

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

QUESTION NO. 2:

Would section 2 of Legislative Document 2247 (Exhibit A), if enacted into law, constitute an unconstitutional exercise of power by this Legislature and be violative of any provision of either the Constitution of the State of Maine or the Constitution of the United States?

QUESTION NO. 3:

Would section 3 of Legislative Document 2247 (Exhibit A), if enacted into law, constitute an unconstitutional exercise of power by this Legislature and be violative of any provision of either the Constitution of the State of Maine or the Constitution of the United States?

Which was Read and Passed.
Sent down for concurrence.

On motion by Mr. Collins of Knox,
STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Senventy-six

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Earl H. Mineau, M.D. of Friendship for His Assistance in Emergencies and for His Work at the First Aid Station in Friendship

We the Members of the Senate and House of Representatives do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (S. P. 746)

Which was Read and Passed.
Sent down for concurrence.

**Committee Reports
House**

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act to Require that Fluorescent Orange Clothing be Worn by Certain Persons Working on or About Public Highways in the Nighttime." (H. P. 1938) (L. D. 2126)

Leave to Withdraw

The Committee on Taxation on, Bill, "An Act to Improve the Equity of the Maine Income Tax." (H. P. 2006) (L. D. 2185)

Reported that the same be granted Leave to Withdraw.

The Committee on Liquor Control on, Bill, "An Act to Promote the Sale of Alcoholic Beverages Manufactured or Distilled in Maine." (H. P. 1893) (L. D. 2073)

Reported that the same be granted Leave to Withdraw.

The Committee on Human Resources on, Bill, "An Act Amending the Maine Indian Housing Authority Law Relating to Area of Operation and Transfer of Real Property." (H. P. 1834) (L. D. 1999)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass — As Amended

The Committee on Judiciary on, Resolution, Proposing an Amendment to

the Constitution to Allow Judges whose Terms of Office Expire or who Reach Mandatory Retirement Age to Continue to Hold Office for up to 6 Months until their Successors are Appointed. (H. P. 2037) (L. D. 2209)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-951).

The Committee on State Government on, Resolve, Authorizing the Exchange of Certain Lands in the Capitol Complex as Recommended by the Capitol Planning Commission. (H. P. 1968) (L. D. 2157)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-950).

Come from the House, the Resolution and Resolve Passed to be Engrossed as Amended by Committee Amendments "A".

Which reports were Read and Accepted in concurrence, and the Resolution and Resolve Read Once. Committee Amendments "A" were Read and Adopted in concurrence and the Resolution and Resolve, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Extend Collective Bargaining Rights to the Employees of Maine Maritime Academy." (H. P. 1944) (L. D. 2141)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-947).

Signed:

Senators:

ROBERTS of York
McNALLY of Hancock
PRAY of Penobscot

Representatives:

TIERNEY of Durham
CHONKO of Topsham
PEARSON of Old Town
LAFFIN of Westbrook
FLANAGAN of Portland
SNOW of Falmouth
MARTIN of St. Agatha
TEAGUE of Fairfield
SPROWL of Hope

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Representative:

TARR of Bridgton

Come from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A"

Which reports were Read.

Thereupon, the Majority Ought to Pass as Amended Report of the Committee was Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Senate

Ought to Pass — As Amended

Mr. Hichens for the Committee on Health and Institutional Services on,

Bill, "An Act Concerning the Administration of Medicine to Inmates of County Jails." (S. P. 668) (L. D. 2127)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-423).

Which report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Second Readers

The Committee on Bills in the Second Reading reported the following:

House — As Amended

Resolve, Authorizing the Exchange of Certain Public Reserved Lands. (H. P. 2066) (L. D. 2246)

Which was Read a Second Time and Passed to be Engrossed, as Amended, in concurrence.

