

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, March 15, 1976

Senate called to order by the President.

Prayer by the Honorable Robert W. Clifford of Lewiston:

God of all people, let us approach this day this year with thanksgiving; thanksgiving for the opportunity of fellowship which we enjoy in the Maine Legislature; thanksgiving for the opportunity to be of service to you in serving the citizens of Maine. We ask you to make us worthy of that fellowship and of that opportunity of service. Amen.

Reading of the Journal of Friday, March 12, 1976.

Papers from the House
Non-Concurrent Matter

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

In the Senate March 10, 1976, Passed to be Engrossed as Amended by Committee Amendment "A" (S-423).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by House Amendment "A" Thereto (H-972), in non-concurrence.

On motion by Mr. Collins of Knox, the Senate voted to Recede and Concur.

Joint Resolution

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

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 percent of the Air Force personnel stationed at Loring Air Force Base would be transferred because of this recommended cut and that 70 percent 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. (H. P. 2188)

Comes from the House, Read and Adopted.

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Gahagan.

Mr. GAHAGAN: Mr. President and Members of the Senate: Before we pass this resolution this morning, I just want to bring to your attention what I believe is an inaccurate implication in this order. Although I do believe we should pass this order this morning, I would like the Senate to be aware that in the first line, where it says, "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 the fifth paragraph, "Whereas, the Air Force has indicated that the decision concerning this reduction is not yet final", and in the first resolve portion it indicates that "the Maine congressional delegation should use every means possible to bring the Air Force to a reconsideration of the strategic, economic environmental wisdom," I believe that we should be aware at this time that this decision, from all the information we have, was not made by the Air Force, but in fact it was made by the Office of Management and Budget. So as we pass this order today, I hope we will be aware that there is another order coming up in the House, hopefully tomorrow — it is on the House calendar today — which will more realistically address what the problems are behind the possible closing of Loring Air Force Base.

We might take a moment before we do act tomorrow to reread the order which appears on the House calendar, which does more accurately reflect what I believe to be the situation in Washington.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, the Resolution was Adopted, in concurrence.

House Papers

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

Orders

On motion by Mrs. Cummings of Penobscot,

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Cheryl Pepin a Student at Nokomis Regional High School First Place Winner in the Shorthand II Contest of the Kennebec Valley Business Education League Meet

We the Members of the Senate and House of Representatives do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled

in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (S. P. 755)

Which was Read and Passed.
Sent down for concurrence.

On motion by Mrs. Cummings of Penobscot,

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Kathy Webber a Student at Nokomis Regional High School First Place Winner in the Typing I Contest of the Kennebec Valley Business Education League Meet

We the Members of the Senate and House of Representatives do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (S. P. 754)

Which was Read and Passed.
Sent down for concurrence.

On motion by Mrs. Cummings of Penobscot,

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Denise Doherty A Student at Nokomis Regional High School First Place Winner in the Typing I Contest of the Kennebec Valley Business Education League Meet

We the Members of the Senate and House of Representatives do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (S. P. 758)

Which was Read and Passed.
Sent down for concurrence.

On motion by Mrs. Cummings of Penobscot,

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Debbie Tibbetts a Student at Nokomis Regional High School First Place Winner in the Business Machines Contest of the Kennebec Valley Business Education League Meet

We the Members of the Senate and House of Representatives do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (S. P. 756)

Which was Read and Passed.
Sent down for concurrence.

On motion by Mrs. Cummings of Penobscot,

STATE OF MAINE

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

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Darlene Varney a Student at Nokomis Regional High School First Place Winner in the Shorthand I Contest of the Kennebec Valley Business Education League Meet

We the Members of the Senate and House of Representatives do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (S. P. 757)

Which was Read and Passed.
Sent down for concurrence.

On motion by Mr. Greeley of Waldo,

WHEREAS, there is widespread concern relating to safety precautions pertaining to the transportation of combustible, flammable or hazardous materials; and

WHEREAS, several agencies now have the responsibility to develop and enforce rules and regulations pertaining to the transportation of such materials; and

WHEREAS, it is in the public interest to define the responsibilities for the promulgation and enforcement of rules and regulations pertaining to the safe transportation of combustible, flammable or other hazardous materials; now, therefore, be it

ORDERED, the House concurring, that the Legislative Council authorize and direct an appropriate Joint Standing Committee to make a comprehensive review and evaluation of the transportation of all combustible, flammable or hazardous materials; and be it further

ORDERED, that the committee shall complete this study no later than 90 days prior to the next regular session of the Legislature and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, that upon passage of this Order in concurrence, a suitable copy of this Order be transmitted forthwith to each member of the committee. (S. P. 753)

Which was Read.

