

# MAINE STATE LEGISLATURE

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**Legislative Record**

OF THE

**One Hundred and Seventh Legislature**

(First Special Session)

OF THE

STATE OF MAINE

**1976**

KENNEBEC JOURNAL  
AUGUSTA, MAINE

The PRESIDENT: The Senator has the floor.

Mr. COLLINS: Mr. President, this is a motion that I make with a heavy heart. The bill before us is voluminous and it contains a great many important provisions to the success and implementation of our new criminal code. It is an emergency measure because the criminal code as enacted in the regular session is now scheduled to take effect on May 1st.

There are features of this bill that are most distressing to members of the Judiciary Committee in particular because we feel that mandatory sentencing is an impediment to the efficient administration of criminal justice. But there are so many things in this bill of importance, and there is such a great danger of these good things being lost, that I feel we should move ahead to the enactment and work on some of the imperfections thereby created at a later time.

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

Mr. MERRILL: Mr. President, I believe the effect of receding and concurring would be to put into our criminal code mandatory sentences for both burglary and crimes committed with a firearm, and although I agree with some of the concerns raised by the Senator from Knox, Senator Collins, my concern about that, particularly in regards to burglary, bring me to vote against the bill. And I would ask that there be a division when the question is put to the Senate.

The PRESIDENT: A division has been requested. Is the Senate ready for the question?

The pending question before the Senate is the motion by the Senator from Knox, Senator Collins, that the Senate recede and concur with the House. Will all those Senators in favor of this motion to recede and concur please rise in their places until counted. Those opposed will rise in their places until counted.

A division was had. 17 having voted in the affirmative, and seven having voted in the negative, the motion prevailed.

The President laid before the Senate the following tabled and Specially Assigned matter:

Bill, "An Act Redistributing the Powers of the Executive Council." (H. P. 1997) (L. D. 2197)

Tabled — April 5, 1976 by Senator Speers of Kennebec

Pending — Adoption of Committee Amendment "A" (H-1115)

(In the House — Passed to be Engrossed as Amended by Committee Amendment "A" and House Amendments "A" (H-1166), "B" (H-1177), "C" (H-1183), "E" (H-1191) and "F" (H-1196)).

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

Mr. CONLEY: Mr. President, it is my understanding there is an amendment being prepared and it should be here very shortly, so I would appreciate it if this could be tabled until later today.

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

Mr. BERRY: Mr. President, assuming that was not a tabling motion, it seems to me that there is quite a lot of work that can be done on this bill up until that point, and I would think that perhaps we ought to do it.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President, I am having an amendment prepared that would be an amendment to Committee Amendment "A", and it is my understanding that it should be done at this posture. Therefore, it would be nice if someone would table it until later in today's session.

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

Mr. SPEERS: Mr. President, I would ask through the Chair whether or not there are other amendments that are to be offered to Committee Amendment "A". If so, I would hope that we would defer tabling it and proceed to consider those amendments, and then table it should that amendment that is to be offered by the good Senator from Somerset, Senator Cianchette, not be ready at that time.

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

Mr. CURTIS: Mr. President, I presented Senate Amendment "A" to Committee Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-519, to Committee Amendment "A" was Read.

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

Mr. CURTIS: Mr. President, this amendment which is before you was suggested by the Secretary of State's Office. I think it falls into the category of a rather procedural technical proposal which was not suggested in time for the committee to include it right in its amendment. I don't think there will be any problem with the adoption, but if anyone would like a more detailed explanation than what is provided under the S-519 statement of fact, I would be glad to provide it.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "A" to Committee Amendment "A"?

The motion prevailed.

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

Thereupon, on motion by Mr. Conley of Cumberland, tabled until later in today's session, pending Adoption of Committee Amendment "A".

