

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

1978

Second Regular Session

January 4, 1978 — April 6, 1978

INDEX

Senate Confirmation Session

June 14, 1978

INDEX

First Special Session

September 6, 1978 — September 15, 1978

INDEX

Second Special Session

October 18, 1978

INDEX

Third Special Session

December 6, 1978

INDEX

APPENDIX

SENATE

March 2, 1978

Senate called to Order by the President.
Prayer by Reverend E. Millett Cummings,
Retired Methodist Minister, Norway.
Reverend CUMMINGS: Shall we bow our
heads.

Oh Mighty God our Heavenly Father, who
alone gives wisdom and understanding, inspire
this day, and every day of this Legislative
Body, the hearts and minds of those who have
been entrusted by the people of our great State
of Maine, with the responsibility of political
leadership. Endow them we beseech Thee with
a vision of truth and justice that out of their
deliberations and debates may come Legislation
and laws that will be of lasting benefit to all of
the citizens of our State. Lift their eyes beyond
the selfishness of party and factions to the
greater good of every Maine citizen young or
old rich or poor or of what ever station in life
they may be. In this spirit Heavenly Father we
lift up our prayer to Thee at the opening of
today's Session of this Senate. And in this same
spirit we humbly ask Thy blessings upon our
Governor, the President of the Senate, and
upon each Member of this Senate. May their
Legislation and their actions of this day, be ac-
cording to Thy will so that they may be worthy
of Thy blessing and merit at the end of the day
well done thy good and faithful servant. We lift
up this prayer in the name and for the sake of
Thy son Our Lord, Jesus Christ. Amen.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

Bill, "An Act to Make Trafficking in Five
Pounds or More of Marijuana a Class C Crime
under the Maine Criminal Code." (H. P. 1999)
(L. D. 2080)

In the House, February 27, 1978 Passed to be
Engrossed as amended by Committee Amend-
ment "A" (H-1048).

In the Senate, March 1, 1978 Passed to be En-
grossed as amended by Committee Amend-
ment "A" as amended by Senate Amendment
"D" (S-498) thereto, in non-concurrence.

Comes from the House, that Body having Ad-
hered.

On Motion of Mr. Collins of Knox, the Senate
voted to Recede and Concur.

(Off Record Remarks)

On Motion of Mr. Huber of Cumberland,
Recessed until the Sound of the Bell.

(Recess)

(After Recess)

Senate called to order by the President.

Committee Reports
House
Ought to Pass

The Committee on Local and County Govern-
ment on,

RESOLVE, for Laying of the County Taxes
and Authorizing Expenditures of Washington
County for the year 1978. (Emergency) (H. P.
2156) (L. D. 2168)

Reported that the same Ought to Pass (pur-
suant to Joint Order H. P. 1986).

Comes from the House, the Resolve Passed
to be Engrossed.

Which Report was Read and Accepted in con-
currence and the Bill Read once and Tomorrow
Assigned for Second Reading.

Senate
Leave to Withdraw

Mr. Katz for the Committee on Education on,
Bill, "An Act Appropriating Funds to the
Grant-loan Scholarship Fund for Positions at
the New England College of Osteopathic Medi-

cine." (S. P. 634) (L. D. 1993)

Reported that the same be granted Leave to
Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

Second Readers

The Committee on Bills in the Second Read-
ing reported the following:

House

Bill, "An Act Concerning the Charter of the
Guilford-Sangerville Water District." (Emer-
gency) (H. P. 2161) (L. D. 2170)

Which was Read a Second Time.

On Motion of Mr. Speers of Kennebec, Tabled
for Two Legislative Days, pending Passage to
be Engrossed.

Bill, "An Act Clarifying the Definition of
State Employee under the State Employees
Labor Relations Act so as to Exclude Certain
Attorneys Employed by the Attorney General's
Office." (Emergency) (H. P. 1940) (L. D. 2020)

Which was Read a Second Time and Passed
to be Engrossed, in concurrence.

House — As Amended

Bill, "An Act to Amend the Charitable Solici-
tations Act to Change the Responsibilities of
Religious and Small Organizations." (Emer-
gency) (H. P. 2015) (L. D. 2090)

See Action Later Today.

Bill, "An Act to Amend the University of
Maine Labor Relations Act." (H. P. 1919) (L.
D. 1980)

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

Senate

Bill, "An Act to Provide Interpreter Service
for the Hearing Impaired." (S. P. 720) (L. D.
2169)

Which was Read a Second Time.

