

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 6, 1973 to July 3, 1973

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

Services to Handicapped Persons (H. P. 482) (L. D. 626)

An Act Relating to Community Based Services for the Mentally Retarded (H. P. 509) (L. D. 674)

An Act Establishing a State Tuition Equalization Fund for Maine Students Attending Maine Private Institutions of Higher Education (H. P. 927) (L. D. 1225)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Messages and Documents

The following Communication:
STATE OF MAINE

One Hundred and Sixth Legislature
Committee on Appropriations
and Financial Affairs

June 28, 1973

Honorable Richard D. Hewes
Speaker of the House
House of Representatives
State House
Augusta, Maine

Dear Speaker Hewes:

The Committee on Appropriations and Financial Affairs is pleased to report the completion of the business of the 106th Legislature that was placed before this Committee.

Total number of bills acted upon, including 3 referrals	143
Ought to pass	46
Ought Not to Pass	34
Ought to pass as Amended	16
Ought to Pass in New Draft	10
Divided Reports	7
Leave to Withdraw	23
Referred to Another Committee	2
Initiated Pursuant to Joint Order	5

Sincerely,

(Signed) FLOYD M. HASKELL
House Chairman

The Communication was read and ordered placed on file.

Order Out of Order

Mr. Carrier of Westbrook presented the following Order and moved its passage:

ORDERED, that Gary Poitras of Westbrook be appointed Honorary Page for today.

The Order was received out of order by unanimous consent, read and passed.

By unanimous consent, all foregoing matters acted upon in con-

currence and all matters requiring Senate concurrence were ordered sent forthwith to the Senate.

Supplement No. 2 was taken up out of order by unanimous consent.

Non-Concurrent Matter

Resolution Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature and to Limit the Matters Which May be Considered in the Second Regular Session; to Provide for Single Member Districts in the House of Representatives; to Provide for Reduction of the Number of Representatives and Reapportionment of the House of Representatives and the Senate in 1983; to Establish an Apportionment Commission to Plan for all Reapportionments of the House of Representatives and Senate; to Abolish the Executive Council and Reassign Certain Constitutional Powers to a Council of Confirmation; and to Provide that Oaths and Subscriptions of Office of the Governor shall be Taken before the Chief Justice of the Supreme Judicial Court. (S. P. 673) (L. D. 2040) (H. "E" H-600) (S. "B" S-272) (H. "F" H-615) Constitutional Amendment, which failed final adoption in the House on June 29.

Came from the Senate with Senate Amendment "B" (S-272) indefinitely postponed and the Resolution passed to be engrossed as amended by House Amendment "E" (H-600), House Amendment "F" (H-615) and Senate Amendment "C" (S-293) in non-concurrence.

In the House:

The SPEAKER pro tem: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I personally feel that we have had enough of this bill. We defeated it five time in four days. I am willing to vote against it at any time. However, perhaps we should be practical. The motion I am about to make requires a simple majority. If we accept the motion, it would go to the other body and come back to us at some time in the enactment stage. This requires two-thirds of those voting.

I now move that we recede and concur. For those who want to try to end it now, you may vote against my motion and if a roll call is requested, even though I make this motion, I will vote against it myself.

The SPEAKER pro tem: The gentleman from Bath, Mr. Ross, moves that we recede and concur.

The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker and Members of the House: I am against the motion to recede and concur. I offered House Amendment "F" to this bill in good faith. I think at this time and day, to fool around with taking the amendment off reducing the size of this House to 132 members and compromising to leave it at a 151 is utterly ridiculous. The original bill called for the House to reduce ten years hence, in 1983. I certainly hope that you vote against the motion to recede and concur. I would request a roll call.

The SPEAKER pro tem: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am going to vote against the motion to recede and concur this morning. I do so very reluctantly. I do so based on the fact that the time has now come for us to adjourn sometime today. It is going to be impossible to try to work out anything at this time. Even though I am very much a proponent of governmental reform, I find that at this time the only proper thing to do is to dispense with this thing.

I think that when we come back either in a special session or the next regular session, this is going to be back in front of us and it ought to be, because it is something that the people of Maine are greatly concerned about and the people want something done. I am not asking anyone to go with me, I am not suggesting anyone ought to go with me, I myself, am going to vote against the motion to recede and concur because I find that at this time the time has come for us to get rid of it.

The SPEAKER pro tem: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I am going to vote against the motion to recede and concur because again this in not only the fifth or six time that we kill it, but it is still another ploy, and if this would not go, we could very well get hit over here with another ploy.

