LEGISLATIVE RECORD

OF THE

One Hundred and Eighth Legislature

OF THE

STATE OF MAINE

1978

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APPENDIX
SENATE
March 7, 1978

Senate called to Order by the President.  
Prayer by Mr. Julius Sussman of Augusta.  
Mr. Sussman: Two short prayers this morning in the name of the Selectmen of the town.  

Lord help me be more aware of the blessings of each day, the joy of loved ones near me, the sound of children playing, the beauty of a rose bud, the fragrance of the violet, the glow of amber sunset, and the peace of quiet places.  

Lord help me be more aware of things that I cannot see, the peace of mind, the courage, the strength, You give to me.  

The guidance and direction and forgiveness from above.  

Lord help me be more aware of Your abiding love.  

A prayer for the Government from a prayer book that I used sixty or seventy years ago in my younger days.  

We who have the good fortune to live under the Stars and Stripes, who are the beneficiaries of the most democratic of governments who dwell in a land of all races, creeds and colors, of earth and peace and brotherhood pray the Lord of all creation.  

Bestow Thy blessings, on this land of refuge and security for all people. 

Bring to the President, his Cabinet, and the Judiciary of the United States every benediction that free men may possess. May they under God, rule by the principles of the founding fathers and guide us in the path of justice and righteousness.  

We ask God's providence over the heads of our State and all elected public officials for the people of principles that they serve and represent. May there be peace within Thy walls, contentment within Thy home.  

God grant the strength and mercy with peace.  

Reading of the Journal of yesterday.  

(Off Record Remarks)

Orders
An Expression of Legislative Sentiment recognizing that: the Gorham High School Girl's Basketball Team has won the State Class B Basketball Championship for the academic year 1978, (S. P. 728) (Presented by Senator Usher of Cumberland) (Cosponsored by Representative Quinn of Gorham)

Which was Read and Passed. 

Sent down for concurrence.

Joint Resolution
A Joint Resolution in Memoriam: 

WHEREAS, the Legislature has learned with deep regret the death of Wilbur G. Clark of Sanford and community leader and Senator (S. P. 729) (Presented by Senator Lovell of York) (Cosponsored by Representatives Paul of Sanford, Nadeau of Sanford, Wood of Sanford)

Which was Read and Adopted. 

Sent down for concurrence.

Second Readers
The Committee on Bills in the Second Reading reported the following: 

- A Bill as Amended

Bill, "An Act to Establish a Uniform Confidentiality Statute for Tax Information and to Update the Maine Income Tax Law with Respect to the Internal Revenue Code." (H. P. 1926) (L. D. 2051)

Which was Read a Second Time.

On motion of Mr. Speer of Kennebec, Tabled for One Legislative day, Pending Passage to be Engrossed.


Which was Read a Second Time.

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

Bill, "An Act Concerning Filing of Claims for Occupational Deafness under the Workers' Compensation Statutes." (H. P. 1872) (L. D. 1913)

Bill, "An Act to Readjust Disbursement of the Potato Tax Fund." (H. P. 2067) (L. D. 2128)

Bill, "An Act to Require the Judicial Department to Reimbursc Reimburse Counties Quarterly for the Expenses of Bailiffs and Other Court and Judicial Officers." (Emergency) (H. P. 2110) (L. D. 2143)

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


Which was Read a Second Time.

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

Mr. PIERCE: Mr. President and Members of the Senate. Yesterday you will recall I presented an Amendment to this Bill to bring it in line with the Administrative Procedures Act, and it now seems that there is a future technical amendment to bring it in line with that Act which is necessary. Therefore, I now move that we reconsider our adoption of Committee Amendment "A".

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now moves that the Senate reconsider its action whereby it adopted Committee Amendment "A". Is it the pleasure of the Senate?

Mr. PIERCE: Mr. President, I now move that we reconsider our adoption of Senate Amendment "A" to Committee Amendment "A". Is it the pleasure of the Senate? It is a vote.

Mr. PIERCE: Mr. President, I now move that we indefinitely Postpone Senate Amendment "A".

