

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

really, in a sense, fashioned after the formula that we have set up to determine the value of timberland, and thus it really, I think, honestly can be described as the true legislative enactment of that constitutional amendment that was passed several years ago.

We heard testimony from farmers across the state about the problems that what is actually current use taxation are having on them, and this bill is a response to that problem.

The PRESIDENT: Is it now the pleasure of the Senate to adopt House Amendment "A"?

It is a vote.

Thereupon, under suspension of the rules, the Bill, as Amended, was Read a Second Time.

On motion by Mr. Speers of Kennebec, tabled until later in today's session, pending Passage to be Engrossed.

Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to Revise and Reform the Maine Personal Income Tax Law." (H. P. 2036) (L. D. 2211)

Reported that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington
JACKSON of Cumberland

Representatives:

MORTON of Farmington
DRIGOTAS of Auburn
MAXWELL of Jay
TWITCHELL of Norway
SUSI of Pittsfield
IMMONEN of W. Paris
DAM of Skowhegan

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Senator:

MERRILL of Cumberland

Representatives:

COX of Brewer
MULKERN of Portland

Comes from the House, Bill and accompanying papers Indefinitely Postponed.

Which reports were Read.

Mr. Wyman of Washington moved that the Majority Ought Not to Pass Report of the Committee be Accepted.

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

Mr. SPEERS: Mr. President and Members of the Senate: This is a rather far-sweeping bill, a very important bill, I suspect the importance of which is evidenced by the number of empty seats in the chamber all of a sudden. I would ask for a roll call on this vote, and I hope that the President rings the bell loud and long so that we can have all of those members who are present here today return to the chambers so that they can vote on this matter.

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

Mr. MERRILL: Mr. President, I take exception to the remarks of the majority leader. There is absolutely nothing to indicate that the people that are absent from the chamber are absent because they don't want to vote on this item. I don't think there is any need for the majority leader to reflect on the integrity of the members of this body.

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 until counted.

Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I notice this is a

divided report, and I have a great deal of respect for the Senator from Cumberland, Senator Merrill, so I would like to hear his views on why he thinks this should pass.

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

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: As the majority leader said just the other day in referring to another question, he never spoke to me about it. You can talk to me any time, Senator, but I would just like to say that the reason I think it ought to pass is that we had testimony in the committee that actually the effect of this bill would be that it would raise not much more money in toto, and would put into effect some more tax reform. That is really what this is about. This isn't very much of a tax increase.

What it really does is put into effect retirement income credit and some other tax measures and tax protections for middle income earners that are presently in the federal law. So if anybody thinks this is a great chance to vote against a huge tax increase, they are sadly mistaken. It might raise another one or two million dollars.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Washington, Senator Wyman, that the Senate accept the majority ought not to pass report of the committee. A "Yes" vote will be in favor of accepting the ought not to pass report; a "Nay" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators E. Berry: R. Berry; Carbonneau, Clifford, Collins, Corson, Cyr, Gahagan, Graffam, Greeley, Hichens, Huber, Jackson, Johnston, Katz, Marcotte, McNally, O'Leary, Pray, Roberts, Speers, Thomas, Trotzky, Wyman.

NAYS: Senators Cianchette, Conley, Curtis, Danton, Graham, Merrill, Reeves.

ABSENT: Senator Cummings.

A roll call was had. 24 Senators having voted in the affirmative, and seven Senators having voted in the negative, with one Senator being absent, the Majority Ought Not to Pass Report of the Committee was Accepted.

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act to Provide for More Effective Debt Management and for the Effective Administration of the State's Development Financing Capability." (H. P. 1816) (L. D. 1974)

Reported that the same Ought to Pass.

Signed:

Senators:

WYMAN of Washington
GRAHAM of Cumberland

Representatives:

COONEY of Sabattus
KANY of Waterville
CARPENTER of Houlton
PELOSI of Portland
QUINN of Gorham
WAGNER of Orono

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-949).

Signed:

Senator:

CURTIS of Penobscot

Representatives:

FARNHAM of Hampden
STUBBS of Hallowell
LEWIN of Augusta

SNOWE of Auburn

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "E" (H-1121).

Which reports were Read.

Mr. Curtis of Penobscot moved that the Senate Accept the Minority Ought to Pass as Amended Report of the Committee.

