

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth  
Legislature*

OF THE

STATE OF MAINE

**Volume III**

June 17, 1969 to July 2, 1969

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**1st Special Session**

January 6, 1970 to February 7, 1970

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KENNEBEC JOURNAL  
AUGUSTA, MAINE

Senate Amendment "A", House Amendments "A" and "B" and Senate Amendment "B" in non-concurrence.

In the House: The House voted to recede and concur.

By unanimous consent ordered sent forthwith to the Senate.

#### Non-Concurrent Matter

Resolve Authorizing a Study of the Operational Aspects of the Superior and Supreme Courts (H. P. 404) (L. D. 515) which was finally passed in the House on April 25 and passed to be engrossed on April 18.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House: The House voted to recede and concur.

By unanimous consent ordered sent forthwith to the Senate.

#### Non-Concurrent Matter

An Act Appropriating Funds for the Operation of the Maine Mining Commission (H. P. 882) (L. D. 1141) which was passed to be enacted in the House on May 28 and passed to be engrossed on May 22.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House: The House voted to recede and concur.

By unanimous consent ordered sent forthwith to the Senate.

The SPEAKER: The Chair will call your attention to Supplement No. 4.

#### Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on:

Bill "An Act relating to the Employment of the Handicapped" (S. P. 487) (L. D. 1571) reporting that the House recede from indefinite postponement and from passage to be engrossed, recede from acceptance of the Report of the Committee on State Government reporting "Ought to pass" in new draft (S. P. 487) (L. D. 1571) and substitute the original Bill (S. P. 94) (L. D. 277) under title of "An Act Establishing the Gov-

ernor's Committee on Employment of the Handicapped" for the Report, adopt Conference Committee Amendment "A" submitted herewith and pass the Bill to be engrossed as amended by Conference Committee Amendment "A";

that the Senate recede and concur with the House.

(Signed)

RIDEOUT of Manchester  
LEVESQUE

of Madawaska  
MARSTALLER

of Freeport  
— Committee on part of House.

WYMAN of Washington  
KATZ of Kennebec

— Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

The House receded from indefinite postponement, from passage to be engrossed and from acceptance of the "Ought to pass" in new draft report of the Committee.

The original Bill was substituted for the Report and read twice. Conference Committee Amendment "A" was read and adopted. Under suspension of the rules, the Bill was given its third reading.

The Bill was passed to be engrossed as amended by Conference Committee Amendment "A" in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith.

On motion of Mr. Richardson of Cumberland,

Recessed until seven o'clock in the evening.

After Recess  
7:00 P. M.

Called to order by the Speaker.

The SPEAKER: The Chair will call your attention to Supplement No. 5.

The following papers from the Senate were taken up out of order by unanimous consent:

#### Non-Concurrent Matter

Bill "An Act to Correct Errors and Inconsistencies in the Public Laws" (S. P. 366) (L. D. 1248)

which was passed to be engrossed as amended by Committee Amendment "A", Senate Amendments "D", "E" and "G" and House Amendments "A", "B" and "D" in non-concurrence in the House earlier in the day.

Came from the Senate with Senate Amendment "G" indefinitely postponed and the Bill passed to be engrossed as amended by Committee Amendment "A", House Amendments "A", "B" and "D", and Senate Amendments "D", "E", "H", "I" and "J" in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: A parliamentary inquiry. I have been looking on my desk and I find only Senate Amendment "J". I wonder if I could inquire what Senate Amendment "D", Senate Amendment "E", Senate Amendment "H", Senate Amendment "I" is about?

The SPEAKER: Senate Amendment "J" has been distributed. All amendments have been distributed to your desk.

The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker and Members of the House: Perhaps to allay any fears any of you might have, Senate Amendments "H" and "I" deal with the authority of enforcement authorities in the liquor inspection field to maintain actions. Senate Amendment "H" under filing No. S-342 provides that inspectors and agents of licensing authorities in issuing licenses shall have the authority to investigate and prosecute complaints against its licensees for violation. "I" makes clear the responsibility of the Clerk of Courts in the absence or unavailability of a complaint justice, county attorney or assistant county attorney to prepare and draft complaints upon the request of any law enforcement officer.

