

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 9, 1969 to June 17, 1969

KENNEBEC JOURNAL
AUGUSTA, MAINE

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker, in deference to the good gentleman from Presque Isle, I will guarantee there will be an order in before we leave that this will be studied by Research.

The Chair laid before the House the sixth tabled and later today assigned matter:

Bill "An Act Creating Civil Liability to the State for Pollution of Waters" (H. P. 1255) (L. D. 1587)

On motion of Mr. Cox of Bangor, tabled pending passage to be engrossed and specially assigned for tomorrow.

The Chair laid before the House the seventh tabled and later today assigned matter:

Resolve Proposing an Amendment to the Constitution Affecting the Apportionment of the House of Representatives (H. P. 1256) (L. D. 1588)

On motion of Mr. Rideout of Manchester, tabled pending passage to be engrossed and specially assigned for tomorrow.

The Chair laid before the House the eighth tabled and later today assigned matter:

An Act to Create the Maine Land Use Regulation Commission and to Regulate Realty Subdivisions (H. P. 1234) (L. D. 1566)

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the ninth tabled and later today assigned matter:

Bill "An Act Providing for a State Pilotage System for the Penobscot Bay and River, Maine" (S. P. 338) (L. D. 1136) (In Senate, passed to be engrossed as amended by Committee Amendment "A" S-199 and Senate Amendment "A" S-221)

Tabled — June 6, by Mr. Rideout of Manchester.

Pending — Passage to be engrossed.

On motion of Mr. Dennett of Kittery, tabled pending passage to be engrossed and specially assigned for tomorrow.

The Chair laid before the House the tenth tabled and later today assigned matter:

Bill "An Act to Provide Protection for the Consumer Against Unfair Trade Practices" (H. P. 770) (L. D. 1003)

Tabled—June 9, by Mrs. Payson of Falmouth.

Pending — Passage to be engrossed.

On motion of Mr. Berman of Houlton, tabled pending passage to be engrossed and specially assigned for tomorrow.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, with reference to item six on page four, we had a third reader this morning—Bill "An Act Establishing a Full-time Administrative Hearing Commissioner," House Paper 1242, L. D. 1577, I move that we reconsider our action whereby this had its third reading as amended this morning.

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes moves that the House reconsider its action of earlier in the day whereby L. D. 1577 was passed to be engrossed as amended by House Amendments "A" and "B".

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker, at the risk of being repetitive, could I ask the gentleman for what reason he would like to have this reconsidered?

The SPEAKER: The gentleman from Manchester, Mr. Rideout poses a question through the Chair to the gentleman from Cape Elizabeth, Mr. Hewes, who may answer if he chooses.

Mr. HEWES: Mr. Speaker, in answer to the gentleman's question, this morning House Amendment "B" was offered and passed. It is under filing number H-506 and if we reconsider the bill itself, I have been asked if we reconsider House Amendment "B" with

the eventual aim that we will reconsider passage of House Amendment "B," H-506.

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker, I would ask that this lay on the table for one legislative day.

The SPEAKER: The gentleman from Manchester, Mr. Rideout now moves that the reconsideration motion be tabled until the next legislative day. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, on page 5, item 14, An Act to Create the Maine Land Use Regulation Commission and to Regulate Realty Subdivisions, I admit things have been going pretty fast here today and I would like to reconsider this and if some kind soul would table it, I would like to take kind of a close look at this and any of these other things that creates new commissions and so forth. I therefore would move that we reconsider item 14 on page 5 of today's calendar.

The SPEAKER: The Chair would advise the gentleman that this Bill was not enacted until the afternoon session. A reconsideration motion is in order.

Mr. DUDLEY: I hope, because I suspect there are other members that would like to keep up with what is going on in this House as well as I do, and I would just like to have a little closer look at it and I hope that many others feel the same way, so I so move that we reconsider our action.

The SPEAKER: The gentleman from Enfield, Mr. Dudley, moves that the House reconsider its action whereby item 14 on page 5, An Act to Create the Maine Land Use Regulation Commission and to Regulate Realty Subdivisions, House Paper 1234, L. D. 1566, was passed to be enacted.

The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, as the sponsor of this deserv-

ing, worthwhile, long overdue legislation, I have no objection to giving the gentleman from Enfield, Mr. Dudley and the other members of the House an opportunity to examine it, and I would request that someone table this motion for reconsideration until the next legislative day.

Thereupon, on motion of Mr. Benson of Southwest Harbor, tabled pending the motion of Mr. Dudley of Enfield to reconsider and specially assigned for tomorrow.

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

STATE OF MAINE
SUPREME JUDICIAL COURT
AUGUSTA, MAINE

June 10, 1969

Hon. Bertha W. Johnson
Clerk, House of Representatives
State House
Augusta, Maine 04330

Dear Mrs. Johnson:

There is enclosed the Answers of the Justices to the Questions of June 5, 1969.

Respectfully yours,
(Signed)

ROBERT B. WILLIAMSON
ANSWERS OF THE
JUSTICES

TO THE HONORABLE HOUSE
OF REPRESENTATIVES OF THE
STATE OF MAINE:

In compliance with the provisions of Section 3 of Article VI of the Constitution of Maine, we, the undersigned Justices of the Supreme Judicial Court, have the honor to submit the following answers to the questions propounded on June 6, 1969.

QUESTION NO. 1: Do the provisions of Legislative Document No. 1568 providing for a tax on income derived from certain intangibles violate the provisions of Article IX, Section 8 of the Constitution of Maine?

ANSWER: We answer in the negative.

Article IX, Section 8 of the Maine Constitution reads:

"All taxes upon real and personal estate, assessed by authority of this State, shall be apportioned and assessed equally, according to the just value thereof; but the