

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 17, 1969 to July 2, 1969

Index

1st Special Session

January 6, 1970 to February 7, 1970

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

with our fearless leader, that we reconsider this matter so that it will be given further consideration.

The PRESIDENT: As many Senators as are in favor of the motion of the Senator from Kennebec, Senator Katz, that the Senate suspend the rules for the purpose of reconsidering its action whereby this bill was passed to be engrossed will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Twenty-seven Senators having voted in the affirmative, and three Senators having voted in the negative, the motion prevailed.

Thereupon, on motion by Mr. Katz of Kennebec, and under suspension of the rules, the Senate voted to reconsider its action whereby Conference Committee Amendment "A" (H-705) was Adopted.

On further motion by the same Senator, Conference Committee Amendment "A" (H-705) was Indefinitely Postponed in non-concurrence and the Bill Passed to be Engrossed in non-concurrence.

Under suspension of the rules, sent down forthwith for concurrence.

The President laid before the Senate a matter tabled earlier in today's session, by Mr. Katz of Kennebec:

Bill, "An Act Establishing a Human Rights Commission" (H. P. 1439) (L. D. 1814).

Pending — the motion by the Senator from Kennebec, Senator Katz, that the Senate reconsider its action whereby the Senate Insisted and Joined in a Committee of Conference.

Mr. Katz of Kennebec was then granted leave to withdraw his motion for reconsideration.

The PRESIDENT: The Chair, in examining the debate and records of this bill in this body, is using the prerogatives of the Chair and is changing the Committee of Conference to:

Senators:

TANOUS of Penobscot
 VIOLETTE of Aroostook
 CONLEY of Cumberland

(Off Record Remarks)

Out of order and under suspension of the rules, the Senate voted to take up the following:

**Committee Report
 House**

Ought to Pass as Amended

The Committee on Judiciary on Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (Emergency) (H. P. 1412) (L. D. 1779).

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (L. D. 1846).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (L. D. 1846) as Amended by House Amendments "B" (H-709) and "C" (H-714) thereto and House Amendment "B" (H-711).

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" (L. D. 1846), was Read and House Amendment "B" (H-709), to Committee Amendment "A" was Read.

The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: Mr. President, a point of inquiry: What are the Filing Numbers of House Amendment "B" and "C"?

The PRESIDENT: The Filing No. of House Amendment "B" to Committee Amendment "A" is H-709. House Amendment "C" to Committee Amendment "A" is H-714.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: We have House Amendment No. 709 to Committee Amendment "A", or House Amendment "B" to Committee Amendment "A", which removes a feature put in the omnibus bill to correct an error in a bill that has been passed and enacted dealing with the requirement for getting permits from the State for dredging and filling of great ponds and tributaries thereto, and which was an attempt to regulate the issuance of licenses where developers are creating bodies of

water adjacent to great ponds and don't have to get permits to do it because of the technicality. The bill was passed, as I say, enacted, and signed by the Governor and became law. It was found out that in the bill, by error, was put the words that this was on state land. This was not what was intended; it was intended to apply everywhere.

This had a full hearing, it was thoroughly discussed, and it was an attempt to create this wasting of our landscape. The purport of House Amendment 709, House Amendment "B" to Committee Amendment "A", is to negate this provision which was put in the omnibus bill to correct it and, consequently, I would move the indefinite postponement of House Amendment "B" to Committee Amendment "A" in non-concurrence.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that House Amendment "B" to Committee Amendment "A" be indefinitely postponed in non-concurrence. Is this the pleasure of the Senate?

The motion prevailed.

House Amendment "C" (H-714), to Committee Amendment "A" was Read and Adopted in concurrence and Committee Amendment "A", as Amended by House Amendment "C" thereto, was Adopted in non-concurrence.

House Amendment "B" (H-711), was Read and Adopted in concurrence.

The PRESIDENT: The Senate will be at Ease.

(Senate at Ease)

Called to order by the President.

On motion by Mr. Katz of Kennebec, the Senate then voted to reconsider its action whereby it Adopted Committee Amendment "A" as Amended by House Amendment "C" thereto in non-concurrence.

