

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

Wednesday, April 7, 1976

Senate called to order by the President.
Prayer by the Rev. Julian Hall, Old South Congregational Church, Hallowell:

Let us pray. Amazing God, on this beautiful morning we give thanks for the promise of the day. We are grateful for the hours of this day and those that have been spent and those that now lie before us. We also give thanks for the opportunities that we have to serve the people of this state. Help us always to be mindful that they are also your people. Provide us now with the strength, the stamina, and the spirit for the task before us when this day comes to its close. Give us also the realization that it has been a gift that has been used wisely, and for that we will rejoice and be glad. Amen.

Reading of the Journal of yesterday.

At this point, a group simulating McCobb's Company from the Arnold Expedition to Quebec entered the Senate Chamber and proceeded to the rostrum whereupon they were introduced to the President of the Senate.

The PRESIDENT: We are certainly very pleased to have you with us this morning, Captain McCobb. The Senate is pleased to recognize the effort that you have put into the bicentennial celebration. I want to commend you for your fine efforts in the re-enactment of the Arnold Expedition in the spirit and principles of the American Revolution.

If the Sergeant-at-Arms would escort Mrs. David Holmes to the front of the chamber, I would be very pleased to present to her for the Company, on behalf of the Senate, an American Bicentennial Flag.

Thereupon, the Sergeant-at-Arms escorted Mrs. Holmes to the rostrum where President Sewall presented her with a Bicentennial Flag, following which the Company retired from the chamber, amid the applause of the Senate, the members rising.

Papers from the House

Non-concurrent Matter

Bill, "An Act Repealing the Expungement Law and Providing for the Control of Access to and Disclosure of Criminal History Record Information." (S. P. 773) (L. D. 2326)

In the Senate March 29, 1976, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed, as Amended by House Amendments "A" (H-1208) and "B" (H-1213), in non-concurrence.

On motion of Mr. Collins of Knox, the Senate voted to Insist and Ask for a Committee of Conference.

Non-concurrent Matter

Bill, "An Act Relating to Employment of Drug Inspectors by the State Board of Pharmacy." (H. P. 1879) (L. D. 2054)

Recalled from the Governor's Office pursuant to Joint Order (H. P. 2242)

Comes from the House, Bill and accompanying papers Indefinitely Postponed in non-concurrence.

On motion by Mr. Hichens of York, the Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act Redistributing the Powers of the Executive Council" (H. P. 1997) (L. D. 2197)

In the Senate April 5, 1976, Passed to be Engrossed as Amended by Committee Amendment "A" (H-1115), as Amended by Senate Amendment "A" Thereto (S-519), House Amendments "A" (H-1166), "C" (H-1183) and "E" (H-1191), and Senate Amendments "B" (S-524), "D" (S-529) and "C" (S-526), as Amended

by Senate Amendment "A" Thereto (S-532), in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by Senate Amendment "A" Thereto, and House Amendments "A", "B" (H-1177), "C", "E" and "F" (H-1196) and Senate Amendments "B" and "C", as Amended by Senate Amendment "A" Thereto, in non-concurrence.

On motion by Mr. Speers of Kennebec, tabled until later in today's session, pending Consideration.

Non-concurrent Matter

Bill, "An Act to Revise and Reallocate Appropriations from the General Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1976 and June 30, 1977 and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government." (S. P. 700) (L. D. 2225)

In the Senate April 5, 1976, Report "B" Read and Accepted and the Bill, in New Draft, (S. P. 791) (L. D. 2342). Passed to be Engrossed.

Comes from the House, Report "A" Read and Accepted and the Bill, in New Draft, (S. P. 790) (L. D. 2341). Passed to be Engrossed, in non-concurrence.

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

Communications

State of Maine

One Hundred and Seventh Legislature
Local and County Government

April 5, 1976

Honorable Joseph Sewall
President of the Senate
State House

Augusta, Maine 04330

Dear President Sewall:

The Committee on Local and County Government is pleased to report that it has completed all business placed before it by the Special Session of the 107th Legislature.

