

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume II

April 23, 1973 to June 5, 1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act to Create a Department of Conservation. (S. P. 465) (L. D. 1521)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

An Act Relating to Qualifications for Jury Service of 18-year-old Voters. (S. P. 496) (L. D. 1583)

An Act Amending the Laws Relating to Community Mental Health Service. (H. P. 483) (L. D. 627)

An Act to Amend the Snowmobile Laws. (H. P. 787) (L. D. 1039)

(On motion by Mr. Greeley of Waldo, placed on the Special Highway Appropriations Table.)

An Act Relating to Registration of Farm Motor Trucks having 2 or 3 Axles. (H. P. 950) (L. D. 1247)

(On motion by Mr. Greeley of Waldo, placed on the Special Highway Appropriations Table.)

An Act to Clarify Procedures under the Municipal Public Employees Labor Relation Act. (H. P. 1100) (L. D. 1436)

An Act to Allow Coastal Wardens to Inspect Holders of Licenses or Permits. (H. P. 1310) (L. D. 1740)

Which, except for the tabled matters, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

The President laid before the Senate the matter temporarily set aside at the request of Mr. Shute of Franklin:

An Act to Create a Department of Conservation. (S. P. 465) (L. D. 1521)

Pending — Enactment.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE: Mr. President and Members of the Senate: I note that in the document it doesn't include the Sea and Shore Fisheries, nor does it include the Fish and Game Department. I recognize this as a document for the good Senator from Penobscot, Senator Sewall, and before I am prompted to move

for the indefinite postponement of this, I would like to have an explanation of why this isn't a device to get in the back door of establishing a Department of Conservation without any real meaning to it, because it is my firm belief that we should have Inland Fish and Game and we should have Sea and Shore Fisheries in any Department of Conservation, if it is going to have any meaning to it. I would like to address this question through the Chair to Senator Sewall or anybody on the State Government Committee who will respond to it.

The PRESIDENT: The Senator from Franklin, Senator Shute, has posed a question through the Chair which any Senator may answer if he desires.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I think that the question can be divided into two parts very easily. The Fish and Game Department is a political hot potato, and any attempt to include it in the Department is going to scuttle the chances of letting that legislation go through. This happened at the last session, and I don't think the winds have changed one bit. On the Department of Marine Resources, however, Sea and Shore Fisheries is an extremely large and increasingly expanding operation of state government, and that certainly should be by itself and, as Senator Shute from Franklin has said, there is good legislation going through doing this. I think that this bill, frankly, is a very, very good realistic approach to the establishment of the Department of Conservation.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE: Mr. President, just for the record, I would like to move indefinite postponement and ask for a division.

The PRESIDENT: The Senator from Franklin, Senator Shute, now moves that An Act to Create a Department of Conservation be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Richardson.

Mr RICHARDSON: Mr. President and Members of the Senate: I share some of Senator Shute's concern, but early on in the session I became convinced that an effort to place the Department of Inland Fisheries and Game within the proposed Department of Conservation was simply not a realistic legislative goal.

Secondly, I would like to reinforce, if I may, the comments of the Senator from Cumberland, Senator Berry, concerning the Department of Marine Resources, which is L.D. 1972, which is number seven on tabled and today assigned matters, page 11 of your Senate Advance Journal and Calendar. The Department of Marine Resources bill, of which I am very pleased to be the sponsor, is designed to upgrade marine resources and the problems of those who earn their livelihood from the sea to cabinet level status within the administration of state government. I don't know whether or not the Senator from Franklin, Senator Shute, had any other problems with this bill, but I certainly don't think that the failure to include Inland Fisheries and Game within it is a serious problem as ultimately it is going to happen.

Thirdly, I would hope that the Department of Marine Resources bill would be permitted ultimately to receive passage, and that the Senator would not withhold his support for the Department of Conservation on the grounds that Sea and Shore Fisheries is not included within it.

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

Mr. SPEERS: Mr. President and Members of the Senate: I would like to echo the sentiments mentioned by the good Senator from Cumberland, Senator Berry.

