

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth  
Legislature*

OF THE

STATE OF MAINE

Volume II

May 5, 1971 to June 15, 1971

KENNEBEC JOURNAL  
AUGUSTA, MAINE

Bill, "An Act Relating to Exemptions from Real and Property Taxation for Industrial Disposal Systems." (H. P. 1131) (L. D. 1559)

Tabled — May 24, 1971 by Senator Dunn of Oxford.

Pending — Enactment.

On motion by Mr. Wyman of Washington, retabled and Tomorrow Assigned, pending Enactment.

The President laid before the Senate the third tabled and specially assigned matter:

Bill, "An Act to Regulate the Harvesting of Fiddleheads on Penobscot Reservation Lands." (S. P. 363) (L. D. 1102)

Tabled — May 24, 1971 by Senator Harding of Aroostook.

Pending — Passage to be Engrossed.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: My good friend, my seatmate here, the Senator from Cumberland, Senator Conley, whom I rely on very much, called my attention to a constitutional problem in relation to that bill. I reviewed it with the Attorney General, and the Attorney General agreed with me that there was a constitutional problem, or I should say that he agreed with the Senator from Cumberland, Senator Conley. So I have prepared an amendment through the help of the Attorney General.

The problem with the bill was this: the Legislature may not delegate anybody else the duty of setting punishment: they must do it themselves. So what this amendment does is set the maximum fine which could be imposed, which is \$100, and this is consistent with the fines which municipalities may impose under ordinances, a maximum of \$100. So, it is Senate Amendment "B", Filing No. S-214. I would present it and move its adoption.

The PRESIDENT: The Senator from Aroostook, Senator Harding, offers Senate Amendment "B" and moves its adoption.

The Secretary will read the amendment.

Senate Amendment "B", Filing No. S-214, was then Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

The President laid before the Senate the fourth tabled and specially assigned matter:

Bill, "An Act to Authorize a Food Stamp Program for Piscataquis County." (H. P. 1143) (L. D. 1584)

Tabled — May 24, 1971 by Senator Dunn of Oxford.

Ending — Consideration.

On motion by Mr. Dunn of Oxford, the Senate voted to recede from its former action whereby the Bill was Passed to be Engrossed.

Thereupon, House Amendments "A", "B", "C", and "D" were Read and Adopted in concurrence.

Mr. Wyman of Washington then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-204, was Read and Adopted.

Mr. Dunn of Oxford then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-212, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the fifth tabled and specially assigned matter:

Bill, "An Act Increasing Minimum Wages." (S. P. 16) (L. D. 44)

Tabled — May 25, 1971 by Senator Violette of Aroostook.

Pending — Consideration.

Mr. Berry of Cumberland then moved that the Senate Recede and Concur.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate recede and concur with the House.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: It is with reluctance that I go along with the motion of the Senator from Cumberland, Senator Berry. I think that many people in this body would have liked to have seen the legislature not rely

on the coattails of the federal government to get the minimum wage up to two dollars within a year or two where it ought to be. I hope that the federal government will move in that direction and, recognizing the practicalities of legislative procedures, we will go along reluctantly with the motion to recede and concur.

The PRESIDENT: Is it now the pleasure of the Senate to recede and concur with the House?

The motion prevailed.

The President laid before the Senate the sixth tabled and specially assigned matter:

HOUSE REPORT — Ought to Pass in New Draft with New Title on Bill, "An Act Relating to an Airport Commission for Knox County," (H. P. 1351) (L. D. 1767) from the Committee on Legal Affairs on Bill, "An Act Relating to Airport Commissions for County and Municipal Airports." (H. P. 681) (L. D. 918)

Tabled — May 25, 1971 by Senator Hoffses of Knox.

Pending — Acceptance of Report.

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

Mr. HOFFSES of Knox: Mr. President, this bill has been completely altered from what the original intention was. It does not serve the purpose which we had hoped that it would serve so, therefore, I move that this bill and all accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves that H. P. 681, L. D. 918, be indefinitely postponed. Is this the pleasure of the Senate?

Thereupon, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the seventh tabled and specially assigned matter:

HOUSE REPORT — Ought to Pass in New Draft under same title (H. P. 1246) (L. D. 1555) from the Committee on Natural Resources on Bill, "An Act Relating to the Conduct of Hearings Re-

quired by the State's Environmental Laws." (H. P. 359) (L. D. 467)

Tabled — May 25, 1971 by Senator Violette of Aroostook.

Pending — Acceptance of Report.

On motion by Mr. Violette of Aroostook, retabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

The President laid before the Senate the eighth tabled and specially assigned matter:

Bill, "An Act Providing for a Feasibility Study for High Speed Rail Service for Maine." (H. P. 1201) (L. D. 1652)

Tabled — May 25, 1971 by Senator Johnson of Somerset.

Pending — Passage to be Engrossed.

On motion by Mr. Johnson of Somerset, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

The President laid before the Senate the ninth tabled and specially assigned matter:

Bill, "An Act Providing for Prescription of Generic Drugs Rather Than Brand Names." (H. P. 879) (L. D. 1200)

Tabled — May 25, 1971 by Senator Quinn of Penobscot.

Pending — Enactment.

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

Mr. QUINN of Penobscot: Mr. President, I yield to the good Senator from Franklin, Senator Shute.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I would like an explanation of this document from some member of the Health and Institutional Services Committee, if possible, about a druggist who is apprehensive about whether or not it would be his responsibility to substitute a generic drug. If we could have an explanation, I would appreciate it.

The PRESIDENT: The Senator from Franklin, Senator Shute, has posed a question through the Chair, which any member of the com-