

# 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, March 10, 1977

Senate called to order by the President.  
Prayer by The Honorable Ronald E. Usher of Westbrook.

Mr. USHER: Let us pray. Dear Lord, as we approach the end of this week, let us be thankful for all the legislation that we have passed. Let us hope this restores the faith our constituents placed in us as we assist them with their problems. Lord, we ask that you continue to look over us as we make these decisions. Amen.  
Reading of the Journal of yesterday.

Out of Order and Under Suspension of the Rules:

On Motion by Mr. Huber of Cumberland, ORDERED, the House concurring, that when the House adjourns, it adjourns to 9:30 in the morning on March 15, and when the Senate adjourns, it adjourns to 10 o'clock in the morning on March 15. (S. P. 261)

Which was Read and Passed.  
Sent down forthwith for concurrence.

Out of Order and Under Suspension of the Rules:

On Motion of Mr. Merrill of Cumberland WHEREAS, the Senior Senator from Cumberland County is becoming older and weaker with each passing day; and

WHEREAS, in more fruitful days he multiplied beyond all reason; and WHEREAS, today he reaped the first by-product of these past activities in the birth of a beautiful granddaughter; and

WHEREAS, he is only now recovering from the sympathetic rigors of the past 24 hours; now, therefore, be it

ORDERED, that we, the Members of the Senate of the 108th Legislature, now assembled in first regular session, extend our sincerest congratulations to the new grandfather, Senator Gerard P. Conley, and to the new mother, Jean Marie Greenwood, and new father, Richard Greenwood, on the occasion of this birth; and be it further

ORDERED, that a suitable copy of this order, attested by the President of the Senate be transmitted forthwith to the proud grandfather and proud parents in honor of the occasion.

Which was read and passed.

Senator Conley of Cumberland was granted unanimous consent to address the Senate on the record.

Mr. CONLEY: Mr. President and Members of the Senate: I wish to convey my thanks to my co-Senator from Portland, Senator Merrill and Members of the Senate. I would like to make it perfectly clear to everyone, though, that my 12 children have always referred to me as a 'Grandfather' for a number of years, but becoming an actual grandfather for the first time — while some of you may be one already, I don't know, but I know that it is an experience I am glad you only have to go through once.

I think the good Senator from Cumberland, Senator Huber, had better start worrying if my youngsters start taking off in the same scale that their father did. Perhaps the good Senator from Cumberland, Senator Huber, had me in mind when he talked about family planning and perhaps his message has gotten through.

I am just delighted to receive the praise and congratulations extended to me, and I want to thank you very much.

Papers from the House  
Non-concurrent Matter

Bill, "An Act to Amend the Statutes Relating to Airmobiles." (H. P. 527) (L. D. 657)  
In the House February 24, 1977 Referred to the Committee on Natural Resources.

In the Senate March 3, 1977 Referred to the Committee on Fisheries and Wildlife in non-concurrence.

Comes from the House, that Body Having Adhered.

On Motion by Mr. Speers of Kennebec,  
The Senate voted to recede and concur.

## Non-concurrent Matter

Bill, "An Act Relating to the Telephone Company Directory." (H. P. 103) (L. D. 127)

In the House March 2, 1977 Passed to Be Engrossed as Amended by House Amendment "A" (H-48)

In the Senate March 8, 1977 Indefinitely Postponed.

Comes from the House, that Body Having Insisted.

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

Mrs. CUMMINGS: Mr. President, I move we adhere.

The PRESIDENT: The Senator from Penobscot, Senator Cummings, now moves the Senate adhere.

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

Mr. PRAY: I move the Senate recede and concur.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves the Senate recede and concur with the House. The Chair will order a Division. The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate: Since the debate we had the first day this Bill came out of Committee and then since reversed our actions, and again it is before us in a position to correct what some of us may have felt we may have done wrong before, with great detail I have looked through the Legislative record and the Senate debate that took place and this morning I took it upon myself or took the time out of my own schedule to call the P.U.C. to be sure that what I had been reading in the paper had been correct as to the desires of the telephone company and their rate increase as to what they are looking for, so to check that out with the record, what some of the arguments were in opposition to the Bill:

Time and time again the proponents of this legislation referred to the fact that we could call directory assistance to find the numbers that were by mistake left out of the directory.

I would just like to point out to this Chamber that some of the requests being made, for example, a 20 cent charge to call directory assistance, if we then have to turn around and the only recourse we have is calling directory assistance to get ahold of a number that was left out of the book, after a while we are going to be charged. As a matter of fact, I noticed that the Senator from Penobscot, Senator Cummings made mention of that in her statement that eventually this would happen, or if that eventually happened, but she did mention it in her debate.

As to the recourse of the directories coming out at different times and us having to address that issue that this would be a continuous publication by the telephone companies, they would only have to publish corrections to each directory as they were published, which they would eventually end up doing statewide. I don't think the Bill calls for mailing that would go statewide. It would only go to the telephone directory district to which the number was left out of.

As to the cost, that issue has been addressed with the House Amendment. Reference has been made to fees and the fact that these individuals, if your number is left out, that you are charged for that fee unless you notice the error and you yourself call the telephone company and point it out to them. And it was with

great interest that I read that they give you an adjustment of half the basic exchange rate for the life of that directory, which is very short and usually out-dated within a few months anyway because of the number of new telephones that are coming in constantly. We don't address the new telephone issue.

