

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Sixth

Legislature

OF THE

STATE OF MAINE

1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, January 31, 1973
Senate called to order by the President.

Prayer by the Rev. Linwood Welch of Hallowell.

Reading of the Journal of yesterday.

Papers from the House Non-concurrent Matter

Joint Resolution (S. P. 83)
Memorializing The Honorable Winton M. Blount, Postmaster General and the United State Congress for Restoration of Maine Postal Service.

In the Senate January 18, 1973,
Read and Adopted as Amended by Senate Amendment "A" (S-2).

Comes from the House,
Indefinitely Postponed in non-concurrence.

On motion by Mr. Anderson of Hancock, the Senate voted to Insist and Ask for a Committee of Conference.

The President appointed on the part of the Senate the following Conferees:

Senators:
ANDERSON of Hancock
MINKOWSKY
 of Androscoggin
HUBER of Knox

House Papers

Bills today received from the House requiring Reference to Committees were acted upon in concurrence.

Senate Papers Appropriations and Financial Affairs

Mr. Morrell of Cumberland presented, Bill, "An Act Making Capital Construction and Improvement Appropriations from the General Fund for the Fiscal Years Ending June 30, 1974 and June 30, 1975." (S. P. 175)

Mr. Cyr of Aroostook presented Bill, "An Act Appropriating Funds to Renew Senior Citizens Program." (S. P. 179)

Which were referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

County Government

Mr. Greeley of Waldo presented Bill, "An Act Relating to Payments to Waldo County Law Library." (S. P. 186)

On motion by Mr. Berry of Cumberland, referred to the Committee on County Government and Ordered Printed.

Sent down for concurrence.

Mr. Greeley of Waldo presented Bill, "An Act Increasing Salaries of Officials of Waldo County." (S. P. 176)

Which was referred to the Committee on County Government and Ordered Printed.

Sent down for concurrence.

Education

Mr. Katz of Kennebec presented Bill, "An Act Relating to Confering Degrees by Portland School of Art." (S. P. 189)

Which was referred to the Committee on Education and Ordered Printed.

Sent down for concurrence.

Judiciary

Mr. Richardson of Cumberland presented Bill, "An Act to Amend the Uniform Limited Partnership Act." (S. P. 180)

Which was referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

Legal Affairs

Mr. Clifford of Androscoggin presented Bill, "An Act Requiring the Ramping of Curbs at Crosswalks for Physically Handicapped and Elderly Persons." (S. P. 188)

Which was referred to the Committee on Legal Affairs and Ordered Printed.

Sent down for concurrence.

Liquor Control

Mr. Cyr of Aroostook presented Bill, "An Act Relating to Class A Restaurants." (S. P. 178)

Which was referred to the Committee on Liquor Control and Ordered Printed.

Sent down for concurrence.

Public Utilities

Mrs. Cummings of Penobscot presented Bill, "An Act Relating to Safety of Dams." (S. P. 177)

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

Sent down for concurrence.

Transportation

Mr. Clifford of Androscoggin presented Bill, "An Act to Authorize Bond Issue in the Amount of \$19,800,000 to Build State Highways." (S. P. 187)

Which was referred to the Committee on Transportation and Ordered Printed.

Sent down for concurrence.

Veterans and Retirement

Mr. Richardson of Cumberland presented Bill, "An Act Relating to Service Retirement for Officers and Employees of the Men's Correctional Center." (S. P. 181)

The same Senator presented Bill, "An Act to Increase the Number of Trustees of the Maine State Retirement System." (S. P. 182)

The same Senator presented Bill, "An Act Relating to Purchase of Back Service Credits for Local Participating Districts and Individual Employees under Maine State Retirement System." (S. P. 183)

The same Senator presented Bill, "An Act Relating to Service Retirement Benefits under State Retirement System." (S. P. 184)

Which were referred to the Committee on Veterans and Retirement and Ordered Printed.

Sent down for concurrence.

