

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

**January 5, 1977 to May 25, 1977**

KJ PRINTING  
AUGUSTA, MAINE

the Senate: I feel that the good Senator from York, Senator Farley, has had a very unusual case in Biddeford, and I do not think that happens. I have a son-in-law who is a fire captain in Bangor and retired after 20 years.

I do not think that we should change, as the good Senator from Knox, Senator Collins, says, I do not think we should change from the present system. Taking the wages for the last three years, the highest wages for the last three years, in my mind, and in the minds of many others, is sufficient. For example, the gentleman on the second floor, he said "this Legislation would have a discriminatory impact by according special treatment to limited groups of state employees; furthermore, the subject Legislation results in substantial changes to terms and conditions of employment which are not negotiable under State Employees Labor Relations Act. Presently contract negotiations are under way between the State and elected bargaining agent for the State Police, and this Legislation touches upon matters subject to these negotiations. Negotiations for all of our other eligible State employees should be commenced in the very near future."

I have a good deal more. I have definite notes here from the actuaries and from the retirement system stating how much more it is going to cost, not only the State but the towns and the cities, in raising this rate, and I think that we should defeat this Bill here and now, and I hope that you will go with the Ought Not to Pass Report, and I request a Division.

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

Mr. CONLEY: Mr. President and Members of the Senate: I concur with some of the things that have been said here today, but I do believe that there is an element of unfairness in dealing with the present Legislation before you, or the Legislation that was passed two years ago.

I think there is a legitimate grievance in the sense that those who were employed prior to December 31, 1975 did in a sense have a commitment under, whether it was State law or whether the fact of binding agreement, could contract with the local communities the 20 year retirement plan and other fringe benefits that are offered by the communities.

Those that came to work prior to December 31, 1975 as described by the good Senator from Knox, Senator Collins, are in a sense or were in a sense led to believe that their pension benefits would be based on the best average of the final year or one year.

I think that the Bill presently before us does in a sense try to remove that inequity as passed by the Legislature two years ago dealing primarily with these two specific groups of people.

A lot of communities, or some communities differ in the number of years relative to retirement. We talk about discrimination or we talk about special interest groups. Some communities provide 75 percent retirement benefits after 25 years of employment. Some communities provide 50 percent retirement benefits after 20 years employment. There are different agreements and different practices made by local communities.

I believe that when we had the law that stated the best retirement based on the best year that you had, then I think those people were led to believe that was what their retirement was going to be based on. Therefore, I would ask the Senate to vote against the pending Motion.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Oxford, Senator O'Leary, that L. D. 624 and all its accompanying papers be indefinitely postponed.

A Division has been requested.

Will all those Senators in favor of indefinite

postponement, please rise in their places to be counted.

Will all those Senators opposed to indefinite postponement, please rise in their places to be counted.

17 Senators having voted in the affirmative, and 12 Senators in the negative, the Motion to indefinitely postpone does prevail.

Sent down for concurrence.

(See Action later today)

#### Divided Report

Six members of the Committee on State Government on, Resolution, Proposing an Amendment to the Constitution to Undedicate the Highway Fund. (H. P. 536) (L. D. 651)

Reported in Report A that the same Ought to Pass in New Draft under new title: "Resolution, Proposing an Amendment to the Constitution to Permit the Highway Fund to be used for Public Transportation Purposes." (H. P. 1532) (L. D. 1758)

Signed:

Representatives:

LOCKE of Sebec

MASTERTON of Cape Elizabeth

BACHRACH of Brunswick

DIAMOND of Windham

CURRAN of South Portland

VALENTINE of York

Six members of the same Committee on the same subject matter Reported in Report B that the same Ought Not to Pass.

Signed:

Senators:

COLLINS of Aroostook

SNOWE of Androscoggin

MARTIN of Aroostook

Representatives:

STUBBS of Hallowell

SILSBY of Ellsworth

CHURCHILL of Orland

One member of the same Committee on the same subject matter Reported in Report C that the same Ought to Pass.

Signed:

Representative:

KANY of Waterville

Comes from the House, Resolution and Papers Indefinitely Postponed.

Which Reports were Read.

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

Mr. COLLINS: Mr. President, I move that the Senate accept Report B. Ought Not to Pass, and would speak to my Motion.

The PRESIDENT: The Senator has the floor.

Mr. COLLINS: Mr. President and Members of the Senate: This is a biennial Bill that comes before the Legislature from time to time, and it seeks to undedicate the Highway Fund. As you know, those funds come from the gasoline tax, is a user type tax related to the operation and maintenance of our highways throughout the State. It has been in the constitution since 1945, and I think that that is the proper place for it.

I would hope that today we would join with the other Body in killing this Bill forever.

On Motion of Mr. Collins of Aroostook, Report B Accepted.

(See Action later today)

#### Reconsidered Matter

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

Mr. COLLINS: Mr. President, with respect to Bill, "An Act Concerning State Retirement Benefits for Police Officers and Firefighters" (H. P. 505) (L. D. 624), having voted on the prevailing side, I now move reconsideration of the vote whereby we indefinitely postponed this matter, and request you to vote against me.

The PRESIDENT: The Senator from Knox, Senator Collins, now moves the Senate recon-

sider its action whereby it indefinitely postponed L. D. 624.

A viva voce vote being had,

The Motion to reconsider does not prevail

#### Second Readers

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

#### House

Bill, "An Act Concerning the Municipal Refund Claims for the Tree Growth Reimbursement." (H. P. 932) (L. D. 1129)

RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands, Oxford Paper Company. (H. P. 1383) (L. D. 1683)

RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands with Diamond International Corporation. (H. P. 1001) (L. D. 1392)

Bill, "An Act to Provide Malt Liquor Licenses for Caterers." (H. P. 1549) (L. D. 1773)

Which were Read a Second Time and Passed to be Engrossed, in concurrence.

#### House — As Amended

Bill, "An Act Concerning a Standard Method of Tallying Ballots." (H. P. 1212) (L. D. 1442)

Bill, "An Act Concerning the Issue of Special Licenses by the Commissioner of Marine Resources." (H. P. 996) (L. D. 1185)

RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands with the Dead River Group of Companies. (H. P. 1381) (L. D. 1687)

Which were Read a Second Time and Passed to Be Engrossed, as amended, in concurrence.

Bill, "An Act Providing for Student and Faculty Members of the Board of Trustees of the University of Maine." (H. P. 1114) (L. D. 1332)

Which was Read a Second Time.

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

Mr. CURTIS: Mr. President, I am in the process of having an Amendment prepared, which should be ready shortly, and I would ask if somebody could table this until later in Today's Session.

On Motion of Mr. Speers of Kennebec,

Tabled until later in Today's Session. Pending Passage to be Engrossed.

(See Action later Today.)

#### Senate — As Amended

Bill, "An Act to Prohibit the Use of Electronic Devices for the Purpose of Detecting Radar." (S. P. 147) (L. D. 389)

Which was Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Mr. CARPENTER: Mr. President, I would move that the Senate reconsider its action whereby it adopted Committee Amendment "A"

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, now moves that the Senate adopt Committee Amendment "A" Is this the pleasure of the Senate.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Mr. CARPENTER: Mr. President, I now offer Senate Amendment "A" (S-142) to Committee Amendment "A", and move its adoption.

The PRESIDENT: The Senator from Aroostook, Senator Carpenter, now offers Senate Amendment "A" to Committee Amendment "A" and moves its adoption. The Secretary will read Senate Amendment "A"

Senate Amendment "A" (S-142) to Committee Amendment "A" Read and Adopted. Committee Amendment "A", as amended, adopted

This Bill, as amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.