I think with what is being requested by P.U.C. at this time, that this legislation is greatly needed and I would urge that we pass it and send it back in concurrence.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Pray that the Senate recede and concur with the House. The Chair has ordered a Division.

Will all the Senators in favor of the motion to recede and concur, please rise in their places to be counted.

Will all the Senators opposing the motion to recede and concur, please rise in their places to be counted.

9 Senators having voted in the affirmative and 16 in the negative, the motion to recede and concur does not prevail.

Is it now the pleasure of the Senate to adhere? Vote.

On motion of Mrs. Cummings of Penobscot,  
The Senate voted to adhere.

## Non-concurrent Matter

Bill, "An Act Authorizing Municipalities to Raise or Appropriate Money for a Consumer Action Program." (Emergency) (H. P. 7) (L. D. 17)

In the Senate March 3, 1977 Passed to be Engrossed as amended by Committee Amendment "A" (H-6) in concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-6) as Amended by House Amendment "A" (H-59) thereto, in non-concurrence.

On Motion by Mr. Katz of Kennebec,  
The Senate voted to recede and concur.

## Joint Orders

An Expression of Legislative Sentiment recognizing: The Girls' Basketball Team of Allagash High School has won the State Class D and Eastern Maine Championships. (H. P. 670)

An Expression of Legislative Sentiment recognizing: The Dirigo High School Girls' Basketball Team has won the State of Maine Class C Championship for the academic year 1977. (H. P. 672)

Come from the House, Read and Passed.  
Which were Read and Passed in concurrence.

## House Papers

Bills received from the House requiring reference to Committee were acted upon in concurrence, with the following exceptions.

Bill, "An Act Increasing the Mileage Allowance for State Employees on State Business." (Emergency) (H. P. 606) (L. D. 743)

Comes from the House referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

On Motion of Mr. Curtis of Penobscot, referred to the Committee on State Government and ordered printed in non-concurrence.

Bill, "An Act Relating to the Regulation of the Blueberry Industry." (H. P. 598) (L. D. 739)  
Committee on Taxation suggested.

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

On Motion of Senator Speers of Kennebec, referred to the Committee on Taxation and ordered printed in non-concurrence.  
Sent down for concurrence.

Study Report — State Government  
The Committee on State Government to

which was referred the study relative to policy-making positions in state government, pursuant to H. P. 1776 of the 107th Legislature have had the same under consideration, and ask leave to submit its findings and report that the accompanying Bill, An Act to Establish and Apply a Policy on the Classification of Major Policy-Influencing Positions Below the Head of State Department and Agencies (H. P. 671) (L. D. 729) 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 State Government.

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

#### Communications

##### Administrative Office of the Courts

March 9, 1977

Chief Justice Armand A. Dufresne Jr.

Governor James B. Longley

Members of the 108th Legislature

Pursuant to 4 M.R.S.A. 17, Sec. 10, transmitted herewith is the first annual report of the Administrative Office of the Courts. By prior agreement with the Chief Justice, this report covers the period from August, 1975 through December, 1976.

On behalf of the staff of the Administrative Office of the Courts, I wish to express our deep appreciation to the Chief Justice, the Associate Justices of the Supreme Judicial Court and the Regional Presiding Justices of the Superior Court for their unflinching cooperation and support during these sixteen months. Without their continual assistance, the major accomplishments described herein would never have been possible.

Signed:

ELIZABETH D. BELSHAW

State Court Administrator

(S. P. 274)

Which was Read and with Accompanying Papers, Ordered Placed on File.  
Sent down for concurrence.

#### Senate Papers

Mr. Usher of Cumberland presented, Bill, "An Act to Promote a Mandatory Hunters' Safety Course." (S. P. 266)

Which was referred to the Committee on Fisheries and Wildlife and Ordered Printed.

Sent down for concurrence.

Mr. Trotzky of Penobscot presented, Bill, "An Act to Insure Psychiatric Review of Voluntary and Involuntary Hospitalization of the Mentally Ill." (S. P. 272)

Reference to Committee on Health and Institutional Services suggested.

On Motion by Mr. Speers of Kennebec, referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

Mr. Minkowsky of Androscoggin presented, Bill, "An Act to Limit Attorney's Fees Under the Maine Tort Claims Act." (S. P. 268)

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

Sent down for concurrence.

Mr. Pray of Penobscot presented, Bill, "An Act Relating to Disqualification from Unemployment Compensation Benefits." (S. P. 270)

The same Senator presented, Bill, "An Act Relating to Service Fees of Authorized Bargaining Agents." (S. P. 273)

Which were referred to the Committee on Labor and Ordered Printed.

Sent down for concurrence.

Mr. Katz of Kennebec (Cosponsor: Mr. Speers of Kennebec) present, Bill, "An Act to Clarify Sex Discrimination in the Maine Human Rights Act." (S. P. 260)

Reference to Committee on Labor suggested.

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

Mr. KATZ: Mr. President, this Bill is an Amendment to the Maine Human Rights Act and these Bills traditionally go to the Committee on Human Resources. I move that it be referred to that Committee.

On motion by Mr. Katz of Kennebec, referred to Committee on Human Resources and Ordered Printed.

