

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume I

January 5, 1977 to May 25, 1977

KJ PRINTING
AUGUSTA, MAINE

SENATE

Thursday, January 13, 1977

Senate called to order by the President.

Prayer by The Honorable Walter W. Hichens of Eliot.

Mr. HICHENS: Let us pray. Our Heavenly Father, as we begin another day of this Legislative Session, and get under way with the problems, the decisions which we will be having to make as the Session progresses, we pray that Thy will help us to be big enough to honestly admit all of our short-comings, brilliant enough to accept flattery without making us arrogant, tall enough to tower above deceit, strong enough to treasure love, brave enough to welcome criticism, compassionate enough to understand human frailties, wise enough to recognize our mistakes, humble enough to be thoughtful of our neighbors and our fellow Senators, and righteous enough to be devoted to the love of God. We ask these things in Thy name. Amen.

Reading of the Journal of yesterday.

Out of Order and Under Suspension of the Rules: On motion of Mr. Huber of Cumberland, ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, January 18, at 4 o'clock in the afternoon. (S. P. 46)

Which was Read and Passed.

Sent down forthwith for concurrence.

Out of Order and Under Suspension of the Rules:

On motion by Mr. Speers of Kennebec, ORDERED, that a message be sent to the House of Representatives proposing a Convention of both branches in the Hall of the House at 11 o'clock for the purpose of extending to His Excellency, Governor James B. Longley, an invitation to attend the Convention and make such communication as pleases him.

Which was Read and Passed.

The President requested that the Senator from Kennebec, Senator Speers, carry the message, and Mr. Speers retired to the House of Representatives and subsequently reported that he had delivered the message with which he was charged.

(Off Record Remarks)

Papers From the House
Joint Order

ORDERED, the Senate concurring, that the Joint Rules be amended by amending Joint Rule 22, to read:

22. Departmental bills. No bill or resolve shall be introduced on behalf of any state department, agency, or commission, except the Governor or Chief Justice, after the sixth legislative day of any first or second regular session. Bills or resolves pre-filed or filed on behalf of such executive officers may bear the designation of the title "President of the Senate" or "Speaker of the House" if not presented by a member-elect or member.

A bill may be filed on behalf of the Governor or Chief Justice under the name of the President of the Senate or the Speaker of the House provided that the bill bears on its jacket the appropriate designation of "President of the Senate on behalf of the Governor," "President of the Senate on behalf of the Chief Justice," "Speaker of the House on behalf of the Governor," or "Speaker of the House on behalf of the Chief Justice."

Comes from the House. Read and Passed.

Which was Read.

Mr. MINKOWSKY: Thank you again, Mr. President. It appears to me from this Joint Order that it seems that we are infringing upon the rights of each individual Senator making a determination as to who will introduce what Bill for which Department, and I don't have any Bills that I am introducing for Departments, but I feel that it is centralizing it just to the

leadership alone to make this determination, and I think I would like to have some clarification on the part of the leadership as to the real intent and purpose of this Joint Order.

Which was passed in concurrence.

House Papers

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

At this point, a message was received from the House of Representatives, through Representative James Tierney, informing the Senate that the House voted to concur in a Joint Convention in the Hall of the House at 11:00 o'clock in the morning for the purpose set forth in the message.

Communications

Honorable Members of the Maine Senate of the 108th Legislature

It is with pleasure the State Capitol Planning Commission transmits its report to the Governor and to the Legislature. This action is taken pursuant to meeting the following legislative requirements set forth under P. L. 1967, C 458 as amended. In this law, the State Capitol Planning Commission is required to:

1. Establish and maintain a master plan for the orderly development of future State buildings and grounds in the Capitol Complex of the City of Augusta;

2. Submit the completed plan to the Legislature for adoption as the official State Master Plan for the development of State buildings and grounds in the Capitol Complex;

3. Report biennially to the Legislature facts and recommendations relating to the work and needs of the Commission;

4. List construction projects completed in the Capitol Complex since the last report; and,

5. Recommend such revisions and proposed changes of the Plan as from time to time become necessary or desirable for the orderly development of the Capitol Complex.

The purpose of the report is aimed at satisfying the Legislative mandate of the Capitol Planning Commission.