Senate

Bill, "An Act to Establish the Belfast and Moosehead Lake Railroad Authority." (S. P. 741) (L. D. 2292)

Which was Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

Enactors

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

An Act Relating to Notifying Municipalities of Recipients of Public Assistance. (H. P. 1894) (L. D. 2074)

Which was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Resolve, Authorizing the Bureau of Public Lands to Convey the State's Interest in 4 Lots in Kingman, Penobscot County. (S. P. 661) (L. D. 2086)

Which was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Constitutional Amendment

Resolution, Proposing an Amendment to the Constitution to Assure Revenues for Bond Service and Prohibit State Bonding of Current Expenditures. (S. P. 689) (L. D. 2206)

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

Mr. KATZ: Mr. President. I would direct the Senate's attention to this piece of legislation, which, according to the way I read it, would make our bonds absolutely incapable of default. Might I ask through the Chair to the sponsor or anyone else who might care to answer whether or not this proposed constitutional amendment does actually make subservient all state expenditures of all education, welfare, state employees salaries, and all other state expenditures, subservient to the single task of paying off our bonds as they become due?

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

The Chair recognizes the Senator from Somerset, Senator Corson.

Mr. CORSON: Mr. President, this constitutional amendment is designed to add greater insurance to bonds issued by the State of Maine. It is done with one primary purpose, and that is to aid in increasing our bond credit rating from this "AA" to "AAA" by putting it into the constitution that the repayment of bond interest and principal has a first lien, so to speak, on tax income, and by insuring that the government of Maine will not be tempted to utilize bond proceeds to fund current expenditures. We have done about all we can possibly do to guarantee our bonds, and hopefully to entice the bond raters to give us the "AAA" rating that we formerly enjoyed, which should result, as I understand it, in a difference of interest payments of around \$325,000 per annum.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Mr. COLLINS: Mr. President, I would like to pose a question through the Chair to anyone that might answer. I am interested in knowing what, if any, opinion has been obtained from bond counsel concerning the value of this measure. I feel this is a very important measure and I am inclined to support it, and I would simply like to know that material, and think it might be useful for the record.

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

The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, to respond to the question, we have no written opinion of bond counsel. At the public hearing, the State Treasurer, Mr. Scribner, indicated that he had had a number of conversations with bonding houses regarding this proposed language. The proposed language has been reviewed by Mr. Wilk of the Attorney General's Office. It is designed to be the strongest possible language and method for insuring that the bondholders are paid first and that the credit rating of the state is retained at the highest possible level. The constitutional amendment requires by its terms a general law which would have to be enacted by a later legislature to further define some of the terms in the constitutional amendment.

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

Thereupon, on motion by Mr. Katz of Kennebec, tabled and Tomorrow Assigned, pending Passage.

Orders of the Day

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

Bill, "An Act to Establish a Single Maine Estate Tax Based Upon a Percentage of Federal Taxable Estate." (H. P. 1951) (L. D. 2142)

Tabled — March 5, 1976 by Senator Jackson of Cumberland.

Pending — Passage to be Engrossed. (In the House — Passed to be Engrossed as Amended by House Amendment "A" (H-948).) (In the Senate — House Amendment "A" Adopted in Concurrence.)

On motion by Mr. Speers of Kennebec, retabled and Specially Assigned for March 16, 1976, pending Passage to be Engrossed.

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

House Report — from the Committee on State Government — Resolution, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money. (H. P. 1981) (L. D. 2170) Majority Report — Ought to Pass as Amended by Committee Amendment "A" (H-941); Minority Report — Ought to Pass as Amended by Committee Amendment "B" (H-942).

Tabled — March 5, 1976 by Senator Graham of Cumberland.

Pending — Acceptance of Either Report. (In the House — Minority Report Read and Accepted and the Resolution Passed to be Engrossed as amended by Committee Amendment "B" as amended by House Amendment "A" Thereto (H-943).

The PRESIDENT: The Chair recognizes

the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, because I have had some requests from members of the Senate who would like to see samples of messages which have been written by governors in other states using the item veto, I have asked that the law library prepare some samples along this line. They are not yet ready, and I would ask if it might be possible for some Senator to table this matter for one day.

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

Thereupon, on motion by Mr. Speers of Kennebec, tabled and Specially Assigned for March 12, 1976, pending Acceptance of Either Report.

