

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 17, 1969 to July 2, 1969

Index

1st Special Session

January 6, 1970 to February 7, 1970

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KENNEBEC JOURNAL
AUGUSTA, MAINE

order, and I move it be indefinitely postponed.

Thereupon, the Joint Order was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act to Clarify and Amend the State Housing Authority Law" (S. P. 642) (L. D. 1813)

Tabled — January 26, 1970 by Senator Moore of Cumberland.

Pending — Adoption of Senate Amendment "A" S-393.

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

Under suspension of the rules, sent down forthwith for concurrence.

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

Bill, "An Act Clarifying Laws Relating to the University of Maine." (S. P. 632) (L. D. 1804)

Tabled—January 26, 1970 by Senator Violette of Aroostook.

Pending—Adoption of Senate Amendment "A", Filing S-394.

Mr. Katz of Kennebec then moved the pending question.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I was just detained outside — if the Senate will give me the benefit of one moment's notice to recollect my papers here — With regards to this bill, Mr. President and Members of the Senate: We are here primarily concerned with Section 2 of the new draft, which is 1804. You have the amendment, which is under Filing S-394, introduced by Senator Katz, which has the effect of striking out all of the second part of Section 2 of the bill, which has to deal with the ability of the ETV station network in Maine with regards to the dissemination or carrying of political programs. Under Senator Katz's amendment, this would leave the law as it is which, I think, in my judgment, creates a rather unrealistic situation with

regards to what this station can carry in the matter of programs or news.

Now, I hope that this amendment will not prevail, and I have prepared another amendment in lieu thereof, which is under listing 400, and which I would like to read at this time. "The Maine ETV network shall neither accept advertising nor engage in editorializing, nor support or oppose any candidate for political office, and shall in all respects operate under the rules and regulations of the Communications Act of 1934, and the Federal Communications Commission." This is what I would like to have inserted in lieu of the present provision.

I personally was not in the legislature at the time that this provision, as it now stands in the law, was implemented into our statutes, but it is my judgment that it is not realistic. If information that is given me is correct — and if it is not correct I will bear correcting — the ETV network today finds itself in great difficulty in interpreting what it can show or what it cannot show in the line of political programs. I am told that it did not carry, and could not under the present law, carry the President's message of last evening whereby he gave his reasons for vetoing one of the congressional bills in regard to the Health and Welfare Bill. They could not have shown this, and they were unable to show it, because there were political implications in it. I am also told that they have been told by legal opinion that even a program that we saw last week, where Governor Curtis, Senator Katz, Representative Richardson and Representative Levesque appeared on an hour's program, to give their views and discussion of general matters before the Legislature, that even this type of a program, which is more informative than actually trying to convince anyone that this type of legislation or that kind of legislation should or should not pass, cannot legally be presented over ETV. When they do present these programs they get continual threats or questions that they are acting outside of the law. I am

also informed that many, many very good and politically informational programs that don't represent one position or another, and carried by the National Educational Television Network, cannot be shown on our own network because of this restriction.

I personally am not interested in advocating that our educational television network become available for this candidate or that candidate or to the advantage of anyone in advancing candidacies or things of that nature, but I think that realistically, and in a mature way, I think we ought to allow this very, very valuable television network, which I think nationally has become recognized as perhaps one of the leading, very far ahead of our actual other networks in impartially and very candid, and non-partisan manner, presenting political views before the people of the nation for their consideration. It is in this nature that I oppose the amendment presented by Senator Katz, and I hope this Senate would defeat it. If this amendment is defeated, then I would like to have adopted the amendment which I propose. I think the amendment which I have proposed is the law that applies today with regards to political action, to every TV nation and every network in the country and it seems to have worked out well in all of those areas. I think that this would be the more mature way, in my judgment, of approaching this subject. For that reason, I hope that the motion by the Senator from Kennebec, Senator Katz, the adoption of the amendment, under Filing S-394, will not prevail.

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

Mr. KATZ of Kennebec: Mr. President, I think you are aware of the fact that, frankly, I don't like the amendment that I have proposed, but I am more anxious in the integrity of the whole bill than I am in just one phase of it, and I am absolutely convinced that this bill cannot receive favorable passage in this Senate unless this amendment passes.