We request that the following revised plan be reviewed by the appropriate Legislative Committee and if found acceptable, be adopted by the Legislature. If this is done, it will provide general direction for achieving the Capitol Complex Plan. A suggested Resolve in the Appendix of this report may be used by the Legislature to guide future public investments in the Capitol Complex.

Respectfully submitted,
CAPITOL PLANNING COMMISSION

Signed:

ALLEN PEASE

Chairman

RICHARD A. MORRELL

PAUL G. POULIN

ELIZABETH SOCEC

LAWRENCE STUART

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

January 13, 1977

Governor James B. Longley and Members of the 108th Legislature

Transmitted herewith is a copy of the Highway and Bridge Improvement Program for Fiscal Years 1978 and 1979, as well as a copy of the Highway Maintenance Paving Program for the 1977 and 1978 summer seasons.

The Highway and Bridge Improvement Program for Fiscal Years 1978 and 1979 lists those projects which the Department has determined to be the priority items that should be authorized for improvement in accordance with the recommendations for financing during the next biennium. The program requires a total of \$17.9 million of State funds to enable the matching of \$77 Million of Federal Funds.

The Highway Maintenance Paving Program for the 1977 and 1978 summer seasons provides for the paving of over 1,900 miles. This proposal

represents a program that involves the same approximate level of effort as during the 1975 and 1976 summer seasons.

We trust that this material will be of interest and will provide information and clarification regarding the Department's efforts to maintain and improve Maine roads.

Very truly yours,

MAINE DEPARTMENT OF TRANSPORTATION

ROGER L. MALLAR

Commissioner

(S. P. 44)

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

Sent down for concurrence.

Senate Papers

Mrs. Cummings of Penobscot presented, Bill, "An Act to Provide Staff Development Funds to Certain Private or Public Nonprofit Agencies Involved with Education Activities for Teachers." (S. P. 42)

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

Sent down for concurrence.

Mrs. Cummings of Penobscot presented, Bill, "An Act Concerning those Buildings which must be made Accessible to Physically Handicapped." (S. P. 41)

Mrs. Cummings of Penobscot presented, Bill, "An Act to Require that Newly-Constructed or Reconstructed Public Buildings be made Accessible to the Physically Handicapped." (S. P. 43)

Which were referred to the Committee on Human Resources and Ordered Printed.

Sent down for concurrence.

Mr. Collins of Knox presented, Bill, "An Act to Establish the Maine Tort Claims Act." (EMERGENCY) (S. P. 45)

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

Sent down for concurrence.

Committee Reports

Senate

Divided Report

The Majority of the Committee on Judiciary on, Bill, An Act to Revise the Board of Bar Examiners Law. (S. P. 5) (L. D. 10)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (S-1).

Signed:

Senators:

COLLINS of Knox
MANGAN of Androscoggin
CURTIS of Penobscot

Representatives:

SPENCER of Standish
HUGHES of Auburn
DEVOE of Orono
TARBELL of Bangor
HENDERSON of Bangor
BYERS of Newcastle
HOBBINS of Saco
NORRIS of Brewer
BENNETT of Caribou

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as amended by Committee Amendment "B" (S-2)

Signed:

Representative:

GAUTHIER of Sanford

Which Reports were read.

Majority Report was accepted and the Bill read once.

Committee Amendment A was read and adopted.

The Bill as amended tomorrow assigned.

The PRESIDENT: The Chair would announce the following changes in two of the Joint Standing Committees:

Senator O'Leary of Oxford will be a member of the Natural Resources Committee, replacing

Senator Farley; and Senator Redmond of Franklin will be replacing Senator Chapman on the Labor Committee.

The Chair would also like to call the Senators attention to the number of days left to cloture, from now to cloture will be prominently posted in the end of the printed journal.

Recessed until 10:55 this morning.

After Recess

Senate called to order by the President.

The PRESIDENT: The Chair would ask the Senators to form in the rear of the Senate Chamber to proceed down to the Hall of the House of Representatives.

Thereupon, the Senate then retired to the Hall of the House of Representatives

(For proceedings of Joint Convention, see House Report.)

In Senate

Senate called to Order by the President.

On motion of Mr. Huber of Cumberland

Adjourned until 4:00 Tuesday, afternoon, January 18, 1977.