

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume II**

**May 26, 1977 to July 25, 1977**

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**Senate Confirmation Session  
September 16, 1977**

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AUGUSTA, MAINE

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Mr. CARPENTER: Mr. President and Ladies and Gentlemen of the Senate, I rise to agree with the remarks of my seatmate, Senator Hewes. I also do not see the logic of my good Floor Leader, which is not rare.

I wonder just exactly, you know, what we are going to do for the veterans. I am a veteran. I am a veteran of the Vietnam era, and I do not expect when I get to be 62 there will be any exemption whatsoever kicking around for me, because probably by that time the Vietnam thing will be so unpopular that we may get punished for having been there, but I think when we stop and think about the veterans in World War II who are now in their 60's or 70's, who spent in some cases as many as five years away, and I think that is very hard to compensate for. Granted there are many benefits for disabled veterans. I appreciate the good Senator from Knox, Senator Collins, informing me that one of the large benefits that I have of my military service is a place to put my body when I die. I did not know that, and I am very pleased to know that now. It takes a great deal off my mind.

But I would hope that we could pass this legislation as it has been amended. If you will look at the two Amendments, I think it makes it much more palatable as far as the general fund approach, and also as far as the staggering approach. The exemption is staggered in subsequent years, and I would hope that we could do this little bit for what admittedly is going to be a very large group of veterans or a large group of veterans in the next few years as the veterans from World War II do come marching in, but I do echo the sentiments of my colleague and friend, the Senator from Kennebec, Senator Levine, in that we might not be around here debating the subject had they not been willing to, and I have to think back about all the times that persons who have served in the armed forces are very popular when they are serving, but all of a sudden, you know, they are a little bit forgotten about after the serving is over with, and you know, they may have received a ticker tape parade when they returned from World War II, but that does not go very far in paying taxes, especially when we are talking about an age of 62 and older, and many of these people are widowed or disabled in some way and trying to hold onto a piece of property that they probably picked up shortly after returning from the war.

I think this bill rectified the inequity that we left when we left here last year or two years ago, I think it is a good piece of legislation. Thank you.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President and Members of the Senate: June 22, 1977 — I am a Korean War Veteran. My brother was a World War II veteran. I do not think we have to worry about World War II veterans. I do not think we have to worry about Korean War vets or anyone that served in the Vietnamese War. At least not right now.

I would like to see this bill go along, let us amend it. Let us take care of the World War I veterans. They are the ones that need the help. We had the GI Bill and many other things going for us, even better wages while we were serving in the service. So let us keep this bill going, and then let us amend it and give the World War I veterans their exemption.

The PRESIDENT: Is the Senate ready for the question?

The pending question before the Senate is the motion by the Senator from Knox, Senator Collins, that L. D. 94 and its accompanying papers be indefinitely postponed.

A Division has been requested.

Will all those Senators in favor of the motion

to indefinitely postpone this legislation, please rise in their places to be counted.

Will all those Senators opposed to the motion to indefinitely postpone this legislation, please rise in their places to be counted.

1 Senator having voted in the affirmative, and 23 Senators in the negative, the motion to indefinitely postpone does not prevail.

On motion of Mr. Conley of Cumberland, Tabled for One Legislative Day, pending Passage to be Engrossed.

The President laid before the Senate: Bill, "An Act to Require Adequate Polling Facilities in Municipalities" (S. P. 445) (L. D. 1535) which was tabled earlier in Today's Session by the Senator from Cumberland, Senator Hewes, pending consideration.

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

Mr. MERRILL: Mr. President, I would move that the Senate would recede from its action whereby this bill was Passed to be Engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, now moves that the Senate recede from its action whereby L. D. 1535 was Passed to be Engrossed. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. MERRILL: Mr. President, I now move that we recede from our action whereby we adopted Committee Amendment "A".

The PRESIDENT: The Senator from Cumberland, Senator Merrill, now moves that the Senate recede from its action whereby it adopted Committee Amendment "A". Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.

Mr. MERRILL: Mr. President, I now offer Senate Amendment "A" to Committee Amendment "A" (S-311) and move its adoption, and I would like to speak to that motion.