The President laid before the Senate the following tabled and Specially Assigned matter:

Senate Reports — from the Committee on Appropriations and Financial Affairs — Bill, "An Act to Revise and Reallocate Appropriations from the General Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1976 and June 30, 1977 and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government." (S. P. 700) (L. D. 2225) Report "A" Ought to Pass in New Draft Under Same Title (S. P. 790) (L. D. 2341); Report "B" Ought to Pass in New Draft Under Same Title (S. P. 791) (L. D. 2342); Report "C" Ought to Pass in New Draft under Same Title (S. P. 792) (L. D. 2343)

Tabled — April 5, 1976 by Senator Speers of Kennebec

Pending — Motion of Senator Huber of Cumberland to Accept Report "B"

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

Mr. HUBER: Mr. President and Members of the Senate: In light of the report of the Appropriations Committee which, after accepting all the remedies to the substantial deficits outlined in the report of January 29th to the Legislative Council, the signers of this report, Report "B" from the Appropriations Committee, decided that Report "B" should not expand any programs and should not contain any new programs. This deficit could amount, even after the remedies proposed by the Governor, up to the neighborhood of approximately 16 million dollars.

This report attempts to force the state to live within its current income. It does not use one-time funding for continuing expenses.

I would like very briefly to go through the provisions contained in this report, and I am sorry that it can't be briefer. Basically, the overall effect of this report will be to increase the Governor's balance by approximately \$300,000, from \$616,000 to \$918,000. It would do so in the following fashion:

In terms of increased revenues and increased surplus, there are six items. \$160,000 will be generated by enforcement of the existing sales tax law on casual sales of automobiles. This enforcement will be done by the Secretary of State as a prerequisite to registration. This would produce \$160,000.

This would also utilize \$75,000 of interest anticipated for the fiscal year '77 from the unorganized territories' school fund, as well as utilizing \$283,000 roughly of accumulated interest in this account. Since the advent of L. D. 1994 and 1452 this fund, which was set up for educational purposes, has had really no legitimate use of the interest developed from the fund. We do not propose in this report touching the principal in this account, which I think would be an abrogation of the trust that set this fund up. It furthermore would have problems, I believe, with the articles of separation from the State of Massachusetts.

Additional funding will be provided in the amount of \$137,000 because of the latest estimate of the income produced by the taxation measures under the Education Funding Act as opposed to the expenses included in that act.

Further, there is a \$50,000 transfer from the general fund to the District Court, which will be counterbalanced by a similar measure in the expenditures section.

This bill further utilizes \$1,100,000 which is generated from a limitation of state revenue sharing to an amount of \$9,000,000. I am sure this will be discussed later as I have seen an amendment concerning this. But basically the towns, prior to passage of the Education Funding Act, anticipated \$8.8 million in state revenue sharing. Because of the income tax changes under the Education Funding Act, this amount would increase by \$1,100,000, and this \$9,000,000 limitation would allow towns to have those monies that they expected prior to passage of the Education Funding Act, yet would not give them the windfall that they would receive under this act.

Report "B" also includes \$130,000 in working capital repayments from three specific state agencies. These agencies have had interest free general fund loans, most of them due within ten years from the date of the loan, and this bill would utilize \$15,000 from the Seed Potato Board fund. They were originally loaned \$50,000, and they have two years to repay this general fund money. This would utilize \$15,000 of that fund. It would further utilize \$65,000 from the State Lottery fund and \$50,000 from the Postal, Printing and Supply fund, a total of \$130,000, which is a one-shot repayment of these loans to fund only one-shot items, one-time expenses in this bill; namely, \$110,000 for the general fund portion of the proposed compensation plan. This is a one-time bonus to the lowest paid state employees, plus \$20,000 to fund the Appeals Board under this bill.

The expenditures proposed in Report "B" include the above-mentioned two items, the \$110,000 bonus for general fund employees — and I might mention that this bonus would amount to \$262,000 for general fund employees, plus those compensated from other funds — and again, I have already mentioned the \$20,000 compensation for the Appeals Board to guarantee that we do get people to serve on this very important board and that it can promptly and properly finish its business.

This provides \$43,000 for the Legislative Research Office to republish two volumes of part of the statutes. This item was deferred during the last regular session but these, I am told by people who use these volumes more than I do, are getting in a considerable state of disrepair, and I think this is a continuing program which we should carry out.

This would reduce Indian scholarship funds by \$10,000. This \$10,000 was not recommended by the Department of Education.