

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

Tabled—June 10, by Mr. Cox of Bangor.

Pending — Passage to be engrossed.

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

The Chair laid before the House the third item of Unfinished Business:

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

Tabled—June 10, by Mr. Rideout of Manchester.

Pending — Passage to be engrossed.

On motion of Mr. Richardson of Cumberland, retabled pending passage to be engrossed and specially assigned for tomorrow.

The Chair laid before the House the fourth item of Unfinished Business:

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 10, by Mr. Dennett of Kittery.

Pending — Passage to be engrossed.

On motion of Mr. Dennett of Kittery, under suspension of the rules, the House reconsidered its action of June 5 whereby Committee Amendment "A" was adopted, and on further motion of the same gentleman, the Amendment was indefinitely postponed in non-concurrence.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action of June 5 whereby Senate Amendment "A" was adopted, and on further motion of the same gentleman, the Amendment was indefinitely postponed in non-concurrence.

The same gentleman then offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-518) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker and Ladies and Gentlemen of the House: I owe it to this House to briefly explain what this new amendment attempts to accomplish. I think it straightens out everyone's, or those who did have objections to this pilot's bill, I think it overcomes all the objections. There is actually three pages here telling what it does, but I won't make any attempt to read it. The hour is late, but I will touch on a few high spots.

Number one of course, where we have indefinitely postponed Senate Amendment "A", this was rather a peculiar amendment which assessed a fine on the masters or the owners of a vessel if they inadvertently carried a pilot to sea. The original portion of the bill read that they would have to pay the pilot \$75 a day. Now not only Senate Amendment "A", but this entire section has been eliminated and there will be no payment to carry pilots to sea or neither will there be any fine on masters or owners of the vessels.

There were some who offered objections to the effect that this formed a small union, it only affected four men. This figure has been changed and enlarged so it will allow for twelve pilots to be on the river should the trade increase and it be necessary. So it is no small union or it is no closed shop. It further, rather than putting all the duties on a Pilots Commission, it places the pilots under title 5 of the hearing commissioner just like other agencies of the state. If there are grievances; they are hailed before the administrative hearings commissioner and they are on the same level with all others in the law.

There have been some other technicalities straightened out and the bill now is really in a very very good condition and I don't think anyone would have any

objections. I now move, Mr. Speaker, that this bill be passed to be engrossed.

The SPEAKER: The pending question is the adoption of House Amendment "A". Is this the pleasure of the House?

The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Members of the House: I simply would like to ask Mr. Dennett, if he cares to answer, whether or not it is the same four men that are going to determine whether anyone gets to be a pilot so that we can get up to this figure, up to twelve. I didn't see anything in the amendment that indicated this. I could very well have missed it.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker, no, these four men would not determine who would be pilots, it would be the pilotage board which would be appointed by Governor and Council that would determine who the pilots would be.

Thereupon, House Amendment "A" was adopted and the Bill passed to be engrossed as amended in non-concurrence and sent up for concurrence.

The Chair laid before the House the fifth item of Unfinished Business:

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

Tabled — June 10, by Mr. Berman of Houlton.

Pending — Passage to be engrossed.

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

The Chair laid before the House the sixth item of Unfinished Business:

Bill "An Act Establishing a Full-time Administrative Hearing Commissioner" (H. P. 1252) (L. D. 1577)

Tabled—June 10, by Mr. Rideout of Manchester.

Pending—Motion of Mr. Hewes of Cape Elizabeth to reconsider passage to be engrossed as amended by House Amendments "A" H-493 and "B" H-506.

The pending motion to reconsider prevailed.

On motion of Mr. Hewes of Cape Elizabeth, under suspension of the rules, the House reconsidered its action on June 10 whereby House Amendment "B" was adopted.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. HEWES: Mr. Speaker, I now move the indefinite postponement of House Amendment "B".

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, moves the indefinite postponement of House Amendment "B".

The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: If you look at House Amendment "A" H-506, my amendment, that was adopted on the bill on June 10, exactly what this amendment does, it takes away from the bill a precedent that is being established on section 2 of the bill on page 2, where by an act of the Legislature the hearing commissioner would be appointed by the Legislature for seven years. I think this is establishing a very bad precedent. I will not debate the merits of the bill. I think the merits of the bill itself is a very good thought, but to establish the precedent that the Legislature, not the Governor and Council, will do the appointing and confirmation of an appointment for seven years is very much in error. So therefore, I hope you will vote against the motion to indefinitely postpone the amendment.

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

Mr. HEWES: Mr. Speaker and Members of the House: In support of the pending motion to indefinitely postpone the amendment, I wish to point out that L. D. 1577, by that bill we are creating a new full-time administrative hearing commissioner. At the present time he is a part-time man, a gentleman named Mr. Robinson