The PRESIDENT: The Senator from Cumberland, Senator Merrill, now offers Senate Amendment "A" to Committee Amendment "A", and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" Read.  
The PRESIDENT: The Chair recognizes the same Senator.

Mr. MERRILL: Mr. President and Members of the Senate, the Senate will remember that when this item was debated the other day, the question here is the providing of extra voting booths in those elections where there are a lot of people going to the polls. The Bill as I originally presented it provided without any exceptions that there would be a booth for every 150 people. The Bill, when it came out of Committee, amended by the Committee Amendment, held that these extra booths would be required only in general elections in which Presidential candidates were elected. That is the way it was accepted here in the Senate.

The Bill went to the other Body and returns to us today amended by a House Amendment, which has an effect of satisfying some of the concerns of the Senator from York, Senator Hichens, which was the smaller communities, and it seemed to me while we are working out a series of accommodations in regards to this matter, that if we were going to limit it to the communities of more than 15,000, that we could at least increase its effect so that it would be effective in all general elections. I am recognizing the fact that the people who testified before the Election Laws Committee, who were admittedly from these larger communities, testified that it was needed. So really there is really sort of two accommodations going on here at the same time, and if we accept this Amendment, the effect will be that in the larger communities in the State at every general election there will have to be these few extra booths per person, and I think that in that form it should not be an

undue hardship for any community and will be a real convenience for a lot of our voters.

Senate Amendment "A" Adopted. House Amendment "A" to Committee Amendment "A" Read.

On Motion of Mr. Merrill of Cumberland, House Amendment "A" indefinitely postponed.

Committee Amendment "A" as amended by Senate Amendment "A" Adopted, and the Bill, as amended, passed to be engrossed, in non-concurrence.

Sent down for concurrence.

The President laid before the Senate: Bill, "An Act Concerning the Farm and Open Space Tax Law." (H. P. 1408) (L. D. 1678)  
Tabled — Earlier in the Day by Senator Speers of Kennebec

Pending — Motion of Senator Jackson of Cumberland to Reconsider Adoption of Committee Amendment "A" (H-711)

The PRESIDENT: Is it now the pleasure of the Senate to reconsider its action whereby it adopted Committee Amendment "A"? It is a vote.

On presentation by Mr. Jackson of Cumberland, Senate Amendment "A" (S-306) Read and Adopted. Committee Amendment "A", as amended, Adopted, and the Bill, as amended, Passed to be engrossed, in non-concurrence.

Sent down for concurrence.

The President laid before the Senate: Bill, "An Act Relating to Charitable Solicitations." (H. P. 1451) (L. D. 1736)

Tabled — Earlier in the Day by Senator Conley of Cumberland

Pending — Passage to be Engrossed  
On Motion of Mr. Speers of Kennebec, Retabled for One Legislative Day.

The President laid before the Senate: Bill, "An Act Concerning Displaced Homemakers." (H. P. 700) (L. D. 842)

Tabled — Earlier in the Day by Senator Speers of Kennebec

Pending — Enactment  
On Motion of Mr. Speers of Kennebec, Retabled until Friday next.

The President laid before the Senate: Bill, "An Act Concerning Recovery of Damages by the Consumer." (H. P. 1303) (L. D. 1541)

Tabled — Earlier in the Day by Senator Speers of Kennebec

Pending — Enactment  
On Motion of Mr. Speers of Kennebec, Retabled until Friday next.

The President laid before the Senate: Bill, "An Act to Repeal Certain Laws Relating to Local and County Government." (H. P. 1279) (L. D. 1510)

Tabled — Earlier in the Day by Senator O'Leary of Oxford

Pending — Passage to be Engrossed.  
The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Jackson.

Mr. JACKSON: Mr. President, I move we reconsider, under suspension of the rules, the adoption of Committee Amendment "A" as amended by House Amendments "A" and "B".

The PRESIDENT: The Senator from Cumberland, Senator Jackson, now moves under suspension of the rules that the Senate reconsider its action whereby it adopted Committee Amendment "A". Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the same Senator.  
Mr. JACKSON: Mr. President, I now present Senate Amendment "A" to Committee Amendment "A" (S-309) and move its adoption.