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now moves that the Senate reconsider its action whereby it adopted Senate Amendment "B" to Committee Amendment "A". Is it the pleasure of the Senate? It is a vote.

Mr. PIERCE: Mr. President, I now present Senate Amendment "B" to Committee Amendment "A" and move its Adoption.

The PRESIDENT: The Senator from Kennebec, Senator Pierce now moves Senate Amendment "B" to Committee Amendment "A" and moves its Adoption.

Senate Amendment "B" (S-320) Read and Adopted.

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

Sent down for concurrence.

Senate — As Amended 


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

Sent down for concurrence.

Enactors
The Committee on Engrossed Bills reported as true, and strictly engrossed the following:


On Motion of Mr. Huber of Cumberland, pending passage, the Engagement on the Table.

"An Act Amending the Maine Medical and Hospital Malpractice Joint Underwriting Association Act." (S. P. 638) (L. D. 1997)

"An Act Concerning the Enforcement of a State Law Relating to the Possession and Use of Drug Offenses." (S. P. 676) (L. D. 2094)


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

"An Act to Revise the Administration and Toll System of the Maine Turnpike." (H. P. 2132) (L. D. 2157)

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

Mr. FARLEY: Mr. President and Members of the Senate: In the early 1940's when the Maine Turnpike Authority was created, it stated in the beginning that the toll on the road would be such that it would revert to a toll free road. The presence of the Maine Turnpike prohibited construction of any new major roads in southern Maine. Gasoline taxes in southern Maine were diverted to other locations in Maine. Now the bonds are paid, and I am requesting the Legislature keep its word.

Last summer I had the opportunity to travel in Northern Maine on Interstate 95. A beautiful piece of highway in the middle of Augusta with very little traffic. I returned the next morning on Route 2, which is referred to as the Hainsville Road, a popular ballad a few years ago written about the lack of travel and the darkness of that road and I assure you that the gentleman was right. It is with a former member of this Body before on a Sunday morning at 10:00 o'clock before we made any contact with any travel going south. This road is going north to me. In fact, I have heard that how the Department of Transportation can in that same stretch of road are now constructing a two lane, four lane divided highway. Two additional lanes are being built on the southern Maine. The cost they claim is $1,000,000 a mile to build roads today, but they claim under 90 — 100 money that it is only costing the state a $100,000.

We have the opportunity here this morning to buy roads at about $40,000 a mile. I would hope that you would use a little economic common sense when we vote on this this morning. Certainly there is a much larger traffic problem in southern Maine than there is on the Hainsville Road. The only comparison that I can use is the story about the man who drops the quarter in the darker section of the street and he goes 200 feet up the road under a lamp-post to look for the quarter.

Opponents claim that the tolls on the Maine Turnpike are necessary to maintain the road. Then why not adopt that same policy on every other major piece of highway in the State of Maine. What we are in fact saying is that the taxpayers in southern Maine should pay for the maintenance of their own road and at the same time pay for the maintenance of the rest of the road. The State of Maine philosophy was on every piece of legislation that enter this Hall we would be here year round. But we have not done this.

When Aroostook County had their problems, economic problems at Loring with the Lernox Air Force Base, everyone of us here supported it. When Martin Marietta had problems, we supported them with a nice tax rack. Sabin Chemical, the same way. I request you people to treat us in southern Maine the same way. We have been paying for years. All we have is as was referred to by the Senator from Cumberland, Senator Morrell and Senator Merrill the other day, is Hamburger Alley. Nine miles from Scarborough to Bideford, you have twelve sets of signal lights, seven changes in speed. The Senator from Androscoggin, Senator Minkowsky said yesterday, well, we have to go 30 miles from Lewiston to Portland. We have to go through Gray on the turnpike. He talked about the road. We will start at the same place, let him go 30 miles to Portland from Lewiston and I will go 30 miles to the State line. We will get there half an hour to 35 minutes faster if I will.

