

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred and Ninth
Legislature

OF THE
STATE OF MAINE

Volume II

First Regular Session

May 7, 1979 to June 15, 1979

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STATE OF MAINE
One Hundred and Ninth Legislature
Second Special Session
JOURNAL OF THE SENATE
October 11, 1979
Senate called to order by the President.

Prayer by the Reverend Russell M. Chase, United Church of Monmouth.

Reverend CHASE: Let us pray! O God, our Heavenly Father, who by thy love has made us, and in thy love has kept us, and through thy love wouldst make us perfect; help us that we may be conscious of your love. That we may love one another as you have loved us.

Help us to express this love through our actions, and through our words, as we deal with one another, and as we would take care of the business at hand.

Now bless us our Heavenly Father as we are conscious of the beauty of this day, and of the blessings we have received. Strengthen us as we keep on keeping on, for we follow in the footsteps of the master, and in his love we pray. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

On Motion by Senator Conley of Cumberland, Recessed until the sound of the bell.

(Recess)

(After Recess)

The Senate called to Order by the President.

Communication
State of Maine
HOUSE OF REPRESENTATIVES
October 10, 1979

Honorable May M. Ross
Secretary of the Senate
109th Legislature
Augusta, Maine 04333
Dear Madam Secretary:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Providing Funds for Emergency Home Heating Assistance for Certain Elderly and Low-Income Households and for the Winterization, Citizens' Assistance and Housing Rehabilitation Technician Programs and Correcting an Error in the Energy Inventory Reporting Law" (Emergency) (H. P. 1589) (L. D. 1691)

Mr. TIERNEY of Lisbon
Mr. CARTER of Winslow
Mr. MORTON of Farmington

Respectfully,
EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Paper from the House
Committee of Conference Report
House

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act Providing Funds for Emergency Home Heating Assistance for Certain Elderly and Low-Income Households and for the Winterization, Citizens' Assistance and Housing Rehabilitation Technician Programs and Correcting an Error in the Energy Inventory Reporting Law" (H. P. 1589) (L. D. 1691) (Emergency) have had the same under consideration and ask leave to report: that the House recede from Passage to be Engrossed; Read and Adopt Conference Committee Amendment "A" (H-743) and Pass the Bill to be Engrossed as Amended by Conference Committee Amend-

ment "A" (H-743) in non-concurrence;

That the Senate recede from Passage to be Engrossed as Amended by Senate Amendment "A" (S-400); Recede from adoption of Senate Amendment "A" (S-400) and Indefinitely Postpone same; Read and Adopt Conference Committee Amendment "A" (H-743) and Pass the Bill to be Engrossed as Amended by Conference Committee Amendment "A" (H-743) in concurrence.

On the Part of the House
Rep. TIERNEY
Rep. CARTER
Rep. MORTON

On the Part of the Senate
Sen. KATZ
Sen. PERKINS
Sen. CLARK

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee of Conference Amendment "A" (H-743), in non-concurrence. Which Report was Read and Accepted.

Under Suspension of the Rules, the Bill Passed to be Engrossed, as amended by Committee of Conference Amendment "A" (H-743), in concurrence.

Sent forthwith to the Engrossing Department.

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

Senator KATZ: Mr. President, I move the Senate stand in recess until the sound of the bell.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves the Senate stand at Recess.

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: I did not realize that motion was going to be made. I would have liked permission to address the Senate, On the Record, please.

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

Senator KATZ: I withdraw my motion.

The PRESIDENT: Senator Katz of Kennebec now requests Leave of the Senate to Withdraw his Motion to Recess.

Is it the pleasure of the Senate to Grant this Leave?

It is a vote.

The Chair recognizes the Senator from York, Senator Hichens.