On motion by Mr. Speers of Kennebec, tabled pending Passage.

Committee Reports

House

Ought to Pass — As Amended

The Committee on Fisheries and Wildlife on, Bill, "An Act Concerning Ice Fishing on Sebago Lake." (H. P. 1918) (L. D. 2106)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-961).

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

Which report was Read and 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.

Senate

Leave to Withdraw

Mr. Jackson for the Committee on Taxation on, 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) (L. D. 2150)

Reported that the same be granted Leave to Withdraw.

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

Ought to Pass

Mr. Curtis for the Committee on State Government on, Bill, "An Act to Require an Annual Governor's Report on Employment and the Economy." (S. P. 720) (L. D. 2256)

Reported that the same Ought to Pass.

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

Ought to Pass — As Amended

Mr. Curtis for the Committee on State Government on, Bill, "An Act to Revise the Personnel System." (S. P. 677) (L. D. 2166)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-433).

Which report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Second Readers

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

House

Bill, "An Act to Amend the Uninsured Motorist Law." (H. P. 2178) (L. D. 2298)

Which was Read a Second Time and Passed to be Engrossed, in concurrence. (See Action Later in Today's Session)

House — As Amended

Bill, "An Act to Clarify the Authority of the National Guard in Providing Emergency Medical Services." (H. P. 2051) (L. D. 2226)

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

House — As Amended — In Non-concurrence

Bill, "An Act to Remove the Minimum Mandatory Tax from the Railroad Excise Tax Formula." (H. P. 2003) (L. D. 2179)

Which was Read a Second Time.

Mr. Collins of Knox presented Senate Amendment "A" and moved its Adoption. Senate Amendment "A", Filing No. S-432, was Read.

The PRESIDENT: The Senator has the floor.

Mr. COLLINS: Mr. President and Members of the Senate: This is the amendment which I promised to present last Friday when we adopted the committee report. This amendment does something entirely different than the

original bill, and I think it merits the attention of the Senate. I would hope that we might have a little more time to look this over and see what it does.

Just in brief, this would restore the same revenue that would have been lost by the original bill. The original idea of this particular excise tax, which was put on our books before the days of a corporate income tax on the railroads, was to provide an in lieu tax on right-of-way. At the present time railroads pay a tax on their buildings and other property outside the right-of-way, but the right-of-way tax is fixed by this particular formula that is in this section of the law.

This particular formula has been tinkered with from time to time. We did one approach in the regular session. The committee which made a special study presented another approach. And it being apparent that this approach could not be used this particular year because of the loss of revenue, we now are presenting a third approach.

This latest approach, which is designed to be of help to the railroads and prevent the drift toward government ownership and operation of the railroads, is to establish a fixed non-fluctuating tax. The revenue produced will be exactly the same as would be produced this year if we did not change the tax at all. But for the future the tax will remain in that minimum status rather than fluctuate up and down with the gross operating revenues of the railroads and other complications of the formula.

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

Thereupon, on motion by Mr. Speers of Kennebec, tabled and Specially Assigned for March 17, 1976, pending Adoption of Senate Amendment "A".

Resolution, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money. (H. P. 1981) (L. D. 2170)

Which was Read a Second Time and Passed to be Engrossed, as Amended, in non-concurrence.

Sent down for concurrence.

Senate — As Amended

Bill, "An Act to Prohibit Embalming when an Autopsy has been Authorized." (S. P. 659) (L. D. 2084)

Bill, "An Act to Regulate Drinking Water." (S. P. 687) (L. D. 2198)

Which were Read a Second Time and Passed to be Engrossed, as Amended.
Sent down for concurrence.

Enactors

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

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

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

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)

On motion by Mr. Merrill of

Cumberland, tabled and Tomorrow Assigned, pending Final Passage.

Reconsidered Matter

On motion by Mr. Conley of Cumberland, the Senate voted to reconsider its former action whereby it Passed to be Engrossed Bill, "An Act to Amend the Uninsured Motorist Law." (H. P. 2178) (L. D. 2298)

Thereupon, on further motion by the same Senator, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

(Off Record Remarks)

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