

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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 9, 1976

Senate called to order by the President.

Prayer by the Honorable Gerard P. Conley of Portland:

Lord, we ask for your guidance today and for the days that follow, that this special session of the legislature will be both productive and fruitful for the citizens of this state. Amen.

Reading of the Journal of Friday, February 6, 1976.

**Papers from the House
Non-concurrent Matter**

Bill, "An Act to Appropriate Funds for Expenditures of the First Special Session of the 107th Legislature." (S. P. 617) (L. D. 1949)

In the Senate January 29, 1976, Passed to be Engrossed as Amended by Committee Amendment "A" (S-393).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by House Amendment "C" Thereto (H-868), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

**Joint Resolution
STATE OF MAINE**

In the Year of Our Lord One Thousand Nine Hundred and Seventy-six.

IN MEMORIAM

Having Learned of the Death of Milton A. Nixon A Prominent Yarmouth Attorney.

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. (H. P. 2013)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

Joint Order

WHEREAS, the State Department of Human Services has announced that it is closing the Human Services' office in Belfast because of budgetary considerations; and

WHEREAS, the purpose of this Human Services' office is to provide an efficient extension into the Belfast area of food stamp services, public health nursing services, vocational rehabilitation services for the physically and emotionally handicapped and other services; and

WHEREAS, one effect of the closing of this office is on the public health services furnished to the Belfast area, as 3 nurses will have to travel to the Belfast area from a new office in Rockland, a requirement which will cause an increased travel cost per month of \$155 and a loss of time spent actually caring for the needy of the 174 hours per month; and

WHEREAS, the Legislature is gravely concerned about this effect caused by the closing of the Belfast office, as well as

about many other effects; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Health and Institutional Services is ordered to conduct a study of the effect on the Belfast area of the closing of the Belfast office of the Department of Human Services with emphasis on the loss of services provided to that area and the alternatives to that closing which are open to the department; and be it further

ORDERED, that the Department of Human Services is requested to provide any technical and clerical assistance which the committee may deem necessary to carry out the purposes of this Order; and be it further

ORDERED, that the committee shall report its findings, together with final drafts of any recommended legislation, to the Legislature by March 15, 1976; and be it further

ORDERED, that the Clerk of the House transmit a suitable copy of this order to the Commission of Human Services as notice of this inquiry. (H. P. 2014)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

House Papers

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

Senate Papers

Study Report — Education

Mr. Katz for the Committee on Education to which was referred the study relative to Encourage the Development of Career Education Programs in Maine Public Schools, pursuant to S. P. 600 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 Encourage the Development of Career Education Programs in Maine Public Schools (S. P. 685) (L. D. 2194) 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 Education.

Sent down for concurrence.

Study Report — Education

Mr. Katz for the Committee on Education to which was referred the study relative to Revise Statutory Provisions Relating to Dropouts, pursuant to S. P. 600 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 Revise Statutory Provisions Relating to Dropouts" (S. P. 686) (L. D. 2195) 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 Education.

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 Concerning the Calculation of State Aid to Municipalities for the Care of Highways and Bridges." (H. P. 1896) (L. D. 2076)

Leave to Withdraw

The Committee on State Government on, 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) (L. D. 2075)

Reported that the same be granted Leave to Withdraw.

Comes from the House, report Rejected pursuant to Joint Rule 28.

Which report was Read.

Mr. Speers of Kennebec moved that the Resolution be tabled, pending Acceptance of the Committee Report.

Thereupon, on motion by Mr. Conley of Cumberland, tabled until later in today's session, pending Acceptance of the Committee Report.

Ought to Pass

The Committee on Business Legislation on, Bill, "An Act Concerning Individual Qualified Retirement Plans." (H. P. 1877) (L. D. 2052)

Reported that the same Ought to Pass.

The Committee on Marine Resources on, Bill, "An Act Authorizing the Town of Harpswell to Procure a Replica of "The Maine Lobsterman." (H. P. 1908) (L. D. 2095)

Reported that the same Ought to Pass.

The Committee on State Government on, Bill, "An Act Authorizing the Capitol Planning Commission to Assume Certain Functions now Performed by the Bureau of Public Improvements." (H. P. 1912) (L. D. 2099)

Reported that the same Ought to Pass.

Comes from the House, the Bills Passed to be Engrossed.