Reconsidered Matter

The following Bill was held on March 8, 1976 at the request of Senator Speers of Kennebec, pending Consideration:

Emergency

An Act to Permit a Manufacturer of Alcoholic Beverages to be a Stockholder in a Corporation which is a Licensee. (H. P. 1892) (L. D. 2072)

On motion by the same Senator, the Senate voted to reconsider its former action whereby the Bill was Passed to be Enacted.

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

Mr. BERRY: A point of parliamentary inquiry, Mr. President. I know I heard the Senator from Cumberland, Senator Conley, address the Chair, Mr. President, while there was some other noise going on. I don't think the presiding officer heard his inquiry.

The PRESIDENT: The Chair would apologize to the Senator from Cumberland. The Chair would reply that he did not hear the Senator address the Chair.

Mr. CONLEY: Mr. President, it was obvious to me that evidently you didn't hear me when I saw the gavel come down.

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

Mr. CONLEY: Mr. President, I would inquire through the Chair as to what purpose the majority floor leader would like to reconsider this bill?

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair to the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: We have been informed that there is a constitutional question with regard to the bill as it was enacted, and this is the purpose for the reconsideration, so that an amendment may be prepared to take care of that problem.

Mr. President, I now move that this bill lie on the table until Friday next.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that this bill be tabled until Friday next, pending Passage. Is this the pleasure of the Senate?

The motion prevailed.

Mr. Gahagan of Aroostook was granted unanimous consent to address the Senate.

Mr. GAHAGAN: Mr. President and Members of the Senate: Last year the Senator from Aroostook, Senator Johnston, sounded a note of levity and good fellowship in this chamber by presenting

each of us with a necktie with Maine potatoes and pine trees embroidered on it. In the past we have received everything from apples to Poland Spring water. This is really a part of our work in the state Senate. It strengthens the Senate fellowship when we do this, and if we have ever had a need as a deliberative body, we have one now for greater cohesiveness and mutual understanding.

That is why I have brought you each a copy of this record, entitled "America Awakes". A musical production of The Way ministry, it eloquently presents a renewed vision for, and faith in, America.

The Senate fellowship needs a renewed faith and vision, because it is struggling with the greatest test of our state and nation since the American Civil War. Today this modern test of our faith and vision should be called the American Uncivil war.

Civil pertains to the whole body of citizens as well as to the private rights of citizens. The first great test of our unity and integrity as a nation centered on those two themes. Uncivil is defined by Webster both as "barbarous; uncivilized" and as "not civil or courteous; ill mannered."

The American uncivil war is both "barbarous; uncivilized" and "not civil or courteous." We see it in every facet of modern life. It has become so much a part of modern life that, like subliminal advertising, we are scarcely aware of it unless we take a moment to reflect as we are doing now.

Keeping a sense of perspective may prevent us from engaging in what for all the world seems to me to be exactly like a shouting match on the slanting quarterdeck of the steamship Titanic. The Maine Constitution is even more emphatic than the U.S. Constitution about our government's spiritual origins, "Acknowledging with grateful hearts the goodness of the sovereign ruler of the universe".

Article I, Section 3 of the Maine Constitution states that "all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no one shall be hurt, molested or restrained in his person, liberty or estate for worshipping God in the manner and season most agreeable to the dictates of his own conscience, nor for his religious professions or sentiments, provided he does not disturb the public peace, nor obstruct others in their religious worship; — and all persons demeaning themselves peaceably, as good members of the state, shall be equally under the protection of the laws, and no subordination nor preference of any one sect or denomination to another shall ever be established by law, nor shall any religious test be required as a qualification for any office or trust, under this state; and all religious societies in this state, whether incorporate or unincorporate, shall at all times have the exclusive right of electing their public teachers, and contracting with them for their support and maintenance."

The people of Maine have these statements in their constitution because they believe them, but in practice we are behaving as though we did not believe them.

The national mind and will appear to have been poisoned by fifteen years of strife and tragedy, domestic and foreign. This has troubled us to such a degree that we are willing to allow the pathological actions of a few people to scare us into