

# 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

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**1st Special Session**

January 6, 1970 to February 7, 1970

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KENNEBEC JOURNAL  
AUGUSTA, MAINE

Mr. TANOUS of Penobscot: Mr. President, would a motion to recede and concur take precedence over Senator Wyman's motion?

The PRESIDENT: The Senator is correct, the motion to Recede and Concur takes precedence.

Mr. TANOUS: I so move.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, moves that the Senate recede and concur with the House. Is this the pleasure of the Senate?

The motion prevailed.

#### Non-concurrent Matter

Bill, "An Act Relating to Jurisdiction of District Court in Divorce Actions." (H. P. 1337) (L. D. 1666)

In the House January 26, 1970, Passed to be Engrossed as Amended by Committee Amendment "A" (H-660).

In the Senate January 27, 1970, Passed to be Engrossed as Amended by Committee Amendment "A" (H-660) and as Amended by Senate Amendment "A" (S-408), in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference.

On motion by Mr. Violette of Aroostook, the Senate voted to Insist and Join in a Committee of Conference.

The President appointed the following Conferees on the part of the Senate:

Senators:

QUINN of Penobscot  
VIOLETTE of Aroostook  
HOLMAN of Franklin

#### Non-concurrent Matter

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

In the Senate January 23, 1970, Report "B", Ought to Pass in New Draft, Read and Accepted and the Bill, in New Draft, Passed to be Engrossed as Amended by Senate Amendment "A" (S-394).

Comes from the House, Report "A", the Bill be Referred to the the 105th Legislature, Read and accepted, in non-concurrence.

Mr. Katz of Kennebec moved that the Senate Insist and Request a Committee of Conference.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I would move that the Senate recede and concur with the House in this matter. It appears to me that occasionally we do have occasion to yield to a good judgment decision by the other body and we ought to take advantage of that opportunity when it does arise.

This matter, in our previous discussion on several occasions, I think has shown, if nothing else, that there is a matter of considerable import to be discussed in this bill, and it ought to be referred to the next legislature. This is the bill that concerns itself with the ETV, the eminent domain, the chancellor's assistants and a few other smaller matters. I believe that any of the small non-controversial things that it is desirable to pass this session we could easily include in the omnibus bill, if there be any, and the other matters that do engender considerable controversy should go over to the next session where we can consider them adequately.

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

Mr. KATZ of Kennebec: Mr. President, I oppose the motion and request a division. I think that this is a classical example of where a committee of conference could determine where a common area of agreement exists between the two houses and report back promptly as to their findings. I think we should have that opportunity.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I would only say that this bill was heard, I think, the second day of the session, maybe the day after that, but I think it was the second day, and the bill had just come hot off the press. We have had all this time to look it over and there hasn't been any way of coming to an agreement

with it. I certainly think in this stage of the session we would be far better off if we just realized that there was a controversial issue involved here and put it over to the next session.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Kellam, that the Senate recede and concur with the House on Bill, "An Act Clarifying Laws Relating to the University of Maine" (S. P. 632) (L. D. 1804). A division has been requested. As many Senators as are in favor of receding and concurring with the House will please rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Seven Senators having voted in the affirmative, and twenty-four Senators having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Insist and Request a Committee of Conference.

The President appointed the following Conferees on the part of the Senate:

Senators:

KATZ of Kennebec  
VIOLETTE of Aroostook  
STUART of Cumberland

**Non-concurrent Matter**

Joint Order (H. P. 1437) Relative to proposed State Liquor Store in the Town of Lubec.

In the House January 22, 1970, Referred to the Committee on Appropriations and Financial Affairs.

In the Senate January 27, 1970, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference.

On motion by Mr. Wyman of Washington, tabled and tomorrow assigned, pending Consideration.

(Off Record Remarks)

COMMUNICATIONS  
State of Maine  
House of Representatives  
Office of the Clerk  
Augusta, Maine  
January 28, 1970

Honorable Harry N. Starbranch  
Secretary of the Senate  
Sir:

The House today voted to Adhere to its action whereby Bill "An Act Creating a Commission to Study Means of Increasing the Effectiveness and Capability of the Maine Legislature" (S. P. 604) (L. D. 1784) was indefinitely postponed.

Respectfully,  
BERTHA W. JOHNSON  
Clerk of the House

Which was Read.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: I rise, not to make a speech, but to sing a swan song. This bill was driven to its knees yesterday in the House and they delivered the coup de grace this morning, so it is the end of the line for An Act Creating a Commission to Study Means of Increasing the Effectiveness and Capability of the Maine Legislature.

I find it a little ironic that this should happen at this time when this Legislature, as a body, and we as individual legislators, are literally in the national limelight concerning this oil business. We have a Legislature and a Committee in the Legislature that is struggling to come up with path-finding law in an extremely complex area. Then they and we also are in a more or less adversary position with gigantic firms of literally unlimited resources, with the finest legal advice in the world, hundreds and hundreds of staff people working full-time on this problem, and our committee in this Legislature is going up against these people bare-handed with none of these advantages.

I have heard the feeling expressed by more than one person that they are afraid to pass the conveyance bill and they are afraid to pass the site bill because they know it is going to wind up in litigation and they are afraid that