

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

Tuesday, March 1, 1977

Senate called to order by the President.

Prayer by the Reverend Joe Flippin of the Fellowship Baptist Church in Augusta.

Mr. FLIPPIN: Our Father, we are so thankful today for another opportunity we have to come into Thy presence. We pray, Oh Lord, Thy will be done as these bills are discussed. We pray that Your perfect will be accomplished. We ask You that You forgive us for our sins.

We pray that your knowledge will come forth more than ever, Lord, through the Holy Spirit. We ask in Jesus name, amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

**Papers from the House
Non-concurrent Matters**

Bill, An Act Relating to Residency Requirements of Municipal Employees. (S. P. 192) (L. D. 589)

The Committee on Local and County Government suggested.

In the Senate February 23, 1977, referred to the Committee on Labor and Ordered Printed, Comes from the House, referred to the Committee on Local and County Government in non-concurrence.

The Senate receded and concurred.

Bill, An Act Relating to Reapportionment. (Emergency) (H. P. 58) (L. D. 79)

In the House, February 3, 1977 Passed to be Engrossed.

In the Senate February 23, 1977 Passed to be Engrossed as Amended by Senate Amendment "A" (S-17)

Comes from the House, that Body having Adhered.

On Motion by Senator Speers of Kennebec, tabled for one Legislative Day, pending consideration.

Joint Resolution

A Joint Resolution in Memoriam,

WHEREAS, the Legislature has learned with deep regret of the death of Mrs. Florence I. Waterhouse of Poland who served as a deputy tax collector and school committee member for many years. (H. P. 545)

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

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

Bill, "An Act to Reestablish the Shade Tree Planting Programs in the Department of Conservation." (H. P. 512) (L. D. 631)

Committee on Agriculture suggested.

Comes from the House, referred to the Committee on Natural Resources and Ordered Printed.

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

Bill, "An Act Appropriating Funds to Maine Vocational Development Commission." (H. P. 516) (L. D. 634)

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

On Motion of Senator Katz of Kennebec, tabled until later in today's session.

(See action later today)

Bill, "An Act to Increase the Maximum Authorized Maine Veterans Mortgage Limit to \$30,000." (H. P. 535) (L. D. 650)

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

On Motion of Senator Huber of Cumberland, referred to the Committee on Appropriations and Financial Affairs in nonconcurrence and Ordered Printed.

Sent down for concurrence.

Study Report — Business Legislation.

The Committee on Business Legislation to which was referred the study relative to the Laws Relating to Barbers and Cosmetologists, pursuant to H. P. 1599 of the 108th Legislature have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, An Act to Revise the Laws Relating to Barbers and Cosmetologists (H. P. 508) (L. D. 578) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

Comes from the House, the Report Read and Accepted and the Bill referred to the Committee on Business Legislation.

Which Report was Read and Accepted in concurrence, and the Bill referred to the Committee on Business Legislation in concurrence.

Communication

February 24, 1977

Honorable May M. Ross

Secretary of the Senate

108th Legislature

Augusta, Maine

Dear Mrs. Secretary:

This House today Adhered to its action whereby it failed to Finally Pass Resolution, Proposing an Amendment to the Constitution to Provide for a Four-year Term of Office for Sheriff (H. P. 24) (L. D. 33).

Respectfully,

(S) DEBORAH L. BEDARD

Ass't Clerk of the House

Which was Read and Ordered Placed on File.

**Department of Finance and Administration
Bureau of Accounts and Control**

January 25, 1977

Governor James B. Longley,
Members of the Legislature
and other citizens of Maine

The accompanying statements present the financial position of the various funds of our State Government at June 30, 1976 and their revenues, appropriations and expenditures for the fiscal year then ended in conformity with generally accepted accounting principles applicable to governmental entities.

We have expanded this year's report in response to the reviving interest in governmental finance. Increased disclosure has been provided to highlight areas of interest such as statutory limitations and significant accounting policies. The use of supplemental schedules has also been expanded to present a more comprehensive and concise account of the State's financial operations.