The PRESIDENT: The Senator from Cumberland, Senator Jackson, now offers

Senate Amendment "A" and moves its adoption. The Secretary will read Senate Amendment "A".

Senate Amendment "A" read.

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

Mr. MANGAN: Mr. President and Members of the Senate, I had a serious question relating to this particular Senate Amendment, and I did phrase this with the Honorable Senator from Cumberland, Senator Jackson, whom I have the greatest respect for.

The question I have is whether, in fact, the Legislature can, by statute, allocate Federal funds received by a County, and the question relates to, I forget what the Section is now, but it is Section 255 that the Counties may receive and appropriate Federal funds and there is nothing there that says the Legislature must decide how the Federal funds will be spent, and the example I picked up here is the Counties today are receiving CETA money, and the counties as program agents or as prime sponsors do not have to come to the Legislature for an allocation for that appropriation, and I wonder whether we are not in this Bill actually setting a dangerous precedent by approving this as a Legislative Enactment.

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

Mr. JACKSON: Mr. President and Members of the Senate, I must apologize to the good Senator from Androscoggin, Senator Mangan. I said that I would put this in the record, and I did completely forget honestly.

The Statement of Fact discusses this quite well. The Amendment allocates the additional anti-recessional fund which is mandated by the Federal Government. They have to be allocated six months prior to reception, and this was an oversight of the Department of Audit when we were preparing the County Budgets, so we had to pick this up on the Errors and Inconsistency Bill, or the so-called Bill that we have in front of us presently, and I will tell the good Senator from Androscoggin that it has the blessings of all the County Commissioners, because we contacted the County Commissioners to see why they wanted the monies allocated. They had to be allocated and earmarked for the reception. I hope that answers the question.

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

Mr. MANGAN: Mr. President, I primarily have a question as to what the authority of the Legislature is relating to allocating Federal funds received by a County.

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

Mr. JACKSON: Mr. President and Members of the Senate, the Legislature adopts the County Budgets, and I would assume that is where the power comes from.

Senate Amendment "A" Adopted. Committee Amendment "A", as amended. Adopted, and the Bill, as amended. Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

(Off Record Remarks)

The President laid before the Senate: Bill, "An Act to Repeal Certain Laws Relating to Conservation." (S. P. 363) (L. D. 1224) Tabled — Earlier in the Day by Senator Redmond of Somerset.

Pending — Motion of Senator Usher of Cumberland to Adopt Senate Amendment "A" (S-280) to Committee Amendment "A" (S-276) Senate Amendment "A" Adopted.

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

Mr. REDMOND: Mr. President, I offer Senate Amendment "C" to Committee Amendment "A" (S-310) and move its adoption.

The PRESIDENT: The Senator from

Somerset, Senator Redmond, now offers Senate Amendment "C" and moves its adoption. The Secretary will read Senate Amendment "C".

Senate Amendment "C" Read.

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

Mr. PRAY: Mr. President and Members of the Senate, I am opposed to this Amendment, and for those individuals who are not sure of what it does, this is an Amendment which will establish the use of a helicopter for the purpose of hunting and fishing would be prohibitive. No persons shall use a helicopter for hunting or fishing except for the purpose of transportation to a point no closer than two miles, two miles from the place that a person is going to hunt or fish.

I am looking at it from perhaps a practical view point. I am wondering how many individuals are flying to the unorganized territories of this State, be dropped off somewhere by a helicopter, and in the process of walking two miles to somewhere, they see a deer, for example, in the fall of the year, but they are not going to shoot it. And I am just curious as to how the game wardens of this State are going to enforce such a law.

The Amendment also makes reference that the punishment of this Section will be under the Provisions of 2456, which I have in my hand, and that Section 2456 is a statute which prohibits the hunting from vehicles, aircraft, boats and snowmobiles.

I think the safeguards that are built into the present Statute are sufficient to prevent any individual in the transportation aspect of flying from one place to another, and using some type of vehicle, that they would hunt from that vehicle.