Sent down for concurrence.

Mr. Trotzky of Penobscot presented, Bill, "An Act to Revise the Water Quality Program." (S. P. 265)

Mr. Pray of Penobscot presented, Bill, "An Act Establishing an Experimental Blackfly Control Program." (S. P. 264)

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

Sent down for concurrence.

Mr. Conley of Cumberland presented, Bill, "An Act to Create the Bureau of Community Antenna Television within the Public Utilities Commission." (S. P. 263)

Which was referred to the Committee on Public Utilities and Ordered Printed.

Sent down for concurrence.

Mr. Carpenter of Aroostook presented, Resolve, Authorizing Health Insurance Coverage for Fifteen Retired State Troopers. (Emergency) (S. P. 262)

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

Sent down for concurrence.

Mr. Pray of Penobscot presented, Bill, "An Act Concerning the Calculation of State Aid to Municipalities for the Care of Highways and Bridges." (S. P. 271)

Mr. Trotzky of Penobscot presented, Bill, "An Act to Permit the Commissioner of Transportation to Designate Certain Highways for the use of Twin-Trailer Trucks." (S. P. 269)

Mr. Merrill of Cumberland (Cosponsor: Mr. Usher of Cumberland) present, Bill, "An Act Appropriating Funds for the Expansion of the Portland International Jetport." (S. P. 267)

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

Sent down for concurrence.

#### Committee Reports

##### House

##### Leave to Withdraw

The Committee on Election Laws on, Bill, "An Act to Provide for Filing Fees in Lieu of Signatures on Nomination Petitions." (H. P. 81) (L. D. 101)

Reports that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which Report was Read and Accepted in concurrence.

##### Ought to Pass

The Committee on Legal Affairs on, Bill, "An Act Eliminating the Requirement of January Annual Meetings by the Parishes of the Protestant Episcopal Churches of the Diocese of Maine." (H. P. 331) (L. D. 422)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

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

##### Ought to Pass — As Amended

The Committee on Election Laws on, Bill, "An Act to Provide Accessible Polling Places for the Physically Handicapped and the Elderly." (H. P. 68) (L. D. 98)

Reported that the same Ought to Pass as

amended by Committee Amendment "A" (H-54).

Comes from the House, the Bill Passed to be Engrossed, as amended by Committee Amendment "A" (H-54)

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.

#### Divided Report

The Majority of the Committee on Performance Audit on, Bill, "An Act to Provide Funds to the Department of Inland Fisheries and Wildlife." (H. P. 129) (L. D. 163)

Reported that the same Ought Not to Pass.

Signed:

Senators:

MORRELL of Cumberland

WYMAN of Washington

Representatives:

BENOIT of South Portland

WILFONG of Stow

AUSTIN of Bingham

LIZOTTE of Biddeford

BERUBE of Lewiston

SHUTE of Stockton Springs

BRENERMAN of Portland

AULT of Wayne

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

Signed:

Senator:

MINKOWSKY of Androscoggin

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

Which were read.

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

Mr. SPEERS: Mr. President and Members of the Senate: I have a great deal of respect for all three of the Senators who signed the Reports on this particular Bill, but I must say that I was considerably disappointed in seeing the Report come to this Body that came as the Majority Report on this particular item.

I would say that after talking with a number of individuals with regard to this matter, that I believe the reason it has come with the Majority Report as it has been presented, is simply because of the nature of the particular Bill itself, and not perhaps because of the desire on the part of the proponents of this measure to provide some relief for the Department of Inland Fisheries and Wildlife for the work that they do do for other departments that are funded out of the general fund.

I do feel that there is an opportunity to find some better way to provide for some of the funding to finance the activities of the Department and through the Department the sportsmen of this State do perform for some of the other agencies of State government.

Therefore, Mr. President, I would move that this Bill and its accompanying reports be recommitted to the Committee on Performance Audit.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves the Senate recommit L. D. 163, together with its accompanying papers, to the Committee on Performance Audit.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: I'd like to pose an inquiry through the Chair to anyone who may care to answer: It is my understanding that the appropriation for the Department concerned here, 1975 through 1979 is projected in the Governor's budget in the General Fund, goes from \$103,000 to \$223,000, representing an increase of over 100 percent over that 5-year period. I would like

to know if that is correct, and if so, why this legislation is needed.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Cumberland, Senator Morrell.

Mr. MORRELL: Mr. President and Members of the Senate: I am not sure that I can respond directly and precisely to the question that is posed. I think perhaps the Committee on Performance Audit owes you an explanation of its vote, and I will not strongly oppose the suggestion that it be recommitted because I think it is proper on most Bills if there is strong feelings as to why we voted in any particular direction, for us to take another look at if there is good cause.

The reason why the Bill came out of the Committee with a Majority Report Ought Not to Pass was that in viewing the funds of the Department, it was obvious that they do operate with a capital account far in excess of what would be considered normal operating needs. And having in mind the pressures that are going to be placed upon the General Fund now and before the end of the Session, it seemed to us not prudent at all to suggest that additional funds be made available to this department when they did have these surplus funds for operation.

