

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

Wednesday, February 16, 1977

Senate called to order by the President.

Prayer by Reverend Leon R. Strout of the First Baptist Church in Mexico, Maine.

Rev. STROUT: Let us pray. God our Father, creator of heaven and earth, we come before Thee because Thou art the One who has deigned that we should ask of Thee, and Thou has promised to hear and to answer. We thank Thee for Thy majesty and Thy greatness. We praise Thee for the beauty that we have seen in nature, even this morning as we have seen Thy handiwork.

But, Our Father, we come now because there is business at hand, because we have needs. We ask not for the morrow, but we pray for today, that we might sense Thy presence and know Thy power. And we ask, Our Father, for these Senators Thy blessing. We pray that Thou will grant to them a portion of Thy mind, that they may deliberate upon the business of this day and know the solution according to Thy perfect will.

We confess, Our Father, our inability to deal with all the propensities of the difficult things and times in which we live, and yet you are a God that is concerned: You are interested in all the affairs of our life. So we humbly praise Thee and we thank Thee with the full knowledge that Thou who rulest in this life and in the life to come will have Thy perfect will.

Bless to that end that this day might be productive, and that we might perform tasks that as we stand before Thee will not be ashamed; that we will be able to live with ourselves, and we will be able to answer to our constituency for the direction in which we have gone.

This we pray in that name which is above every name, that name before which every knee one day shall bow, even that of Thy son, our Lord and Saviour, Jesus Christ, world without end. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

Papers from the House
Non-concurrent Matter

Bill, "An Act to Amend the Laws Relating to the Reporting of Child Abuse or Child Neglect." (S. P. 99) (L. D. 228)

The Committee on Health and Institutional Services suggested.

In the Senate February 3, 1977, referred to the Committee on Health and Institutional Services and Ordered Printed.

Comes from the House, referred to the Committee on Human Resources and Ordered Printed in non-concurrence.

The Senate voted to Recede and Concur.

Joint Resolution

A Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of the Honorable Ernest Malenfant of Lewiston, who served the people of Maine for many years as a State Legislator. (H. P. 347)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

Joint Order

An Expression of Legislative Sentiment recognizing:

WHEREAS, Wendy Sue Achorn of Waldoboro, Medomak Valley High School, is Maine's winner of Voice of Democracy Scholarship Program, "What America Means to Me." (H. P. 346)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

Joint Order

WHEREAS, the State of Maine is recognized nationally for its abundant and important historic and cultural resources, resources which are of great potential benefit to the economic, cultural and spiritual well-being of the citizens of Maine; and

WHEREAS, it is in the best interest of the State to give encouragement to public and private institutions and agencies which promote a common understanding and appreciation by Maine citizens of their State and its achievements and add to the variety and richness of Maine life; and

WHEREAS, there already exist various state agencies and activities within the Department of Educational and Cultural Services and the Department of Conservation which contribute to these ends; and

WHEREAS, it is of critical importance to the State and its citizens that a consistent and meaningful policy be established for the most effective conduct of these agencies and activities with respect to themselves, the public and those private institutions and agencies operating in the historic and cultural fields; now, therefore, be it

ORDERED, the Senate concurring, that there is established a Joint Select Committee on State Policy for the Preservation, Development and Utilization of Historic and Cultural Resources, this committee to consist of 2 members of the Senate, one of whom shall be a member of the Joint Standing Committee on State Government; and 2 members of the House, one of whom shall be a member of the Joint Standing Committee on State Government; additional members shall include the President of the Maine League of Historical Societies and Museums, the President of the Maine Cultural Resources Council and 6 members of the general public; 3 to be chosen by the President of the Senate and 3 by the Speaker of the House; and be it further

ORDERED, that the committee shall make a final report of its findings, together with complete and final drafts of any proposed legislation, to the Legislative Council no later than 90 days before the beginning of the second regular session of the 108th Legislature for the purpose of establishing and implementing a consistent and coordinated policy and program by the State of Maine toward the acquisition, development, preservation and promotion of its historic and cultural resources, and their utilization by the people of the State; and be it further

ORDERED, that this committee shall receive the same reimbursement of expenses as other members of a joint standing committee; and be it further

ORDERED, that upon passage in concurrence, and after appointment of all the members of the committee, a suitable copy of this order shall be sent to each member of the committee. (H. P. 345)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Bills and Resolves from the House requiring reference to Committee were acted upon in concurrence, with the following exceptions:

Bill, "An Act to Extend the Time During which School Budgets may be Adopted." (Emergency) (H. P. 316) (L. D. 407)

Comes from the House referred to the Committee on Education and Ordered Printed.

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

Mr. SPEERS: I move this bill be tabled until later in today's session.

Upon Motion of Senator Speers of Kennebec,

this Bill was tabled until later in today's session, pending reference.

