

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume II

First Regular Session

May 7, 1979 to June 15, 1979

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Recess**After Recess**

The Senate called to Order by the President.

On motion by Senator Pierce of Kennebec, Recessed until the sound of the Bell.

Recess**After Recess**

The Senate called to Order by the President.

On motion by Senator Collins the Senate voted to remove from the Table:

Bill, "An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine." (Emergency) (S. P. 581) (L. D. 1639)

Tabled—Earlier in the Day by Senator Collins of Knox.

Pending—Passage to be Engrossed.

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

Senator COLLINS: Mr. President, I now move that we Suspend Joint Rule 19A for the next 15 minutes.

The PRESIDENT: The Senator from Knox, Senator Collins, moves that the Senate Suspend Joint Rule 19A for 15 minutes.

Is this the pleasure of the Senate?

It is a vote.

The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President, I now offer the Senate Amendment to the Errors Bill under Filing S-328, which you'll find in your Senate Book of Amendments, and would speak to my motion.

The PRESIDENT: The Senator from Knox, Senator Collins, now offers Senate Amendment "A" to L. D. 1639 and moves it's Adoption.

Senate Amendment "B" (S-328) Read.

The PRESIDENT: The Senator has the floor.

Senator COLLINS: Mr. President, I would call the attention of the Senate to simply 3 or 4 items in this Committee Amendment. Everything in the Errors Bill has received the scrutiny of the Judiciary Committee. Those items that appear in this Committee Amendment are ones that were accepted by the Committee. The 3 or 4 items that I call to your attention are the ones that were adopted by divided votes.

The first one is Section 13. I beg your pardon. That was not a divided vote, but it exempts from the Non-profit Corporation Act all Religious Corporations.

When we enacted that law in the 108th Legislature, we intended to do that, but the language did not pick up certain types of Religious Corporations. We conferred with both the House and Senate Chairman who guided that Bill in the 108th. It was agreed that this was the intent of the law.

The next item is found in Sections 19, 20, 21, 21A, in which we conform the Probate Unclaimed Shares Law to the Abandoned Property Act. The 108th Legislature in adopting an Abandoned Property Act we believe, intended to limit the different way of disposing of unclaimed property of one particular technique.

Rather than have counties, municipalities, the State has different rules for each involved, this will throw the unclaimed shares of estates into the same category with other abandoned property.

The next item is Sections 33 and 34, which is a permissive provision about the Town of Eagle Lake providing fire protection to the adjoining township. It does not involve any expenditures of money, as corrected by the Committee.

Section 64 permits the transfer by the University of Maine of 20 feet of land to a cemetery in Fort Kent. This comes into this bill partly because the Judiciary Committee earlier in the session, recommended a Bill that would

permit the University of Maine to sell real estate in a different manner than in the past. That Bill now lies on the House Unassigned Table, and is scheduled for Indefinite Postponement, because it was discovered afterward that that law would violate a provision of the Basic Charter of the University under the Land Grant Colleges Law. That would have taken care of the cemetery at Fort Kent, had it not been discovered that it was illegal. So we now present to you this small item in this bill.

I think that's all that I need to call to your attention, but there will be time overnight for you to give this further scrutiny. I would now move the adoption of this Senate Amendment.

Senate Amendment "B" Adopted.

On motion by Senator Collins of Knox, Tabled for 1 Legislative Day, pending Passage to be Engrossed.

(Off Record Remarks)

The Chair laid before the Senate:

Bill, "An Act to Reestablish the Boundary Line Between Winslow and China." (H. P. 834) (L. D. 1031)

Tabled—Earlier in the Day by Senator Pierce of Kennebec.

Pending—Consideration.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Shute.

Senator SHUTE: I move to Adhere.

The PRESIDENT: The Senator from Waldo, Senator Shute moves that the Senate Adhere.

Is this the pleasure of the Senate?

The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator CARPENTER: I request the Yeas and Nays.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call, please rise and remain standing until counted.

