

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

January 3, 1979 to May 4, 1979

STATE OF MAINE
One Hundred and Ninth Legislature
JOURNAL OF THE SENATE

January 25, 1979

Senate called to Order by the President.

Prayer by Senator Bennett D. Katz of Augusta.

Senator KATZ: Let us pray. Lord, bless the members of this Senate, as we attempt to do God's work and the work of the Maine People; Bless the members of our staff, who help us to do our work in a pleasant and effective environment; Bless the members of the press who, in effect, are a bridge between our work and the People of the State; Bless our families, many of whom undergo many hardships, so that we may be here. Amen.

Reading of the Journal of yesterday.

Out of Order and Under Suspension of the Rules:

On motion by Senator Pierce of Kennebec, ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, January 30, at ten o'clock in the morning. (S. P. 97)

Which was Read and Passed.

Sent down forthwith for concurrence.

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

Recess

After Recess

Senate called to Order by the President.

**Papers From the House
House Papers**

Bill, "An Act to Allow Prison Inmates to Attend the Funeral of a Brother or Sister." (H. P. 100) (L. D. 148)

Reference to the Committee on Health and Institutional Services is suggested.

Comes from the House, referred to the Joint Select Committee on Correctional Institutions and Ordered Printed.

On motion by Senator Katz of Kennebec, referred to the Committee on Health and Institutional Services and Ordered Printed, in non-concurrence.

Sent down for concurrence.

Bill, "An Act Relating to Avoidance of Contracts Made on the Lord's Day." (H. P. 136) (L. D. 146)

Bill, "An Act Relating to the Use of Force in Defense of Premises." (H. P. 138) (L. D. 156)

Comes from the House, referred to the Committee on Judiciary and Ordered Printed.

Which were referred to the Committee on Judiciary and Ordered Printed, in concurrence.

RESOLVE. Authorizing Burton L. Lockhart or his Legal Representatives to bring Civil Action against the State of Maine. (H. P. 137) (L. D. 159)

Committee on Judiciary suggested.

Comes from the House, referred to the Committee on Legal Affairs and Ordered Printed.

Which was referred to the Committee on Legal Affairs and Ordered Printed, in concurrence.

Bill, "An Act to Require Personnel Files to Include Medical Records and Nurses' Station Notes." (H. P. 139) (L. D. 158)

Bill, "An Act to Amend the Maine State Apprenticeship Council to State Apprenticeship and Training Council to Conform with Federal Recommendations under the Labor Laws." (H. P. 140) (L. D. 160)

Bill, "An Act to Provide Time for the Employee and Employer to Consider Payment of Compensation by Agreement." (H. P. 141) (L.

D. 161)

Bill, "An Act Relating to Arbitration under the State Employees Labor Relations Act." (H. P. 142) (L. D. 162)

Comes from the House, referred to the Committee on Labor and Ordered Printed.

Which were referred to the Committee on Labor and Ordered Printed, in concurrence.

Bill, "An Act Concerning Expenditure of County Funds." (H. P. 143) (L. D. 149)

Bill, "An Act Concerning County Commissioners' Discretionary Powers Regarding Grants Placed in County Budgets." (H. P. 144) (L. D. 151)

Bill, "An Act Converting Mount Chase Plantation into the Town of Mount Chase." (Emergency) (H. P. 145) (L. D. 163)

Comes from the House, referred to the Committee on Local and County Government and Ordered Printed.

Which were referred to the Committee on Local and County Government and Ordered Printed, in concurrence.

Bill, "An Act to Provide a Trade-in Credit for Musical Instruments." (H. P. 146) (L. D. 147)

Comes from the House, referred to the Committee on Taxation and Ordered Printed.

Which was referred to the Committee on Taxation and Ordered Printed, in concurrence.