Bill, "An Act to Eliminate Membership Deadlines for the Cobbossee Watershed District." (H. P. 294) (L. D. 351)

Comes from the House referred to the Committee on Public Utilities and Ordered Printed.

Upon Motion of Senator Speers of Kennebec, referred to Committee on Natural Resources, ordered printed, in non-concurrence.

Sent down for concurrence.

Bill, "An Act to Improve the Administration of the State's Merit System." (Emergency) (H. P. 239) (L. D. 398)

Committee on State Government suggested.

Comes from the House. Referred to the Committee on Labor and ordered printed.

Upon Motion of Mr. Speers of Kennebec, referred to Committee on State Government, ordered printed in non-concurrence.

Sent down for concurrence.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Mr. Huber.

Mr. HUBER: Mr. President, I move the Senate reconsider its action whereby Item 1-58, "An Act Relating to Expenditures of Municipalities for General Assistance", (L. D. 300), was referred to the Committee on Performance Audit.

On further Motion of Senator Huber, tabled for one Legislative day, pending reference.

Communications

Office of The Governor

To: Members of The 108th Maine Legislature
From: Gov. James B. Longley
Subject: Inventory Tax Recommendation.

As I have previously indicated to you, I am opposed to the approach whereby the Legislature and the Governor dictate whether or not inventories are taxed. In addition, I feel the present approach, unless it is changed, discriminates against the working men and women, particularly those paying property taxes and rent, by mandating a break to businesses with inventories. On this point alone, it taxes those trying to maintain and keep homes in Maine and those least able to pay in favor of those most able to pay, such as businesses with inventories. The major point that I would like to make is that neither the Legislature or the Governor should be dictating that individual property taxpayers and businesses without inventories should pay for police and fire protection which is provided businesses with inventories. This basic American right belongs with the individual voters in the cities and towns and should not be mandated by the Legislature and the Governor.

While I assume responsibility for any confusion which might have existed over my initial proposal in this area, very candidly I chose not to complicate or lengthen the budget message with possible options we were considering to make it as easy and fair as possible for towns and cities to handle this transition. However, I did say publicly that the various options would depend on a ruling from the Attorney General and our subsequent research.

Now that we have the ruling and have completed our research, I feel we have finalized the fairest possible proposal to the extent that we have moved toward a phase-out approach, an approach that has been suggested by one or more legislators.

We are, therefore, recommending that:

(1) Towns and cities in Maine continue in 1977, as they did in 1974-75-76, to collect and retain a state inventory tax. This will provide time and a cushion for local citizens to vote on a constitutional amendment.

(2) This constitutional amendment, to be placed before the voters, would allow individual

citizens in cities and towns to decide for themselves whether or not inventories should be taxed. In a further effort to be fair, the proposed amendment would continue to exempt inventories from state valuation. While I personally might vote in my own town not to tax inventories, I believe citizens in every town and city should have the right to decide.

(3) In order to make the resolution of this problem even more equitable to all concerned, we also are proposing that the corporate income tax increase of one per cent enacted in conjunction with the current inventory tax law be rescinded.

Therefore, we feel we have offered a plan to the Legislature which will:

(1) Finally put an end to the confusion and inequity which have surrounded this inventory tax question and which will more properly protect the property taxpayer to the extent he or she will be given the right to vote whether or not they want to possibly pay higher property taxes to pay for services to businesses with inventories.

(2) Provide the citizens of the towns and cities an opportunity to decide for themselves whether or not they want to tax inventories rather than have that decision dictated to them by a Legislature and Governor in Augusta.

(3) Prevent a loss of revenue to towns and cities during the interim period of time when the question is being decided by the voters, by allowing the cities and towns an additional year for the transition.

In the final analysis, we believe it is time for the state government in Augusta to stop dictating to the towns and cities and their citizens the method and manner with which their taxes should be levied. It is time to start practicing what we have been preaching about local control, and we feel this proposal represents an excellent starting point and eliminates the argument that the Legislature is dictating, mandating and deciding on local taxes and services. It also helps to eliminate the opportunity for local officials to blame high property taxes on the Legislature.

JAMES B. LONGLEY
(S. P. 160)

Which was Read and Ordered Placed on File.
Sent down for concurrence.

Department of Finance and Administration
February 15, 1977

The Honorable Joseph Sewall
President of the Senate
State House
Augusta, Maine 04333
Dear Senator Sewall:

In accordance with the provisions of 20 MRSA, §3746, I am certifying the Governor's recommendation for the funding levels for §3744, §§1, paragraph A to K and for the state's maximum obligation under §3748, §§4. This information is contained in the attached communication to me from the Governor dated February 14, 1977 and is accompanied by a supporting memorandum from the Governor to the Members of the 108th Legislature.