It was with that in mind, plus the fact that we had in mind also the possibility that there may be a Moose Bill, which would generate additional funds for them, that we just could not bring ourselves to vote favorably on this Report. So you have before you today a Majority Ought Not to Pass suggestion. I think I would prefer to see it go that way, but I guess I have to indicate also that if you feel strongly that you would like to have us take another look at it, to see if there is some other way in which we might give some assistance there, I would not be terribly adverse to it.

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

Mr. SPEERS: Mr. President and Members of the Senate: This Bill arose not out of the concept of an individual member of this Legislature, but rather arose as a firm recommendation of a study report of the Performance Audit Committee of the last Legislature. It was the recommendation of that Committee, and I certainly do not wish to undercut the judgment of the present Committee, but just to give some historical background with regard to this measure, it was the recommendation of that Committee that there be some reimbursement from the General Fund to the Department of Inland Fisheries and Wildlife for the work that they perform for those other Departments.

I am not sure I understood the question of the good Senator from Cumberland, Senator Merrill, correctly, but I believe he referred or implied in the question that perhaps the Department does receive some General Fund money at the present time. It is my understanding that the Department does not receive General Fund money at the present time. The Department is funded entirely through the revenues generated from fish and game licenses.

But it is also a very clear fact that the Department does perform considerable services for some of the other Departments in State government, which are funded out of the General Fund — For example, the Department of Environmental Protection, the Department of Public Safety and services of search and rescue and the like. So it seems to me that it is a very logical request of that Department to ask for reimbursement, specifically for the services that it does perform for the other General Fund Departments of State government, and I think the approach of this Bill perhaps is the

wrong approach; perhaps it would be the right approach if we took another look at it, but I think whether this is the right approach or not there are at least other approaches that can be made, specifically, for example, an approach whereby the Department of Inland Fisheries and Wildlife can present a specific Bill for specific services performed to the other Departments, rather than having an outright appropriation out of the General Fund.

So there are some other approaches that can be made and I would hope that the Senate would go along with the Motion to recommit this to the Committee on Performance Audit, so that they can indeed take another hard and fast look at it.

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

Mr. CONLEY: I request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Morrell.

Mr. MORRELL: A little bit more clarification. The only benefits that I know of that this Department receives from the General Fund is that their rent is paid for by the General Fund, and I guess that, as I recall it, runs in the area of \$80 to \$90,000.00 a year. They do not have to pay that rent. There is a trade-off here because the Department does have, as I mentioned before, substantial funds, running at times in the millions, the interest of which accrues to the General Fund, and historically there has been kind of a trade-off there. The General Fund would absorb the interest from the invested funds that it handles for the Department and then in return the Department would receive free rent. As far as I know, that is the extent of its involvement with the General Fund.

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

Mr. MERRILL: The Senate should be advised that the amount I get with the explanation that for the year 1975 that amount for whatever purpose was \$103,000 as projected in the Governor's budget as presented in Legislative Document 118, the amount goes to \$223,424 for the year 1979. That is an increase, in case you keep track of these things, of 116 percent over a 5-year period.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Redmond.

Mr. REDMOND: Mr. President, I support the Motion of Senator Speers for the simple reason that I have here the budget of the Department, and I do not think that the Committee was fully aware of some of the monies, for instance, Federal grants in wildlife projects that were received, \$449,000; also Federal grants, fishery projects, \$133,948; and this reflects in the balance of close to a Million Dollars which appears as if there was plenty of money there. However, there are certain commitments that the Department has to fulfill, and the real balance is not what it appears to be.

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

Mr. MORRELL: With due respect to Senator Redmond, the Committee was aware of that, and the Committee is not indicating to you in any way that it can operate without a certain amount of funds in a capital account. I guess our contention is that the amount that they are operating with is considerably in excess of what is necessary, and while there are going to be extreme pressures on the General Fund to fund the things that we have undertaken in the past, and those we will probably assume in this Session, without an increase in taxes, it seemed to us that perhaps this Department could use up a portion of those surplus funds before they made, pardon the expression, a raid on the General Fund Treasury. And that is all we are suggesting.

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

Mr. PRAY: Mr. President and Members of the Senate: As an individual who was a member of the Committee in the last Session and worked the Fisheries and Wildlife budget to great detail, I would just like to reply to a few statements that have been made.

Basically, there is two areas in which General Fund money goes into the Department, the Atlantic Sea Run Salmon Commission and search for persons that are lost, and that is covered under Statute law that they would be reimbursed from the General Fund under Title 12, Sub-Section 1903. The funds that they have gotten from the General Fund to take care of that Sub-Section has never equaled the amount of money that they have spent.

In reference to the surplus budget, as an individual who changed his vote last year on the Bill which increased licenses, or basically the Bill that would provide the funds for the Department, I think the incident which Maine had suffered through in the last year in its decrease of sale of licenses has taken care of some of that surplus budget that the Department had, and nobody knowing the results of what this year's season is going to bring and what type of funds we will have from dedicated revenues from that action if this Body took an increase in those licenses, to fall back and say, well, they have got surplus funds and they should spend that first, would be irresponsible of this Legislature.

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

Mr. CHAPMAN: Mr. President and Members of the Senate: I, too, feel concern about the present Report of the Committee, and I think there very well could be legitimate reason for this matter to be reconsidered. Certainly nothing can be lost, and possibly something to be gained in the more effective exercise of our duties, so I support the recommitment to Committee.

