

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Friday, January 23, 1976

The House met according to adjournment and was called to order by the Speaker.

Prayer by Rev. Gary Vencill of Randolph.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Joint Resolution: (S. P. 643)

IN MEMORIAM

Having Learned Of The Death Of Dr. Roswell P. Bates of Orono, Former Speaker of the House of Representatives, Chairman of the Executive Council and Senator

The Senate and House of Representatives of the State of Maine do hereby extend their sincere heartfelt condolences and sympathy to the bereaved family and friends of the deceased; and further

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine.

Came from the Senate read and adopted. In the House, the Joint Resolution was read and adopted in concurrence.

Bills and Resolves from the Senate requiring reference were disposed of in concurrence.

Reports of Committees**Leave to Withdraw**

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act Concerning the Filing of Cases in State Courts" (S. P. 619) (L. D. 1951)

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted in concurrence.

Non-Concurrent Matter**Tabled and Assigned**

Bill "An Act to Clarify the Advisory Status of Comprehensive Municipal Zoning Plans" (H. P. 1868) (L. D. 2039) which was referred to the Committee on Natural Resources in the House on January 21, 1976.

Came from the Senate referred to the Committee on Local and County Government in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I don't see the chairman of either the Natural Resources or Local and County Government in their seats, so I would appreciate it if someone would table this for me for one legislative day.

Thereupon, on motion of Mr. Palmer of Nobleboro, tabled pending further consideration and specially assigned for Monday, January 26, 1976.

The following Communication:

STATE OF MAINE
Office of the Governor
Augusta, Maine

January 22, 1976

To Members of the 107th Maine Legislature:

Yesterday Legislative Leadership announced a willingness to make adjustments in the State Biennial Budget in order to insure that we have a balanced budget without a tax increase.

I am deeply appreciative of this spirit of cooperation demonstrated by the leadership. I sincerely believe that if this spirit of cooperation and mutual understanding will prevail throughout this Special Session, that we will be able to solve our problems without burdening the people of Maine with additional taxes.

Since the time we announced our seven per cent cost savings plan in December, we have had legitimate questions about the starting up of new programs approved in the Supplemental Budget without adequate funding for the biennium. True, funds were provided for one year, but it was clearly the intent of the Legislature that these were to be on-going programs. Our question has been, and continues to be, whether the Executive Branch can be required to start up a program or programs which, in effect, have been only half funded for the biennium. Our assumption, rightfully or wrongly, was that the Legislature was either depending on the Executive Branch to find cost savings to complete the funding or was anticipating a tax increase for that purpose.

While we had, and continue to have, serious reservations about the fiscal responsibility of the Supplemental Budget, it should be pointed out here that it was never the intent of the Executive Branch to arbitrarily fail to start up these programs without first addressing the problem to either the Executive Council, the Courts or to this Legislature. We made this clear in our address to this Special Session and asked this body to endorse our efforts, repeal the programs or defer them.

We did exactly what we said we would do and I believe our intent to operate completely within our authority is amply demonstrated by the fact that planning for and implementation of a majority of these programs already has been accomplished.

However, because of the willingness expressed by your leadership to work to resolve this problem so we can get on to more important matters and because of my desire to do the same, we will plan to start implementing the few remaining programs in the Supplemental Budget immediately unless we hear an expression to the contrary from the full Legislature by the close of your work day Friday.

The Special Session of this Legislature was called at a date much earlier than originally planned because of a mutual agreement between the Governor and the Legislature that it was imperative that we meet early to address the Education Funding Deficit and a new funding law.

If we do anything less than that, I believe strongly that we will be breaking faith with the people of Maine.

While I continue to have strong reservations about the fiscal responsibility of the Supplemental Budget approach, I am willing to commit to further belt-tightening in the Executive Branch to start up these programs and continue them through the remainder of the fiscal year. I also commit to working with the Legislature to find additional cost savings to continue the programs through the second year without a tax increase.

It is also very important to note at this point that our seven per cent cost savings was designed to accomplish some

exceedingly important purposes. We felt it was essential that we prepare in advance for possible revenue shortfalls, that we restore some surplus to the budget and that, hopefully, we would be able to have some money for underpaid state employees if revenue estimates prove to be on target. That is still our plan and we continue to depend on this Legislature to give us time to have a more accurate revenue picture before addressing appropriations matters, as Leadership indicated it would. Before this session was called, it was agreed with Leadership that this approach would be followed. . . we would meet early to address the school funding problem and delay budget and revenue issues until later in the session when more current data would be available.