On further motion by the same Senator, the Senate voted to reconsider its action whereby it Indefinitely Postponed House Amendment "B" to Committee Amendment "A".

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I would hope that the Senate would adopt the action of the House in concurrence without any further amending. This is a lengthy complicated bill. It may very well be that any one specific amendment is not completely to your liking — they are not all that good or all that bad — but they have had a substantial amount of debate and I hope you would go along in concurrence on this bill to advance our adjournment.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: That is about the most specious argument I have heard here this session. We have plenty of time to debate these things, and just to say that because a bill is in the engrossed stage and if we defeat an amendment on a time angle alone — this is a pretty poor argument. The defeat of this amendment, as this Senate acted, will put on the law books of the State an L. D. which this legislature passed, and it is a technicality that it didn't. I don't see the argument that it is poor legislation to correct an error of this magnitude. I would hope that this body would defeat House Amendment "B" (H-709) to Committee Amendment "A" (L. D. 1846).

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Bernard.

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: I certainly would agree with the comments that we just heard from Senator Berry of Cumberland. This amendment deals with a bill that has to do with environmental improvement, no matter how you look at it. I know that during the regular session we worked very hard in this area. I certainly hope that the members are consistent in putting forward a good strong bill to protect our environment.

The PRESIDENT: The pending question before the Senate is the adoption of House Amendment "B" to Committee Amendment "A". As many Senators as are in favor of

the Adoption of House Amendment "B" (H-709) to Committee Amendment "A" (L. D. 1846) will say "Yes"; those opposed, "No".

A viva voce vote having been taken and the Chair, being in doubt, ordered a division. Eleven Senators having voted in the affirmative, and seventeen Senators having voted in the negative, the motion did not prevail.

House Amendment "B" (H-709) was then Indefinitely Postponed in non-concurrence.

Committee Amendment "A" (L. D. 1846), as Amendment by House Amendment "C" (H-714) thereto, was Adopted in non-concurrence.

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

Mr. Conley of Cumberland then moved that the Bill be tabled until later in today's session, pending Passage to be Engrossed.

On motion by Mr. Katz of Kennebec, a division was had. Four Senators having voted in the affirmative, and twenty-four Senators having voted in the negative, the motion did not prevail.

Thereupon, the Bill, as Amended, was Passed to be Engrossed in non-concurrence.

Under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table: An Act to Appropriate Moneys for Necessary Items and Miscellaneous Changes for the Fiscal Years Ending June 30, 1970 and June 30, 1971, (S. P. 643) (L. D. 1818)

The same Senator then presented Senate Amendment "E" and moved its Adoption.

Senate Amendment "E", Filing No. S-454, was Read.

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

Mr. VIOLETTE of Aroostook: Mr. President, I move the indefinite postponement of Senate Amendment "E" and I request a division.

The PRESIDENT: The Senator from Aroostook, Senator Violette, moves that Senate Amendment "E" be indefinitely postponed and requests a division.

The Chair recognizes the Senator from Androscoggin, Senator Bernard.

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: In looking over Senate Amendment "E", I can realize the importance of this document; it concerns our State Museum. In checking downstairs with the personnel that are involved, I understand a considerable length of time is necessary to prepare a display, and this would fund the museum in order to give them the money that they need to set up this display. It takes a considerable length of time, and I understand that by the time that the building is ready they would just about have ample time to prepare one display. This is what this document will do. I am all for it, and I would oppose the motion by Senator Violette of Aroostook.

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

Mr. KATZ of Kennebec: Mr. President, this is a worthwhile amendment. I am very familiar with it as this is the fourth time that I have seen it within the last few weeks. It is the fifth time, because it didn't quite make it into the pre-legislative leadership meeting, and I approve of the motives. The first time that it went down to the other body it lost 135-0. The second time it picked up some additional support. We are in non-concurrence with the other body now on this. I would request a division, and I shall vote for the motion to indefinitely postpone with great reluctance.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Aroostook, Senator Violette, that Senate Amendment "E" (S-454) be indefinitely postponed. A division has been requested. As many Senators as are in favor of the indefinite postponement of Senate