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

Mr. MORRILL: Mr. President, further application, I think the statement was made that their income was down. I do not think that is correct. Total income, exclusive of snowmobile registration fees for 1975 was \$54 million, or a little bit more; for 1976 it was almost \$56 million, which is a rather substantial increase.

The PRESIDENT: Is the Senate ready for the question. The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Speers, that Item 6-4, L. D. 163, be recommitted to the Committee on Performance Audit. A Division has been requested.

Will all those Senators in favor of the Motion to recommit rise in their places to be counted.

Will all those Senators opposing the Motion to recommit rise in their places to be counted.

20 Senators having voted in the affirmative and 4 in the negative, the Bill and accompanying papers recommitted to the Committee on Performance Audit in non-concurrence.

Sent down for concurrence.

(Off record Remarks)

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following matter:

#### Joint Order

#### STATE OF MAINE

One Hundred and Eighth Legislature  
WHEREAS, The Boys' Basketball Team of Jonesport-Beals High School has won the State Class D Championship, we, the members of the Senate and House of Representatives, do hereby join in this order to extend our acknowledgment and congratulations, and be it  
ORDERED, while duly assembled in session at the State Capitol in Augusta under the Con-

stitution and Laws of the State of Maine, that this official expression of sentiment be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 722)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

The PRESIDENT: The Chair is very pleased to welcome in the rear of the Chamber the Class D Basketball Champions of the State of Maine from Jonesport-Beals High School in Washington County.

It is of particular interest to note that this Team has achieved the State Championship six out of the last eight years in their Class.

The Team is accompanied by their Coach, Mr. Audie Alley, their Principal, Doug Brown, and the Superintendent of Schools. They are also accompanied by the School Cheerleaders and their Coach, Mrs. Donna Alley. I would like to have this group rise and accept the greetings of the Senate. We are very pleased to have you here with us today.

I also would like to introduce to you people from Washington County the Senator who has represented you here in Augusta for as many years as well as he has, the good Senator from Washington, Senator Wyman. The Chair recognizes that Senator.

Mr. WYMAN: Mr. President and Members of the Senate: I want to thank you. We in Washington County are very proud of the Jonesport-Beals School, and I think the statement you read about the number of championships which they won speaks for itself, and we are very happy to have them here today.

#### Senate

##### Ought to Pass in New Draft

Mr. Huber for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Allocate Money from Title II of the Public Works Employment Act of 1976 for the Expenditures of State Government for the Fiscal Year Ending June 30, 1977. (Emergency) (S. P. 49) (L. D. 95)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Allocate Money from Title II of the Public Works Employment Act of 1976 for the Expenditures of State Government for the Fiscal Year Ending June 30, 1977 and for the Fiscal Year Ending June 30, 1978." (Emergency) (S. P. 275) (L. D. 757)

Which Report was Read.

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

Mr. SPEERS: Mr. President and Members of the Senate: This Bill is the so-called Title II Bill that was submitted at the beginning of the Session at the recommendation of the Chief Executive of this State, and I think that it would be a dereliction of duty if we were to allow this measure to simply go under the hammer without at least a few words of caution being made.

I certainly have no intention at this point of opposing the passage of this Bill, or amending it at this time. But I think it very important for the entire Senate to be fully cognizant of the fact that this Bill does indeed have very expanded implications for future budgets, not only for the budget that is being worked on this year.

There is no question whatever but that there are very grave needs in the State of Maine under our current expenditures, under the current portion of our budget, and yet this particular Bill does indeed add additional State employees, additional functions, albeit with Federal money, that possibly — and that is a big if, but possibly will be required to have State money in the future expended in order to continue those functions. There may well indeed be additional Federal money that will be available to continue these functions, but that is a fact which we are not aware of at the present time,

and if there is Federal money which is not going to be available, then the State would be faced with a very difficult choice of increasing budgetary expenditures to continue these functions, or having them go out of existence.

I think that this is a matter which we must consider most carefully over the weekend and over the next few days particularly, as to the implications this Bill may have on future budgets of the State.

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

Mr. MERRILL: Mr. President and Members of the Senate: I rise to address the Senate, not to specifically take exception to the remarks of the Majority Leader, the Senator from Kennebec, Senator Speers, but to expand on them, if I may.

Let me first say just a few words about how these monies got to us as it bears relevance, I think, on what we might expect for the future. These are funds that come in the Public Works Act and come as the result of a Bill that was originally referred to as Counter-Cyclical, later referred to as the Anti-Recession Bill. The Bill was sponsored by Maine's Senior United States Senator, Senator Edmund Muskie.

The Bill was sponsored with a special eye toward the problems that State Legislatures and local Governments faced in times of economic down-turn, recognizing that State Governments and local Governments faced the double horned dilemma of a down-turn in revenue due to unemployment and economic lag, and an up-turn in pressure for public spending due to increased unemployment and all of the problems that that makes for society that we try to respond to here. It was as a measure to try to restore some of that lost spending power and to assure that the State Governments in responding to the financial crisis that they faced would not work counter to the Federal efforts to improve the economy — that is that while the Federal Government was giving a tax decrease and increasing public employment, that our own budget rigors would not force us to cut back on employees or to have a large tax increase. So the Bill was sponsored by the Senator from Maine, and ultimately ended up in what was referred to as the Public Works Act, an Act which is going to continue, I am certain, as certain as we can be of anything that Legislative bodies do, and an Act which ultimately terminates itself when unemployment in the United States returns to what we refer to now, probably euphemistically, as full employment budget.