Therefore, I am agreeing and submitting this solution to this immediate problem so that we can all live up to our mutual pledge to first address the education deficit problem. We are submitting legislation to do this and we will cooperate fully with any member of this Legislature who offers a better way of resolving our present deficit problem in education.

I said when this session opened that I would cooperate with this Legislature to solve our problems. I think the action we are willing to take demonstrates that I meant what I said.

Very truly yours,

Signed:

JAMES B. LONGLEY
Governor

The Communication was read and ordered placed on file.

Petitions, Bills and Resolves**Requiring Reference**

The following Bills and Resolution were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Appropriations and Financial Affairs

Bill "An Act to Make Health Care Projects Eligible for Bonding under the Maine Municipal Securities Approval Act" (H. P. 1899) (Presented by Mr. Walker of Island Falls)

Bill "An Act to Increase Salaries of Justices of the Supreme Judicial and Superior Courts and Judges of the District Courts" (H. P. 1900) (Presented by Mr. Hewes of Cape Elizabeth)

(Ordered Printed)
Sent up for concurrence.

Later Today Assigned

Bill "An Act to Provide Dental Care to Developmentally Disabled Boarding and Nursing Home Clients and to other Persons" (H. P. 1897) (Presented by Mr. Hennessey of West Bath) (Cosponsor: Mrs. Goodwin of Bath)

Committee on Reference of Bills suggested the Committee on Health and Institutional Services.

The SPEAKER: The Chair recognizes the gentleman from West Bath, Mr. Hennessey.

Mr. HENNESSEY: Mr. Speaker, this being a money bill, I am wondering if this shouldn't go to the Appropriations Committee, and I so move.

On motion of Mr. Tierney of Durham, tabled pending reference and later today assigned.

Human Resources

Bill "An Act to Amend the Mandatory

Reporting Law on Child Abuse and Neglect" (H. P. 1898) (Presented by Mrs. Boudreau of Portland) (Cosponsor: Mr. Mulkern of Portland)
(Ordered Printed)
Sent up for concurrence.

Labor

Bill "An Act to Extend the Exemption for Self-employed Sternmen on Lobster Fishing Boats from Coverage under the Employment Security and Workmen's Compensation Laws" (H. P. 1890) (Presented by Mr. Greenlaw of Stonington) (Cosponsors: Mr. Perkins of Blue Hill, Mrs. Post of Owls Head, Mr. Jackson of Yarmouth)
(Ordered Printed)
Sent up for concurrence.

Bill "An Act to Permit Executive Sessions in Certain Labor Negotiations" (H. P. 1891) (Presented by Mr. Pearson of Old Town)

Committee on Reference of Bills suggested the Committee on Legal Affairs. On motion of Mr. Tierney of Durham, referred to the Committee on Labor, ordered printed and sent up for concurrence.

Liquor Control

Bill "An Act to Permit a Manufacturer of Alcoholic Beverages to be a Stockholder in a Corporation which is a Licensee" (H. P. 1892) (Presented by Mr. Bowie of Gardiner)

Bill "An Act to Promote the Sale of Alcoholic Beverages Manufactured or Distilled in Maine" (H. P. 1893) (Presented by Mrs. Berube of Lewiston)
(Ordered Printed)
Sent up for concurrence.

Health and Institutional Services

Bill "An Act Relating to Notifying Municipalities of Recipients of Public Assistance" (H. P. 1894) (Presented by Mr. Rolde of York)

Committee on Reference of Bills suggested the Committee on Performance Audit.

On motion of Mr. Goodwin of South Berwick, referred to the Committee on Health and Institutional Services, ordered printed and sent up for concurrence.

State Government

RESOLUTION Proposing an Amendment to the Constitution to Provide that the House of Representatives shall, Beginning on the Day Next Preceding the First Wednesday after the First Tuesday in January of 1985, consist of One Hundred and Thirty-two Members instead of One Hundred and Fifty-one (H. P. 1895) (Presented by Mr. Martin of Eagle Lake)
(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act Concerning the Calculation of State Aid to Municipalities for the Care of Highways and Bridges" (Emergency) (H. P. 1896) (Presented by Mr. Smith of Dover-Foxcroft)
(Ordered Printed)
Sent up for concurrence.

Mr. Finemore of Bridgewater presented the following Joint Resolution and moved its adoption: (H. P. 1889)

IN MEMORIAM

Having Learned of the Death of Jerome M. Dickinson of Orient who Served in the

Maine House of Representatives During the 102nd and 103rd Legislatures

The Senate and House of Representatives of the State of Maine do hereby extend their sincere heartfelt condolences and sympathy to the bereaved family and friends of the deceased; and further

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine.