Mr. President, when the vote is taken, I ask for the Yeas and Nays and request Indefinite Postponement of this Bill and all its accompa-
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nying papers.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: It is not my intention this morning to use buzz words to justify my position. We all have been subjected to a lot of in

formation about what Senator Danton has offered us. Because he is a senator, I do not have a chance to take just a minute or so to explain the facts regarding the particular measure.

Your Committee on Transportation has spent many long hours in hearings and discussions relevant to this critical matter. Three or four things become very clear to the Transportation Committee when it hears from people in one year and a halve's worth. 1. There is almost complete agreement that tolls should continue on the Turnpike. 2. It would keep the present system of those in the corridor would be unreasonably discriminated against. 3. If we delay a decision any longer on this vital issue, we run the risk of imposing an unnecessary tax burden on Maine citizens by default. And that is exactly what the opponents wish that would happen this morning.

4. If it is done, we do not have to decide the exact location of the toll barriers on the toll schedule we run the risk of imposing an unnecessary tax burden on Maine citizens by default. And that is exactly what the opponents wish that would happen this morning.

The PRESIDENT: Mr. President and Members of the Senate, the Committee has unanimously reported to you a Bill that makes a policy decision now. And I stress the word, a policy decision now to avoid any tax by default. This decision merely says that we will continue tolls, transfer the administration of the Turnpike to the Department of Transportation, and continue the barrier system only when enough dollars become available. The Legislature retains the right to approve the number and location of the barriers and the specific toll schedule that I offered by Senator Danton in his Amendment. It is time for this Legislature to do what is right on this Bill. I urge to commit you as Members of the Body to vote with the Committee on Transportation at this time against the Indefinite Postponement of this Measure.

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

Mr. HICHERNS: Mr. President and Members of the Senate: My heart was deeply touched by the plea of the good Senator from York County, in reference to the poor people of York County, but I do not know just what group he was pleading for. I am the Senator from the first district, and I have not had one person in my district who has written me, called me, or spoken to me on the street and asked me to vote to take the tolls off the Maine Turnpike. Not one person. On the other hand, a week or so ago it was my privilege to accompany one of our gubernatorial candidates to a meeting in Wells. He made the statement in answer to a question about the Turnpikes that he believed if one had to make a decision whether tolls on the turnpike would be as above what it is, in favor of doing away with the tolls. And almost to a person they all rose up on their feet and protested that we take the tolls off the turnpike. I do not believe all of York County people want the tolls taken off, and I believe as I vote this morning for this Bill that I represent my people.

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

Mr. LOVELL: Mr. President and Members of the Senate: As State Senator from District Three, I can speak for the people in the City of York, and I can assure you they are in favor of those tolls. And the reason they are in favor of doing away with the tolls. And almost to a person they all rose up on their feet and protested that we take the tolls off the turnpike. I do not believe all of York County people want the tolls taken off, and I believe as I vote this morning for this Bill that I represent my people.

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

Mr. DANTON: Mr. President and Members of the Senate: I reluctantly rise to speak on this issue again. But I can not allow my seatmate or my fellow Senator from York County to go at it alone.

One Senator from York County, Senator Hitchens, says that he has never heard one person in York County favor of doing away with tolls. And almost to a person they all rose up on their feet and protested that we take the tolls off the turnpike. I do not know, that may be so, but that is looking down on the good Senator Lovell from York, talks about this morning for this Bill that I represent my people. And my good seatmate, Senator Farley, tells me that Senator Lovell, two or three other shoe shops. A fair that that barrier is going to be put north of exit 6-A. Every plan I have seen, that barrier is going to be left there at Scarborough. In fact, as I stated that I ran that road, you may say. There is nothing in that Bill right now that says that the Commissioner of Transportation if we do not make a decision on the location of the barriers, if we are not going to make a decision, that he has to close any of the present toll barriers. Enough time to address his motion. I am sure that my good seatmate here has been willing to bend and allow for some collection of tolls on that road, but what we have done with this Bill is to put it into law; it strikes a political issue. Now these tolls will be determined after the Bonds are paid off in 1981 and I can assure you this, not knowing who will be in charge of the Department of Transportation, we have to make it that where the tolls will be placed, instead of the Maine Legislature doing it. I am sure that. I have been here for a few sessions now and I can put things a little bit better together than I thought when I first came here and I am sure whoever the governor is at that time, will make a determination as to where the tolls will be. Not the Legislature. He will tell his Commissioner where he wants those tolls.

