

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume II

May 26, 1977 to July 25, 1977

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**Senate Confirmation Session
September 16, 1977**

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II Budget, there is a whole page that indicates very clearly, that it is our intent that a merit system should be strengthened beyond what it is today.

The PRESIDENT: Is the Senate ready for the question? This bill having been Passed to be Enacted in the House, and signed by the Speaker, is it now the pleasure of the Senate that this bill be Passed to be Enacted?

A Roll Call has been ordered.

A yes vote will be in favor of enactment. A nay vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hewes, Hichens, Katz, Levine, Lovell, Mangan, Martin, McNally, Merrill, Minkowsky, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Usher, Wyman.

NAY — Trotzky.

ABSENT — Huber, Jackson.

29 Senators having voted in the affirmative, and 1 Senator in the negative, with 2 Senators being absent, and 29 being more than two-thirds of those Senators present, this bill is Passed to be Enacted.

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 Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President and Members of the Senate: I think that we ought to just take one minute to mark what is obviously a historic moment here in the State of Maine, and a first for these United States, and I think this State should stand tall and stand proud here in the final hours of our session having passed this historic bill, having voted on the prevailing side. I now move reconsideration and ask you to vote against me.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now moves that the Senate reconsider its action whereby this bill was Passed to be Enacted.

A viva voce vote being had, the motion to reconsider does not prevail.

"An Act Concerning Displaced Homemakers," (H. P. 700) (L. D. 842)

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

Mr. MORRELL: Mr. President and Members of the Senate: An Amendment is being prepared for this L. D., and I would be grateful if somebody would table it until later today.

On motion of Mr. Speers of Kennebec,

Tabled until later in Today's Session, pending enactment.

(See Action Later Today)

Emergency

RESOLVE, Designating 2 Bridges Over the Kennebec River in Skowhegan as the "Margaret Chase Smith Bridges." (H. P. 1807) (L. D. 1897)

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.

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

Mr. CONLEY: Mr. President, I too think that the Senate should take home a night on this very historic moment, it is the first time in 14 years, that I have seen two bridges named after one individual, and I move reconsideration.

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

Mr. KATZ: Mr. President, the Senator from Cumberland, Senator Conley, is correct. I suspect this is the first time since 1820 that this has happened, but seriously, the lady after whom the two bridges are being named, is not a very usual person.

I have been in Maine politics for an awful long time, and I would be hard pressed to identify a better or more successful politician than Margaret Chase Smith. She served the State with great distinction, and when she finally retired from the Senate, she had made an awful lot of records that will remain for awhile, the first woman ever to be nominated by a major party for the top ticket in the United States, and although she spends most of her time now in Maryland, in the minds and the hearts of many of us who worked for her, at one time, in her elections, she is an outstanding citizen of whom we can all be proud, Republicans and Democrats alike.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate reconsider its action whereby this Resolution was finally passed.

A viva voce vote being had,

The motion to reconsider does not prevail.

Order

On motion of Mr. McNally of Hancock,

WHEREAS, the Maine Workmen's Compensation Act is in need of a thorough evaluation so as to insure that the rights of all parties are properly recognized; and

WHEREAS, the heavily burdened Industrial Accident Commission needs an equally thorough evaluation to determine how the Workmen's Compensation Act can be most effectively administered; now, therefore, be it

ORDERED, the House concurring, that a Select Committee on Workmen's Compensation be authorized to study how the Workmen's Compensation Act and the Industrial Accident Commission can more efficiently and equitably protect the rights of all concerned parties; and be it further

ORDERED, that the Speaker of the House of Representatives and the President of the Senate appoint, prior to August 1, 1977, the members of the Select Committee on Workmen's Compensation. These members shall include at least:

1. Two members of the Senate;
2. Two members of the House of Representatives;
3. One representative each of labor and management; and
4. The Chairman of the Industrial Accident Commission; and be it further

ORDERED, that members of the select committee who are not Legislators shall receive the same compensation as do legislative members; and be it further

ORDERED, that sufficient funds shall be available to properly reproduce and distribute this study; and be it further

ORDERED, that the select committee shall complete this study no later than December 1, 1977, and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the committee.

(S. P. 598)

Which was Read.

