

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Sixth

Legislature

OF THE

STATE OF MAINE

1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

Thereupon, on motion by Mr. Berry of Cumberland, tabled until later in today's session, pending Enactment.

Emergency

An Act Appropriating Funds to Department of the Attorney General to Print Reports of Two Attorneys General. (S. P. 335) (L. D. 1034)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

Constitutional Amendment

Resolution, Proposing an Amendment to the Constitution Pledging Credit of the State for Revenue Bonds to be Issued by the Maine School Building Authority for Public and Private Institutions of Higher Education and for Public Post-Secondary Business, Trade, Vocational and Technical Schools. (H. P. 391) (L. D. 520)

Comes from the House, Indefinitely Postponed.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Olfene.

Mr. OLFENE: Mr. President and Members of the Senate: This bill is nothing more, as I see it, than guaranteeing private schools monies for capital expenditures up to a total amount of \$25 million. I believe very sincerely that we have had enough repercussions from spending taxpayers' money guaranteeing private business, and this falls, in my opinion, in the same category. Therefore, Mr. President and Members of the Senate, I hope you will concur with the House and indefinitely postpone this bill, and I will ask for a division.

The PRESIDENT: The Senator from Androscoggin, Senator Olfene, now moves that Legislative document 520 be indefinitely postponed in concurrence.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Thereupon, on motion by Mr. Brennan of Cumberland, tabled and Tomorrow Assigned, pending the motion by Mr. Olfene of Androscoggin that the Resolution be Indefinitely Postponed.

Orders of the Day

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

Bill, "An Act to Revise the Election Laws." (S. P. 493) (L. D. 1535)

Tabled — March 26, 1973 by Senator Shute of Franklin.

Pending — Passage to be Engrossed.

Mr. Shute of Franklin then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-47, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. SHUTE: Mr. President and Members of the Senate: This is rather a lengthy document, L. D. 1535, which Senator Cianchette reported out of committee as a new draft of L. D. 556. L. D. 556, entered earlier in the session, is a result of a study made by an ad hoc committee comprising legislators, town clerks, city clerks, boards of registration, people from all walks of life in the state who are interested in election laws, and bringing them up to date in the light of changes brought on by congressional edict or by the Supreme Court. L. D. 1535, is a result of further study by the Election Laws Committee. And for a full explanation, I might say, of each of the provisions in L. D. 1535, I refer you to a statement of fact on L. D. 556, which covers most of these areas.

Now, the amendment that I offer today is to reduce the residency requirement from the current three months to 45 days. Now, you will note the statement of fact on the amendment which I have offered to you is a little bit misleading. The purpose of this amendment is to increase the number of days of residency required in order to vote in any election to 45 and to clarify the keeping of the list of absentee ballots furnished by the clerk. Actually the law now reads three months, as you are well aware. The original bill, 556, of course, called for a 30 days residency requirement.

Now, in a recent Supreme Court decision concerning residency laws in the State of Virginia, the

Supreme Court declared that 50 days was not an outside limit for residency to be established in order to qualify one to vote. So we have offered 45 days as a medium, which is a reduction of about 45 days from our current law. As you know, there is another bill, a Constitutional Amendment, L. D. 9, which languished in the other body for a number of weeks, and now has been referred to the Maine Supreme Court for their judgment.

What we would like to do is move 1535 along with a 45-day provision and see what the Maine Supreme Court does with this, but 1535 is a log jam for our Election Laws Committee because so many of the other bills we are holding in Committee — and I have a whole book full here — depend on the outcome of 1535 and the change of the election laws. We feel that this should move along.

The other amendment that I offer is merely a change to accommodate one of the bills that was offered earlier by Representative Hancock from Casco. This was also on your calendar earlier today in another item on Page 7 related to L. D. 1135, and the Committee revised this law. The amendment would change the new draft back to the present law. Two words are stricken out at the end of the bill, "by precinct", because this again relates to some changes that the Committee feels are necessary in Title 21 on the matter of absentee ballots and the bringing of all absentee ballots in election precincts, where there is more than one precinct, back to the town hall or city hall where all absentee ballots would be counted. So we eliminated the two words "by precinct" there. If that isn't a full explanation of that, I would attempt to clarify it with any further question.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "A"?

The motion prevailed.

Thereupon, the Bill, as Amended, was Passed to be Engrossed.

Sent down for concurrence.

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

Bill, "An Act Relating to Risk Sharing Plans in the Field of Property Insurance." (H. P. 189) (L. D. 229).

Tabled — March 27, 1973 by Senator Berry of Cumberland.

Pending—Consideration.

(In the House, Passed to be Engrossed.)

(In the Senate, Indefinitely Postponed.)

(House Insisted.)

Mr. Cox of Penobscot then moved that the Senate Adhere.

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

Mr. BRENNAN: Mr. President, I would now move that we recede and concur, and would speak briefly to it.

The PRESIDENT: The Senator from Cumberland, Senator Brennan, now moves that the Senate recede and concur.

The Senator has the floor.

Mr. BRENNAN: Mr. President and Members of the Senate: This bill has been debated at some length previously, but I would just like to make a few remarks.

Realistically, insurance today is a necessity on real estate, and I think the necessity is greater the lower one's net worth is. I would ask if there is anybody in this hall here who doesn't have insurance on his own home? I believe if you accept that proposition that insurance on your own home is a necessity today, if you accept that, then I think the state has a proper function to see that that insurance is available where private enterprise has failed.

We have gotten something that was distributed a couple of weeks ago here from insurance people that indicates that private enterprise has failed. And if you accept this as a necessity, I would say it is a proper function of the state. So I would submit that in the Portland area and other areas of this state that need has been demonstrated.

Now, all this bill would do is set up a vehicle to provide insurance for those people who have their life's savings in their