Thereupon, on motion by Mr. Speers of Kennebec, tabled until later in today's session, pending the motion by Mr. Curtis of Penobscot to Accept the Minority Ought to Pass as Amended Report of the Committee.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Prohibit Payment of Dependency Allowance to Persons with a Spouse Employed Full Time." (H. P. 2118) (L. D. 2267)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H-1029).

Signed:

Senators:

ROBERTS of York
PRAY of Penobscot

Representatives:

SPROWL of Hope
TIERNEY of Durham
TEAGUE of Fairfield
FLANAGAN of Portland
SNOW of Falmouth
TARR of Bridgton
CHONKO of Topsham
PEARSON of Old Town

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Senator:

McNALLY of Hancock

Representatives:

MARTIN of St. Agatha
LAFFIN of Westbrook

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which reports were Read, the Majority Ought to Pass as Amended Report of the Committee Accepted in concurrence, and the Bill Read Once. Committee Amendment "A" was Read.

Thereupon, on motion by Mr. Roberts of York, tabled until later in today's session, pending Adoption of Committee Amendment "A".

Second Readers

The Committee on Bills in the Second Reading reported the following:

Senate

Bill, "An Act to Revise the Maine Criminal Code as Recommended by the Criminal Law Revision Commission." (S. P. 777) (L. D. 2334)

Which was Read a Second Time.

Mr. Clifford of Androscoggin presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-488, was Read.

The PRESIDENT: The Senator has the floor.

Mr. CLIFFORD: Mr. President and Members of the Senate: This amendment does two things. It first tightens up the language in the section which we debated and talked about yesterday. Section 104 of the code. Secondly, it gives the legislative intention to have the judges, when they are considering probation, to seriously consider restitution, requiring the criminal to make restitution to the victim and/or to the state or the county by moving the order in which restitution is listed, and also to allow the court to consider the ability of the

convicted person to earn as well as his resources.

I think that it is an important public policy to encourage restitution by the criminal in favor of the victim whenever it is possible. I think this is a small step in that direction. Thank you, Mr. President.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "A" to L.D. 2334?

The motion prevailed.

Thereupon, on motion by Mr. Collins of Knox, tabled until later in today's session, pending Passage to be Engrossed.

Senate — As Amended

Bill, "An Act to Clarify Certain Provisions in the Education Laws." (S. P. 651) (L. D. 2056) Which was Read a Second time.

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

Mr. KATZ: Mr. President, I have in my possession some item by item explanations both of this bill and the amendment on it, and it is available for anybody who would like one. There will be several amendments offered later today. I would hope somebody could table it until later in today's session.

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

Thereupon, on motion by Mr. Speers of Kennebec, tabled until later in today's session, pending Passage to be engrossed.

Enactors

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

An Act to Provide for the Licensure of Speech Pathologists and Audiologists. (S. P. 673) (L. D. 2144)

An Act to Revise Statutory Provisions Relating to Dropouts. (S. P. 686) (L. D. 2195)

An Act Relating to the Formation of Political Parties and to Political Designations. (H. P. 1960) (L. D. 2140)

An Act to Provide a Procedure for Establishing Additional Exceptions for the Definition of Rental Units and to Clarify the Procedure for the Appointment of a Rent Control Administrator or Board under the Municipal Rent Control Act. (H. P. 2099) (L. D. 2259)

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

Emergencies

An Act to Clarify Municipal Development Authority. (H. P. 1882) (L. D. 2060)

An Act to Increase the Borrowing Capacity of the Topsham Sewer District and to Specify and Clarify Eminent Domain Powers. (H. P. 2187) (L. D. 2301)

An Act to Increase the Efficiency of the Investigation and Prosecution of Fraud Against the State. (H. P. 2155) (L. D. 2290)

An Act to Redefine the Administration of Medication in the Nursing Practice Act. (H. P. 1934) (L. D. 2122)

An Act Delaying the Effective Date of the Maine Criminal Code in Order to Allow Sufficient Time to Make Certain Necessary Revisions. (S. P. 776) (L. D. 2331)

An Act to Reorganize or Repeal Certain Activities and Agencies in Maine State Government. (H. P. 2143) (L. D. 2286)

An Act to Temporarily Exempt Property Owners on Islands in Casco Bay from Certain Waste Discharge Compliance Requirements. (S. P. 708) (L. D. 2235)

These being emergency measures and having received the affirmative votes of 27 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.

Emergency

An Act to Promote Efficiency in Maine State Government. (S. P. 699) (L. D. 2223)

On motion by Mr. Huber of Cumberland, placed on the Special Appropriations Table.

