

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

September 6, 1978 — September 15, 1978

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Second Special Session

October 18, 1978

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Third Special Session

December 6, 1978

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APPENDIX

tinuing hardships and discrimination in employment; and

WHEREAS, many veterans attempting to attend institutions of higher education, including the University of Maine or the vocational technical institutes, face great hardships when financial aid promised by the United States Veterans Administration is delayed for weeks; and

WHEREAS, these delays severely affect their abilities to sustain basic necessities, such as food, housing, transportation and school supplies; and

WHEREAS, continuing public attitudes about the Vietnam War and the veterans of that war often result in employment discrimination; and

WHEREAS, there is a lack of communication between many Vietnam-era veterans and the United States Veterans Administration; and

WHEREAS, the foregoing and other factors produce severe demoralization and a sense of frustration on the part of many Maine citizens who are Vietnam-era veterans; now, therefore, be it

RESOLVED: That we, your Memorialists, respectfully urge that these difficulties and hardships should not be allowed to continue; and be it further

RESOLVED: That we respectfully urge and encourage the President of the United States and the Administrator of Veterans Affairs for the United States to make additional efforts to effectively serve Maine Vietnam veterans; and be it further

RESOLVED: That we respectfully request each member of the Maine Congressional Delegation to support these federal efforts; and be it further

RESOLVED: That we encourage the Governor and the Maine Bureau of Veterans Services to make every effort to alleviate any delay in administering the benefit programs for Vietnam-era veterans; and be it further

RESOLVED: That we further encourage the Governor and the Maine Bureau of Veterans Services to provide active assistance in discouraging discrimination in employment and educational opportunities for Vietnam-era veterans; and be it further

RESOLVED: That we recognize that there is a need for a strong advocate for individual veterans; and be it further

RESOLVED: That suitable copies of this Resolution be transmitted immediately to the Honorable Jimmy Carter, President of the United States, to Max Cleland, Administrator of Veterans Affairs for the United States, to each member of the Maine Congressional Delegation, to the Honorable James B. Longley, Governor of the State of Maine and to the Honorable Robert R. Washburn, Director of the Bureau of Veterans Services. (H. P. 2332)

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

Enactor

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

Emergency

"An Act Authorizing the Issuance of Bonds by the Town of Houlton to Acquire Certain Assets of Ricker College." (H. P. 2314) (L. D. 2208)

This being an emergency measure and having received the affirmative votes of 27 Members of the Senate, was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Out of Order and Under Suspension of the Rules; On Motion of Mr. Collins of Knox,

ORDERED, the House concurring, that the Joint Rules be amended by adding a new Joint Rule 19-A to read as follows:

19-A. Reporting out of errors and inconsisten-

cies' legislation. Prior to reporting out any bill entitled "An Act to Correct Errors and Inconsistencies in the Laws of Maine" or any other bill that is intended to correct technical errors or inconsistencies in prior legislation which includes corrections in 2 or more Titles in the Maine Revised Statutes, the Joint Standing Committee on Judiciary shall, after giving notice and an opportunity to be heard, hear proposed amendments and determine which amendments shall be included in the bill reported out. All floor amendments to the bill shall be submitted to the Director of Legislative Research not later than the 90th legislative day of the first regular session or not later than the 40th legislative day of the second regular session. No floor amendment shall be entertained in either House unless the amendment only deletes one or more sections of the bill, or unless the amendment has been reported in writing to the Judiciary Committee at least 2 legislative days prior to introduction, or unless the rules be suspended for each amendment. No action shall be taken on the committee report on the bill until one day's previous notice of the committee report has been given and entered on the journal. (S. P. 769)

Which was Read and Passed.

Sent down forthwith for concurrence.

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

Enactors

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

"An Act to Provide for Reform of the State Tax Laws, Including the State Sales Tax and the State Income Tax." (H. P. 1891) (L. D. 1948)

Which was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

"An Act Adjusting Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1978 and June 20, 1979." (S. P. 740) (L. D. 2195)

This being an emergency measure and having received the affirmative vote of 27 Members of the Senate was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Out of Order and Under Suspension of the Rules;

On motion of Mr. Huber of Cumberland,

ORDERED, the House concurring, that when the Senate and House of Representatives adjourn, they both adjourn to ten in the morning on Thursday, April 6th; at which time the Senate and House of Representatives shall meet for one legislative day for the purpose of considering possible objections of the Governor to any Bill or Resolve presented to him by the Legislature under the Constitution, Article IV, Part Third, Section 2. (S. P. 770)

Which was Read and Passed.

Sent down forthwith for concurrence.