I do not believe that we need such Legislation as this, that the present law would take care of it at this time, and to face these individuals with a fine of up to \$1,000.00 I think is asking just a little too much.

I, therefore, move indefinite postponement of this Amendment.

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

Mr. REDMOND: Mr. President, LD 1224, An Act to revise the Fish and Game laws, and this Amendment addresses a problem of conservation for Fish and Wildlife in their small remote areas of refuge with little or no access to hunters and fishermen. The helicopter now has access to these sanctuaries, where fish and game were protected and could grow.

I have shown this to a Member of the Attorney General's Office, who approves it with regard to its constitutionality, and I hope that the Senate will vote for adoption of this Amendment.

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

Mr. USHER: Mr. President and Members of the Senate, I support this Amendment. I think it is a step in the right direction to help conserve our lost ponds, and I am very concerned about the abuses that are going on in the northern part of the State. I understand there is a possibility of the Armed Forces abusing these territories, and that is why I would ask the rest of the Body to support this Motion.

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

Mr. PRAY: Mr. President and Members of the Senate, I share the same concerns as the previous two speakers about the future of our wildlife and fish habitats in the State of Maine, but also, like I stated before, I like to deal with Legislation in a practical sense.

I hope you understand that this provision still does not prevent an individual from flying in to a Pond and fishing it with an airplane. It is just the fact that he cannot use a helicopter.

I do not question the constitutionality of taking one mode of transportation and restricting

it, and I know the counter-argument to that is that we are talking about some ponds that are too small for aircraft to land on. Although I admit that there are some of those that are in the northern part of the State, and I appreciate the concern of the Senator from Cumberland about my part of the State, which I happen to share with the good Senator from Somerset, Senator Redmond. A number of us individuals who are in that area constantly year-round, and we see the number of aircraft coming in, and we do have concern over it, but we also realize that a number of individuals, particularly older people that can no longer hike in to these areas, or otherwise find a way in to these areas, have to rely upon a mode of transportation that will at least allow them the accessibility of that area. A lot of that area is very rough terrain. If you are going to require some of these individuals to land, as the Amendment reads, two miles from the place where they plan to hunt or fish, some of the times this is going to be going up and down a few mountains, and what not, particularly depending upon the ponds and the areas that they would like to go to.

I would just hope that perhaps common sense would rule in this case.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from Penobscot, Senator Pray, that Senate Amendment "C" to Committee Amendment "A" be indefinitely postponed.

The Chair will order a Division.

Will all those Senators in favor of the Motion to indefinitely postpone Senate Amendment "C", please rise in their places to be counted.

Will all those Senators opposed to the Motion to indefinitely postpone Senate Amendment "C", please rise in their places to be counted.

5 Senators having voted in the affirmative, and 17 Senators in the negative, the Motion to indefinitely postpone does not prevail.

Senate Amendment "C" Adopted, Committee Amendment "A", as amended, Adopted.

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

Mr. PRAY: Mr. President, I move the indefinite postponement of this LD and all its accompanying papers.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now moves that LD 1224 be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, a parliamentary inquiry. Is the pending Motion the adoption of Committee Amendment "A" as amended?

The PRESIDENT: The Chair would advise the Senator that Committee Amendment "A" has been adopted. The pending question now, or prior to the Motion by the Senator from Penobscot is engrossment.

The Chair recognizes the Senator from Somerset, Senator Redmond.

Mr. REDMOND: Mr. President, I request a Division.

The PRESIDENT: A Division has been requested on the Motion by the Senator from Penobscot, Senator Pray, to indefinitely postpone this Bill and all its accompanying papers.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate, perhaps my Motion was a little untimely. I just dislike and am displeased with passing Legislation which I consider absurd, but considering the other aspects of this Bill at this time, I request permission to withdraw my Motion to indefinitely postpone.

The PRESIDENT: The Senator from Penobscot, Senator Pray, now requests leave of the Senate to withdraw his Motion to indefinitely postpone this Bill. Is it the pleasure of the Senate to grant this leave? It is a vote.