

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

January 3, 1979 to May 4, 1979

STATE OF MAINE
One Hundred and Ninth Legislature
JOURNAL OF THE SENATE

January 23, 1979

Senate called to order by the President.

Prayer by The Honorable Gerald P. Conley of Portland.

Senator CONLEY: God grant us the serenity, to accept the things we cannot change; courage to change the things we can; and the wisdom to know the difference. Amen.

Reading of the Journal of yesterday.

Papers From The House
House Papers

Bill, "An Act Relating to the Definition of "Teacher" under the Maine State Retirement System." (H. P. 115) (L. D. 117)

Comes from the House referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Which was referred to the Committee on Aging, Retirement and Veterans and Ordered Printed, in concurrence.

Bill, "An Act to Dissolve Membership of the Towns of Hope and Appleton from the Community School District." (H. P. 97) (L. D. 124)

Bill, "An Act Relating to the Computation of the Local Allocation." (H. P. 98) (L. D. 112)

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

Which were referred to the Committee on Education and Ordered Printed, in concurrence.

Bill, "An Act to Establish the Maine State Indoor Air Act." (H. P. 99) (L. D. 125)

Comes from the House referred to the Committee on Energy and Natural Resources and Ordered Printed.

On motion by Senator Katz of Kennebec, referred to the Committee on Health and Institutional Services and Ordered Printed, in non-concurrence.

Sent down for concurrence.

Bill, "An Act to Increase the Amount which the District Court is Allowed to Deposit each Month into the District Court Building Fund from \$3,000 to \$10,000." (H. P. 101) (L. D. 108)

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 Permitting Binding Arbitration for Public Employees in Critical Public Services." (H. P. 102) (L. D. 122)

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

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

Bill, "An Act to Revise the Statute Relating to the Removal of Dangerous Buildings." (H. P. 103) (L. D. 113)

Comes from the House referred to the Committee on Legal Affairs and Ordered Printed.

Which was referred to the Committee on Legal Affairs and Ordered Printed, in concurrence.

Bill, "An Act to Establish Holiday Pay for Deputy Sheriffs." (H. P. 104) (L. D. 114)

Bill, "An Act to Increase Salaries of Elected Officials of Washington County." (H. P. 105) (L. D. 107)

Comes from the House referred to the Committee on Local and County Government and Ordered Printed.

Which were referred to the Committee on Local and County Government and Ordered Printed, in concurrence.

Bill, "An Act Increasing the Minimum

Length of Lobsters Which may be Possessed from 3 3/16 to 3 1/4 Inches." (H. P. 106) (L. D. 109)

Bill, "An Act to Remove the Maximum Length for Taking Lobsters." (H. P. 107) (L. D. 116)

Come from the House referred to the Committee on Marine Resources and Ordered Printed.

Which were referred to the Committee on Marine Resources and Ordered Printed, in concurrence.

Bill, "An Act Concerning Appointments of Justices of the Peace." (H. P. 109) (L. D. 118)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide that the Membership of the House of Representatives shall be Three Times that of the Senate and That Each Senate District Shall be Composed of Three Contiguous House Districts. (H. P. 110) (L. D. 119)

Bill, "An Act to Provide for Review of Nominations to the Workers' Compensation Commission by the Joint Standing Committee on Labor." (H. P. 111) (L. D. 115)

Come from the House referred to the Committee on State Government and Ordered Printed.

Which were referred to the Committee on State Government and Ordered Printed, in concurrence.

Bill, "An Act Exempting Incorporated Non-profit Speech and Hearing Institutions from Sales Tax." (H. P. 112) (L. D. 120)

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

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

Bill, "An Act to Require an Annual Motor Vehicle Inspection to Coincide with Vehicular Registration." (H. P. 113) (L. D. 121)

Bill, "An Act to Require Motorcycle Operators and Passengers and Motor Driven Cycle Operators and Passengers to Wear Helmets if they are Minors." (H. P. 114) (L. D. 123)

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

Which were referred to the Committee on Transportation and Ordered Printed, in concurrence.

Joint Order

ORDERED, the Senate concurring, that the President of the Senate and the Speaker of the House take appropriate steps to prohibit state agencies located within a 5-mile radius of the State Capitol from the extravagant practice of mass mailing to Legislators' residences instead of delivery to their State House desks or mail boxes, while the Legislature is in session. (H. P. 95)

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

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

Senator KATZ: Mr. President. This Joint Order, deals with a subject, that, I guess, regularly infuriates all members of the Legislature.

When, at home, you get mail from the State House that you had just left, very frequently with a lot of first class postage on it, carrying information you really do not care all that much about in the first place, at great expense to the taxpayer.