Sincerely,

OTTO W. SIEBERT
State Budget Officer

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

**Senate Papers
Joint Resolution**

Mr. Conley of Cumberland (Cosponsors: Mrs. Snowe of Androscoggin, Mr. Morrell of Cumberland and Mr. Martin of Aroostook) presented the following Joint Resolution and moved its adoption:

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

Joint Resolution

Concerning Family Policy

WHEREAS, the family remains the most efficient and effective means for the care, nurturing and protection of children; and

WHEREAS, many Maine families are under great stress and are increasingly unable to fulfill their traditional role, as seen in the great increases of divorce and children living in single-parent households; and

WHEREAS, documentation in numerous studies recently completed show that there are increasing numbers of families and children at risk, the consequences of which contribute to increased mental health problems, runaway youth, child abuse and neglect, juvenile delinquency, children living in poverty and other serious problems; and

WHEREAS, many of these problems are compounded or aided by the action or inaction of state government; and

WHEREAS, positive support to families by state government will help reduce family breakdown and eventually reduce the costs of crime and of government services; and

WHEREAS, many proposals will be introduced into this session to help remedy these problems; now, therefore, be it

RESOLVED: That we, the members of the 108th Legislature, pledge our efforts to initiate and support attempts to improve the health and well-being of Maine families, through the appropriations and statutes we pass and by strengthening and redirecting state funded services to recognize, support and reinforce the family as the first line of defense in meeting the needs of children; and be it further

RESOLVED: That the Legislature shall adopt policies to preserve families as the primary unit for the care and nurture of children through a 4-fold approach applicable to the Department of Mental Health and Corrections, the Department of Human Services and the Department of Educational and Cultural Services which are the state agencies most responsible for services to children and families. This 4-fold approach shall include:

1. Preventive services which promote wholesome child development, support the maintenance of an intact family, early case finding, easier access to services, and provision of services at the earliest period of the child's life when symptoms of need are present;

2. Services to support and reinforce parental care should be a universal goal and should include maternal and child health programs, family life education and family planning programs, counseling for individuals and families, and adequate protective child care services;

3. Services to supplement parental care and to compensate for its inadequacies, such as family homemakers, child day care, traveling child development workers, special education programs for the handicapped and AFDC; and

4. Services to substitute in part or in whole for parental care, such as short-term respite care, foster care, group care, residential treatment services; and be it further

RESOLVED: That copies of this resolution shall be sent to the Governor and the commissioner of each state department. (S. P. 166)
Which was Read.

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

Mr. MARTIN: Mr. President and Members of the Senate: I am pleased to join with several other Members of this Body in cosponsoring this resolution, because it speaks directly to a very deep concern of mine.

In the past several years, the divorce rate in Maine has increased dramatically. In 1972 there were almost 12,000 marriages in Maine, and only slightly more than 4,000 divorces. In other words, there was one divorce for every three

marriages. By 1975, however, there was one divorce for every two marriages in Maine.

Fortunately, in my own Aroostook County, the rate of divorce is considerably below the State average. Nevertheless, it is an increasing rate, and it bothers me. It is a tragic comment upon the social environment of our times, that even among my own people, living as far removed as possible in these United States as one can be from the Sodom and Gomorrah of Hollywood and Los Angeles, that there can still be one divorce for every three marriages.

The most direct victims of this trend are, of course, the children. For every divorce in Maine, an average of at least one child below 18 years of age is involved. At present, one child in every six in Maine lives in a single parent household; almost double the rate of a decade ago.

We must deal compassionately and constructively with the needs of these children, and with the needs of husbands and wives who are separated or divorced.

And most important of all, we must be sure that our policies and laws, as we work in this Chamber, do not lead to further family dissolution. We hear all too often about a couple which has to go through divorce in order to be eligible for assistance in paying medical bills, of a family forced to turn a child over to State custody in order that the child receive medical treatment, of the juvenile denied treatment at a residential facility until he has committed a crime, at which point he became eligible for assistance.

I hope that this resolution will return us to an understanding which is obvious to many historians, and which was recently stated in an article by Michael Novak in Harpers Magazine: "Political and social planning is a wise social order, begins with the axiom, what strengthens the family strengthens society."

Thank you, Mr. President.

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

Mr. CONLEY: Mr. President and Members of the Senate: I am very delighted to join the good Senator from Aroostook, Senator Martin in response to this joint resolution, as one of the participating sponsors.

I think too often we have Joint Resolutions that appear on the calendar, and all too often they generally go under the hammer and are passed and sent down for concurrence. However, I think that this Joint Resolution is one of extreme importance.

The good Senator from Aroostook, Senator Martin, has certainly relayed to you many of the problems dealing with the family life in Maine today, and not only in Maine but family life in America, that there appears to be some sort of a breakdown within our system and within our families.

