

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 27, 1978

Senate called to Order by the President.
Pray by Father Lionel Vashon, St. Joseph's Catholic Church in Old Town.

Father VASHON: Members of the Senate as we prepare to fulfill these serious duties in the name of our people let's try to be aware of God's presence in our midst, and of our need of his help.

O Lord our God, your name is stamped on our coins and may it also be in our hearts as we open this Session of the Maine Legislature. We believe in your concern for our destiny and our welfare. Though elected by the people of Maine, we realize that our authority comes from you and we understand our responsibility to act in your name for the good of all our citizens. Let not personal gain or any form of immorality tinge our discussions or motivate our resolutions. Rather let all that we do and decide here be inspired by justice and fairness to all. By respect for your law, by compassion for the underprivileged and a constant awareness of our mandate to act for the people of this State. Fill us with respect for the natural resources of our State so that we may not waste the blessing of your bounty. Above all, let us be filled with your spirit of wisdom and understanding. Let your light guide us in selfless service to our people, in the words of the poet, J.G. Holland, "May we be men who tread where Saints have Trod, men for country, home and God." This we ask through Christ Our Lord.
Amen.

Reading of the Journal of yesterday.

Papers from the House
Joint Order

An Expression of Legislative Sentiment recognizing that:

The Fraser Company has completed 100 years in the wood products business since its founding in 1877 and now reflects upon its progress from a primitive sawmill to unprecedented modernization and, in search of unexplored frontiers in the world of forest products and in the spirit of the Voyageur, is striving to lead the way. (H. P. 2014).

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

(Off Record Remarks)

Communications

Governor James B. Longely and Members of the 108th Legislature Pursuant to Chapter 11, Resolves, 1977, enacted by the 108th Legislature in the first regular session, these offices have completed the feasibility study as directed with reference to transferring the functions of the Motor Vehicle Division to the Department of Transportation. Forwarded herewith are the results of our findings, along with draft legislation that would be necessary to implement these findings.

Honorable MARKHAM L. GARTLEY
Secretary of State
ROGER L. MALLAR, Commissioner
Department of Transportation
(S. P. 685)

Which was Read and with accompanying Report, Ordered Placed on file.
Sent down for concurrence.

(Off Record Remarks)

Committee Reports
House

Leave to Withdraw

The Committee on Agriculture on, Bill, "An Act to Create a Maine Potato Board. (H. P. 1897) (L. D. 1954).

Reported 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 - As Amended

The Committee on Agriculture on, Bill, "An Act Concerning Brake Requirements on Agricultural Vehicles. (H. P. 1857) (L. D. 1924).

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-971).

Comes from the House the Bill Passed to be Engrossed as amended by House Amendment "A", (H-977) as amended by House Amendment "A" (H-976) thereto.

Which Report was Read.

On Motion of Mr. Hichens of York,
Tabled for one Legislative Day,
Pending Acceptance of the Committee Report.

Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act to Increase the Amount which Qualifies a Financial Institution for Exemption from Insurance of Deposits on Accounts." (Emergency) (H. P. 1862) (L. D. 1920).

Reported that the same Ought to Pass.

Signed:

Senator:

FARLEY of York

Representatives:

KILCOYNE of Gardiner
WHITTEMORE of Skowhegan
BOUDREAU of Portland
CLARK of Freeport
SPROWL of Hope
HOWE of So. Portland
RIDEOUT of Mapleton

The Minority of the same Committee on the same subject matter Reported that the same Ought Not to Pass.

Signed

Senators:

PIERCE of Kennebec
CHAPMAN of Sagadahoc

Representatives:

ALOUPIIS of Bangor
JACKSON of Yarmouth
PEAKES of Dexter

Comes from the House, Bill Passed to be Engrossed.

Which Reports were Read.

On Motion of Mr. Speers of Kennebec,

Tabled until Tuesday next,

Pending Acceptance of either Committee Report.