Senator HICHENS: Thank you, Mr. President. Ladies and Gentlemen of the Senate: On February 1st, this year the Senate voted on the confirmation of Mr. George Zitnay, the Governor's appointee as Commissioner of Mental Health and Corrections. On your desk today you will find the speeches made by myself and the good Senator from Penobscot, Senator Pray in which I commended the Governor for his recognition of the capabilities and accomplishments of Mr. Zitnay over partisan commitments and the Senator from Penobscot expressed his confidence in the new Commissioner to move ahead and make the people of the State proud of the Institutions we have in the State of Maine.

Last Friday, word came from the Executive Department that the Governor was disenchanted with the Commissioner and that although his Excellency would not make a definite statement, Mr. Zitnay was on his way out. Repeated efforts by the Chairman of the Health and Institutional Services Committee, Senator Gill and myself to discuss the situation with the Governor have been futile efforts indeed. Commissioner Zitnay has confirmed reports that indeed he no longer will be serving in that capacity as Commissioner but no definite reasons for the Governor's attitude were forthcoming.

In meeting with Mr. Zitnay, last week the Health and Institutional Committee members listened to what they felt were very positive reports on the Institutions and problems regarding Mental Health, Mental Retardation and

Corrections throughout the State. Mr. Zitnay outlined his plans for the future to the Committee which sounded very promising. At the time of the meeting no indication was given as to later developments forthcoming last weekend.

I cannot help but wonder if partisan politics has not entered the picture and in a remote way can understand the pressures the Governor may be under, but I cannot understand why the Chief Executive is so evasive when questioned as to what is really going on. Are the excellent capabilities and accomplishments mentioned by the Governor's spokesman at the confirmation hearing completely disregarded or are politics more important than the welfare of the people of Maine.

I feel that it is our right as representatives of the people of Maine to know just what is going on rather than respond to rumors flying around and that Mr. Zitnay should know the facts and have opportunity to respond in a clear-cut fashion as I know he would do. Maybe the Governor has just cause but lets hope that he is man enough to make his case clear and not hide away and be so evasive.

On motion by Senator Katz of Kennebec, Recessed until the sound of the bell.

(Recess)

(After Recess)

The Senate was called to Order by the President.

Out of Order and Under Suspension of the Rules, the Senate voted to consider the following:

Paper from the House
Enactor

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

An Act Providing Funds for Emergency Home Heating Assistance for Certain Elderly and Low-Income Households and for the Winterization, Citizens' Assistance and Housing Rehabilitation Technician Program and Correcting an Error in the Energy Inventory Reporting Law. (H. P. 1589) (L. D. 1691)

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

Senator HUBER: Mr. President and Members of the Senate: I would like to point out one section of this Bill, for the Record, which is on page 14, section 6, paragraph K. Which reads, "maximum levels of assistance for certified eligible households in accordance with section 13 in order to carry out the immediate Legislative purpose of this Act," and this is one of the things that will be established under this act.

I would point out that I believe it is the intent of the Legislature, that this is approximately equivalent to a level of \$180 odd dollars per household, and \$90, per rental household, although this will be set by administrative rules, subsequent to Enactment of this Bill.

I do have some sheets which have outlined these approximate levels as they have been outlined with other proposals for this and other special sessions. If anybody is interested I do have these available. I do hope that this Bill does receive Final Enactment.

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

Senator TROTZKY: Mr. President and Members of the Senate: I would like to make some observations. We have all had a chance to do a lot of thinking I gather the last couple of days during this session.

The one major issue that is facing this country today is inflation. It not only takes place in terms of increased oil prices, but it goes right down the line, in terms of increased prices for food, increased prices for everything.

One of the problems is that we are dependent, this country is dependent, on the OPEC

oil nations. Most of us realizing that dependence and realizing the price of oil is going up now are voting out of humanitarian concerns for those who are less fortunate in our society to help them get through the winter.

The Governor has stated, or I believe that I read somewhere, that this is a one time commitment. Well I ask you what's going to happen next year? Next year the price of oil isn't going to be any cheaper. The price of the oil is going to go up. We're going to be faced with this issue again next year.