On occasions we pass Joint Resolutions memorializing Congress, such as extending the 200-mile off-shore limits for fishing, or other Joint Resolutions to Congress memorializing other problems that we had, such as the Vietnam War and other very important concerns of ours. But I think today we must recognize that our youth, particularly in the large communities of the State, the cities, have become a very, very serious problem.

The resolution itself, if you read it, could probably describe and amply be summed up as a bottomless pit, that everyone seems to be reaching out in different directions to resolve the problems that we have. The Governor of this State has submitted legislation in this Session that attempts to deal with the many problems of severity.

It is my hope that each Member of the Senate will take the time to read through the Resolution and study it; and when Bills are submitted to this Branch, this Body, that we can look favorably upon them, and hope that the results achieved from that legislation will bring about.

a change, not only within the families, but certainly help make our troubled youth more responsible citizens in the future.

Which was adopted and sent down for concurrence.

Senate Papers

Mr. Hichens of York presented, Bill, "An Act Relating to the Analysis of Commodities." (S. P. 161) (Emergency)

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

Sent down for concurrence.

Mr. Chapman of Sagadahoc presented, Bill, "An Act Pertaining to Funding the Central Licensing Division of the Department of Business Regulation." (S. P. 165)

Mr. Farley of York presented, Bill, "An Act Relating to the Exemption of Financial Institutions from the Unfair Trade Practices Act." (S. P. 162)

Which were referred to the Committee on Business Legislation and Ordered Printed.

Sent down for concurrence.

Mrs. Snowe of Androscoggin presented, Bill, "An Act to Provide Civil and Criminal Immunity for Persons Participating in Administering Medications." (S. P. 159)

Mr. Conley of Cumberland presented, Bill, "An Act to Provide for the Immediate Issuance of Food Stamps for Needy Families." (S. P. 164)

Which were referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

Mr. Curtis of Penobscot presented, Bill, "An Act to Increase the Statutory Limit on Single Loans Made by the Maine Veterans Small Business Loan Authority Board from \$15,000 to \$25,000." (S. P. 163)

Which was referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

Orders

On motion by Mr. Morrell of Cumberland, WHEREAS, the Maine State Museum has been the object of much controversy in recent months; and

WHEREAS, it has been alleged that appropriations have been expended in administrative areas in lieu of needed exhibits; and

WHEREAS, in support of such allegations, the public, upon arrival at the facility, have found little to view; and

WHEREAS, this matter should be reviewed by the Legislature; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee on Performance Audit shall study the budget funding and administration of the Maine State Museum to determine the basis, if any, of such criticism and whether or not the intent of the Legislature is being met; and be it further

ORDERED, that the committee shall complete this study prior to adjournment of the First Regular Session of the 108th 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 a suitable copy of this Order be forwarded to the members of the committee. (S. P. 151)

Which was Read and Passed.
Sent down for concurrence.

On motion by Mr. Katz of Kennebec, State of Maine

In Senate February 16, 1977

ORDERED, that the Secretary of the Senate be authorized to purchase five thousand (5,000) copies of the folder entitled "This Is Your Legislature," and five thousand (5,000) copies

of the pamphlet entitled "How a Bill Becomes a Law in Maine," from the League of Women Voters of Maine for the use of members of the Legislature.

Which was read.

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

Mr. KATZ: Mr. President, This is an order that has been presented at the beginning of every regular Legislative Session for many, many years, and I have had the honor of sponsoring it over past years.

I also have the honor of being the first ever male member accepted for membership in the League of Women Voters. I say this only to establish my credentials as a supporter of the goals of the organization.

In the interim, between the beginning of the Session and today's Session, I have lost my enthusiasm for this order. Indeed I have lost a great deal of enthusiasm for the procedures of the organization to which I belong.

I have read over a document that appears on the calendar of the other Body, a Body which is struggling and, I think, struggling successfully with a very pesky problem. I have great faith in the other Body to resolve its own problem, but when I see an organization to which I belong become improperly involved in a partisan political thicket, I would like to call attention to the organization and the basic premise of its existence.

I understand that there is some hostility towards the presentation of this Order, and I wish to suggest to those who feel hostile that I will support their position, if indeed they do take a position.

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

Mr. CONLEY: Mr. President and Members of the Senate, since the arrival here on January 5th, when all the Orders came before us, my eyes have been scanning daily the Journal that appears before us and at last it has gotten here, finally.