The Joint Resolution was read and adopted and sent up for concurrence.

Consent Calendar

Second Day

In accordance with House Rule 49-A, the following items appeared on the Consent Calendar for the Second Day:

Bill "An Act to Establish a Boundary Line Between the Towns of Winslow and Albion" (H. P. 1821) (L. D. 1982)

Bill "An Act to Amend the Charter of the Searsport Water District" (H. P. 1837) (L. D. 2002)

RESOLVE Authorizing and Directing the Director of the Bureau of Public Lands to Permit Great Northern Paper Company to Cut and Remove Wood from Township 6, Range 11, W. E. L. S. (C. "A" H-856) (H. P. 1803) (L. D. 1962)

Bill "An Act to Validate Proceedings Authorizing the Issuance of Bonds and Notes by Region 2, Southern Aroostook County Vocational Region" (Emergency) (H. P. 1798) (L. D. 1957)

Bill "An Act to Permit the Development by the Secretary of State of a Numerical System of Driver License Control to be Used in Place of Social Security Numbers" (H. P. 1811) (L. D. 1970)

Bill "An Act Relating to Lease or Purchase of Railroad Lines by the Department of Transportation" (H. P. 1814) (L. D. 1972)

No objections having been noted at the end of the Second Legislative Day, the House Papers were passed to be engrossed and sent up for concurrence.

Passed to Be Engrossed

Amended Bill

Bill "An Act to Increase the Total Authorized Indebtedness of Kennebunk Sewer District from \$1,000,000 to \$3,000,000" (H. P. 1810) (L. D. 1969)

Was reported by the Committee on Bills in the Second Reading and read the second time.

Mr. Kelleher of Bangor offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-858) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This amendment simply puts a referendum provision on this bill and it sets the date so that the Town of Kennebunk can have it when they have their annual town meeting.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

Mr. Birt of East Millinocket was granted

unanimous consent to address the House.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think we have one among us today who is celebrating a birthday, and it happens to be a very, very long time friend of mine, a fellow who helped me in and out of quite a bit of mischief in this world, and I guess probably I owe him some kindness and courtesy for that. Rod Farnham is having a birthday today, and I will let you people try to find out how old he is, but I think we all wish him a happy birthday. (Applause)

Mrs. Byers of Newcastle was granted unanimous consent to address the House.

Mrs. BYERS: Mr. Speaker and Members of the House: At the end of the last session, we passed a study order, Senate Paper 610, which directed the Legislative Council to study the state evaluation system.

This morning, after a long discussion of education, we all realize that one of the major points is this property tax and evaluation. This study was either to be done by the Committee on Taxation or any committee that the Legislative Council decided, or by a select committee made up of some people from the Senate, the House, municipal officials and the general public.

I have wondered why the Legislative Council directed this report to Taxation Committee, which we have seen no giant report from, and why this very important measure wasn't studied this summer, as it does direct itself to our largest problem.

Mr. Finemore of Bridgewater was granted unanimous consent to address the House.

Mr. FINEMORE: Mr. Speaker and Members of the House: I think if the young lady were to read the report, she would find that the Taxation Committee has until the beginning of the next session to turn in a report. This summer we didn't think it necessary to run up any bigger expense than we did, we had four meetings on the Governor's policy, and we really didn't have time for anything else. We put a lot of time in on it. We have had one meeting since we have arrived back, we will have several more, and the order doesn't order it until the last day of the year, 1976.

Mr. Drigotas of Auburn was granted unanimous consent to address the House.

Mr. DRIGOTAS: Mr. Speaker and Members of the House: This order did come through, and as Mr. Finemore has stated, there is no time limit set on it.

Also involved was the fact that it was drawn up with somewhat of an error, and if the bill is read clearly, and I checked this out with Senator Speers, further legislation will be needed so that the State of Maine can accept money from the Ford Foundation so that it can proceed with the study. This is the reason why there is a delay.

There will be legislation introduced in this session provided this can be legally processed.

The Chair laid before the House the following tabled and later today assigned matter:

Bill "An Act to Provide Dental Care to Developmentally Disabled Boarding and Nursing Home Clients and other persons" (H. P. 1897)

Tabled — By Mr. Tierney of Durham.

Pending — Motion of Mr. Hennessey of

West Bath to refer to the Committee on Appropriations and Financial Affairs.

Thereupon, on motion of Mr. Hennessey of West Bath, was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

On motion of Mr. Carpenter of Houlton,
Adjourned until Monday, January 26, at
eleven o'clock in the morning.