

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

***One Hundred and Fifth  
Legislature***

**OF THE**

**STATE OF MAINE**

**Volume III**

**June 16, 1971 to June 24, 1971**

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**1st Special Session**

**January 24, 1972 to March 10, 1972**

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**KENNEBEC JOURNAL  
AUGUSTA, MAINE**

## UNIVERSITY OF MAINE

at Portland-Gorham

January 27, 1972

Mrs. Bertha W. Johnson  
 Clerk of the House  
 105th. Legislature, Special Session  
 State House  
 Augusta, Maine 04330

Dear Mrs. Johnson:

Submitted under separate cover is my analysis of the returns from the statewide survey of seniors as ordered by the 105th. Legislature in House Order number 1349.

The problems encountered in the analysis are described in detail in the report itself as well as verbally to the sponsor of the Order, Mr. Cottrell of Portland.

Respectfully yours,

(Signed) MERRILL E. COBB  
 Dr. Merrill E. Cobb, Chairman  
 Department of Secondary  
 Education University of Maine  
 at Portland-Gorham

The Communication was read and with accompanying papers ordered placed on file and sent up for concurrence.

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**Orders**
**Tabled Later in the Day**

Mr. Ross of Bath presented the following Joint Resolution and moved its adoption:

WHEREAS, during the regular session of the 105th Legislature, two bills were determined by the Legislature to have been validly initiated by the electors of the State of Maine pursuant to Article IV, Part Third, Section 18 of the Constitution of the State of Maine, namely, a Bill, I. B. 1, entitled "AN ACT Repealing the Maine Income Tax Law", and a Bill, I. B. 2, entitled "AN ACT Relating to the Form of Ballots in General Elections"; and

WHEREAS, the 105th Legislature did not enact either one of said bills without change, nor adopt any competing measures and transmitted both measures to the Governor with a recommendation that both measures be referended pursuant to the Constitution without a competing measure; and

WHEREAS, both measures were transmitted to the Governor pursuant to the Constitution; and

WHEREAS, the electors initiating both bills specifically requested that if the Legislature should not enact the proposed measures without change that the measures be referred to the people at a special election ordered by proclamation of the Governor to be held not less than four nor more than six months after such proclamation; and

WHEREAS, the 105th Legislature adjourned without day on June 24, 1971, and the Governor issued a proclamation on July 1, 1971, setting November 2, 1971, as a referendum date upon the initiated bill, I.B. 1, entitled "AN ACT Repealing the 'Maine Income Tax Law'", which referendum was held on November 2, 1971; and

WHEREAS, the Governor of the State of Maine has the clear constitutional duty to issue the proclamation pursuant to Article IV, Part Third, Section 18 of the Constitution within a reasonably short period of time after the Legislature adjourned without day, which now was over 221 days ago; and

WHEREAS, the Governor of the State of Maine has promised the petitioners in writing that he would issue a proclamation so that the bill entitled "AN ACT Relating to the Form of Ballots in General Elections" could be referended on June 19, 1972; and

WHEREAS, the Governor of the State of Maine has failed to perform his constitutional duty and his written promise; and

WHEREAS, the Superior Court for Kennebec County in the case of Kelly v. Curtis, Civil Action Docket No. 911 determined on January 31, 1972, that the Governor has failed to do his duty and has ordered him to issue the proclamation required by the Constitution; and

WHEREAS, one of the most fundamental rights of the people in the Constitution of Maine is to initiate and vote upon initiated measures;

NOW, THEREFORE, BE IT RESOLVED: By the Members of the House of Representatives and the Senate of the 105th Legislature in special session that they respectfully request and urge the Honor-

able Kenneth M. Curtis to perform his ministerial constitutional duty as Governor of Maine and issue forthwith the proclamation pursuant to Article IV, Part Third, Section 18 calling the special election in I.B. 2, "AN ACT Relating to the Form of Ballots in General Elections," to comply with the Court's order or judgment.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. Susi: Mr. Speaker and Ladies and Gentlemen of the House: Both parties would like to caucus on this item after we have gone through our calendar this morning. For that reason I would hope that you would support a motion to table this until later in the session.

Thereupon, on motion of Mr. Ross of Bath, tabled pending adoption and later today assigned.

**House Report of Committee  
Divided Report**

Majority Report of the Committee on Taxation reporting "Ought to pass" on Bill "An Act Providing for a Change in Standard Deductions in Income Tax Law" (H. P. 1547) (L. D. 2003)

Report was signed by the following members:

Messrs. WYMAN of Washington  
HICHENS of York  
FORTIER of Oxford  
—of the Senate.  
Messrs. TRASK of Milo  
FINEMORE

of Bridgewater  
MORRELL of Brunswick  
COLLINS of Caribou  
McCLOSKEY of Bangor  
COTTRELL of Portland  
—of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. CYR of Madawaska  
DAM of Skowhegan  
ROSS of Bath  
—of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, I move that we accept the Majority "Ought to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Members of the House: Although I signed the Minority "Ought not to pass" Report, I would hope that in this special session on Divided Reports we would go along and debate them in third reading. Consequently I go along with the motion of Mr. Finemore.

Thereupon, the Majority "Ought to pass" Report was accepted, the Bill read twice and tomorrow assigned.

**Passed to Be Engrossed**

Bill "An Act relating to the Change of Name of Junior Achievement of Greater Portland, Inc." (S. P. 699) (L. D. 1880)

Bill "An Act to Make Additional Allocations from the General Highway Fund for the Fiscal Year Ending June 30, 1973" (S. P. 708) (L. D. 1889)

Bill "An Act relating to Traffic-control Signals" (S. P. 722) (L. D. 1994)

Bill "An Act Increasing Borrowing Capacity of York Sewer District" (H. P. 1499) (L. D. 1941)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

**Third Reader  
Tabled and Assigned**

Bill "An Act relating to Filling Vacancies in Board of Trustees of Sanford Sewerage District" (H. P. 1501) (L. D. 1943)

Was reported by the Committee on Bills in the Third Reading and read the third time.

(On motion of Mr. Marsh of Hampden, tabled pending passage to be engrossed and tomorrow assigned.)

**Amended Bill**

Bill "An Act relating to the Regulation of Private Detectives" (S. P. 702) (L. D. 1883)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.