

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 Eighth
Legislature***

OF THE

STATE OF MAINE

1978

Second Regular Session

January 4, 1978 — April 6, 1978

INDEX

Senate Confirmation Session

June 14, 1978

INDEX

First Special Session

September 6, 1978 — September 15, 1978

INDEX

Second Special Session

October 18, 1978

INDEX

Third Special Session

December 6, 1978

INDEX

APPENDIX

LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

1978

Regular Session

January 4, 1978 — April 6, 1978

INDEX

Senate Confirmation Session

June 14, 1978

INDEX

Second Special Session

September 6, 1978 — September 15, 1978

INDEX

Third Special Session

October 18, 1978

INDEX

Fourth Special Session

December 6, 1978

INDEX

APPENDIX

HOUSE

Wednesday, September 6, 1978

This being the day designated in the proclamation of the Governor for the meeting of the One Hundred and Eighth Legislature in extra session the members of the House of Representatives assembled in their hall at 10:00 o'clock in the morning and were called to order by the Speaker.

Prayer was offered by Father Valmont Gilbert of St. Augustine's Catholic Church, Augusta.

Father GILBERT: Let us pray. Father, Yours is the morning and Yours is the evening where the sun of justice shines forever in the hearts of all who are here present. Send Your spirit on our Representatives. We have come together today to deliberate on the issue of spending and tax limitation. In their deliberations may they render justice to all concerned. Father, make them creative and purposeful Representatives who see in those they represent the image of Your Son, that all their words during the Special Session, which was called by our Governor, give praise and carry out Your loving plan for the people of Maine. We ask You this in faith. Amen.

The members stood at attention during the playing of the National Anthem by the Cony High School Marching Band of Augusta.

A roll call was taken. 143 members answered to their names and accordingly a quorum was found to be present.

Those who were absent were: Messrs. Goodwin, Garsoe, Biron and MacEachern.

(Mr. Bennett of Caribou, Mrs. Tarr of Bridgton, Ms. Goodwin of Bath and Mr. Mills of Eastport resigned).

On motion of Mr. Quinn of Gorham, it was ORDERED, that a Committee of ten be appointed to wait upon His Excellency, the Governor, and inform him that a quorum of the House of Representatives is assembled in the Hall of the House for the consideration of such business as may come before the House.

The Chair appointed the following members: Messrs. JALBERT of Lewiston
CARTER of Winslow
PEARSON of Old Town
Mrs. NAJARIAN of Portland
Messrs. GREENLAW of Stonington
GOODWIN of South Berwick
MORTON of Farmington
HIGGINS of Scarborough
PERKINS of Blue Hill
McBREAIRTY of Perham

Subsequently, Mr. Jalbert of Lewiston for the Committee reported that they had performed the duty assigned them.

On motion of Mr. Tierney of Lisbon Falls, it was

ORDERED, that a message be conveyed to the Senate that a quorum of the House of Representatives is present for the consideration of such business as may come before the House.

Thereupon, Mr. Tierney of Lisbon Falls was appointed to convey the message and subsequently reported that he had performed the duty assigned him.

At this point, a message was received from the Senate, borne by the Assistant Majority Floor Leader, Senator David G. Huber, of that body informing the House that a quorum was present and that the Senate was ready to transact such business as might properly come before it.

Messages and Documents

The following Proclamation:

STATE OF MAINE
PROCLAMATION
BY THE GOVERNOR

WHEREAS, there exists within the State of Maine an extraordinary request by volunteer

citizens of Maine to place a constitutional limit on government spending and taxation; and,

WHEREAS, there exists within the citizens of this State and many members of the 108th Maine Legislature a feeling that government spending and tax limitation is an issue which should be addressed; and

WHEREAS, a group of dedicated volunteer citizens has drafted a reasonable spending and tax limitation proposal and has requested that I, as Governor, call the 108th Maine Legislature into Special Session so the said proposal can be submitted to the voters of Maine for adoption; and

WHEREAS, the Leadership of the 108th Maine Legislature has stated that a Special Session should be limited in its scope to consideration of the tax limitation question; and

