

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

HOUSE

Thursday, February 12, 1976

The House met according to adjournment and was called to order by the Speaker.

Prayer by Father Vincent Morgan of Portland.

The journal of yesterday was read and approved.

On motion of Mr. Norris of Brewer, the House voted to take from the table the first tabled and today assigned matter:

Joint Order Relative to Harold Goss of Brewer (H. P. 2032) — In the House, read and passed February 11.

Tabled — February 11 by Mr. McKernan of Bangor.

Pending — Motion of Mr. Norris of Brewer to reconsider Passage.

Thereupon, the House reconsidered its action of yesterday whereby the Order received passage.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: You probably all have read of the courageous action of Mr. Harold Goss of Brewer during the flooding in Bangor on February 2. Disregarding the risk to himself, Mr. Goss swam out into the icy flood waters and rescued Cynthia Caulkins of Levant who was trapped in her car and probably had only seconds or minutes to live.

It is heartening to know that we have among us a man with both the courage and the physical strength to perform such an act. This act of Mr. Goss is in the tradition of all those, to paraphrase the words of a great song, "love mercy more than life." (Applause, the members rising)

Thereupon, the Order received passage and was sent up for concurrence.

By unanimous consent, ordered sent forthwith.

Papers from the Senate

From the Senate:

Resolution Proposing an Amendment to the Constitution to Assure Revenues for Bond Service and Prohibit State Bonding of Current Expenditures (S. P. 689) (L. D. 2206)

Came from the Senate referred to the Committee on State Government and ordered printed.

In the House, referred to the Committee on State Government in concurrence.

The following Communication: (H. P. 2038)

Report of the Committee on Judiciary To the Senate and House of Representatives, Special Session of the 107th Legislature

re — Study Order, H. P. 1782, requesting the Judiciary Committee to examine the effect of the constitutional amendment abolishing the Executive Council on the confirmation of judicial appointments.

The Committee determined that the abolition of the Executive Council and its being replaced with the Committee confirmation process would, indeed, affect the confirmation of judicial appointees in that the Maine Senate, which is the ultimate confirming body, would not be in session at certain times of the year.

The problem arises from the fact that judicial officers hold their term of office for a term of seven years from the day of appointment and "no longer". Article 6, Section 4, Maine Constitution. Title 4, Section 157 and Title 5, Section 2401, Maine

Statutes, provide for a similar specific seven-year term for District Court Judges and the Judge of the Administrative Court.

Therefore, the recommendation of the Judiciary Committee is a change in the Maine Constitution to allow Judges whose term of office expires, or who reach mandatory retirement age, to hold over and remain in office until a successor is appointed, but not to exceed six (6) months. Similar changes in all pertinent statutory law are likewise recommended in order to conform to the statutory law to the recommended constitutional amendment.

The constitutional change should be acted upon in the special session of the 107th Legislature so that, if ratified by the voters, it can become effective in January of 1977, the date of the abolition of the Executive Council.

Provisions should also be made so that Judges due to retire who hold over under these provisions do not jeopardize their retirement benefits.

All statutory changes implementing the Constitutional Amendment, should it be ratified, would have to be made by the 108th Legislature.

Signed:

SAMUEL W. COLLINS, JR.
Senate Chairman

Signed:

RICHARD A. SPENCER
House Chairman

Signed:

ROBERT W. CLIFFORD
Subcommittee Chairman

The Communication was read and ordered placed on file and sent up for concurrence.

Petitions, Bills and Resolves
Requiring Reference

The following Bill was received and, upon recommendation of the Committee on Reference of Bills, was referred to the following Committee:

Taxation

Bill "An Act to Revise and Reform the Maine Personal Income Tax Law" (H. P. 2036) (Presented by Mr. Ingegneri of Bangor)

(Ordered Printed)

Sent up for concurrence.

Study Report
Judiciary

Mr. Spencer from the Committee on Judiciary to which was referred the study relative to Confirmation of Justices and Judges, pursuant to H. P. 1782 of the 107th Legislature, have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Resolution, Proposing an Amendment to the Constitution to Allow Judges Whose Terms of Office Expire or who Reach Mandatory Retirement Age to Continue to Hold Office for up to 6 Months until their Successors are Appointed (H. P. 2037) (L. D. 2209) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Report was read and accepted, the Resolution referred to the Committee on Judiciary and sent up for concurrence.

House Reports of Committees

Divided Report

Tabled and Assigned

Majority Report of the Committee on Natural Resources on Bill "An Act to Allow Certain Mining Operations within the Sandy River and Temple Stream without a Permit from the Commissioner of Inland Fisheries and Wildlife" (H. P.

1885) (L. D. 2063) reporting "Ought Not to Pass"

Report was signed by the following members:

Mr. TROTZKY of Penobscot — of the Senate.

Mrs. HUTCHINGS of Lincolnville

Messrs. PETERSON of Windham

HALL of Sangerville

CURRAN of Bangor

McBREAIRTY of Perham

AULT of Wayne

BLODGETT of Waldoboro

CHURCHILL of Orland

WILFONG of Stow

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following members:

Messrs. WYMAN of Washington

O'LEARY of Oxford

— of the Senate.

Mr. DOAK of Rangeley

— of the House.

Reports were read.

Mr. Peterson of Windham moved the House accept the Majority "Ought Not to Pass" Report.

On motion of the same gentleman, tabled pending his motion to accept the Majority Report and specially assigned for Tuesday, February 17.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Natural Resources on Bill "An Act to Establish the Maine Forestry District Fire Protection Fund" (H. P. 1853) (L. D. 2022) reporting "Ought Not to Pass"

Report was signed by the following members:

Mr. TROTZKY of Penobscot

— of the Senate.

Mrs. HUTCHINGS of Lincolnville

Messrs. PETERSON of Windham

CURRAN of Bangor

McBREAIRTY of Perham

AULT of Wayne

BLODGETT of Waldoboro

WILFONG of Stow

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Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following members:

Messrs. O'LEARY of Oxford

WYMAN of Washington

— of the Senate.

Messrs. HALL of Sangerville

DOAK of Rangeley

CHURCHILL of Orland

— of the House.

Reports were read.

On motion of Mr. Rolde of York, tabled pending acceptance of either Report and tomorrow assigned.

Consent Calendar

Second Day

In accordance with House Rule 49-A, the following items appeared on the Consent Calendar for the Second Day:

Bill "An Act Concerning Municipal Appropriations to Incorporated Volunteer Fire Departments" (H. P. 1906) (L. D. 2093)

Bill "An Act Extending the Legislative Lifetime and Reporting Deadlines of the Commission on Maine's Future, and Allowing for Expenditures of Previously Appropriated Funds Throughout and Revised Lifetime of the Commission" (Emergency) (H. P. 1916) (L. D. 2104)

Bill "An Act to Clarify Provisions