Senate

Divided Report

The Majority of the Committee on Veterans and Retirement on, Bill, "An Act to Remove the 6-month Provision in Applying Cost-of-Living Adjustments to Retirement Allowances of Retirees." (S. P. 621) (L. D. 1909).

Reported that the same Ought Not to Pass.

Signed:

Senators:

COLLINS of Knox
O'LEARY of Oxford
LOVELL of York

Representatives:

CLARK of Freeport
THERIAULT of Rumford
AUSTIN of Bingham
NELSON of Roque Bluffs
LOUGEE of Island Falls
BUNKER of Gouldsboro

The Minority of the same Committee on the same subject matter Reported that the same Ought to Pass.

Signed:

Representatives:

LAFFIN of Westbrook
HICKEY of Augusta
PLOURDE of Fort Kent

MacEACHERN of Lincoln

Which Reports were Read

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

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

The PRESIDENT: The Senator from Knox, Senator Collins, now moves the Senate accept the Majority Ought Not to Pass Report of the Committee.

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

Mr. SPEERS: Mr. President and Members of the Senate: I am very disappointed in seeing the signers of the Majority Report on this particular Bill, and I would like to explain very briefly what the Bill intends to do.

At the present time, this legislature has seen fit to provide a Cost of Living Increase for retirees connected with the State Retirement System, of up to four percent, of the Consumer Price Index. This was passed in the last Session of the Legislature and included in that particular provision was the requirement that an individual must have been retired for at least six months prior to the Cost of Living being applied to the increase.

The Law requires that there be a Cost of Living adjustment once a year, in September. That adjustment is based upon the Cost of Living Index, Consumer Price Index excuse me, from July 1 to June 30, of the year prior to that September adjustment. By requiring an individual to have been retired for at least six months prior to that adjustment having been made, we are saying that an individual will have to have been retired by February of that particular year if he is to enjoy the advantages of having the increase being granted in September, of that year. I think there are some problems with the equity of this kind of a situation. Because an individual who is working and retires prior to February will receive a Cost of Living Increase the following September, but a person who is working through the year, for example a teacher, through the end of June and is being paid for that work and then retires, will not receive a Cost of Living Increase that September but will have to wait an entire year before a Cost of Living Increase is granted to that person the following September. There can be situations arising where an individual will have to wait a full year and a half before he is granted a Cost of Living Increase, which is available to others under that Law. The argument will be made that an individual who is working through that year will be enjoying the advantages of any raises in salary, that will be given during that year, and this is true. But I would also point out, that the individual working for the entire year who is receiving increases in a particular salary, if any increases are forthcoming during that year, is earning that salary and is earning those increases because he or he is actually working, has not yet retired.

There may be a cost factor with regard to the retirement fund on this particular item. As far as I know, that cost factor has not been made available. But the attempts of this Bill are to provide an equity in the system that an individual who works for an entire year, particularly in the cases of teachers for example who do not wish to retire in the middle of the year even if this Bill does not pass, but if we do not pass it, will be penalized by the fact that they will be working until the end of June, and then will have to wait an entire year before the increases are available to them. Those same increases which are available to individuals who would retire six months prior to that September adjustment.

I think this is an attempt at bringing some equity into the Law, and I would hope that the pending motion to accept the Majority Report would be defeated.

