

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

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December 6, 1978

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APPENDIX

Tabled — Earlier in the Day by Senator Pierce of Kennebec

Pending — Passage to be Engrossed

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

Mr. PIERCE: Mr. President, I move that we reconsider our action whereby we adopted Committee Amendment "A".

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now moves that the Senate reconsider its action whereby it adopted Committee Amendment "A". Is it the pleasure of the Senate? It is a vote.

Mr. PIERCE: Mr. President, I would now present Senate Amendment "A" to Committee Amendment "A" (S-584) and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption. The Secretary will Read Senate Amendment "A".

Senate Amendment "A" (S-584) Read and Adopted.

Committee Amendment "A" as amended, Adopted.

The Bill, as amended, Passed to be Engrossed in non-concurrence. Sent forthwith for Concurrence.

At Ease

On Motion of Mr. Speers of Kennebec, the Senate voted to take from the Table:

Bill, "An Act to Revise the Maine Sunset Law and State Agency Rules Law." (Emergency) (H. P. 2229) (L. D. 2189)

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

Mr. MORRELL: I present Senate Amendment "A" to L. D. 2189 (S-587) and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Morrell, now offers Senate Amendment "A" to L. D. 2189 and moves its adoption. The Secretary will Read Senate Amendment "A".

Senate Amendment "A" (S-587) Read and Adopted. The Bill, as amended, Passed to be Engrossed in non-concurrence. Sent down forthwith for concurrence.

Out of order and under suspension of the rules, the Senate voted to consider the following:

Paper from the House Non-concurrent Matter

Bill, "An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine." (Emergency) (S. P. 748) (L. D. 2199)

In the Senate, March 17, 1978, Passed to be Engrossed as amended by Senate Amendments: "A" (S-565); "C" (S-567); "E" (S-569); "F" (S-570); "G" (S-571); "H" (S-572); "I" (S-573); "J" (S-574); "K" (S-575); "L" (S-576); "M" (S-577); "N" (S-578); "O" (S-579); and "P" (S-580).

Comes from the House, passed to be Engrossed as amended by Senate Amendments: "C" (S-567); "E" (S-569); "G" (S-571); "H" (S-572); "I" (S-573); "J" (S-574); "L" (S-576); "M" (S-577); "N" (S-578); "O" (S-579); "P" (S-580); and "K" (S-575); as amended by House Amendment "A" (H-1204) thereto; and House Amendments: "A" (H-1184) "F" (H-1189) "G" (H-1190) "H" (H-1191) "K" (H-1194) "L" (H-1195) "M" (H-1196) "O" (H-1198) "P" (H-1202) "Q" (H-1203) "R" (H-1206) "S" (H-1207) and "T" (H-1208) in non-concurrence.

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

Mr. CONLEY: Mr. President, I would like to pose a question through the Chair to any Member of the Judiciary Committee that would like to respond.

I just wonder if the Right to Work Legislation may be incorporated somewhere in one of these amendments?

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair. The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I can assure the good Senator that his apprehension is not well founded, a Sub-Committee of the Judiciary Committee has reviewed all of the appendages to the Errors Bill. There are at least three that we are unhappy about, but in weighing the tribulations of trying to deal with our unhappiness as against prolonging the Legislative process and possibly opening the Bill to a lot of new incursions, we decided to exercise caution and to recommend that the Bill go along with a Recede and Concur Motion.

I would like to, in this regard, to say that as often as the case with the Errors Bill new discoveries keep filtering in even as I stand here and one thing that was discovered about 10 minutes ago was that the County Budget for Knox County, which is my county, in Chapter 68, of the resolve of 1978 has misnumbered and mislabeled an item, where it says that 1065 Register of Deeds, it should say 1070 Register of Probate. Well it is such an obvious error that I am not going to back the Bill up. I am saying this on the record so that if someone attacks the thing they will know that Legislative intent is to make the obvious correction in that Budget, and I believe that there may be one or two others in that category but we just do not feel that it is worth backing the Bill up and doing a lot of things over for such a trivial sort of little thing. Therefore, Mr. President, I move that the Senate Recede and Concur with the House.

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

Mr. JACKSON: Mr. President and Members of the Senate: The good Senator has brought the attention of York County having a problem in an account area and it was also brought to my attention earlier in the day in further deliberations with the good Senator from Knox, Senator Collins, we decided to do the same thing that he just did, it is dealing with an appropriation for Lincoln County in the County Budget and the shelter of the Lincoln County Animal Shelter, and we just would not want that to happen down there with the expansions of new programs. We worry about it. I do not think that it is time for the counties to get involved in that area. But I would like to clarify it. The word should be Lincoln County Animal Shelter.

