

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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September 6, 1978 — September 15, 1978

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December 6, 1978

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APPENDIX

SENATE

In Senate, January 19, 1978
Senate called to Order by the President.
Prayer by Father George W. Beaudett, Notre Dame Church in Waterville.

FATHER BEAUDETT: Father of all men, the law of conscience is the law of love of God and neighbor. It is man's expression of his natural drive to a commune with God and his fellow man. For the deepest laws of being witnessed to by conscience are the laws of love. St. Paul says in Romans, "That the love is the fulfilling of the law." So we come before you today to work with this law of love in our smallness and with the consciousness that it is we who have set to vision in Your kingdom, we who have turned our backs upon your offer of friendship. It is we who have neglected your law of love. We who have so often broken your word that it has at times lost its spirit. So from the beginning of time when your spirit was with us you have never ceased to speak to us in ways we could not explain. In happiness and in pain, in peace and war, in disreptions and quietness of our souls. Your word God has always spelled acceptance even though each of us differ in our beliefs. Gather us now Father to spell to us, your meaning, your will for our State, our Country, and not our will. Lead us to understand as only you can, that nothing which severs us from one another, from our fellow man, can possibly be your word to us that this time we spend together as servants of your people, is your promise and the pledge of our life and loving you. We say this one with one another in your name. Amen.

Reading of the Journal of yesterday.

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

Bill, "An Act to Amend the Appeal Procedures in the Employment Security Law. (S. P. 628) (L. D. 1960)

In the Senate January 16, 1978 Passed to be Engrossed as amended by Committee Amendment "A" (S-429).

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-960) and Committee Amendment "A" in non-concurrence.

On motion of Senator Conley of Cumberland the Senate voted to recede and concur.

Non-concurrent Matter

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

In the Senate January 9, 1978 Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as amended by House Amendment "A" (H-963) in non-concurrence.

On Motion of Senator Speers of Kennebec, tabled until later in Today's Session pending consideration.

**Papers from the House
Joint Resolution**

A Joint Resolution In Memoriam: Alton M. Dixon of Orrington, who served the people of Orrington for 7 years as town manager, (H. P. 2008)

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

House Papers

Bills and resolves requiring reference to Committee where acted upon in concurrence.

Communications

John L. Martin, Speaker of the House
Chairman, Legislative Council
House of Representatives
Dear Representative Martin:

In accordance with the provisions of 5 MRSA, Section 1128 (Chapter 573, PL 1977), this is to advise that the Board of Trustees of the Maine State Retirement System has authorized a 4% increase in retirement benefits, effective No-

vember 1, 1977, paid to retired State employees, teachers and the retired employees of certain participating local districts, which increase is a cost-of-living increase.

In addition, this is to advise that the Consumer Price Index, published by the United States Department of Labor, Bureau of Labor Statistics, United States City Average, All items, 1967=100, reflected an increase, for the 12 months ending June, 1977, of 6.9%.

Sincerely,
W. G. BLODGETT
Executive Director
(H. P. 2005)

Comes from the House, Read and Ordered Placed on File.

Which was Read and Ordered Placed on File in concurrence.

To the Honorable John L. Martin, Speaker of the House of Representatives of the One Hundred and Eighth, Second Session, Legislature:

I have the honor to herewith transmit the budget estimates of expenses of the sixteen counties within the State for the years 1978-1979, the same having been filed in this office according to the provisions of Title 30, Sections 252 and 253, of the Revised Statutes, as amended of 1975.

Sincerely,
MARKHAM L. GARTLEY
(H. P. 2006)

Comes from the House, Read and with accompanying papers, Referred to the Committee on Local and County Government.

Which was Read and with accompanying papers, Referred to the Committee on Local and County Government in concurrence.

**Committee Reports
House
Divided Report**

The Majority of the Committee on Education on, Bill "An Act Relating to Type of Notice under the Exceptional Children Statutes." (H. P. 1868) (L. D. 1918)

Reported that the same Ought To Pass.

Signed:

Senators:

KATZ of Kennebec
USHER Of Cumberland

Representatives:

BAGLEY of Winthrop
PLOURDE of Fort Kent
LYNCH of Livermore Falls
FENLASON of Danforth
BIRT of E. Millinocket
LEWIS of Auburn
MITCHELL of Vassalboro

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-957).

Signed:

Representatives:

BEAULIEU of Portland
CONNOLLY of Portland
WYMAN of Pittsfield

Comes from the House, the Majority Report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-962).

Which Reports were Read and Accepted.

The Bill Read Once.

House Amendment "A" Read.

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

Mr. KATZ: Mr. President, I want to apologize to my seatmate, the Senator from Kennebec, Senator Pierce, whose name does not appear on this Committee Report. As it is an error of the Chairman, not of the good Senator.

