

# 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

Monday, February 2, 1976

Senate called to order by the President.  
Prayer by the Honorable Elmer F. Berry Jr., of Auburn.

Let us Pray.

As Senators may we be constant with people so that they may understand the core of our personalities.

And from that understanding they may gain strength, security and trust.

We may falter in our moods.

We may project at times a strangeness that is alien to them which may bewilder or frighten them.

There will be times when they question our motives. But because people are inconstant and are changeable as the seasons.

We pray that we continue to build within the people a faith in our abilities and show that our inconsistencies are only for a moment and not a lasting part of us.

Lord, we pray we overcome our faults whatever they may be; that we adjourn this session with honor, dignity and public confidence as the men and women before us. Amen.

Reading of the Journal of Friday, January 30, 1976.

## House Papers

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

## Study Report — Election Laws

The Committee on Election Laws to which was referred the study relative to the election laws as provided in Title 21 of the Maine Revised Statutes and related Titles, pursuant to House Paper 1646 of the 107th Legislature have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act Relating to the Formation of Political Parties and to Political Designations" (H. P. 1960) (L. D. 2140) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Comes from the House, the report Read and Accepted and the Bill referred to the Committee on Election Laws.

Which report was Read and Accepted and the Bill referred to the Committee on Election Laws, in concurrence.

Communications  
STATE OF MAINE  
SENATE CHAMBER  
PRESIDENT'S OFFICE  
AUGUSTA, MAINE 04330

January 30, 1976

The Honorable James B. Longley

Governor  
State of Maine  
Augusta, Maine

Dear Governor Longley:

Pursuant to the request of Legislative Leadership to review and report its best analysis of the current financial status of the State, the Joint Standing Committee on Appropriations and Financial Affairs has submitted its report dated January 29, 1976. We enclose a copy of that report herewith.

We are sure you will agree that the condition of the biennial budget as reported by the Committee, particularly with respect to the actual and projected revenue receipts, gives rise to serious concern. If the analysis of the Committee is to be accepted as an indication of our

financial condition, we must recognize the existence of a potential financial problem for the State of Maine of considerable magnitude.

The Legislative Leadership and the entire membership of the Legislature stand ready to receive recommendations from you and to cooperate with you in finding solutions to the problem we face. We respectfully make this formal request for your comments and reactions with respect to the report of the Appropriations Committee and the financial condition it reflects.

Sincerely,

Signed:

JOSEPH SEWALL  
President of the Senate

Signed:

JOHN L. MARTIN  
Speaker of the House

Which was Read and with accompanying papers, Ordered Placed on File.

Report of the Committee on Judiciary  
To the Senate and House of Representatives,  
Special Session of the 107th Legislature  
Re-study order No. H. P. 1653 — Judicial Appeals

The subcommittee heard testimony from Chief Justice Armand A. Dufresne Jr., and from Industrial Accident Commission Chairman John V. Keaney and the full committee on Judiciary also heard the recommendation of the Board of Governors of the Maine Bar Association concerning additional personnel for the administrative court.

The full committee recommends as follows:

1. That the seventh Justice of the Supreme Judicial Court, the position created by the regular session of the 107th Legislature be funded, effective July 1, 1976.

2. That an associate administrative court judge be authorized either on a part-time or a full-time basis in accordance with legislation which will be presented by the Committee on State Government, and that such position be funded at a level between \$30,000 and \$40,000.

Respectfully submitted,

Signed:

SAMUEL W. COLLINS JR.  
Senate Chairman

Signed:

RICHARD A. SPENCER  
Acting House Chairman  
(S. P. 676)

Which was Read and Ordered Placed on File.

Sent down for concurrence.

## Senate Papers

## Fisheries and Wildlife

Mr. Danton of York presented, Bill, "An Act Relating to Methods of Posting of Land Against Hunting." (S. P. 674)

Which was referred to the Committee on Fisheries and Wildlife and Ordered Printed.

Sent down for concurrence.

## Taxation

Mr. Merrill of Cumberland presented, Bill, "An Act to Provide State Relief to Household Holders Whose Property Taxes are an Extreme Burden Due to Such Household Holders' Insufficient Yearly Income." (S. P. 675)

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

Sent down for concurrence.

## Study Report — Business Legislation

Mr. Thomas for the Committee on Business Legislation to which was referred the study relative to Provide for the Licensure of Speech Pathologists and Audiologists pursuant to S. P. 542 of the 107th Legislature have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Provide for the Licensure of Speech Pathologists and Audiologists" (S. P. 673) (L. D. 2144) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Which report was Read and Accepted and the Bill referred to the Committee on Business Legislation.

Sent down for concurrence.