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

Mr. HICHENS: I now present Senate Amend-
ment "A" to (L. D. 2169) and move its Adop-
tion.

The PRESIDENT: The Senator from York,
Senator Hichens, now offers Senate Amend-
ment "A" to (L. D. 2169) and moves its Adop-
tion. The Secretary will read Senate
Amendment "A".

Senate Amendment "A" (S-510) Read and
Adopted. This Bill, as amended, Passed to be
Engrossed.

Sent down for concurrence.

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

Mr. PIERCE: Mr. President, in reference to
Bill, "An Act to Amend the Charitable Solici-
tations Act to Change the Responsibilities of Re-
ligious and Small Organizations." (Emer-
gency) (H. P. 2015) (L. D. 2090)

I move the Senate reconsider its action
whereby this Bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Kenne-
bec, Senator Pierce, now moves that the
Senate reconsider its action whereby (L. D.
2090) was Passed to be Engrossed. Is it the
pleasure of the Senate? It is a vote.

On Motion of Mr. Pierce of Kennebec, Tabled
until later in Today's Session. Pending Passage
to be Engrossed.

Senate — As Amended

Bill, "An Act Relating to Malpractice Insur-
ance Companies." (S. P. 638) (L. D. 1997)

Bill, "An Act Relating to the Classification of
Drug Offenses." (S. P. 676) (L. D. 2094)

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

Sent down for concurrence.

Orders of the Day

The President laid before the Senate:

Bill, "An Act to Correct the Inequitable Tax-
ation of Mobile and Modular Homes." (H. P.

1976) (L. D. 2059)

Tabled — March 1, 1978 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 Clarify County Law Enforce-
ment." (S. P. 671) (L. D. 2075)

Tabled — March 1, 1978 by Senator Collins of
Knox.

Pending — Adoption of Committee Amend-
ment "A" (S-493) as amended by Senate
Amendment "A" (S-502) thereto.)

Committee Amendment "A" Adopted, as
amended.

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

Mr. COLLINS: Mr. President, I now offer
Senate Amendment "A" (S-508) to (L. D. 2075)
and move its Adoption.

The PRESIDENT: The Senator from Knox,
Senator Collins, now offers Senate Amendment
"A" to (L. D. 2075) and moves its Adoption.
The Secretary will Read Senate Amendment
"A".

Senate Amendment "A" (S-508) Read.

On Motion of Mr. O'Leary of Oxford, Tabled
until later in Today's Session, pending Adoption
of Senate Amendment "A".

The President laid before the Senate:

RESOLVE, For Laying of the County Taxes
and Authorizing Expenditures of Oxford
County for the Year 1978. (Emergency) (H. P.
2105) (L. D. 2142)

Tabled — March 1, 1978 by Senator Speers of
Kennebec

Pending — Motion of Senator O'Leary of
Oxford to Recede and Concur.

The Senate voted to Recede and Concur.

The President laid before the Senate:

Bill, "An Act to Improve the Short-term In-
vestment Capabilities and Debt Management
of the State." (H. P. 1975) (L. D. 2061)

Tabled — March 1, 1978 by Senator Speers of
Kennebec

Pending — Motion of Senator Hichens of
York to Adopt Senate Amendment "A" (S-505)
to Committee Amendment "A" (H-1098)

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

Mr. COLLINS: Mr. President, I move the in-
definite postponement of Senate Amendment
"A" and would speak to my Motion.

The PRESIDENT: The Senator has the
Floor.

Mr. COLLINS: Mr. President and Members
of the Senate: This original Bill which is the
Committee Amendment, provides some
changes in the debt management, the short
term investments that are made by the treas-
urer of the State.

It does several things. It increases the trade
of bonds from \$500,000 to \$1,000,000. It permits
municipalities quasi municipality districts and
counties to participate in a pool if they wish.
under the ostosis of this of the State Treasurer.
It also provides a bond of a half a million dol-
lars to protect its interest on the part of the
municipality. It continues in general the con-
servative management of investments by the
State Treasurer and it limits his functions in
terms of what security he may invest. The
amendment that is proposed does 2 or 3 things
which are unnecessary to the Bill. It suggests,
for example, that the treasurer would be re-
quired to have a bond for every municipality
that participated in an investment pool. The
Committee feels that the communities are ad-
equately protected by the provision for the half
a million dollar bond for municipalities that do
choose to use this vehicle. The Amendment fur-
ther provides that the Treasurer shall make
daily reports to municipalities anytime that
there is a movement of cash that effects that

municipality, and it further provides that the cost of these reports shall be borne by the Maine Municipal Association.