Total Number of Bills Received	20
Unanimous Reports	20
Ought to Pass	6
Ought to Pass as Amended	9
Ought to Pass in New Draft	3
Leave to Withdraw	2

Sincerely,

Signed:

PHILIP C. JACKSON

Senate Chairman

Which was Read and Ordered Placed on File.

Orders

On motion by Mr. O'Leary of Oxford,
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 The Androscoggin Valley CB'ers who are dedicated towards assisting Maine citizens in distress

We the Members of the Senate and House of Representatives do hereby Order that our congratulations and acknowledgment 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. 797)

Which was Read and Passed.

Sent down for concurrence.

On motion by Mr. Berry of Cumberland,
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 the Rifle Team of The University of Maine at Orono, 1976 New England College Rifle League Champions

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. 798)

Which was Read.

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

Mr. BERRY: Mr. President and Members of the Senate: The remarkable performance of the University of Maine Rifle Team certainly should be acknowledged. They have won the last seventeen of their eighteen shoots, and they have just achieved the championship of the New England College Rifle Marksmanship Contest. I think this is extremely noteworthy because today I think the principles of marksmanship are such that they stand these young people in tremendous stead in their future life, calling for steady nerves and tremendous self control. I think recognition by the legislature of the official team of the state is certainly warranted by their remarkable performance.

The PRESIDENT: Is it now the pleasure of the Senate that this order be passed and sent down for concurrence?

It is a vote.

Committee Reports

House

Leave to Withdraw

The Committee on Health and Institutional Services on, Bill, "An Act to Promote the Development of Small Group Homes For Mentally Retarded Individuals." (H. P. 2058) (L. D. 2228)

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.

Senate

Leave to Withdraw

Mr. Huber for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Year Ending June 30, 1977." (S. P. 703) (L. D. 2224)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act to Establish the Dates of Legislative Sessions and to Clarify Laws Relating to Expenses of Legislators" (S. P. 663) (L. D. 2087), have had the same under consideration, and ask leave to report: that the Senate recede from its action whereby it Passed the Bill to be Engrossed as amended by Committee Amendment "A" (S-435), as amended by Senate Amendment "A" thereto (S-440); recede from its action whereby it adopted Committee Amendment "A", as amended by Senate Amendment "A" thereto; recede from its action whereby it adopted Senate Amendment

"A" to Committee Amendment "A" and indefinitely postpone same; indefinitely postpone Committee Amendment "A"; adopt Conference Committee Amendment "A" (S-539), submitted herewith; and Pass the Bill to be Engrossed, as amended by Conference Committee Amendment "A"; that the House recede from its action whereby it Passed the Bill to be Engrossed as amended by Committee Amendment "B", as amended by House Amendment "C" (H-1036) thereto; recede from its action whereby it adopted Committee Amendment "B" (S-436), as amended by House Amendment "C" thereto; recede from its action whereby it adopted House Amendment "C" to Committee Amendment "B" and indefinitely postpone same; indefinitely postpone Committee Amendment "B"; adopt Conference Committee Amendment "A", submitted herewith; and Pass the Bill to be Engrossed, as amended by Conference Committee Amendment "A", in concurrence.

On the part of the Senate:

CURTIS of Penobscot
GRAHAM of Cumberland
KATZ of Kennebec

On the Part of the House:

CAREY of Waterville
GREENLAW of Stonington
FINEMORE of Bridgewater

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

Mr. CURTIS: Mr. President and Members of the Senate: This is a result of some efforts that were done on behalf of the three Senators and three Representatives who were assigned the job of working on the particular problem. We came up with what we think is a reasonable compromise. There is a significant savings in this piece of legislation over what would have been provided otherwise of approximately \$93,000. As I say, that was a compromise. My own personal opinion would be that legislators who work here deserve all the salary that they receive and would have received under the original bill but, nevertheless, it is necessary sometimes to come to a conclusion to problems and this is our best resolution of this particular problem.

Specifically what is provided in this amendment is a salary of \$4,500 for the first year of the biennium and \$2,500 for the second year of the biennium, or a total of \$7,000. There would be no \$25 per diem for the second regular session. Also provided is the same provision for expenses and the same provision for special session payments, if there were any special sessions in the future, as now exists in the statutes.