I think one thing that we're forgetting in many cases is that this country has got to be committed to the production of energy, and the production of energy from domestic sources.

The Governor of our State has postponed the coal-fired plant. I feel that the answer to getting control of inflation and getting control of our energy needs is sooner or later to get down to the business of building a coal-fired plant or another nuclear plant in the State of Maine.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President, and Members of the Senate: My District is a rural area of the State. I know a lot of the elderly people and a lot of the low-income people in my District have cut wood or bought their wood in the fall or in the summer to get a low price on it.

I wonder if somebody would address the question of, as I understand it, these people that have bought their wood, gone without so they could have fuel for this winter, will not qualify under this Bill for assistance. Only those that burn oil, or pay for their fuel after December 15, I think it is.

I wonder if there is any provision in this Bill where the people that have tried to and made sacrifices to provide for themselves, would there be any provision in this Bill where these people would come in first under the Winterization Program? Seeing as they do not qualify for the assistance in fuel costs.

The PRESIDENT: The Senator from Waldo, Senator Shute has posed a question through the Chair.

The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator PERKINS: Mr. President, and Ladies and Gentlemen of the Senate. In answer to the gentleman from Waldo, the answer is No. Those who have anticipated the energy crisis in the form of wood this winter will not get funds under this program.

I think if I were to point out one glaring defect of this compromise, this would be it, because we are promoting the use of a scarce fuel, in giving monies for it, where we haven't for wood. The monies that would be given or to be eligible under this program would be eligible for purchases after December 1.

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

Senator PRAY: Mr. President, and Members of the Senate. I would only point out that it was only a week ago that we had another proposal before us which the initial proposal itself did include sections in that Bill which would have provided assistance, or this fund to go to the purchase of wood stoves or insulation for basically those individuals who do heat with wood or who would want to for purposes other than purchasing oil take steps to maximize the energy efficiency of their home. That proposal in the last week's Bill was one of the stages of controversy, thus dropped.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: Mr. President, and Members of the Senate. I'm not really that much interested in the wood stove concept. I'm interested in the people that have tried to provide for their fuel this winter. They've either gone out and cut their wood or they've bought their wood, trying to buy it at a low price this fall, at \$40 a cord instead of \$80 a cord.

There doesn't seem to be any provision in the

Bill to help these people. Now it's my intention that if these people are not going to get any help under the Legislation, as far as fuel costs go, that they certainly should be considered a priority on Winterization under this Legislation. That has nothing to do with the wood stoves at all, I'm talking about Winterization.

It is my feeling and if I had an opportunity to amend this Bill, which I've been instructed I can't amend it, a Committee of Conference Bill.

I would amend it to give these people first priority on Winterization, seeing as they have looked forward to try to do what they can to help themselves this winter.

Now I'm certainly in full agreement with the needs of the people for fuel costs this winter. But it does seem to, I don't know as you could say, favor the urban areas at the expense of the rural areas but it seems the rural areas, that's the place where the wood is, that's where they burn the wood, yet they get very little benefit from this Bill.

So at least I would like to go on Record as saying that I would hope the Administration would give first priority as far as Winterization to those that should qualify but do not qualify because they have tried to have their wood in for this winter, for the Winterization Program.

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

Senator KATZ: Mr. President, as usual the Senator from Waldo, Senator Shute, has made some valid comments. Who can forget his stirring defense of the commuters earlier this year, but he's already had influence as he always does.

A member of the Governor's Administration has just said to me that if the Senator from Waldo, Senator Shute, will get him the names of people who have in fact done, what prudent people should have done and put the wood aside, and need Winterization, that those names will find their way into the hands of the appropriate Community or CAP Agency to see whether or not it is possible to accomplish exactly what he said. I presume that that offer is open to other Members of the Senate too.

This being an emergency measure and having received the affirmative votes of 28 Members of the Senate, with 1 Senator voting in the negative, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Senator Katz of Kennebec was granted unanimous consent to address the Senate, On the Record.

