

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

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

to do it, why, we will have to do it at the next regular session. Accordingly, I move that this Joint Order be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that this Joint Order be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: The good Majority Floorleader has certainly stated the case well. There has been a federal court decision that has come down and states very clearly and emphatically that we can no longer use patients to work in the hospitals and, therefore, we do need an appropriation if we are going to discontinue that practice. I would say that we have had two bills, one in the regular session and one also in the special session, asking for an amount of money to be able to pay the patients. Unfortunately, we don't know if we are going to have a law suit on our hands or not, so it is just a matter of time that we are going to face up to that responsibility.

The PRESIDENT: Is it now the pleasure of the Senate that this Joint Order be indefinitely postponed?

Thereupon, the Joint Order was Indefinitely Postponed.

Reconsidered Matter

On motion by Mr. Tanous of Penobscot, the Senate voted to take from the table the following unassigned matter:

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

Tabled — earlier in today's session by Mr. Tanous of Penobscot.

Pending — Passage to be Engrossed.

Mr. Tanous of Penobscot then moved that the Senate reconsider its action whereby the Senate Adopted Senate Amendment "N".

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

Mr. SHUTE: Mr. President and Members of the Senate: I would request a division on that motion. I indicated to

the Senate members earlier that you may consider this a substantive change. I did not fly it under false colors whatsoever. I indicated the problem of the ski resort areas and the restaurants that are in these areas are in deep trouble this year because of lack of patronage, lack of snow, and lack of gasoline for the patrons to get there. Unless something is done about this particular liquor law which will self-destruct next year, then these restaurants with Class A licenses will be in deep trouble. I would ask for a division on the motion.

The PRESIDENT: A division has been requested. The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I don't know if all of us are cognizant of what may be happening to the winter recreation business, but I sure hope we can make this one small expression of support and not remove this from the omnibus bill.

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

Mr. HICHENS: Mr. President and Members of the Senate: I am sorry I disappointed you all when the amendment was originally put on because even the sponsor was amazed that I didn't get up on my feet. But a bill similar to this amendment, I understand, was prepared about a month ago and was refused entrance into the legislative session. I also understand that it hasn't been the owners of these different resorts that have applied for this but it was the Liquor Commissioner. It was the Liquor Control Commissioner who made this appeal. Now, apparently it is because he wants the business and felt that he has been suffering because of the lack of snow and the energy crisis and so forth. If they are going to help the ski operators in these areas, why not do something for the gas station operators. They are certainly taking it in the neck, so why not put in some licenses so they can sell beer or liquor to make up for their losses, and go a little farther even beyond that. This has been no error in the inconsistencies law. This is a substantive change in the

law and I do not feel that it should be allowed. I am going to ask for a roll call on the reconsideration motion.

The PRESIDENT: A roll call has been requested. The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE: Mr. President and Members of the Senate: I dislike taking issue with my good friend from York County, Senator Hichens. Licensees in the resort areas aren't necessarily operators of ski resorts. They are the people that have invested thousands of dollars in the ski industry because of the people who patronize ski areas. They come to Maine and they spend their money and they stay for a period of time but this year they have not. Because of the shortage of snow and gasoline, the people who operate these restaurants have appealed to the only person in state government they feel can help them, and that is the Commissioner, and the Commissioner has indeed come to the legislature. But don't you think that I haven't heard from these individuals throughout my area complaining about their problem. But they don't know what to do and I didn't really know the answer to it, and I was unaware of the fact that a bill had been entered some four weeks ago, or beyond this time period, which would have relieved them from this problem. However, at that time they still had some measure of winter left and they thought they might bail themselves out. But last Thursday's storm only brought another four inches of snow to the ski areas and it is still a disaster, and spring has already started. There is really no hope in sight for these people unless some kind of relief is given them, and this is a very small measure of relief.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that the Senate reconsider its action whereby it adopted Senate Amendment "N" to L. D. 2606. A roll call has been requested. 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. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously less than one-fifth having arisen, a roll call is not ordered. The Chair will order a division. As many Senators as are in favor of the motion of the Senator from Penobscot, Senator Tanous, that the Senate reconsider its action whereby it adopted Senate Amendment "N" will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Six Senators having voted in the affirmative, and 14 Senators having voted in the negative, the motion did not prevail.

Mr. Hichens of York then presented Senate Amendment "O" and moved its Adoption.

Senate Amendment "O", Filing No. S-443, was Read.

The PRESIDENT: The Senator has the floor.

Mr. HICHENS: Mr. President and Members of the Senate: This bill was passed in the regular session granting monies for group home services throughout the state. It was the intent of the committee that it would allow the department to have capital construction or purchase buildings in order to conduct these group home activities, but when it was implemented or attempted to be implemented about a month ago, it was the decision of the Attorney General that the Bill as passed did not include purchase of buildings or capital construction. So in order for them to proceed, I have presented this amendment and I move its adoption.

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

The motion prevailed.

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

Mr. TANOUS: Mr. President, we are slowly running out of letters in the alphabet and, under the circumstances, I would move the engrossment of this bill.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, now moves that Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws", as amended, be passed to be engrossed. Is this the pleasure of the Senate?

Thereupon, the Bill, as Amended, was Passed to be Engrossed.

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

(Senate at Ease)

Called to order by the President.

Reconsidered Matter

On motion by Mr. Tanous of Penobscot, the Senate voted to reconsider its prior action whereby Bill, "An Act Relating to the Dredging, Filling or Otherwise Altering of Rivers, Streams and Brooks", (H. P. 2053) (L. D. 2588), was Passed to be Engrossed.

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

Senate Amendment "B", Filing No. S-444, Was Read.

The PRESIDENT: The Senator has the floor.

Mr. TANOUS: Mr. President and Members of the Senate: Earlier in the session we enacted a resolve, which was

sponsored by Senator Shute, dealing with dredging rights for the Town of Bingham. On the particular bill before us, there is a serious question that it might possibly repeal by reference the resolve which was enacted by this legislature, and the purpose of the amendment is to make certain that this particular bill does not in fact repeal by reference the resolve. I want to thank Senator Anderson for bringing this to my attention earlier yesterday.

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

Thereupon, Senate Amendment "B" was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Under suspension the rules, sent down forthwith for concurrence.

On motion by Mr. Sewall of Penobscot, Adjourned until 10:00 o'clock tomorrow morning.