As I read the document on "How a Bill Becomes Law", it is the contents of the matter itself that sort of frightens me. If it were as easy as the document seems to indicate, I would say that this was a very knowledgeable document. However, I think really it is nothing more than a waste of taxpayer's money to be printing this at the taxpayer's expense. Honestly, I don't take issue with the League of Women Voters, although I do agree with the good Senator from Kennebec — I don't want to say it publicly, what my personal opinion is of the League of Women Voters, but I just don't think that this document before us serves much in educating our youngsters of actually how the Legislature does process a Bill. I think they will learn a hundred times much more if they come to the Senate, as they often do, the youngsters of the State. Therefore, Mr. President, I move that this Order be indefinitely postponed.

On Motion by Mr. Conley of Cumberland, the order was indefinitely postponed.

**Committee Reports
House**

Ought to Pass

The Committee on Business Legislation, on Bill, "An Act Placing Professional Wrestling Matches, Shows and Exhibitions under the Jurisdiction of the Maine Boxing Commission." (H. P. 30) (L. D. 47)

Reported that the same Ought to Pass.
Comes from the House, the Bill Passed to be Engrossed.

The Committee on Legal Affairs on, Bill, "An Act Concerning Approval of Marriages By the Judge of Probate After the Filing of Objections." (H. P. 114) (L. D. 144)

Reported that the same Ought to Pass.
Comes from the House, the Bill Passed to be Engrossed.

The Committee on State Government on, RESOLVE, Authorizing the State Tax Assessor to Convey by Sale the Interest of the State in Certain Lands in the Unorganized Territory. (H. P. 104) (L. D. 128)

Reported that the same Ought to Pass.
Comes from the House, the Resolve Passed to be Engrossed.

The Committee on Taxation on, RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Maine Tree Growth Tax Law. (H. P. 92) (L. D. 119)

Reported that the same Ought to Pass.
Comes from the House, the Resolve Passed to be Engrossed.

The Committee on Taxation on, Resolve, Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans. (H. P. 91) (L. D. 117)

Reported that the same Ought to Pass.
Comes from the House, the Resolve Passed to be Engrossed.

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

Ought to Pass — As Amended

The Committee on State Government on, Resolve, Authorizing the Bureau of Public Lands to Convey by Sale the State's Interest in Certain Real Property in Hebron, Oxford County. (H. P. 69) (L. D. 93)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-9)

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

The Committee on Taxation on, Bill, "An Act to Increase the Property Tax Exemption for Parsonages to \$50,000." (H. P. 25) (L. D. 34)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-11).

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

Which reports were Read and Accepted, and the Bill and Resolve Read Once. Committee Amendments "A" were Read and Adopted, in concurrence, and the Bill and Resolve, as amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Public Utilities on, Resolve, Providing Funds for Repair of Olamon Stream Dam in the Town of Greenbush, Penobscot County. (Emergency) (H. P. 59) (L. D. 80)

Reported that the same Ought Not to Pass.
Signed:
Senators:

CARPENTER of Aroostook
CUMMINGS of Penobscot
COLLINS of Aroostook

Representatives:

TARR of Bridgton
LUNT of Presque Isle
NADEAU of Sanford
KELLEHER of Bangor
WOOD of Springvale
McHENRY of Madawaska
BERRY of Buxton

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Representative:

PEARSON of Old Town

Comes from the House, the Majority Report Read and Accepted.

Which Reports were Read and the Majority Report accepted, in concurrence.

Senate Ought to Pass

Mrs. Cummings for the Committee on Public Utilities on, Bill, "An Act to Revise the Bath Water District Charter." (S. P. 72) (L. D. 151) Reported that the same Ought to Pass.

Mr. Collins for the Committee on Public Utilities on, Bill, "An Act Concerning Witness Fees Under the Public Utility Regulatory Statute." (S. P. 59) (L. D. 132)

Reported that the same Ought to Pass.

Mr. Collins for the Committee on Public Utilities on, Bill, "An Act Requiring Public Utilities Commission Regulated Motor Carriers to File a Designated Agent for Services of Process and Court Appearances." (S. P. 82) (L. D. 190)

Reported that the same Ought to Pass.

Which Reports were Read and Accepted and the Bills Read Once and Tomorrow Assigned for Second Reading.

Second Readers

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

House

Resolution, Proposing an Amendment to the Constitution to Provide for a Four-year Term of Office for Sheriff. (H. P. 24) (L. D. 33)

Which was Read a Second Time and Passed To Be Engrossed, in concurrence.

House-As Amended

Bill, "An Act Concerning Certified Copies of Records of Marriage." (H. P. 56) (L. D. 77)

Bill, "An Act Pertaining to Issuance of Marriage Licenses." (H. P. 57) (L. D. 78)

Which were Read a Second Time and Passed To Be Engrossed, as Amended, in concurrence.

Senate

Bill, "An Act Repealing the Requirement for Wearing Motorcycle Helmets." (S. P. 4) (L. D. 9)

Bill, "An Act Relating to Licensing of Theaters and Motion Picture Houses." (S. P. 152) (L. D. 269)

Which were Read a Second Time and Passed To Be Engrossed.

