

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Fifth
Legislature***

OF THE

STATE OF MAINE

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**KENNEBEC JOURNAL
AUGUSTA, MAINE**

SENATE REPORT — Ought to pass in New Draft—Committee on Judiciary on Bill “An Act to Correct Errors and Inconsistencies in the Public Laws” (S. P. 479) (L. D. 1594) — New Draft (S. P. 641) (L. D. 1835) under same title. — In Senate, Report accepted, passed to be engrossed as amended by Senate Amendment “A” (S-312)

Pending — Acceptance of Report in concurrence.

The Report was accepted in concurrence and the New Draft read twice. Under suspension of the rules, the New Draft was given its third reading.

Senate Amendment “A” (S-312) was read by the Clerk.

Mrs. Brown of York offered House Amendment “A” to Senate Amendment “A” and moved its adoption.

House Amendment “A” to Senate Amendment “A” (H-503) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from York, Mrs. Brown.

Mrs. BROWN: Mr. Speaker and Members of the House. I find in the Error and Inconsistencies on page ten a provision to place back in the statutes the right to dig clams for bait on the flats in York. I do not agree with this at this time. I think this is the wrong way to accomplish such a purpose. I have had no requests from any constituent in my area for this legislation. Any such provision as this should have had a hearing.

I would like to give you a brief history so you will understand what has happened. In the 104th Legislature the right to dig clams was repealed for bait purposes in polluted areas. This affected four towns, Biddeford, Kennebunk, Kennebunkport and York. Because clams harvested in a polluted area cannot visually be distinguished from those in the clean area, the chance of these polluted clams getting on the market is very possible. By allowing clams to be taken from a polluted area for any reason other than depuration we stand the chance of losing the state certification by the U. S. Public Health Service, Food and Drug Administration, thereby jeopardizing other

shell fish producers from interstate shipping of the shell fish.

I therefore urge you to vote for this amendment.

Thereupon, House Amendment “A” to Senate Amendment “A” was adopted. Senate Amendment “A” as amended by House Amendment “A” thereto was adopted in non-concurrence.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Members of the House: I would like to make some comments on Senate Amendment “A” which was just put on our desks today because I know we don’t want to have any matters of substance in the Omnibus Bill if it is possible to avoid them. I would like to call your attention, therefore, to Senate Amendment “A” which is under filing number 312.

About two thirds of the way down the first page of this 10-page amendment is a proposal that was part of the capitol parking facility bill which we had and the bill itself was killed finally. So actually this is a substantive change. It would allow the BPI, subject to approval by the Governor and Council, to establish user fees for parking facilities within the capitol complex. This is a substantive matter. It was part of the other bill pertaining to a parking garage in this area which was killed, and I want to call that to your attention.

Now I want to call your attention that the latter half of page two and all of pages three, four, and almost all of page five relate to the Land Use Regulation Bill, the bill that was passed recently and signed by the Governor only last week. I don’t have the expertise to know if there are any substantive changes that are objectionable in this. I did call to the attention of the Majority Floor Leader this morning the fact that these three-plus pages did relate to the Land Use Regulation Bill, with which I know he was very much concerned. And I have spoken to someone who was on the other side of the picture to alert them to this, and I just call it to your attention. I can’t vouch for the validity of these

three pages of proposed amendments.

Then at the top of page six we have a proposed amendment that relates to the Forcible Entry Detainer Bill, which is absolutely a new sentence. I did call it to the attention of the gentleman from Westbrook, Mr. Carrier. I know he is very interested in that area of the law; in fact he called it to my attention, and I wish now to call it to your attention.

At the top of page six, Section 46-A, it adds a new sentence to the Forcible Entry Detainer law, which I don't think we have discussed before this year and I don't know that it is objectionable, I just call it to your attention.

On page nine, this title, effect of repeal, as I understand it, this on page nine would provide that in case any tax is repealed by the people, for example the income tax is repealed by the people, that the repeal of that act will not prohibit the collecting of taxes up until the time that the repeal went into effect.

I wanted to call these to your attention.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker, I have a question on this bill itself that I would address to any one member of the committee who would care to answer, and it is in the bill on page thirteen, Section 65. I would say, unless they put it somewhere else in the bill, back in the Public Laws, it is quite a change. It refers to political and governmental activities prohibited penalty, and as far as I can see there is going to be no penalty any more in regard to political advertising and I think it involves educational TV at Orono. In other words, we are going to get in politics and nobody can do anything about it unless they put it back in the laws somewhere else.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Members of the House: As I understand the law, a court has ruled that this portion of the law is unconstitutional. I don't mean they

ruled that this particular section is, but some other court has ruled that a similar law is unconstitutional. That is my understanding, sir.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I would like to express my personal appreciation to the House chairman of Judiciary and to make these explanations to draw attention to these matters. To the best of my remembrance in the sessions I have been here, this is the first time this has happened in connection with the Omnibus Bill. It was always a great big mystery package that came out in the last few moments and no one took the time to explain to us, and lots of times I felt very helpless and very confused by the whole process, and I want to again thank this gentleman for making the effort in our behalf.

Thereupon, the Bill was passed to be engrossed as amended by Senate Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the second tabled and later today assigned matter:

Bill "An Act relating to Amount of Annual Excise Tax on Railroads" (S. P. 369) (L. D. 1108) — In Senate, passed to be engrossed as amended by Committee Amendment "A" (S-174) and Senate Amendment "A" (S-311) in non-concurrence — In House, adhered to passage to be enacted.

Pending — Motion of Mr. Jalbert of Lewiston to reconsider.

The SPEAKER: Is it the pleasure of the House that we reconsider whereby we voted to adhere? The Chair will order a vote. All in favor of reconsidering will vote yes; those opposed will vote no.

A vote of the House was taken. 92 having voted in the affirmative and 6 having voted in the negative, the motion did prevail.