I am going to move that this Joint Order be Indefinitely Postponed. We have discussed the matter with the sponsor and we will be taking it up in the Legislative Council.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that Joint Order (H. P. 95) be Indefinitely Postponed.

Is this the pleasure of the Senate?

It is a vote.

Sent down for concurrence.

Joint Order

An Expression of Legislative Sentiment recognizing that:

Lloyd Libby of Turner has resigned as Fire Chief of the Turner Volunteer Fire Association after nearly 20 years of dedicated and diligent service....(H. P. 96)

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

Joint Resolution

A Joint Resolution In Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of J. Frederick Tingley, who served for 28 years as the Town Clerk and Treasurer of Millinocket... (H. P. 94)

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

Communications

DEPARTMENT OF FINANCE
AND ADMINISTRATION
Bureau of the Budget
Augusta, Maine

January 19, 1979

To the President of the Senate, the Speaker of the House of Representatives and Members of the One Hundred and Ninth Legislature of the State of Maine:

SUBJECT: Certification of Sufficient Surplus in Accordance with Public Law, Chapter 721

Chapter 721 of the Public Laws of 1977 requires the State Budget Officer to document and certify to the Legislature on January 20, 1979 whether or not a sufficient surplus for fiscal year 1978-79 will be available to provide the benefits described in Section 6158 (Homestead Tax Relief). In his certification process he (the State Budget Officer) shall take into account all outstanding contingencies.

I have reviewed the current balance of available funds taking into consideration the cost of the Homestead Tax Relief, excess undedicated revenue at December 31, 1978, anticipated favorable revenue performance for the balance of fiscal year 1979, estimated lapsed balance and other available funds at year end.

I have also examined the known needs for funds including emergency departmental requests submitted to this office for fiscal year 1979. I have considered the costs of collective bargaining agreements that may need to be reflected in current year costs.

As a result of my evaluation of available information, I certify that, in my opinion, there is sufficient surplus to provide the benefits and to take into account all outstanding contingencies.

Respectfully,
(Signed): OTTO W. SIEBERT
State Budget Officer

Which was Read and Ordered Placed on File.

MAINE DEPARTMENT OF AGRICULTURE
Members of the 109th Maine Legislature:

I am submitting my fourth annual report on Maine agriculture.

Legislative interest and the Legislative process are both indispensable to the ongoing welfare of farming in Maine.

Rest assured that your visits to the Department and your inquiries about agricultural activities are always welcome.

(Signed) JOSEPH N. WILLIAMS
Commissioner

Which was Read, and with accompanying report, Ordered Placed on File.

Senate Papers

Senator Perkins of Hancock, Cosponsor Senator Carpenter of Aroostook, presented, Bill, "An Act to Provide Birth Certificates for Foreign-born Citizens Adopted by Maine Parents." (S. P. 72)

Which was referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

Senator Farley of York, Cosponsor Senator Sutton of Oxford, presented, Bill, "An Act to Amend the Procedure of the State Board of Arbitration and Conciliation." (S. P. 73)

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

Orders

An Expression of Legislative Sentiment recognizing that:

George Stevenson, who guided Gorham High School to two state soccer titles, has been selected New England Soccer Coach of the Year by the National Soccer Coaches Association of America...(S. P. 70) is presented by Senator Usher of Cumberland.

An Expression of Legislative Sentiment recognizing that:

Kirk Butterfield, fullback of the Gorham High School Championship Soccer Team, has been selected by the National Soccer Coaches Association of America to its All-American team...(S. P. 71) is presented by Senator Usher of Cumberland.

Which were Read and Passed.
Sent down for concurrence.

Orders of the Day

The President laid before the Senate, the first tabled and specially assigned matter:

RESOLUTION, Proposing an Amendment to the Constitution of Maine Reducing to 18 Years the Age at which a Person may serve as a Member of the Maine Legislature. (H. P. 79) (L. D. 87)

Tabled—January 18, 1979 by Senator Katz of Kennebec.

Pending—Consideration.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate Recede and Concur with the House. Is this the pleasure of the Senate?

The motion prevailed.

The President laid before the Senate, the second tabled and specially assigned matter:

RESOLUTION, Proposing an Amendment to the Constitution of Maine Reducing to 21 Years the Age at which a Person may serve as a State Senator. (H. P. 86) (L. D. 97)

Tabled—January 18, 1979 by Senator Pierce of Kennebec.

Pending—Reference.

On motion by Senator Katz of Kennebec, referred to the Committee on State Government, and Ordered Printed, in concurrence.

On motion by Senator Pierce of Kennebec,
Adjourned until 10:00 o'clock tomorrow morning.
