

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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APPENDIX

SENATE

January 23, 1978

Senate called to Order by the President.

Prayer by the Honorable Bennett D. Katz of Augusta.

Mr. KATZ: As the days begin to grow longer and the Session begins to grow shorter, may we be ever mindful of the need for this Body to maintain a sense of history and perspective. Perspective to know that there are human needs that must be met and the perspective to know that it is important to remain fiscally sound. And may each of us in its own way strive to maintain that balance.

Reading of the Journal of yesterday.

(Off Record Remarks)

Papers from the House
Non-concurrent Matter

Bill, "An Act Relating to the Taxation of Certain Property Owned and Operated by Telephone or Telegraph Companies." (H. P. 1878) (L. D. 1932)

In the House January 16, 1978 Passed to be Engrossed as amended by Committee Amendment "A" (H-955).

In the Senate January 18, 1978 Passed to be Engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "B" (S-437) thereto, in non-concurrence.

Comes from the House, Bill and Papers Recommended to the Committee on Taxation in non-concurrence.

On Motion of Mr. Speers of Kennebec, Tabled for One Legislative Day, pending consideration.

Joint Orders

Expressions of Legislative Sentiment recognizing that: Charles D. Crouchley, Jr., of Belfast, has been active in Scouting over 40 years and his untiring efforts have been an important influence on hundreds of youth. (H. P. 2022)

Charles J. Ouellette of Boy Scout Troop 270 has been awarded Scouting's highest award for valor, the Honor Medal with Crossed Palms, by the Boy Scouts of America. (H. P. 2021)

Freeport High School has won the State Class B Soccer Championship for 1977, (H. P. 2019) Come from the House, Read and Passed.

Which were Read and Passed in concurrence.

Senate Papers

Mr. REDMOND of Somerset presented, Bill, "An Act to Facilitate the Operation of the Spruce Budworm Suppression Act." (Emergency) (S. P. 678)

Which was referred to the Committee on Natural Resources and Ordered Printed. Sent down for concurrence.

Committee Reports

House

Change of Reference

The Committee on Human Resources on, Bill, "An Act Appropriating Funds to Construct an Access Road to the Phase 2 Housing Project on the Penobscot Tribal Reservation." (H. P. 1916) (L. D. 1977)

Reported that the same be referred to the Committee on Transportation.

Comes from the House, the Report Read and Accepted and the Bill referred to the Committee on Transportation.

Which Report was Read and Accepted in concurrence and the Bill referred to the Committee on Transportation in concurrence.

Senate

Ought to Pass

Mr. PIERCE for the Committee on, Business Legislation, Bill, "An Act to Restore Notice to Policyholders of Right to a Hearing upon Non-renewal of their Automobile Insurance Policy." (S. P. 613) (L. D. 1901)

Reported that the same Ought to Pass.

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

Second Readers

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

Senate—As Amended

Bill, "An Act to Amend the Maine Tort Claims Act." (S. P. 624) (L. D. 1941)

Bill, "An Act to Correct Certain Oversights in the Nonprofit Corporation Act." (Emergency) (S. P. 625) (L. D. 1942)

Which were Read a Second Time and Passed to be Engrossed, as amended.

Sent down for concurrence.

Orders of the Day

The President laid before the Senate:

SENATE REPORT—from the Committee on State Government — Resolve to Transfer a Land Parcel from the Bangor Mental Health Institute to the Region 4 Vocational District. (S. P. 631) (L. D. 1990) Ought to Pass as Amended by Committee Amendment "A" (S-441).

Tabled—January 20, 1978 by Senator Speers of Kennebec

Pending—Acceptance of Report

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

Mr. COLLINS: Mr. President, I move acceptance of the Committee Report.

The committee on State Government has been involved, from time to time, on transfers of state owned property. We feel that this is an area where we must exercise a certain amount of caution and the Committee Amendment does provide that the property be sold to the vocational district, but it further provides that the property be used only for public purposes, and tomorrow I shall offer an Amendment which will provide for an appraisal of that property so that the value may accrual the State as a result of the sale.

Which Report was Accepted in concurrence.

The Bill Read Once. Committee Amendment A Read and Adopted.

The Bill, as amended Tomorrow assigned for Second Reading.

At Ease

Senate called to order by the President

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

Papers from the House

Joint Order

Ordered, the Senate concurring, that the Joint Standing Committee on Taxation be directed to report out a bill, not later than 10 days prior to adjournment of the second regular session to provide for reform of the State tax laws. (H. P. 2023)

Comes from the House, Read and Passed.

Which was Read.

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

Mr. SPEERS: Mr. President and Members of the Senate, I hope that the Joint Standing Committee on Taxation does not read the title of this Joint Order to literally.