This is a measure then that is tied to the National unemployment figures, and when employment returns, the monies will naturally end. Now you could say that is going to mean a loss whenever that good day comes for this Federal money which is true, but that will be accompanied, I think we can be certain, by at least a \$3 million increase in our State revenues as a result of the fact that our people are back in employment. Right now we have 10 percent of our people unemployed. That means a terrific economic short-fall in our own revenue picture.

I think that is one thing for us to understand at the out-set in considering the remarks of the Majority Leader.

The second thing that we ought to consider is, what he says is true, but it is true of so much that we do. In 1979 we are looking at a budget in excess of a Billion Dollars for this State. Less than half of that, or about half of that comes from General Fund Revenue, so the argument of the Majority Leader, of course, is true, but its implications are much broader than this small Bill. If the Federal Government would stop sending us the money that it sends us now, the effects would be much more catastrophic than the \$3 million that this Bill represents. All

of those programs, or almost all of those programs depend on continued Congressional re-authorization.

Just yesterday the Chairman of the Appropriations Committee, the Senator from Cumberland, Senator Huber, presented a Bill to once again send \$14 million of our revenue sharing back to the Towns for educational purposes. If that \$14 million revenue sharing stopped, we would be \$14 million worse off in the funding of education. Those things are true for all of the inter-relationships that we have built up, and I don't think we can stop our Governmental processes for fear that Congress will not continue the program.

Let me address just briefly some of the specifics as they are raised. Many of the items that we funded in this Bill are items that are not continuous. At the urging of the Chairman of the Committee, for example, we are funding a study, half-funding, I should say, the beginning half of all our State buildings to see to it that we find all of the economies that we can find in the heating of those buildings. As presented in the Governor's Bill there is \$225,000 to winterize this building and the building across the street, one time expenditures. There is money in this Bill to help the Department of Personnel to get out from under the back-log of work. That is temporary people that we are putting on to get out from under the back-log. It is not a continuing expense. There is \$110,000 to help our Parks Department to catch up with what is becoming a more and more severe back-log in taking care of our parks.

The only real two items that have long-term — or three items that have long-term potential that the Senate might be concerned about is first of all, the increase, the extra \$30,000 for the Public Utilities Commission, which is put in explicitly for the purpose of helping them get more employees on the line, and the Governor's budget reflects the need for those extra employees to be continued. The second item is the increase, the million dollars or so that we give to the Department of Mental Health and Corrections. For the second year, too, those items are funded in the Governor's budget, and I think if you look through the Bill you can see that those funds are needed. If you consider the problems that the Department of Mental Health and Corrections is facing, including the suit, I think you could see that these moneys will be well spent here in Maine and, in fact, save much greater spendings to be made later on.

Finally, there is the one item that is continuous that is not funded as of present in the budget, and that is the appropriation for the Department of Human Services. This is probably the most important from a policy matter, but does certainly fit into the Majority Leader's description most accurately, and that is \$1.250 million that we have put in to address the problem of children in the State, the problem of children that are abused, to give the State the capacity on a 24-hour basis to respond to that abuse. Now the Commissioner of the Department of Human Services thinks it might be possible to find money to continue these services in other Federal sources, and we certainly hope so. I think it was the feeling of the Committee that this was so important, and especially after looking at the Resolution that was passed here last week, in which we re-affirmed our commitment to saving the family life and doing what we could to promote the healthy development on the part of young people, and indeed looking at the concern of the Senate for our young people as reflected in the vote on the drinking age, I think as the Committee looked at that and saw that registration of sentiment on the part of the Legislature, we decided to fund these all important programs in the hopes that other Federal moneys could be found to continue these.

Certainly, I would say as one member of the Appropriations Committee that there are many items, all be they important, that have a lower priority in my mind than seeing to it that our young people are not abused, and seeing to it that when the Department of Human Services gets a call from an Attorney or from a parent that a child is being abused, that they can respond faster than 48 hours, as happened last summer, and when they do respond the child is dead because they did not respond.

I say there are many items in this budget, if need be, that we can cut before we cut money to have that sort of response, and I would include in those lower priority items General Fund moneys going to the Department of Fish and Game.

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

Mr. KATZ: Mr. President, it took me about four sessions of my service in the Legislature before I figured out that the best way to establish State policy is through an appropriations Bill.

I want to say that I am very pleased with the sponsorship of Senator Muskie of a Bill which recognizes that a State's responsibilities are not easily met when the Federal people constantly flow money around the State House into the communities of a particular State, and this Bill comes to the Legislature, and I think it is a wonderful precedent that he has set.

I have to admit that I am disturbed by one section of the Bill under the Department of Personnel when it says, on Page 5, "provide for 12 temporary or project employees and there shall be no obligation on the part of the State to maintain the positions after the funds have been expended."

On Page 3 of the Bill, referring to the 64 State employees that will be hired in the Human Services Department, there is no comparable language.