By the way, Mr. President, we have used the language of "special session" rather than "extra session" which had been in the bill and in the statutes because we feel that that is a more appropriate language and should be used consistently throughout the statutes in the future to connote the sessions which really are indeed special and emergency.

We also have provided that the length of the first regular session should be 100 legislative days and that the length of the second regular session should be 50 legislative days. We provided that in the event of an unusual circumstance and an emergency that those sessions could be continued by a two-thirds vote of each house for five days maximum, and that emergency could be determined no more than twice; in other words, an absolute maximum of 110 days for the first regular session and 60 days for the second regular session.

We have provided salary provisions for the representatives of the Indian tribes based upon their actual attendance in the legislature, and we have otherwise tried to clarify the law and clean up the provisions. And we have deleted the two dollars a day which has been paid in the past, and I checked and it has indeed been paid

in the past, to members of the Senate or the House who serve as presiding officer pro tem.

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

Mr. MERRILL: Mr. President and Members of the Senate: I would just like to take this opportunity to congratulate the conferees on the part of the Senate, the Senator from Penobscot, Senator Curtis; the Senator from Cumberland, Senator Graham; and the Senator from Kennebec, Senator Katz; and the conferees on the part of the House. It is another lesson, I think, in the fact that reasonable men can work out positions that seem for a while to be insoluble. I think it is an excellent compromise, and I congratulate the members of the Senate who worked it out, and hope that it will be a lesson for us all in future problems when we find ourselves in non-concurrence.

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

Mr. CURTIS: Mr. President and Members of the Senate: On behalf of my colleagues, Senator Katz and Senator Graham, I do appreciate the kind remarks of the gentleman from Cumberland, Senator Merrill.

I did neglect to mention one other item which is new and different. There was concern on behalf of some of the conferees that with the likely change in the length of days which the Governor has to veto a message or veto a bill from five to ten days — that, as everybody will remember, is a constitutional amendment which has been sent out and will be voted upon by the people in November — with that change there is a possibility that the legislature might desire to have the ability to come back into session for one day, similar to what we did last year, to review any veto messages that might have been made after we would have otherwise adjourned. So there is a provision made for one additional day which would not be taken from our allowance of 110 or 60 days.

The PRESIDENT: Is it now the pleasure of the Senate to accept the committee of conference report?

It is a vote.

Sent down for concurrence.

Enactors

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

An Act to Revise and Clarify the Freedom of Access Law. (H. P. 2226) (L. D. 2316)

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

RESOLVE. Authorizing the Governor to Create, Administer and Seek Funds for a Community Jobs Program for the State of Maine. (H. P. 2165) (L. D. 2293)

On motion by Mr. Gahagan of Aroostook, tabled until later in today's session, pending Final Passage.

On motion by Mr. Conley of Cumberland, the Senate voted to take from the table the sixth tabled and unassigned matter:

Joint Order — Relative to Committee on Education reporting out a bill creating a Commission on Education Financing. (S. P. 728)

Tabled — February 27, 1976 by Senator Conley of Cumberland

Pending — Passage.

On further motion by the same Senator, the Joint Order was Indefinitely Postponed.

Orders of the Day

The President laid before the Senate the first tabled and Specially Assigned matter:

Bill, "An Act Relating to a Cost-of-Living Adjustment for State Retirees." (S. P. 618) (L. D. 1950)

Tabled — April 5, 1976 by Senator Speers of Kennebec

Pending — Passage to be Engrossed.

(In the Senate — Committee Amendment "A" (S-507) Adopted).

On motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

The President laid before the Senate the second tabled and Specially Assigned matter:

Bill, "An Act Relating to Campaign Reports and Finances." (H. P. 2281) (L. D. 2340) (Emergency)

Tabled — April 6, 1976 by Senator Corson of Somerset

Pending — Passage to be Engrossed

(In the House — Passed to be Engrossed)

Mr. Corson of Somerset then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-541, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Mr. Berry of Cumberland was granted unanimous consent to address the Senate:

Mr. BERRY: Mr. President and Members of the Senate: The morning newspaper has some comments which I think are very applicable to the situation we find ourselves in during these closing days of the session. The article has to do with the problem of state employees' salaries and it makes reference to the conduct of legislative leadership of both parties and it talks about mistakes that have been made in the process.