I noticed that the Senator from Aroostook, Senator Violette, has a proposed amendment, Filing S-400, and I would urge the Senate to adopt mine, which strikes out all reference to ETV, and then face the situation as it comes up with Filing S-400. On that basis, I ask you to support my amendment, and I request a division.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I was in the 99th Legislature when this was passed. And the reason that it did get passed eventually in the special session is because these rules and guide lines were inserted in it. It never would have been passed without these rules and guide lines to keep politics out of ETV. This was strictly for education for the schools, and not for politicians. I would certainly support the motion of the Senator from Kennebec, Senator Katz.

The PRESIDENT: The pending question before the Senate is the Adoption of Senate Amendment "A" to Bill, "An Act Clarifying the Laws Relating to the University of Maine." As many Senators as are in favor of adopting Senate Amendment "A" will please rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Sixteen Senators having voted in the affirmative, and ten Senators having voted in the negative, Senate Amendment "A" was Adopted.

Mr. Violette of Aroostook then presented Senate Amendment "B" and moved its Adoption.

The PRESIDENT: The Senate will be at ease for a moment. The Chair wants to see if there is any conflict between the two amendments.

(Senate at Ease)

Called to order by the President.

The PRESIDENT: The Chair believes the Senate should be informed that the adoption of

Senate Amendment "B" nullified completely Senate Amendment "A" and adds new language. The Secretary will read Senate Amendment "B".

Senate Amendment "B", Filing S-400 was Read.

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

Mr. KATZ of Kennebec: Mr. President, what this amendment does is put the Maine Educational Television Network under the FCC. It is presently under the FCC, and I approve of this. It actually broadens their powers to get into public events programs, and I approve of this. I approved of the bill as the Senator originally wrote it, but my responsibility is to get the whole bill passed, and I think that for our purposes here today, that this amendment is a burden on the bill. Reluctantly, I shall vote against this amendment and, hopefully, we will pass this bill to be engrossed without it, and send it down to the other end of the corridor for a reading down there. So, I urge you to vote against this amendment today, and I would ask for a division.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: If the amendment is a good one it ought to be adopted by the Senate, and this is what the Senate here today ought to decide, whether it is a good amendment and whether it feels that it ought to be adopted. If it is adopted, then the bill comes out of this branch, as amended, whole with this amendment, and then goes to the other branch. Then I expect that they are free to do there with it as they so desire. If they there feel that any part of it, this Section 2, or any other part, is not acceptable to them, then it is up to them to determine whether or not they want or like this amendment, or any other amendment, if it is in the bill when it reaches them. I think what this Senate here has to do is to decide whether this is a good rational reasonable amendment to the bill and, if it is, it ought to be adopted

and then see what happens in the other branch.

The PRESIDENT: As many Senators as are in favor of the adoption of the Senate Amendment "B" will please rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Ten Senators having voted in the affirmative, and fifteen Senators having voted in the negative, Senate Amendment "B" was not Adopted.

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

Sent down for concurrence.

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

Mr. MINKOWSKY of Androscoggin: Mr. President, is the Senate in possession of Senate Paper 637, Joint Order, relative to the Investment of State Revenue Funds?

The PRESIDENT: The Chair would answer in the affirmative, the order having been held at the request of the Senator.

Mr. MINKOWSKY: Mr. President, I now move that the Senate reconsider its action whereby this order failed of passage and I would like to speak to my motion.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, now moves that the Senate reconsider its action whereby this Joint Order failed of passage. Is this the pleasure of the Senate?

The motion prevailed.

The PRESIDENT: The Chair recognizes that same Senator.

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: Very briefly, I would just like to reiterate on four points that were discussed yesterday, but possibly need a little further clarification.

Presently the dedicated funds from Fish and Game are generating approximately \$30,000 in interest, which by law reverts to the general fund in the State of Maine. The second point I would like to clarify is that over the last six years a large amount of Fish and Game dedicated funds have been spent in the area of search