It is my understanding that the purpose of this Order is to enable that Committee to work on the tax proposals that have been submitted to that Committee so far in this Session, and to come out with its recommendations in the form of one Bill either a majority or a unanimous report or divided report on that one Bill. If one were to read the title of this literally, I think that we might say that we would be here for some time, longer than I am sure any of us desire to be here. That is not the intent of leadership, to reform all of the State Tax Laws in this Session, and I certainly hope that the Committee does not feel that it is charged with that responsibility in this Session, but we do wish to

have a vehicle to discuss the various tax proposals that have been submitted so far in this Session

Which was Passed in concurrence.

Joint Order

Ordered, the Senate concurring, that Joint Rule 24 be amended by adding a new paragraph to read:

Any vote of the Legislative Council to accept or reject a bill or resolve proposed for introduction under the procedures established under this Joint Rule shall be taken by the yeas and nays, and that vote shall be recorded and made available for public inspection. (H. P. 2020)

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

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

Mr. KATZ: Mr. President, I wonder if someone might give some explanation as to the short comings of the existing rules that caused this to come before us this morning.

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

Mr. SPEERS: Mr. President, the way in which the Legislative Council operates at the present time, I believe gives rise to a number of concerns and I believe have a number of short comings.

The Legislative Council does make some very far reaching decisions, not the least of which are the decisions as to which bills may be introduced and discussed in the Second Regular Session of any Legislative session. The greatest short coming of the Legislative Council at the present time is there is no provision for those decisions to be recorded. There are ten Members of the Legislative Council who may vote yes or no on these measures, and very often it is not known how each one of the individual members have voted.

I think that this is a significant step forward, I only wish that we could provide, either by joint rule or by statute, some manner in which the Legislative Council decisions and all these matters could be by recorded vote, and perhaps that can be an outgrowing of this amendment to the joint rules, but at least this is the beginning in that direction in requiring the Legislative Council to be on record and the individual ten members of that Council to be on record as to how they have voted on the proposals to be submitted to the Second Regular Session.

Which was Passed in concurrence.

Joint Orders

Expressions of Legislative Sentiment recognizing that: John J. Griffin of Scarborough, in recognition of his acts of heroism in the line of duty, has been named a "Fireman of the Year" by the Cumberland County Firemen's Association. (H. P. 2025)

Carl Booth of Portland, in recognition of his acts of heroism in the line of duty, has been named a "Fireman of the Year" by the Cumberland County Firemen's Association. (H. P. 2026)

Come from the House, Read and Passed.

Which were Read and Passed in concurrence.

Communication

UNIVERSITY OF MAINE at Orono
Division of Research and Public Services
Bureau of Public Administration

Ms. May Ross
Secretary of the Senate
State House
Augusta, Maine 04333

Dear Ms. Ross:

Enclosed please find the annual report on the operation of the State Government Internship Program as required by the Maine State Statutes, Chapter 14, Paragraph 294.

Sincerely,

KATHRYN H. GODWIN

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

Committee Reports House

The following Ought Not to Pass report shall be placed in the Legislative files without further action pursuant to Rule 20 of the Joint Rules:

Bill, "An Act Relating to Transfer of Property for Certain Recipients of Medical Care." (H. P. 1944) (L. D. 2023)

Leave to Withdraw

The Committee on State Government on, RESOLVE, Authorizing the Atlantic Sea Run Salmon Commission to Grant Certain Easement on State Land to the Machias First Corporation. (H. P. 1950) (L. D. 2029)

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 State Government on, Bill, "An Act to Increase the Bonding Limit of the Maine State Housing Authority." (Emergency) (H. P. 1880) (L. D. 1934)

Reports that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as amended by House Amendment "A" (H-965).

Which was Read.

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

Mr. COLLINS: Mr. President and Members of the Senate, the Maine State Housing Authority was created in 1969. It was directed to assist low income and elderly families in obtaining better housing. It does this primarily by buying mortgages from private institutions and at the present time we are in a position where the present bonded indebtedness will be entirely used up this spring. So if we are to continue the functions of the Housing Authority it is extremely important that the bonding authority be increased.

The Committee has reported this out originally as an ought to pass and suggested an increase of \$150 million. Upon further reflection by the Committee and as a result of meeting with the Executive Branch, the Bill was amended in the House to make the increase \$100 million.

This is an emergency legislation and I would hope that it will finally pass by the 3/4's vote. It will be necessary that we have a unanimity of agreement as to how much the dollar amount should be. At the present time it is my feeling that the \$100 million is a good figure, and I move acceptance of the Committee Report as amended in the House.

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

Mr. KATZ: Mr. President, I guess one of the original functions that those of us who supported the Housing Authority saw for it was to act as a secondary market for existing mortgages. Apparently that is what is chewing up all the dollars of the authorization they have.

