

# 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

## SENATE

Friday, January 23, 1976

Senate called to order by the President.

Prayer by Father Paul Coughlin, St. Mary's Church, Augusta:

Let us pray. Heavenly Father, we come to you this day to renew our dedication and commitment to the work of serving the people of Maine. We are strengthened by your boundless resources. Help us to listen and be open to the call to freedom that is at the same time a call to responsibility. Fill our hearts with sincerity and truth so that we may respond to the deepest values of the human heart. We beg this day that we may act more justly, love more tenderly, and walk ever more humbly with you, our God. We pray this through Christ our Lord. Amen.

Reading of the Journal of yesterday.

**Papers from the House**  
**Non-concurrent Matter**  
**Joint Order**  
**(S. P. 635)**

ORDERED, the House concurring, that unless approved by all of the members of the Committee on Reference of Bills, no bill or resolve shall be considered at this Special Session except those within the scope of the Proclamation by the Governor convening this Special Session or those previously approved by a majority of the members of the aforesaid Reference of Bills Committee and such bills or resolves as may be returned by or recalled from the Governor. This Joint Order shall not apply to such bills or resolves as are intended only to facilitate the business of the Legislature, nor to such bills and resolves reported by any Joint Standing Committee in the regular course of business. (S. P. 635)

In the Senate January 19, 1976, Read and Passed.

Comes from the House, Read and Passed as Amended by House Amendment "A" (H-857), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

**House Papers**

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

**Communications**  
**STATE OF MAINE**  
 Office of the Governor  
 Augusta, Maine  
 04333

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 percent 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 percent 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

Which was Read and Ordered Placed on File.

**Senate Papers**  
**Appropriations and Financial Affairs**

Mr. Graham of Cumberland presented, Bill, "An Act Appropriating Funds for the Development and Expansion of Family Practice Residency Programs." (S. P. 652)

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

Sent down for concurrence.

**Business Legislation**

Mr. Clifford of Androscoggin presented, Bill, "An Act to Exempt Small Financial Institutions from Certain Insurance Requirements." (S. P. 654)

Which was referred to the Committee on Business Legislation and Ordered Printed.

Sent down for concurrence.

**Judiciary**

Mr. Conley of Cumberland presented, Bill, "An Act to Define Resident of a Municipality for the Purposes of Hospitalization or Burial." (S. P. 653)

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

Sent down for concurrence.

**Transportation**

Mr. Greeley of Waldo presented, Bill, "An Act Relating to the Refund of Fees on Certain Unused Semitrailer Registrations." (S. P. 649)

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

Sent down for concurrence.

**Committee Reports**  
**House**

**Leave to Withdraw**

The Committee on Judiciary on, Bill, "An Act to Provide Court Interpreters for Deaf Persons." (H. P. 1843) (L. D. 2008)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

**Ought to Pass**

The Committee on Legal Affairs on, Bill, "An Act to Clarify Certain Provisions Relating to the Establishment of Hospital District No. 1." (H. P. 1835) (L. D. 2000)

Reported that the same Ought to Pass. Comes from the House, the Bill Passed to be Engrossed.

Which report was Read and Accepted and the Bill Read Once and Tomorrow Assigned for Second Reading.

**Ought to Pass — As Amended**  
 The Committee on Human Resources on,

Bill, "An Act Relating to Unexpended Funds for Highway Construction on Indian Reservations at Pleasant Point and Peter Dana Point." (H. P. 1812) (L. D. 1971)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-855).

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

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

Mr. BERRY: Mr. President, speaking to the motion to accept the Ought to Pass report of the committee, I would like to address one or two questions to any member of the Human Resources Committee that might care to respond.

My interest was attracted to this bill in that it was originally a Transportation Department bill and was heard before the Transportation Committee, the original L. D. which is now part of the laws, and this bill, when introduced, was heard by the Human Resources Committee, so as I said, this attracts my attention a little bit. In looking through it, I find quite a few points of inquiry that I would like to pose, as I say, to any member of the committee.

The original bill provided for \$195,000 worth of highway work at Pleasant Point and Indian Township. The bill we have before us provides for a division of any remaining balance at Pleasant Point and Peter Dana Point, and there is \$41,000 left over. The wording of the bill has been changed so that what looked to be like a divvying up of the pie equally between two interested parties has been changed now to a divvying up of the pie on a basis of a vote of three parties, one of whom is the Commissioner of Transportation and the other two are two tribal governors. One query would be what is the relative value of the vote of the Transportation Department Commissioner? Would he be outvoted by the two tribal governors? Why do we need the money? Was more requested than was needed? Because the original bill has provided for the use of any unexpended balance for the purpose of the money as originally appropriated, so this bill must be providing for something else.

Now, all my questions are asked in the spirit of we don't have an awful lot of money kicking around here, which we are hearing already ad nauseam. So here is \$41,270.09, and I think the legislature would be quite interested in why this shouldn't lapse back into the highway general fund.

The PRESIDENT: The Senator from Cumberland, Senator Berry, has posed a question through the Chair to any member of the Human Resources Committee who may care to answer.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: I admit I am an acknowledged expert on highway matters and I will respond the best I can. As I came into the hearing room and looked at the title of this bill, and saw the Commissioner of the Department of Transportation sitting there, it is the first time that I have ever dealt with a bill like this and I was confused as to why we had it. But as it pertains to Indians, and we have been getting bills pertaining to the Indian Reservations, apparently the Reference of Bills Committee felt that we were the ideal place to make this major decision.

When the appropriation was originally made to build some roads on the Indian

reservation, there was a housing development taking place in the Indian reservation and this was a perimeter road running in front of the houses. By mistake, as you hear, they overlooked the fact that the circle of houses was going to be continued and the road only went up to a certain distance, and consequently they don't have any money to finish the road in front of the houses that are going to be built.

The Commissioner of the Department of Transportation assured us that this was within the meaning of the original law, that he had no reservations about it — that was not a pun. The amendment sought to take my idea of some confusing language out of the bill. The words are my suggestions and they were meant merely to clarify the fact — both reservations were going to have to agree before anything is done anyway — and I attempted to clarify the language of the original transportation.

If the Senator from Cumberland has any further questions, I would refer him to the chairman of the Transportation Committee who is so much more expert in these matters.

The PRESIDENT: Is it now the pleasure of the Senate to accept the ought to pass as amended report of the committee?

Thereupon, the Ought to Pass as Amended Report of the Committee was Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

#### Second Readers

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

#### Senate

Bill, "An Act Increasing the Indebtedness of the North Yarmouth Water District." (S. P. 625) (L. D. 1979)

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

Sent down for concurrence.

#### (Off Record Remarks)

On motion by Mrs. Cummings of Penobscot.

Adjourned until Monday, January 26, 1976, at 11:30 in the morning.