Really, on the issue of conservation we could include a great number of departments in the state government probably in a Department of Conservation. The particular bill, as it now stands, does include the Department of Forestry

and the Department of Parks and Recreation. And as a number of Senators have mentioned here this morning, the Department of Sea and Shore Fisheries is being reorganized into a Department of Marine Resources, and I would simply like to say that Marine Resources really encompasses a great deal more than simply conservation in that there certainly should be a great deal of emphasis placed upon the commercial value as well as the conservation value of marine resources of the State of Maine.

As far as the Department of Inland Fisheries and Game is concerned this presents a very unique tack on the part of those who oppose this particular bill. The committee was provided with a great deal of amusement at the public hearing at the time that those who opposed the bill two years ago so very strenuously and effectively came before the committee and said, "Well, now we favor the concept of the Department of Conservation, we really do, but we just don't see why it should not include the Department of Inland Fisheries and Game. We would not be opposed to this particular piece of legislation if the Committee on State Government in its wisdom amended this bill to include the Department of Inland Fisheries and Game." Well, it provided, as I mentioned, a great deal of amusement for the committee, but the political realities of the situation have not changed one iota and, therefore, the committee did not go along with this somewhat insincere suggestion. I would oppose, therefore, the motion of the good Senator from Franklin, Senator Shute, to indefinitely postpone this bill.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL: Mr. President and Members of the Senate: I won't belabor the merits of the creation of this new department. Suffice it to say that I believe that it is a good measure. I think it is a measure that is aimed at consolidating some of these state agencies who are concerned in the

same general area of land use, land development, land controls and various other matters which can be grouped in a feasible way.

I can assure the good Senator from Franklin, Senator Shute, that I would be glad to talk with him further on this if he has other questions, but I do believe that Parks and Recreation, forestry and the newly created, or will be created, Board of Public Lands will be very compatible agencies, and I certainly hope his motion to indefinitely postpone this measure will not prevail.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Franklin, Senator Shute, that An Act to Create a Department of Conservation be indefinitely postponed. As many Senators as are in favor of the motion to indefinitely postpone this bill will please say "Yes"; those opposed "No".

A viva voce vote being taken, the motion did not prevail.

Thereupon, the Bill was Passed to be Enacted and, having been signed by the President was by the Secretary presented to the Governor for his approval.

Resolve, Authorizing the Commissioner of Mental Health and Corrections to Lease Land in Windham to the Maine State Society for the Protection of Animals. (S. P. 617) (L. D. 1928)

Which was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

An Act Making Current Service Appropriations from the General Fund for the Fiscal Year Ending June 30, 1974. (S. P. 627) (L. D. 1949)

(On motion by Mr. Sewall of Penobscot, tabled and Tomorrow Assigned, pending Enactment.)

Emergency

Resolve, to Develop a Comprehensive Development Concept for Maine Mountain Areas and Provide Funds for a Preliminary Plan. (S. P. 542) (L. D. 1694)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

Orders of the Day

The President laid before the Senate the first tabled and specially assigned matter:

House Report — from the Committee on Labor — Bill, "An Act to Permit Associations for the Promotion of the Pulpwood Industry." (H. P. 423) (L. D. 572) Ought to Pass Report.

Tabled — June 1, 1973 by Senator Tanous of Penobscot.

Pending — Acceptance of Report.

Thereupon, the Ought to Pass Report of the Committee was Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

The President laid before the Senate the second tabled and specially assigned matter:

House Reports — from the Committee on State Government — Bill, "An Act to Provide a Maine Citizen's Preference on State Civil Service." (H. P. 678) (L. D. 885) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

Tabled — June 1, 1973 by Senator Speers of Kennebec.

Pending — Acceptance of Either Report.

On motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending Acceptance of Either Report.

The President laid before the Senate the third tabled and specially assigned matter:

Bill, "An Act to Correct Errors and Inconsistencies in the Fish and Game Laws." (S. P. 645) (L. D. 1980)

Tabled — June 1, 1973 by Senator Tanous of Penobscot.

Pending — Passage to be Engrossed.

Mr. Tanous of Penobscot then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-204, was Read.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Tanous.