Senator KATZ: Mr. President and Members of the Senate: I suspect that the people who are going to benefit from this program have never met very many members of the Executive Department, who stayed until 2 o'clock in the morning. They probably have never heard of Bent Schlosser or Ron Lord, or Dave Silsby, or Jon Hull, or John Bailey or Ted Potter, who labor for the Legislature. But if ever I saw a case of service beyond the call of duty, the fact that we were in effect able to handle this Legislation today and Finally Enact it never would have been possible without the selfless devotion of these people. I want to express the gratitude at least of the Senate for their efforts.

Out of Order and Under Suspension of the Rules,

On Motion by Senator Katz of Kennebec.

ORDERED, that a message be sent to the House of Representatives informing that Body that the Senate has transacted all the business which has come before it and is ready to Adjourn Without Day.

Which was Read and Passed.

The President appointed the Senator from Kennebec, Senator Pierce, to convey the message to the House of Representatives.

Subsequently, Senator Pierce of Kennebec,

reported that he had delivered the message with which he was charged.

Subsequently, a message was received from the House of Representatives through the Clerk of the House, Mr. Edwin Pert, that the House had transacted all business before it and was ready to Adjourn Sine Die.

Out of Order and Under Suspension of the Rules, On Motion by Senator Conley of Cumberland:

ORDERED, that a message be sent to His Excellency, the Governor, informing him that the Senate has transacted all the business which has come before it and is ready to Adjourn Without Day.

Which was Read and Passed.

The President appointed Senator Katz of Kennebec and Senator Conley of Cumberland, to convey the message to the Governor.

Subsequently, Senator Conley and Senator Katz reported that they had delivered the message with which they were charged, and the Governor would attend the session forthwith.

Senate At Ease

The Senate called to Order by the President.

The Sergeant-at-Arms escorted his Excellency Governor Joseph E. Brennan, to the rostrum, amid the applause of the Senate, the Senators rising.

The PRESIDENT: His Excellency Governor Joseph E. Brennan.

Governor BRENNAN: Mr. President, Ladies and Gentlemen of the Senate: I am pleased to be able to address you this final time with your work completed. I appreciate the frustration of many of you, the frustration of waiting and waiting and waiting. I know that it hasn't been easy. It seldom is when you pass unprecedented Legislation.

I know that you have worked in good conscience, and have been separated by honest differences, as to the proper role of Government and as to the proper way of spending the funds that may be available to us.

I appreciate that you have labored under additional difficulties brought on by the uncertainty as to when and to what extent the Federal Government will meet its obligations. But despite these very real obstacles, a Bill to meet part of the need created by the massive price increases has been Enacted.

I believe the Bill that is passed is not as much as we should do; it's not as much as we could do. But it is apparently the best that we can do, working through the Legislative process, which I have the highest respect for. At least we do have the satisfaction of knowing that it is a greater effort made in this State than by any other State so far.

I will continue to be concerned, as I'm certain that all of you will be, that our elderly and the children from the neediest families in this State, the vulnerable citizens have sufficient fuel to heat their homes.

We will watch the situation carefully, and we will work aggressively for adequate Federal Funding. In January when winter has set in, we will report to you our assessment of the needs of the people. But in the meantime, I do want to express my appreciation and the appreciation of your fellow citizens for your honest, good-faith effort to deal with the very human problem of making sure that none of our citizens go cold this winter. Thank you very much.

The Sergeant-at-Arms escorted the Governor from the Senate Chamber, amid the applause of the Senate, the Senators rising.

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

Senator LOVELL: Mr. President, and Members of the Senate: after a rather frustrating session, which has tried the patience of everyone, I now am happy to move we Adjourn Sine Die.

On Motion by Senator Lovell of York, at 4:20 P.M. on Thursday, October 11, 1979, the Honorable Joseph Sewall declared the Senate of the Second Special Session of the 109th Legislature, Adjourned Sine Die.