

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume I

January 5, 1977 to May 25, 1977

KJ PRINTING
AUGUSTA, MAINE

SENATE

Wednesday, February 9, 1977

Senate called to order by the President.

Prayer by Mr. Julius Sussman of Augusta.

Mr. SUSSMAN: May I share with you four of my favorite quotations taken from St. Francis of Assisi, the Sanskrit, the Old Testament and Henry Thoreau.

"Praise to Thee, my Lord, for all Thy creatures; above all, Brother Sun who brings us the day and lends us his light."

"Yesterday is already a dream and tomorrow is only a vision; but today, well lived, makes every yesterday a dream of happiness and every tomorrow a vision of hope."

"Faith is the substance of things hoped for, the evidence of things not seen."

"If you have built castles in the air, your work need not be lost. That is where they should be; not put foundations under them."

May God grant all the Members of our Senate the courage to legislate for the betterment of all our citizens, understanding, compassion, wisdom to decide the course to pursue, health and happiness to accomplish your desires. And finally, peace to all humanity under the fatherhood of God and the brotherhood of men. Amen.

President Sewall and Members of the Senate, this is my first return trip here since I was honored by the Calumet Club of Augusta last Spring. The Calumet Club is probably the best known and best organized Franco-American group in the State, and at that time I was surprised and pleased when Senator Katz presented me with a certificate signed by The President of the Senate, the Speaker of the House, the Governor of the State making that day Julius Sussman day at the State House. I will never forget it. Thank you very much and may God bless you all.

Reading of the Journal of yesterday.

Out of Order and under Suspension of the rules, the Senate voted to consider the following matter:

**Papers from the House
Joint Order**

STATE OF MAINE

One Hundred and Eighth Legislature

WHEREAS, Paul Belanger of Sanford High School has won the James R. Fitzpatrick Trophy for the most outstanding football player in Maine; we, the members of the Senate and House of Representatives, do hereby join in this order to extend our acknowledgement and congratulations, and be it

ORDERED, while duly assembled in session at the State Capitol in Augusta under the Constitution 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. 209)

Comes from the House, Read and Passed. Which was Read and Passed in Concurrence.

(Off Record Remarks)

**Papers From the House
Non-concurrent Matter**

Joint Order (S. P. 21) relative to Senate and House services, supplies and equipment. In the Senate January 5, 1977. Read and Passed.

Comes from the House, Indefinitely Postponed, in non-concurrence.

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

Mr. SPEERS: Mr. President, it is very unfortunate that this Joint Order has been returned to this Body in non-concurrence. The attempt on the part of the Legislative Council in introducing this Order was to provide for a central point

at which Legislative expenses would be authorized. This Joint Order would require the authorization of the Legislative Director, Administrative Director before expenses could be incurred on behalf of either the House of Representatives, the other Branch, or the Senate, of the State Legislature.

It seemed to be imminent good sense to have one source for approval of Legislative expenses, because, as we note at the present time with both Branches simply going their own way, expending for their equipment and supplies, etc., there is no way to control the amount of expenses and the amount of purchases that are taking place at the present time.

You will note that there is a second Joint Order on the calendar, Item 1-2, which differs from the first one in the respect that the first provides that at any time such purchases shall be made shall be with the acquiescence of the Legislative Director, and the second Order requires that only in the interim when we are not in Session, shall such purchase be made with the acquiescence of the Legislative Director. The second Order is an improvement over no order whatever, but it is rather inconsequential, because most of the major purchases that are made for the Legislature are made while the Legislature is actually in session.

The other branch saw fit to pass an Order on its own to provide that any of the purchases for the other branch may be made with the approval of the Speaker while they are in Session, and I will be presenting an Order to provide that the Secretary of the Senate may purchase such services, supplies and equipment as may be needed to carry on the business of the Senate while we are in session. This arrangement is not my preference. I would have preferred to have had both branches needing the acquiescence of the Legislative Director. because, as you know, the budget comes out of one single fund. Unfortunately, we have gone a step in the direction of having a separate budget for each of the two branches of this Legislature by rejecting this first order and adopting the second and the individual House and Senate Orders.

So, Mr. President, it is with reluctance that I move that we now recede and concur with the House.