I would like to very briefly quote and comment, if I might. The statement was by a representative, a spokesman for the public employee union alliance. It says that, "We are through talking. Democratic leadership has been as big a disappointment as Republican leadership. Tomorrow we will talk to our membership. Further activity on the third floor at this time is a waste of time. The only mistake we made to date was to urge members to leave the Republican Party. Democratic Party leadership is treating us no better", the statement said. "The union spokesmen charged that legislative leadership has failed in its efforts to resolve the pay controversy and warned that unauthorized wildcat strikes may occur at any time. The union officials appealed to rank and file lawmakers to come up with an equitable solution."

Well, I don't know if I qualify as a rank and file lawmaker, I sure hope so, because I am pretty proud of the efforts that we have made and are still continuing assiduously to make here to solve this problem. And if mistakes are being mentioned, I would like to point out the biggest mistake that was made by anybody in this whole picture, and that was the mistake made by the leadership of the state employees' associations, who, through ineptness, misjudgment, miscalculation, sold their group down the river. It is evident to anybody who has been on these third floors for a very short period of time that you accomplish more with the Maine State Legislature by working with leadership, by attempting compromises, than you do by coming in swinging with a baseball bat in a china shop and then try to pick up a piece of crystal.

There was a fatal error of judgment made when the settlement was made with the Maine Teachers and the income tax was passed. Much better that the leaders of the groups would have sat down with leadership, worked out their compromise, got pay for the state employees, nailed down the education financing, which was so sorely needed, and then backed leadership and the legislature as a whole to push through a package.

Now, as I say, this is what has historically

always been done, and if this had been done, I question that the legislature would be in session any longer than the end of this week. So if there were mistakes made, and there sure were, they have not and are not on the part of rank and file legislators or the leadership of either party. Directly may this be laid at the doors of the leadership of the state employees' associations.

(Off Record Remarks)

Mr. Merrill of Cumberland was granted unanimous consent to address the Senate:

Mr. MERRILL: Mr. President and Members of the Senate: If you would indulge me for just a moment, I would like to share with you a thought that runs through my mind this morning as we once again are reminded of the fact that we are in a bicentennial year, 1976, of course, being 200 years after the Revolution. It is interesting, I think, because in this year there are many among us who are starting to cleave to a philosophy that is I think fundamentally selfish and fundamentally inward turning and distrustful of others.

I think it is important to remember in 1976, as we honor our native sons who fought in the Revolution, that that effort would not have been successful without the help of many foreigners, mainly the French, the Polish, and others, and I think it is important as we reflect on our problems that we face as a people in 1976 to remember that we have always gathered the strength for the idea that is America from a realization of the fact that the idea is not ours to hoard but ours to share. So, I think in 1976 we might reflect well again on the fact that our strength is in our ability to deal with others and to let them realize the strength of the concept of freedom, and to remember that that concept is appealing to people all over the world and is to be shared.

(Off Record Remarks)

On motion by Mrs. Cummings of Penobscot, Recessed until 2:30 this afternoon.

After Recess

Called to order by the President.

Papers from the House

Out of order and under suspension of the rules, the Senate voted to take up the following:

Non-concurrent Matter

Bill, "An Act Concerning the Workmen's Compensation Statutes." (H. P. 2046) (L. D. 2218)

Recalled from Governor's Office pursuant to Joint Order (H. P. 2272).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-988) and House Amendments "A" (H-1032) and "B" (H-1193), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Communications

March 31, 1976

Mr. Harry N. Starbranch
Secretary of the Senate
The Senate of Maine
State House
Augusta, Maine 04333

Dear Mr. Starbranch:

I appreciate your courtesy in providing me with a copy of the Joint Resolution which was adopted by the Maine House of Representatives and Senate.

The support of the State legislature of World Whale Day and the commitment to stopping the killing of whales is commendable. You will be interested in knowing that on March 29, the Senate approved and sent to the House of Representatives a bill which prohibited the taking of the killer whale.