The only reason this measure is here now with the amendment from 132 to 151 is because if it didn't come back with an amendment it would have required two thirds come through that gate. It never would have had two thirds. But with this amendment, it allows a simple majority. Now if we really want to kill this thing, the thing to do is to vote to recede and concur, and when it comes in January, I will do the same thing I do now on July 3.

The SPEAKER pro tem: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Bath, Mr. Ross, that the House recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berube, Birt, Brown, Carter, Chonko, Curtis, T. S. Jr.; Dunleavy, Emery, D. F.; Evans, Farnham, Ferris, Gahagan, Garsoe, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Henley, Hobbins, Hoffses, Huber, Jackson, Jacques, Knight, Lewis, J.; MacLeod, McKernan, McMahon, McNally, Morin, L.; Morton, Murray, Najarian, Norris, Perkins, Pontbriand, Smith, D. M.; Smith, S.; Snowe, Soulas, Sproul, Trask, Tynedale, Walker, White, Wood, M. E. Nay—Albert, Baker, Berry, G. W.; Berry, P. P.; Binnette, Bither,

Boudreau, Bragdon, Brown, Briggs, Bunker, Cameron, Carey, Carrier, Chick, Churchill, Connolly, Cote, Cottrell, Cressey, Crommett, Curran, Deshaies, Donaghy, Dow, Drigotas, Dudley, Dunn, Dyar, Farley, Farrington, Faucher, Fecteau, Finemore, Fraser, Genest, Good, Hancock, Herrick, Hunter, Immonen, Jalbert, Kauffman, Kelleher, Kelley, Keyte, Kilroy, LaCharite, Lawry, Lewis, E.; Littlefield, Lynch, Mahany, Martin, Maxwell, McCormick, McHenry, McTeague, Merrill, Mills, Morin, V.; Murchison, O'Brien, Palmer, Parks, Peterson, Pratt, Ricker, Rolde, Rollins, Ross, Shaw, Sheltra, Shute, Silverman, Stillings, Strout, Tanguay, Tierney, Webber, Wheeler, Whitzell, Willard.

ABSENT — Ault, Bustin, Clark, Conley, Cooney, Dam, Davis, Flynn, Gauthier, Haskell, Kelley, R. P.; LaPointe, LeBlanc, Maddox, Mulkern, Santoro, Simpson, L. E.; Susi, Talbot, Theriault, Trumbull.

Yes, 46; No, 83; Absent, 21.

The SPEAKER pro tem: Forty-six having voted in the affirmative and eighty-three in the negative, with twenty-one being absent, the motion to recede and concur does not prevail.

Thereupon, the House voted to adhere.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, is the House in possession of L. D. 2044?

The SPEAKER pro tem: The Chair would answer in the affirmative. Senate Paper 678, L. D. 2044, An Act to Correct Errors and Inconsistencies in the Public Laws is in the possession of the House.

Mr. KELLEHER: Mr. Speaker, I move that we reconsider our action whereby this bill was passed to be engrossed and would like to speak to my motion.

The SPEAKER pro tem: The gentleman from Bangor, Mr. Kelleher, moves the House reconsider its action whereby this Bill was passed to be engrossed.

The gentleman may proceed.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen: We happened to run into a problem at Bangor International Airport concerning our Class A restaurant liquor license. I would like to offer an amendment, but I would like to say to the House beforehand that it wouldn't take 24 hours to engross the bill. The bill is still in that position. From what I understand the mechanics of it, there is a back page of the bill which would allow us to be able to present the amendment if this House would so let me, and I would explain the amendment if I get an opportunity to do so.

Thereupon, the House voted to reconsider its action whereby the Bill was passed to be engrossed.

Mr. Kelleher of Bangor offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-617) was read by the Clerk.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: As I stated earlier, we have a problem with our Class A restaurant in Bangor on the food on the 60-40 ratio basis, and due to the number of people going through there, the liquor proportion has got way out of proportion with the food. Under the existing requirements of a Class A restaurant we have automatically lost our license at the airport, and through the assistance of the Liquor Commission and some of the floor leaders in the House we were able to draft this amendment which would waive the requirement. I certainly ask you, in behalf of our airport, that you would allow this amendment to be put on. World Airlines, which is one of the largest carriers that come into Bangor has already stopped flights coming in because they want their customers to expect the same comforts they get at other airports, and this is why at such a late moment that I have offered this amendment, and I would certainly appreciate your support if I could have it.