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

Mr. COLLINS: Mr. President, I recognize the intent of the Senator from Kennebec, Senator Speers, to try to build greater equity into our system. However, when the system was designed with respect to this Cost of Living Index Automatic Increase the six months delay period had a very definite purpose. In many systems that use the Cost of Living Index Automatic Increase, a full year is required to elapse before the retiree is eligible for the automatic increase. The reasoning is and the mathematics is, that the person that keeps on working generally has the benefit of increases in the wage level which come about as inflation goes on and wages are increased. Therefore; that person when they do retire is blessed with a higher base for their permanent benefit so that if you give the four percent increase to someone who has just had the benefit of a wage increase, you are compounding the effect of your benefits. Now I would have no objection to this if it were not going to strain the fund financially, and this was the great concern of the Committee as the Senator has said, we do not have exact figures on this, we requested them; but even without exact figures, the Committee felt that it could see enough of the strain on the fund that it did not want to recommend this kind of a change. After we have had three or four years experience, or maybe less than that, with wage changes under collective bargaining and this automatic increase situation and have an experience record to apply exact figures to and see what it is doing to the fund we might well take another look at this. But at the present time I am not willing to lend my support to something that I think will definitely strain the financial integrity of the Retirement Fund. When you talk about equity, if we were to adopt the position espoused by the Senator from Kennebec, Senator Speers, you can think for example of the employee, let's say you have two employees they go to work for the State at the same time, they are the same age and they have worked the same required time for the highest retirement benefits, one decides to retire on the 28th of February, the other retires on the last day of August. In the meantime in between them, let's say that there is a general wage increase and that the fellow that stayed on through August has the benefit of an increase maybe ten percent in his wages. That increase is built into the mechanism that establishes his permanent base for retirement benefits. So that he gets the four percent on top of the wage increase that probably reflects the Cost of Living. Whereas; the man that retired in February has his base on the previous history so that this six months was sort of a mid-ground between the one year delay period that many systems require and the zero delay that the Senator is espousing. We think that is the best way to try this out. If it appears that at a later time as we get experience with the rate and timing of wage increases, that we do not need this precaution, we can change it then. But I think it would be premature to change it and I would request a division on the vote.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I can certainly very well appreciate the comments of the good Senator from Knox, and I understand the concern that he expresses with regard to this matter, but I would hope that the Senate would also take into consideration another scenario which I feel is more likely to be the situation of the same two individuals who come to work on the same day and work through a number of years, and one retires in January and the other goes on through. Particularly, for example; if they happen to be teachers. The chances, particularly in the event of teaching, of a wage increase between January and June I think are rather small. I have not been involved in the teaching,

profession, and I do not profess to know everything that happens in that particular profession, but I understand that an individual signs a contract at the beginning of the year, and is expected to teach at that rate for that year. And the individual who retires in January is going to receive the retirement benefits and the adjustments that is made in September, the individual who retires at the end of that school year is not going to receive that adjustment. And again I would say that in the situation where there are adjustments made in salaries, these adjustments are earned by the individuals who are still there working and who have not yet retired.

The good Senator and I have discussed this matter many times, and I think we could both agree that we are not going to be able to devise a system that is perfectly equitable in every possible situation, but I do feel that we can approach a little bit better equity by removing the six-month provision and I do not feel that it will be a windfall to anyone that is involved, and I would request a Roll Call.

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

Mr. LOVELL: Mr. President, I think that the Committee as a whole felt, that this would be a good thing. But last year we did give the State Retirees a Cost of Living Adjustment of four percent, and now coming back here the following year, to give them this six months extra is going to cost the State too much money. Our retirement funds now has not done well in the first six months of this year due to the stock market and other investments. So to add on this increased, taking away this six months waiting period, could well jeopardize the funds, not only for just the school teachers, but for every single state employee and it is some 1,200, as I understand it, that stand to retire each year. So, without really knowing, I think somebody estimated the person puts up about six percent and the State eleven percent, so consequently, it could run with the State putting up the total amount, it could run into a couple of million dollars, but we cannot figure it out, we do not know. So we have got to hold this Bill, not pass it this year, but wait and see as the good Senator from Knox, has said, Senator Collins, we have every sympathy in the world with Senator Speers, we have every sympathy in the world with the people that are retiring, but we cannot jeopardize the State's Retirement Fund and I hope you will go along with the Ought Not to Pass.

The PRESIDENT: A Roll Call has been requested.

In order for the Chair to order a Roll Call, it must be the expressed desire of one-fifth of those Senators present and voting.

Will all those Senators in favor of a Roll Call please rise in their places to be counted.

Obviously more than one-fifth having arisen a Roll Call is ordered.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President, I notice that a number of Members of the Appropriations Committee are still working on some Bills before them, and I know sometimes that the bell cannot be heard on the second floor. I would like to request that the President send one of the Sergeant - at Arms, or Assistant Sergeant - at Arms to allow these individuals to at least have the opportunity to come up and vote on this issue.

