

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

Volume II

May 21, 1975 to July 2, 1975

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

Augusta, Maine

Dear Mr. Secretary:

The House today voted to Reject the Report of the Committee of Conference on Bill "An Act to Establish Job Development, Placement and Follow-up Services in Secondary Schools" (S. P. 476) (L. D. 1609).

Respectfully,

Signed:

EDWIN H. PERT
Clerk of the House

Which was Read and Ordered Placed on File.

Papers from the House

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

Non-concurrent Matter

Joint Order (S. P. 538) Relative to Legislaive Council being authorized through Committee on Natural Resources to study the matter of solid waste problems of this State.

In the Senate June 23, 1975, Read and Passed as Amended by Senate Amendment "A" (S-342).

Comes from the House, Senate Amendment "A" Indefinitely Postponed and the Order Read and Passed, in non-concurrence.

On motion by Mr. Cianchette of Somerset, the Senate voted to Insist and Ask for a Committee of Conference.

Non-concurrent Matter

Bill, "An Act to Establish Rules for Legislative Investigating Committees." (H. P. 898) (L. D. 1085)

In the House June 20, 1975, Passed to be Engrossed as Amended by House Amendment "A" (H-789).

In the Senate June 23, 1975, Leave to Withdraw report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference, with the following Conferees appointed on its part:

KELLEHER of Bangor
COONEY of Sabattus
BIRT of East Millinocket

On motion by Mr. Curtis of Penobscot, the Senate voted to Insist and Join in a Committee of Conference.

Committee Reports

House

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 Provisions of the Energy Emergency Proclamation." (H. P. 1152) (L. D. 1446) (Emergency)

have had the same under consideration, and ask leave to report: That the House recede from passage to be engrossed, adop Conference Committee Amendment "A" (H-819), and pass the bill to be engrossed as amended by Conference Committee Amendment "A" (H-819); that the Senate recede from indefinite postponement, adopt Conference Committee Amendment "A" (H-819), and pass the bill to be engrossed as amended by Conference Committee Amendment "A" (H-819).

On the part of the House:

KELLEHER of Bangor
FINEMORE of Bridgewater
MARTIN of Eagle Lake

On the part of the Senate:

ROBERTS of York
MARCOTTE of York
TROTZKY of Penobscot

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

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 Change the Participation of Employees in the Classified Service in Political Campaigns." (H. P. 1041) (L. D. 13331) have had the same under consideration, and ask leave to report: that the Senate recede from its action whereby it Passed the Bill to be Engrossed, a amended; recede from its action whereby it adopted Committee Amendment "A" (H-364), as amended by Senate Amendment "A" thereto (S-278); recede from its action whereby it adopted Sente Amendment "A" to Committee Amendment "A" and indefinitely postpone same; indefinitely postpone Committee Amendment "A"; adopt Conference Committee Amendment "A" (S-359), submitted herewith; and Pass the Bill to be Engrossed, as amended by Conference Committee Amendment "A"; that the House recede from its action whereby it Passed the Bill to be Engrossed, as amended; recede from its action whereby it adopted Committee amendment "A", as amended by ouse Amendment "C" thereto (H-760); recede from its action whereby it adopted House Amendment "C" to Committee Amendment "A" and indefinitely postpone same; indefinitely postpone Committee Amendment "A"; adopt Conference Committee Amendment "A" submitted herewith; and Pass the Bill to be Engrossed, as amended by Conference Committee Amendment "A", in concurrence.

On the part of the Senae:

CORSON of Somerset
CARBONNEAU of Androscoggin
COLLINS of Knox

On the part of the House:

STUBBS of Hallowell
BOUDREAU of Portland

Which report was read and Accepted.
Sent down for concurrence.

Papers from the House

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

Joint Order

WHEREAS, the Department of Inland Fisheries and Wildlife is currently funded largely from fees charged for licenses issued by the department; and

WHEEAS, maintenance of the present high level of services rendered by the department, as well as the constnt rate of inflation, have made necessary a sharp increase in license fees; and

WHEREAS, legislative attempts to make the necessary license fee increases have met with grave difficulties in deciding which license categories should bear what fees; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council, through the Joint Standing Committee on Fisheries and Wildlife, be authorized to study the feasibility of funding the operations of the Department of Inland Fisheress and Wildlife out of the General Fund and of abolishing the dedicated revenues of the Fish and Game Fund; and be it further

ORDERED, that the Council report the results of its findings together with any

proposed recommendations and necessary implementing legislation to the next special or regular session of the Legislature; and be it further

ORDERED, Upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to said agencies as notice of this directive. (H. P. 1771)

Comes from the House, Read and Passed.

