

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

1978

Second Regular Session

January 4, 1978 — April 6, 1978

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Senate Confirmation Session

June 14, 1978

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First Special Session

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December 6, 1978

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APPENDIX

SENATE

January 6, 1978

Senate called to order by The Secretary. It was the vote of the Senate, that the Senator from Cumberland, Senator Conley, preside as President Pro Tem.

At the request of the Secretary, the Sergeant-at-Arms escorted Senator Conley, to the Rostrum.

Prayer by the Honorable Walter W. Hichens of Eliot.

Mr. HICHENS: May we pray, Our Heavenly Father as we come into this Session, the last of this first week of our regular Session. We pray that Thou be with each one of us. That Thou will be with us as we travel back to our homes for this weekend. Bless us as we assemble together on the next week in order to get our business well under way. We pray Lord for the members of the families of our Senators who have been ill, we pray that Thou will heal their bodies and make them strong and well, if it be Thy will. Thou be with each one of us, that we may have a close relationship with Thee, in every way asking Thy help and Thy guidance, in our deliberations, here in this State. We ask in Thy name. Amen.

Reading of the Journal of yesterday.

Senate Papers

Mr. Huber of Cumberland presented, Bill, An Act Adjusting Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1978, and June 30, 1979. (Governor's Bill) (Emergency) (S. P. 656) (L. D. 2021)

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down forthwith for concurrence.

Mr. Conley of Cumberland presented, Bill, An Act to Extend School Breakfast Availability to Maine School Children (S. P. 659)

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

Sent down for concurrence.

Mr. Carpenter of Aroostook (Cosponsor: Mr. Speers of Kennebec) present,

Bill, An Act to Provide for Specific Liability for Persons or Corporations Contributing to a Public Nuisance. (S. P. 658)

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

Sent down for concurrence.

Mr. Conley of Cumberland presented, RESOLVE, Authorizing the Commissioner of Educational and Cultural Services to Exchange Certain Lands at Southern Maine Vocational-Technical Institute. (S. P. 660) Approved by the Legislative Council pursuant to Joint Rule 25.

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

Sent down for concurrence.

Mr. Greeley of Waldo Presented, Bill, An Act Relating to the Application of the State Valuation to State and Town Cost-Sharing Activities, Including Highway, Bridges and Winter Maintenance. (Emergency) (S. P. 657)

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

Sent down for concurrence.

Study Report — Legal Affairs

The Committee on Legal Affairs to which was referred the study relative to Assaults on Police Officers, have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill, An Act to Amend the Crime of Assault on a Law

Enforcement Officer (S. P. 661) (L. D. 2032) be referred to this Committee for public hearing and printed pursuant to Joint rule 17.

Which Report was Read.

The PRESIDENT Pro Tem: The Chair recognizes the Senator from Cumberland, Senator Hewes.

Mr. HEWES: Mr. President and Members of the Senate we will be getting a second Bill, a different LD in the near future. Unfortunately this Bill was not printed in time for the alleged, or scheduled public hearing this morning. So that this morning we did have a notice given in the newspapers throughout the State and there was a scheduled public hearing on which there was no Bill to discuss really. So we reviewed the proposed contents of the Bill and we meet again this afternoon and there will be a second LD coming out and I would ask that this would be referred to Legal Affairs but ultimately there will be a second Bill on the same subject.

The PRESIDENT Pro Tem: Is it the pleasure of the Senate that the report be received? It is a vote.

Which Report was Accepted, and the Bill referred to the Committee on Legal Affairs.

Sent down forthwith for concurrence.

(Recess)

(After Recess)

Senate called to order by the President Pro Tem.

Out of order and under suspension of the rules, the Senate voted to consider the following:

**Papers From the House
House Papers**

Bills received requiring reference to Committees were acted upon in concurrence.

**Communications
Department of Conservation**

December 30, 1977

Mr. John Martin
Speaker of the House
State House
Augusta, Maine 04330
Dear John,

As required by law, I hereby submit this Department's recommendation as to the shares of the 1978 spruce budworm control program to be borne by the General Fund and by the landowners through the Budworm Excise Tax.

Based on our previously held views, and on the Legislature's acceptance of our recommendation for two years, I recommend for 1978 a General Fund contribution of 6.3%, or roughly \$300,000.00 for budworm control. The precise figure can be determined when project cost data are available.

As you know, the Department of Conservation in 1976 and 1977 submitted a recommendation based upon the relative benefits of budworm control to the public and private sectors. These recommendations were based on the assumption that public benefits were adequately measured by the public tax revenues saved by spraying. Based on the assumptions used in those years, the Bureau of Forestry has provided a recommendation for a 6.3% General Fund contribution to the nonfederal share of 1978.

This recommendation was discussed at a public hearing held on December 8, 1977, which was attended by about 40 persons. At that hearing, divergent views were presented, ranging from the cessation of all public financial participation to the General Fund assuming total project cost.

Of particular interest was a paper presented by Professor David Field of the School of Forest Resources, University of Maine at Orono. Professor Field argues that the public benefits are the losses in value added in wood processing that are prevented by the program.

He then allocates program costs to the public sector in the same proportion as the total payrolls bear to total value added in wood processing in Maine. Adjustments are applied to account for income taxes and stumpage. This approach would result in a General Fund share of 35.2% of the nonfederal cost, or 23% of total cost of the 1978 program.

I would also note that in 1978 the 1.5 mil contribution of Tree Growth Tax revenue takes effect as provided for in the 1976 law. As you will recall, this amount was apparently levied for budworm control in the early 1970's, and is now explicitly earmarked for that purpose by the 1976 law. It is considered a landowner contribution despite the fact that it is, strictly speaking, a dedication of General Fund money derived from Tree Growth Tax.

Because it is the Legislature's role to define the public benefits on which General Fund support of forest protection programs will be based, I am submitting to you summaries of both the Forest Service and Professor Field's analysis.

If there are any further questions, our staff will attempt to be of assistance.

Sincerely,

RICHARD E. BARRINGER
Commissioner

(H. P. 1953)

Come from the House, read and with accompanying papers, Ordered Placed on File.

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

Committee Reports

House

The Committee on Local and County Government on,

Bill, An Act Relating to the Maintenance of Private Ways in the Town of Windham by Special Assessments. (H. P. 1875) (L. D. 1930)

Reports that the same be granted Leave to Withdraw.

Comes from the House, the Report Read and Accepted.

Which was Read and Accepted in concurrence.

**Senate
Ought to Pass**

Mrs. Cummings for the Committee on Public Utilities, on,

Bill, An Act to Increase the Limits of Authorized Indebtedness of the Brunswick Sewer District. (S. P. 618) (L. D. 1906)

Reports that the same Ought to Pass.

Which Report was Read and Accepted.

Bill read once. Tomorrow assigned for second reading.

Out of order and under suspension of the rules, the Senate voted to consider the following.

Paper From the House

Study Report — Business Legislation

The Committee on Business Legislation to which was referred the study relative to marriage counselors, social worker registration law and out-patient community mental health services, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, An Act Relating to the State Board of Social Worker Registration (H. P. 1936) (L. D. 2016) be referred to the Committee on Business Legislation 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 was Read and Accepted, and the Bill referred to the Committee on Business Legislation, in concurrence.

On motion of Mr. Huber of Cumberland, adjourned until 11:00 o'clock in the morning, Monday, January 9, 1978.