I think that it is the view of the Committee that Amendment is superfluous to the Bill and entirely unnecessary and I would remind you that the Bill just makes it possible for those municipalities that wish to participate to do so. It does not mandate at all and it further permits the municipalities to do their own investment polls if they wish outside of the vehicle of the State Treasurer. So I would hope that you would support my motion to indefinitely postpone the Amendment.

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

Mr. HICHENS: Mr. President, I disagree with the Senator from Aroostook. This the amendment provides that the various municipalities and counties funds will be protected against mismanagement if the Treasury of the State laws does not cover the municipalities and county treasuries. I think if we are interested in our municipalities and our counties in which we represent that this Amendment is very needful and I hope that you will go against his motion.

On Motion of Mr. Speers of Kennebec, Retabled for One Legislative Day. Pending the Motion of the Senator from Aroostook, Senator Collins, to indefinitely postpone Senate Amendment "A".

The President laid before the Senate: Bill, "An Act to Revise the Administration and Toll System of the Maine Turnpike." (H. P. 2132) (L. D. 2157)

Tabled — March 1, 1978 by Senator Minkowsky of Androscoggin

Pending — Motion of Senator Lovell of York to Indefinitely Postpone Senate Amendment "A" (S-506).

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: It is clear to me and to the Transportation Committee that a decision regarding the future of the Maine Turnpike should be made now.

The opponents of returning the tolls have indicated that the Legislature does not really have to do anything until 1981. Since both State Law and Federal Law and Federal requirements would require a removal of tolls at the time, at that time, and the opponents would then have achieved their objectives through delay. That position is perhaps understandable as far as they are concerned. The truth of the matter is that a logical and orderly procedure is required and this is what the Transportation Committee addressed. If we are to avoid an increase of taxes of Maine citizens by default. First this Legislation must determine a policy regarding a continuation of a toll collection system. Then Legislation must be prepared to present to the Congress and a Congressional Process must be followed over a period of a great many months. Then if successful, arrangements for making Federal Financial adjustments and a transition of the turnpike operation to the Department of Transportation must be finalized. Rather obviously it would be somewhat senseless to ask the Congress to act prior to the Maine Legislature in making a policy decision in this regard. The Legislative Committee on Transportation through diligent efforts of Senator Greeley who has done a great deal of work on this particular Bill, even while the Committee was not in session has worked long and hard hours to evaluate this entire subject matter. There is absolutely nothing to be gained by further delay, except the risk that we will have, unless the tax increases on the citizens of Maine by default. Mr. President, I would move the indefinite postponement of Senate Amendment "A".

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

Mr. FARLEY: Mr. President and Members of the Senate: The present bill that you have before you on the Session 335 calls for toll facilities and the Department of Transportation to conduct hearings throughout the State as to where these facilities are going to be located.

First of all, I do not believe that one more minute spent in public hearings is going to change the location of those barriers. If I get anymore information than we have right now, they have had a study order. They have had hearings in the Biddeford-Saco area and in the Lewiston Area. They have had another hearing this year on the Bill. I am now with the Committee on the work sessions.

The debt that we owe the Federal Government is not going to be known until we decide where the toll barriers are going to go. We will not know how much we owe the Federal Government until those areas are placed. The Amendment before you places the location of those barriers and also ask that those barrier systems will not be set up until all the Federal money has been paid back and all the bonds, existing bonds have been paid off. If we pass this legislation as it is today, we have the House Amendment "F" taken off the 40 day provision for the Legislature to act. If we do not reach a decision and the Commissioner of Department of Transportation can insert any plan he wants to. The Legislature will have no say at all. We have done away with that by House Amendment "F". All we have to do is to keep the toll barriers stirred up and they will go wherever he wants them. On The Bill now not just toll barriers he can keep existing toll gates open. All this Bill says three toll four barriers on the turnpike. Along the turnpike. They will be removed at his discretion. I ask you to make a decision today so that we will know where we stand with the Federal Government. We do not know if it is two million or ten million and we are not gonna know until we decide where we are going to put those barriers and we plan. I see was presented here last year and a copy here they know, Mr. Malar knows where those barriers are going to go. If I want home to York County with this kind of a set up. Well, there is no telling what would happen. We want to act today is the time to do it. Do not pass the buck, it starts right here. We are going to get the bureaucrat run around for two more Sessions down here. Nobody knows and we cannot get an answer as to how much we owe the Federal Government. But they are not going to let it go and we are going to have to pay it. I would hope that you would adopt this Amendment.

