ask Leave to pair my vote with the Senator from Aroostook, Senator Martin, who if he were here, would be voting no, and I would be voting Yes.

The PRESIDENT pro tem: The Senator from Knox, Senator Collins, now requests Leave of the Senate to pair his vote with the Senator from Aroostook, Senator Martin. If he were here, he would be voting Nay, and the Senator from Knox would be voting Yea.

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

It is a vote.

The Chair recognizes the Senator from York, Senator Lovell.

Senator LOVELL: Mr. President, I request to pair my vote with the Senator from Androscoggin, Senator Minkowsky, if he were here, he would be voting No, and I would be voting Yes.

The PRESIDENT pro tem: The Senator from York, Senator Lovell, now requests Leave of the Senate to pair his vote with the Senator from Androscoggin, Senator Minkowsky. If he were here, he would be voting Nay, and the Senator from York would be voting Yea.

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

It is a vote.

The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Senator CHAPMAN: Mr. President, I request Leave of the Senate, to pair my vote with the Senator from York, Senator Hichens, who if he were here would vote No, and I will be voting Yes.

The PRESIDENT pro tem: The Senator from Sagadahoc, Senator Chapman, now requests Leave of the Senate to pair his vote with the Senator from York, Senator Hichens. If he were here, he would be voting Nay, and the Senator from Sagadahoc, Senator Chapman, would be voting Yea.

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

It is a vote.

The pending question before the Senate is the Motion by the Senator from Androscoggin, Senator Trafton, that the Senate Adopt Senate Amendment "A" to L. D. 1612.

A Yes vote will be in favor of the adoption of Senate Amendment "A".

A No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Clark, Emerson, Huber, Najarian, Perkins, Sutton, Trafton, Sewall.

NAY—Ault, Carpenter, Conley, Cote, Devoe, Farley, Gill, Katz, McBreairty, O'Leary, Pierce, Pray, Redmond, Shute, Silverman, Trotzky, Usher.

ABSENT—Danton, Teague.

A Roll Call was had.

8 Senators having voted in the affirmative, and 17 Senators in the negative, with 6 Senators pairing their votes, and 2 Senators being absent, the Motion to Adopt Senate Amendment "A" does not prevail.

The Bill, Passed to be Engrossed, in concurrence.

The PRESIDENT pro tem: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President, having voted on the prevailing side, I now move reconsideration, and ask you to vote against me.

The PRESIDENT pro tem: The Senator from Oxford, Senator O'Leary now moves that the Senate reconsider its action whereby L. D. 1612 was Passed to be Engrossed.

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.

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

Enactor

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

Emergency

An Act to Amend Provisions of the Charter of the Gardiner Water District Relating to Trustees and Funding. (H. P. 712) (L. D. 885)

Comes from the House Recommended to the Committee on Public Utilities.

On Motion by Senator Devoe of Penobscot, Recommended to the Committee on Public Utilities, in concurrence.

On Motion by Senator Huber of Cumberland, the Senate voted to take from the Special Appropriations Table: "An Act to Amend the Laws Relating to Games of Chance" (H. P. 672) (L. D. 833)

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

House — As Amended

Bill, "An Act to Permit a Resident of an Intermediate Care Facility who Receives Aid for the Medically Needy to Give at Least \$250 a Month from His Income to a Dependent Spouse." (H. P. 1054) (L. D. 1305)

Bill, "An Act to Provide for the Issuance of a Warning for Operating an Unregistered Motor Vehicle within One Month of the Expiration of Registration." (H. P. 858) (L. D. 1058)

Bill, "An Act to Exempt Farmland from Sewer Assessments When the Land Receives no Benefit from this Construction." (H. P. 960) (L. D. 1185)

Bill, "An Act to Clarify the Provisions Relating to Hearings on Juvenile Crimes and to Establish an Experimental Program for Education and Counseling of Juveniles." (H. P. 1375) (L. D. 1601)

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

Bill, "An Act to Increase the Funds for the Displaced Homemakers Program." (H. P. 779) (L. D. 981)

Which was read a Second Time.

On Motion of Senator Perkins of Hancock, Tabled for 2 Legislative Days, Pending Passage to be Engrossed.

Bill, "An Act Concerning Licenses Issued by the Department of Inland Fisheries and Wildlife." (H. P. 270) (L. D. 344)

Which was Read a Second Time.

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

Senator PERKINS: Mr. President I offer Senate Amendment "A" to L D 344, under Filing Number S-216, and move its adoption.

The PRESIDENT pro tem: The Senator from Hancock, Senator Perkins, offers Senate Amendment "A", (under Filing Number S-216) and moves its adoption. Senate Amendment "A" (S-216) Read and Adopted.

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

Senate — As Amended

Bill, "An Act to Clarify the Statutory Requirements for Issuance of Maine Guides Licenses." (S. P. 734) (L. D. 1154)

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

Sent down for concurrence.

Bill, "An Act to Regulate Commercial Whitewater Outfitters". (S. P. 348) (L. D. 1094)

Which was Read a Second Time.