On motion of Mr. Speers of Kennebec, Tabled, pending passage.

Order

On motion of Mrs. Snowe of Androscoggin, **WHEREAS,** the costs of health care services are increasing rapidly; and

WHEREAS, these increased costs compound

the existing problems of access to health care services experienced by many Maine citizens; and

WHEREAS, it is in the interest of the State to take actions which would ensure both the quality of and access to needed health care services for all Maine citizens; and

WHEREAS, presently there is a question of whether the State has sufficient authority to attempt to control costs within the health care industry; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee on Health and Institutional Services study the subject matter of L. D. 1794, "An Act to Establish a Health Facilities Cost Review Board" which was presented before the First Regular Session of the 108th Legislature; and be it further

ORDERED, that the committee examine any other alternatives to the reasonable control of health care costs; and be it further

ORDERED, that the Department of Human Services cooperate with the committee in carrying out the study; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1977 and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the committee.

(S. P. 599)

Which was Read.

On motion of Mr. Speers of Kennebec, Tabled pending passage.

Papers from the House Non-concurrent Matter

Bill, "An Act Relating to the Maine Turnpike Authority." (H. P. 343) (L. D. 388)

In the House June 30, 1977 Passed to be Engrossed as amended by Committee Amendment "A" (H-734) as amended by House Amendment "B" (H-881) thereto.

In the Senate July 7, Passed to be Engrossed as amended by Senate Amendment "A" (S-371) in non-concurrence.

Comes from the House, that Body having Adhered.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: I think it is proper for me to reiterate my sentiments as I displayed yesterday for the business like attitude displayed by the members of the Maine Senate, in reference to the proposed amendment that I had submitted, which was designed to serve the best interest of the people of the State of Maine. Unfortunately, you are all very cognizant of what happened this afternoon in the other body, but I thought I would take this particular moment to express my sentiments at the present time. On that particular note, Mr. President and Members of the Senate, I now move that the Senate adhere.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, now moves that the Senate adhere.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I commend the good Senator from Androscoggin, Senator Minkowsky, and I think it is time that we bid this item farewell for another year.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President and Members of the Senate: There is another motion here that would take priority, I am not going to choose to make that motion today, but go along with the good Senator from Androscoggin, Senator

Minkowsky. Hopefully, this will take care of this issue here, for this session here, and we come back next time and work out a meaningful compromise that will do what we all want it to do next session, and I congratulate the Senator from Androscoggin, Senator Minkowsky for his motion to today.

The Senate voted to adhere.

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

Mr. CONLEY: Mr. President, having voted on the prevailing side I now move reconsideration and ask you to vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate reconsider its action whereby it voted to adhere.

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

Mr. O'LEARY: Mr. President, I would ask for a Division.

The PRESIDENT: A Division has been requested on the motion to reconsider.

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

Mr. O'LEARY: Mr. President, I listened intently to the debate on the Maine Turnpike Authority and the Maine Turnpike in its future, and I find that this problem is not going to go away. It will be back here two years from now. I think as long as it has been addressed this session of the Legislature, that we should take some kind of action, and I would support the motion to reconsider, and then move to recede and concur.

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 it voted to adhere on L. D. 388.

A Division has been requested.

Will all those Senators in favor of reconsideration please rise in their places to be counted.

Will all those Senators opposed to the motion, please rise in their places to be counted.

3 Senators having voted in the affirmative, and 25 Senators in the negative, the motion to reconsider does not prevail.

Non-concurrent Matter

Bill, "An Act Requiring the Public Utilities Commission to Order a Community of Interest Study upon Petition by 10% of the Service Customers in a Telephone Exchange and to Promulgate Rules and Regulations Relating to the Establishment of Extended Area Service." (H. P. 650) (L. D. 794)

In the House May 10, 1977 Passed to be Engrossed as amended by Committee Amendment "A" (H-254) as amended by House Amendment "B" (H-287) thereto.

In the Senate July 7, 1977 Passed to be Engrossed as amended by Senate Amendment "A" (S-134) in non-concurrence.

Comes from the House, that Body having Adhered.

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: I really do not understand why that Senate Amendment was removed. The intent of the Amendment was to provide a means by which a community which suffers economic hardship as a result of the structure of the existing telephone exchange to obtain a review in the study of a system within three years from the previous commission denial.

