

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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of the Senate: It does, in fact, create a new Board. It deals with the people who are involved as counselors in alcoholic-drug field, and it seems that it comes to us as a result of a task force report and a series of public hearings that were held throughout the State, and apparently there is a desire to have some standardization and certification of people who are dealing in the field of drug abuse and alcoholism, and this is a first attempt to certify people as to their quality to perform this type of counseling.

Which was Passed to be Engrossed, as amended, in concurrence.

Reconsidered Matter

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

Mr. KATZ: Mr. President, in reference to Bill, "An Act Relating to Electric Companies' Fuel Charges." (H. P. 1179) (L. D. 1407), I now move that the Senate reconsider its action whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate reconsider its action whereby L. D. 1407 was Passed to be Engrossed. Is it the pleasure of the Senate? It is a vote.

On motion of Mr. Katz of Kennebec,

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

(See Action Later Today)

Senate — As Amended

Bill, "An Act Concerning Professional Conduct of Chiropractors, Optometrists, Podiatrists and Dentists." (S. P. 167) (L. D. 572)

Bill, "An Act to Amend Certain Provisions of the Employment Security Law." (S. P. 504) (L. D. 1789)

Which were Read a Second Time and Passed to be Engrossed, as amended.

Sent down for concurrence.

Enactor

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

Emergency

"An Act Increasing the State Gasoline Tax." (H. P. 1159) (L. D. 1383)

Comes from the House. Failed of Enactment.

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

Mr. SPEERS: 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 present and voting. Will all those Senators in favor of a Roll Call, please rise in their places to be counted.

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

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, is this bill in a posture for debate at this time?

The PRESIDENT: The Chair would answer in the affirmative.

The Chair recognizes the same Senator.

Mr. SPEERS: Mr. President, I would point out to the Senate that this is a measure of great importance, and that this matter has come down to the Senate from the other Body, having failed of enactment, and would hope that the Senate would give every careful consideration to the conditions of the roads and highways, not only at the present time in the State of Maine, but the likely conditions on into three or four or five years on into the future, unless we can provide for adequate funds for the highway maintenance.

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

Mr. KATZ: Mr. President, this has been a most peculiar Session for me personally.

Earlier in the Session I spoke out against motherhood and voted against Mother's Day, and today I am going to be speaking in favor of a gasoline tax, and I have never done that before, never voted for it before.

But I think that the gasoline tax increase is different this year, and I would like to tell you why. When gasoline was selling at the low prices that were pretty much stabilized over so many years, a penny increase was a rather significant percentage, but we have seen the price of gasoline go up and up, and we have been told it will continue to go up and up, and one penny on the gas tax, on the price of gasoline, is almost unnoticeable today when you drive in to fill up your tank. I used to drive a few blocks to save that extra penny, but today the signs change so quickly I have changed my habits.

I think this penny gas tax is essential for a Department that has seen the same kind of grinding inflation that all of us have experienced in our lives. I feel that we have a responsibility to the State of Maine to make sure that the communications between the parts of our State are good and continuing. In a State which has more land area than the rest of New England combined, I think our roads are a primary concern of the Maine Senate, and even if in the past if you have voted against gasoline taxes, because you have felt human services are more important, I ask you this year to consider the changed ball game, and in light of the changed ball game perhaps you will now change your mind and change your voting pattern and support the enactment of this legislation.

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

Mr. SPEERS: Mr. President, I request leave of the Senate to withdraw my request for a Roll Call.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now requests leave of the Senate to withdraw his request for a Roll Call. Is it the pleasure of the Senate to withdraw this leave. It is a vote.

On motion of Mr. Conley of Cumberland,

Tabled until later in Today's Session pending Enactment.

(See Action Later Today)

(Off Record Remarks)

On motion of Mr. Huber of Cumberland,

Recessed until 2:30 this afternoon.

(Recess)

After Recess

Senate called to order by the President.

Orders of the Day

The President laid before the Senate.

RESOLVE, Authorizing and Directing the Commissioner of Marine Resources, the Commissioner of Inland Fisheries and Wildlife and the Atlantic Sea Run Salmon Commission to take the Steps Necessary to Assure the Construction of a Fishway on the Dam Obstructing the Kennebec River at Augusta. (H. P. 1267) (L. D. 1494)

Tabled — June 22, 1977 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

On Motion of Mr. Speers of Kennebec, Retabled for One Legislative Day.

The President laid before the Senate:

Bill, "An Act to Reduce Traffic Accidents and Fatalities by Providing for the Establishment of Education and Treatment Programs for Persons Convicted of Operating under the Influence of Alcohol." (H. P. 1122) (L. D. 1340)

Tabled — June 22, 1977 by Senator Conley of Cumberland

Pending — Passage to be Engrossed

On Motion of Mr. Conley of Cumberland, Retabled until later in Today's Session.

(See Action later Today.)

The President laid before the Senate: Bill, "An Act to Revise the Maine Tort Claims Act." (Emergency) (H. P. 1680) (L. D. 1874)

Tabled — June 22, 1977 by Senator Merrill of Cumberland

Pending — Motion of Senator Pierce of Kennebec to reconsider whereby Senate Amendment "A" (S-252) failed of adoption.

