

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume II

May 26, 1977 to July 25, 1977

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**Senate Confirmation Session
September 16, 1977**

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Today's Session, and the Chairman of the Legal Affairs Committee and myself can get together and have a chance to look the bill over, and we can dispose of this matter today one way or another.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Penobscot, Senator Pray, that this Bill and all of its accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Speers.

On Motion of Mr. Speers of Kennebec. Tabled until later in Today's Session, Pending the Motion to indefinitely postpone.

(See Action later Today)

The President laid before the Senate: Bill, "An Act to Amend the Law Regulating Mass Gatherings." (H. P. 1603) (L. D. 1806)

Tabled — June 1, 1977 by Senator Katz of Kennebec

Pending — Passage to be Engrossed

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

Mr. KATZ: Mr. President, I offer Senate Amendment "A" (S-180) and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now offers Senate Amendment "A" (S-180) and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" Read.

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

Mrs. CUMMINGS: Mr. President, I read under the Statement of Fact that this is to insure that those suffering damages as a result of mass gathering will be properly compensated.

I am hoping that someone will tell me what funds are going to compensate, and what kind of damages. Would it be because a lawn has been bothered, or a window broken, or somebody's arm has been broken. I cannot figure it out from reading the Bill and the Amendment.

The PRESIDENT: The Senator from Penobscot, Senator Cummings, has posed a question through the Chair to any Senator who may care to answer.

On Motion of Mr. Katz of Kennebec.

Tabled until later in Today's Session Pending Adoption of Senate Amendment "A".

(See Action Later Today.)

The President laid before the Senate:

Bill, "An Act to Increase the Salaries of the Judiciary." (H. P. 310) (L. D. 401)

Tabled — June 1, 1977 by Senator Huber of Cumberland

Pending — Adoption of Senate Amendment "A" (S-177) to Committee Amendment "A" (H-379)

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

Mr. HUBER: Mr. President and Members of the Senate: Our judges are now the lowest paid judges of any state in this nation. It was with great reluctance the Appropriations Committee reduced the recommended \$7,000.00 salary increase to all of the judges, which was contained in the original bill, to \$3,500.00 for the first year and \$3,500 for the second year. This Amendment would further reduce the proposed salary increases to 10 percent in each year of the biennium, which is even less than the \$3,500.00 each year recommended by the Appropriations Committee.

This Amendment would further widen the salary difference between the various courts, which is perhaps of dubious value at the present. I think our judges fully deserve not only the recommended \$3,500.00 each year, as recommended by the Appropriations Committee, or perhaps more. Unfortunately, due to financial constraints, we did not see fit to recommend this.

I, therefore, move indefinite postponement of

this Amendment and hope the Senate will agree.

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

Mr. CONLEY: Mr. President, I think the Chairman of the Appropriations Committee has made his point very well. I totally support his position. I would urge the Senate to join him in the defeat of this particular amendment.

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

Mr. USHER: Mr. President, I would request a Division.

I would like to make a brief comment. Members of the Senate, I believe 10 percent is very reasonable. I realize these Judges are working very hard, but there are a lot of other people, other State employees, who are working very hard, and the University of Maine employees, and I am worried about if we are going to have enough money to pay them all.

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

Mr. MERRILL: Mr. President and Members of the Senate, I would like to amplify just briefly, if I could, on one remark made by the Chairman, Senator Huber, and that is if we accept this percentage approach to increasing the salaries, what we will be doing, in effect, is increasing the disparity of pay between the District Court Judges and the Superior Court Judges, because that is where the major amount of disparity lies.

Now, this goes counter to the direction that was recommended to the Committee by the Governor, and I think it goes counter to good logic as well. I think that the present disparity between District Court and Superior Court, if anything, is slightly too large, and we certainly had not ought to increase it anymore by accepting this percentage approach. By a flat approach as the Committee suggested, we would at least not be increasing the percentage of disparity. We, in fact, in percentage terms would be closing it slightly, and I believe that is a trend in the right direction.

It recognizes the good quality people that we have on the District Court, and I might also add that it recognizes the improvement in quality that has been coming about, with making no negative comments on any Members who have been appointed to the Bar in the past. I think we all recognize that the Governor, the present Governor has done an excellent job in attracting good people to the District Court Bench, and it is a very important Court, and the problems the District Court Judges face are very difficult human problems, and they require not only a man with legal skills but a person with a great deal of human knowledge and compassion.

I do not think we ought to adopt an Amendment, the effect of which would be to increase the disparity between what we pay the District Court Judges and what we pay the Superior Court Judges. I hope that this Amendment would be defeated.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Huber, that the Senate indefinitely postpone Senate Amendment "A".

A Division has been requested.

Will all those Senators in favor of indefinite postponement of Senate Amendment "A" please rise in their places to be counted.

Will all those Senators opposed to indefinite postponement of Senate Amendment "A", please rise in their places to be counted.

21 Senators having voted in the affirmative, and 4 Senators in the negative, the Motion to indefinitely postpone Senate Amendment "A" does prevail.

Committee Amendment "A" Adopted, in concurrence.

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

The President laid before the Senate: Bill, "An Act Relating to Adult Education." (S. P. 102) (L. D. 231)

Tabled — June 1, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed.

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

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

Mr. CONLEY: Mr. President, I would inquire if the Chair is in possession of Bill, "An Act to Dissolve Vocational Region 9 and to Establish a Vocational Center to Serve Northern Oxford County." (H. P. 1113) (L. D. 1372)

The PRESIDENT: The Chair would answer in the affirmative, the Bill having been held at the request of the Senator from Oxford, Senator O'Leary.

The Chair recognizes the same Senator.

Mr. CONLEY: Mr. President, Having voted on the prevailing side, I would move that the Senate reconsider its action whereby this Bill failed of enactment.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves the Senate reconsider its action whereby LD 1372 failed of enactment.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, a parliamentary inquiry as to how the Senator voted, whether it was on the majority side or not. I am not sure which was the prevailing side.

The PRESIDENT: The Chair would recognize the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, a parliamentary inquiry, was there a Roll Call.

The PRESIDENT: The Chair would answer in the negative. There was no recorded vote. It is impossible for the Chair to tell how the Senator from Cumberland voted. It would be up to his own good conscience, and I will leave it to his own discretion and sense of fair play, and honesty.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I know the good Senator from Kennebec, Senator Speers, might question my integrity, and I do not think I am, but I believe I voted on the prevailing side.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Conley, that the Senate reconsider its action hereby LD 1372 failed of enactment.

A viva voce vote being had, The Motion to reconsider does not prevail.

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

Joint Resolution Extending Appreciation to Members of The Maine State American Revolution Bicentennial Commission

WHEREAS, Maine and the nation commemorated the bicentennial of the creation of our Nation during 1976; and

WHEREAS, the success of the observance of the bicentennial is a tribute to the planning, dedication and resourcefulness of the Maine State American Revolution Bicentennial Commission, which effectively coordinated the efforts of the many communities and organizations which worked on projects and activities during the bicentennial year; and

WHEREAS, the spirit of the bicentennial and the recognition of the immeasurable value of our heritage as a state and as a nation will continue to grow through the many worthwhile cultural and historical projects which the com-