Thanks again for your letter and Resolution. It's good hearing from you.

With kind regards,

Sincerely,
WILLIAM D. HATHAWAY
U. S. Senator

Which was Read and Ordered Placed on File.

United States Senate
Washington, D. C. 20510

April 2, 1976

Mr. Harry N. Starbranch
Secretary of the Senate
The Senate of Maine
Augusta, Maine 04333

Dear Harry:

This is to acknowledge receipt of the Maine Legislature's joint resolutions in support of World Whale Day, the Minibus Service for the Elderly and the resolution concerning repeal of the Safe Water Drinking Act. I have asked that the three resolutions be printed in the Congressional Record.

With best wishes,

Sincerely,

Signed:

EDMUND S. MUSKIE
United States Senator

Which was Read and Ordered Placed on File.

State of Maine
One Hundred and Seventh Legislature
Committee on Election Laws

April 7, 1976

The Honorable Joseph Sewall
President of the Senate
Senate Chamber
State House

Augusta, Maine 04333

Dear Mr. President:

It is with pleasure that I report to you that the Committee on Election Laws has completed all action necessary on the business placed before it by the First Special Session of the 107th Legislature.

Total Number of Bills Presented	8
Unanimous Reports	5
Ought to Pass	1
Ought to Pass as Amended	2
Ought to Pass in New Draft	2
Divided Reports	3
Total Number of Amendments	2
Total Number of New Drafts	2

Sincerely yours,

Signed:

NEAL C. CORSON
Senate Chairman

Which was Read and Ordered Placed on File.

Orders

On motion by Mr. Trotzky of Penobscot, WHEREAS, existing land use regulations often prohibit the development of land in ways which would best conserve open space and other natural resources; and

WHEREAS, planned unit development and other alternative land use policies offer solutions to the problems of inefficient and wasteful development of land;

WHEREAS, land use policies which are efficient and conserve open space and other natural resources are in the best public interest; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee on Natural Resources shall study the need for a state-wide land use policy which would allow for alternate types of land development consistent with the goals of conserving open spaces and other natural resources; 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, upon passage in concurrence,

that suitable copies of this Order shall be forwarded to members of the Committee. (S. P. 796)

Which was Read.

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

Committee Reports
Senate

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act to Permit Local Plumbing Inspectors to Approve Repairs to Existing Septic Systems." (H. P. 2206) (L. D. 2306) have had the same under consideration, and ask leave to report:

that the Senate recede from its action whereby it Indefinitely Postponed the Bill and accompanying papers; accept the Minority Ought to Pass Report; read the Bill twice; adopt Conference Committee Amendment "A" (S-540), submitted herewith; and Pass the Bill to be Engrossed, as amended by Conference Committee Amendment "A";

that the House recede from its action whereby it Passed the Bill to be Engrossed, as amended by House Amendment "B" (H-1127); recede from its action whereby it adopted House Amendment "B" and indefinitely postpone same; adopt Conference Committee Amendment "A", submitted herewith; and Pass the Bill to be Engrossed, as amended by Conference Committee Amendment "A", in concurrence.

On the part of the Senate:

TROTZKY of Penobscot
BERRY of Cumberland
CARBONNEAU of Androscoggin

On the part of the House:

BLODGETT of Waldoboro
CHURCHILL of Orland
PETERSON of Windham

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

Papers from the House

Out of order and under suspension of the rules, the Senate voted to take up the following:

Non-concurrent Matter

Bill, "An Act to Clarify the Fish and Game Laws." (H. P. 1933) (L. D. 2121)

In the House April 5, 1976, Passed to be Engrossed as Amended by Committee Amendment "B" (H-1050), as Amended by House Amendments "A" (H-1068), "B" (H-1163), "C" (H-1164), "D" (H-1172) and "E" Thereto (H-1175), and Senate Amendments "A" (S-510) and "C" (S-513), in non-concurrence.

In the Senate April 6, 1976, Bill and accompanying papers Indefinitely Postponed in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference.

Mr. Conley of Cumberland moved that the Senate Insist and Join in a Committee of Conference, and subsequently Mr. Berry of Androscoggin moved that the Senate Recede and Concur.

