

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

There being no objection, all matters previously acted upon in today's session requiring concurrence were sent down forthwith for concurrence.

On motion by Mr. Huber of Cumberland, the Senate voted to take from the Special Appropriations Table the following:

An Act to Provide Funds to Pine Tree Legal Assistance, Inc., for Continued Legal Representation for Those in Need. (S. P. 133) (L. D. 438)

On further motion by Mr. Huber of Cumberland, and under suspension of the rules, the Senate voted to reconsider its former action whereby the Bill was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-378, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Thereupon, under further suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Huber of Cumberland, the Senate voted to take from the Special Appropriations Table the following:

An Act Creating the Post-Secondary Education Commission of Maine. (S. P. 344) (L. D. 1160)

On further motion by Mr. Huber of Cumberland, and under suspension of the rules, the Senate voted to reconsider its former action whereby the Bill was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-379, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Thereupon, under further suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Huber of Cumberland, the Senate voted to take from the Special Appropriations Table the following:

An Act to Create the Maine Fishing Gear Damage Fund. (H. P. 1489) (L. D. 1681)

On further motion by Mr. Huber of Cumberland, and under suspension of the rules, the Senate voted to reconsider its former action whereby the Bill was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-374, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Thereupon, under further suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Huber of Cumberland, the Senate voted to take from the Special Appropriations Table the following:

An Act Relating to School Dropouts and to Potential School Dropouts. (H. P. 1442) (L. D. 1702)

On further motion by Mr. Huber of Cumberland, and under suspension of the rules the Senate voted to reconsider its former action whereby the Bill was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-377, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Thereupon, under further suspension of

the rules, sent down forthwith for concurrence.

On motion by Mr. Huber of Cumberland, the Senate voted to take from the Special Appropriations Table the following:

An Act to Establish the Maine Vocational Development Commission. (H. P. 1458) (L. D. 1785)

On further motion by Mr. Huber of Cumberland, and under suspension of the rules, the Senate voted to reconsider its former action whereby the Bill was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-380, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Thereupon, under further suspension of the rules, sent down forthwith for concurrence.

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

Joint Order — H. P. 1775

Tabled — earlier in today's session by Mr. Speers of Kennebec.

Pending — Passage.

On further motion by Mr. Speers of Kennebec, the Joint Order Received Passage in concurrence.

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

Joint Order — Relative to Legislative Council study of standards for services and materials in the eye care industry. (H. P. 1764)

Tabled — June 24, 1975 by Senator Cummings of Penobscot.

Pending — Passage.

(In the House — Read and Passed.)

On further motion by Mr. Speers of Kennebec, the Joint Order was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

Joint Order — Relative to Legislative Council study of models and plans of health care services. (H. P. 1774)

Tabled — June 25, 1975 by Senator Speers of Kennebec.

Pending — Passage.

(In the House — Read and Passed.)

On further motion by Mr. Speers of Kennebec, the Joint Order was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

Joint Order — Relative to Legislative Council, thru Committee on Judiciary, to be authorized to study the Statute of this State relating to divorce. (S. P. 605)

Tabled — June 25, 1975 by Senator Speers of Kennebec.

Pending — Passage.

On further motion by Mr. Speers of Kennebec, the Joint Order received Passage.

Sent down for concurrence.

On motion by Mr. Huber of Cumberland,

the Senate voted to take from the Special Appropriations Table the following:

Resolution, Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature and to Change the Date of Convening of the Legislature. (H. P. 1510) (L. D. 1827)

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its former action whereby the Bill was Passed to be Engrossed.

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its former action whereby Conference Committee Amendment "A" was Adopted.

The same Senator then moved that Conference Committee Amendment "A" be Indefinitely Postponed.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: It is my understanding that Conference Committee Amendment "A" puts a requirement on the legislature to limit the sessions by statute. That is my understanding. And I understand that the maneuvering here is to further amend this constitutional amendment to put in restrictions as to the types of materials that can be submitted in the second annual session. I certainly am in accord with limitations on the type of business which can be entered in the second regular session of the legislature, but I wondered if the people involved in these amendments could indicate whether or not we would have the restriction, be it by statute, which would require the legislature to put a time limitation on the legislative session.

The PRESIDENT: The Senator from Androscoggin, Senator Clifford, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I certainly couldn't accept Senate Amendment "A", so I would oppose this motion.

