

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume I

January 5, 1977 to May 25, 1977

KJ PRINTING
AUGUSTA, MAINE

SENATE

Wednesday, January 26, 1977

Senate called to order by the President.

Prayer by The Reverend Robert E. Canfield of the Gardiner Methodist Church in Gardiner.

REV. CANFIELD: Let us bow in prayer. Father, it is awe inspiring to realize that we can come to you as often as we are able, once a month, once a day, once an hour. You never tire, you never turn us aside, you never tell us what we are approaching you for is too trivial for your concern. And as we approach you this day, may that which is before us not be trivial: May it be important to us as we realize its importance to you. Watch down upon us. Guide in all of the decisions, the deliberations, the preparations that have been for this Session, and in the thoughts now as procedure is begun, just guide and direct and give wisdom from Yourself for us. We ask it in the name of your son, our Saviour, Jesus. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

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

Study Report

Health and Institutional Services

The Committee on Health and Institutional Services to which was referred the study relative to Mental Retardation Services in Maine, pursuant to H. P. 1724 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to require the Board of Registration in Medicine to Provide for an Educational Program in Developmental Disabilities (H. P. 116) (L. D. 130) 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 Health and Institutional Services.

Which report was Read and Accepted, in concurrence, and the Bill referred to the Committee on Health and Institutional Services, in concurrence.

Study Report

Health and Institutional Services

The Committee on Health and Institutional Services to which was referred the study relative to Mental Retardation Services in Maine, pursuant to H. P. 1724 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Prohibit Insurance Discrimination Against Operators of Boarding Care Facilities" (H. P. 117) (L. D. 131) 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, on concurrence.

Communications

Maine Department of Agriculture
January 24, 1977

The Hon. Joseph Sewall
President of the Senate
Maine State Legislature
Augusta, Maine 04333
Dear Mr. President:

I am submitting herewith copies of my annual report to the Legislature as provided by Chapter 584 of the Public Laws of 1975.

Sincerely

Signed:

JOSEPH N. WILLIAMS
Commissioner

Which was Read.

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

Mr. HICHENS: Mr. President, before this Report is accepted, I would like to draw the Senators attention to this booklet prepared by the Commissioner of Agriculture, "Goals for Agriculture".

In 1975 the Legislature passed a Bill requiring a report from the Commissioner of Agriculture each year to the Legislative Session, and as Commissioner Williams states, his first report is quite meager because he had just come into office, but now after a full year's service he has submitted a report; and I think you will find after reading it, such as I have found, that it is a very concise report, and it gives us a good idea of what the out-look is for our agricultural future in the State of Maine.

With accompanying papers, ordered placed on file.

Senate Chamber
President's Office

January 25, 1977

Honorable May M. Ross
Secretary of the Senate
State House

Augusta, Maine 04333

Dear Madam Secretary:

In accordance with 1 M.R.S.A., Section 1002, I have the honor of presenting to the State Senate the nomination of the Honorable Joseph B. Campbell to fill the unexpired term, caused by the most unfortunate death of the Honorable Robert B. Williamson, on the Commission on Governmental Ethics and Election Practices.

I believe Mr. Campbell will serve with the same distinction on the Commission as did Justice Williamson, and I respectfully ask the Senate to confirm his nomination.

Sincerely,

Signed:

JOSEPH SEWALL
President

Which was Read.

The PRESIDENT: Is it the pleasure of the Senate to confirm the nomination of the Honorable Joseph B. Campbell to the Commission on Governmental Ethics? In order to confirm the nomination, it requires the affirmative vote of two-thirds of those Senators present and voting, in accordance with Title 1, Section 1002 of the Maine Revised Statutes. Will all those Senators in favor of the confirmation of Mr. Campbell please rise in their places until counted. Those opposed. 31 Senators having voted in the affirmative, the nomination is confirmed.

Which Communication was Ordered Placed on File.

Senate Papers

Mr. Katz of Kennebec presented the following Joint Resolution and moved its adoption:

STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Seventy-seven

IN MEMORIAM

WHEREAS, the Legislature has learned with deep regret of the death of Merrill C. Welles Jr., Executive Director, Associated Industries of Maine; and

WHEREAS, the Senate and House of Representatives are joined in understanding and prayer with all others who share this great loss; and

WHEREAS, when the Legislature adjourns this date, it will do so in honor and in lasting tribute to the deceased; now, therefore, be it

RESOLVED: That we, the members of the

108th Legislature of the State of Maine, while duly assembled at the State Capitol under the Constitution and laws of this State, pause in our deliberations to inscribe this expression of sadness and to extend our heartfelt condolences and sympathy to the bereaved family and friends of the deceased; and be it further

RESOLVED: That a suitable copy of this joint resolution be sent forthwith to the immediate family on behalf of the Legislature and the people of the State of Maine. (S. P. 76)

Which was Read.

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

Mr. KATZ: I guess we all knew him as Pete Welles. A couple of you have expressed surprise that his name was really Merrill. Pete seemed to be a much more comfortable name for a man who was so soft spoken and so well liked.

Pete walked very quietly up and down the corridors of this Chamber for many years. I first got to know Pete when he was the Executive on the staff of Congressman Stan Tupper. Both of them shared a love for the sea, and both of them lived in the Boothbay area.

It seems tragic that such a young man, who had so many friends in the State House, will not be amongst us during the remainder of the Session.

Which was adopted. Sent down for concurrence.

Senate Papers

Mr. Conley of Cumberland (Cosponsor: Mr. Pierce of Kennebec) present, Bill, "An Act Providing for Extension and Modification of the Joint Underwriting Association." (Emergency) (S. P. 70)

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

Sent down for concurrence.