The importance of sound financial reporting to effective fiscal management has never been greater than today. It is our hope that the increased information will enhance the readability of the financial report and will assist concerned citizens and investors in their assessment of our stewardship.

respectfully submitted,

(S) RICHARD A. DIFFENBACH

State Controller

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

Sent down for concurrence.

(S. P. 214)

**Senate Papers
Joint Resolution**

A Joint Resolution In Memoriam: Whereas, the Legislature has learned with deep regret of the death of Gloria Ann Mitchell of Augusta who was President of the Board of Directors of the

Southern Kennebec Valley Community Action Program, (S. P. 209)

Presented by Senator Pierce of Kennebec, (Cosponsor: Senator Katz of Kennebec).

Which was Read and Adopted.

Sent down for concurrence.

Mr. Pierce of Kennebec presented, Bill, "An Act Relating to the Law Governing the Manufacturers, Distributors and Dealers of Beverage Containers." (S. P. 213)

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

Sent down for concurrence.

Mr. Mangan of Androscoggin presented, Bill, "An Act Concerning County Clerk Hire by County Commissioners." (S. P. 208)

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

Sent down for concurrence.

Mr. Jackson of Cumberland presented, Bill, "An Act to Exempt Historical Societies and Museums from Sales Tax." (S. P. 211)

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

Sent down for concurrence.

Mr. Usher of Cumberland presented, Bill, "An Act to Require Minimum Standards for Automotive Fire Apparatus." (S. P. 212)

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

Sent down for concurrence.

Orders

An Expression of Legislative Sentiment recognizing: the Katahdin High School Boys' Basketball Team is the Eastern Maine Class C Champion for the Academic Year 1977. (S. P. 215)

Presented by Senator Pray of Penobscot.

Which was Read and Passed.

Sent down for concurrence.

An Expression of Legislative Sentiment recognizing: the Boys' Swim Team of Bangor High School has won the State of Maine Championship for the Academic Year 1977. (S. P. 216)

Presented by Senator Trozky of Penobscot.

Which was Read and Passed.

Sent down for concurrence.

On Motion of Mr. Conley of Cumberland,

WHEREAS, men of true distinction, from time to time, rise to positions which permit them to exert a broad and long-lasting influence over a great number of persons; and

WHEREAS, a man of this status has blessed the field of sports casting in Maine for the past 30 years in the person of Don MacWilliams, sports commentator for WCSH-TV; and

WHEREAS, Don, with his dependable and factual style of sports reporting, has won praise and acclaim as a person of rare talent capable of reporting on any event from figure skating to pro football; and

WHEREAS, the citizens of this State, who have grown to respect and love Don, will feel a great sense of regret upon his retirement as an active commentator; now, therefore, be it

ORDERED, the House concurring, that the members of the 108th Legislature of the State of Maine now assembled take this opportunity to express our heartfelt thanks to Don MacWilliams for his many years of dedicated service to the State and to express our sincere best wishes for good luck and godspeed in his future endeavors, and be it further

ORDERED, that a suitable copy of the Order be prepared and presented to him in token of our esteem. (S. P. 217)

Which was Read.

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

Mr. CONLEY: Mr. President and Members of the Senate, the Joint Order before you today is a resolution that honors a very distinguished

citizen of the City of Portland. I am sure that many of you while partaking the hospitality of the City of Augusta have on occasion watched the 6:00 news on Channel 6, would on occasion find Mr. Don MacWilliams, as its sportscaster, describe very vividly the sports activities that take place, not only throughout the state, but throughout the Country.

Mr. MacWilliams also serves in another capacity, in an elective position within the City of Portland's government. Anyone who knows him and knows me, knows that Mr. MacWilliams and I differ on practically every subject that comes before the Council. But Don MacWilliams is really a fine, outstanding person and obviously a man with his own views. He is a great husband and a wonderful family man. I know that the kind of life he leads, if it were exemplified by many of us, any community would be proud to have a Don MacWilliams as its citizen.

Which was passed and sent down for concurrence.

Committee Reports House

Ought to Pass

The Committee on Local and County Government on, Bill, "An Act to Advance the Schedule for Legislative Approval of County Budgets and to Change the Interest Charges on Delinquent County Taxes." (H. P. 73) (L. D. 63)

Reports that the same Ought to Pass.