Orders

On motion by Mr. Berry of Cumberland,

ORDERED, the House concurring, that the officers and employees of the 105th and 106th Legislature be granted retirement benefits under the Maine State Retirement System by the Board of Trustees of the Maine State Retirement System for the full biennium as to the 105th Legislature and the full biennium as to the 106th Legislature or to the date of the resignation or separation for any reason as to the 106th Legislature, and be it further;

ORDERED, that the appropriate appointing authority is authorized to accept resignations and fill any vacancies of personnel during the present biennium. (S. P. 191)

Which was Read.

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

Mr. BERRY: Mr. President and Members of the Senate: Through the years there has been developed a rather patchwork method of treatment of the officers and employees of the Legislature insofar as the pension and retirement state system goes.

Starting out with the former Clerk of the House, Harvey Pease, a few isolated individuals were given pension benefits, and through the years there has been no order or planned progress in developing the extension of these benefits to all employees of the Legislature. This Order does this. It makes no particularly special treatment for the employees in the Legislature. It treats them just as all other state employees are treated. It also puts them on an equal footing as far as the retirement system goes with the Legislators, but once again we have no particular benefits that accrue to us that don't accrue to any state employees.

This is certainly a major step forward in treating our associates in the Legislature with the decency that they should have. They will be making contributions to the fund just like any other member of the system does. I think, again this is a major step forward and I urge your support for this order.

The PRESIDENT: Is it the pleasure of the Senate that this order receive passage and be sent down for concurrence?

Thereupon, the Joint Order received Passage.

Sent down for concurrence.

Committee Reports House

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act to Eliminate Beddington from the Maine Forestry District" (H. P. 93) (L. D. 114)

Ought to Pass — As Amended

The Committee on Legal Affairs on Resolve, to Reimburse Willard

M. Judkins of Rangeley for Automobile Damage Due to Highway Construction. (H. P. 81) (L. D. 94)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-8).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which report was Read and Accepted in concurrence and the Resolve Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Resolve, as Amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Education on Bill, "An Act Relating to Fingerprinting of School Children." (H. P. 13) (L. D. 13)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Repealing the Law Providing for the Fingerprinting of School Children" (H. P. 296) (L. D. 324).

Comes from the House, the Bill, in New Draft, Passed to be Engrossed.

Which report was Read and Accepted in concurrence, the Bill in New Draft Read Once, and Tomorrow Assigned for Second Reading.

Senate

Ought to Pass

Mr. Sewall for the Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Funds for the Maine Commission on Drug Abuse." (S. P. 51) (L. D. 105)

Reported that the same Ought to Pass.

Mr. Cox for the Committee on Taxation on Bill, "An Act Relating to Collection of the Blueberry Tax." (S. P. 74) (L. D. 191)

Reported that the same Ought to Pass.

Which reports were Read and Accepted, the Bills Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

Mr. Morrell for the Committee on Appropriations and Financial

Affairs on Resolve, Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans (S. P. 58) (L. D. 141)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-3).

Which report was Read and Accepted and the Resolve Read Once. Committee Amendment "A" was Read and Adopted and the Resolve, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on Bill, "An Act Making Additional Appropriations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1973." (S. P. 40) (L. D. 79)

Reported that the same Ought to Pass in New Draft Under Same Title (S. P. 190) (L. D. 394)

Signed:

Senators:

SEWALL of Penobscot
MORRILL

of Cumberland
CONLEY of Cumberland

Representatives:

HASKELL of Houlton
SMITH

of Dover-Foxcroft

JALBERT of Lewiston

CARTER of Winslow

NORRIS of Brewer

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Representatives:

BRAGDON of Perham
SPOUL of Augusta

Which reports were Read.

Mr. Anderson of Hancock, then requested a division.

Thereupon, Mr. Sewall of Penobscot requested a roll call.

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

Mr. KATZ: Mr. President and Members of the Senate: I for one am not even vaguely ready for the question, if I am going on the record on a roll call vote. I really don't understand just what programs are involved here, what the nature of the funding has been, and specifically where the money

is going. If I confess my ignorance it is a sincere confession and I would like to know specifically what we are voting on.

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

Mr. SEWALL: Mr. President and Members of the Senate: This bill was presented to us as a result of the cutoff of federal funds under the so-called Title 4-A. These funds had been going into quasi-welfare programs, many programs which have been proliferating all over the country, and I believe that the federal government felt that they would better be handled on a local level.