WHEREAS, there exists a need for the legislature to act in a timely fashion so the people of the State of Maine can vote on a tax limitation constitutional amendment at the November 7th General Election;

NOW, THEREFORE, I, James B. Longley, Governor of the State of Maine, by virtue of the Constitutional power vested in me as Governor, convene the Legislature of this State, hereby requesting the Senators and Representatives to assemble in their respective chambers at the Capitol at Augusta on Wednesday, the Sixth Day of September, 1978, at ten o'clock in the morning in order to consider a resolution, proposing an amendment to the Constitution TO LIMIT THE AMOUNT OF GOVERNMENT SPENDING AND TAXES WHICH MAY BE MADE WITHOUT VOTER APPROVAL.

(Seal)

Given at the office of the Governor at Augusta, and sealed with the Great Seal of the State of Maine, this Twenty-Second Day of August, One Thousand Nine Hundred and Seventy-Eight and of the Independence of the United States of America, the Two Hundred and Second.

Signed:

JAMES B. LONGLEY
By the Governor

Signed:

DORIS HAYES
Deputy Secretary of State

A true copy:

Signed:

DORIS HAYES
Deputy Secretary of State

The Communication was read and ordered placed on file.

The following Communication:

STATE OF MAINE
DEPARTMENT OF STATE
AUGUSTA, MAINE

August 31, 1978

To Edwin H. Pert, Clerk
House of Representatives
One Hundred Eighth Legislature:

In compliance with 3 MRSA §1, as amended, notification is hereby given of the following vacancies in the House of Representatives.

Philip R. Bennett, Jr., Caribou — District 10
Gail H. Tarr, Bridgton — District 24
Kathleen Watson Goodwin, Bath — District 90

Kenneth A. Mills, Eastport — District 103
No dates have been set to conduct special elections to fill these vacancies.

Respectfully,

Signed:

MARKHAM L. GARTLEY
Secretary of State

The Communication was read and with accompanying papers ordered placed on file.

The following Communication:

STATE OF MAINE
DEPARTMENT OF AUDIT
AUGUSTA, MAINE

August 22, 1978

To Governor James B. Longley and Members of the One Hundred and Eighth Legislature

In compliance with statutory requirements, I submit herewith the 58th Annual Report of the State Auditor for the fiscal year ended June 30, 1977.

We have made extensive examination of major pertinent transactions. We do not make a detailed examination of all recorded transactions on the general books of the state for the year. We did, however, make a detailed examination of accounting records, procedures and internal controls, and verified financial transactions on a selective basis in our post audits of the activities of the various state departments, agencies, boards, etc. during the year. The results of these audits, together with comments, observations and audit findings and recommendations are contained in our individual audit reports submitted to the respective state departments, agencies, boards, etc.

Based on the scope of our examination, it is our opinion that, except for the exclusion of certain trust and operating fund transactions and balances recorded and controlled locally by state agencies and not reflected herein, the financial position and operating results of the various state departments, agencies, boards, etc., of the State of Maine for the fiscal year ended June 30, 1977 has been fairly presented in conformity and with generally accepted accounting principles applied on a consistent basis.

Statements and schedules pertaining to the financial position of the various operating funds of the State of Maine at June 30, 1977 may be found in the Annual Report of the State Controller.

I would like to express my special appreciation to the staff of the Department of Audit for their continued loyalty and devotion to duty and to the state officials for their cooperation with this department.

Respectfully submitted,

Signed:

GEORGE J. RAINVILLE
State Auditor

The Communication was read and with accompanying papers ordered placed on file.

**Petitions, Bills and Resolves
Requiring Reference**

The following Resolutions were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committee:

Appropriations and Financial Affairs

RESOLUTION, Proposing an Amendment to the Constitution to Establish Property Tax Exemptions for Maine Homesteads (H. P. 2336) (L. D. 2210) (Presented by Mr. Wyman of Pittsfield) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 24)

RESOLUTION, Proposing an Amendment to the Constitution to Require the Governing Body of State and Local Units of Government to Establish Reasonable Expenditure Limits for their Respective Units; to Provide Property Tax Relief by Requiring Property Tax Exemption on the First \$10,000 on an Owner's Principal Place of Residence; to Provide Property Tax Relief to Renters; and to Finance Property Tax Relief by Providing that a One Percent Sales and Use Tax shall be Collected by the State and Distributed to Local Governments (H. P. 2344) (L. D. 2211) (Presented by Mr. Davies of Orono) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 24)