Mr. Pierce of Kennebec presented, Bill, "An Act Concerning Liquor Related Offenses Committed by Juveniles." (S. P. 68)

Mr. Mangan of Androscoggin presented, Bill, "An Act to Define Reasonable Compensation for Attorney Services." (S. P. 69)

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

Sent down for concurrence.

Mr. Wyman of Washington presented, Bill, "An Act to Provide Traveling Expenses for the County Commissioners of Washington County." (S. P. 71)

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

Sent down for concurrence.

Mr. Chapman of Sagadahoc presented, Bill, "An Act to Revise the Bath Water District Charter." (S. P. 72)

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

Sent down for concurrence.

Committee Reports

House

Ought to Pass

The Committee on Legal Affairs on, Bill, "An Act Pertaining to Out-of-State Marriages." (H. P. 51) (L. D. 72)

Reported that the same Ought to Pass.

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

The Committee on Legal Affairs on, Bill, "An Act Pertaining to Town Clerk's Fees for Record of Burial Permits." (H. P. 54) (L. D. 75)

Reported 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.

Senate

Ought to Pass — As Amended

Mr. O'Leary for the Committee on Local and

County Government on, Bill, "An Act Appropriating Funds for the Purchase of Copies of 'The Penobscot Expedition.'" (S. P. 7) (L. D. 12)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-3).

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

Orders of the Day

The President laid before the Senate: Bill, "An Act Concerning Days on which Alcoholic Beverages may be Sold." (H. P. 16) (L. D. 25) Majority Report — Ought to Pass: Minority Report — Ought Not to Pass.

Tabled — January 20, 1977 by Senator Speers of Kennebec

Pending — Acceptance of Either Report.

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

Mr. LOVELL: Mr. President, and Members of the Senate: I would first like to apologize for my laryngitis, and I will not talk too long, but I have not been able to find a good druggist yet that will be able to help me on this laryngitis.

I would like to explain briefly why the Committee on Liquor Control voted 11 to 2 for this Bill to come out ought to pass. Well, I think, thought that it was an antiquated Bill, a Bill that had the Volstead Act after the 18th Amendment was repealed. The Volstead Act was never repealed, but just certain sections taken, like first we had the 3.2 beer and so forth. Now the antiquated Bill of one day in two years in not serving liquor seems rather absurd. We serve for 365 days one year, and on the day of the State election 364 days, the next year, so there is only one day in two years that we cannot serve liquor. Well it seemed, I think, to the majority of the Committee, that it was sort of a foolish thing. In the old days when they used to go out and get inebriated and buy the candidates in some of the bigger cities, maybe New York, Portland, I don't know where, but in those old days you cannot afford — the candidate cannot afford to do that now, and the person did not get it the day before. Now one of the members of the other Body stated that he couldn't bear to see people staggering into the polls on election day, so consequently this Bill was voted down in the other Body.

At the hearing, I would like to state, that this was one of the reasons why I think the members of the Senate voted for it, was it would put 2,000 bar tenders out of work that day, and it would be a loss of \$64,000.00, and it would cost the hotels and motels about a million dollars in business, plus another \$50,000.00 that the State would get from the sale of liquor. So after that explanation as to my vote, and I hope that covers the other two Senators' votes, I move we accept the minority ought not to pass report.

The PRESIDENT: The chair recognizes Senator from Kennebec, Senator Katz.

Mr KATZ: There ain't going to be no report and that is at least a double negative. I request a division.

The PRESIDENT: A division has been requested.

Will all those Senators in favor of the motion to accept minority out not to pass report please rise in their places to be counted.

21 Senators having voted in the affirmative and 8 in the negative, the Minority ought not to pass report was accepted.

Mr. SPEERS: I ask unanimous consent to address the Senate on the record.

The PRESIDENT: Senator from Kennebec, Senator Speers now requests unanimous consent to address the Senate on the record, the

Chair has no objections. The Senator may proceed.

Mr. SPEERS: Mr. President and members of the Senate. On reading over the bills being presented here this afternoon for consideration, this particular one having been referred to the Committee on Judiciary, and I refer to Item 3-3 on Page 3 of our Calendar. That very naturally caught my attention and I would like to mention particularly to the sponsor of this measure, and hoping to help him out in providing some facts which he may present to that committee, that one of the very startling facts that I brought back with me from my travels in the Peoples' Republic of China is that in that country they have done away with attorneys altogether. And the reason was given to us that they were found to be totally inefficient and the system itself worked very efficiently indeed. And I would be very happy to discuss with the sponsor of this measure, or any other individuals who may wish, what alternatives do exist in that particular nation.

(Off the record)

Mr. COLLINS: Mr. President. Mr. President: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Happy to honor the request of the Minority leader. What I wanted to call to the attention of the Senate is that tomorrow we hope, if all goes well, to have before you an emergency bill, an act to establish the Maine Tort Claims Act. The Judiciary Committee, after 4 strenuous days of trying to hammer out a Bill, this afternoon voted out a stop-gap measure which does incorporate in it several of the provisions that were in the original L. D. 87.

We recognize that within the time available, the deadline being February 1, that we could not put together a comprehensive bill to the extent that we would like to that could command a two-thirds vote of both Bodies. Therefore, the bill that we are presenting is a sort of lowest-common denominator. It will have the effect of restoring governmental immunity for the time being. After July 1 there will be certain exceptions to the old rule of governmental immunity, which was abrogated by the Maine Supreme Judicial Court last October.

I commend to your attention the new draft, which should be arriving on our desks tomorrow afternoon, and I hope that as you look it over, you will keep in mind that this is the best that the Committee could do in the time available to bring a temporary remedy before you for the rather urgent need that faces us as of February 1. Thank you.

(Off the record)

On motion of Mr. Huber of Cumberland,
Adjourned until 3:00 p.m. Thursday, January 27, 1977.