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

Senator CONLEY: Mr. President, it's my understanding that the Joint Standing Committee on Transportation is presently meeting.

The PRESIDENT: The Chair was unaware of this fact.

On motion by Senator Katz of Kennebec, Tabled until later in today's session, pending Consideration.

The Chair laid before the Senate:

HOUSE REPORTS — from the Committee on Fisheries and Wildlife — Bill, "An Act to Increase Revenues Available to the Department of Inland Fisheries and Wildlife to Compensate for the Effects of Inflation on its Current License Fees and its Costs." (H. P. 1373) (L. D. 1600) Majority Report — Ought to Pass in New Draft under same Title (H. P. 1484) — Ought to Pass in Minority Report — Ought Not to Pass.

Tabled—Earlier in the Day by Senator Katz of Kennebec.

Pending—Acceptance of Report.

On motion by Senator Katz of Kennebec, Retailed for 1 Legislative Day.

The Chair laid before the Senate:

HOUSE REPORT — from the Committee on Local and County Government — Bill, "An Act to Establish Self-governing Provisions for Cumberland County." (H. P. 609) (L. D. 637) Leave to Withdraw.

Tabled—Earlier in the Day by Senator Conley of Cumberland.

Pending—Acceptance of Report.

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

Senator CLARK: Mr. President, I move that

we substitute the Bill for the Report.

The PRESIDENT: The Senator from Cumberland, Senator Clark, moves that the Senate substitute the Bill for the Report.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator KATZ: I would oppose the motion and request a Division.

The PRESIDENT: A Division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President and Members of the Senate: I've never done this before, but as a member of the Cumberland County Delegation, I have been, I think the word is 'requested', 'asked' or 'fingered,' I don't really know, to attempt this move.

Cumberland County, under the auspices of the gentlewoman from Brunswick, Representative Bachrach, and her cosponsors introduced L. D. 657 to the 109th Legislature in the hope of reorganizing Cumberland County Government. While I understand the Committee on Local and County Government reported this out with a Leave to Withdraw, probably had they known that the delegation was going to attempt this, they might even have given it a unanimous Ought Not to Pass Report. I understand those procedures quite nicely, having served 7 years in this Maine Legislature.

However, the Cumberland County delegation is particularly interested in addressing the concerns, disatisfactions, frustrations with Cumberland County Government as it exists today. We have before us and has been distributed this morning an amendment, Senate Amendment, "A" to L. D. 637, under Filing Number S-327, which addresses the concerns and represents almost 100% unanimity among the Cumberland County delegation.

First of all, it establishes self-governing provisions for Cumberland County. It creates as a policy-making and budget setting body of the County, as 7 Member Board of Commissioners consisting of 6 Members from 6 Districts which responds to the desires and needs of the rural communities in Cumberland County, as opposed to the existing 3 districts. They each have staggered 4 year terms. There's also 1 member at large, which will probably, as has been the case in the past give the urban communities 1 additional Commissioner.

It requires the appointment of a County Administrator, and the appointment of a County Finance Board made up of 1 member for each town for a total of 25 members. Requires appointment of a Human Service Board to make recommendations to the Finance Board. The Finance Board, as I've mentioned will be local administrators which represents that facet of local control which we find so glaringly omitted from Cumberland County today.

It requires that the Commissioners provide clerical assistance to these committees. It states that the commissioners will receive the recommendations of the Finance Board before presenting the budget in public hearing. It further provides the final adoption of the budget by the Board of County Commissioners after the public hearing. This to be done after adoption after any amendment in a public meeting!

It reduces the salaries of the commissioners as there will be 7 of them to \$1,500, that change incorporated in Senate Amendment "A". They will have the aid of an administrator so naturally they won't have to work so hard. It allows the administrator to serve as County Clerk and/or Treasurer, if appointed by the Commissioners.

It further provides that the Board of the Commissioners shall appoint the Treasurer and Registry of Deeds and limits the power of the County to powers already in effect and services contracted for by municipalities under Section 63.

The salaries that are presently paid to the County Commissioners in Cumberland County