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

Mr. PIERCE: Mr. President, I would request leave of the Senate to withdraw my Motion to reconsider.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now requests leave of the Senate to withdraw his Motion to reconsider. Is it the pleasure of the Senate to grant this leave? It is a vote.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I now present Senate Amendment "B" (S-319) to LD 1874, and move its adoption, and I would like to speak to my motion.

The PRESIDENT: The Senator from Knox, Senator Collins, now presents Senate Amendment "B" and moves its adoption. The Secretary will read Senate Amendment "B".

Senate Amendment "B" Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. COLLINS: Mr. President, the Senate knows that we have had strenuous debate on this matter. I am happy to report to the Senate that that debate has resulted in deeper thinking, and I think in a solution that should be improvement to the entire picture, and hopefully acceptable to all. I am also very grateful to the Senator from Cumberland, Senator Merrill, for participating with me and with other Members of the Judiciary Committee, and working out this compromise.

This compromise would provide that employees of the State acting within the course or scope of their employment would remain liable for their torts up to a limit of \$10,000.00. Beyond that limit they would be immune, and the further provision of the Bill is that the State would purchase insurance on behalf of its employees to insure them against personal liability to the limit of this liability which remains open under this Amendment.

I would move the adoption of this Amendment.

The PRESIDENT: The Senator from Knox, Senator Collins, now moves that the Senate adopt Senate Amendment "B".

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, I would like to make an inquiry through the Chair, if I may as to what the cost to the State would be of the insurance, and whether or not it might be wiser to be a self-insurer in this situation.

The PRESIDENT: The Senator from Penobscot, Senator Curtis, has posed a question through the Chair.

The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I think that perhaps both Senator Merrill and I can add something to that. I undertook to explore the private insurance market, and the quotations which, of course, are not official until they are in writing and properly solicited, but I think provide a pretty good guide to this. The quotations indicated that the cost would be somewhere between \$7.50 and \$12.50 per employee and if we add 10,000 employees, we are looking at \$75,000.00 to \$125,000.00. However, not all of that would come out of the General Fund, and I think that members of the Appropriations Committee perhaps could explain better how this might work.

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

Mr. MERRILL: Mr. President and Members of the Senate: Recognizing, of course, at this time all action of the Appropriations Committee is very tentative, however, by unanimous vote this morning on the Appropriations Committee, we have decided tentatively, until we could get firmer figures, to set aside more than enough out of the General Fund to meet the maximum level that we have been quoted. It looks like, talking somewhere in the ball park figure, this will cost the General Fund somewhere in the neighborhood of \$50,000.00, and I might add that I think Senator Collins and I share the feelings that in the long run there will be a net savings to the State, because of the likelihood that more people will take this avenue even if they have larger claims, and because this insurance includes the cost of providing the employees attorneys, not out of the Attorney General's Department, but private attorneys and will save future growth and cost to that Department. So, I think in the long run, the State will effect the net savings as a result of this compromise, and I think that fact was reflected in the tentative vote of the Appropriations Committee this morning.

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

Mr. CURTIS: Mr. President, I am amazed and delighted that the cost would only be \$50,000.00 or \$75,000.00 per year purchasing insurance to provide this coverage, and I think it is probably much wiser to buy insurance than to be self insurers in this situation.

Senate Amendment "B" Adopted.

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

Mr. MERRILL: Mr. President, I would ask at this time, that we dispense with our daily reading of the Legislative Report on this Bill.

The PRESIDENT: The Chair hears the Senator.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I might also inform the Senate that the cost of money it has cost to get this Bill in the engrossment stage, we could have more than self-insured these people.

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

Sent down for concurrence.

The President laid before the Senate:

House Reports — from the Committee on Election Laws — Bill, "An Act to Revise the Election Laws Concerning Political Activity at Elections and Requirements for Absentee Ballots." (H. P. 1117) (L. D. 1335) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-688); Minority Report — Ought Not to Pass

Tabled — June 22, 1977 by Senator Speers of Kennebec

Pending — Acceptance of Either Report Majority Ought to Pass as Amended Report accepted, in non-concurrence.

The Bill read once. Committee Amendment "A" Read and Adopted, and the Bill, as amended, Tomorrow Assigned for Second Reading.

The President laid before the Senate:

Bill, "An Act to Increase the Exemption on Estates of Veterans." (H. P. 70) (L. D. 94)

Tabled — June 22, 1977 by Senator Conley of Cumberland

Pending — Passage to be Engrossed.

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

Mr. CONLEY: Mr. President and Members of the Senate: I would like to call the attention of the Senate to House Amendment 747 on this particular Bill that has been adopted.

As the good Senator from Knox, Senator Collins, pointed out yesterday, I think we are really fooling people when we talk about the tax exemption for veterans. If you look at the price tag of the fiscal note on the bill, it reads between \$540,000.00 and \$810,000.00 will need to be appropriated for fiscal years 1979 and 1980. There is no question in my mind the statement made by the good Senator from Knox, Senator Collins, that all we are doing is kidding people, and the chances of this getting passed is practically nill. So I think if we want to be honest, I think what we should do is reconsider our action whereby we adopted, or got this bill in the position of the procedure that it is in at the moment, so that I may offer an Amendment at least that I feel is worth debating, and then if people feel that it should not be adopted, then kill the Amendment, then this Bill would eventually get onto the Appropriation Table and die, because I am convinced it will never pass.

