

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

Which reports were Read.

On motion by Mr. Huber of Cumberland, the Majority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

There being no objection, all matters previously acted upon in today's session requiring concurrence were sent down forthwith for concurrence.

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

Bill, "An Act to Set the Unemployment Insurance Contribution Rate for New Employers at the Average Contribution Rate for all Employers in the Previous Year." (H. P. 2144) (L. D. 2284)

Tabled — March 30, 1976 by Senator Pray of Penobscot

Pending — Motion of Senator Roberts of York to Recede and Concur

(In the House — Passed to be Engrossed as Amended by Committee Amendment "A" (H-1010)).

(In the Senate — Passed to be Engrossed as Amended by Committee Amendment "A", as Amended by Senate Amendment "A" Thereto (S-471), in non-concurrence.)

Mr. Roberts of York was granted leave to withdraw his motion to Recede and Concur.

Mr. Conley of Cumberland then moved that the Senate Recede and Concur.

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

Mr. PRAY: Mr. President, I was going to move to table this until later in today's session because I had an amendment that I just sent out to have copied, and I would like to know if the Senator from Cumberland would defer his motion.

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

Thereupon, Mr. Conley of Cumberland was granted leave to withdraw his motion to Recede and Concur.

On motion by Mr. Pray of Penobscot, retabled until later in today's session, pending consideration.

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

Bill, "An Act to Clarify and Strengthen the Statute Governing Current Use Taxation of Farmland." (H. P. 2258) (L. D. 2330)

Tabled — March 30, 1976 by Senator Speers of Kennebec

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed in New Draft as Amended by House Amendment "A" (H-1129))

(In the Senate — House Amendment "A" Adopted)

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

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

House Report — from the Committee on State Government — Bill, "An Act to Provide for More Effective Debt Management and for More Effective Administration of the State's Development Financing Capability." (H. P. 1816) (L. D. 1974) Majority Report — Ought to Pass; Minority Report — Ought to Pass as Amended by Committee Amendment "A" (H-949)

Tabled — March 30, 1976 by Senator Speers of Kennebec

Pending — Motion of Senator Curtis of Penobscot to Accept the Minority Ought to Pass as Amended by Committee Amendment "A" Report

(In the House — Majority Ought to Pass Report Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "E" (H-1121))

Mr. Curtis of Penobscot was granted leave to withdraw his motion to Accept the Minority Ought to Pass as Amended Report of the Committee.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. CURTIS: Mr. President, this is another bill which was very lengthy and which the State Government Committee spent some time on, one provision of which I and some other members of the committee thought there might be some redeeming value to, so we tried to save it. It would seem that the Debt Management Committee is a committee which really could be created by the executive office without legislation, so this is probably an unnecessary piece of legislation, and consequently, Mr. President, I move that this bill and all accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Penobscot, Senator Curtis, now moves that L. D. 1974 and all its accompanying papers be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

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

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

Tabled — March 30, 1976 by Senator Roberts of York

Pending — Adoption of Committee Amendment "A" (H-1029)

(In the House — Majority Ought to Pass as Amended by Committee Amendment "A" Report Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A")

Committee Amendment "A" was Adopted in concurrence.

Thereupon, under suspension of the rules, the Bill, as Amended, was Read a Second Time and Passed to be Engrossed in concurrence.

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

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

Tabled — March 30, 1976 by Senator Collins of Knox

Pending — Passage to be Engrossed

(In the Senate — Senate Amendment "A" (S-488) Adopted).

Mr. Collins of Knox presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-495, was Read.

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

Mr. COLLINS: Mr. President, this amendment deals with the transition from the old law to the new law. It was discovered after our draft went to print by one of the legal scholars in the Attorney General's Department, and it is designed to cover the instance, for example, where a storekeeper closes up on the evening of April 30th and discovers a burglary when he opens the morning of May 1st, and this will remedy a problem about which law prevails.

After this amendment is adopted, I will have one further amendment to offer.

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

The motion prevailed.

Mr. Collins of Knox then presented Senate Amendment "C" and moved its Adoption.

Senate Amendment "C", Filing No. S-496, was Read.

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

Mr. COLLINS: Mr. President and Members of the Senate: Sometimes we don't realize how important our staff is until we are without them. The Judiciary Committee is very fortunate in having a capable young lawyer who assists us but last week he was suddenly called away by a family crisis, and in carrying on without him we fumbled a paper or two. Since the committee had voted to include this item in the bill, and it was inadvertently omitted, I feel that it is my duty to present it.

This particular amendment deals with the good time provisions of the criminal code. It would cause the application of good time to the sentences of prisoners — and this in particular affects the Maine State Prison — to be applied on a retroactive basis. It was the judgment of a majority of the committee that this would be a helpful measure in the penology problems that now exist in Thomaston. It has the blessing of Commissioner Rosser of the Department of Mental Health and Corrections.

The result of it will be to cause some seventy odd inmates of that institution to become eligible for parole in the last three months of this fiscal year. I think one of the reasons that the commissioner recommended it is because the institution is bulging at the seams. There is a very difficult condition of crowding in our state prison. The other reason is a matter of morale among the prisoners. Prisoners who are coming in with a new standard of good time will be incarcerated next to people who have had a different standard of good time in the past. I think that because of this the committee felt justified in asking that this provision be inserted in the criminal code, and I move its adoption.

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

The motion prevailed.

Thereupon, the Bill, as Amended, was Passed to be Engrossed.

Sent down for concurrence.

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

Bill, "An Act to Clarify Certain Provisions in the Education Laws." (S. P. 651) (L. D. 2056) (Emergency)

Tabled — March 30, 1976 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

(In the Senate — Committee Amendment "A" (S-480) Adopted).

On motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

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

Tabled — March 30, 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)

Mr. Danton of York presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-493, was Read.

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

Mr. SPEERS: Mr. President, in very briefly taking a look at Senate Amendment "B", I am not sure whether or not it has any resemblance