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

Ought to Pass — As Amended

The Committee on State Government on, Bill, "An Act Designating March 15th as Maine Day." (H. P. 1913) (L. D. 2100)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-870).

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

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

The Committee on Local and County Government on, Bill, "An Act Relating to Fiscal Year Transitions for Municipalities." (H. P. 1833) (L. D. 1998)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-871).

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

Which report was Read.

On motion by Mr. Speers of Kennebec, tabled and Specially Assigned for February 12, 1976, pending Acceptance of the Committee Report.

Second Readers

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

House

Bill, "An Act Relating to the Holding of Property by the Home for Aged Women in Bangor." (H. P. 1931) (L. D. 2118)

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

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

"An Act Concerning Brake Requirements on Certain Hauling Devices" (H. P. 1870) (L. D. 2041)

Which was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate the following matter which was tabled earlier in today's session by Mr. Conley of Cumberland:

The Committee on State Government on 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) (L. D. 2075) Reports that the same be granted Leave to Withdraw.

Comes from the House, report Rejected pursuant to Joint Rule 28.

Pending — Acceptance of the Committee Report.

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

Mr. CONLEY: Mr. President and Members of the Senate: I believe last Friday a joint order came before the Senate requesting the Senate to consider the order before them by a two-thirds vote, as one member of this body, or several members actually when the vote was taken, decided that that piece of legislation was not of an emergency nature, and it was soundly defeated.

If there is one thing I think we should try to refrain from it is to become engrossed in an item which by its very title and the nature of it would not take effect until the first Tuesday in January of 1985, hardly what I would consider to be an emergency piece of legislation to be debated at this session of the legislature. Now, the only thing that I am saying is that I am going to make the motion that we accept the leave to withdraw report of the committee because I think it is sheer nonsense, in a sense, whereas the body at the other end of the hall has already rejected this proposal, and it would seem to me that if we want to be criticized, then we leave ourselves wide open for criticism to get enthused over an item that to me is absolutely ludicrous as far as any affirmative action being taken by either body at this particular time. Therefore, Mr. President, I would move that the Senate accept the leave to withdraw report of the committee.

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

Mr. CURTIS: Mr. President and Members of the Senate: Because this report for leave to withdraw purports to come from the State Government Committee, I think it is appropriate if I make some remarks about what happened to this particular piece of legislation.

The State Government Committee had a public hearing on the bill, L. D. 2075, and listened to the sponsor, who I am sure put the bill in in good faith, describe why he requested leave to withdraw. And those of you who may have followed the reports in the press will know that the reasons that he gave included the lack of supporters to

come before the committee at that time at the public hearing to support the reduction of the size of the House of Representatives. In particular, he mentioned the lack of support from the executive office and the lack of support from the editorial writers in the state who had been supporting the bill. There were several people who opposed the legislation at the public hearing, including some legislators. The committee considered the matter initially in a working session, and the only time that a vote or a counting of heads within the State Government Committee was taken at all, there was a 5 to 4 indication by the members present that they desired to report out a bill "ought to pass" to reduce the size of the House of Representatives. Shortly after that, one member of the committee signed a leave to withdraw report and that showed up on the House calendar. I mention this in order that you might have the background of this piece of legislation.

It may be that this piece of legislation does not have an opportunity to go very far in this special session. It may also be that the concept of reducing the size of the House of Representatives to something manageable and workable, or more manageable and more workable, is an idea whose time has come. Certainly it is true that the people, when they had the opportunity in November to vote upon the many constitutional issues that we sent to them, approved all of those recommendations, even though many of those ideas had been worked on for years and some parts of those ideas would not become effective again until after the census in 1980.

For these reasons, I would hope that we would not kill this bill at this time. I have requested and there is being prepared an amendment to this piece of legislation which would result in a decision affecting both the size of the Senate and the size of the House, establishing the size of the Senate at 33, and establishing the size of the House at 132, with four House districts being combined to comprise one Senate district. So for all of those reasons, and because the amendment is not yet ready, I would hope that the pending motion to accept the leave to withdraw report would not be accepted.

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

Mr. Speers of Kennebec then moved that the matter be tabled, pending Acceptance of the Committee Report.

On motion by Mr. Conley of Cumberland, a division was had, 13 having voted in the affirmative, and 12 having voted in the negative, the motion prevailed.

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