The PRESIDENT: The Chair would advise the Senator, that the Chair has already taken care of this contingency, and thanks the Senator very much for his concern.

The pending question before the Senate is the Motion by the Senator from Knox, Senator Collins, that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

A yes vote will be in favor of Accepting the Ought Not to Pass Report. A nay vote will be opposed.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

YEAS: Chapman, Collins, D.; Collins, S.; Cummings, Greeley, Hewes, Huber, Jackson, Katz, Lovell, McNally, Morrell, O'Leary, Pierce, Redmond, Snowe.

NAYS: Conley, Curtis, Farley, Hichens, Levine, Mangan, Martin, Merrill, Minkowsky, Pray, Speers, Usher, Wyman.

ABSENT: Carpenter, Danton, Trotzky.

16 Senators having voted in the affirmative, and 13 Senators in the negative, with 3 Senators being absent, the Motion to Accept the Majority Ought Not to Pass Report does prevail.

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

Mr. LOVELL: Mr. President, having voted on the prevailing side, I request reconsideration, and hope that you vote against me.

The PRESIDENT: The Senator from York, Senator Lovell, now moves that the Senate reconsider its action 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 please say no.

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

Second Readers

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

House - As Amended

Bill, "An Act to Provide Flexibility in the Organizational Structure of the Department of Environmental Protection." (H. P. 1949) (L. D. 2028)

Which was Read a Second Time and Passed to Be Engrossed, as amended in concurrence.

Senate

Bill, "An Act to Clarify the Definition of Residence for Purposes of the Inland Fisheries and Wildlife Laws." (Emergency) (S. P. 620) (L. D. 1908).

Which was Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

Senate - As Amended

Bill, "An Act to Enable the Purchase and Administering of Barbituates for the Euthanasia of Pets and Animals." (S. P. 617) (L. D. 1905).

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

Bill, "An Act to Amend the Crime of Assault on a Law Enforcement Officer." (S. P. 661) (L. D. 2032).

Which was Read a Second Time.

On Motion of Mr. Conley of Cumberland, Tabled until Tuesday next, pending Passage to be Engrossed

Enactor

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

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).

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

Tabled—January 24, 1978 by Senator Speers of Kennebec

Pending—Passage to be Engrossed.

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

Mr. COLLINS: Mr. President, Under suspen-

sion of the rules, I move that the Senate reconsider its action whereby it adopted House Amendment "A".

The PRESIDENT: The Senator from Aroostook, Senator Collins, now moves that the Senate suspend its rules and reconsider its action whereby it adopted House Amendment "A" to L. D. 1934. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. COLLINS: Mr. President, I move that we indefinitely postpone House Amendment "A".

The PRESIDENT: The Senator from Aroostook, Senator Collins, now moves the indefinite postponement of House Amendment "A" to L. D. 1934. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. COLLINS: I offer Senate Amendment "A" to L. D. 1934 and move its adoption, and would speak to my motion.

The PRESIDENT: The Senator from Aroostook, Senator Collins, now offer Senate Amendment "A" to L. D. 1934 and moves its adoption. Senate Amendment "A" (S-446) Read.

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

Mr. COLLINS: Mr. President and Members of the Senate, the other day we had some discussion relative to the Maine State Housing Authority and you may recall that the State Government considered a Bill which would increase the amount that could be bonded by a \$150 million. That Bill was subsequently amended to a level of \$100 million, and came to this Body in that form. My Amendment today further reduces that figure to \$75 million and I should like to tell you that this is partly in response to some concerns some Members of the Senate and partly as a result of some of the Members of the Senate and partly as a result of the Governor's different view, whereby he suggests a much lower level.