Comes from the House, the Bill Passed To Be Engrossed.

The Committee on Local and County Government on, Resolve, "Reimbursing Certain 1976 County Taxes on Account of Insufficient Appropriation." (Emergency) (H. P. 82) (L. D. 102)

Reports that the same Ought to Pass.

Comes from the House, the Bill Passed To Be Engrossed.

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

The Committee on Education on, Bill, "An Act to Clarify the Role of the Department of Educational and Cultural Services Relating to Local School Systems." (H. P. 99) (L. D. 123)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed To Be Engrossed, as amended by House Amendment "A" (H-35).

Which Report was Read and Accepted in concurrence, and the Bill read Once. House Amendment "A" was Read and Adopted in concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

Ought to Pass - as amended

The Committee on Taxation on, Bill, "An Act to Provide for a Trade-in Credit for Wheeled or Tracked Vehicles used in Lumbering or Agriculture." (H. P. 61) (L. D. 82)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-25).

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

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

Senate Ought to Pass

Mr. Levine for the Committee on Agriculture on, Bill, "An Act Relating to Cruelty to Animals." (S. P. 114) (L. D. 273)

Reported that the same Ought to Pass.

Mr. Hichens for the Committee on Agriculture on, Bill, "An Act Relating to

Livestock Disease Control." (S. P. 119) (L. D. 278)

Reported that the same Ought to Pass.

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

Ought to Pass — As Amended

Mr. Collins for the Committee on Public Utilities on, Bill, "An Act Relating to Public Utilities Commission Declarations of Public Convenience and Necessity Required by Statute." (S. P. 81) (L. D. 189)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-19)

Mr. Lovell for the Committee on Human Resources on, Bill, "An Act Concerning those Buildings which must be made Accessible to Physically Handicapped." (S. P. 41) (L. D. 84)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-20)

Which Reports were Read and Accepted and the Bills Read Once. Committee Amendments "A" were Read and Adopted and the Bills, As Amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

Mr. Mangan for the Committee on Judiciary on, Bill, An Act Relating to the Distribution of Statutes and Session Laws. (S. P. 26) (L. D. 39)

Reported that the same Ought to Pass in New Draft under Same Title. (S. P. 210) (L. D. 620)

Which Report was Read and Accepted in concurrence, and the Bill, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

Second Readers

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

House

Bill, An Act to Clarify the Education Laws. (H. P. 123) (L. D. 156)

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

House-As Amended

Bill, An Act to Increase the Number of Teachers Allowable in Certain Administrative Units under the Education Laws. (H. P. 67) (L. D. 92)

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

Senate

Bill, An Act Concerning a Limitation for Imposing a Penalty for Violations of the Public Utility Regulatory Law. (S. P. 80) (L. D. 188)

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

Sent down for concurrence.

Enactors

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

Bill, An Act to Amend the Laws Relating to Adoption Proceedings. (H. P. 101) (L. D. 125)

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

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

"An Act to Allow the Taking of Suckers with Bow and Arrow." (H. P. 88) (L. D. 114)

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

Mr. PIERCE: Mr. President and Members of the Senate, I would move that L. D. 114 and all its accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Ken-

nebec, Senator Pierce, now moves that Item 8-1, L. D. 114 together with all accompanying papers be indefinitely postponed. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, a question through the Chair to my good seatmate as to why he feels this Bill should be indefinitely postponed.

The PRESIDENT: The Senator from Penobscot, Senator Pray has posed the question through the Chair to anyone who may care to answer.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President and Members of the Senate: I just feel that this is one of those pieces of frivolous legislation adding to the pile that we already have here, and of the many, many bills, and that this is certainly it. I think it has been a joke long enough that is why I am moving for its indefinite postponement.

Mr. PRAY: As a Member of the Fish and Wildlife Committee and hearing Legislation and being aware of the fact it was sent out with a unanimous report ought to pass, I am not going to sit in judgment of legislation requested by certain individuals because there is a need in that area.

I am sure that the Bill's sponsor would want to appear at a hearing supporting it, and convince the Committee that there is a need for it. I respect the judgment of the Committee.