## Committee Reports

## House

## Leave to Withdraw

The Committee on Taxation on, Bill, "An Act to Exempt the Young Men's and Young Women's Christian Association from the Sales Tax." (H. P. 1856) (L. D. 2024)

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 Business Legislation on, Bill, "An Act to Abolish the Credit and Collection Board." (H. P. 1850) (L. D. 2019)

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

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

## Senate

## Leave to Withdraw

Mr. Huber for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Continue Providing Aid to Charitable Institutions." (S. P. 628) (L. D. 1990)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted. Sent down for concurrence.

## Ought to Pass — As Amended

Mr. Clifford for the Committee on Judiciary on, Bill, "An Act Relating to Animal Welfare." (S. P. 624) (L. D. 1978)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-394).

Mr. Cyr for the Committee on Transportation on, Bill, "An Act to Correct Certain Inequities in the Motor Vehicle Law." (S. P. 641) (L. D. 2030)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-395).

Which reports were Read and Accepted and the Bills Read Once, Committee Amendments "A" were Read and Adopted and the Bills, as Amended, Tomorrow Assigned for Second Reading.

## Orders of the Day

Mr. Katz of Kennebec was granted unanimous consent to address the Senate:

Mr. KATZ: Mr. President and Members of the Senate: I would like you to consider

this as a report to the Senate of the affairs last Thursday when the Committee on Education held a hearing on school funding. I have already apologized to the citizens and to the legislators involved who were not able to get into the Civic Center. But I want to report that the auditorium of the Civic Center was not available. There was no space in the State House large enough to hold a large hearing, nor was there any point in scheduling the hearing at Cony High School originally because there is absolutely no parking space at Cony High School for other than Cony High School family. We really had no alternatives. That is why the committee was conducted as it was.

I refer to you for your reading the editorial in the Bangor Daily News on Saturday that is extremely critical of the way the hearing was held. I would like to report to you factually just what happened on Thursday. We listened to 55 different people. I don't know the most I have ever heard in a public hearing before, but certainly it must have been down in the lower 20's, and I ask each of you who have held rather turbulent hearings how many different citizens you have listened to. We listened to 55. We limited them to five minutes each. The reason we limited them to five minutes is because it has been my experience, and I suspect yours too, that there are always people who would like to get up and make lengthy speeches, and the proximate effect of making lengthy speeches would be to cheat others who had traveled long distances of the opportunity to have their say. So we listened to 55 people and we gave them all five minutes to speak apiece. At one point in the hearing we stopped the hearing to ask those present as to whether or not they approved of this restriction, this fair drawing of names by lots so that no special pets were taken out of order, and we got overwhelming support from the people there that we were pursuing the course of view that they wanted to pursue.

Of the 55 people we heard, four were given more than five minutes, four of the 55. One of them was the Commissioner of Education, who, according to Title 20, has full legislatively delegated responsibility for education in the State of Maine. He was given more than five minutes. A representative of the State School Board Association, an elected official, because we believe that local school boards are where the action is; local school boards have a state association and we wanted to hear from the association, an elected official. The third one was a representative of the State Board of Education. Here again, the top education board in this state, established by Title 20, really the voice of education in the state, and Mrs. Foster representing the state board was given an exception to the five minutes. The only other person given an exception to the five minutes was a representative of the Superintendent's Association. Now, you can stand in the Maine Senate and make all the speeches you want, but if you really want to know how a law works out in the field, the state superintendents are the people to speak to. It is not an homogenized group, there are pros and cons, they represent all different kinds of communities, but they really are the on-the-scenes experts as to how changes in the law are going to work out in the field.

Ladies and gentlemen, this concludes my remarks. I want you to know that this was exactly the tenor of the hearing.

Everyone was given five minutes to speak, with the exception of those elected or significant representatives. I don't know in retrospect, unless we had a larger hearing room in the state house complex, how we could have done more to accommodate the people who came to give us their views that day.

My remaining thought is about Cony High School. I guess, like each of you, I am particularly proud to represent the particular area of the state that I do. When the crowds still kept coming, still kept coming, mostly from two communities, by the way, not a broad cross-section of the state, but mostly from two communities, the superintendent of schools in Augusta, while I was sitting up there in whispered consultation with him, stepped out of the Civic Center, arranged a fleet of buses, arranged the transportation of people to Cony High School, disrupted Cony High School's daily schedule, arranged for meals to be served to the people, so that everything could be done for their comfort. As they decided they wanted to go back to the Civic Center to pick up their cars, Cony High School transported the citizens back to their cars. And under the circumstances, I don't have anything but a feeling of pride for what Cony High School and the superintendent of schools in Augusta did that day, and as Committee Chairman, I don't know how we could have done more to accommodate the taxpayers who traveled to Augusta nor to treat them in a fair more equitable way.

On motion by Mrs. Cummings of Penobscot,  
Adjourned until 10 o'clock tomorrow morning.