And my good seatmate, Senator Farley, stated earlier that York County Senators and Representatives voted to help Martin Marietta, Soble Chemical, Bangor International Airport. All his motion says to kill this Bill, leave it as it is and come back at the next session of the Legislature and see what can be done at that time. I am going to support his motion.

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

Mr. MINKOWSKY: Mr. President, not to get into further discussion with my very good friend Senator Farley, he is wrong in both his evaluations in so far as this measure is concerned. Senator Farley addressed the situation as to the Legislature making its decision relative to what the tolls will be and I gave that full consideration and the entire Committee did and we had no objection when this Bill came in to amend it.

The Commissioner of Transportation is not looking for parliament powers. He is looking to address a very serious problem here in the State of Maine, and this is all relevant to the interest of our rank and file people and also it is relevant to the people who are presently working on the Turnpikes. They are people whose jobs are at stake and this is one major factor as a policy decision that this Committee on Transportation took into consideration. That we would not be jeopardizing their jobs, that they would be given some alternative and this is another reason why we decided to keep tolls on at a reduced rate. Under the proposed tolls we could run the entire system of the Turnpike for about $1.05 with the barrier system. I just do not understand Mr. President, the animosity that has been generated about this particular matter. The toll facilities and this is why we are asking for more lead time to address this in 1980 so that the incoming Legislature then can have sufficient facts to make a logical and intelligent decision. And this is what it is all about. Enough time to address every serious problem, and this also will take
SENATE,

Motion by the proposed changes. Out-of-state cars pay a hefty Senator Lovell, has posed a question through Senator Danton, I thought that it was a better Senator from Waldo, Senator Greeley.

of a gentleman from those Senators present and voting. Will all to come out with some kind of a Bill, and it was accepted by the members of this Senate, percent of the cost of that particular operation was true that we did have a hearing down City is true that we did have a hearing down the Senate: I basically disagree with the two Senators employed by the Attorney General’s Office. This state has made a state employees paid a hefty proportion of the tolls and the out-of-state guests and other users who use the turnpike under the volume discount rate pay the other 50 percent. If the turnpike was to go toll free, the Utah State Senate at the present time would pick up a minimum of 83 percent of the cost of that particular operation and that is a low figure.

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

Mr. MINKOWSKY: Mr. President, as of last week it was my understanding that Maine users paid a percentage of the tolls and the others were state guests and other users who use the turnpike under the volume discount rate pay the other 50 percent. If the turnpike was to go toll free, the Utah State Senate at the present time would pick up a minimum of 83 percent of the cost of that particular operation and that is a low figure. The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY: Mr. President and Members of the Senate: I hesitate to rise to speak on any Bill but I guess that my blood is beginning to circulate a little so I thought that I would get up and say a few words.

The Transportation Committee was directed to come out with a kind of a Bill, and it was not too many days ago the way I understood it was a good Bill. And after the Amendment was accepted by the members of this Senate, as it was offered by the Senator from York, Senator Danton, I thought that it was a better Bill. It is true that we did have a hearing down in the City of Saco and there were not very many people that I listened to that that wanted to keep the tolls on the turnpike.

One of the best presentations, I think, is that of a gentleman from Saco. He made a good presentation. I received a letter from this Gentleman, and it said, “Dear Senator Greeley: Re: Maine Turnpike I’m writing in favor of retaining the present toll system on the turnpike as opposed to the proposed changes. Out-of-state cars pay a hefty proportion of the revenue received. This is money that could be spent on widening the turnpike from Portland to the south. Why should Maine residents foot the whole bill through taxes.”

P.S. At your recent meeting at the Maine City Hall, only two denominations were debated: A reduction of the turnpike fares. All private citizens advocated leaving the situation as it is.” It seems to me that that speaks for itself.

The PRESIDENT: Is the Senate ready for the question? 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 the Senators present and voting. Will all those in favor of a Roll Call please rise in their places to be counted.

