

# 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

*One Hundred and Seventh  
Legislature*

OF THE

STATE OF MAINE

**Volume II**

May 21, 1975 to July 2, 1975

**Index**

KENNEBEC JOURNAL  
AUGUSTA, MAINE

## SENATE

Saturday, June 28, 1975

Senate called to order by the President.

Prayer by the Honorable Theodore S. Curtis, Jr., of Orono:

Let us Pray. Dear Lord, thank you for this beautiful day and for our loved ones. In a telephone conversation last night, my wife reported that our two-year-old daughter, Lynn, who had been eating strawberries in the garden, had informed her mother that she was having jellybeans from the tomato plants. Lord, thank you for guiding us through 108 days of this Legislature, help us to return safely to our homes, our families and the jellybeans on the tomato plants. Amen.

Reading of the Journal of yesterday.

Papers from the House  
House Paper

Bill, "An Act Relating to General Fund Aid to Local School Units." (H. P. 1784) (L. D. 1948)

Comes from the House. Passed to be Engrossed without Reference to Committee.

Under suspension of the rules, this Bill was given its First and Second Readings and Passed to be Engrossed in concurrence.

Thereupon, under further suspension of the rules, sent forthwith to the Engrossing Department.

## Enactors

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

## Emergency

An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1976 and June 30, 1977. (S. P. 609) (L. D. 1945)

This being an emergency measure and having received the affirmative votes of 22 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Mr. Conley of Cumberland.

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:

## Non-concurrent Matter

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)

In the Senate June 27, 1975, Fails of Final Passage.

Comes from the House. Passed to be Engrossed as Amended by Conference Committee Amendment "A" (H-491) and Houses Amendment "C" (H-851), in non-concurrence.

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

Mr. BERRY: Mr. President, I move the Senate adhere, and just very briefly I would say this: the condition of this resolution at the present moment is that it provides for a limitation on the subject matter that can be introduced at a special

session, confining it under House Amendment "C", which was just put on, H-851, to budgetary matters, matters in the Governor's call, and emergency matters.

The Conference Committee Amendment attempts to limit by number of days, but it does this by saying that the Legislature itself shall enact statutory limitations. In other words, the bill itself does not provide any limitations at all, as Senator Clifford was most anxious to do. I believe that Senator Clifford, if he were here, would be strongly opposed to this bill. I am opposed to it because of the subject limitation. Leadership feels that there is a \$900 price tag on here unless there is some kind of limitations on the bill. So with these viewpoints, I would urge everybody to vote to adhere.

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

Mr. MERRILL: Mr. President and Members of the Senate: Just so that there will be no misunderstanding, the Senator from Androscoggin, Senator Clifford, made it clear in the debate, and he made it clear in my discussion with him last night, that he would be very much satisfied with this bill if it had what was the committee amendment, and he would be more satisfied if it had the committee amendment and the amendment that was offered in the other body and was on the bill yesterday. I think that the Conference Committee Amendment when it originally came back, which is now on the bill, in essence, had the full support of the Senator from Androscoggin. I think it represents a good compromise because it doesn't write into the constitution specific limitation, but it puts this legislature under the gun to come up with one. I would hope that we could pass this resolution today and to have this one final element in the record of constitutional reform enacted today by the 107th.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President, I would pose a question through the Chair, if I could, to anyone who might care to answer. If we pass this matter before us now, will it require an appropriation?

The PRESIDENT: The Senator from Somerset, Senator Cianchette, 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 think an honest answer would be no, it doesn't appropriate any more money than the present setup.

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

Mr. CURTIS: Mr. President, when the vote is taken I ask for a division.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, it seems to me that it is too late in the day to fool around with the constitution, and I am going to vote against this.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Cumberland, Senator Berry, that the Senator adhere. Will all those Senators in favor of the pending motion please rise in their places until counted.

A division was had. Nine having voted in the affirmative, and 14 having voted in the

negative, the motion did not prevail.

Thereupon, on motion by Mr. Merrill of Cumberland, the Senate voted to Recede and Concur.

## Non-concurrent Matter

Bill, "An Act to Create a Full-time Board of Environmental Protection." (H. P. 931) (L. D. 1175)

In the House May 30, 1975, Passed to be Enacted.

In the Senate June 27, 1975, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

Mr. Pray of Penobscot moved that the Senate Adhere.

Whereupon, Mr. Trotzky of Penobscot moved that the Senate Recede and Concur.

On motion by Mr. Pray of Penobscot, a division was had. 12 having voted in the affirmative, and 12 having voted in the negative, the motion did not prevail.

Mr. Merrill of Cumberland then moved that the Senate Adhere.

On motion by Mr. Curtis of Penobscot, a division was had. 11 having voted in the affirmative, and 12 having voted in the negative, the motion did not prevail.

Mr. Berry of Cumberland then moved that the Senate Recede and Concur.

Whereupon, Mr. O'Leary of Oxford moved that the Senate Recede and, subsequently, Mr. Curtis of Penobscot requested a division.

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

Mr. SPEERS: Mr. President and Members of the Senate: For clarification, I would urge those who wish to recede and concur to go along with the motion to recede, and at that point a motion to concur may then be placed before the body. So those who would wish to see the matter passed to be enacted along with the House should vote in the affirmative on this motion to recede.

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

Mr. CURTIS: Mr. President, I would like to withdraw my request for a division.

The PRESIDENT: Is it the pleasure of the Senate to recede?

The motion prevailed.

Mr. Cianchette of Somerset then moved that the Bill and accompanying papers be Indefinitely Postponed and, subsequently, Mr. Curtis of Penobscot requested a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate: It seems as if we are at a stalemate in the late hours. I think the Senate has expressed its feeling on this bill a number of times, and I think it is time we stopped playing games and got this matter settled, got it out of the way and buried.

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

Mr. BERRY: Mr. President, all I can say is I think legislative adjournment would be speeded a great deal if we ended up by receding and concurring. I hope that we would defeat the motion and then concur.

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

Mr. TROTZKY: Mr. President and