

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

Index

**Senate Confirmation Session
September 16, 1977**

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were ordered to appear on the Consent Calendar of June 14, under listing of the Second Day.

Consent Calendar Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar under Second Day:

(S. P. 92) (L. D. 216) Bill "An Act Relating to Motor Vehicle Fees Collected by the Public Utilities Commission" (C. "A" S-205)

On the objection of Mrs. Tarr of Bridgton, was removed from the Consent Calendar.

On motion of the same gentlewoman, tabled pending acceptance of the Committee Report and tomorrow assigned.

(S. P. 336) (L. D. 1121) Bill "An Act to Provide that Regular Annual Reports of the Executive Branch be Made Through the Maine State Government Annual Report" (C. "A" S-207)

(S. P. 252) (L. D. 778) Resolution, Proposing an Amendment to the Constitution to Combine the Guarantee Limits for the Insurance of Enterprises within the State (C. "A" S-206)

(H. P. 1142) (L. D. 1366) Bill "An Act to Approve the Expenditure of Funds from the Mental Health and Mental Retardation Program Improvement Fund for the Fiscal Year ending June 30, 1978"

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were passed to be engrossed in concurrence, and the House Paper was passed to be engrossed and sent up for concurrence.

(H. P. 952) (L. D. 1146) Bill "An Act to Establish Limits for Elderly Householders' Tax and Rent Refunds" (C. "A" H-574)

On the objection of Mr. Carey of Waterville, taken from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once.

Committee Amendment "A" (H-574) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 870) (L. D. 1063) Bill "An Act to Provide for 4-Year Terms of Office for Representatives, Governors and Lieutenant Governors of the Passamaquoddy Tribe of Indians" (C. "B" H-575)

On the objection of Mr. McKean of Limestone, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once.

Committee Amendment "A" (H-575) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 2) (L. D. 2) RESOLUTION, Proposing an Amendment to the Constitution to Mandate the Appropriation of Funds for State Employee and Teacher Retirement Costs (C. "A" H-572)

No objections having been noted at the end of the Second Legislative Day, the House Paper was passed to be engrossed and sent up for concurrence.

Second Reader

Later Today Assigned

Bill "An Act to Improve the Administration of the State's Merit System" (Emergency) (H. P. 239) (L. D. 398)

Was reported by the Committee on Bills in the Second Reading and read the second time.

(On motion of Mr. Palmer of Nobleboro, tabled pending passage to be engrossed and later today assigned.)

Passed to Be Engrossed

Bill "An Act Permitting the Director of Public Lands to Sell Small Parcels of Public

Reserved Lands with Legislative Approval" (H. P. 1681) (L. D. 1875)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent up for concurrence.

Bill "An Act to Revise the Maine Tort Claims Act" (Emergency) (H. P. 1680) (L. D. 1874)

Was reported by the Committee on Bills in the Second Reading and read the second time.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps I could ask the Chairman of the Judiciary Committee, I am wondering why the state can't self-insure? I understand that some small towns are going to have to pay exorbitant insurance rates because of this bill. I wish that the state could self-insure starting right now. I wonder if the Chairman of the Judiciary Committee could explain why that can't be done?

The SPEAKER: The gentlewoman from Auburn, Mrs. Lewis, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker. In response to the question of the gentlewoman from Auburn, under the Tort Claims Act, as it was passed at the beginning of the session, the state will self-insure for claims against the state. There is a fund of \$400,000 which is included in the budget to deal with possible claims against the state.

With regard to the municipalities, under the current proposal, the state would not be insuring the municipalities. They would be purchasing insurance on the private market. The bill which is now before the legislature has been reviewed by the insurance industry and we have made a number of changes in the original Tort Claims Act in order to improve the insurability of the municipalities. With the changes which have been made, the committee has been assured by representatives of the insurance industry and the Maine Municipal Association that the areas where we have open liability are insurable at reasonable cost.

Thereupon, the Bill was passed to be engrossed and sent up for concurrence.

Bill "An Act to Require that a Hospital Pharmacist, a Chain Pharmacist and an Independent Pharmacist be Appointed to the Board of Commissioners of Pharmacy" (S. P. 251) (L. D. 759)

Was reported by the Committee on Bills in the Second Reading, read the second time and passed to be engrossed in concurrence.

Tabled and Assigned

Bill "An Act to Expedite Court Handling of Fish and Wildlife Violations of a Misdemeanor Nature by a System of Convenient Payment" (H. P. 865) (L. D. 1053)

Was reported by the Committee on Bills in the Second Reading and read the second time.

On motion of Mr. Dow of West Gardiner, tabled pending passage to be engrossed and tomorrow assigned.

Amended Bills

Bill "An Act Relating to Discharges, Emissions and Leakages from Nuclear Generating Facilities" (H. P. 1382) (L. D. 1662) (C. "A" H-550)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed as amended and sent up for concurrence.

Passed to Be Enacted Emergency Measure

"An Act to Amend the Elderly Householders Tax and Rent Refund Act to Allow Access to

State Tax Assessor's Records by the Department of Human Services" (H. P. 919) (L. D. 1115)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 114 voted in favor of same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

"An Act to Amend the Law Regulating Mass Gatherings" (H. P. 1603) (L. D. 1806) (H. "A" H-441; H. "B" H-525; S. "A" S-180)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 111 voted in favor of same and 10 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

"An Act Authorizing the Approval of New School Construction in the Town of Stockholm" (H. P. 1613) (L. D. 1821) (C. "A" H-505)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 122 voted in favor of same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

"An Act Relating to Special Education Tuition and Board" (H. P. 1638) (L. D. 1836) (H. "C" H-517)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 117 voted in favor of same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, to Correct the Personal Services Appropriation for the Sheriff of Washington County for the Year 1977 (H. P. 1615) (L. D. 1822)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 119 voted in favor of same and 2 against and accordingly the Resolve was finally passed to be enacted, signed by the Speaker and sent to the Senate.

Finally Passed

Emergency Measure

RESOLVE, to Provide for Regional Special Education Compacts (H. P. 1643) (L. D. 1842)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 119 voted in favor of same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

"An Act to Permit Trial Work Periods under the Workmen's Compensation Statutes" (S. P. 394) (L. D. 1353) (C. "A" S-185)

"An Act to Regulate Security Deposits on Residential Rental Units" (S. P. 519) (L. D. 1813) (S. "B" S-190)

"An Act to Improve the Management of the