The PRESIDENT: The pending question is the motion by the Senator from Cumberland, Senator Huber, that Conference Committee Amendment "A" to L. D. 1827 be indefinitely postponed.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President, I would oppose the postponement if in fact there is going to be no time restriction by statute. I proposed an amendment in this body which was accepted in this body, which was not accepted in the other body, which put a constitutional time limit on the length of the sessions. I understand that is not possible to pass, I accept that fact, but it seems to me that it is important to have some kind of restriction, and that statutory restriction appeared to me to be a reasonable one.

I certainly would hope that we could retain some kind of restriction because I think that has been debated in here at length before — and I don't want to go into it again — but I think the issue involved here is the citizen legislature, and I would hope that we would not postpone this amendment unless there was going to be another similar restriction offered in one of the other amendments.

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

Mr. CURTIS: Mr. President and

Members of the Senate: I hope that the pending motion is successful. We debated this at some length earlier and you may recall that, at least in my opinion, it is not wise to have a specific number of days in a session of the Maine Legislature.

The amendment, Senate Amendment "E", which we would be adopting, would have the restrictions, I believe, that the previous speaker suggested. It does not have a specific restriction in terms of numbers of days but it would restrict the matters that could come before the second regular session of the Legislature to, first of all, budgetary matters; secondly, those items included in the Governor's call; thirdly, those items which would be considered emergency; fourth, those matters which were the result of committee studies; and finally, those matters which were initiated by petition of the people.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I supported quite vigorously the limitation by days on the second session, and I hope I am vigorously opposed to limiting the second session by subject matter. The amendment proposed by Senator Huber goes into the definite subjects which could be handled at the special session. If you were to look these over, I think you would admit that we could get into all kinds of arguments as to whether a piece of legislation could or could not be introduced within the purview proposed in this amendment, which I think underscores the objections to this type of limitation.

I think it is too bad at the late hour of this session to upset a Conference Committee Report. If it is intended to kill the bill, I would rather kill the bill than put on something that I consider totally unworkable. I appreciate that Senator Curtis of Penobscot says that is his opinion, and I think some of us have other opinions that are divergent. So I would share Senator Clifford's opposition, perhaps with different reasons, but just an enthusiastic, and would vote against the adoption of this amendment when presented. Also, I would urge you to vote against the rejection of the Conference Committee Amendment.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President and Members of the Senate: I would like to clear up some confusion. Unfortunately, my amendment to this bill has been shown as Senate Amendment "E", whereas the amendment we are considering right now Senator Hichens' amendment, which is also distributed as Senate Amendment "E". This is where some of the confusion lies.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: I don't believe there is any confusion as to what we are debating now. We are debating the indefinite postponement of the Conference Committee Amendment, as I understand it. And the Conference Committee Amendment does not do what the good Senator from Penobscot, Senator Curtis, implied that it does. What the Conference Committee Amendment does is merely

say and require the legislature to set limits by statute as to the length of the legislative session. There is no specific length in the amendment. It merely allows the legislature, in its wisdom, to set reasonable limits within which the legislature should work. And I would hate to see that provision eliminated from the constitution, because I think the issue which is involved here is the citizen as opposed to the full-time legislature, and I come down in favor of the citizen legislature.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Huber, that Conference Committee Amendment "A" be indefinitely postponed.

The Chair will order a division. Will all those Senators in favor of the motion to indefinitely postpone Conference Committee Amendment "A" please rise in their places until counted.

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, I would request a roll call.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I would like to ask a procedural question, if I could, to anyone who may care to answer. I would like to know if the indefinite postponement of the Conference Committee Amendment is necessary in order for the other amendments circulated, one by Senator Hichens and one by Senator Huber, to be offered.

The PRESIDENT: The Chair would advise the Senator the answer to his question is yes, because the proposed amendments would be inconsistent with the present Conference Committee Amendment "A".

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President and Members of the Senate: It is my understanding that the Conference Committee proposal requires the establishment by statute of a limited number of days within which the second regular session of the legislature could meet. What I would like to suggest is that it is important and essential that we accept the pending motion to reject that Conference Committee Amendment, so that we may accept in the constitution the proposal that has been made, or will be offered, under Senate Amendment "E".