Mr. Speers of Kennebec requested a division, whereupon Mr. Pray of Penobscot then requested a roll call.

The PRESIDENT: A roll call has been requested. Under the constitution, in order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Berry that the Senate recede and concur with the House. All

those in favor of receding and concurring will please say "Yes"; those opposed will say "No".

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Carbonneau, Cianchette, Clifford, Curtis, Cyr, Danton, Johnston, Marcotte, Merrill, Pray.

NAYS: Senators Berry, R.; Collins, Conley, Corson, Cummings, Graffam, Graham, Greeley, Hichens, Huber, Jackson, Katz, McNally, O'Leary, Roberts, Speers, Thomas, Trozky, Wyman.

ABSENT: Senators Gahagan, Reeves.

A roll call was had. 11 Senators having voted in the affirmative and 19 Senators having voted in the negative, with two Senators being absent, the motion did not prevail.

Thereupon, the Senate voted to Insist and Join in a Committee of Conference.

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

Mr. SPEERS: Mr. President, having voted with the majority, I move reconsideration and urge the Senate to vote against my motion.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate reconsider its action whereby the Senate voted to insist and join in a committee of conference. Will all those Senators in favor of reconsideration please say "Yes"; those opposed "No".

A viva voce vote being taken, the motion did not prevail.

Thereupon, the President appointed the following Conferees on the part of the Senate:

Senators:

CUMMINGS of Penobscot
JACKSON of Cumberland
GRAHAM of Cumberland

Joint Resolution State of Maine

In The Year Of Our Lord One Thousand Nine Hundred And Seventy-six

Joint Resolution In Support Of The Pine Tree Foundation for Burn Treatment

Whereas, a study conducted in 1973 by the State Comprehensive Health Planning Council revealed that there are an average of 400 hospitalized burn victims in Maine each year; and

Whereas, this study revealed that the quality of acute burn care in Maine ranges from excellent to poor but that there is potential for a uniformly high level of care through a coordinated state-wide program; and

Whereas, the State Health Planning Council has recommended the establishment of 4 strategically located burn units and a program of specialized training for burn officers in all acute care hospitals in Maine in order to achieve this uniform high level of care; and

Whereas, the Pine Tree Foundation for Burn Treatment has been established as the funding vehicle to implement these recommendations; and

Whereas, this foundation has received broad support and endorsement from the Maine State Federation of Firefighters, the Maine Fire Chiefs' Association, the major associations of professional and institutional healthcare providers and the major 3rd party payors; now, therefore, be it

Resolved: That We, the Members of the 107th Maine Legislature in special session assembled, hereby endorse and support the efforts of the Pine Tree Foundation for Burn Treatment to improve the quality of care rendered to burn victims in Maine; and be it further

Resolved: That suitable copies of this resolution be forwarded to the trustees of the Pine Tree Foundation for Burn Treatment. (H. P. 2297)

Comes from the House, Read and Adopted.
Which was Read and Adopted in concurrence.

Joint Orders 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 Westbrook High School Stage Band State Champions for 1976

We the Members of the House of Representatives and Senate 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. (H. P. 2296)

Comes from the House, Read and Passed.
Which was Read and Passed in concurrence.

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 Wayne Wormwood who in ten years took a dream and built it into Camp Waban For the Mentally Retarded at Sanford and who is now retiring as director of Camp Waban

We the Members of the House of Representatives and Senate 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. (H. P. 2298)

Comes from the House, Read and Passed.
Which was Read and Passed in concurrence.