I move the indefinite postponement of House Amendment "A". This Bill deals with the question of the evaluation of the handicapped child by pupil evaluation team. Last year we required for the first time, written notification be sent to the parent when this process was going

to be undertaken. We required that it be done by Certified Mail. It was an error on our part. Certified mail is cumbersome. Very frequently the parent has to walk down to the post office to get the certified mail if they are working. So the Bill in front of you says that the parent must be notified in writing.

The House Amendment on there comes right back to the question of certified mail. I think that what we should do is to let the communities know what we want done, but do not tell them in a rigid fashion or mandate how they do it. I move indefinite postponement.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that House Amendment "A" be indefinitely postponed.

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

Mr. CONLEY: Mr. President and Members of the Senate, I could not agree more thoroughly with the Senator from Kennebec, Senator Katz. I would give one illustration. As a father of a large number of children as you again all know, I had the problem come to my family of one of our youngsters who was somewhat shy, and it was the youngest one in the family and everyday my wife would accompany the youngster to school, and go over at nountime and pick him up and bring him home. Many times she would be engaged in conversation with the teachers and the principle of the school, and one day after returning home only to find that there was a pink slip waiting in the mail box to pick up a certified letter at the post office which was roughly about three or four miles away from home. So when I got home it was one of my chores to have to drive down to the local post office to pick it up, only to find that Registry Division was closed and have to make another trip down. I just found this to be about the most stupidest thing, and I want the good Senator from Kennebec, Senator Katz, to know that I had him foremost in mind, and I was condemning both him and am still condemning the very fine gentlemen from Portland who still supports this type of Legislation. However, I think that you know, here is a parent, as I say, is at the school, talks with the teachers, talks with the principal, only to come home to be notified by registered mail that they would like to take one of these youngster under the special ed program and to go through this nonsense is sheer ludicrous and I might add that there was a 72¢ charge that the taxpayers of Portland were picking up, which is even more stupid.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Kennebec, Senator Katz, to indefinitely postpone House Amendment "A". The chair will order a Division.

Will all those Senators in favor of indefinite postponement please rise in their places to be counted.

All those opposed please rise in their places to be counted.

24 Senators having voted in the affirmative and no Senators in the negative, the Motion to indefinitely postpone House Amendment "A" does prevail.

Tomorrow assigned for Second Reading.

Second Readers

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

House — As Amended

Bill "An Act Converting Beaver Cove Plantation into the Town of Beaver Cove" (H. P. 1902) (L. D. 1963)

On Motion of Mr. Jackson of Cumberland, Tabled for One Legislative Day, pending Passage to be Engrossed.

Enactor

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

Emergency

"An Act to Authorize Magalloway Plantation to Raise Funds for Secondary School Board for

the 1977-78 School Year in Excess of Statutory Maximums. (H. P. 1865) (L. D. 1915)

This being an emergency measure and having received the affirmative votes of 23 Members of the Senate, and no Senators in the negative, and 23 being more than 2/3's of those Senators present and voting, this Bill was passed to be enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate:

HOUSE REPORTS — from the Committee on Taxation Bill, "An Act to Require Certain Out-of-State Sellers to Register under the Maine Sales and Use Tax Law." (H. P. 1883) (L. D. 1937) MAJORITY REPORT — Ought to Pass; MINORITY REPORT — Ought Not to Pass

Tabled — January 18, 1978 by Senator Collins of Knox

Pending — Motion of Senator Lovell of York to Indefinitely Postpone Bill and Papers

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Martin.

Mr. MARTIN: Mr. President, would a Motion to refer L. D. 1938 back to Committee be in order?

The PRESIDENT: The Chair would advise in the affirmative, that that Motion takes precedence.

Mr. MARTIN: I so move Mr. President.

The PRESIDENT: The Senator from Aroostook, Senator Martin, now moves that this Bill be referred to the Committee for further consideration.

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

Mr. PRAY: Mr. President, I would like to pose a question through the Chair to the Senator from York, Senator Hichens, as to what his objection would be to have this Bill go back to Committee, so that the Committee could try to research this problem?

The PRESIDENT: The Senator from Penobscot, Senator Pray, 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 do support the motion to recommit this Bill back to Committee. I do feel that we can clear up one ambiguity in the law which concerns many, many people, and that is the advertising of publications, the advertising from the bordering States or even from the West Coast or wherever the case may be. If we can satisfy that section, I am sure that the piece of Legislation would be an adequate legislation and we would be able to handle some of the problems on transportation of products that is purchased or procured in another community or another State and brought into the state. I think that, again as I stated earlier, I think that we can clear this up and I think we can make it a satisfactory piece of Legislation which can be enforced.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Aroostook, Senator Martin, that this Bill be referred back to the Committee on Taxation. Will all those Senators in favor of that Motion please say yes. Will all those opposed please say no.

A Viva Voce Vote being had, the Bill and accompanying papers recommitted to the Committee on Taxation in non-concurrence.

