

# 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

priority program. We are talking about allocating state resources to a program which should be supported regardless of the economic situation in the State of Maine.

I am quite surprised at this late date that this motion to indefinitely postpone would come up, as the Senator from York, Senator Hichens, has indicated, and I would hope that we would vote against this motion to indefinitely postpone.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Huber.

Mr. HUBER: Mr. President and Members of the Senate: I request permission to withdraw my motion.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now requests leave of the Senate to withdraw his motion to indefinitely postpone L. D. 2238. Is it the pleasure of the Senate to grant this leave?

It is a vote.

Thereupon, this being an emergency measure and having received the affirmative votes of 29 members of the Senate was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, in relation to the bill which we just enacted, I move that we reconsider our action and hope you vote against it.

The PRESIDENT: The Senator from York, Senators Hichens, now moves that the Senate reconsider its action whereby this bill was passed to be enacted. Will all those Senators in favor of reconsideration please say "Yes"; those opposed will say "No."

A viva voce vote being taken, the motion did not prevail.

An Act Relating to Exceptional Children. (H. P. 1797) (L. D. 1956)

An Act to Revise the Laws Relating to the Maine Traffic Court. (H. P. 2257) (L. D. 2327)

These being emergency measures and having received the affirmative votes of 31 members of the Senate, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

#### Orders of the Day

The President laid before the Senate the first tabled and Specially Assigned matter:

Bill, "An Act Relating to a Cost-of-Living Adjustment for State Retirees." (S. P. 618) (L. D. 1950)

Tabled — April 1, 1976 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

(In the Senate — Committee Amendment "A" (S-507) Adopted).

On motion by Mr. Speers of Kennebec, retabled and Specially Assigned for April 7, 1976, pending Passage to be Engrossed.

The President laid before the Senate the second tabled and Specially Assigned matter:

Bill, "An Act Relating to Teacher Employment." (S. P. 640) (L. D. 2029)

Tabled — April 2, 1976 by Senator Speers of Kennebec.

Pending — Consideration.

(In the Senate — Veto Sustained, subsequently reconsidered)

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: I would like to read a letter that was on my desk, and I understand that it was not completely distributed. It seems to point up the issue here this morning so beautifully. It is from Ben Dorsky, the President of the AFL-CIO, who is normally up in the halls of this

building but we have missed him because he has been suffering from poor health.

Ben writes as follows: "This is an issue that is fundamental to the collective bargaining process. The issue reduces itself to the question as to whether or not teachers will be allowed the same rights now extended to all others in both the private and the public sector to negotiate the conditions under which dismissals will occur." I think it is that simple.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President, are we voting on reconsideration or on the Governor's veto.

The PRESIDENT: The Chair would advise the Senator that we are voting on the veto question. The prior question has already been reconsidered. A vote of "Yes" will be in favor of the bill; a vote of "No" will be in favor of sustaining the veto of the Governor.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Berry, E.; Carbonneau, Cianchette, Clifford, Collins, Conley, Corson, Curtis, Cyr, Danton, Gahagan, Graham, Jackson, Johnston, Katz, Marcotte, McNally, Merrill, Pray, Roberts, Speers, Thomas.

NAYS: Senators Berry, R.; Cummings, Grafam, Greeley, Hichens, Huber, O'Leary, Troitzky, Wyman.

ABSENT: Senator Reeves.

A roll call was had. 22 Senators having voted in the affirmative, and nine Senators having voted in the negative, with one Senator being absent, and 22 being more than two-thirds of the membership present, it was the vote of the Senate that the bill become a law notwithstanding the objections of the Governor and was sent to the House for concurrence.

The President laid before the Senate the third tabled and Specially Assigned matter:

Bill, "An Act to Revise and Clarify the Freedom of Access Law." (H. P. 2226) (L. D. 2316)

Tabled — April 2, 1976 by Senator Speers of Kennebec.

Pending — Adoption of House Amendment "A" (H-1186)

(In the House — Passed to be Engrossed as Amended by House Amendments "A" (H-1034), "B" (H-1044), "E" (H-1110), "F" (H-1137) "G" (H-1146) and "H").

(In the Senate — Passed to be Engrossed as Amended by House Amendments "B", "E", "F", and "G", in non-concurrence).

House Amendment "H" was Adopted in concurrence.

Mr. Katz of Kennebec then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-517, was Read.

The PRESIDENT: The Senator has the floor.

Mr. KATZ: Mr. President and Members of the Senate: The Senate has already dealt with the fact that with respect to public employment there are two classes of employees. In the case of teachers there are probationary employees, and this amendment signals that this difference between them, probationary employees, shall prevail in this law too.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, Senate Amendment "A" was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the fourth tabled and Specially Assigned matter:

Bill, An Act to Regulate Drinking Water. (S. P. 687) (L. D. 2198)

Tabled — April 2, 1976 by Senator Speers of Kennebec.

Pending — Motion of Senator Speers of Kennebec to reject the report and further insist and ask for a second Committee of Conference.

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: I would hope this would go through. We have already had some discussions in the committee of conference and I think a compromise can be made, so I hope that this motion would prevail.

The PRESIDENT: Is it now the pleasure of the Senate to insist and ask for a second committee of conference with the House?

The motion prevailed.

Thereupon, the President appointed the following Conferees on the part of the Senate: Senators:

CUMMINGS of Penobscot  
CYR of Arostook  
GREELEY of Waldo

There being no objection, all matters previously acted upon in today's session requiring concurrence were sent down forthwith for concurrence.

On motion by Mrs. Cummings of Penobscot, Recessed until 2 o'clock this afternoon.

#### After Recess

Called to order by the President.

#### Papers From the House

Out of order and under suspension of the rules, the Senate voted to take up the following:

#### Non-concurrent Matter

Bill, "An Act to Clarify the Fish and Game Laws." (H. P. 1933) (L. D. 2121)

In the Senate April 2, 1976, Passed to be Engrossed as Amended by Committee Amendment "B" (H-1050), as Amended by House Amendments "A" (H-1068), "B" (H-1163), "C" (H-1164), "D" (H-1172) and "E" (H-1175) Thereto, and Senate Amendments "A" (S-510), "B" (S-512) and "C" (S-513), in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "B", as Amended by House Amendments "A", "B", "C", "D" and "E" Thereto, and Senate Amendments "A" and "C", in non-concurrence.

Mr. Pray of Penobscot moved that the Senate Recede and Concur, and Mr. Berry of Cumberland subsequently requested a division on the motion. Mr. Pray of Penobscot then requested a roll call.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise and stand in their places until counted.

One-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, reading down through very quickly the action in the other body. I note that the only amendment that was not agreed to with the Senate was Senate Amendment "B" under Filing No. S-512, which was the amendment offered by the Senator from Somerset, Senator Corson, which, as I understand it, removes the mandatory sentencing provision for any person convicted of night hunting. I think a motion to recede and concur with the House would be in favor of retaining the mandatory sentence for conviction of night hunting, while a motion to insist on Senate action would be in favor of the position of removing the mandatory sentencing provision for a conviction of night hunting. I stand to be corrected if that is not correct, but I believe that it is the only difference between the two branches.