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

Mr. HICHENS: Mr. President, I cannot justifiably vote to recede and concur with the House. I understand that we are near the end of our Session and realize the importance of trying to come to an agreeable computation between both the House and the Senate, but I still cannot go along with passing amendments that are substantive changes that are not errors and inconsistencies, and I have to reply to the people back home. Time and time and time again we go back home and people say well when did this come into effect and I will say well it came in under the Errors and Inconsistencies and in all fairness I did not have time to go over them all. Last session or the early part of this session we were correcting things that were changed in our Errors and Inconsistencies last year that were not errors, they were just substantive changes. And I do not care if I have to stay here and explain that we had to go two or three extra days to keep these things in order, I want to go home with a clear conscience that I voted on the things that I believe in and nothing was pulled over my eyes.

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

Mr. LOVELL: Mr. President and Ladies and Gentlemen of the Senate: When the good Senator from Knox, Senator Collins, tells me that the Judiciary Committee has gone over these various amendments that satisfies me enough.

I have great confidence in Senator Collins and his Committee. So I would go along to recede and concur.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President and Members of the Senate: It does not take much to confuse me and I am thoroughly confused now because the good Senator from Knox said that we will proceed with caution. Now I do not have a dictionary and I am not sure what caution means. I thought I knew, but in the next breath he says we will move right ahead and pass this bill, and without a good many of us knowing what is in it. Now I have a lot of confidence in him, but I get all mixed up on this word caution, whether it means go ahead full speed or whether it means to be careful and take our time and find out what we are doing.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Knox, Senator Collins, that the Senate Recede and Concur with the House.

The Chair will order a Division.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I wonder if the good Senator from Knox, Senator Collins, might identify those particularly few amendments that he does have some real problems with in regard to this Bill.

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed a question through the Chair to the Senator from Knox, Senator Collins, who may answer if he so desires.

The Chair recognizes that Senator.

Mr. COLLINS: Mr. President, in response to the question from the Senator from Kennebec, Senator Speers, there is a new Commission about agricultural lands and one amendment, I guess that it is Amendment "M" added three members to that commission. They may or may not be useful, I have no judgment about that but that it clearly was an addition that did not seem to be an error or an inconsistency.

The other items had to do with the number of signatures required on a nomination petition. There are a couple of those. One is House Amendment "Q" which said that for a candidate for a county commissioner in any county having 50,000 population or less at least 50 and not more than 75 voters lowers the number, and the explanation offered was that we now have commissioner districts within a county so that the number of people effected is less, and they thought that this seemed to be rather proportional taking a Senatorial District as one extreme and a House District as another. So another one that is similar changing from 75 to 50 signatures. This is a substantive change but it did not seem to us to be that significant and it probably will not effect this year's performance anyway since April 1, is the filing deadline and if the Governor takes 10 days that frequently are allotted, it will be April I probably by the time this has effect.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the Motion to Recede and Concur with the House please rise in their places to be counted.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: I request 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.

One-fifth having arisen, a Roll Call is ordered.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I wonder if the comments by the good Senator from York, Sen-

ator Hichens, might reflect a concern that could possibly be addressed by a motion simply to recede?

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

Mr. HICHENS: I now move that we recede.

The PRESIDENT: The Senator from York, Senator Hichens, now moves that the Senate recede.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I request a Division and ask the Senate to vote no.

The PRESIDENT: The Senator from Knox, Senator Collins, has requested a Division.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, a parliamentary inquiry, is it not a fact that a motion to recede and concur is the visible motion. That at the request of any Senator that the motion may be put separately?

The PRESIDENT: The Chair would advise the Senator from Kennebec, that the motion to recede and concur is the stronger of the two motions.

The Chair apparently misses the intent of the question.

Mr. SPEERS: Mr. President, it is my understanding that the motion to recede and concur is in effect two motions which are usually placed together but at the request of any Senator they may be placed separately.

The PRESIDENT: The Chair would answer in the affirmative, the motion to recede is stronger than the motion to recede and concur. The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, in view of the light that has been shed by the leaders of the Senate, I withdraw my objection. I would urge the Senate to Recede and I will then move to concur. May I ask the Chair if that would accomplish the same parliamentary objectives that I first expressed?

The PRESIDENT: The Chair would advise in the affirmative unless in the interim period between the Senator from York's motion were that accepted, and your motion, other action was taken on the Bill.

Mr. COLLINS: One other parliamentary inquiry. Namely: that if upon the passage of the motion to recede, the motion to recede and concur were next to follow would that preempt the offering of individual action on each amendment in the Bill?

The PRESIDENT: The Chair would advise the Senator that he might make the motion to concur if the motion to recede prevails. However, if the motion to concur were defeated, then the Bill would be in the posture to be amended.