Well the only other non-concurrent matter in the bill is to correct a situation which existed as a consequence of a misunderstanding

on the intent of the Legislature, and finally this has been straightened out and this deals with the question of the applicability of the corporate income tax to railroads. It has always been the legislative intent to apply this tax. The Attorney General's office drafted the language which appeared in the income tax legislation. The members of the railroad lobby wanted to return the law to its previous state.

After our debate on this matter today I was informed for the first time by the State Tax Assessor that the language proposed by the railroads would, in fact, do what the gentleman from Mexico, Mr. Fraser feared was being done. I want to assure him that this was unintentional on our part certainly, and for this reason we have now amended that language out and the railroad corporations will pay the corporate income tax and will also pay the sales tax and the gross receipts tax under which they labored under previous law.

I apologize to the House for any uncertainty or confusion that may have arisen as a result of this. The Press, to the contrary notwithstanding, we do not make these errors, we simply persist in refusing to equip ourselves with sufficient staff to do our legislative work efficiently. But this bill in its present form I believe corrects all the necessary errors. The Senate receded and concurred with us in the adoption of the amendment proposed by the gentleman from Houlton, Mr. Berman. Therefore, I hope you will now pass this bill to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker, I would address a question through the Chair to the gentleman from Cumberland, Mr. Richardson, regarding the amendment to the bill which would, as I understand it, direct county attorneys or assistant county attorneys to prepare criminal pleadings at the request of any law enforcement officer. What effect would this have on our current complaint justice system? I understand the payment for those services by complaint

justices is made out of the district court fund, and I assume that the added burden on the county attorney's office might ultimately affect the level of compensation there to the county attorneys and the assistants.

The SPEAKER: The gentleman from Brunswick, Mr. McTeague, poses a question through the Chair to the gentleman from Cumberland, Mr. Richardson, and the Chair recognizes that gentleman.

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: In response to the gentleman's question let me say that this bill simply provides that the Clerk shall in the absence or unavailability of a complaint justice, county attorney or assistant county attorney. Now the situation that exists in some counties, and I don't want to name the county because it might lead to some embarrassment, but they have one of these things—you have got to let go of your end of the bat before I let go of mine because I know you are going to hit me with it, and they are playing this game in this particular county. And as a result, law enforcement comes to a screeching halt.

Now this amendment, as I understand it, envisions our continuing our present situation where it is the complaint justice's primary responsibility. But when you don't have one available for one reason or another we feel that we should cover this situation so that the enforcement of the criminal law doesn't just come to an absolute standstill while a group who has some characteristics of prima donnas decide whose responsibility it is. So I don't envision and I don't think the sponsor of this amendment, Senator Mills, envisions any change in our basic method of securing warrants and indictments.

Thereupon, the House voted to recede and concur.

#### Non-Concurrent Matter

Resolve to Reimburse Charles A. Holden of Portland as Agent of Conservator of Casco Merchantile Trust Company (S. P. 38) (L. D. 121) which was finally passed in the House on February 11 and

passed to be engrossed on February 6.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House: The House voted to recede and concur.

By unanimous consent ordered sent forthwith to the Senate.

#### Non-Concurrent Matter

An Act Establishing a Full-time Administrative Hearing Commissioner (H. P. 1242) (L. D. 1577) which was passed to be enacted in the House on June 27 and passed to be engrossed as amended by House Amendments "A" and "C" on June 24.

Came from the Senate passed to be engrossed as amended by House Amendments "A" and "C" and Senate Amendment "B" in non-concurrence.

In the House: The House voted to recede and concur.

By unanimous consent ordered sent forthwith to the Senate.

#### Non-Concurrent Matter

An Act Changing Name of State Soil and Water Conservation Committee (H. P. 353) (L. D. 461) which was passed to be enacted in the House on March 18 and passed to be engrossed as amended by Committee Amendment "A" on March 12.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" in non-concurrence.

In the House: The House voted to recede and concur.

By unanimous consent ordered sent forthwith to the Senate.

#### House at Ease

The SPEAKER: The House will come to order. Supplement No. 6.

#### Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on:

Bill "An Act Increasing Salaries of County Attorneys and Assistant County Attorneys" (H. P. 1049) (L. D. 1377) reporting that the House recede from recommitting