

# MAINE STATE LEGISLATURE

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**Legislative Record**

**OF THE**

**One Hundred and Seventh Legislature**

**(First Special Session)**

**OF THE**

**STATE OF MAINE**

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**AUGUSTA, MAINE**

area of difference we are dealing with here. I think that it is playing very dangerously with some very difficult compromises and very difficult committee work that has been put together. And I say once again I don't care a hoot about the fate of this amendment, but I do care about the fate of this bill. Harry Truman once said of his presidency that he spent about 80 percent of his time convincing people to do what was in their best interests. I look upon my role in this debate today as having that relative position to the Senator from Penobscot, Senator Curtis.

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

Mr. CURTIS: Mr. President, very briefly, I will reiterate what I mentioned on Friday, that the State Government Committee gave very careful consideration to all of the duties of the executive council, and in our report, which is dated February 6, 1976, there is an appendix of some eighteen pages. In that appendix you will find the consideration that the State Government Committee gave in session to each of the powers and the duties of the present executive council in all thirty-nine titles of the statutes and in the private laws. We gave it serious consideration, we considered both of these committees, and it was our determination that they were advisory committees in nature and they ought not to be subject to confirmation.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Cumberland, Senator Merrill, that the Senate insist and request a committee of conference with the House.

The Chair will order a division. Will all those Senators in favor of the motion of the Senator from Cumberland, Senator Merrill, please rise in their places until counted. All those opposed to the motion will please rise in their places until counted.

A division was had. 12 having voted in the affirmative, and 19 having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

Under suspension of the rules, sent forthwith to the House.

#### Enactors

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

An Act Relating to the Geologists and Soil Scientists Certification Act. (H. P. 2240) (L. D. 2322)

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

#### Non-concurrent Matter

Bill, "An Act to Clarify the Election Laws." (H. P. 2293) (L. D. 2344)

In the Senate April 8, 1976, Passed to be Engrossed as Amended by House Amendment "A" (H-1230), in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendments "A" and "D" (H-1270), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

#### Non-concurrent Matter

Bill, "An Act Providing for Administrative Corrections in Tax Laws." (H. P. 2312) (L. D. 2349)

In the Senate April 9, 1976, Passed to be Engrossed as Amended by House Amendment "A" (H-1252), in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendments "A" and "B" (H-1268), in non-concurrence.

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

Mr. COLLINS: Mr. President, I would like to pose a question through the Chair to anyone who may care to answer. In looking at House Amendment "B", H-1268, I note that there has been introduced into this bill a provision that assessors, on their own knowledge or on written application, may make such abatements as they believe reasonable in the real or personal taxes of all persons who by reason of infirmity or poverty are, in the judgement of the assessors, unable to contribute to the public charges. I haven't worked on this bill or studied it particularly before, but it seems to me that this is a rather broad power given to assessors in this particular type of municipal unit, and I wonder if someone better versed could explain whether this is to be a universal authority given to assessors and, if so, whether there are any safeguards against, it seems to me, a rather shallow standard of whether you assess or you don't assess.

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

Thereupon, on motion by Mr. Cyr of Aroostook, tabled and Tomorrow Assigned, pending Consideration.

The President laid before the Senate the matter tabled earlier in today's session by Mr. Collins of Knox:

Bill, "An Act to Base Adjustments of Teacher and State Employee Retirement Allowances on the Consumer Price Index." (H. P. 1799) (L. D. 1958)

Pending — motion by Senator O'Leary of Oxford to Adhere.

Mr. Conley of Cumberland then moved that the Senate Insist and Join in a Committee of Conference.

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

Mr. COLLINS: Mr. President, I would ask for a division and ask the Senate to vote against this motion. This matter was fully debated last Friday and it is the sort of thing that there isn't any real area of conference compromise. If we were going to make a radical decision to shift the standard for increasing benefits in the retirement laws, we would adopt this sort of thing. But as I pointed out last week, the unanimous opinion of the thirteen members of the Retirement Committee was that we ought to ask the actuaries who advise the system to study this problem and give an opinion to the 108th Legislature.

The cost of living index is a national index. As a rule, the City of Portland is the only place in the State of Maine that is used in measurements, and I am not convinced that this is the way to go with this mechanism, certainly not at this time, and certainly not until our own actuaries have been able to study the measurements thus suggested against the structuring of our system as it exists. I would ask you to defeat the motion to insist.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that the Senate insist and join in a committee of conference with the House.

The Chair will order a division. Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Conley, please rise in their places until counted.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, 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 until counted.

One-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion by the Senator from Cumberland, Senator Conley, that the Senate insist and join in a committee of conference with the House. A "Yes" vote will be in favor of insisting and joining in a committee of conference; a "Nay" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Berry, E.; Berry, R.; Conley, Danton, Graffam, Graham, Greeley, Marcotte, Merrill, Pray, Reeves, Roberts.

NAYS: Senators Carbonneau, Clifford, Collins, Corson, Cummings, Curtis, Cyr, Gahagan, Hichens, Huber, Jackson, Johnston, Katz, McNally, O'Leary, Speers, Thomas, Trotzky, Wyman.

ABSENT: Senator Cianchette.

A roll call was had. 12 Senators having voted in the affirmative, and 19 Senators having voted in the negative, with one Senator being absent, the motion did not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to adhere?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, once in a lifetime you will notice that the good Senator from Cumberland, Senator Berry, and I are on the same side, and I couldn't let this moment go by without pointing it out. And I think all of you have made a very, very bad mistake.

The PRESIDENT: Is it now the pleasure of the Senate to adhere?

Thereupon, the Senate voted to Adhere.

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

On motion by Mr. Speers of Kennebec, Recessed until the sound of the bell.

#### After Recess

Called to order by the President.

#### Papers from the House

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

#### Non-concurrent Matter

Bill, "An Act to Correct Errors and Inconsistencies in the Laws of Maine." (S. P. 799) (L. D. 2345)

In the Senate April 12, 1976, Passed to be Engrossed as Amended by Senate Amendments "B" (S-548), "C" (S-552), "D" (S-553), "E" (S-554), "F" (S-556), "G" (S-557), "H" (S-558), "I" (S-559), "J" (S-560), "K" (S-561), "L" (S-562) and "M" (S-566) and House Amendments "B" (H-1242), "C" (H-1243), "D" (H-1244), "E" (H-1248), "H" (H-1261), "I" (H-1262), "J" (H-1263), "K" (H-1264), "L" (H-1265), "M" (H-1266) and "N" (H-1267), in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Senate Amendments "B", "C", "D", "E", "G", "H", "I", "J", "K", "L" and "M" and House Amendments "B", "C", "D", "E", "H", "I", "J", "K", "L", "M", "N", "O" (H-1272), "P" (H-1273) and "Q" (H-1274), in non-concurrence.

Mr. Collins of Knox moved that the Senate Recede and Concur.

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

Mr. CONLEY: Mr. President, I am concerned about House Amendment "P" that has been added to the bill in the other body dealing with school buses. It seems to me if this amendment is to stay on the bill that it would put the Greater Portland Transit District right out of business, that is, as far as transporting children to and from school, and it is the only type of bus that the greater Portland area has. Because of my concern and reservation for that, I would move that the Senate recede.