

# 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**

**SENATE**

Thursday, February 17, 1972  
Senate called to order by the President.

Prayer by the Rev. David Holroyd of Gardiner.

Reading of the Journal of yesterday.

**Papers from the House  
Joint Order**

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Veterans and Retirement be directed to report out a bill relating to restoration to state service of any state retiree. (H. P. 1573)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**Orders**

On motion by Mr. Berry of Cumberland,

**ORDERED**, the House concurring, that Trooper Roger E. Drake, Security Officer of the Senate, be and hereby is authorized to attend the Legislative Security Training Seminar; and be it further

**ORDERED**, that the said Roger E. Drake be allowed his necessary expenses including seminar fees, if any. (S. P. 761)

Which was Read and Passed.

Sent down for concurrence.

Mr. Berry of Cumberland was granted unanimous consent to address the Senate.

Mr. BERRY: Mr. President and Members of the Senate: The long awaited Supreme Court decision dealing with the problem of the setting of the date for voting on the "Big Box" was issued last night and, in part, it is in the morning papers. This is an event which all of us who have viewed the matter dispassionately over the past several months have been waiting for. I do not want, of course, to read the whole decision, but there are several pertinent quotations that I will give you that I know you are, in some instances, literally hanging on my words to hear.

I am quoting from the opinion issued February 17th in John N.

Kelly v. Kenneth M. Curtis, in his capacity as Governor of the State of Maine. The Court says: "The Governor by interrogatories has announced his intention to proclaim a special election to be held in conjunction with the general election in November, 1972. We now hold that this proposed action is forbidden by the mandate of the Constitution. . ."

"On the date when this complaint was instituted (January 7, 1972) more than six (6) months had passed since the adjournment without day of the legislative session at which the initiative petitions were addressed to the Legislature containing a request for gubernatorial proclamation of special election. We declare as a matter of law that in the circumstances of this case a time span exceeding six (6) months cannot qualify as the reasonably short time after adjournment", which was last June, "contemplated by the Constitution."

I think the final quotation will sum this up rather well. "The Governor not having proclaimed a special election 'within a reasonably short time' after adjournment as we interpret that phrase, it is now his duty to issue his proclamation immediately."

Now, let us hope that the Governor will do this.

**Committee Reports  
House****Ought to Pass — As Amended**

The Committee on Labor on, Bill, "An Act to Provide for Administrative Enforcement of the Municipal Public Employees Labor Relations Law." (H. P. 1548) (L. D. 2007)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-535).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as

Which report was Read and Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" was Read, House Amendment "A" to Committee Amendment "A" was Read and Amended by Committee Amendment "A" as Amended by House Amendment "A" Thereto (H-539).