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

Mr. MERRILL: Mr. President, I certainly am not an expert on suckers or this Bill, but as I understand this Bill and certainly Chairman of the Business Legislation Committee, the Senator from Kennebec, Senator Pierce, can set me straight if I am wrong, this Bill actually removes the legal impediment for activity now in this State. So if one has a concern with unnecessary legal impediments to the freedom of our people, and if one believes as I do that the burden of proof ought to be on those who want to limit freedom, then I think one will vote against the motion of the Senator from Kennebec, Senator Pierce and strike a small resounding blow for freedom of activities.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is a Motion by the Senator from Kennebec, Senator Pierce that Item 8-1, L. D. 114 and all of its accompanying papers be indefinitely postponed. Will all those Senators who favor the Motion to indefinitely postpone please rise in their places until counted.

Those opposed please rise in their places until counted.

10 Senators having voted in the affirmative and 17 Senators in the negative, the motion to indefinitely postpone does not prevail.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Having voted on the prevailing side, I would ask for reconsideration, and urge the Senate to vote against the motion.

The PRESIDENT: Senator Merrill now moves the Senate reconsider its action whereby L. D. 114 was not indefinitely postponed.

Will all those Senators in favor of reconsideration, please say yes. Those opposed, please say no. Obviously the motion to reconsider does not prevail.

Which 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 Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: So none of us will get sucked in on this Bill again, I vote the Senate reconsider its action whereby this Bill was passed to be

enacted. I hope the Senate will vote against it.
 The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves the Senate reconsider its action whereby it passed to be enacted L. D. 114. All those Senators in favor of reconsideration, please say yes. Those opposed, please say no. Obviously the motion to reconsider does not prevail.

Resolve

RESOLVE, Authorizing the Bureau of Public Lands to Convey by Sale the State's Interest in Certain Real Property in Warren and Cushing, Knox County. (H. P. 90) (L. D. 116)

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

Orders of the Day

The President laid before the Senate:

Bill, "An Act to Clarify the Laws Governing Vehicles Overtaking and Passing." (H. P. 17) (L. D. 26)

Tabled — February 24, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

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

Mr. SPEERS: Mr. President, I move that the Senate suspend its rules and reconsider its action whereby it adopted House Amendment "A".

The PRESIDENT: The Senator from Kennebec, Senator Speers now moves that the Senate suspend its rules and reconsider its action whereby it adopted House Amendment "A" to L. D. 26. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY: Mr. President, for purposes of making a correction, I move that House Amendment "A" be indefinitely postponed.

On Motion of Mr. Speers of Kennebec, tabled for one legislative day pending the motion of the Senator from Waldo, Mr. Greeley, that the Senate indefinitely postpone House Amendment "A".

The President laid before the Senate a Bill "An Act Appropriating Funds to Maine Vocational Development Commission" L. D. 634, which was tabled until later in today's Session by the Senator from Kennebec, Senator Katz.

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

(Off Record Remarks)

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

Mr. JACKSON: Mr. President and Fellow Members, this morning there was on your desk a piece of correspondence from the Local and County Government Committee regarding County salaries. We wish that you would take note of what we have put together in here. What we did was we listed the budgetary figures from the budget for the Statutory officers' salaries.

If you are in disagreement with these, we would appreciate it if you would contact either Chairman of the Committee, with a sufficient number of signatures, requiring better than 50 percent, in agreement to raising these salaries or decreasing. If you would take note of this, and please have this in by Thursday, because this is the only Bill that is holding up the County budgets, and we do need this Bill in order to put these budgets out.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Chapman.

Mr. CHAPMAN: Mr. President and Ladies and Gentlemen of the Senate:

I rise to speak briefly on what is a significant occasion in our country and what is a singular opportunity for us here in the state of Maine. As I'm sure you all now realize, this is the day that the 200-mile limit law goes into effect. As Senate chairman of the Joint Committee on Marine Resources, I am acutely aware of the impact that this law is going to have on the fisheries industry here in Maine.

For the first time in years, we have a broad public awareness of this resource off our shores — an awareness not only of its existence, but also of its limitations and of its importance to our state economy — a resource that has been tapped heavily by foreign fishing vessels, while our own fishing efforts have declined due to a vast number of reasons, all of which our fishermen are only too well aware. We are waking up to the situation at last, and the first great step has been taken.