The Senate voted to take from the Table: Bill "An Act to Increase the Limits of Authorized Indebtedness of the Brunswick Sewer District. (S. P. 618) (L. D. 1906)

Tabled earlier in the day by the Senator from Kennebec, Senator Speers, pending further consideration.

On Motion of Mr. Speers of Kennebec, the Senate voted to Recede and Concur.

Senator Katz of Kennebec was granted unanimous consent to address the Senate on the Record.

Mr. KATZ: Mr. President and Members of the Senate, I think it is only appropriate that inasmuch as this is Sandy Lovejoy's last day as an employee of the Maine Senate, that she came up and reassume the job that she had when all of us got to know her last year.

Sandy, of course is not a newcomer to the Maine Legislature. She served as staff to the Majority Leader, and she has just finished her job as the Committee Assistant for the Committee on Election Laws, and I think it is probably no surprise that the Committee on Election Laws, with Sandy's help, is completely done its entire job for this season. We are all done with our hearings, we reported our Bills out, or I should say Bill out, and it is only typical of the efficient help that Sandy has always given the Legislature.

Sandy will be moving to Plymouth later this month. This is her last day. I personally am going to miss her like an old friend, and I am sure all of you would join me in wishing Sandy farewell with love and affection and good luck. (applause)

Senator Carpenter of Aroostook was granted unanimous consent to address the Senate on the record.

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, to go along with the remarks of the good Senator from Kennebec, Senator Katz, we are losing either today or tomorrow another member of our staff here in the Senate, and I thought that that person should be recognized.

Any of you who watch the funeral of Senator Humphrey last weekend, undoubtedly were impressed with the changing of the guards, the changing of the old guard, the military honor guard. We have a changing of the guard taking place here. I am not sure whether it is today, or tomorrow between a fellow that has been around here, ever since I have been in the Legislature, in the House and now down in the Senate, and his replacement, and it took me about three years in the Maine Legislature to figure out just exactly what this guy did. I finally figured out that he was here to protect me, I guess. I think that the Senate ought to recognize Walt Williams who is being moved as I understand, over to the State Police Headquarters going on to bigger and better things hopefully and also his replacement, who is here with him this morning, Trooper Bob Tupper and I think it would be very nice if the Senate would recognize the accomplishments of Walt. (applause)

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

Papers from the House House Papers

Bills requiring reference to Committee were acted upon in concurrence.

(At Ease)

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

Papers from the House Joint Order

An expression of Legislative Sentiment recognizing that: Maureen Bradley, Torry Gould, Ruth Libbey, Sally Shields and Brian Waterhouse, all students at Edward Little High School in Auburn have been awarded prizes by the Women's Literary Union of Androscoggin County for their essays on the problem of crime, (H. P. 2017)

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

Committee Reports House

Ought to Pass — As Amended

The Committee on Labor on, Bill "An Act to Authorize Local School Committees to Elect the Method of Funding Unemployment Compensation. (Emergency) (H. P. 1932) (L. D. 2000)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-964).

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

Which Report was Read and accepted in concurrence. The Bill Read Once. Committee Amendment "A" Read and Adopted.

On Motion of Mr. McNally of Hancock, the Bill Read a Second Time. This Bill, as amended, Passed to be Engrossed, in concurrence.

Sent forthwith to the Engrossing Department.

Divided Report

The Majority of the Committee on Education on,

RESOLVE, Appropriating Funds to Renovate an Elementary School Building at Windham which was Destroyed by Flood Waters. (Emergency) (H. P. 1864) (L. D. 1914)

Reports that the same Ought Not to Pass. Signed:

Senators:

KATZ of Kennebec
USHER of Cumberland

Representatives:

LEWIS of Auburn
FENLASON of Danforth
MITCHELL of Vassalboro
BIRT of E. Millinocket
BAGLEY of Winthrop
FLOURDE of Fort Kent
LYNCH of Livermore Falls
BEAULIEU of Portland

The Minority of the same Committee on the same subject matter Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-954).

Signed:

Representatives:

WYMAN of Pittsfield
CONNOLLY of Portland

Comes from the House, the Minority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Reports were Read.

The Majority Ought Not to Pass Report in non-concurrence.

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

Mr. SPEERS: Mr. President, with regard to, Resolve, Appropriating Funds to Renovate an Elementary School Building at Windham which was Destroyed by Flood Waters. (Emergency) (H. P. 1864) (L. D. 1914), I move that the Senate reconsider its action whereby it accepted the Majority Ought Not to Pass Report, and urge the Senate to vote against me.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate reconsider its action in reference to L. D. 1914, whereby it accepted the Majority Ought Not to Pass Report of the Committee.

Will all those Senators in favor of reconsideration please say yes.

Will all those opposed to reconsideration please say no.

A Viva Voce Vote being had, the Motion to reconsider does not prevail.

Sent down for concurrence.

On Motion of Mr. Huber of Cumberland, Adjourned to 12 noon, Friday, January 20, 1978.