We were presented a bill with a price tag of \$1 million to continue funding these programs until June 30th of this fiscal year. The majority of the members of the Committee on Appropriations felt that this might be a little long, and we believed that we did not have sufficient information at hand to pass on the merits of the 40 to 50 programs involved. We felt that if we could assign this project to a knowledgeable staff person that these could be researched and we could come back by the middle of March with some hard information and recommendations for the members of the Maine Legislature.

Many of these programs undoubtedly would better be financed by local agencies. On the other hand, it is very hard to say definitively which ones should be funded by the state and which should be funded locally. Therefore, we are requesting funding in the amount of \$350,000, which will carry these programs on until March 15, at which time, or before that time actually, we are in hopes of coming out with another bill which would place all these programs on a reasonably permanent basis. Many may be cut off from state funding but, on the other hand, we do want to know which ones should be funded by the state and which should be funded by local money. Therefore, in effect, this bill really asks for a little time in which to make knowledgeable decisions in this area.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I rise in support of the remarks made by Senator Sewall. This is an emergency bill designed to meet emergency needs. I think we all would agree that a social service emergency is just as important to the fate of thousands of Maine people as an emergency created by a natural or manmade disaster. The emergency calls for a broad scope of action over a short period of time, and when the emergency is past more detailed scrutiny can be given to the social services needs in the long run, but for now I think the responsibility is ours. I think Senator Sewall pointed out that this is something to fund for a two and a half month period, and that an aide has been hired by the legislative staff to look at these programs in detail. The need is there now.

Just briefly to point out who might benefit from this program, I think the elderly who are receiving meals on wheels, I think those who are receiving home-maker services, and thus keeping some people out of institutions; I think they are going to benefit and, in the long run I think the state benefits. But I think this is a situation to give a breathing spell to look for other sources of funding. I think Senator Sewall has pointed it out very well, and I hope you will vote to accept the Majority Ought to Pass Report.

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

Mr. KATZ: Mr. President, I am grateful for the explanations which have been presented. I now notice on my desk a rather comprehensive list of programs, which I guess were passed out yesterday. Might I ask through the Chair whether this represents the basis for the continuation of these programs that we are talking about under this appropriation?

I notice the Chair answers in the affirmative, and I thank you very much.

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

pending question before the Senate is that the Senate accept the Majority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. Sewall of Penobscot then withdrew his request for a roll call.

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

Mr. GREELEY: Mr. President, I would like to move that this bill be tabled for one legislative day.

The PRESIDENT: The Senator from Waldo, Senator Greeley, moves that Legislative Document 79 be tabled and specially assigned for tomorrow.

The Chair recognizes the Senator from Penobscot, Senator Sewall.

On motion by Mr. Sewall of Penobscot, a division was had. Nine Senators having voted in the affirmative, and 21 Senators having voted in the negative, the motion did not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Majority Ought to Pass Report of the Committee? A division has been requested. As many Senators as are in favor of accepting the Majority Ought to Pass Report of the Committee will please rise and remain standing until counted.

A division was had. 28 Senators having voted in the affirmative, and two Senators having voted in the negative, the Majority Ought to Pass Report of the Committee was Accepted and the Bill Read Once.

Thereupon, under suspension of the rules, the Bill was given its Second Reading and Passed to be Engrossed.

Sent down for concurrence.

Second Readers

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

House

Bill, "An Act Changing Name of Land Owners Association." (H. P. 70) (L. D. 83)

Bill, "An Act Creating a Second Assistant County Attorney for Kennebec County." (H. P. 88) (L. D. 108)

Bill, "An Act Relating to Procedure for Securing Specially Designed Motor Vehicle License Plates for State Officials." (H. P. 85) (L. D. 110)

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

House — As Amended

Bill, "An Act Relating to Fees Received by the Clerk of the House of Representatives and Secretary of the Senate." (H. P. 94) (L. D. 115)

Bill, "An Act to Correct an Error in the Reorganization of the Department of Civil Defense and Public Safety." (H. P. 111) (L. D. 131)

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

(Off Record Remarks)

On motion by Mr. Sewall of Penobscot,

Adjourned until 1:30 o'clock in the afternoon.