

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, March 12, 1976

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

Prayer by the Reverend Frederick L. Niles of Minot.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Joint Resolution: (S. P. 748)

In Memoriam

Having Learned Of The Death Of Hon. Andrew J. Fournier Former Member Of The State Senate And State Liquor Commission

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 Order was read and adopted in concurrence.

Non-Concurrent Matter

Joint Order Relative to the Committee on Performance Audit Studying and Reporting Operations of the University of Maine (H. P. 2181) which was Read and Passed in the House on March 11, 1976.

Came from the Senate read and passed as amended by Senate Amendment "A" (S-427)

In the House:

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, I move we recede and concur and would speak to my motion.

The SPEAKER: The gentleman from Waterville, Mr. Carey, moves that the House recede and concur.

The gentleman may proceed.

Mr. CAREY: Mr. Speaker and Members of the House: This amendment makes a very minor change to it. Basically, it adds \$5,000 for an allocation to this. It may very well have been an effort by the gentleman who submitted the amendment to kill the bill because it has got a \$5,000 appropriation. Mr. Hinds and I have been in touch, we are both on that committee, and we are quite confident that the committee would outvote the gentleman who presented this in the expenditure of \$5,000.

Thereupon, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Classify the Positions of Director of Program Review and Evaluation in the Department of Audit, Director of Fraud Investigation in the Department of Audit, and of Employees of the Fraud Investigation Division in the Department of the Fraud Investigation Division in the Department of Audit" (H. P. 1992) (L. D. 2174) which was Passed to be Engrossed as Amended by Committee Amendment "A" (H-936) in the House on March 1, 1976.

Came from the Senate, passed to be engrossed as amended by Committee Amendment "A" (H-936) and Senate Amendment "A" (S-428) in non-concurrence.

In the House: The House voted to recede and concur.

Petitions, Bills and Resolves Requiring Reference

The following Bills 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 Provide Funds to Maine Health Systems Agency, Incorporated" (H. P. 2186) (Presented by Mrs. Najarian of Portland) (Approved for Introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Order S.P. 635, as amended)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Increase the Borrowing Capacity of the Topsham Sewer District and to Specify and Clarify Eminent Domain Powers" (Emergency) (H. P. 2187) (Presented by Mrs. Chonko of Topsham) (Approved for Introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Order S.P. 635, as amended)

(Ordered Printed)

Sent up for concurrence.

Orders

Mr. Bennett of Carbou presented the following Joint Resolution and moved its adoption: (H. P. 2188) (Co-sponsors: LeBlanc of Van Buren, Rideout of Mapleton, Albert of Limestone)

Joint Resolution Protesting The Threatened Reductions At Loring Air Force Base

WHEREAS, the Legislature has learned that the Air Force is recommending inactivation of the 42nd Strategic Air Command Wing of the 69th Bomb Squadron at Loring Air Force Base and, in addition, is recommending severe cuts in the manning levels of the base; and

WHEREAS, grave doubts have been publicly raised about the strategic wisdom of inactivating the 42nd Strategic Air Command Wing; and

WHEREAS, it is estimated that 83% of the Air Force personnel stationed at Loring Air Force Base would be transferred because of this recommended cut and that 70% of the civilians employed at Loring Air Force Base would lose their jobs at the base; and

WHEREAS, the inactivation of the 42nd Strategic Air Command Wing and the cut back in personnel would be an extremely damaging blow to the economy of Aroostook County and the State of Maine; and

WHEREAS, the Air Force has indicated that the decision concerning this reduction is not yet final; and

WHEREAS, if these reductions are necessary to the federal defense budget they should be equitably apportioned among all Air Force bases in the United States rather than concentrated at Loring Air Force Base; and

WHEREAS, federal law requires the Council on Environmental Quality and the Air Force to weigh carefully evidence of environmental and economic damage which these reductions might cause; now, therefore, be it

RESOLVED: That we, the Members of the 107th Legislature assembled in Special Session, do hereby respectfully protest the recommended reductions at Loring Air Force Base and urge and request the Members of the Maine Congressional Delegation to use every means possible to bring the Air Force to a reconsideration of the strategic, economic and environmental wisdom of instituting these reductions; and be it further

RESOLVED: That duly attested copies of this Resolution be immediately transmitted to those Congressional delegates with our thanks for their prompt attention to this important matter.

