

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

March 3, 1978

Senate called to Order by the President.
Prayer by The Honorable Samuel W. Collins, Jr. of Rockland.

Honorable Samuel Collins: Help us to understand that the quality of life can be improved by the collective efforts of men and women of good will. Sacrificial spirit. As we make decisions this day, may we find the strength of character and caring which will make our State a place where we would want future generations to live. Amen.

Reading of the Journal of yesterday.

Papers from the House
House Papers

RESOLVE, Authorizing Beverly Mortimer and Dennis Perkins to Bring Civil Action Against the State of Maine. (Emergency) (H. P. 2173) (L. D. 2174)

Comes from the House, referred to the Committee on Judiciary and Ordered Printed.

Which was referred to the Committee on Judiciary and Ordered Printed in concurrence.

Bill, "An Act to Incorporate the Vinalhaven Water District." (Emergency) (H. P. 2164) (L. D. 2173)

Comes from the House, referred to the Committee on Public Utilities and Ordered Printed.

Which was referred to the Committee on Public Utilities and Ordered Printed in concurrence.

Committee Reports
House

Ought to Pass

The Committee on Agriculture on, Bill, "An Act to Continue the Potato Tax at the Rate of \$.025 per Hundredweight." (Emergency) (H. P. 2033) (L. D. 2097)

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 Second Reading.

Ought to Pass in New Draft

The Committee on Business Legislation on, Bill, "An Act to Permit Law Enforcement Officers to Make Limited Solicitations for Advertising in Publications or Periodicals to be Published by Law Enforcement Officers, Agencies or Associations." (H. P. 1861) (L. D. 1919)

Reported that the same Ought to Pass in New Draft under new title, "Bill, An Act to Permit Law Enforcement Officers, Agencies and Associations to Make Limited Solicitations for Advertising or Purchase of Certain Publications Published by Them." (H. P. 2153) (L. D. 2167)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed as amended by House Amendment "A" (H-1104).

Which Report was Read.

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

Mr. HEWES: Mr. President and Members of the Senate: I move the Indefinite Postponement of this Bill and would speak to my Motion.

The PRESIDENT: The Senator from Cumberland, Senator Hewes, now moves indefinite postponement of the Bill and accompanying papers.

The Senator has the floor.

Mr. HEWES: I feel that this is a bad Bill. I do not know if you people, individuals have insisted or not but we in our line of business in Portland received calls from somebody claiming to be from the Cape Elizabeth Police Department, the Westbrook Police Department, the Falmouth Police Department, the Portland Police Department, the South Portland Police

Department, Scarborough Police Department, and you kind of feel intimidated when you are a lawyer certainly to give \$10. to each of these various organizations and I used to assume 15 years ago when I was first called that I was talking to a State Policeman from South Portland. You find out after awhile and you recognize the same voice they are calling for different Departments that it is a some kind of, should not use the word racket, that is not correct, but it is a free entrepreneur who has negotiated with these various departments to raise money for them. I feel that this is a bad Bill and hope you will vote to indefinitely postpone it.

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

Mr. PIERCE: Mr. President and Members of the Senate: I would oppose the Motion of the good Senator to indefinitely postpone this Bill. Last Session the Committee on Business Legislation passed a Bill which is probably the result of some of the bad publicity which I think the State Police had from their out of state solicitation firm had was very strongly supported by many people in that people felt that law enforcement agencies or officers should not be contacting people not so much that they might put pressure on you but just the appearance that they might. And that Bill was passed and is presently Law.

The original Bill, "An Act to Permit Law Enforcement Officers to Make Limited Solicitations for Advertising Publications or Periodicals to be Published by Law Enforcement Officer Agency or Association," was turned down by the Committee of Business Legislation, in that we felt that it went too far to turn back the Law that we passed last Session. However, we do realize that Law Enforcement Officers although people might think that they are not really human beings and that they deserve some limited rights.

Well all this Bill does in new form is allow them to publish a periodical, a magazine, and they cannot contact you by phone, they cannot contact you in person, they cannot contact you by letter, but they can put an advertisement in their magazine saying that anyone who would like to advertise in their magazine they can send in, they can clip out the coupon and send it in to you and I think that this really makes sense and it certainly in no way is going to allow them to put any undo pressure on you. There is no way that they can personally contact you and I think that it makes more sense than the present Law.

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

Mr. HICHENS: Mr. President and Members of the Senate: I think that phrase that, "all this Bill does," is enough to want me to vote against the Bill. I would ask for a Roll Call.

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 Sagadahoc, Senator Chapman.

Mr. CHAPMAN: Mr. President and Members of the Senate: I would just like to add a few comments in support of the Senator from Kennebec, Senator Pierce, Chairman of the Business Legislation Committee.