I have had distributed on your desks a copy of the Housing Authority activities. It is the yellow document which I think outlines the activities of the Authority rather well. The present level that we are now seeking and for which I ask your support, is a compromise level, and I believe it to be a very minimum level. It really addresses only the short term needs that must be addressed in 1978. At the present time, the authority has 662 multi-family units ready for bonding in March and April of this year. The authority can use its present bonding authorization of \$24 million to take care of that particular project. The authority currently has 400 multi-family units from HUD in the pipe line, for which there is not current authorization. This would require about \$14 million and anticipates a bond sale on July 1. Preliminary interests from banks for March and April of this year for single family dwellings for which there is no current authorization indicate a need of 37 million. Total of these add up to about 75 million. Really there ought to be some leeway as I indicated to you the other day, beyond this level. However, in the anticipation that the next Legislature will quickly provide additional authority and because we are attempting to compromise our proposal, I have offered the \$75 million figure for your consideration. And I would ask for a Roll Call, Mr. President.

The PRESIDENT: A Roll Call has been requested. The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate, I personally would like to commend the good Senator from Aroostook, Senator Collins. I think that he has demonstrated to this Body and to every other individual concerned with housing in this State, and that he is more than willing to compromise, and I think that he has taken more of a giant step than I personally would have myself. But I recognize the fact that there is a shortage of housing in

this State and if we are going to be able to allow the Maine State Housing Authority to try to reach some of the problems existing in rural Maine, then I would suggest that the Senate adopt the Amendment that is currently before the Senate.

The PRESIDENT: In order for the Chair to order a Roll Call, it must be the expressed desire of one-fifth of those Senators present and voting.

Will all those Senators in favor of a Roll Call please rise in their places to be counted.

Obviously more than one-fifth having arisen, a Roll Call is ordered.

The pending question before the Senate is the adoption of Senate Amendment "A" to L. D. 1934.

A yes vote will be in favor of adoption.

A nay vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Collins, D.; Collins, S.; Conley, Cummings, Curtis, Farley, Hewes, Hichens, Huber, Katz, Levine, Lovell, Mangan, Martin, McNally, Merrill, Minkowsky, O'Leary, Redmond, Snowe, Speers, Usher.

NAYS: Greeley, Pray, Wyman.

ABSENT: Carpenter, Chapman, Danton, Jackson, Morrell, Pierce, Troitzky.

22 Senators having voted in the affirmative, and 3 Senators in the negative, with 7 Senators being absent, Senate Amendment "A" is adopted.

This Bill, as amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate: Bill, "An Act to Establish the Maine-Canadian Legislative Advisory Commission." (H. P. 1879) (L. D. 1933)

Tabled—January 25, 1978

Pending—Passage to be Engrossed

On motion of Mr. Speers of Kennebec,

Retabled until Tuesday next.

The President laid before the Senate: RESOLVE, to Amend the Apportionment of Multi-member Districts of the House of Representatives into Single Member Districts. (H. P. 1906) (L. D. 1967) EMERGENCY

Tabled—January 26, 1978 by Senator Collins of Aroostook

Pending—Final Passage

This being an emergency measure and having received the affirmative vote of 22 Members of Senate, was Finally Passed, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Papers From The House Joint Resolution State of Maine

IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND SEVENTY-EIGHT

Joint Resolution In Recognition of

Franco-American Friendship

Whereas, in the year 1778, the thirteen colonies of the United States were seeking independence from England; and

Whereas, Louis XVI, King of France and of Navarre, signed a Treaty of Friendship and Commerce between France and the thirteen colonies of the United States; and

Whereas, that Treaty of Friendship and Commerce proclaimed equality and perfect reciprocity in international relationships between the thirteen colonies of the United States and France, the first ally of the United States; and

Whereas, the date, July 11th, commemorates many examples of French assistance to our country during the Revolutionary War, including the assistance of arms, armies and the Marquis de Lafayette; now, therefore, be it

Resolved: That we, the members of the 108th Legislature in the second regular session assembled, hereby declare the year 1978 to be "Franco-American Friendship Year" and further declare July 11th to be Franco-American Friendship Day; and be it further

Resolved: That we call upon the citizens of Maine, as well as all interested groups and organizations, to observe this year and this date with appropriate ceremonies and activities in honor of the occasion; and be it further

Resolved: That, upon passage in concurrence, the Secretary of State shall make available suitable copies of this joint resolution. (H. P. 2045)

Which comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence

House Paper

Bills requiring reference to Committee were acted upon in concurrence.