Sent down for concurrence.

Bill, "An Act to Authorize Use of Emergency Lights and Signals by State Liquor Inspectors." (S. P. 38) (L. D. 64)

Which was read a second time.

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

Mr. MORRELL: Mr. President and Members of the Senate: It just seems to me that there really is no great need for this legislation, and I move that the Bill and all of its accompanying papers be indefinitely postponed.

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

Mr. PIERCE: Mr. President and Members of the Senate: I think it is a rare occasion when I see such a minor Bill cause such a major uproar. I really think that probably most people are making a mountain out of a molehill here.

All this Bill does is allow liquor inspectors, and they have approximately 10 vehicles on the road, in emergency situations to use lights — emergency lights. We allow game wardens to do it, deputy sheriffs to do it, everyone else to do it, and there are many instances where they come upon accidents where they could use emergency lights.

I think liquor inspectors have long enjoyed, and perhaps justifiably so, in the past, a rather ungracious reputation. The new head of the Liquor Enforcement Bureau, I think has done a terrific job in upgrading this group, and there have been some significant changes since they were placed under the Bureau of Public Safety.

This is a small tool. We hear more and more people talking about stronger and better liquor

enforcement, yet we want to have them remain second-class law enforcement people when they should be first-class. This Bill certainly isn't going to do it one way or the other, but it is just a small tool, something which they have asked for, they requested, and I think they deserve. I would ask for a division.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: I would like to ask a question through the Chair. Do these people at the present time have the ability to arrest?

The PRESIDENT: The Senator from Hancock, Senator McNally, poses a question through the Chair that any Senator may answer.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President and Members of the Senate: These people, of course, do have the powers to arrest for any violations of the liquor laws, which is specifically granted to them. This Bill, however, does not address this question, has nothing to do with this question and people unfortunately are confusing it. All it does is allow them to use emergency lights in emergency situations, at no cost to the State. The State Police are in favor of this: The Maine Chiefs of Police Association have come out publicly in favor of it. There is no cost to the State. They would be able to use the second-hand emergency lights which the State Police have an excess of, and it is just the lights they could put on their dash as a game warden or anybody else does in an emergency situation.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: I sort of want to defend my reason for voting against this in the Committee. You only have to read the papers this week of how close the liquor inspectors are doing their business down in Bar Harbor when two people, illegally, after-hours, with a bottle in each hand to see who could out-drink each other, and one of them died. If they are going to be dressed up in their uniforms, with their lights flashing and so forth, what good are they going to do when they get to a place to inspect it?

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President, to further reinforce the statements made by Senator Pierce, which are very accurate, I know it was clarified, but Colonel Weeks of the Maine State Police has been contacted. I believe by the Transportation Chairman, and it was his point of view that there was no objection on the part of the Maine State Police, and in fact I think they wanted this as beneficial piece of legislation.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate, is the motion by the Senator from Cumberland, Senator Morrell that Item 7-5, a Bill, "An Act to Authorize use of Emergency Lights and Signals by State Liquor Inspectors" be indefinitely postponed.

Mr. SPEERS: I request a division.

The PRESIDENT: A division has been requested.

Will all those Senators in favor of the motion to indefinitely postpone please rise in their places to be counted.

Will all those Senators who oppose the motion to indefinitely postpone please rise in their places to be counted.

15 Senators having voted in the affirmative, and 16 Senators in the negative, the motion to indefinitely postpone does not prevail.

Which was passed to be engrossed. Sent down for concurrence.

Orders of the Day

The President laid before the Senate:

Joint Order — Relative to Amending Joint Rules. (S. P. 88)

Tabled — February 9, 1977 by Senator Speers of Kennebec

Pending — Consideration

On Motion of Senator Speers of Kennebec, retabled for two Legislative days.

The President laid before the Senate:

Bill, "An Act Relating to Budget Requirements of the Town of Winthrop." (H. P. 308) (L. D. 268) (Emergency)

Tabled — February 10, 1977 by Senator Speers of Kennebec

Pending — Reference

On Motion of Senator Speers of Kennebec, retabled for two Legislative days.

The President laid before the Senate:

House Reports — from the Committee on Local and County Government — Bill, "An Act Authorizing Municipalities to Raise or Appropriate Money for a Consumer Action Program." (H. P. 7) (L. D. 17) (Emergency). Majority Report — Ought to Pass with Committee Amendment "A" (H-6); Minority Report — Ought Not to Pass

Tabled — February 10, 1977 by Senator Speers of Kennebec

Pending — Acceptance of Either Report

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

Mr. JACKSON: Mr. President, I move the Senate accept the Minority Report, ought not to pass. I would like to speak to my motion.

