

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh  
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL  
AUGUSTA, MAINE

an enactment of identical ordinances by North Yarmouth. Any regulation, including regulation on the amount, size, time and place of harvesting, as well as licensing requirements, must have the concurrence of both municipalities, and so forth.

I do not say that this bill is unconstitutional. It is a bill that will defeat its own purpose; that is, shellfish conservation, for clearly these two towns will find it almost impossible to get together for shellfish conservation under this act. Furthermore, the bill grants to one inland town what many people think should be granted to all inland towns in Maine; namely, access to the clam flats of the Maine coast.

Therefore, I move this bill be recommitted to the Committee on Legal Affairs. Thank you.

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

Mr. HUBER: Mr. President and Members of the Senate: The Attorney General's opinion read by the good Senator from Cumberland, Senator Graham, points out that there are no constitutional problems, there are no home rule problems, and essentially says that any regulation on shellfishing must have the concurrence of both municipalities. As you may remember it, these towns were originally one town. The rights to the shellfishing were retained by North Yarmouth, and they are retained in the Yarmouth charter presently. They were inadvertently, I feel, abrogated by the legislature in 1951, and I think we should restore these rights to North Yarmouth. I hope you will defeat the motion to recommit this to the committee and will enact this legislation.

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

Mr. CORSON: Mr. President and Members of the Senate: I rise as the Chairman of the Committee on Legal Affairs to oppose the motion to recommit this bill. We have been through this before and we studied the bill at great length. We have studied since the bill has been reported out the various opinions from the Attorney General's Office.

I have discussed this matter with my colleagues on the committee, and it is our opinion that there is nothing here, there is no problem raised that cannot be solved by these two towns. There is absolutely no reason in the world why these two towns cannot get together and face their problem and reach a mutually acceptable solution.

I feel it is not the province of this legislature to detail for each town what procedures they are going to have to follow to any great degree; that is what they have town governments for. We have a little more faith in the governments of these towns than perhaps other members of this body have.

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

Thereupon, on motion by Mr. Graham of Cumberland, a division was had. 15 having voted in the affirmative, and 16 having voted in the negative, the motion did not prevail.

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

(See action later in today's session)

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

Bill, "An Act to Change the Name of Department of Inland Fisheries and Game to Department of Inland Fisheries and Wildlife." (H. P. 413) (L. D. 588)

Tabled — March 12, 1975 by Senator Huber of Cumberland.

Pending — Enactment.

Thereupon, on motion by Mr. Huber of Cumberland, placed on the Special Appropriations Table.

Mr. Collins of Knox was granted unanimous consent to address the Senate:

Mr. COLLINS: Mr. President and Members of the Senate: This week and for the next two weeks the Committee on Judiciary is conducting extensive hearings on the proposed Maine Criminal Code. You have heard mention of this this morning from other members of the committee. We expect that the committee will make several changes in the bill as drafted.

I think I do not need to mention to you that the drafting of criminal statutes is a very specialized type of drafting. We have available to the committee later this week and next week a draftsman of unusual ability. The committee is suggesting to members of the Senate, if they have particular changes in the code that they would like to see explored, that they contact a member of the committee or that they submit their ideas to the committee or its staff so that the drafting done by highly qualified people may be accomplished seasonably and the matter considered in the committee.

It would be a very difficult and unfortunate situation if a number of poorly drafted changes were presented on the floor of the Senate, and it will be a great help in the expediting of a very involved and lengthy matter if you can help the committee along by presenting material to us.

In many cases, I think, if you inquire back home of your chiefs of police, your sheriffs, your prosecutors, your defense lawyers, and municipal officials, you will find them wanting one change or another, and we would like to hear from you about this.

We have made an attempt all over the state to have input from the public. It has been good up until now, constructive largely, and we hope for more from members of this Senate and from the other body. Thank you.

#### Reconsidered Matter

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

Mr. CORSON: Mr. President, I now move that the Senate reconsider its action whereby L. D. 82, Bill, An Act Combining the Towns of Yarmouth and North Yarmouth as One Municipality for Shellfish Conservation Purposes, was passed to be enacted. I would urge the membership to vote against my motion.

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

Mr. Graham of Cumberland requested a division.

Mr. Berry of Cumberland then moved that the Bill be tabled and Tomorrow Assigned, pending the motion by Mr. Corson of Somerset to Reconsider Enactment.

Thereupon, on motion by Mr. Corson of Somerset, a division was had. 18 having

voted in the affirmative, and 13 having voted in the negative, the Bill was tabled and Tomorrow Assigned, pending the motion by Mr. Corson of Somerset to Reconsider Enactment.

(Off Record Remarks)

On motion by Mrs. Cummings of Penobscot,

Adjourned until 12 o'clock tomorrow noon.