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: I merely suggest that although the way the amendments are presently written there may be an inconsistency, but there is nothing inconsistent with having both of those types of restrictions in the constitution.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, if that is the case, would it not be possible to table this action until an amendment could be prepared to that effect, and then

indefinitely postpone this committee amendment?

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I would like to point out the fact that we are in a fairly involved situation here, and I would predict that this legislation might fall apart very quickly if we play much longer with it. I think this is a very good reason that the vote that was taken by a standing vote should be repeated at the roll call and this legislation left intact.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Cumberland, Senator Huber, that the Senate indefinitely postpone Conference Committee Amendment "A". A "Yes" vote will be in favor of indefinitely postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Collins, Corson, Cummings, Curtis, Gahagan, Hichens, Huber, Merrill, Speers, Thomas, Trotzky, Wyman.

NAYS: Senators Berry, E.; Berry, R.; Carbonneau, Cianchette, Clifford, Conley, Cyr, Graffam, Graham, Greeley, Johnston, McNally, O'Leary, Pray, Reeves, Roberts.

ABSENT: Senators Danton, Jackson, Katz, Marcotte.

A roll call was had. 12 Senators having voted in the affirmative, and 16 Senators having voted in the negative, with four Senators being absent, the motion did not prevail.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: My opposition to the postponement of the Conference Committee Report was based on the narrow ground that I believe in restrictions on legislative sessions, and I certainly would not be averse to considering amendments that have been offered previously if we could get further restrictions on the sessions which I don't think would be incompatible. I understand that there are no amendments presently before the body to that effect, but it was not my intention to kill the annual sessions. I certainly would willingly support a constitutional amendment which had sufficient restrictions on the sessions because I think that is a very important issue.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I would like to pose a gentle question to the Chair as to whether or not the Chair could not have been in error in regards to ruling that it was necessary to indefinitely postpone the Conference Committee Amendment in order for these amendments to be offered.

The PRESIDENT: The Chair has been advised by the Secretary that these amendments are inconsistent with the Conference Committee Amendment "A".

Is it now the pleasure of the Senate to adopt Conference Committee Amendment "A"?

Thereupon, Conference Committee Amendment "A" was Adopted and the Resolution, as Amended, Passed to be Engrossed.

On motion by Mr. Huber of Cumberland,

placed on the Special Appropriations Table.

On motion by Mr. Speers of Kennebec, the Senate voted to take from the table the following Specially Assigned matter:

An Act Increasing the State Gasoline Tax. (H. P. 1055) (L. D. 1332)

Tabled earlier in today's session by Mr. Speers of Kennebec.

Pending Enactment.

On motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending Enactment.

Orders of the Day

The President laid before the Senate the first tabled and Specially Assigned matter:

House Report — from the Committee on Taxation — Bill, "An Act to Levy Surcharge on Alcoholic Beverages Sold at Other than State Stores" (H. P. 1429) (L. D. 1690) Leave to Withdraw.

Tabled — June 25, 1975 by Senator Speers of Kennebec.

Pending — Acceptance of Report.

(In the House — the Report Read and Accepted.)

(In the Senate — the Report Read and Accepted; subsequently, Acceptance of Report was Reconsidered.)

On motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

The President laid before the Senate the second tabled and Specially Assigned matter:

House Report — from the Committee on Taxation — Bill, "An Act Concerning Taxes on Alcoholic Beverages" (H. P. 1001) (L. D. 1272) Leave to Withdraw.

Tabled — June 25, 1975 by Senator Speers of Kennebec.

Pending — Acceptance of Report.

(In the House — the Report Read and Accepted.)

(In the Senate — the Report Read and Accepted; subsequently Acceptance of Report was Reconsidered.)

On motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

The President laid before the Senate the third tabled and Specially Assigned matter:

House Report — from the Committee on Taxation — Bill, "An Act to Impose a Tax on Tobacco Products Other than Cigarettes" (H. P. 1394) (L. D. 1799) Leave to Withdraw.

Tabled — June 25, 1975 by Senator Speers of Kennebec.

Pending — Acceptance of Report.

(In the House — the Report Read and Accepted.)

(In the Senate — the Report Read and Accepted; subsequently Acceptance of Report was Reconsidered.)

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

Mr. SPEERS: Mr. President, I move this item lay on the table for one legislative day, which will be the 107th legislative day.