Bill, "An Act to Revise the Service Charge for Local Vehicle Registration Agents." (H. P. 147) (L. D. 150)

Bill, "An Act to Exempt Trucks Hauling Bulk Milk and Food from Certain Weight Limits on State, County and Municipal Roads." (Emergency) (H. P. 148) (L. D. 164)

Comes from the House, referred to the Committee on Transportation and Ordered Printed.

Which were referred to the Committee on Transportation and Ordered Printed, in concurrence.

**Paper From the House
Joint Order**

ORDERED, the Senate concurring, that the Joint Standing Committee on Local and County Government be directed to submit legislation revising the salaries of county officers and to bring out a Resolve or Resolves for Laying of the County Taxes for the year 1979. (H. P. 135)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

Senate Papers

Senator Huber of Cumberland presented, RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Amount of State Expenditures which may be made from Undedicated Revenues without Voter Approval. (S. P. 96)

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

Senator Chapman of Sagadahoc presented, Bill, "An Act Prohibiting a Bank Holding Company from Owning more than One Type of Financial Institution." (S. P. 91)

Which was referred to the Committee on Business Legislation and Ordered Printed.

Sent down for concurrence.

Senator Carpenter of Aroostook presented, Bill, "An Act to Amend the Representation of Towns on Community Schools Districts." (S. P. 93)

Which was referred to the Committee on Education and Ordered Printed.

Sent down for concurrence.

Senator Clark of Cumberland presented, Bill, "An Act to Provide Accessible Polling Places for the Physically Handicapped and the Elderly." (Emergency) (S. P. 95)

Which was referred to the Committee on Election Laws and Ordered Printed.

Sent down for concurrence.

Senator Chapman of Sagadahoc presented, Bill, "An Act Concerning Unemployment Compensation Benefits for Employees Formerly Working for a Bankrupt Employer." (S. P. 92)

Which was referred to the Committee on Labor and Ordered Printed.

Sent down for concurrence.

Senator Najarian of Cumberland presented, Bill, "An Act to Revise the Statute Providing Reimbursement to Municipalities for Revenue Loss Due to Certain Personal Property Tax Exemptions." (S. P. 94)

Which was referred to the Committee on Taxation and Ordered Printed.

Sent down for concurrence.

Order

An Expression of Legislative Sentiment recognizing that:

Wellington Higgins of Winthrop will celebrate, on January 25, 1979, the 105th anniversary of his birth... (S. P. 98) is presented by Senator Ault of Kennebec, Co-sponsored by Representative Davis of Monmouth.

Which was Read and Passed.

Sent down forthwith for concurrence.

Committee Report

House

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Reinstate the Death Penalty." (H. P. 28) (L. D. 45)

Reported that the same Ought Not to Pass.

Signed:

Senators:

COLLINS of Knox
DEVOE of Penobscot
TRAFTON of Androscoggin

Representatives:

HOBBINS of Saco
SEWALL of Newcastle
HUGHES of Auburn
JOYCE of Portland
SIMON of Lewiston

The Minority of the same Committee on the same subject Matter Reported that the same Ought to Pass.

Signed:

Representatives:

LAFFIN of Westbrook
STETSON of Wiscasset
CARRIER of Westbrook
SILSBY of Ellsworth
GRAY of Rockland

Comes from the House, Bill and Papers Indefinitely Postponed.

Which was Read.

The PRESIDENT: Is it the pleasure of the Senate to accept the Majority Ought Not to Pass report of the Committee?

The Chair recognizes the Senator from Androscoggin Senator Minkowsky.

Senator MINKOWSKY: Mr. President and Members of the Senate: I have been evaluating, analyzing this particular document as it has been before us, the past, at least three sessions. My personal opinion is that the people of Maine should have an opportunity to vote on this particular issue.

The sentiment of the people, has already been expressed, on a TV Poll I came across recently, which is basically non-official, but by a 4 to 1 margin. Presently, there are safeguards that are built into our very comprehensive Judicial System in Maine, which protect the rights of murderers.