Which report was Read.

On motion by Mr. Speers of Kennebec, tabled pending Passage.

Orders

On motion by Mr. Pray of Penobscot,

WHEREAS, the needs of the Department of Inland Fisheries and Wildlife have necessitated an increase in certain hunting and fishing license fees; and

WHEREAS, Legislative Document 566, introduced in the regular session of the 107th Legislature, attempted to raise many of the license fees issued by the Department of Inland Fisheries and Wildlife; and

WHEREAS, the effect of increasing various license fees on the economy of this State and the problem of equitable fees for the various license categories have caused great discussion in the Legislature, a discussion which is not yet resolved; now, therefore, be it

ORDERED, the House concurring, that a Special Joint Committee be established, to consist of 4 Senators to be appointed by the President of the Senate and 6 Representatives to be appointed by the Speaker of the House, which shall study the subject matter of Legislative Document 566, and shall make recommendations as to the desirability of this proposed legislation and of any needed modifications; and be it futher

ORDERED, that the members of this Joint Select Committee shall be entitled to be reimbursed for necessary travel expenses and to be paid per diem, the amount for per diem not to exceed \$25 per day; and be it further

ORDERED, that there is allocated from the legislative account the sum of \$1,000 to provide for reimbursement of travel expenses and for the payment of per diem; and be it further

ORDERED, that the Council report the results of its findings together with any proposed recommendations and necessary implementing legislation to the first special session of the Legislature and be it further

ORDERED, Upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to said agencies as notice of this directive. (S. P. 604)

Which report was Read.

On motion by Mr. Speers of Kennebec, tabled pending Passage.

Committee Reports

House

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council and Reassign its Constitutional Powers to the Governor. (H. P. 16) (L. D. 24)

have had the same under consideration, and ask leave to report: That the House recede from passage to be engrossed, indefinitely postpone Committee

Amendment "A" (H-583), adopt Committee Amendment "B" (H-584), adopt pass the bill to be engrossed as amended; that the Senate recede from passage to be engrossed, indefinitely postpone Committee Amendment "C" (H-585), adopt Committee Amendment "B" (H-584), and pass the bill to be engrossed as amended in concurrence.

On the part of the House:

ROLDE of York
COONEY of Sabattus
SUSI of Pittsfield

On the part of the Senate:

COLLINS of Knox
BERRY of Cumberland
DANTON of York

Comes from the House, the report Read and Accepted.

Which report was Read.

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

Mr. CURTIS: Mr. President and Members of the Senate: I am just a little reluctant to make this statement, but this is a topic that has been of considerable concern to me for a number of years. This is the third session in which I sponsored a resolution to change the Maine Constitution to abolish the executive council and to replace it with the Senate as the confirming body. I am disappointed that at a time when we would expect the executive council might very well be abolished, and it would be replaced with an entity of state government much more accountable directly to the people, that the committee of conference has brought forth not the abolition of a branch of government but the abolition of the executive council and the replacement of it with a new organization, this time comprised of five members of the House and five members of the Senate.

I think that the proposal, the report from the committee of conference, lacks that direct accountability which the people would expect, and I think that it is important that we not panic when we are talking about revising the Maine Constitution.

I have viewed with some dismay an article in the paper this morning that quoted the chief executive as requesting to have any kind of bill to abolish the executive council placed on his desk so that he could sign it and send it to the people. Well, I think it is important when we are talking about the State of Maine government, and particularly about our constitution, that we understand the process that is involved. Of course, no resolution to change the executive council or to in any other way amend the Constitution of the State of Maine would ever go to the desk of the Governor. That is a legislative responsibility, requiring a vote of two-thirds of each house of the Maine Legislature, and then referral directly to the people of the State for a vote by a majority.

Because of my concern about the accountability factor, because I feel that an additional council comprised of five members of the House and five members of the Senate would only result in more bickering, more campaigning, as it were, at the beginning of each biennium by perhaps rejected candidates for leadership positions, or perhaps by leaders themselves, and because I think that we ought not to provide an arrangement by which people who are nominated for high positions in state government, judges of our Supreme Judicial Court, the justices

on our Superior Court, commissioners of very important departments, are not to be subjected to yet another entity of state government comprised of representatives of each branch of the legislature.

The simple, the smooth way, the method which is used by our federal government, and which I think we ought to use in this state, is to have the confirmation reside in one body directly elected by the people, who are directly accountable to the people every two years in an election, and that would be the Senate.