RESOLUTION, Proposing an Amendment to the Constitution to Limit the Amount of Revenues which may be Raised by Taxes in any Fiscal Year (H. P. 2345) (L. D. 2212) (Presented by Mr. Cunningham of New Gloucester) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 24)

RESOLUTION, Proposing an Amendment to the Constitution to Limit the Maximum Property Tax which can be Levied (H. P. 2346) (L. D. 2213) (Presented by Mr. Wilfong of Stow) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 24) (Ordered Printed)

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Mr. Palmer of Nobleboro was granted unanimous consent to address the House.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: As many of you know, since the session closed Bill Garsoe had a very serious heart attack and has had very serious problems throughout the summer. I wanted to report to you that as of yesterday he was operated on for heart surgery at Maine Medical Center. As of last night, he had come out of the operating room, had a comfortable night and is resting as comfortably as they could expect after as serious an operation as he has had.

I would ask you all if you would please remember him in your prayers and also you might send him a card.

Before Bill did go in, we talked and he suggested that I ask permission to have a Republican caucus and to have the caucus give me temporary help here as Assistant Minority Leader. We met this morning and the caucus did give me that privilege, and I have appointed Dana Devoe, who will sit here temporarily taking Bill's place during this Special Session.

Mr. Speaker, I would ask if you would reassign temporarily Mr. Devoe from his seat to the one down front.

Thereupon, the Speaker assigned Mr. Devoe of Orono to Seat 21 for the duration of the Special Session.

(Off Record Remarks)

On motion of Mr. Carroll of Limerick, Recessed until eleven o'clock this morning.

After Recess
11:00 A.M.

The House was called to order by the Speaker.

The following paper from the Senate appearing on Supplement No. 1 was taken up out of order by unanimous consent:

RESOLUTION, Proposing an Amendment to the Constitution to Limit the Amount of Government Spending and Taxes which may be Made without Voter Approval (S. P. 772) (L. D. 2209)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs and ordered printed.

In the House, the Bill was referred to the Committee on Appropriations and Financial Affairs in concurrence.

By unanimous consent, ordered sent forthwith.

The following papers from the Senate appearing on Supplement No. 2 were taken up out of order by unanimous consent:

Senate Papers

The following Joint Order: (S. P. 773)

ORDERED, the House concurring, that three hundred twenty-five (325) copies of the Legislative Record for this Special Session be printed, one copy for each of the members of the Senate, House of Representatives, the Secretary of the Senate and Clerk of the House, and the remainder to be deposited with the State Law Librarian for exchange and library use; and be it further

ORDERED, that suitable index be prepared for such Legislative Record, under the direction of the Director of Legislative Research.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

The following Joint Order:

(S. P. 774)

ORDERED, the House concurring, that there be prepared, after adjournment of the present session, by the Legislative Information Officer, a Register of all the Bills and Resolves considered by both branches of the Legislature, showing the history and final disposition of each Bill and Resolve and that there be printed 600 copies of the same. The Legislative Information Officer shall mail a copy of the Register to each member and officer of the Legislature and the State Law and Legislative Reference Library shall receive such number of copies as may be required.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

(Off Record Remarks)

On motion of Mr. Shute of Stockton Springs, Recessed until four o'clock in the afternoon.

After Recess
4:00 P.M.

The House was called to order by the Speaker.

At this time the Chair announced the appointment of Mr. Jalbert of Lewiston as Chairman of the Joint Standing Committee on Appropriations and Financial Affairs to fill the vacancy caused by the resignation of Ms. Goodwin of Bath.

At this time the Chair announced the appointment of Mrs. Post of Owl's Head to the Joint Standing Committee on Appropriations and Financial Affairs to fill the vacancy caused by the resignation of Ms. Goodwin of Bath.

(Off Record Remarks)

On motion of Mr. Lunt of Presque Isle, Adjourned until nine thirty tomorrow morning.