Mr. President and Members of the Senate. I made the motion ought not to pass because of three reasons: No. 1, I almost question the need for legislation in this matter. No. 2, it is going to allow several of the consumer action programs in the State to compete at the local level for property tax dollars, which in many cases might not be very effective, but in other cases where you have a council form of government versus your town manager form of government, it might be very easily accepted.

The third question I have is: We have two departments presently in State which supervise what this bill is attempting to do. We have the Attorney General's office, which has the Consumer Fraud Division, and we have the Department of Business Regulation, which has Consumer Protection Bureau. I think that with these two bureaus being funded from the State, at State level, with taxpayers' dollars, that they will accomplish the same thing as the consumer action programs are doing.

I just feel that we are creating, or authorizing the creation of another organization outside of State government, which we cannot control; and it would be duplicating services which the State is already providing for. I urge every other member of the Body to vote with me if there is a Division requested.

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

Mr. KATZ: Mr. President, it is very disconcerting to me to hear the principal advocate of local control stand and oppose a Bill which is simply and purely a Bill that says that local communities can, if they wish, use their tax dollars to fund these organizations. That is all it does. It doesn't mandate anything and, as a matter of fact, I am surprised that it is even necessary, but apparently there is legal advice that indicates that it is necessary, for example, if the City of Bangor pushes to put some dollars into a local group to function as a better business bureau to listen to the complaints of people, which they might have about local businesses, to be handled in a voluntary manner to resolve things that otherwise government would have to get involved in.

I, personally, am scared stiff of the expansion of powers by the Attorney General's office to poke its nose into every possible conflict between a buyer and a seller. And that is exactly what is happening. This Bill says, for example, if the City of Augusta or the City of Bangor

wants to establish some local consumer group to handle problems like this, they may, and I see no dark shadows. I think it is a good Bill.

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

Mr. JACKSON: To address the problem that Senator Katz has, I also question that anybody that can meet the Internal Revenue Code of 301C would be authorized to approach any municipality in the State of Maine and ask for funds. This could mean Maine towns with fair taxation, which I am sure would create a little bit of a hassle. In this area, you have Combat here in the State, you have HUD, you have Common Cause, you have Pine Tree Legal Association. I think Pine Tree Legal Association is the only organization in the State which receives funds from the State. They do not receive funds from the municipalities.

I sort of wonder. You have got these groups all working in one area, and then you have the Attorney General's office, and the Department of Business Regulation, which has a branch which deals with these problems. I wonder what the need for these would be. Maybe we should dissolve them if Senator Katz has a problem with the Attorney General's office in that area.

This is what concerns me. Sure I am an advocate of home rule. I would not have any question with the town manager form of government, because I don't think anything like this would pass when it requires the vote of the registered voters of the town or municipalities to approve the funds; but the council form of government, the councils approve these funds to be expended. So this is the question that I have, I don't think they would be interested in going after the funds of small municipalities, I think they would be interested in the cities, where they would carry some political clout. They could exert the pressure that would be needed to approve something like this. I feel where the State finances two departments presently to handle these problems, then we are just exposing the property tax at the local level to an organization which has no control.

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

Mr. MERRILL: It seems that my colleague from Cumberland, Senator Jackson is in favor of home rule so he can rule at home the way he likes. I think that is probably a sin that we are all a little guilty of from time to time. I would like, if we could, to have the Secretary of the Senate read the Committee report.

(Reports read.)

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

Mr. CURTIS: Mr. President, I oppose the pending motion and hope that we will in due time accept the majority Ought to Pass Report from the Committee, and I have several reasons for doing it.

In the first place, there is indeed a need for this piece of legislation so that municipalities which desire to fund an organization such as Combat, would be able to do so. There is no requirement that municipality would have to do so, but it would permit them to do so.

I was a little surprised to learn when I investigated in this area that they are not now permitted to do so. As a matter of fact, I have an opinion from Joel Dearborn, an attorney with the firm of Libhart, Ferris and Dearborn in Brewer, which is counsel to the City of Brewer, advising the Brewer City Council that they may not appropriate monies in some of these areas that would be permitted under the Bill.

The letter, interestingly enough, outlines some of the areas in Title 30, Section 5102, 3, 4, 5, 6, 7, and 8 in which municipalities are permitted to appropriate funds. I'd like to point out that included in those areas, because they are specifically now authorized in the Maine

Statutes are such organizations as Boards of Trade, Community Health Facilities, Anti-Poverty Community Action Programs, celebrations and commemorations and Christmas and holidays and memorials for veterans and so forth. Many of the areas in which we certainly permit and encourage municipalities to make their own decisions as whether or not they will spend tax dollars raised locally for such areas of municipal concern.