Orders of the Day

The President laid before the Senate the first tabled and Specially Assigned matter:

Bill, "An Act to Establish a Division of Travel Information." (H. P. 2022) (L. D. 2201) Emergency

Tabled — March 29, 1976 by Senator Marcotte of York

Pending — Passage to be Engrossed

(In the House — Passed to be Engrossed)

(In the Senate — Committee Amendment "A" (H-1012), as Amended by Senate Amendment "A" (S-475) Thereto, Adopted)

On motion by Mr. Marcotte of York, retabled until later in today's session, pending Passage to be Engrossed.

The President laid before the Senate the second tabled and Specially Assigned matter:

Bill, "An Act to Change County Budgets to an Annual Basis." (H. P. 2094) (L. D. 2253)

Tabled — March 29, 1976 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

(In the House — Passed to be Engrossed)

Thereupon, the Bill was Passed to be Engrossed in concurrence.

The President laid before the Senate the third tabled and Specially Assigned matter:

Bill, "An Act Relating to Exceptional Children." (H. P. 1797) (L. D. 1956) Emergency

Tabled — March 29, 1976 by Senator Speers of Kennebec

Pending — Adoption of Committee Amendment "A" (H-1083) as Amended by House Amendment "A" (H-1104) Thereto

(In the House — Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by House Amendment "A" Thereto)

On motion by Mr. Speers of Kennebec, retabled until later in today's session, pending Adoption of Committee Amendment "A", as Amended by House Amendment "A" Thereto.

On motion by Mr. Speers of Kennebec, and under suspension of the rules, all matters acted upon by the Senate this morning were sent forthwith to the House.

Mr. Speers of Kennebec moved that the Senate be at recess until 3 o'clock this afternoon, and Mr. Conley of Cumberland subsequently requested a division on the motion.

Thereupon, Mr. Speers of Kennebec was granted leave to withdraw his motion to recess.

Reconsidered Matter

The following Bill was held on March 30, 1976 at the request of Mr. Conley of Cumberland, pending Consideration:

Bill, "An Act to Improve Solid Waste Management." (H. P. 2090) (L. D. 2249)

(In the Senate — Passed to be Engrossed as Amended by Senate Amendments "B" (S-486) and "C" (S-489)

(In the House — Bill in New Draft (H. P. 2225) (L. D. 2315)

Passed to be Engrossed as Amended by House Amendment "A" (H-1090)

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

Mr. CONLEY: Mr. President, having voted on the prevailing side, I would now move that the Senate reconsider its action whereby this bill was passed to be engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate reconsider its action whereby L. D. 2249 was passed to be engrossed.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I would like to inquire through the Chair as to the purpose of reconsideration.

The PRESIDENT: The Senator from Knox, Senator Collins, has posed a question through the Chair to any Senator who would care to answer.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, it is my understanding there are a number of amendments that are wished to be offered to this bill.

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

Mr. SPEERS: Mr. President, I would object to the motion and urge the Senate to vote against the motion. And I ask for a division.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that the Senate reconsider its action whereby L. D. 2249, "An Act to Improve Solid Waste Management", was passed to be engrossed.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I think that we had a very good debate on this yesterday, and I would assume that we have allowed somebody to climb onto the bandwagon here who has a change of heart overnight. I am a little bit in doubt that perhaps we shouldn't have a roll call, and I would request one, Mr. President.

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 until counted.

One-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, if this is going to be a record vote, I would appreciate it if any Senators who wish to offer amendments could describe the nature of the amendments that will be offered so that the record may have some purpose.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I find on my desk this morning an amendment that allegedly is going to be offered by the good Senator from Knox, Senator Collins. It is also my understanding that if the motion to reconsider does prevail the motion will be made also to reconsider our action whereby the Senate indefinitely postponed an amendment which was offered by Senator Clifford yesterday.

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

Mr. COLLINS: Mr. President and Members of the Senate: It is true that there is an amendment on your desks that was prepared by me, but in order to expedite the passage of the bill, it was felt that this could just as well be put on in the House. So I do not intend to vote for reconsideration.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: I certainly would accommodate the Senator from Knox, Senator Collins. I think we ought to reconsider so he can offer his amendment in the Senate.

I read in the Portland Press Herald this morning, in the lead paragraph concerning the story of the returnable container bill, pertaining to the amendment which was offered yesterday which failed of passage by one vote, it says "The Maine Senate gave all but final ap-