I have been around long enough to know at least there will be a moral responsibility on the incoming Legislature if additional funds, Federal funds are not found or if we are not able to incorporate this, utilizing personnel from existing services, so I have to express some concern. But I am not even vaguely critical of the Appropriations Committee because the amount of State needs are so overwhelming, and I am sure each of us has a different sense of priorities.

But I want to make a point with you. It goes back to the liquor debate, which I found very helpful. Most of the money that we seem to be spending in Human Services is of the crisis-intervention nature and it takes care of the needs of somebody at a particular point. We have crisis intervention in child abuse; we have crisis intervention in problems of the alcoholic; and we have crisis intervention right down the line. There are those who claim that we have in Legislative level, we have a crisis of the year, and one year it may be alcohol and the previous year it may be marijuana and next year it may be child abuse.

Sometime I hope when we get access to some Federal money or some additional money, that we try to be as constructive as the special interest groups who come to us and decide where we can put State or Federal dollars in a constructive manner of a preventative nature, of an educational nature, so that we stop putting all the money in the treatment of the abused child and ask ourselves how we can stop children from being abused. I think that is a very noble goal to aspire to.

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

Mr. HUBER: Mr. President and Members of the Senate: There are a few additional points concerning this Bill which I would like to explain very briefly. First of all, the total ap-

propriations Bill, the appropriation of the Title II funds, as presented in this Bill, amounts to \$2,930,000 as opposed to the \$3,150,000 in the original Bill.

The reason for this decrease is that the fifth quarterly payment under Title II funding has not yet been Federally appropriated. I think considering the change in the administration that this probably will be funded and as the good Senator from Cumberland, Senator Merrill, has stated, I personally feel there is a good probability that these Title II funds will be continued and even expanded. However, we did not feel it prudent to allocate and appropriate these funds until the payments were appropriated on the Federal level.

I would also like to make a comment concerning the one program which is neither a one-time need or provided for elsewhere in the budget for the second year biennium, mainly the Human Services appropriations. One way to look at this is that this million and a quarter dollars are provided for primarily child abuse and neglect programs, essentially prevents the curtailment of other programs under Title 20. Without these Title II funds, I think there is a good probability, considering the enthusiasm and recognition of the needs in this area, that the Title 20 funds, which are of a finite dollar amount, would be partly consumed in the area of child abuse and neglect. The use of Title II funds for this purpose liberates Title 20 funds for continuation of existing programs in many necessary Human Services areas.

I would also briefly like to concur with Senator Merrill about the probability of continuation of these funds. I would also like to concur with the Senator from Kennebec, Senator Katz, that I sincerely hope in light of the many very real human services needs that if such funds become available, that we can indeed get into a preventive program, rather than a remedial program, which is very expensive; however, the needs are very real. But basically I feel the treadmill in the various human services areas and mental health and corrections areas, the treadmill is going too fast. To the extent we can slow it down to prevention, which is usually cheaper than remedial action, I feel very strongly that we should do so.

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

Mr. MERRILL: Mr. President and Members of the Senate: I would like to briefly respond to the comments of the Senator from Kennebec, Senator Katz, because as usual they were so well taken and so enlightening, and I would just like to add a couple things to them, not to argue with him, but to amend them.

First of all, there is policy, of course, in this Bill to some extent as you can see when you read it, as it relates to this program of taking care of children and children who are being abused and I would like to say, because I know this is a subject near and dear to the Senator from Kennebec's heart, and I think it is important policy this matter was done in consultation with the Committee that is concerned with the subject area, the Committee on Health and Institutions, and it is really their input that is reflected there.

And, secondly, in no way to disagree with the overall comment made by the Senator from Kennebec, Senator Katz, but just to amend it slightly. Right now we have people who have to try to respond on a crisis basis and also try to do the carry-through work that prevents these sort of problems from developing and prevents them from recurring. I am sure it is a very difficult decision to make on the part of the people that are doing this sort of work as to what should receive the highest priority. By adding some people who will respond to crises, it will free up, I am sure, the time of some of the people who are trying now to deal with these people on

a continuing basis, and to help the parents of these children overcome the problems that are leading them into these forms of behavior. So I think, in no way taking away from the point of the Senator from Kennebec, Senator Katz, but I do think to some extent, in a minor way, his concern is addressed in this Bill.

Which Report was Accepted and the Bill, in New Draft, read once.

Under Suspension of the Rules, on Motion of Senator Conley of Cumberland, Bill Read Second Time and Passed to be Engrossed.

Sent down forthwith for concurrence.

#### Second Readers

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

#### House — As Amended

Bill, "An Act to Provide that the First 5 Days of Deer Season Shall be for Maine Residents Only." (H. P. 11) (L. D. 20)

Which was read a second time.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Mr. President and Members of the Senate: This is an inconspicuous Bill to a certain extent, particularly to me as I never went hunting in my life. My father did not believe in killing animals of any sort. But to allow Maine residents 5 days in advance or take 5 days out of the hunting season, seems to me unfair to out-of-state people. Now on this Bill there is nothing that says how much Maine is going to lose, and I understand hunters come in, and I live in York County and I see the hunters coming in the first days of the hunting season, and I see them on the Turnpike, going up the Turnpike, and it costs a good deal of money to stay at the motels and buy the gasoline and food and so forth.