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

Mr. KATZ: Mr. President, if the motivation of the Chairman of the Judiciary Committee is to get action on this Bill now and get it down to the Engrossing Department, the only logical approach is the motion to recede and concur and the motion to recede takes us out over some thin ice that I do not anticipate that he wants to get into. So I would urge the Senate and the Chairman in particular to vote against the motion to recede.

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

Mr. MERRILL: Parliamentary inquiry. If the motion to recede singly is defeated, is the motion to recede and concur then in order?

The PRESIDENT: The Chair would answer in the negative, it is not in order.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, with humility, I withdraw my bad advice.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Hichens, that the Senate recede.

A Division has been requested.

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

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

27 Senators having voted in the affirmative and 4 Senators in the negative, the motion to Recede does prevail.

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

Mr. COLLINS: Mr. President, I move that the Senate Concur with the House.

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that the Senate Concur with the House.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: I ask for a Division and a Roll Call please.

The PRESIDENT: The Chair will advise the Senator from York, Senator Hichens, that the only Senator in this Body authorized to make that Motion is the Senator from Somerset, Senator Redmond.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: I, like the good Senator from Knox do not want to go out on thin ice, so I will 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, less than one-fifth having arisen, a Roll Call is not ordered.

The Chair will order a division, however.

The Chair recognizes the Senator from Cumberland, Senator Hewes.

Mr. HEWES: Mr. President and Members of the Senate: I know that the hour is late but I do not see the objection to discussing these amendments. I do not think that there are that many in which we are inconsistent with the House. I can see the way you are reacting and perhaps others here, but I have to concur with the Senator from York, Senator Hichens, that as I look down through the Senate Amendments apparently there are only about three that were not adopted in the House. I do see a handfull of House Amendments here but I am not convinced that they are not worth discussing now and I think that we should discuss them. I would vote against the pending motion.

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

Mr. SPEERS: Mr. President, I will be brief but I in all seriousness must agree with the good Senator from Cumberland, Senator Hewes, and I do not see any reason why this Body ought to in a wholesale manner adopt these amendments that are presented down to us. I looked through them very quickly. I see amendments with regard to denturist. I see amendments with regard to the billboards and I am sure that there are explanations with regard to these matters, but I think that this Body ought to hear them.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Knox, Senator Collins, that the Senate concur.

The Chair will order a Division.

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

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

16 Senators having voted in the affirmative and 15 Senators in the negative, the motion to concur does prevail.

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

Mr. SPEERS: Mr. President, I would like to point out to this Body that there are several joint rule changes that we will be discussing a

little bit further on. Perhaps a more easily identifiable method to speed up the sessions that we will be presented with in the future is to adopt another joint rule which would allow just one Bill to be introduced into the Legislative process and the Bill to be Entitled Errors and Inconsistencies and then everyone can get up and take a whack at it as it goes by.

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

Mr. CONLEY: Mr. President, it is my understanding that we just found a way to expedite the Legislative Process and that is through the Errors and Inconsistencies Bill.

Under Suspension of the rules, the Bill sent forthwith to the Engrossing Department.

On Motion of Mr. Huber of Cumberland, Recessed until the Sound of the Bell.

Recess

After Recess

Senate 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 Joint Order

ORDERED, the Senate concurring, that when the House and Senate adjourn, the House adjourn to 9:30 in the morning, and the Senate adjourn to 10:00 o'clock in the morning on Tuesday, March 21, 1978. (H. P. 2286)

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

Orders of the Day

The President laid before the Senate:

House Report — From the Committee on Taxation — Bill, "An Act to Provide for Refunding of Municipal Claims under the Maine Tree Growth Tax Law." (H. P. 1969) (L. D. 2049); Ought to Pass with Committee Amendment "A" (H-1161)

Tabled — Earlier in the Day by Senator Wyman of Washington

Pending — Acceptance of Report

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: I move the pending question.

The PRESIDENT: The Senator from Washington, Senator Wyman, now moves the Senate Accept the Ought to Pass, as amended. Report of the Committee. Is it the pleasure of the Senate? It is a vote.

The Bill Read Once.

Committee Amendment "A" Read.

House Amendment "A" Read and Adopted in concurrence.

House Amendment "B" Read and Adopted in concurrence.

Committee Amendment "A" as amended. Adopted.

Under suspension of the rules, the Bill Read a Second Time.

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

Sent forthwith to the Engrossing Department.

Out of order and under suspension of the rules, the Senate voted to consider the following:

Divided Report

Seven members of the Committee on Education on, Bill, "An Act to Insure Local Control Over Education Policy." (S. P. 708) (L. D. 2155)

Report in Report "A" that the same Ought to Pass in New Draft under new title: Bill, "An Act to Clarify the Collective Bargaining Laws for Teachers and to Establish a Commission to Study the Problems Relating Thereto" (S. P. 752) (L. D. 2203)

Signed: