

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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First Special Session

September 6, 1978 — September 15, 1978

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Second Special Session

October 18, 1978

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Third Special Session

December 6, 1978

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APPENDIX

SENATE

January 30, 1978

Senate called to order by the President.
Prayer by the Honorable John D. Chapman of Woolwich.

Mr. CHAPMAN: O God who of old didst guide our fathers through the perils of pioneer days, make us pioneers of the spirit in the testing times of our age. Grant us clear minds, dauntless courage, and persevering faith. Make us workmen who have no need to be ashamed. In our response to the State's needs keep us wise and tender and strong. In our dealing's with each other invest us with the courteous and kindly spirit. In our dealings with ourselves, keep us honest. Show us every moment that in Thee we live and move and have our being.

We pray His name.
Amen.

Reading of the Journal of yesterday.

Papers from the House
Joint Orders

Expressions of Legislative Sentiment recognizing that:

Margaret C. Hall has retired after 20 years of dedicated service to the community of Scarborough, (H. P. 2046).

Ralph P. Lorfano of Scarborough has completed 19 years of service as selectman and councilman, (H. P. 2047).

Gorham High School has won the 1977 Class A Soccer Championship, the fourth time they have won that title in the eight-year history of the championship, (H. P. 2049).

Come from the House, Read and Passed.
Which were Read and Passed in concurrence.

Joint Resolution

A Joint Resolution in Memoriam:
Whereas, the Legislation has learned with deep regret of the death of William Davies of Acton, (H. P. 2050).

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

COMMUNICATION

DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES

To: Edwin H. Pert, Clerk of the House
May M. Ross, Secretary of the Senate
Otto W. Siebert, State Budget Officer
From: H. Sawin Millett, Jr., Commissioner
Re: Certification of Education Funding Levels, 1978-79

Pursuant to the provisions of 20 MRSA, Section 3745, I am required to certify annually, prior to February 1st, to the Legislature and to the Bureau of the Budget my recommendation for the funding levels for each of the program categories in the School Finance Act for the following fiscal year. My recommendation is also required to carry with it the approval of the State Board of Education.

The figures in the column headed "Allocation" on the attached exhibit represent my certification. These recommended funding levels have received the approval of the State Board of Education at its meeting January 24, 1978.

I wish to call to your attention the fact that these funding levels are being certified in accordance with present law notwithstanding the fact that statutory changes affecting the basis for funding education costs for FY 1979 may be approved during this session of the 108th Legislature.

I want to further call to your attention the fact that the State Board of Education voted at its January 24, 1978, meeting to express its concern that the State's participation in the "local leeway" program is no longer keeping pace with its original level of participation because of the increases in state valuation.

CERTIFICATION OF TOTAL EDUCATION COSTS

PART A

	Allocation	
1. Elementary and Secondary Operating Costs	\$235,094,512	
2. Special Education for Programs Operated by the Administration Units	\$11,243,829 @ 90%	10,119,446
3. Special Education tuition & board excluding Medical Costs		
a. For pupils placed by administrative units	3,932,356 @ 90%	3,539,120
b. Adjustments under section 3748, subsection 3, paragraph H		200,000
4. Vocational Education Costs	8,339,267 @ 90%	7,505,340
5. Transportation Costs		
a. Operating	19,287,895 @ 90%	17,359,106
b. Purchase of Buses		2,999,461
6. Debt Service Costs		
a. Principal & Interest		26,500,000
b. Insured Value Factor		322,227
c. Approved Leases		464,525
TOTAL - Part A		\$304,103,737

PART B

7. Cost of Unusual Enrollment Adjustments	650,000	
8. Cost of Geographic Isolation Adjustments	267,642	
9. Cost of Adjustment for Small Administrative Units	85,000	
10. Special Education tuition & board excluding Medical Costs for State wards and other pupils placed directly by the State	175,000	
11. Cost of reimbursement for Private School Transportation	308,812 @ 90%	277,931
12. Audit Adjustments	50,000	
13. Optional Local Appropriations with State Participation Maximum State Obligation	5,800,439	

TOTAL - Part B

\$ 7,306,012

GRAND TOTAL

\$311,409,749

Which was Read and Ordered Placed on File.

OFFICE OF THE GOVERNOR

Honorable Joseph Sewall
President of the Senate
Honorable John L. Martin
Speaker of the House

Dear Joe & John:
This is to officially inform you that I have today nominated Paul E. Burbank of Cundy's Harbor and James H. Tweedie of Blaine to serve on the Maine Board of Environmental Protection.

Pursuant to Maine Revised Statutes Annotated Title 38, Section 361, these nominations will require confirmation by the Joint Standing Committee on Natural Resources and the Senate. Thank you for your cooperation.

Very truly yours,
JAMES B. LONGLEY
(S. P. 687)

Which was Read and Referred to the Committee on Natural Resources.
Sent down for concurrence.