On Motion by Senator Pray of Penobscot, Tabled until later in today's session, pending Passage to be Engrossed.

There being no objections, all items previously acted upon, with the exception of those items held, were sent forthwith.

Senator Carpenter of Aroostook was granted unanimous consent to address the Senate, Off the Record.

On Motion by Senator Pierce of Kennebec, Recessed until 4 o'clock this afternoon.

(Recess)

(After Recess)

The Senate called to order by the President.

Enactors

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

An Act Relating to Certified Seed Potatoes. (H. P. 1316) (L. D. 1570)

An Act to Provide for Oversight of Marina Research by the Department of Marine Resources. (H. P. 1272) (L. D. 1476)

An Act to Clarify the Tax Law by Providing that a Retailer's Sale of Equipment Used in its Business is Taxable if it is Like Equipment Sold in the Ordinary Course of Business. (H. P. 1066) (L.D. 1320)

An Act to Amend the Statute Relating to Alternative Procedures for Adoption of School Budgets. (H. P. 238) (L. D. 284)

An Act Concerning Registration of Killed Deer. (H. P. 372) (L. D. 478)

An Act to Prohibit the Practice of a Mandatory Retirement Age. (S. P. 260) (L. D. 790)

An Act Prohibiting a Bank Holding Company from Owning more than One Type of Financial Institution. (S. P. 91) (L. D. 177)

An Act to Insure the Accountability of Counties in the Expenditure of Federal Funds. (S. P. 140) (L. D. 316)

An Act Concerning the Maine Development Districts Law. (S. P. 179) (L. D. 409)

An Act Concerning Insurance Consultants. (S. P. 381) (L. D. 1213)

An Act to Amend the Prohibition of Issuing Fisheries and Wildlife Licenses to Persons Convicted of Certain Offenses. (H. P. 641) (L. D. 795)

An Act to Prohibit Cancellation of Automobile or Property Insurance without Actual Notice to the Insured. (H. P. 170) (L. D. 221)

An Act to Make Arson a Class A Crime under the Maine Criminal Code. (H. P. 810) (L. D. 1013)

An Act Concerning the Posting of Information on the Allowability of Witness and Attorney's Fees under the Workers' Compensation Act. (H. P. 704) (L. D. 879)

An Act to Return a Portion to the Town of Wales by the Town of Sabattus. (H. P. 709) (L. D. 883)

An Act to Amend the Charter of the Lucerne-in-Maine Village Corporation. (H. P. 675) (L. D. 835)

An Act Relating to Telephone Company Directories. (H. P. 1134) (L. D. 1402)

An Act Relating to Criminal Appeals and Search Warrants. (H. P. 1092) (L. D. 1375)

An Act to Establish a Lobster Advisory Council. (H. P. 959) (L. D. 1184)

An Act to Provide for an Official Seal for the Department of Human Services. (H. P. 745) (L. D. 931)

An Act to Define Residency for School Purposes. (H. P. 1160) (L. D. 1425)

An Act to Amend the Statutes Concerning the Practice of Medicine. (H. P. 1240) (L. D. 1502)

An Act Amending Admission Procedure at Pineland Center and Elizabeth Levinson Center. (H. P. 1209) (L. D. 1470)

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 Arbitration under the State Employees Labor Relations Act. (H. P. 142) (L. D. 162)

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

Senator TROTZKY: Mr. President and Members of the Senate: I would urge the Senate to vote against the Enactment of L. D. 162. This concerns binding arbitration between the Governor of the State of Maine and the State Employee Unions. I understand that the Governor of this State, in reports I've read, is opposed to the bill. Philosophically, I'm also opposed to the bill, believing that we should not bind the hands of an elected Governor of the State of Maine whether it be Republican, Democrat, or Independent.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, I move for the Indefinite Postponement of this L D and all its accompanying papers.

The PRESIDENT: The Senator from Oxford, Senator Sutton, moves that L. D. 162 be Indefinitely Postponed.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Penobscot, Senator Pray.

Senator PRAY: Mr. President and Members of the Senate: It wasn't too long ago after we first debated this bill, when it came out of the Labor Committee that the Chairman, the Senator from Oxford, Senator Sutton, sent me a little note congratulating me on my victory, which I responded to that it was only the first round and the bill had not yet seen its last day in this session nor the last of the debate.

Even in reading Wednesday's paper, we find headlines such as "Binding Arbitration to Face Acid Test in Senate". A lot of space just set aside for this issue and we have debated it quite often.

In recent years collective bargaining in the private sector has grown tremendously. Along with the growth in bargaining there has developed a need for an alternative source for us to go, when an impasse is reached. Most bargaining impasses in the private sector, we're all aware, will lead to a strike or to a work stoppage. It's traditionally happened, it's happened in Maine and it's happened elsewhere.

But as we look into the public sector we see the same thing is occurring now. We only have to look at New York, Chicago, or New Orleans, outside of this State and see what has happened when an impasse is reached. We can look within the State of Maine, and we can see