

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

1st Special Session

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume II

MARCH 7, 1974 TO MARCH 29, 1974

Index

Legislative Ethics Committee Report

the Governor the right to regulate speed limits that this is contained in that bill. But that particular bill was amended in the House whereby the Governor would have to call the legislature into session after ninety days of using his authority under that bill. Frankly, I can't see the need to call the legislature into special session to confirm an act of regulating the speed on our highways. For that reason, I have backed off in my opposition to this particular bill. My philosophy hasn't changed as far as delegating additional powers to department heads, but with the tacit understanding the omnibus bill will contain an amendment which will have to be confirmed by the Governor and Council, I can perhaps buy this much of it. Thank you.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, this being an emergency measure and having received the affirmative votes of 27 members of the Senate was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 953) (L. D. 2606)

Tabled — March 25, 1974 by Senator Tanous of Penobscot.

Pending — Passage to be Engrossed.

(Senate Amendment "A" (S-427)

(Senate Amendment "B" (S-428)

Mr. Berry of Cumberland then presented Senate Amendment "E" and moved its Adoption.

Senate Amendment "E", Filing No. S-432, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. BERRY: Mr. President and Members of the Senate: This amendment clarifies some problems which have existed on the problem of deferred compensation for state employees. You will recall this is a program whereby one can set aside money for future receipt and it has

income tax advantages. This was prepared by the office of the Attorney General, with Bill Siebert and Mr. Williams of the Bureau of Administration and Finance. I move its adoption.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "E"?

The motion prevailed.

Mr. Brennan of Cumberland then presented Senate Amendment "F" and moved its Adoption.

Senate Amendment "F", Filing No. S-433, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. BRENNAN: Mr. President and Members of the Senate: Very briefly, what this amendment does, it would no longer be required for the Public Employees Labor Relations Board to wait seven days before it would step into a dispute where an unfair or prohibited labor practice has been alleged. In effect, it would allow the Board to act much more expeditiously. I sponsored the amendment on behalf of the director of that Board.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "F"?

The motion prevailed.

Mrs. Cummings then presented Senate Amendment "L" and moved its Adoption.

Senate Amendment "L", Filing No. S-440, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. CUMMINGS: Mr. President and Members of the Senate. This merely makes it possible for the Liquor Commission to not hold a public hearing before granting the liquor license to the charitable institutions. Otherwise they would have had to wait a week before they could have gotten the permission and, as was pointed out previously, usually these charitable institutions are run by amateurs and perhaps in a week they would not get it in on time.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate: I cannot

understand the purpose of this amendment. These hearings have been conducted in the past and have had some half-way decent results. I cannot see why this amendment should be added to the inconsistencies bill at this time. If it is correcting an error in chapter 747 as it states, I cannot see where that error has ever been implemented. So I move for indefinite postponement of the amendment.

The PRESIDENT: The Senator from York, Senator Hichens, now moves that Senate Amendment "L" be indefinitely postponed.

The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President and Members of the Senate: We have enacted the bill, and we have also enacted the first amendment to the bill which did away with the twenty days notice that had to be given to the Liquor Commission before they were allowed to give permission for these charitable institutions to sell liquor at their fund-raising things. This is actually just to expedite something that we have already passed.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: I am placed in an awful predicament. I can understand Senator Cummings's request. I am of the opinion that any of these proposed amendments to the omnibus bill that are presented from the floor, if there is any question, or if there is any feeling that it is a substantive change, then I feel, as chairman of that particular committee, I have got to vote with anyone who might object to any of these proposed amendments. Thank you.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from York, Senator Hichens, that Senate Amendment "L" be indefinitely postponed. As many Senators as are in favor of the motion to indefinitely postpone Senate Amendment "L" will please say "Yes"; those opposed "No".

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

Thereupon, Senate Amendment "L" was Adopted.

Mr. Speers of Kennebec then presented Senate Amendment "H" and moved its Adoption.

Senate Amendment "H", Filing No. S-436, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. SPEERS: Mr. President and Members of the Senate: This particular amendment was drafted by the Attorney General's office. It has to do with the State Fire Marshal's office. Anyone who has looked at the current state of that law recognizes that it is a confusing mishmash of statutory language at the present time. This amendment was drafted by the Attorney General's office to try and clarify that problem. There has been a problem arise in the City of Gardiner out of which it was soon discovered that the present statutory language is inadequate and confusing, and this language is designed to clarify the powers of that office.

The PRESIDENT: Is it now the pleasure of this Senate to adopt Senate Amendment "H"?

The motion prevailed.

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

Senate Amendment "G", Filing No. S-434, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. SHUTE: Mr. President and Members of the Senate: This is not an error nor is it an inconsistency; it is an oversight. The statement of fact tells you the story on this. Our constitutional officers were overlooked when raises were granted effective April 1st, and this amendment would correct that situation. It would have the salaries of the four constitutional officers made effective April 1st to conform with the effective date of salaries of other state officers and employees as enacted previously by this legislature.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "G"?

The motion prevailed.

Mr. Speers of Kennebec then

presented Senate Amendment "K" and moved its Adoption.