The PRESIDENT: The Chair would advise the Senator he is debating a tabling motion.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I move that this item be tabled for the 107th legislative day.

The PRESIDENT: The Chair recognizes

the Senator from Penobscot, Senator Cummings.

Thereupon, on motion by Mrs. Cummings of Penobscot, tabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

On motion by Mr. Huber of Cumberland, the Senate voted to take from the Special Appropriations Table the following:

An Act Extending Collective Bargaining Rights to University of Maine Employees. (S. P. 243) (L. D. 827)

On motion by Mr. Curtis of Penobscot, and under suspension of the rules, the Senate voted to reconsider its former action whereby the Bill was Passed to be Engrossed.

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

Senate Amendment "C", Filing No. S-383, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Thereupon, under further suspension of the rules, sent down forthwith for concurrence.

On motion by Mrs. Cummings of Penobscot,

Recessed until the sound of the bell.

After Recess

Called to order by the President.

Papers from the House

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

**Joint Resolution
STATE OF MAINE**

In the Year of Our Lord One Thousand Nine Hundred and Seventy-five

Joint Resolution Recognizing the Georges River Canal as an Historical Site

WHEREAS, as the Bicentennial of our country approaches, the people and Legislature of Maine become ever more mindful of the important heritage of our State; and

WHEREAS, the name of General Henry Knox, a famous Revolutionary War General and the first Secretary of War under George Washington, is prominently inscribed on the annals of the United States and of Maine; and

WHEREAS, the Georges River Canal, in Warren, was planned and developed by General Knox and exists today as an historical site; now, therefore, be it

RESOLVED: That We, the Members of the 107th Legislature now assembled in regular legislative session, hereby recognize, and urge the people of Maine and of the United States to recognize the Georges River Canal as an historical site of the State of Maine; and be it further

RESOLVED: That upon passage, suitable copies of this Resolution be sent by the Secretary of State to the Town of Warren and to the Maine League of Historical Societies. (H. P. 1778)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

Mr. Hichens of York was granted unanimous consent to address the Senate.

Mr. HICHENS: Mr. President and Members of the Senate: This request came a little late and was again written in a hurry, so you will have to excuse it for what it is.

On this the 26th of June as darkness clouds the skies

And we wearily wait further bills as sleepy grow our eyes

We must take just a moment to note this is the date

Of one of our staff's birthday — and though the greeting's late:

We pause to quote a birthday wish to one who serves us well

Day after day, month after month, he does his job real well.

He escorts all the Chaplains and the big wigs to their place.

Up by the President each day — the platform there to grace.

He runs us errands — makes life tough for some of us like me.

And I threaten to bring my daughter that her jiu jitsu he might see.

With the Senator from Hancock gone — Frank Anderson I mean.

He treats me somewhat better than he used to I have seen.

A sign of some improvement and it will be quite a job

To match him anywhere around, this gentleman named BOB.

So on this anniversary — let's all join the glad refrain

And wish a Happy Birthday to our great pal

BOB BEAUCHAINE!

(Applause, the members rising.)

Enactors

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

Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council and to Reassign its Constitutional Powers to the Governor and the Legislature, to Eliminate the Office of Notary Public as a Constitutional Office and to Prohibit Appointment of Legislators to Offices Requiring Approval of the Legislature for Appointment. (H. P. 16) (L. D. 24)

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

Mr. CURTIS: Mr. President and Members of the Senate: On this, what I hope will be a very historic occasion, I would like to express my appreciation to the other members of the Conference Committee from the Senate, Senator Corson of Somerset for his spirit and dedication to trying to achieve a workable reasonable compromise, to Senator Clifford of Androscoggin whose wisdom and experience was absolutely necessary in our deliberations; to the fine appointees of the Speaker of the House of Representatives, the Chairman, Representative Tierney of Durham who was certainly hard-working and diligent in attempting to find a workable solution, and to Representatives Carpenter of Houlton and Snowe of Auburn who had labored for many months on the State Government Committee, and whose hard-working efforts on that committee and on our Conference Committee, with the assistance of a number of staff people and other people who were involved finally brought us to this compromise and, I think, workable solution. The end result, in our opinion, will mean that the Maine Legislature will take one more step towards achieving its rightful place in the operation of our state government, that there will be fewer confirmations necessary in the future, only on those truly important matters, and that the joint standing committees of the Maine