Obviously the floor is now at one-fifth having arisen, a Roll Call is ordered.

The pending question before the Senate is the Motion by the Senator from York, Senator Farley, that L. D. 2157 be Indefinitely Postponed.

A yeas vote will be in favor of Indefinite Postponement. A nays vote will be opposed. The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL


ABSENT — Martin

7 Senators having voted in the affirmative and 0 Senators having voted against it. The Motion to Indefinitely Postpone does not prevail.

Emergency

“An Act to Establish Standards to Protect Maine Consumers Against Unsafe and Improperly Manufactured Cellulose Fiber Insulation.” (H. P. 1996) (L. D. 2079)

This being an emergency measure and having received the affirmative votes of 24 Members of the Senate, was Passed to be Enacted into Law and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

“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.” (H. P. 1946) (L. D. 2020)

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

Mr. PRAY: Mr. President and Members of the Senate: I move the Indefinite Postponement of this Bill and all its accompanying papers.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves the indefinite postponement of L. D. 2020.

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

Mr. SPEERS: Mr. President and Members of the Senate: I understand that this Bill was introduced to clarify a particular situation as to whether or not the employees of the Attorney General’s Office were to be included under this State Employees Collective Bargaining Act. I would ask any member of the Labor Committee the definition of the State’s employees. Whether this item is in fact needed for clarification purposes, and if not, why not.

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed a question through the Chair.

Mr. SPEERS: Mr. President, perhaps the good people from Penobscot, Senator Pray, if he were amenable to having the assistant attorneys general appointed for a longer period of time might better address that question. By addressing the system of appointment of assistant attorneys general rather than within the entire question of the collective bargaining law. The assistant attorneys general in the State of Maine are up for appointment in January.

They are appointed by the Attorney General and if we wanted to change that system to have career attorneys general or career staff attorneys general within the Attorney General’s office, then that should be addressed directly in a Bill designed specifically to address that question alone. I do not think that that question is the question that ought to be addressed by this particular law.

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

Mr. PRAY: Mr. President, I would like to point out to the Senator from Kennebec, though he has a right to vote any way that he wishes on this matter, that he did previously vote to include those individuals when we passed the original law.

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

Mr. CONLEY: Mr. President and Members of the Senate: This is an emergency measure before us today and although I am inclined to support the Collective Bargaining Statute that has been brought up here in respect to the Attorney General’s Office, it appears to me that all these individuals served at the pleasure of the Attorney General. This state has made a history of continuing to be involved in that division on a non-partisan or by-partisan spirit and it just seems to me that today, or I should say a few years ago, I think that the State of Maine had difficulty in finding qualified assistant attorneys. I do not think that is necessarily so today. We have had some very able individuals within the Attorney General’s Department over the last several years because of the fact there were two factions that appeared before the Labor Committee. One which did not want to be included and those that wanted to be included and both sides agreed that if they were going to be left within the process for the Collective Bargaining Process, they would prefer the alternative which was the Minority Committee and those persons that form their own separate unit and at that point if they wanted no representation then they could vote so. The Senate turned that one down and the other one we have before us at this time, and I believe that not all of the members of the Attorney General’s office those are who are just here for a short period of time to gain experience and then move on. We had some individuals testify before the Committee that want to become public servants and serve in that office in that capacity as long as they are able to. For those reasons that they wish to be included under the Collective Bargaining Law.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator McNally.

Mr. McNALLY: Mr. President, once again I will read to you a letter which was written to the Honorable William Garsoe, Assistant Attorney General, by the Majority Leader Capital. And it says, “In response to your request, 14 states have collective bargaining laws for assistant attorneys general. These states include: New England, New York, Georgia, Kentucky, Pennsylvania, Michigan, Indiana, Ohio, Wisconsin, Montana, and Minnesota.

Assistant Attorneys General participate in career bargaining in 12 of these states, Wisconsin, Wisconsin Assistant Attorney General are part of the Civil Service System and are not appointed at the pleasure of the Attorney General.”

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