As you are aware, there are several states that have the death penalty provision, and have inmates on death row. To the best of my knowledge, there has been no mistakes made, insofar as, executions of these individuals.

My concern today is as a father and a citizen

of this State. I am convinced that all the Federal dollars and State dollars that have been poured into our so-called rehabilitation system of criminals are just wasted tax dollars.

Have we addressed here in the State of Maine, the so-called term that's been used, "Hit Men" who are hired to kill or do we feel that we are immuned from this particular category of individual? What about the several police officers who have lost their lives? Do we just pay their widow a pension and forget about that particular point?

What the Legislature has said in the past, is to protect the rights of a criminal. Send him or her to jail for life and reduce their sentence for good behavior. Allow some of these perverted individuals to matriculate back into our society and prey again upon our citizens of this State.

I know from inquiries I have made that the people of Maine want to vote on this particular issue as they have over the years on several other issues. Mr. President, I would ask that a Roll Call be taken on the pending motion.

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.

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

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

Senator PERKINS: Mr. President, I wish permission to pair my vote with the gentle lady from Cumberland Senator Clark. Were she here, she would be voting Nay, and I would be voting Yea.

The PRESIDENT: The Senator from Hancock, Senator Perkins, now Requests Leave of the Senate, to pair his vote with the gentle lady from Cumberland, Senator Clark. If she were here, she would be voting Nay, and the Senator from Hancock would be voting Yes. Is it the pleasure of the Senate to grant this leave? It is a vote.

The PRESIDENT: The pending question before the Senate, is the acceptance of the Majority Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of accepting, the Majority Ought Not to Pass Report.

A Nay vote will be opposed.

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

ROLL CALL

YEA — Carpenter, Collins, Conley, Devoe, Emerson, Farley, Gill, Huber, Katz, Lovell, Martin, Najarian, Pierce, Trafton, Trotzky, Usher

NAY — Ault, Chapman, Hichens, McBreairty, Minkowsky, O'Leary, Pray, Redmond, Shute, Silverman, Sutton, Teague

ABSENT — Cote, Danton
A Roll Call was had.

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

Senator PERKINS: Mr. President, I wish the record to show, the Senator from Cumberland, Senator Clark, would vote Yes and I would vote No.

The PRESIDENT: The record will so indicate.

16 Senators having voted in the affirmative and 12 Senators in the negative, with 2 Senators pairing their vote, and 2 Senators being absent, the Motion to Accept the Ought Not to Pass Report does prevail.

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

Senator KATZ: Having voted on the prevailing side, I now move reconsideration.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate reconsider its action, whereby it accepted the Majority Ought Not to Pass Report of the Com-

mittee.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Senator MINKOWSKY: Mr. President, I move this item be tabled for one legislative day, pending the motion by the Senator from Kennebec, Senator Katz.

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

Senator CONLEY: Mr. President, I request a Division.

The PRESIDENT: A Division has been requested, on the Tabling Motion.

Will all those Senators in favor of tabling this item for one legislative day please rise in their places to be counted.

Will all those opposed to the tabling motion, please rise in their places to be counted.

10 Senators having voted in the affirmative and 19 Senators in the negative the motion to table does not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to reconsider its action whereby, it accepted the Majority Ought Not to Pass Report of the Committee.

A Viva Voce Vote being had, the Motion failed.

Orders of the Day

The President laid before the Senate the first, tabled and specially assigned matter:

RESOLVE, Authorizing the Sale of Certain Public Reserved Lands to Cobb's Bosebuck Mountain Camps. (S. P. 85)

Tabled—January 24, 1979 by Senator Pierce of Kennebec

Pending—Motion of Senator O'Leary of Oxford to Refer to Committee on Energy and Natural Resources.

The PRESIDENT: The Senator has the floor.

Senator KATZ: Mr. President, I oppose the motion by the Senator from Oxford, Senator O'Leary, to refer this Bill to the Committee on Energy and Natural Resources.

I ask for a Division and if my position is successful, I would urge that we send it to the Committee on State Government.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'LEARY: Mr. President, I would like to withdraw my motion.

On motion by Senator Katz of Kennebec, referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

On motion by Senator Katz of Kennebec, the Senate voted to take from the table:

JOINT ORDER—relative to Purchase of Supplies, Equipment, Etc. (S. P. 11)

Tabled—January 3, 1979 by Senator Katz of Kennebec

Pending—Passage.

The PRESIDENT: The Senator has the floor.

Senator KATZ: Mr. President, I move that this Joint Order be Indefinitely Postponed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that this Joint Order (S. P. 11) be Indefinitely Postponed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate: This order has been on the table for some time now, I wonder if the Secretary might Read the Joint Order.

Which was Read.

The PRESIDENT: Is it now the pleasure of the Senate that this Joint Order be Indefinitely Postponed?

It is a vote.

On motion by Senator Katz of Kennebec, the Senate voted to take from the table:

SENATE ORDER—relative to 800 telephone number

Tabled—January 11, 1979 by Senator Katz of Kennebec

Pending—Passage.

The PRESIDENT: The Senator has the floor.

Senator KATZ: Mr. President, This Joint Order—this Senate Order which confused me for a moment being a Senate Order because normally we attempt to do things in a Joint basis, seeks to install an 800 Telephone for the benefit of constituents during the Legislative Session.

Upon review of the costs, we found that the cost of a single 800 is about \$600. per month. With respect to our Legislative incoming phone calls, we found that it was almost useless, because so many of you complained that one line was not doing it. You were getting a lot of busy signals. We are now up to two, which is \$1,200 a month. If we hear more complaints it might very well be, that it will be up to 3.

There are an increasing number of 800 telephone lines within the State House Complex, Department of Human Services, other departments have them, and it was the feeling that additional expense just during the legislative session would be inappropriate.

I move that this Senate Order be Indefinitely Postponed.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Silverman.

Senator SILVERMAN: Mr. President and Members of the Senate: This was an Order which I placed before the Senate. I am quite certain that many of you found it agreeable.

The Senate, I think, should come into the year 1979, and recognize that communications are important with our constituents. An 800 number, in the year 1979, is important in most businesses, in most government and in most major areas of concern with the public.

I was very surprised that the Majority Floor-leader would stand here and say we cannot afford it. \$15,000 a bed in Thomaston and we can not afford \$3,600 for a telephone number, so that our constituents could call us.

I understand also what has controlled this Senate over the years. The corporate heads can call it tax deductible. The City Managers can call, it is not an expense to them. But when the public wants to call the Senate, are we going to deny them an 800 number to call free of charge because of an expense they say is a little too large.

For me, it is not the expense, the reason that they want to kill this bill. For me, it is those who control this Senate body don't want the people to have a way into the Senate. Most people working haven't time to be here, but they do have time to pick up a telephone; whether you are in Washington County, or Somerset County or Cumberland County, and call their Senators on important matters facing this body. In front of me I have a partial list of the 800 numbers that we afford in State Government. Areas like Agriculture, Children's Emergency, Citizens' Assistance, Committee on Aging, Education, Environmental Protection, Food Stamps, Human Services, Inland Fisheries and Wildlife, Motor Vehicle, State Police, Taxation Administration and Veterans Affairs. There are certainly many others that have 800 numbers that we can afford in our government.

I am certainly sure that we can afford, for this honorable body, the Senate of the State of Maine, to have an 800 number for their constituents. I will ask for a Roll Call vote. I only hope that you people will understand your constituents, may come first, finally in this Senate body.

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

Senator KATZ: Mr. President, I am impressed by the remarks of the Senator from Washington, Senator Silverman.

I would like to charge him, however, gently, that probably he did not mean to impugn the motives of those of us who oppose this Senate Order.

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