Communications

Edwin H. Pert, Clerk
Maine House of Representatives
Augusta, Maine 04333

April 7, 1976

Honorable Harry N. Starbranch
Secretary of the Senate
107th Legislature
Augusta, Maine 04333

Dear Mr. Secretary:

The House voted today to Adhere to its action whereby it Indefinitely Postponed Bill "An Act to Temporarily Suspend Statutory Provisions for Constituent Service Allowance" (S. P. 750) (L. D. 2340)

Respectfully,
EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Committee Reports House

The following Ought Not to Pass reports shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act to Provide Funds to Maine Health Systems Agency, Incorporated." (H. P. 2186) (L. D. 2300)

Bill, "An Act Making Additional Appropriation for the University of Maine for the Fiscal Year Ending June 30, 1977." (H. P. 2129) (L. D. 2276)

Enactors

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

An Act to Clarify the Laws Relating to Marine Resources. (H. P. 2010) (L. D. 2192)

An Act Providing for Protective and Supportive Services for Mentally Retarded Persons. (H. P. 2069) (L. D. 2239)

An Act to Reform the Regulation of Watch, Guard and Patrol Agencies and of Private Detectives. (H. P. 2211) (L. D. 2309)

An Act to Clarify the Retirement Statutes. (H. P. 1860) (L. D. 2027)

An Act to Revise the Statutes Concerning Alcoholic Beverages. (H. P. 2223) (L. D. 2311)

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

Emergency

An Act to Revise the Maine Criminal Code as Recommended by the Criminal Law Revision Commission. (S. P. 777) (L. D. 2334)

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

Mr. MERRILL: Mr. President and Members of the Senate: This is the Maine Criminal Code coming before us for final enactment, if so voted here today. It is a criminal code that continues to include mandatory sentences, and much more troubling maybe than that fact to me is the fact that it has mandatory sentences for second offense burglaries as well as for crimes committed with a handgun.

When we first addressed this issue in the Senate, I made the point that I thought that to have anything else other than handguns included would be to seriously diminish whatever psychological impact it might have to have this be limited strictly to handguns. A couple of days ago in listening to news reports on and off all day long I heard what we had done here in the legislature described as a law that would make mandatory sentences for burglaries committed with a handgun. I think that report, which was based on a wire story, undermines the futility of what we have tried to. I am not of the opinion that this situation is beyond salvage necessarily and, therefore, would ask the Senate to deny this bill final passage at this time, and see if this what I consider to be bad situation is correctable. For that reason, I would ask the Senate to join me in not voting for final passage, and ask when the vote is taken that it be taken by the "Yeas" and "Nays".

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President and Members of the Senate: I share the feelings of the Senator from Cumberland, Senator Merrill, with respect to treatment of mandatory sentences in this code. However, as I stated the other day, this bill contains a great many important measures to the implementation of the criminal code. The criminal code that we passed in the regular session is scheduled to become effective on May 1st. This bill, which has an emergency clause, would also become effective on May 1st, thus correcting various deficiencies in the original code.

Although I wish that we did not have to pass a bill with mandatory sentences, I have to come down on the side of passage because I think it is too important that the law enforcement community have a code taking effect with corrections in it and not with various mistakes in it. I think it undermines the psychological situation with enforcement officers to continually be having to think, well, this was corrected and this wasn't corrected, and so on.

If I am returned to office by the voters in

another session. I shall personally make it a project, and I would hope to have the cooperation of Senator Merrill, or perhaps it would be better to say that I would be cooperating with him, in an effort to change the impact of mandatory sentences as we have it here. In that context we could present a bill that would deal only with that, and avoid the difficulties that come with the complications of an all-inclusive measure. And I would urge the Senate to vote for the passage of this emergency action.

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

Mr. MERRILL: Mr. President and Members of the Senate: I think it is probably apparent to everyone that there is no disagreement between myself and the chairman of the committee, the Senator from Knox, Senator Collins, except there may be a slight degree more optimism, which the chairman may well say is unfounded, and may be right. And I know that it is improper to refer to the other body in a debate such as this kind, but I don't think that it is an inaccurate description of the parliamentary possibilities that we fail to enact this bill as an emergency measure that one measure available at the other end would be to insist and ask for a committee of conference.

I am going to ask the Senate to fail final passage today and give this one more chance at least, if the verdict is going to be mandatory sentences, to at least leave them for that situation where the most Senators thought that we should have that psychological impact, in the area of crimes committed with a handgun.