Senate Paper

Mrs. Cummings of Penobscot presented, Bill, "An Act to Extend until July 1, 1979, the

Date for the Newport Water District to Purchase the Property of the Maine Water Company." (Emergency) (S. P. 686) (L. D. 2114)
Which was referred to the Committee on Public Utilities and Ordered Printed.
Sent down for concurrence.

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 to Revise the Method by Which Citizens May Appeal their Property Tax Bills." (H. P. 1938) (L. D. 2018).

Leave to Withdraw

The Committee on Taxation on, Bill, "An Act Enabling Municipalities to Establish a Local Amusement or Entertainment Service Tax." (H. P. 1981) (L. D. 2071).

Reported that the same be granted Leave to Withdraw.
Comes from the House, the Report Read and Accepted.

The Committee on Veterans and Retirement on, Bill, "An Act to Permit Retirement with Full Benefits for any Member of the Maine State Retirement System when the Sum of the Member's Age Plus the Member's Years of Service Equals 85." (H. P. 1984) (L. D. 2063).

Reported that the same be granted Leave to Withdraw.
Comes from the House, the Report Read and Accepted.

Which Reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Local and County Government on, Bill, "An Act Relating to Assessment for Public Services Tax on Unorganized Townships." (Emergency) (H. P. 1922) (L. D. 1983).

Reported that the same Ought to Pass.
Comes from the House, the Bill Passed to be Engrossed.

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

Ought to Pass - As Amended

The Committee on Agriculture on, Bill, "An Act to Provide a Lower Registration Fee under the Transportation of Christmas Tree Statutes." (H. P. 1894) (L. D. 1951).

Reported that the same Ought to Pass as amended by the Committee Amendment "A" (H-979).

Comes from the House, the Bill Passed to be Engrossed as amended by the 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.

Senate

Leave to Withdraw

Mr. Pierce for the Committee on Business Legislation on, Bill, "An Act Relating to the Organization and Operation of Mutual Financial Institution Holding Companies." (S. P. 633) (L. D. 1992).

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.
Sent down for concurrence.

Orders of the Day

The President laid before the Senate.
House Report — from the Committee on Agriculture — Bill, "An Act Concerning Brake Requirements on Agricultural Vehicles." (H. P. 1857) (L. D. 1924) Ought to Pass as Amended by Committee Amendment "A" (H-971).

Tabled - January 27, 1978 by Senator Hichens

of York.

Pending - Acceptance of Report.
Which Report was Read and Accepted.
The Bill Read Once.

Committee Amendment "A" Read and Adopted in non-concurrence,
House Amendment "A" Read. (H-977)
House Amendment "A" to House Amendment "A" Read. (H-978).

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

Mr. HICHENS: Mr. President, based on the action of the other Body in accepting House Amendment "A" H-978, I believe that I would have to make a motion that Committee Amendment "A" be indefinitely postponed and to accept the others, is that correct?

The PRESIDENT: The Chair would advise the Senator that his motion at the moment might be deferred until we have completed the action on the House Amendments and then his motion would be in order to reconsider our action.

House Amendment "A" to House Amendment "A" Adopted

House Amendment "A" as amended, was Adopted in concurrence.

The PRESIDENT: It is the pleasure of the Senate to reconsider its action whereby it adopted Committee Amendment "A" to L. D. 1924? It is a vote. It is the pleasure of the Senate to indefinitely postpone Committee Amendment "A"? It is a vote.

The Bill, as amended, Tomorrow assigned for Second Reading.

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.

Study Report - Taxation

The Committee on Taxation to which was referred the study relative to the Taxation of the Unorganized Territory have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act Relating to the Taxation of the Unorganized Territory" (H. P. 2059) (L. D. 2117) 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 Taxation.

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

Enactors

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

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

"An Act to Clarify the Statute Relating to Attorneys so that Nonattorneys may Appear in Small Claims Court on Behalf of Corporations" (H. P. 1918) (L. D. 1979)

"An Act to Empower Administrative Hearing Officers to Sign Fair Hearing Decisions" (H. P. 1945) (L. D. 2024)

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

RESOLVE, Authorizing the Sale by the Department of Mental Health and Corrections of a Certain Parcel of Land Adjacent to the State Prison in Thomaston to Allan L. Robbins and Verla W. Robbins. (H. P. 1926) (L. D. 1987).

RESOLVE, Authorizing the Director of the Bureau of Public Lands to Lease the Right to Lay and Maintain a Certain Right-of-Way for Forty Years. (H. P. 1960) (L. D. 2043)

Which were Finally Passed, and having been

signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

"An Act Relating to Certificate of Need" (S. P. 652) (L. D. 2013).

On Motion of Mrs. Snowe of Androscoggin, Tabled for one Legislative Day, Pending Enactment.

On Motion of Mr. Huber of Cumberland, Adjourned until 11:00 in the morning, January 31, 1978.