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

On Motion of Mr. Albert of Limestone, it was

ORDERED, that Nancy Randall Clark of Freeport be excused March 15th and 16th for personal reasons.

Consent Calendar**First Day**

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

(S. P. 637) (L. D. 2012) Bill "An Act Concerning Insurance Coverage for Blind Persons" (Emergency) — Committee on Business Legislation reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-425)

(H. P. 1898) (L. D. 2078) Bill "An Act to Amend the Mandatory Reporting Law on Child Abuse and Neglect" — Committee on Human Resources reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-968)

(H. P. 2103) (L. D. 2269) Bill "An Act Relating to the Trustees of the Dexter Utility District" — Committee on Public Utilities reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-971)

No objections having been noted, the above items were ordered to appear on the Consent Calendar of March 15, under listing of the Second Day.

Consent Calendar**Second Day**

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

(H. P. 1919) (L. D. 2107) Bill "An Act to Amend the Medical Practices Act" (Emergency) (C. "A" H-966)

On the request of Mrs. Bachrach of Brunswick, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-966) was read by the Clerk

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Bachrach.

Mrs. BACHRACH: Mr. Speaker, I have been meaning to check this out with some people in my town, but moreover, I have observed this morning that for some reason there are two paragraphs of this bill which are apparently to be effective for only one year and will not be effective after April 1, 1977. I don't understand why it is we would be passing a bill like this to be effective for one year only. I would like to ask someone to explain this.

The SPEAKER: The gentlewoman from Brunswick, Mrs. Bachrach, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: That particular bill deals with the licensing of physicians' assistants and the board came up with some relatively comprehensive regulations and it was an issue that we felt needed to be looked at during the next year.

In the meantime, in order for physicians' assistants to continue functioning, the board had to have some kind of authority in order to license those. So what we did is allow them to put into effect — we gave them the power to regulate physicians' assistants for the period of one year and we plan to follow it up with a study order to look into the area of physicians' assistants and how they can work with physicians and how they should be licensed.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Bachrach.

Mrs. BACHRACH: Mr. Speaker, I would like to further ask what regulations they are operating under at the present time and why those wouldn't be sufficient to use until next year? This seems to be quite a good deal of regulations here.

The SPEAKER: The gentlewoman from Brunswick, Mrs. Bachrach, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: The statutory authority for these regulations which Mrs. Bachrach is questioning are basically statutory regulations of exactly the rules and regulations that we are working under now. The problem is under the existing statutes. The statutes just give the Board of Registration of Medicine the authority to promulgate rules and regulations regarding physician assistants. The problem with this is that according to various State Supreme Court Rulings, we have to provide a lot stricter guidelines for rules and regulations we promulgate.

According to the testimony we have heard, and letters and support that we have gotten from physicians' assistants, the guidelines that we have set down are probably the fairest and most advanced of any of the guidelines on physicians' assistants in the country. These guidelines are not very strict. We do have some questions on them, but we don't feel they are important enough to hold up the implementation of this law. For the last couple of years this has been operating very successfully. The only reason these need to be put into law is the fact that if somebody did want to take them to court, they may not be upheld and then we would be without any physician assistants at all.

We are going to be watching this and meeting with the physician assistants throughout the next six or seven months, and if any changes have to be put in, we can do that in the 108th; if not, then we can just pass some statutes to keep in effect what we are passing here today.

Thereupon, Committee Amendment "A" was adopted and the Bill assigned for second reading the next legislative day.