Just to refresh your memories, this is the bill that would allow a community which had in it several exchanges, some of which then would be toll calls although they were within the same community, they could apply with 10 percent of the customers signing a petition, they would apply to the Public Utilities Commission for a

study to see what could be arranged so that there would not be a toll system, toll charges within the community. In the bill, it says that a community cannot reapply for another study within three years. Then this amendment says that should these, 10 percent of these customers be able to provide that there was economic hardship by not requesting the Commission to make another study that then, the Commission would not have to wait those three years. I am not quite sure at this late date, that I should hardly ask for a Committee of Conference. I would like to move that we adhere.

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

Mr. MERRILL: Mr. President, I think that this is a valuable idea in this, and I am sorry that there has been a procedural difference between the two Houses, but I think that I would like to salvage something, and I would move that the Senate Recede and Concur with the House.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, now moves that the Senate recede and concur with the House. Is it the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I ask for a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion to recede and concur with the House in reference L. D. 794, please rise in their places to be counted.

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

11 Senators having voted in the affirmative, and 18 Senators in the negative, the motion to recede and concur does not prevail.

The Senate voted to Adhere.

Enactors

The Committee on Engrossed Bills reports as truly and strictly engrossed the following: "An Act Relating to the Regulation of the Blueberry Industry." (H. P. 598) (L. D. 739)

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

Papers from the House Joint Order

WHEREAS, The Joint Standing Committee on Business Legislation had referred to it, during the First Regular Session of the 108th Legislature, many legislative documents affecting complex business transactions; and

WHEREAS, the number of bills and their complexity made it impossible within the time available to the committee for them to completely and properly study these various matters; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Business Legislation shall study the following matters:

1. Insurance company practices regarding the renewal and cancellation of property and casualty insurance, health insurance and life insurance;

2. The sale of credit, life and disability insurance;

3. Variable interest rate mortgages;

4. The activities of financial institutions and financial institution holding companies; and

5. The authority, adequacy and effectiveness of the Bureau of Insurance and the statutes regarding the regulation of insurance; and be it further

ORDERED, that the committee in conducting these studies shall have all the powers set forth in Title 3, Section 165, Subsection 7; and be it further

ORDERED, that the committee shall com-

plete this study no later than December 1, 1977 and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the committee.

(H. P. 1819)

Comes from the House, Read and Passed.
Which was Read.

On motion of Mr. Speers of Kennebec, Tabled, Pending Passage.

Papers from the House Joint Orders

Expressions of Legislative Sentiment recognizing that: the Legislative Research Office and Information Office personnel, through their dedication, special knowledge and tireless hard work have contributed immeasurably to the success of this session. (H. P. 1822)

the hard-won skills, calm efficiency and great labors of the members of the Office of Legislative Assistants have been instrumental in the successful labors of the joint standing committees and individual members of the First Regular Session of the 108th Legislature. (H. P. 1821)

Come from the House, Read and Passed.

Which were Read and Passed in concurrence.

Paper from the House Joint Order

WHEREAS, the Local and State Government property tax currently may be being assessed in an unconstitutional manner; and

WHEREAS, to cure such unconstitutional taxation requires a mechanism whereby property in the unorganized territory may be efficiently and equitably taxed; and

WHEREAS, the possible repeal of the Uniform Property Tax lends great urgency to the Resolution of how the property in the unorganized territory should best be taxed; now, therefore, be it

ORDERED, that the Committee on Taxation study the different ways in which property in the unorganized territory can most equitably and efficiently be taxed; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1977 and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this order shall be forwarded to members of the committee. (H. P. 1820)

Comes from the House, Read and Passed.

Which was Read.

On motion of Mr. Speers of Kennebec, Tabled, pending Passage.

Papers from the House Joint Resolution

A Joint Resolution in Memoriam.
WHEREAS, the Legislature has learned with deep regret of the death of Richard R. Rogers of Caribou, (H. P. 1824)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

Paper from the House Committee Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on, "An Act to Clarify and Limit the Authority of Municipalities to Establish Shellfish Conservation Programs and to License and Regulate the Taking of Shellfish." (H. P. 715) (L. D. 851) have had the same under consideration, and ask leave to report: