

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume II

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**Senate Confirmation Session
September 16, 1977**

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whatever he paid, because then he is up to time and a half provision of that, whatever his base pay is. If an individual is concerned about the Sheriff's Department, that an individual working 24 hours a day and they are required after 40 hours they are going to be paying these boys time and a half, then they can take consideration of hiring a couple more deputies for the same amount of money that they are going to be paying out, to pay this individual to work 60 hours a week, paying him time and a half on 20 hours. And a lot of counties do this, at this time they have a number of part time deputies to fill in on these long weekends. So we are again down to the question of equity and fairness.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Penobscot, Senator Trotzky, that the Senate reconsider its action whereby it enacted L. D. 777.

The Chair will order a Division.

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 on the motion to reconsider. 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 on this matter, please rise in their places to be counted.

Obviously, more than one-fifth having arisen, a Roll Call is ordered.

The pending question before the Senate, is the motion by the Senator from Penobscot, Senator Trotzky, that the Senate reconsider its action whereby it enacted L. D. 777.

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

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA — Collins, D.; Collins, S.; Curtis, Greeley, Hewes, Hichens, Huber, Jackson, Katz, Lovell, McNally, Pierce, Redmond, Trotzky.

NAY — Carpenter, Chapman, Conley, Danton, Farley, Levine, Mangan, Martin, Merrill, Minkowsky, Morrell, O'Leary, Pray, Snowe, Speers, Usher, Wyman.

ABSENT — Cummings.

14 Senators having voted in the affirmative, and 17 Senators in the negative, with 1 Senator being absent, the Motion to reconsider does not prevail.

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

Mr. SPEERS: Mr. President, I move that the Senate take from the Unassigned Table, Items 1 to 40, with the exception of Item 11 that has already been taken off, and item 26.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate remove from the Unassigned Table, Items 1 to 40, with the exceptions of Item 11 and Item 26. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. SPEERS: Mr. President, I now move that these items be indefinitely postponed.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that these Joint Orders be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I would like to have item 8 set aside.

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

Mr. CARPENTER: Mr. President, this procedure is a little unusual, I wonder if the Majority Leader would explain exactly what is happening.

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

Mr. CONLEY: Mr. President, perhaps I could explain.

The discussion of Leadership, we have decided that the best thing to do with Joint Orders, was to indefinitely postpone them, each and every one of them, to send a questionnaire to every member of the Senate and the House, a copy of all the Orders, for the questionnaire for them to fill out as to the priority of those Orders that should be studied. And Legislature Leadership has agreed to set up a subcommittee of four members of the ten members of the Leadership to go through the responses and tabulations of questionnaires received, and to make their referrals to the Legislative Council. At that time Legislative Council will then put into motion those Joint Orders they feel should be studied. I would only spell out that the reason for following this procedure is that, I believe, the figures for the cost of Joint Orders being studied in the last session of the Legislature was nearly one-third of a million dollars. The only way that we feel we can keep some sort of financial control on this ball of wax, is to address the problem in this manner, and we hope that any specialty or favoritism if any one feels has not been, or has been neglected or turned down, that he could petition the Legislative Council. But I can assure you that the Council is going to look very hard on all of them.

The PRESIDENT: Is it now the pleasure of the Senate that these Joint Orders with the exception of Item 8, 11 and 26 be indefinitely postponed? It is a vote.

Sent down forthwith for concurrence.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Merrill, in reference to Item Number 8, (L. D. 472).

Mr. MERRILL: Mr. President and Members of the Senate: I do not rise today to praise this Joint Order, but to bury it. I thought this was a real good idea and I still do, and a lot of people around the state thought it was a good idea too. Just to draw your attention to the history of this Joint Order, this Joint Order would have had us establish a toll free telephone number that people could have called up and given us their ideas on during this legislative session that we are winding down today. So, I do not know if there would be much sense in passing it at this point of operation.

But I would like to say in seriousness, that I am sure that something like this will never happen without leadership wanting to go along with it because what happens if they do not is this. But I do hope that plans are made for the next session that it will be considered. I know that from the people that I heard from around the state on this issue, that this is something that the people feel fairly strongly about. A lot of us are pretty hard to get ahold of on the weekends, when we are at home, and I think it just makes available the fact the ability for people to call us for nothing up here and tell us what is on their minds. I think it will be a step in the right direction. I hope it will be considered for the next session and put into effect, and I feel sort of sorry that what has happened to it has happened to it, but I hope it will be considered next time and I sort of have mixed feelings about it as we take it off today. I feel it would be sort of fun to pass it and have us set up the toll free telephone line for the day when we come back to handle vetos. I am sure there will be a lot of people who will want to get ahold of us.

The PRESIDENT: Is it now the pleasure of the Senate that Item 8, Senate Paper 472 be indefinitely postponed? It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I move that we take from the Unassigned Table, Item 26.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate remove from the Unassigned Table Item 26, H. P. 1785. Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, it would have been inappropriate to have included this item with all the rest because this item has been returned to the Senate in non-concurrence, and therefore a motion to indefinitely postpone would have been out of order. But I would now move that the Senate adhere which will accomplish the same thing as all the rest of the Joint Orders on the Table.

The PRESIDENT: Item 26, H. P. 1785, the Senator from Kennebec, Senator Speers, now moves that the Senate adhere. Is it the pleasure of the Senate? It is a vote.

Senate Committee Report Ought to Pass

Mr. Huber for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1978 and June 30, 1979." (Emergency) (S. P. 605) (L. D. 1898)

Reports, pursuant to Joint Order (S. P. 600) that the same Ought to Pass.

Ought to Pass Report of the Committee Read and Accepted.

The Bill Read Once.

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

Mr. O'LEARY: Mr. President, it seems that I do not have a printed copy of this bill in my book, when will we receive this copy?

The PRESIDENT: The Chair advises the Senator that no copies of this bill are yet available. They have been sent to the printers and have not come back from the printers and we will simply have to operate on the good faith and assurance that the Appropriations Committee is not trying to do anything untoward.

The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President and Members of the Senate: I am surprised that the good Senator from Oxford, Senator O'Leary would question what might be in this bill which the title to me is perfectly clear.

More seriously, this bill as passed by the Appropriations Committee contains \$10.00 per week increase for Commissioners who were inadvertently left out of the Part II Budget. It also includes some comparatively minor language concerning L. D. 1676 which is An Act Providing for Budgeting of State Expenditures of Federal Funds. The language is technically required but does not change the effect of that bill.

Under suspension of the rules, the Bill Read a Second Time.

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

Mr. CONLEY: Mr. President, I offer Senate Amendment "A" and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now offers Senate Amendment "A" and moves its adoption.

The Secretary will read Senate Amendment "A".

Senate Amendment "A" (S-427) Read.

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

Mr. CONLEY: The funding in this amendment takes care of the two positions for the purpose of distribution of emergency fuel funds as supplied by the Federal Government.

Senate Amendment "A" Adopted.

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