MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Ninth Legislature

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 2 to April 3, 1980

THIRD SPECIAL SESSION

May 22, 1980

THIRD CONFIRMATION SESSION

July 17, 1980

FOURTH CONFIRMATION SESSION

July 24, 1980

FIFTH CONFIRMATION SESSION

September 12, 1980

REPORT, HEARING TRANSCRIPT AND RELATED MEMORANDA OF THE JOINT SELECT COMMITTEE ON INDIAN LAND CLAIMS

ment unanimously voted "leave to withdraw" on L. D. 1886, An Act to Establish County Corrections' Improvement Fund, as you requested. The bill was designed to address some of the serious problems facing many of our county jails today, including overcrowding, lack of capacity to segregate prisoners on the basis of sex, age, whether juvenile or adults, and of status, whether convicts or detainees. The understaffing and lack of mandatory services and programs, in fact, these facilities fall short in varying degrees of meeting minimum, state and federal requirements. These deficiencies must be corrected.

"However, the committee found that the bill was not the appropriate vehicle at this time for addressing these problems for the following reasons: (1) Substantial progress has been made in buildings or renovating facilities; at least six counties have completed major efforts since 1976, and Lincoln County is now seeking bonding authority for similar purposes. (2) The Maine Sheriffs Association is now conducting an architectural feasibility study to define the specific building needs and prepare a plan for the detention facilities of up to 11 counties. (3) The committee has just reported out favorably a bill, L. D. 1038, providing for county self-government. This bill provides for budgetary autonomy so that it would be a particularly inappropriate time for the legislature to intrude upon the budgetary process. However, much area autonomy does provide for more accountability in county government that will allow the sheriffs to make the case directly at the county level for funding to meet their needs in bringing the jails up to standards.

"The committee is concerned about the jail problem but is encouraged by the good-faith efforts that are in progress. We intend to monitor these efforts and, in particular, we will examine the report of the sheriff's architectural study. We are confident that you will be doing the same. Sincerely, Chairman, Local and County Government Committee."

I would hope at this time the House would accept the Leave to Withdraw.

Thereupon, the Report was accepted and sent up for concurrence.

The following paper appearing on Supplement No. 1 was taken up out of order by unanimous consent:

Non-Concurrent Matter

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) (S. P. 770) (L. D. 1964) which was passed to be engrossed as amended by House Amendments "B" (H-844) "C" (H-847), "D" (H-848), "E" (H-849), and "H" (H-856) and Senate Amendment "A" (S-426) in the House on March 10, 1980.

Came from the Senate passed to be engrossed as amended by House Amendments "B" (H-844), "C" (H-847), "D" (H-848) and "H" (H-856) and Senate Amendment "A" (S-426) in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Wood.

Mr. WOOD: Mr. Speaker, I move that we adhere.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Torrey.

Mr. TORREY: Mr. Speaker, I move we recede and concur.

The SPEAKER: The gentleman from Poland, Mr. Torrey, moves that the House recede and concur.

The Chair recognizes the gentleman from Sanford, Mr. Wood.

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that we would not recede and concur. I have spoken, I thought, all that I wanted to on the merits of this amendment that I put on, but I will try to clarify it in as brief a time as possible.

Presently in the law, if you have a dog, you pay a license fee and that is based on whether the dog is capable of producing or not. If your dog has been neutered in any way, you pay a reduced fee; if your dog is not neutered, you pay a higher fee.

The way that you get the reduced fee is to take an affidavit from your veterinarian to the town clerk and get the reduced fee.

This is a bill that we worked on last year for a long long time. In the errors and inconsistencies bill, there was a section which said that you would not have to take an affidavit from the veterinarian. All that you would simply have to do is sign a statement yourself saying that the dog was neutered and that would be acceptable. The problem I have with that is that I think that is not an error or inconsistency; I think that is a major change in the law, and the purpose of the errors and inconsistencies bill is only to deal with minor changes, so I put an amendment in to remove that section of the errors and inconsistencies bill.

It is interesting to note that when female dogs were given a reduced fee for being fixed, they had to show that they had been fixed by a veterinarian's statement. Now, when we have both males and females in the game, we changed the rules by saying you simply have to sign an affidavit. I think this will defeat the purpose of this bill we passed last year; I don't think it is a problem now and I don't think we should be changing the law at this point.