I would like to point out to everyone that this is a unanimous report of the Committee. The Committee was very concerned about undue pressure and solicitation by police officers and it was very carefully gone into and this is something that they feel that they can use to perform service to the citizenry and the promotion of crime prevention campaigns and things of this nature and get the word out and the Com-

mittee was very sensitive to the pressure aspect of the solicitation. I think that the Bill in its present form has very carefully removed that kind of pressure. But allows for the support of those who wish to support these kinds of programs, and I would urge the Senate to oppose this motion.

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

Mr. HEWES: Mr. President, I hear what the good Senator from Sagadahoc, Senator Chapman says, and that L. D. 2167 was a unanimous Committee Report but that does not mean that we have to adopt it. The House adopted their Amendment which is (H-1104) and that amends the Bill by striking out everything after the enacting clause and inserting in its place the following. So in effect, just as the other Body did not follow your unanimous report, I do not feel that we have to if our judgment is such that the Bill is not in the best interest of the people of Maine. I feel that this is certainly a foot in the door, a camels nose in the tent, toward further intimidation.

The system that used to be before the Law was changed last year was not a good system. It puts the police officers, then you get the fire departments and other public servants perhaps in a bad light when they intimidate, when the public are intimidated. I feel I am a strong law and order supporter. Shown by the Assault on Policeman Bill we discussed earlier this Year, but I really feel that this is not in the best interest of the public and I question that the police really want it either.

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

Mr. CURTIS: Mr. President, if I understand correctly one of the arguments made by the proponents of the Committee's report as it is proposed to be amended is that it is well to enable the police to collect money so that they can promote education in the area of crime prevention. It would seem to me that the amendment that we are looking at under H-1104 might indicate that perhaps what the police have in mind is the sale of tickets to events where crime prevention education is to be discussed. It seems to me that if that is the case we certainly should not recommend this to any of our police departments. Education in the area of crime prevention ought to be something that is provided by government, whether it be local, county, or state government. And if it is the sale of admission tickets to circuses so that the profits can be used to promote crime prevention education then it seems to me once again the most direct and logical and sensible method for government to participate is to finance such education directly and not by sale of tickets to circuses or fairs.

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

Mr. PIERCE: Mr. President and Members of the Senate: I think that there is some misunderstanding.

First of all, H-1104 does nothing substantive as you can see if you look at the amendment, it just clears up a technicality and is in effect the Committee Bill. Under the present law, law enforcement people can have public events but cannot sell tickets to them. This does not allow them to sell tickets to them they can go on sale, this does not change the present Law at all. The one thing that this Bill does is allow a general advertisement in their association magazine for people who want to write in and advertise in their magazine they can do it. I just do not see anything wrong with that.

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

Mr. CONLEY: Mr. President, I pose a question through the Chair to any member of the Business Legislation Committee that would like to respond. And I would just like to know what do they do with the money?

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question

through the Chair to any member of the Senate who may care to answer.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President and Members of the Senate: In response to the question of the good Senator from Cumberland, Senator Conley, the benevolent association of police officers or anybody else do all sorts of things with the money. They run the police athletic leagues, they can do anything with the association money they want just like any other organization.

The PRESIDENT: Is the Senate ready for the question?

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Hewes, that L. D. 2167 be indefinitely postponed.

A yes vote will be in favor of indefinite postponement.

A nay vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Curtis, Hewes, Hichens, McNally, Redmond, Wyman.

NAY — Carpenter, Chapman, Collins, D. F.; Collins, S. W. Jr.; Conley, Cummings, Farley, Greeley, Huber, Jackson, Levine, Lovell, Mangan, Martin, Minkowsky, Morrell, O'Leary, Pierce, Pray, Snowe, Speers, Trotzky.

ABSENT — Danton, Katz, Merrill, Usher.

6 Senators having voted in the affirmative and 22 Senators in the negative, with 4 Senators being absent, the Motion to Indefinitely Postpone does not prevail.

Which Report was Accepted in concurrence and the Bill, in New Draft Read Once. House Amendment "A" was Read and Adopted, in concurrence, and the bill, as amended, Tomorrow Assigned for Second Reading.

Second Readers

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

House

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1978. (Emergency) (H. P. 2156) (L. D. 2168)

Which was Read a Second time and Passed to be Engrossed, in concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following: An Act Concerning the Catastrophic Illness and Medically Needy Programs. (H. P. 1911) (L. D. 1972)

An Act to Reconstruct the Fuel Adjustment Clause. (H. P. 2092) (L. D. 2137)

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

An Act Relating to Tuition Computation Charged by Private Schools under the Education of Exceptional Children Law. (H. P. 2028) (L. D. 2096)

An Act to Provide Municipalities with Standards for the Installation of Wood Stoves. (H. P. 2037) (L. D. 2101)

An Act to Clarify Procedures for Emergency Admission to Hospitals for Mentally Ill. (H. P. 1997) (L. D. 2078)