Now the out-of-state residents are not going to know about this Bill, 5 days, and it is going to cause a lot of hard feeling if they come in, find they cannot hunt, and then they have got to go back. Now it states there is an Amendment on here. I have been handed a note that says the Amendment makes it only one day. I just received the Amendment, I could not find it in the book. So, consequently if the Amendment is only one day, I would say that that is not being discrimination, or unfair, so I would move that we accept the report.

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

Mr. CONLEY: Mr. President, I am not going to be as kind as the good Senator from York, Senator Lovell, after listening to the earlier debate with reference to the Fish and Game Bill being sent back to Performance Audit, I think it might be a good time in looking over this Senate, to advise the moose of this State to pack up and start moving into Canada.

But I think we should consider the fact that we are Vacationland, and we rely very heavily on the dollars from out of state, buying hunting and fishing licenses, and I think we are establishing a very bad precedent by opening up our woods one day in advance to Maine natives. We heard about the surplus within the Fish and Game Department. There is a question in my mind as to when we hit the point of where there is no return and revenues of the Fish and Game Department start declining. One day or five days, as far as I am concerned, gives a tremendous advantage to the deer hunters of this State, the natives of this State. I think if we are going to look at the Fish and Game Department as a business, and that is what it is, then I think we should keep it equitable for everyone, and not just set up these little rules of our own so that Maine hunters have a great advantage over everyone else.

Therefore, Mr. President, without success, I realize, but I move the indefinite postponement of this Bill and all its accompanying papers.

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

Mr. PRAY: Mr. President and Members of the Senate: Having been with the good Senator from Cumberland County when he was in the wilds of Baxter Park, along with his very good friend, the Attorney General, seeing him leave the door open and letting numerous bear run through the State automobile, I am aware of his knowledge of the outdoors.

Addressing the matter that we have in hand, and being an individual that deals with non-residents, particularly during the hunting season, as a source of income, being the citizen Legislature that we are, we have to rely upon these things. I can very confidently state that those individuals of us that depend upon the Vacationland and tourists and hunters and fishermen are not fearful of this legislation. We are not concerned about the economic impact that it is going to have.

A number of other states do have similar legislation which give a variety of days, numbering from one to five, if my memory serves me right, at different times throughout the season, sometimes preceding, sometimes following the season.

I would urge the Members of this Body to vote against the Motion for Indefinite Postponement.

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

Mr. CONLEY: Mr. President, I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the Motion to Indefinitely Postpone Item 7-1, L. D. 20, please rise in their places to be counted.

Will all those Senators opposed to the motion to Indefinitely Postpone Item 7-1, L. D. 20, please rise in their places to be counted.

4 Senators having voted in the Affirmative, and 19 Senators in the negative, the Motion to Indefinitely Postpone does not prevail.

Which Bill was Passed to be Engrossed, as Amended in concurrence.

#### Senate

Bill, "An Act to Revise the Maine Regional Library System Law." (S. P. 140) (L. D. 381)

Which was Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

Out of Order and Under Suspension of the Rules, the Senate voted to consider additional Papers from the House.

Bills received from the House requiring reference to Committee were acted upon in concurrence.

Out of Order and Under Suspension of the Rules, the Senate voted to consider an additional paper from the House.

#### Committee Report

#### House

#### Ought to Pass in New Draft

The Committee on Local and County Government on, Bill, "An Act to Revise the Salaries of County Officers." (H. P. 72) (L. D. 62)

Reported that the same Ought to Pass in New Draft under same Title. (H. P. 738) (L. D. 752)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed.

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

Mr. COLLINS: Mr. President and Members of the Senate: In perusing the new draft that is before us concerning salaries of County officers, I have noted that but for Section 11 of the Bill, there would be a retroactive cutting of the compensation of certain officers in my County by a considerable amount, and I would question the validity of such a move. Section 11 corrects

that problem for Knox County, but I inquire of the Members of the Committee on Local and County Government whether there are any other Counties that might be similarly affected, because if that should be the case I can foresee legal as well as political difficulties.

I do not mean to quarrel with the direction which the Bill takes. The Bill is establishing a practice of requiring County officials to pay over their fees to the County Treasury, and taking away the value of housing that is sometimes furnished, for example to Sheriffs or Deputies who live in the Jail premises, and I do not quarrel with that direction, but I am concerned to know whether there is any retroactive effect that might be important to this Bill.

The PRESIDENT: The Senator from Knox, Senator Collins, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President and Members of the Senate: I had the same reservations as the good Senator from Knox had regarding retroactivity when the application was made for Knox County, and we were informed that there were no other problems with it, that Knox County had not adjusted their salaries to compensate adequately for the loss of retention of fees.

Also, as the good Senator brought out, there is another problem with the Bill, and I would like the opportunity to talk to him before this Bill is engrossed, and possibly we can come up with a workable Amendment which would cover this problem.

Which Report was accepted in concurrence. The Bill, in New Draft, read once, and Tomorrow Assigned for Second Reading.

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

Mr. SPEERS: Mr. President, I move the Senate stand in recess until the sound of the bell.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate be at recess until the sound of the bell. Is this the pleasure of the Senate? It is a vote.

(Recess)

(After Recess)

The Senate called to order by the President. On Motion of Mr. Huber of Cumberland, Adjourned to Tuesday, March 15, 1977 at 10:00 in the morning.