I would urge you not to recede and concur and to leave this amendment in the errors and inconsistencies bill.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Boudreau.

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: If this is an issue of ERA for dogs or cats, maybe it should be considered, but I think if it is as minor a change as Mr. Wood says it is, I really wonder if it is an emergency and whether we should deal with it in this session.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Wood.

Mr. WOOD: Mr. Speaker, I agree with Representative Boudreau, we should not be dealing with it in this session; therefore, he would be voting with me, because by removing it from the bill, we won't be dealing with it this session.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Poland, Mr. Torrey, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

27 having voted in the affirmative and 72 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Wood of Sanford, the House voted to adhere.

The following papers appearing on Supplement No. 2 were taken up out of order by unanimous consent:

Passed to Be Engrossed

Bill "An Act to Permit Optional Life Insurance for the Comaker of a Debt" (H. P. 1935) (L. D. 1986)

Was reported by the Committee on Bills in the Second Reading and read a second time, passed to be engrossed and sent up for concurrence.

Indefinitely Postponed

Bill "An Act to Promote Hunting, Fishing and Camping in Maine" (H. P. 1829) (L. D. 1933) (C. "A" H-853)

Was reported by the Committee on Bills in the Second Reading and read the second time.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I didn't take this up this morning because I didn't want to take the time. I thought we could move along quickly, but it seems now I should make a few remarks.

We are sitting in a Legislature that generally says we are not going to expand their services and certainly then we shouldn't duplicate services.

The bill that we are talking about, "An Act to Promote from the Fisheries and Wildlife Department by advertising, I submit to you that this is already being done by the Maine Publicity Bureau. I went down to the law library and I picked up the private and special law of 1937 which put this in place, and I will read just a little bit of it. "The purposes of said corporation are to maintain and operate a bureau for the publication and dissemination of information by means of newspapers, magazines, booklets, radio exhibits and other use of media concerning the agricultural and industrial and recreational resources of the State of Maine." There is a lot more to it but I don't think it is necessary to read it.

I would like to read to you from the Maine Publicity, pamphlet which some of you may have. This is selling Maine in Switzerland. The Maine group carried specific sales materials with them primarily aimed at various types of wilderness experience vacations. What we have to offer the Europeans, which is totally unique to them, is our vast forestland, wilderness and wilderness rivers. The Maine vacation packages the group took to promote included hunting, fishing, whitewater river rafting, camping, plus canoe and back pack expeditions.

I will turn over to publications already in place for 1980—Maine Guide to Fishing and Maine Guide to Hunting, all new for 1980. These guides were combined, displayed in classified ads with brand new editorial copy and will present a storehouse of information to the sports-minded and to the spring and fall vacationers. The print run for each guide, $15,000 for fishing and $15,000 for hunters. The fishing came out February 15, 1980 and the hunting ones will be on line September 15, 1980.

It seems to me that when we do not have money enough to continue at the same level of operations, that we now say it is time to expand our operations of a department, namely Fisheries and Wildlife, by going into the advertising and promotion business.

I doubt if there is anyone in the hall of this House who believes in advertising and promoting anymore than I do. However, I don't believe we can afford duplication of a service already in place. The Maine Publicity Bureau, as written in law and as rendered in contract, already has the responsibility for the promotion of all the tourism industry, which includes hunting and fishing. I feel that it is not the time to be spending more money when, in fact, we have less to spend.

Mr. Speaker, I would request a roll call.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: Just a few comments on some of the remarks made by the gentleman from Milo.

To begin with, the Fisheries and Wildlife Department is not going into the publicity business. This merely gives the commissioner authority to advertise special events if he so desires, if he feels he should, if he feels he can afford it. As you will note, the bill has been changed in the amendment to say that the Commissioner "may", not "shall"—may do it.

This is strictly a report that came out of the Joint Special Committee that was involved this past summer with the Fisheries and Wildlife dilemma and this is one of the recommendations. They feel that the commissioner should have some authority to advertise if he felt it necessary and if he felt that he could afford it. So, as far as the Fisheries and Wildlife Department getting into the publicity business, they are not.

The SPEAKER: The Chair recognizes the