Second Readers Tabled and Assigned

Bill "An Act Concerning Single Motor Vehicle Registration Plates and Placement of Motor Vehicle Inspection Stickers" (H. P. 2009) (L. D. 2191)

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

(On motion of Mr. Fraser of Mexico, tabled pending passage to be engrossed and specially assigned for Tuesday, March 16.)

Bill "An Act to Provide for more Effective Debt Management and for more Effective Administration of the State's Development Financing Capability" (H. P. 1816) (L. D. 1974)

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

(On motion of Mr. Cooney of Sabattus, tabled pending passage to be engrossed and specially assigned for Tuesday, March 16.)

Passed to Be Engrossed Amended Bill

Bill "An Act Concerning the Administration of Medicine to Inmates of County Jails" (S. P. 668) (L. D. 2127) (C. "A" S-423)

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

On motion of Mrs. Post of Owls Head, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentleman offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-972) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker and Members of the House: What this amendment essentially does, in those instances where people who are in county jails and are able to self-administer their own insulin, we have put in the provision that those people can do so only when it is authorized by a physician and the decision on whether or not an individual is capable of self-administering his insulin will be made by the physician rather than by the sheriff of that particular county. It has the committee's support, I believe.

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted. Committee Amendment "A" to Committee Amendment "A" thereto was adopted in non-concurrence.

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

Emergency Measure Tabled and Assigned

RESOLVE. Authorizing the Exchange of Certain Lands in the Capitol Complex as Recommended by the Capitol Planning Commission (H. P. 1968) (L. D. 2157) (C. "A" H-950)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

(On motion of Mrs. Najarian of Portland, tabled pending final passage and specially assigned for Monday, March 15.)

Finally Passed Constitutional Amendment

RESOLUTION. Proposing an Amendment to the Constitution to Allow Judges whose Terms of Office Expire or who Reach Mandatory Retirement Age to

Continue to Hold Office for up to 6 Months until their Successors are Appointed (H. P. 2037) (L. D. 2209) (C. "A" H-951)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a total was taken. 111 voted in favor of same and 3 against, and accordingly, the Resolution was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Extend Collective Bargaining Rights to the Employees of Maine Maritime Academy (H. P. 1944) (L. D. 2141) (C. "A" H-947)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

The following papers appearing on Supplement No. 1 were taken up out of order by unanimous consent:

Bill "An Act Increasing the Indebtedness Limit of the Mexico Sewer District and Creating a Special Debt Limit for Interim Financing" (Emergency) (H. P. 2190) (Presented by Mr. Fraser of Mexico) (Approved for Introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Order S.P. 635, as amended)

Was referred to the Committee on Public Utilities, ordered printed and sent up for concurrence.

Mrs. Najarian of Portland presented the following Joint Order and moved its passage: (H. P. 2194)

ORDERED, the Senate concurring, that the following be recalled from the Governor's Office to the House: Bill, "An Act Concerning Certain Financial Guarantees to be Made to Triple A Sugar Corporation by the Maine Guarantee Authority." (H. P. 1861, L. D. 2032)

The Order was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, I would ask if the House is in possession of Bill "An Act Concerning Ice Fishing on Sebago Lake," House Paper 1918, L. D. 2106?

The SPEAKER: The Chair would answer in the affirmative, which was passed to be engrossed as amended by Committee Amendment "A" (H-961) yesterday.

The gentleman may proceed.

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: I don't plan to ask any action on this today. I have spoken to the House Chairman of the Committee on Fisheries and Wildlife and other interested people. There was some concern that under the present law, over 90 percent of the lake is available to ice fishing and under this law, 99 percent of the lake will become available for ice fishing, but there are 78,000 paid customers of this Portland Water District who get their water from Sebago Lake. There are no filter systems. Water, of course, if very vital and so when I saw this bill whizzing through, I asked to have it held, but I am satisfied that it is a good bill.

Sent up for concurrence.