On motion of Senator Speers of Kennebec, The Senate receded and concurred.

Joint Order

ORDERED, the Senate concurring, that in the interim when the Legislature is not in session, purchases of equipment by the Clerk of the House or the Secretary of the Senate shall be subject to the approval of the Legislative Administration Director. (H. P. 251)

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

Joint Order

An Expression of Legislative Sentiment recognizing:

Whereas, Francis B. Henderson of Skowhegan has faithfully served with outstanding accomplishment and dedicated service as sheriff of Somerset County for twenty-one years. (H. P. 210)

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

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

Bill, An Act to Provide Funds for Additional Police Communications Operators within the Department of Public Safety, Bureau of State Police. (Emergency) (H. P. 156) (L. D. 194)

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

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

Mr. PIERCE: Mr. President and members of the Senate, it would appear that LEAA money is now available to cover what is requested in this LD; therefore, with the concurrence of the sponsor of this Legislation, Representative Burns, and the Commissioner of Public Safety, Col. Weeks, I would now move that this Bill and all of its accompanying papers be indefinitely postponed.

Upon Motion of Senator Pierce of Kennebec, indefinitely postponed, in non-concurrence.

Sent down for concurrence.

Bill, An Act to Require a Legislator to Abstain from Voting in Either Branch of the Legislature when his Membership in a Profession, Trade or Organization Causes a Conflict of Interest. (H. P. 165) (L. D. 203)

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

On Motion of Senator Speers of Kennebec, referred to Committee on State Government and Ordered Printed in non-concurrence.

Sent down for concurrence.

(Off Record Remarks)

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 HP 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 Department of Human Services to Make Reimbursements to Nursing Homes and Most Boarding Homes on the Basis of Reasonable Operating Costs (H. P. 178) (L. D. 192) 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.

Communications

February 9, 1977

To the Honorable Senate and House of Representatives of the 108th Legislature

In accordance with the provisions of Chapter 96, Private and Special Laws of 1975, An Act Providing for a Study to Determine the Feasibility and Location of a New Bridge across the Kennebec River, the State Department of Transportation herewith submits the enclosed report entitled, "Waterville-Winslow Bridge Study" prepared by the Department's Bureau of Planning.

Respectfully,
ROGER L. MALLAR
Commissioner of Transportation
(S. P. 124)

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

**Senate Papers
Joint Resolution**

A Joint Resolution In Memoriam: WHEREAS, the Legislature has learned with deep regret of the death of The Honorable Ralph A. Leavitt of Portland, Member of the 90th, 91st, 92nd, 93rd, 94th and 95th Legislatures; (S. P. 122)

is presented by Senator Wyman of Washington.

Which was Read and Adopted. Sent down for concurrence.

Senate Papers

Mr. Hichens of York presented, Bill, "An Act

Relating to Cruelty to Animals." (S. P. 114)

Mr. Jackson of Cumberland presented, Bill, "An Act Relating to Livestock Disease Control." (S. P. 119)

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

Sent down for concurrence.

Mr. Speers of Kennebec presented, Resolve, "Providing Funds for Clients in Special Age Groups Served by Cerebral Palsy Centers." (S. P. 121)

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

Sent down for concurrence.

Mr. Chapman of Sagadahoc presented, Bill, "An Act Amending the Maine Property Insurance Cancellation Control Act." (S. P. 116)

The same Senator presented, Bill, "An Act Amending the Maine Automobile Insurance Cancellation Control Act." (S. P. 118)

Mr. Pierce of Kennebec presented, Bill, "An Act Requiring Average Net Cost Comparison of Life Insurance Companies." (S. P. 125)

Mr. Farley of York presented, Bill, "An Act to Require Substantiation of Certain Advertising Claims." (S. P. 126)

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

Sent down for concurrence.

Mr. Pierce of Kennebec presented, Bill, "An Act Concerning Postgraduate Education in the Field of Medicine, Dentistry and Veterinary Medicine." (Emergency) (S. P. 131)

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

Sent down for concurrence.

