

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

***One Hundred and Fifth
Legislature***

OF THE

STATE OF MAINE

Volume III

June 16, 1971 to June 24, 1971

Index

1st Special Session

January 24, 1972 to March 10, 1972

Index

**KENNEBEC JOURNAL
AUGUSTA, MAINE**

been the greatest education of my life and I hope that I can still serve my state, and I think that I have served the best state in the country with the best people in the United States.

I hope that this continues so we can show the rest of the country that we can live in peace with our political friends. I wish everybody good luck and I will be around to see you sometime.

I have to resign on account of my physical condition on my doctor's advice. So goodbye — no I won't say goodbye, so long and I will be back to see you. (Applause, the Members rising)

The Chair laid before the House a matter tabled and later today assigned:

Joint Order re censorship of outgoing mail from prisons and correctional institutions.

Pending — Passage.

The SPEAKER: The Chair recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Health and Institutional Services Committee, I certainly am opposed to this order. And it causes me to wonder how much further we may go to stifle and hamstring the efforts of custodial officials who have the duty of operating our State Institutions. I could elaborate much more fully on this, but I know that our House Chairman, Mrs. Payson, has some pertinent information that she will give to this House.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Payson.

Mrs. PAYSON: Mr. Speaker, Ladies and Gentlemen of the House: Since this order appeared on our desks this morning, I have talked with Miss Murphy and Mr. Courtland Perry in the Department of Mental Health and Corrections. I learned that the lawyers of the department are in negotiation now with the attorneys of the Pine Tree Legal Assistance and the American Civil Liberties Union on the question of censorship of outgoing mail for inmates and patients at prisons and correctional centers.

It is one of many issues being resolved at this time by the Department in cooperation with these two groups. Only three issues remain to be worked out. They started working on these late in 1970. I feel that it is inappropriate for legislative action to be taken at this time. I therefore move the indefinite postponement of this order.

The SPEAKER: The Chair recognizes the gentlewoman from Bangor, Mrs. Doyle.

Mrs. DOYLE: Mr. Speaker, I would pose a question through the Chair to my House chairwoman. I wonder if these steps are being taken for residents or patients in our State Hospitals as well as in correctional institutions.

The SPEAKER: The gentlewoman from Bangor, Mrs. Doyle, poses a question through the Chair to the gentlewoman from Falmouth, Mrs. Payson, who may answer if she chooses.

The Chair recognizes the gentlewoman.

Mrs. PAYSON: Mr. Speaker, Ladies and Gentlemen of the House: In answer to Mrs. Doyle's question, I understand that this in the correctional institutions only.

The SPEAKER: The pending question is on the motion of the gentlewoman from Falmouth, Mrs. Payson, that this Joint Order be indefinitely postponed. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

A vote of the House was taken. 109 having voted in the affirmative and 12 having voted in the negative, the motion did prevail.

Mr. Bustin of Augusta was granted unanimous consent to address the House.

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: It came to the attention of some members of this body this morning that there was a provision in the Omnibus Bill which seemed to go considerably beyond correcting errors and inconsistencies. Of course there was no opportunity to amend the Omnibus Bill because it would make it necessary to reengross the bill and then extend the session a couple more

days, so no attempt was made to do it.

The provision I am talking about is one which allows municipalities to impose fees on cable television companies. I want to indicate that I do not think anyone put one over on us or that it was a sneaky move. There was a law, I understand, that had been passed, the case was taken to the law court and the law court said that the intent of the legislature was not clear.

It seems to me that to pass a bill in the Omnibus Bill, which says what the legislative intent was when it was not clear to the law court, is probably a little unfortunate and a little presumptuous, particularly since there were no public hearings on this matter. The cable television people were not given the opportunity to come in and present their case. But what is of more concern to me is that the people who are really going to suffer a tax, if a fee is imposed, were not allowed to present their case, because if any fee is imposed on a cable television company, this will be passed on to the consumer.

I think that the legislative intent may have been to allow municipalities to impose some kind of reasonable fee, but the provision in the Omnibus Bill really gives a wide open authority to impose any fee that a municipality wishes. And one of the problems with this, of course, is that many systems now operating have millions of dollars worth of equipment on poles and excess fees could cause a complete halt to construction and further advancement of local origination of programming.

Now the Federal Communications Commission has expressed concern that cable television operators and local government officials do work closely together in developing this new communications industry, and the FCC has expressed the opinion that heavy taxation and excessive fees would not be conducive to good cable growth nor would it be in the public interest. So I don't think the way this measure was handled was particularly fair. I do think that the legislative process should

not have worked this way. Thank you for your consideration.

On motion of Mr. Susi of Pittsfield,

Recessed until two o'clock in the afternoon.

After Recess

2:00 p.m.

The House was called to order by the Speaker.

The following papers were taken up out of order by unanimous consent.

The following Communication:

THE SENATE OF MAINE

Augusta, Maine

March 10, 1972

Hon. Bertha W. Johnson

Clerk of the House

105th Legislature

First Special Session

Dear Madam Clerk:

The Governor having returned to the Senate: Bill, An Act Relating to Full-time Prosecuting Attorneys. (S. P. 774) (L. D. 2055) together with his objections to the same. The Senate proceeded to vote on the question: Shall the Bill become a law notwithstanding the objections of the Governor?

According to the provisions of the Constitution, a ye a and nay vote was taken. 15 Senators having voted in the affirmative and 12 Senators having voted in the negative, the Bill accordingly failed to become law, and the veto was sustained.

Respectfully,

HARRY N. STARBRANCH

Secretary of the Senate

The Communication was read and ordered placed on file.

From the Senate: The following Order:

WHEREAS, the United States Department of Commerce has completed a study dated June 30, 1969 of Maine Sugar Industries, Inc; and

WHEREAS, the study indicated that Maine Sugar Industries may have unjustifiably paid excessive fees or diverted assets to Vahlsing, Inc. and to other corporations owned or controlled by Fred A. Vahlsing, Jr.; and

WHEREAS, the taxpayers of the State of Maine now have the legal