So I would at least point out to the Senate the Amendment that I would like to be able to present — Mr. President, I would call the Senate's attention to S318, and what it does is explicitly points out the exemptions to all World War I veterans, and their widows or minor children, who served during any federally recognized World War period, during or before World War I, and there is no cost for the State, and whatever losses there would be, would be absorbed by the communities, but I think that then the communities could address that or the next Legislature could address any further exemptions.

Mr. President, I would move that the rules be suspended and that the Senate reconsider its action whereby it adopted House Amendment "A" to Committee Amendment "A".

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

Mr. JACKSON: Mr. President, I would not want anybody to be misled by the Committee Amendment, the loss of revenue of \$500,000.00 plus has no effect on the General Fund. That is not a loss of revenue to the General Fund. That is a loss of revenue to the local municipalities, the assessment or the exemption that would be cleared for this, and I would almost like to see how those figures were ascertained, because I do not think we would have that many veterans that would be applying for that exemption. I think the debate was handled pretty well yesterday by the good Senator from Aroostook, Senator Collins, and the good Senator from Kennebec, Senator Levine, and these fellows did, they devoted many years of their life, probably the best years of their life to this country and to this State, to give us what we have today, and I think an exception of \$5,000.00 on the real property is not asking too much, and I, therefore, would oppose the motion to reconsider, and when the vote is taken I request it be taken by the yeas and nays.

The PRESIDENT: A Roll Call has been requested.

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Mr. CARPENTER: Mr. President and Members of the Senate: I spoke briefly on this item yesterday, and I would just stand here today and say how much I appreciate the comments of the good Senator from Cumberland, Senator Jackson, but as always, I see the logic of my leaders, our good Senator from Cumberland, Senator Conley, or my former leader, I might more appropriately say.

I think that the good Senator from Knox, Senator Collins, yesterday brought out some very good points about this type of legislation and the fact that it is going to keep increasing and increasing over the years as we pick up the people. We presently have on the books an exemption for all veterans 62 years of age and older, and for disabled veterans, and I think if we are going to go higher than we have now in

order to minimize the impact on our municipalities, and I agree with Senator Jackson that the impact on the municipality and not the State, that we are going to have to pick these people up as they become most needed, perhaps even approximately 30 years from now, 32-33 years from now somebody will be in this Chamber and will feel the same way about the veterans of my era, but I think if we are going to increase the exemptions as they go along, in order to minimize the tremendous impact on the rest of the people in the various municipalities of the State, that we ought to go slowly, pick up the veterans, in this case the World War I, a few years later down the road if we feel that it is necessary, if we are still in the same situation with our elderly people, we can pick up the veterans of World War II. I think this a very logical and sane way to go about things.

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

Mr. CONLEY: Mr. President, I call the attention of the good Senator from Cumberland, Senator Jackson, to House 747 Amendment. If you read H, any municipality granting exemptions under this section shall be reimbursed by the State for amount to equal one fifth of the tax lost because of the exemption in 1978, and one-third of the taxes lost because of the exemptions in 1979, and each year thereafter. The municipalities may make claim for the reimbursement in form satisfactory to the Commissioner of Finance and Administration, who shall present the claims to the Legislature next commencing, and it clearly states that no appropriation is required during the biennium. Between \$540,000.00 and \$810,000.00 will need to be appropriated in fiscal year of 1979 and 1980.

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

Mr. LEVINE: Mr. President and Members of the Senate, I am not going to get embroiled in an argument over whether it is State dollars or municipal dollars we are talking about. We are talking about dollars, and the argument is starting to come down here just dollars and cents.

Well, how many dollars and cents would any of us have here in the State of Maine if these people had not gone off to serve their country in the time of war? Now let us exclude everyone after World War I, fine, and down the road if there are people who need it, let us give it to them. Well, why don't we just exclude all memory, all traces of World War II from the books. World War II did happen. It is a fact. These people went out in World War II, went out in the Korean War, went out in the Vietnamese War, and I am not going to get in a debate here now about the merits of any of these wars, but I am very sure if they had not marched in at least one of these wars, World War II, I doubt very much of us would be sitting in this Chamber, with this form or system of Government at this time.

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

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, I agree wholeheartedly with the comments of my good friend and colleague, the Senator from Kennebec, Senator Levine, and probably there is nobody in this Chamber that can get it any more impassioned in a speech about veterans and injustices and maltreatment and all of this than I can, if we get into the sort of an issue, if we ever get into that sort of an issue, and I hope that we do not, but let us be realistic.

I do not want a Roll Call vote in this Senate to send something down to the Appropriation Table that I know is going to die. That does not do a thing for that veteran in Houlton, Winslow, or Harrison, and if it means that I have to vote against this type of issue, this type of amendment or however it comes out, and have to go on