I think that under the circumstances it will be very appropriate to permit the municipalities to do as they decide to do with their own tax dollars.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Mr. O'LEARY: I hadn't intended to speak on this measure, but the Committee saw fit to amend this bill in such a way that removes most of the fears that the Senator from Cumberland, Senator Jackson has, and it is that the municipality may restrict or limit the use or expenditures of these contributions by the corporation receiving them. I think this is a good Bill.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Cumberland, Senator Jackson, that the Senate accept the minority Ought Not to Pass Report of the Committee.

The Chair will order a Division.

Will all those Senators in favor of the Motion to accept the minority Ought Not to Pass Report of the Committee please rise in their places to be counted.

Will all those Senators opposing the Motion to accept the Minority Ought Not to Pass Report of the Committee please rise in their places to be counted.

11 Senators having voted in the affirmative, and 18 in the negative, the Motion to accept the minority Ought Not to Pass Report does not prevail.

The Majority Report was accepted, in concurrence and the Bill Read once. Committee Amendment "A" read and adopted, in concurrence. The Bill, as amended tomorrow assigned for second reading.

The President laid before the Senate:
Bill, "An Act Converting Mount Chase Plantation into the Town of Mount Chase." (H. P. 39) (L. D. 56) Emergency
Tabled — February 10, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed
On Presentation by Senator Collins of Aroostook, Senate Amendment "A", S-8, was read and adopted.

The Bill as amended passed to be engrossed in non-concurrence.
Sent down for concurrence.

The President laid before the Senate:
JOINT ORDER — Relative to the Committee on Marine Resources studying the 200-mile limit. (H. P. 253)

Tabled — February 10, 1977 by Senator Speers of Kennebec

Pending — Passage
On Presentation by Senator Speers of Kennebec, Senate Amendment "A", S-6, was read and adopted.

Joint Order as amended passed in non-concurrence.

Sent down for concurrence.
The President laid before the Senate:
Bill, "An Act Relating to Length of Labor Agreements." (H. P. 231) (L. D. 294)

Tabled — February 10, 1977 by Senator Katz of Kennebec

Pending — Reference
Which was referred to Committee on Labor and ordered printed in concurrence.

The PRESIDENT: The Chair lays before the

Senate the tabled until later in today's session, Item 1-17 on the Advance Journal and Calendar, a Bill, "An Act to Extend the Time during which School Budgets may be Adopted." (H. P. 316) (L. D. 407), tabled by the Senator from Kennebec, Senator Speers, pending reference.

The Chair recognizes the Senator from Kennebec.

Mr. SPEERS: I move that the rules be suspended on this item, and that the Bill be given its first reading at this time without reference to committee.

Under suspension of the Rules, the Bill read once, without reference to a committee.

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

Mr. SPEERS: Mr. President and Members of the Senate, I suspect that many of us find ourselves in a situation whereby we represent areas that have within their town or city charters requirements that they adopt certain aspects of their budget, which because of the situation in the school funding, they are physically unable to do at the present time. This bill addresses itself to that problem. There will be an amendment, which is being prepared now, which will be presented tomorrow, which will incorporate an extension of time for those towns and cities in the State which do have that particular problem. This is the reason the bill is being pushed along at this point without reference to a committee, and we will have the amendment prepared for you tomorrow.

The Bill tomorrow assigned for second reading.

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

Mr. PRAY: Mr. President and Members of the Senate, I would like to address the remarks which the good Senator from Kennebec, Senator Katz, made in reference to Item 4-2, an order which the good Senator himself introduced with reference to the League of Women Voters. I was surprised and shocked that Senator Katz would make a statement in reference to the action in the other body and imply there were partisan and political overtones. As one who has served on the Senatorial Vote Committee during the 107th and again during the 108th, I would like to remind the Senator if he could look back and remember his own open partisan and political statement when we first met to decide upon the District 8 race.

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

Mr. KATZ: Mr. President, in my remarks today I expressed complete confidence in the other body to solve its own problems, and in no way did I give any implication that I thought it was any of my business or any business of this body, and I want the record to clearly understand that.

As a coincidence, and just a coincidence, I have the written statements that I made within the Senate Committee with respect to the District 8 race. I will not take your time now to read them. I usually throw things away after I say them, but I just happened to keep this, but I would like to duplicate it and put it on every Senator's desk so that you can read exactly what I said.

In brief, I said that we have set up a procedure to insulate the electoral proceedings from second-guessing by partisan political people like you and me. I supported completely the procedures that the Legislature has set up to insulate us from becoming involved in political considerations.

I am very proud of what I said. I am very proud of what this body did, and I think that if the Senator, with his critical remarks, in any way wishes to impugn my motives, that I would like him particularly to read what I said.

(Off record remarks)

On motion of Mr. Huber of Cumberland,
Adjourned until 2:00 p.m. Thursday,
February 17, 1977.