I was unaware of the fact that we apparently were authorized a \$150 million total; and there is only 20 million left. This means we have already bought up a \$130, million of mortgages and presumably we have bought the mortgages from the local banks. My two questions this morning are first: Is my evaluation of the present condition accurate? Second; Is there any unease on the part of the committee in having this governmental agency stick with a quarter of a million dollars worth of mortgages?

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Collins:

Mr. COLLINS: I think that the Committee is receptive to the increase. The nature of these bonds are essentially not general obligations; but similar to revenue bonds. They, in fact, have only the moral obligation of the State.

The safe guards, it seems to me, are rather substantial. There are, of course, first mortgage loans on all of the real estate involved. The present track record is good, there have been no defaults in the multihousing part of the spectrum. In addition to multihousing units it does also include single family dwellings but the record thus far is extremely good. You may recall that there was not a great deal of acceptance in the private sector when this Bill was first enacted. I am happy to report that that situation has now changed. It does have support from the banking industry and from the construction industry as well as the consumer end of the market who are aided by the purchasing of the bonds.

I think that the concern that some people have is, of course, as it relates to the overall bondability, if you will, of the State, it is not a concern of our Committee. We think that the request is reasonable and if we are to continue to act as a secondary mortgage market, it is very important that we have some additional ability to bond. The \$100 million that now is proposed in my view would probably not last over three years; and I think that it is important that there be some lead time, so that the authority can put packages together and can do some forward planning. As I indicated earlier the present level will be at the next bond issue. In the mean time the authority is working towards a fall issue to put together, for which it will have no authority. I am not uneasy with the amount requested, I think that it is a reasonable amount.

Which was Accepted in concurrence. The Bill Read one. House Amendment A Read and Adopted.

The Bill, as amended Tomorrow assigned for Second Reading.

Ought to Pass—As Amended

The Committee on Election Laws on, Bill, "An Act to Clarify Reporting Requirements under the Campaign Finance Law and to Correct Other Oversights in that Law." (H. P. 1910) (L. D. 1971)

Reports that the same Ought to Pass as amended by Committee Amendment "A" (H-966).

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

Which Report was Read and Accepted. The Bill, Read Once. Committee Amendment A Read and Adopted. The Bill, as amended, Tomorrow assigned for Second Reading.

Enactors

The Committee on Engrossed Bills reports as truly and strictly engrossed the following: "An Act Relating to Joint Committee Between George Stevens Academy and Nearby Towns." (H. P. 1890) (L. D. 1947)

Which was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

RESOLVE, to Appeal the Decision of the State Claims Board Regarding Property Damage Suffered by Phillip G. Rotolo of Portland Because of a Resident of the Maine Youth Center. (H. P. 1892) (L. D. 1949)

This being an emergency measure and having received the affirmative vote of 29 Members of the Senate, was Finally Passed and having been signed by the President, was by the Secretary, presented to the Governor for his approval.

Emergency

RESOLVE, to Amend the Apportionment of Multimember Districts of the House of Rep-

resentatives into Single Member Districts. (H. P. 1906) (L. D. 1967)

On Motion of Mr. Hewes of Cumberland, Tabled for One Legislative Day, Pending Final Passage.

Emergency

"An Act Providing that Student Scholarships Under the Maine Student Incentive Scholarship Program Shall Not be Lowered from One School Year to the Next and Appropriating Funds to Carry Out that Intent." (S. P. 627) (L. D. 1959)

On Motion of Mr. Huber of Cumberland, Placed on Special Appropriations Table.

Senator Hichens of York, was granted unanimous consent to address the Senate on the Record.

I read this morning's paper and I was very pleased after passing by obituaries listing the deceased to find a feature article concerning one we know who's made his presence felt here in a manner that does show

How valuable a person he is to the State of Maine and lest he get puffed up a Bit—I think I shall refrain from listing his accomplishments while he's been with us here

As Senator from Portland in this (I think) his tenth year.

His philosophies have changed a bit according to the press

From rank liberal to one who feels the pressures and the stress

That faces his constituents and it is nice to know that the concern for those about him—he's not afraid to show.

His political ambitions have reached their peak, he says so we can plan on seeing him around for many days. And those who seek a higher place can breathe a relieved sigh

In knowing he's an obstacle they'll not have to pass by.

The place he's filled within these Chambers—History Records

The votes that he has taken—and the wisdom of his words and I'm sure you'll all agree with me—and maybe give a cheer

In letting Jerry Conley know "we're glad to have him here!"

(Off Record Remarks)

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

Mr. HEWES: Mr. President and Members of the Senate, I too would like to join in the praise for the distinguished Senator from Cumberland. I know that to me it is a well deserved tribute by a staff writer who covered City Hall for several years. It shows the objective perspective reporting of that reporter, and now that he is covering up here, I am pleased to tell you that you will receive a fair coverage here in Augusta in the Portland papers, from Tom Atwell.

On Motion of Mr. Huber of Cumberland, adjourned until 11 o'clock in the morning, Tuesday, January 24, 1978.