

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 6, 1973 to July 3, 1973

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

conferred with members of the Personnel Board in connection with this Conference Committee Report.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Report of the Committee of Conference in concurrence?

Thereupon, the Committee of Conference Report was Accepted in concurrence and the Senate voted to Recede and Concur.

Senate Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on, Bill, "An Act to Extend the Deadline for Mandatory Shoreland Zoning." (H. P. 1538) (L. D. 1968) ask leave to report: that the Senate recede and concur with the House and Pass the Bill to be Engrossed as Amended by House Amendment "B" (H-478).

On the part of the Senate:

SCHULTEN of Sagadahoc
CUMMINGS of Penobscot
MARCOTTE of York

On the part of the House:

MARTIN of Eagle Lake
ROLDE of York
HERRICK of Harmony

Which report was Read and Accepted.

Thereupon, the Senate voted to Recede and Concur and the Bill, as Amended by House Amendment "B", was Passed to be Engrossed.

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

Committee Reports

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

Senate

Bill, "An Act Relating to Claims Against the State and Immunity of State Officers and Employees," (S. P. 232) (L. D. 668)

Reports that the same Ought Not to Pass.

Which report was Read and Accepted.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

Enactors

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

An Act Reconstituting and More Effectively Coordinating the Maine Commission on Drug Abuse and the Division of Alcoholism and Providing an Alternative Sentencing for Violators of Drug Laws. (S. P. 635) (L. D. 2008)

On motion by Mr. Minkowsky of Androscoggin, tabled until later in today's session, pending Enactment.

Orders of the Day

The President laid before the Senate the following matter of Unfinished Business:

Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 678) (L. D. 2044)

Tabled — June 22, 1973 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

Mr. Shute of Franklin then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-258, was Read.

The PRESIDENT: The Senator has the floor.

Mr. SHUTE: Mr. President and Members of the Senate: This is an amendment having to do with an oversight in the law that was already passed, and I believe if you will refer to the chapter number you will find that the two are in conflict, and the Attorney General's Department asked that this amendment be put on the Errors and Inconsistencies.

Thereupon, Senate Amendment "B" was Adopted.

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

Senate Amendment "A", Filing No. S-256, was Read.

The PRESIDENT: The Senator has the floor.

Mr. COX: Mr. President and Members of the Senate: Earlier this session we enacted a bill that did away with people serving on two boards of banks that are of a different nature, such as persons under this bill could not serve on a savings bank's board of directors

and a commercial bank's at the same time. Included in those items that were excluded were bank holding companies. Somehow or other, when we drafted the grandfather clause of three years, we omitted bank holding companies and, when this becomes effective, they would be the only banking institutions that would not be able to go the next three years, so this amendment takes care of that problem.

Thereupon, Senate Amendment "A" was Adopted. On motion by Mr. Berry of Cumberland, retabled, pending Passage to be Engrossed.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the eighth tabled and unassigned matter:

HOUSE REPORTS — from the Committee on Marine Resources — Bill, "An Act to Change the Lobster License to the Boats, Increase License Fees and to Limit the Number of Licenses." (H. P. 1221) (L. D. 1578) Majority Report — Ought Not to Pass, Minority Report — Ought to Pass in New Draft and New Title: Bill, "An Act to Conserve, Manage and Regulate Lobster Fishery." (H. P. 1614) (L. D. 2031)

Tabled — June 21, 1973 by Senator Berry of Cumberland.

Pending — Acceptance of Either Report.

Mr. Huber of Knox then moved that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

Mr. Danton of York requested a division on the motion.

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

Mr. RICHARDSON: Mr. President, I think it might be very appropriate if the Committee on Marine Resources, which the Senator from York, Senator Danton, and I have enjoyed serving upon so much, could indicate to the members of the Senate why we are now apparently burying the last of the Mohicans insofar as doing something about our lobster fishery is concerned.

It is my understanding, and I hope the Senator will correct me if I am in error, that this is indeed

the last vehicle which this legislature has to enact any changes whatever in our laws relating to lobsters.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Huber.

Mr. HUBER: Mr. President and Members of the Senate: The Senator from Cumberland, Senator Richardson, is exactly right; this is the last vehicle as far as lobster legislation is concerned. I think you realize we held this bill for quite some time, knowing full well that with this one, or another committee bill that was recommended also in the lobster legislation field, we expected that we might be able to get one or the other.

The reason for the motion, and the disagreeable feeling perhaps, is that it is unrealistic to buck the 106 to 20 vote that was garnered in the other branch last week on the other piece of legislation which is very, very similar to this one. We made every effort to come up with something that would be acceptable to a very fine, thin majority in either branch, and obviously were not very successful at all as far as we were concerned with our friends at the other end of the corridor.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Knox, Senator Huber, that the Senate accept the Majority Ought Not to Pass Report of the Committee. A division has been requested. As many Senators as are in favor of accepting the Majority Ought Not to Pass Report of the Committee will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

The Chair recognizes the Senator from Cumberland, Senator Richardson.

Mr. RICHARDSON: Mr. President, I would request the vote be taken by the Yeas and Nays.

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. As many Senators as