Senate Amendment "K", Filing No. S-439, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. SPEERS: Mr. President and Members of the Senate: We passed a bill in the regular session of the 106th with language in a certain manner, and passed another bill in this special session to change another aspect of the bill, but in the reenactment of the same language we reverted back to the language that was present prior to our enactment of the bill in the regular session. So this particular amendment makes the bill we enacted in this special session conform to the language of the bill that we enacted in the regular session.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "K"?

The motion prevailed.

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

Senate Amendment "C", Filing No. S-429, was Read.

The PRESIDENT: The Senator has the floor.

Mr. TANOUS: Mr. President and Members of the Senate: This particular amendment seeks to amend part of our Land Use Law. Apparently there is a serious difference of opinion as to the interpretation of an act we enacted in 1973. There were two words that they couldn't find a definition for dealing with areas discernible as having relatively homogenous patterns. The individuals that I talked with relative to this on both sides of the fence felt that these two words were just impossible to define, so they thought it would be best to omit them from the existing law.

Also we are amending section 43B of title 12, and it doesn't make any substantive change except that it cleans up the language, and this I have been assured by both parties. If anybody has any serious objections to this, who feel it is doing any more than that, then don't hesitate to say so.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "C"?

The motion prevailed.

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

Senate Amendment "D", Filing No. S-431, was Read.

The PRESIDENT: The Senator has the floor.

Mr. TANOUS: Mr. President and Members of the Senate: As an explanation of Senate Amendment "D" that I have offered just now, this merely reenacts the entire hospital district law for the City of Caribou. Apparently they came back at this session to increase their bond issue, and when they did they neglected to extend the life of their hospital district. Apparently their attorney was supposed to include that in the proposed amendment. Because of the self-destructive date in the bill, the present law is no longer in effect. Everybody up there has agreed they should extend the life of their hospital district bill.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "D"?

The motion prevailed.

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

Senate Amendment "I", Filing No. S-437, was Read.

The PRESIDENT: The Senator has the floor.

Mr. TANOUS: Mr. President and Members of the Senate: This amendment, I would say, is substantive in nature, and I leave it up to you for your discretion. This deals with the per diem fee charged by the board for the Maine Veterans Small Loan Act. Apparently, when they enacted this particular law they were having monthly meetings and they were being paid \$25 per monthly meeting. Since the enactment of that law, because of the increase of duties on the part of the board, they are meeting much more often than once a month, and they would like to amend it so that they would be paid \$25 for each meeting, as they had felt originally was the intention of the law. They don't need any additional appropriation because they feel that the present appropriation is substantial

enough to take care of any additional cost.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "I"?

The motion prevailed.

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

Senate Amendment "N", Filing No. S-442, was Read.

The PRESIDENT: The Senator has the floor.

Mr. SHUTE: Mr. President and Members of the Senate: This past winter has been a season of disaster for the ski areas, the resort areas. Two of the major ones are in the area that I am concerned with: Saddleback and Sugarloaf. This amendment, if it is passed, would relieve these areas from undue hardship because of the lack of snow and because of the energy crisis which has been with us, and would waive the dollar food requirements for one year only, for 1975, for renewal of a Class A liquor license. But in no event, in no event, would the commission be authorized to waive the volume of 60 percent food sales. I think this is a reasonable request.

Again, my friend from York will suggest that this is neither error nor inconsistency, but it is of an emergency nature. The license for next year will be based on the dollar food sales of 1974, and they just haven't been able to effect this kind of sale to qualify for a Class A license because they haven't had the people there. I think this is a reasonable request, and I move its adoption.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "N"?

The motion prevailed.

Thereupon, on motion by Mr. Tanous of Penobscot, tabled pending Passage to be Engrossed.

Papers from the House

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

Enactors

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

An Act Amending the Elderly

Householders Tax and Rent Refund Act to Improve Benefits. (H. P. 2050) (L. D. 2584)

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

An Act to Establish Guidelines for Release of Accused Persons Pending Trial. (S. P. 946) (L. D. 2594)

An Act Clarifying the Regulation of Roadside Cutting Practices. (S. P. 948) (L. D. 2596)

An Act to Authorize Interagency Transfer of the Supervision and Control of Public Lands. (H. P. 2073) (L. D. 2600)

An Act Creating the Maine Consumer Credit Code. (H. P. 2043) (L. D. 2582)

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

Committee Reports House

Ought to Pass in New Draft

The Committee on Education on, Bill, "An Act Creating the Maine Education Commission and Vesting in the Commission Certain Responsibilities." (H. P. 1917) (L. D. 2454)

Reports that the same Ought to Pass in New Draft under New Title: "An Act Creating the Post-secondary Education Commission of Maine" (H. P. 1917) (L. D. 2454)

Comes from the House, the Bill in New Draft Passed to be Engrossed.

Which report was Read and Accepted in concurrence and the Bill in New Draft Read Once. Under suspension of the rules, the Bill was then Read a Second Time and Passed to be Engrossed in concurrence.

Under further suspension of the rules, sent forthwith to the Engrossing Department.

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

Joint Resolution — Creating a Task Force on Mental Health Study. (S. P. 913)

Tabled — February 25, 1974 by Senator Berry of Cumberland.