An Act to Facilitate the Making of Decrees by the Industrial Accident Commission. (S. P. 643) (L. D. 2010)

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, To Establish a Commission to Study the Continuation of Coverage under Certain Group Health Insurance Policies. (H. P. 2131) (L. D. 2156)

Which was Finally Passed and having been

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

Emergency

An Act to Allow Intermediate Care Facilities to be Reimbursed under the Medically Needy Program. (H. P. 1915) (L. D. 1976)

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

Orders of the Day

The President laid before the Senate:

Bill, "An Act to Correct the Inequitable Taxation of Mobile and Modular Homes." (H. P. 1976) (L. D. 2059)

Tabled — March 2, 1978 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

Which was Passed to be Engrossed, as amended, in concurrence.

The President laid before the Senate:

Bill, "An Act to Improve the Short-term Investment Capabilities and Debt Management of the State." (H. P. 1975) (L. D. 2061)

Tabled — March 2, 1978 by Senator Speers of Kennebec

Pending — Motion of Senator Collins of Aroostook to Indefinitely Postpone Senate Amendment "A" (S-505) to Committee Amendment "A" (H-1098)

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

Mr. COLLINS: Mr. President and Members of the Senate: I think there has been a fair amount of misinformation with respect to this Bill and the Amendment that is proposed to it.

First of all, this Bill provides for an increase in the Treasurers Bond from \$500,000 to \$1,000,000. It also outlines the conservative investment policy that the State Treasurer must follow with respect to investment of State Funds. Essentially, it continues the policy of investing in certificate deposits and it limits, it limits absolutely by percentages the amount that the Treasurer may invest in other securities. Now in addition to this, it also offers communities and municipalities or other subdivisions of Government an opportunity if they so desire to participate in the investment pool. Now there are municipalities that chose to invest their own money in these local banks and do so. And this is the way that we do it in Caribou, for example. There are other towns perhaps like Hanover that might choose to use the State Treasurers facility because perhaps they think that he might have more expertise in this field or they might choose to do so. They can do it under this Bill. Caribou can do it. And up in Penobscot County there might be several communities that would like to join together and form their own investment pool and under this Bill, these people may also do that.

So the Bill really just provides an opportunity for communities if they wish to participate or not to participate or to have their own investment pool. The other thing that the bill will do, it will also provide for an additional bond of a half a million dollars to cover the municipalities that wish to participate in a state investment pool.

Now the Amendment is an obvious attempt to destroy the Bill. It will provide that the treasurer would have to have a bond in favor of every municipality that chose to participate in the pool for whatever amount of money the community put into the pool. So the Treasurer might have to buy 60, 70, 200 maybe different bonds which would be a boon to the bonding people I am sure they would be happy to have the extra commissions. And also the Amendment provides that the Treasurer shall report daily, daily, to any community that is a participant in the pool if there is a movement of cash in that particular fund, and it also says that in addition to doing that, they will report from time to time to the municipalities what the cost of these reports will be borne by the Maine Mu-

nicipal Association.

So today I would like you to vote with me for indefinite postponement of the Amendment and then vote for the Bill.

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

Mr. SPEERS: Mr. President, I move that this item be tabled until Tuesday next.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that L. D. 2061 be tabled until Tuesday next.

The Chair recognizes the Senator from Aroostook, Senator Collins.

Mr. COLLINS: Mr. President, I ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of tabling this item until Tuesday next please rise in their places to be counted.

Will all those opposed please rise in their places to be counted.

15 Senators having voted in the affirmative and 10 Senators in the negative, the Motion to Table does prevail.

The President laid before the Senate:

Bill, "An Act to Amend the Charitable Solicitations Act to Change the Responsibilities of Religious and Small Organizations." (H. P. 2015) (L. D. 2090) (Emergency)

Tabled — March 2, 1978 by Senator Morrell of Cumberland

Pending — Adoption of Senate Amendment "A" (S-512)

On Motion of Mr. Pierce of Kennebec, Retabled for One Legislative Day.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Mr. O'LEARY: Mr. President, in regard to RESOLVE, Authorizing Beverly Mortimer and Dennis Perkins to Bring Civil Action Against the State of Maine. (Emergency) (H. P. 2173) (L. D. 2174) which was referred to the Committee on Judiciary, I move that we reconsider our action so we can give the Bill its first reading at this time.

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

Mr. COLLINS: Mr. President I would oppose that Motion, I know very little about the issue, but these matters on bringing suits against the State ought to be screened and this Committee is the usual screening place.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the Motion to reconsider please rise in their places to be counted.

Will all those opposed please rise in their places to be counted.

6 Senators having voted in the affirmative and 20 Senators in the negative, the Motion to reconsider does not prevail.

(At Ease)

On Motion of Mr. Huber of Cumberland, Adjourned until 11:00 in the morning, Monday, March 6, 1978.