Study Report—State Government

The Committee on State Government to which was referred the study relative to the question of recovery of unclaimed property and the need for revision of our present escheat laws have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill, "An Act Relating to Abandoned Property" (H. P. 2043) (L. D. 2109) 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 State Government.

(Which) Report was Read and Accepted and the Bill referred to the Committee on State Government and Ordered Printed, in concurrence.

Committee Report

House

Ought to Pass

The Committee on Local and County Government on, Bill, "An Act to Revise the Salaries of Certain County Officers" (H. P. 1942) (L. D. 2108)

Reports that the same Ought to Pass pursuant to Joint Order H. P. 1986.

Comes from the House, the Bill Recommended to the Committee on Local and County Government.

Which Report was Read.

The Bill recommitted to the Committee on Local and County Government in concurrence.

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

Mr. HICHENS: Mr. President, in a more serious vein today than the other times that I have addressed the Senate on the record, I would like to share with you the Members of the Senate a reprint of a news item published in the Lewiston Daily Sun, which I received in the mail yesterday. It reads as quote, "A 21-year-old former Auburn resident, arrested in New Hampshire, waived extradition and was returned to Arkansas where he will face a charge of first degree homicide.

He reportedly will be charged in connection with the slaying of a 42-year-old woman at North Little Rock, Ark.

He was arrested at Claremont, N. H. and according to police there, disclosed the Arkansas incident during interrogation.

Claremont police said the man had waived extradition and was enroute back to Arkansas to face a charge of first degree homicide.

According to Claremont police, authorities at

North Little Rock confirmed the homicide in their community.

After arrest in New Hampshire, police reported that a vehicle the Maine man was accused of stealing was found by Vermont State Police. Claremont authorities alleged he had been involved in a burglary in Vermont prior to his arrest.

Auburn Detective Lt. Steven L. Mehalcik said Monday night that the same man who on June 30, 1976, was found innocent in Androscoggin Superior Court of felonious trespass and high and aggravated assault and battery on a 70-year-old Auburn woman.

Justice Harold Rubin gave the verdict of innocent by reason of mental disease and defect on the basis of testimony by Dr. A. Akerberg.

Dr. Akerberg testified that he suffered from a condition which had him rational at times, but which triggered him to periods of violence from stored-up anger.

At that time the court placed the man in the custody of the Commissioner of Mental Health and Corrections for care in a state institution but Justice Rubin in making the finding expressed concern that he would be "back on the streets" in a short period of time.

At the time of the incident in which this finding was made by the court, he was serving a 1½ to three-year sentence imposed in Androscoggin Superior Court for aggravated assault.

It was said that he was on a State Prison work release program at the time of the second incident in Auburn.

The person who sent me this news item has penned on the side that this man was admitted to Augusta Mental Health Institute on September 8, 1976, after being found not guilty by reason of mental disease. He was granted leave on May 5, 1977, with the incidents I have related to you occurring following his release.

With the bills we have before us this session regarding judges and the implementation of the Criminal Code of Maine, I feel it important to bring cases like these to your attention. I am much concerned as to why a person as described by Dr. Akerberg as having been rational at times but triggered to periods of violence at other times should be granted leave after only eight months of confinement. With his past history, it seems an irresponsible action to me by the authorities concerned. If this were the first time such a person was released, I would not be overly concerned, but it is something that has occurred and re-occurred too frequently, to be passed over lightly. I trust that action may be taken in this Legislative Session to correct these situations as quickly as possible and further hope that those in places of responsibility including the Commissioner of Mental Health and corrections who will be more rigid in their judgments to prevent such re-occurrences in Maine and elsewhere.

On Motion of Mr. Huber of Cumberland, adjourned until 21 noon, Monday, January 30, 1978.