The PRESIDENT: Is the Senate ready for the question? A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the enactment of L. D. 2334, An Act to Revise the Maine Criminal Code as Recommended by the Criminal Law Revision Commission. A "Yes" vote will be in favor of enactment; a "Nay" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, R.; Carbonneau, Clifford, Collins, Corson, Cummings, Curtis, Cyr, Gahagan, Graffam, Greeley, Hichens, Huber, Jackson, Johnston, Katz, McNally, O'Leary, Pray, Roberts, Speers, Thomas, Trotzky, Wyman.

NAYS: Senators Berry, E.; Conley, Danton, Graham, Marcotte, Merrill.

ABSENT: Senators Cianchette, Reeves.

A roll call was had. 24 Senators having voted in the affirmative, and six Senators having voted in the negative, with two Senators being absent, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, having voted on the prevailing side, I now move that we reconsider and hope you vote against me.

The PRESIDENT: The Senator from Knox, Senator Collins, now moves the Senate reconsider its action whereby it enacted L. D. 2334. Will all those Senators in favor of reconsideration please say "Yes"; those opposed will please say "No".

A viva voce vote being taken, the motion did not prevail.

Committee Report

Senate

Committee of Conference Report

The Committee of Conference on the dis-

agreeing action of the two branches of the Legislature, on Bill, "An Act to Regulate Drinking Water." (S. P. 687) (L. D. 2198) have had the same under consideration, and ask leave to report:

that the Senate recede from its action whereby it Passed the Bill to be Engrossed; recede from its action whereby it adopted Committee Amendment "A" (S-431); adopt Conference Committee Amendment "A" (S-542) to Committee Amendment "A"; adopt Committee Amendment "A", as amended by Conference Committee Amendment "A" thereto; and Pass the Bill to be Engrossed, as amended by Committee Amendment "A", as amended by Conference Committee Amendment "A" thereto;

that the House recede and concur with the Senate

On the part of the Senate:
CUMMINGS of Penobscot
CYR of Aroostook
GREELEY of Waldo

On the part of the House:
LEONARD of Woolwich
GARSOE of Cumberland
CAREY of Waterville

Which report was Read.

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

Mrs. CUMMINGS: Mr. President, all of the above amendments merely have removed the sections of the original bill which were not considered to be wise at this point, which said that every rule and regulation had to meet with the approval of the legislature. The date that this bill would become effective has been postponed, and Mr. Hoxie of the Human Services Department assures us that the rules and regulations will be available and certainly will come before the legislature next year sometime in January, when we can pass on them before the bill becomes effective April 1st.

The PRESIDENT: Is it now the pleasure of the Senate to accept the committee of conference report?

It is a vote.

Sent down for concurrence.

The President laid before the Senate the following tabled and Specially Assigned matter:

Bill, "An Act Redistributing the Powers of the Executive Council." (H. P. 1997) (L. D. 2197)

Tabled — April 7, 1976 by Senator Speers of Kennebec

Pending — Consideration
(In the House — Passed to be Engrossed as Amended by Committee Amendment "A" (H-1115), as Amended by Senate Amendment "A" (S-519) Thereto, and House Amendments "A" (H-1166), "B" (H-1177), "C" (H-1183), "E" (H-1191) and "F" (H-1196), and Senate Amendments "B" (S-524) and "C" (S-526), as Amended by Senate Amendment "A" (S-532) Thereto, in non-concurrence).

(In the Senate — Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by Senate Amendment "A" Thereto, House Amendments "A", "C", and "E" and Senate Amendments "B", "D" (S-529) and "C", as amended by Senate Amendment "A" Thereto (S-532), in non-concurrence).

On motion by Mr. Speers of Kennebec, the Senate voted to Adhere.

The President laid before the Senate the following tabled and Specially Assigned matter:

Resolve, Authorizing the Governor to Create, Administer and Seek Funds for a Community Jobs Program for the State of Maine. (H. P. 2165) (L. D. 2293)

Tabled — April 7, 1976 by Senator Gahagan of Aroostook

Pending — Final Passage
(In the House — Finally Passed)

On motion by Mr. Gahagan of Aroostook, retabled and Tomorrow Assigned, pending Final Passage.

On motion by Mr. Berry of Cumberland, all matters previously acted upon in today's session requiring concurrence were sent down forthwith for concurrence.

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