But, lest we get a sense of satisfaction that all is well, we must see this step as our opportunity to get to work — to participate and do our share. By "we", I mean both our fishing industry in all of its facets, as well as the State of Maine through its Legislature and its Department of Marine Resources. We must take this opportunity and make it our rallying flag by actively working together, constructively and purposefully, to rebuild a healthy and prosperous Maine fishing industry. To not do so will only create a void into which surely the federal government will step. We must not allow this to happen.

If truly there is Down East independence left in Maine, it certainly is found amongst our fishermen. I feel very optimistic that they will meet this challenge. I admonish us here in the Senate, and our colleagues in the House, that we also meet this challenge when we are presented with legislation designed to assist in this renewal of our fisheries industry.

A new opportunity now exists today, and it is only good to us, if we take it. I think we will. The future can be bright for our fisheries industry.

(Off record remarks)

COMMITTEE APPOINTMENTS

At this time, there being no objection, the President appointed the following Senate Members of Committees:

MAINE COUNCIL ON ALCOHOL AND DRUG ABUSE PREVENTION AND TREATMENT

Senate Cummings of Penobscot
MAINE CORRECTIONAL ADVISORY COMMITTEE

Senator Greeley of Waldo
EDUCATION COMPACT: EDUCATION COMMISSION OF THE STATES AND MAINE EDUCATION COUNCIL

Senator Katz of Kennebec
EDUCATION COMPACT: NEW ENGLAND BOARD OF HIGHER EDUCATION

Senator Katz
STATE ENERGY RESOURCES ADVISORY BOARD

Senator Trotzky of Penobscot
MAINE HUMAN SERVICES COUNCIL

Senator Greeley of Waldo
MAINE STATE GOVERNMENT INTERNSHIP ADVISORY COUNCIL

Senator Curtis of Penobscot
MAINE CANADIAN EXCHANGE ADVISORY COMMISSION

Senator Redmond of Somerset
MAINE COMMITTEE ON PROBLEMS OF THE MENTALLY RETARDED

Senator Hichens of York
COUNCIL OF STATE GOVERNMENTS: Committees of the Eastern Regional Conference: CONSUMER PROTECTION

Senator Katz, of Kennebec, Senator Carpenter of Aroostook
CRIMINAL JUSTICE

Senator Samuel Collins of Knox, Senator Mangan of Androscoggin

ENVIRONMENT
 Senator Trotzky of Penobscot, Senator O'Leary of Oxford

HUMAN RESOURCES
 Senator Snowe of Androscoggin; Senator Farley of York

FISCAL AFFAIRS & GOV'T. OPERATIONS
 Senator Curtis of Penobscot; Senator Jackson of Cumberland; Senator Minkowsky of Androscoggin

TRANSPORTATION
 Senator Greeley, Senator Martin

NATIONAL CONFERENCE OF STATE LEGISLATORS: Standing Committees ETHICS AND ELECTIONS

Senator Pierce
LEGISLATIVE IMPROVEMENT AND MODERNIZATION

Senator Speers of Kennebec
LEGISLATIVE INFORMATION NEEDS
 Senator Cummings of Penobscot

PROFESSIONAL DEVELOPMENT
 Senator Morrell of Cumberland
SCIENCE AND TECHNOLOGY

Senator Lovell
Federal Assembly Committees
CRIMINAL JUSTICE AND CONSUMER AFFAIRS

Senator Samuel Collins of Knox
EDUCATION
 Senator Katz of Kennebec

ENERGY
 Senator Trotzky of Penobscot
GOVERNMENT OPERATIONS

Senator Donald Collins of Aroostook
HUMAN RESOURCES
 Senator Hichens of York

NATURAL RESOURCES
 Senator Redmond of Somerset

RURAL DEVELOPMENT
 Senator Chapman of Sagadahoc
TRANSPORTATION

Senator McNally of Hancock
URBAN DEVELOPMENT
 Senator Snowe of Androscoggin

On motion of Mr. Huber of Cumberland, Adjourned to 10:00 tomorrow morning.