Mr. Pierce of Kennebec presented, Bill, "An Act Relating to an Offense for Littering under the Litter Control Law." (S. P. 132)

Mr. Collins of Knox presented, Bill, "An Act to Amend the Maine Criminal Code as Recommended by the Criminal Law Advisory Commission." (S. P. 127)

The same Senator presented, Bill, "An Act to Revise the Laws Relating to State Financing of Expenses of the Superior and Supreme Judicial Courts." (S. P. 129)

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

Sent down for concurrence.

Mr. Pierce of Kennebec presented, Bill, "An Act Relating to Maintaining Records on Premises under the Laws Relating to Alcoholic Beverages." (S. P. 133)

Which was referred to the Committee on Liquor Control and Ordered Printed.

Sent down for concurrence.

Mr. Greeley of Waldo presented, Bill, "An Act to Transfer the Alcohol Treatment and Education Program of Operating under the Influence Offenders to the Department of Human Services." (S. P. 130)

Mr. Trotzky of Penobscot presented, Bill, "An Act Relating to Foreign Trade Zones." (Emergency) (S. P. 128)

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

Sent down for concurrence.

Mr. Hichens of York presented, Bill, "An Act to Require Periodic Eye Testing as a Condition for Holding a Driver's License." (S. P. 115)

Mr. Greeley of Waldo presented, Bill, "An Act to Make Certain Revisions in Highway Related Laws Concerning State Aid Funds." (S. P. 117)

Mr. Martin of Aroostook presented, Bill, "An Act Relating to Registration of Trucks of Less Than 6,000 Pounds as Automobiles." (Emergency) (S. P. 113)

Mr. Speers of Kennebec presented, Bill, "An Act Relating to Reconstruction of Certain Railroad Grade Separation Structures on Non Federal Aid-State Aid Highways." (S. P. 112)

Mr. Pray of Penobscot presented, Bill, "An

Act to Clarify Motor Vehicle Registration and Operator Licensing Requirements of Nonresidents." (S. P. 123)

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

Sent down for concurrence.

Orders

On motion of Senator Speers of Kennebec, ORDERED, that the Secretary of the Senate shall purchase such services, supplies and equipment as may be needed to carry on the business of the Senate.

Which was Read and Passed.

Committee Reports House

Ought to Pass

The Committee on Local and County Government on, Bill, "An Act Converting Mount Chase Plantation into the Town of Mount Chase." (Emergency) (H. P. 39) (L. D. 56)

Reported that the same Ought to Pass.

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

The Committee on Local and County Government on, Bill, "An Act Relating to Reapportionment." (Emergency) (H. P. 58) (L. D. 79)

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.

Ought to Pass — As Amended

The Committee on Human Resources on, Bill, "An Act to Appropriate Funds to the Maine Chapter of the Epilepsy Foundation of America." (H. P. 5) (L. D. 8)

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

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.

Ought to Pass in New Draft

The Committee on Legal Affairs on, Bill, "An Act Concerning Proofs Required for the Issue of a Marriage Intention Form." (H. P. 55) (L. D. 76)

Reported that the same Ought to Pass in New Draft under Same Title. (H. P. 154) (L. D. 170)

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

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

Senate

Ought to Pass

Mrs. Cummings for the Committee on Legal Affairs, on Bill, "An Act Relating to Expiration Date of Dance Licenses." (S. P. 50) (L. D. 107)

Reported that the same Ought to Pass.

Which Report was read and Accepted and the Bill Read Once and Tomorrow Assigned for Second Reading.

Mr. Chapman for the Committee on Business Legislation on, Bill, "An Act Providing for Extension and Modification of the Joint Underwriting Association." (Emergency) (S. P. 70) (L. D. 149)

Reported that the same Ought to Pass.

On Motion of Senator Speers of Kennebec, Under Suspension of the Rules,

Read a Second Time and Passed to be Engrossed in concurrence.

(Off Record Remarks)

Orders of the Day

The President laid before the Senate: Joint Order — Relative to Amending Joint Rules. (S. P. 88)

Tabled — February 3, 1977 by Senator Speers of Kennebec

Pending — Consideration

On motion of Senator Speers of Kennebec, retabled for two Legislative Days.

(Off Record Remarks)

On Motion of Mr. Huber of Cumberland, Adjourned until 2:30 tomorrow afternoon.