The PRESIDENT: Is the Senate ready for the Question?

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

Mr. FARLEY: Mr. President, I would request a Roll Call.

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 to be counted.

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

The pending Motion before the Senate is the Motion by the Senator from York, Senator Lovell, to Indefinitely Postpone Senate Amendment "A".

A yes vote will be in favor of Indefinite Postponement.

A nay vote will be opposed.

The Doorkeepers will secure the Chamber. The Secretary will call the Roll.

ROLL CALL

YEA — Chapman, Collins, D. F.; Collins, S. W. Jr.; Cummings, Greeley, Hewes, Hichens, Jackson, Katz, Lovell, Mangan, McNally, Minkowsky, Morrell, Pierce, Redmond, Snowe, Speers, Wyman.

NAY — Carpenter, Conley, Danton, Farley, Levine, Martin, O'Leary, Pray.

ABSENT — Curtis, Huber, Merrill, Trotzky, Usher.

19 Senators having voted in the affirmative, and 8 Senators in the negative, and 5 Senators being absent, the Motion to Indefinitely Postpone Senate Amendment "A" does prevail.

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

Mr. LOVELL: Having voted on the prevailing side, I would now like to ask for reconsideration and hope that you will vote against me.

The PRESIDENT: The Senator from York, Senator Lovell, now moves that the Senate reconsider its action whereby it indefinitely postponed Senate Amendment "A".

Will all those Senators in favor of reconsideration please say yes.

Will all those Senators opposed please say no.

A Viva Voce Vote being had, the Motion to Reconsider does not prevail.

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

Mr. DANTON: Mr. President, I move that the Senate reconsider its action where it adopted Senate Amendment "B" (S-507) to (L. D. 2157).

The PRESIDENT: The Senator from York, Senator Danton, now moves that the Senate reconsider its action whereby it adopted Senate Amendment "B" to (L. D. 2157). Is it the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. DANTON: I move that Senate Amendment "B" (S-507) be Indefinitely Postponed.

The PRESIDENT: The Senator from York, Senator Danton, now moves the Indefinite Postponement of Senate Amendment "B". Is it the pleasure of the Senate? It is a vote.

Mr. DANTON: Mr. President, I now offer Senate Amendment "C" to (L. D. 2157).

The PRESIDENT: The Senator from York, Senator Danton, now offers Senate Amendment "C" to (L. D. 2157) and moves its adoption. The Secretary will read Senate Amendment "C" Senate Amendment "C" (S-511) Read.

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

Mr. SPEERS: Mr. President, has the Amendment been distributed?

The PRESIDENT: The Chair would answer in the affirmative.

The Chair recognizes the Senator from Cumberland, Senator Hewes.

Mr. HEWES: Mr. President and Members of the Senate: I would like to urge you to vote in favor of this Amendment. Yesterday when we adopted Senate Amendment "B" there was some questions as to the validity of that but primarily because of the great esteem held for the Members here for the Senator from York County in the past. He has now withdrawn that and I would urge you to adopt this, which in effect, says that the Legislature does not make a decision during its Session as to the rates to tolls. Then the Commissioner's recommendations shall go into effect.

Senate Amendment "C" Adopted. This Bill, as amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Mr. Katz of Kennebec was granted unanimous consent to address the Senate on the Record.

Mr. KATZ: Mr. President and Members of the Senate: Sometimes when I am worried I have a feeling it is time to solicit a partnership.

Now I am worried about the Kennebec River. When I came into work into my office on Monday morning and my office faces the Kennebec I saw some foot prints across the River. Somebody had walked across. I have never seen footprints across the Kennebec River just below the dam in my life. Particularly in the summer time. But I have never seen the Kennebec River in a situation that is so potentially dangerous. I am not talking about flooding of parking lots in Front Street in Augusta. I mean