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

Papers from the House Joint Order

ORDERED, the Senate concurring, that the Clerk of the House and Secretary of the Senate be authorized to furnish 100 13¢ postage stamps for each member of the House and Senate for the purpose of distributing various reports of the departments of state and other public doc-

uments such as they may desire to mail to the citizens of the State. (H. P. 2333)

Comes from the House, Read and Passed.

Which was Read.

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

Mr. PRAY: Mr. President, I move the indefinite postponement of this Joint Order.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that this Joint Order, H. P. 2333, be indefinitely postponed.

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

Mr. O'LEARY: Mr. President, I promised my leadership that I would not get up and speak on anything this evening, however, I find it unconscionable to have this Joint Order postponed when I know that there are people in this legislature that have perhaps abused some of our mailing privileges. So I would ask for a Division.

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

Mr. PRAY: Mr. President and Members of the Senate: I have for the last four years in this Legislature, in this Body, spent many long hours in this Chamber, many evenings sitting around here until nine and ten o'clock at night taking care of my constituents, doing the work and preparing myself for the next day. I sat in here and I would suspect on a day to day basis I perhaps put more hours in this Chamber than almost anybody in here and I have seen the abuse of the mailing that my seatmate has just talked about and that is the reason that I am moving the indefinite postponement of this. I have sat in this chamber and I have watched thousands and thousands and thousands and thousands of letters go out and they are not answering constituents' problems. I think that it is an abuse. I think that it is a rip off to the people of the State of Maine. I have in my draw stamps that were given to me last session and I have another envelope from this session that I have not touched because all you have to do is drop it over there and you do not have to put a stamp on it. Some individuals who are in this session Body, in this Chamber I think have abused it, and I do not think they need the stamps because they are not going to go home and use it to distribute reports. If they do, they are going to abuse it because they are going to send out hundreds of them to people who are going to get them either through particular business interest groups that they belong to or other avenues. I sat here a year ago when we discussed the drinking bill and as a liquor licensee received a letter from a member of this Chamber about an amendment that he offered. I think that is waste.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Penobscot, Senator Pray, that this Joint Order, H. P. 2333, be indefinitely postponed.

A Division has been requested.

Will all those Senators in favor of the indefinite postponement of this Joint Order please rise in their places to be counted.

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

19 Senators having voted in the affirmative and 9 Senators in the negative, this Joint Order is indefinitely postponed in non-concurrence.

Sent down forthwith for concurrence.

Enactor

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

Emergency

"An Act to Make Necessary Corrections in the Knox County and Lincoln County Budget, the Errors and Inconsistencies Act and the Administrative Procedure Act." (S. P. 760) (L. D. 2205)

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

Mr. MERRILL: Mr. President, I think that it might be prudent for us to keep this Bill for another hour or so, I am sure that we will make a few more errors in that time period and we might want to put another amendment on it.

This being an emergency measure and having received the affirmative vote of 26 members in the affirmative and 2 members 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.

"An Act to Appropriate Funds for the York County Community College." (H. P. 1978) (L. D. 2073)

"An Act to Provide for Refunding of Municipal Claims under the Maine Tree Growth Tax Law." (H. P. 1969) (L. D. 2049)

"An Act to Establish Training Requirements for Corrections Officers." (H. P. 2039) (L. D. 2104)

Which were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Orders of the Day

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

Mr. HUBER: Mr. President, I move that L. D. 1912 and L. D. 2086 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table:

L. D. 1912 RESOLVE, to Appeal the Decision of State Claims Board Regarding Property Damage Claims from Collapse of Building at Northern Maine Vocational-Technical Institute.

and

L. D. 2086 RESOLVE, to Appeal the Decision of the State Claims Board Regarding Property Loss Suffered by Henry E. Ripley of Liberty Because of Theft at the Augusta Mental Health Institute.

Is it the pleasure of the Senate? It is a vote.

Mr. HUBER: Mr. President, I move the pending question.

Which were Finally Passed and having been signed by the President, were by the Secretary presented to the Governor for his approval.

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

Mr. HUBER: Mr. President, I move that L. D. 1922, L. D. 1945, L. D. 1952, and L. D. 2005 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table:

L. D. 1922 "An Act to Increase State Reimbursement for the Net Costs of Local General Assistance."

L. D. 1945 "An Act to Increase Retirement Benefits for Teachers who Taught Prior to July 1, 1942."

L. D. 1952 "An Act to Increase the Reimbursement for Small-size Boarding Homes and Adult Foster Homes." and

L. D. 2005 "An Act to Provide for Programs to Aid School Administrative Units to Identify and Provide Special Educational Programs for Gifted and Talented Children."

Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President, I would ask that L. D. 2005 be set aside.

L. D. 1922 "An Act to Increase State Reimbursement for the Net Costs of Local General Assistance."

L. D. 1945 "An Act to Increase Retirement Benefits for Teachers who Taught Prior to July 1, 1942."

L. D. 1952 "An Act to Increase the Reimbursement for Small-size Boarding Homes and Adult Foster Homes."

Which were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Pierce in reference to L. D. 2005 "An Act to Provide Funding for Programs to Aid School Administrative Units to Identify and Provide Special Educational Programs for Gifted and Talented Children."

Mr. PIERCE: Mr. President, I move the pending question.

Which was Passed to be Enacted and having been signed by the President was by the Secretary presented to the Governor for his approval.

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

Mr. HUBER: Mr. President, I move that L. D. 1923, L. D. 1959, L. D. 1969, L. D. 1983, and L. D. 2013 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate remove from the Special Appropriations Table:

L. D. 1923 "An Act to Restore Matching Funds to the Maine Criminal Justice Planning and Assistance Agency."

L. D. 1959 "An Act Providing that Student Scholarships Under the Maine Student Incentive Scholarship Program Shall Not be Lowered from One School Year to the Next and Appropriating Funds to Carry Out that Intent."

L. D. 1969 "An Act to Facilitate Central Licensing and Concerning Membership on the Maine Athletic Commission."

L. D. 1983 "An Act Relating to Assessment for Public Services Tax on Unorganized Townships," and

L. D. 2013 "An Act Relating to Certificate of Need."

Is it the pleasure of the Senate? It is a vote.

These being emergency measures and having received the affirmative votes of 26 members of the Senate, were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

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

Mr. HUBER: Mr. President, I move that L. D. 2015, L. D. 2055, L. D. 2061, and L. D. 2109 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate take from the Special Appropriations Table:

L. D. 2015 "An Act to Improve the Administration of the Industrial Accident Commission,"

L. D. 2055 "An Act to Provide a \$250,000 Grant to the New England College of Osteopathic Medicine,"

L. D. 2061 "An Act to Improve the Short-term Investment Capabilities and Debt Management of the State," and

L. D. 2109 "An Act Relating to Abandoned Property."

Is it the pleasure of the Senate? It is a vote.

Which were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

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

Mr. HUBER: Mr. President, I move that L. D. 2089 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cum-

berland, Senator Huber, now moves that the Senate take from the Special Appropriations Table:

L. D. 2089 RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law.

Is it the pleasure of the Senate? It is a vote.

This being an emergency measure and having received the affirmative vote of 25 members of the Senate and 1 member voting in the negative, this Resolve was finally passed and having been signed by the President was by the Secretary presented to the Governor for his approval.

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

Mr. HUBER: Mr. President, I move that L. D. 2106 and L. D. 2204 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate take from the Special Appropriations Table:

L. D. 2106 "An Act Concerning Pilot Projects for more Effective and Efficient Delivery of Services to Preschool Handicapped Children," and

L. D. 2204 "An Act Creating an Interim Education Finance Commission."

Is it the pleasure of the Senate? It is a vote.

These being emergency measures and having received the affirmative vote of 26 members of the Senate, were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

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

Mr. HUBER: Mr. President, I move that L. D. 2136, L. D. 2137, L. D. 2143, and L. D. 2145 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate take from the Special Appropriations Table:

L. D. 2136 "An Act to Establish the Health Facilities Information Disclosure Act,"

L. D. 2137 "An Act to Reconstruct the Fuel Adjustment Clause,"

L. D. 2143 "An Act to Require the Judicial Department to Reimburse Counties Quarterly for the Expenses of Bailiffs and Other Court and Jury Officers," and

L. D. 2145 "An Act to Conform State Statutes to the Maine Administrative Procedure Act."

Is it the pleasure of the Senate? It is a vote.

Which were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

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

Mr. HUBER: Mr. President, I move that L. D. 2172, L. D. 2190, and L. D. 1970 be taken from the Special Appropriations Table.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now moves that the Senate take from the Special Appropriations Table:

L. D. 2172 "An Act Creating a Statehouse Commission."

L. D. 2190 "An Act Relating to the Place of Filing Under the Uniform Commercial Code."

L. D. 1970 "An Act to Provide for Alternative Election Procedures for School Budgets on a Local Basis."

Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President, I move that L. D. 1970 be set aside.

The PRESIDENT: L. D. 1970 will be set aside.

In reference to: L. D. 2172 "An Act Creating a State House Commission."