Mr. Carey of Waterville was granted unanimous consent to address the House.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: You should have found on your desks this morning this orange thing-a-ma-jig and we are all extremely grateful to Representative Birt for bringing that forward. It is titled: How does Minnesota Compare? And while he may very well have intended to highlight the fact that Maine was 39th in the per capita income, or had the ranking of 47th in the area of the percentage of personal income remaining after state and local taxes, I would personally feel a lot more comfortable about my vote for paying for educational funding out of the income tax rather than the property tax based on the information that the gentleman has provided us with.

The fact that the Governor pointed out that we were 3rd, for instance, in the amount of state and local taxes per thousand dollars of per capita income that we had, was borne out by this study, nothing was said about the fact that we were 20th per capita on that score for total earnings. Nothing was said about the fact that we were 38th in per capita state income tax payments and the same 38 in income tax payments for those per thousand dollars of personal income gain. We were 8th in the cost of property tax per capita and we were a horrendous 2nd in property tax per thousand dollars of personal income. Mr. Birt has my sincere thanks for what I feel to be a true — that the property owner in Maine is far worse off than the income tax payer.

Mr. Hewes of Cape Elizabeth was granted unanimous consent to address the House.

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: Just in commenting on the gentleman from Waterville comments, I note that the State of Maine, however, is 3rd in state and local tax revenues per \$1,000 of personal income and the other end of the scale, we are 47th out of percentage of personal income remaining after paying state and local taxes. Only four states apparently collect more money for the personal income than they do in the State of Maine. I think the point of this would be that we are taxing our people, we, the State of Maine, about as much as any other state in the country and probably the way to go then is to decrease the spending rather than looking for new sources of revenue.

Mr. Carey of Waterville was granted unanimous consent to address the House.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I thank the gentleman from Cape Elizabeth, Mr. Hewes, very much for his remarks. The committee that I sit on, Performance Audit, has been charged exactly with that duty to try to line up what are low priority items. Unfortunately, what obviously will be my low priority items will not be the low priority items of somebody who may be representing Madison, Cape Elizabeth, Falmouth, or what have you. But it is interesting to note that the chart came all in one piece and was complete and we were not treated to a segment of the chart and for that I am very appreciative to the gentleman from East Millinocket.

Mr. Susi of Pittsfield was granted unanimous consent to address the House.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I can't resist the opportunity to get involved in this. I have no reason to doubt this and I, too, would like to thank Representative Birt for the

effort that he has made to bring it to us. It is certainly very useful information, but I think it is time to recognize another element to this whole question of where we rank in the percentage of our income that we spend for our state and local government and recognize something that to my knowledge hasn't been stated publicly or if it has, it hasn't been said with sufficient force to impress people. We have the right here in this state or any community to establish our priorities as to what we want to spend our money for.

Now, if we feel that education and caring for our aged and caring for our infirm and incapacitated are truly high priority in our scale of needs in our personal lives, then I think it is entirely proper that we commit a high percentage of our individual earnings in the state where our earnings are, on the average very low to these purposes. So it is a matter of assessing the priority of the purposes for which we put our tax dollars to work in. I think most of us feel that education is at a low dollar expenditure in comparison to other states and minimum welfare appropriations are truly high priority items. Let's draw it in comparison to an individual family.

Say a family is making \$6,000 and say they are spending \$1,800 on housing. Percentagewise, compared to a family making \$30,000 and spending only \$3,000 on housing, this low income family is spending a very high percentage on housing, but I think that that is a choice that that family, recognizing the limit or the capacity of their budget can legitimately make to spend a higher percentage on housing, on food, on medical care, what that family considers to be essential expenditures. Not that I am trying to impress you that it is desirable to be third in a percentage of our individual income that we are devoting to state and local, that isn't my point at all. I just want to stave off any possible development here in our minds that we are guilty of something if we have made a decision that we want to commit a high percentage of our individual incomes to what we consider to be very essential services.

I hope that you will consider this when you are thinking on this question.

(Off Record Remarks)

On motion of Mr. Joyce of Portland,
Adjourned until Monday, March 15, at
eleven o'clock in the morning.