

# 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

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