For that reason, Mr. President, I move that we reject the report of the conference committee and that we request a second committee of conference.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Thereupon, on motion by Mr. Speers of Kennebec, tabled until later in today's session, pending the motion by Mr. Curtis of Penobscot to Reject the Committee of Conference Report.

Enactors

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

An Act to Authorize the Board of Environmental Protection to Regulate the Anchorage of Vessels in Maine Waters. (H. P. 1700) (L. D. 1933)

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Mr. O'LEARY: Mr. President and Members of the Senate: Just last week this body voted more than 2-to-1 to indefinitely postpone this bill and all of its accompanying papers and then voted against reconsideration. Because of our amendment procedure, this bill is back before us once again. This body, without the opportunity of looking at the House Amendment under Filing H-816, voted to recede and concur. This was apparently with the belief that the Coastal Resources Action Committee was telling the truth about their intent. I believe they thought that in our haste to adjourn we could easily be duped.

Let's take this bill point by point, and I will be brief. Point No. 1, this bill is not necessary because Coast Guard directive 1-75 spells out every safeguard that is in this bill. Current Coast Guard policy is: (a) that the proposed lay-up is safe; (b) — and this is what we are really talking about that the lay-up is environmentally sound; (c) that the proposed lay-up does not unduly obstruct navigable waters; and (d) in the case of foreign flag tankers, that the proposed lay-up is in the national interest.

Point No. 2 is that this bill runs counter to agreements that the United States Government may have with foreign flag vessels under operations. Captain of the port approval of a proposal of lay-up of foreign flag vessels must await message of authorization from the Commandant, U. S. Coast Guard. And I must remind you that ten working days are required for interagency screening subsequent to receipt of the following information: 1, the name of the vessel; 2, the flag of registry; 3, the deadweight tonnage; 4, the owner; 5, the agent or local representative; 6, where the vessel will anchor or be berthed; 7, other pertinent information.

Point No. 3, now what we are saying in House Amendment "B", under Filing H-816, is that ten working days as provided

in Coast Guard directive 1-75 will be only a seven day period. What the amendment says is on page 3, under section 6, "Prohibition. No person shall have a vessel anchorage in Maine waters for more than seven days without a current license from the board." I would submit to you here today that you have heard Senator Trotzky tell you, and he was telling you the truth, the board meets twice a month, or about once each 15 days.

This bill has been very poorly researched. The seven-day provision of this bill is unworkable. This bill came in very late, and perhaps some of our leaders had a lot of influence on it being allowed; I will not argue that, but I will say that the original bill dealt only with the regulation of tankers in Casco Bay.

House Amendment "B" changes the title also. It regulates the anchorage of vessels in all Maine waters. It would seem to me that the author of this bill, along with CRAC, is saying we will be lsb by going for half a loaf; let's go for the whole loaf. And what really gets me is the fact that this bill, as now amended, hasn't had a public hearing. No one else along the coast of this state will have had even an opportunity of telling us that they would or would not like to have this. It may be that we can legally do it, but I would submit to each of you here today it is morally right? I would suggest that the good Senator from Somerset, Senator Cianchette, was right when he asked that we defer this bill to the special session.

The Senator from Cumberland, Senator Conley, says that the prime concern of this bill is not to make Hussey sound a graveyard for tankers. How ridiculous can we get. Each of these vessels are registered, and in no way can they be left there to just rot away. The same Senator seems to forget that every major tank vessel that goes into the Port of Portland leaves anywhere from \$35,000 to \$75,000. This is exclusive of any long-term major overhaul and repairs to the local businesses of Portland. I would say this is a pretty nice chunk of money. If I were to be a recipient of it, you can feel sure that I would not see it as the other good Senator from Cumberland County, Senator Berry, who sees it as visual pollution. I would see it as dollars. There are just too many millions of dollars invested in these vessels to allow them to lie there and rust away.

I might also add that at the present time there is not — and I will repeat that — there is not a lobster trap in that area of Hussey Sound that we are talking about in this bill.

I would like to read to you a little bit from this Coast Guard notice 01-75. In the case of the United States flag vessels, the captain of the port may proceed in accordance with the below listed guidelines without waiting for authorization from the Commandant of the United States Coast Guard. The captain of the port will direct matters dealing with laid up tankers in accordance with the below listed guidelines: (a) the captain of the port will require the applicant to submit in writing a comprehensive proposal for the lay-up of tankers singly or in nests. This proposal will identify the party responsible for the vessel or vessels in lay-up and will specify in detail satisfactory to the captain of the port plans for the safe and pollution free lay-up. These will include: 1, specific location of anchorage or berth of the lay-up; assurances that cargo tanks, adjacent cofferdams, ballast tanks, pumping