

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

SENATE

Tuesday, January 6, 1970

In compliance with a Proclamation of His Excellency, Gov. Kenneth M. Curtis, the Senators convened in the Senate Chamber at nine o'clock in the morning, Eastern Standard Time, and were called to order by the President.

Prayer by the Rev. Elmer N. Bentley of Augusta.

The Secretary read the Proclamation:

**STATE OF MAINE
PROCLAMATION**

By the Governor

WHEREAS, legislative leaders and I have agreed that it is advisable that the Legislature of this State should meet in a special session for the purpose of considering the following emergency legislation:

An Appropriations Bill, including funds for the Department of Indian Affairs and the Department of Mental Health and Corrections, increases in judges' salaries, increases in the salaries of employees of state institutions who suffered a reduction in pay because of recent working hour changes, and adjustments in the biennial appropriation of several agencies; A Surplus Appropriations Bill, including funds for a Spruce Bud Worm Control Program, Camp Waban, a Kidney Dialysis Program, School Subsidies, Androscoggin County Mental Health Facility and miscellaneous repairs and emergencies for the Adjutant General, Department of Aeronautics, Department of Mental Health and Corrections, University of Maine, Department of Veteran's Affairs, and Parks and Recreation; a Highway Bond Issue; and other matters judged by the Legislature as necessary to the welfare of the State.

WHEREAS, I further deem it necessary to consider the following items:

Funds for state assumption of 50% of the cost of health insurance plans for state employees, increased enrollment at the University of Maine, a management analysis section in Finance and

Administration, and the Services for Aging unit of Health and Welfare; Creation of a Consumer's council; An interest free loan for construction of the Portland Ferry Terminal; Construction of the first phase of a medical - psychiatric unit at the Boys Training Center; Establishment of a Human Rights Commission; Allocation of bond money for water pollution abatement projects; Government reorganization and efficiency measures; A coastal protection act; Control of solid waste; Annual Sessions; Creation of a State Forest Authority; Changes in laws affecting the State Department of Education, the University of Maine, County Attorneys, Sea and Shore Fisheries, the conveyance of land in South Portland, the poor, the retirement system, municipal, state and private employees, Liquor Commission, Maine Police Academy, Maine Housing Authority, personnel system, technical provisions of state tax laws, property tax administration and wildlands tax adjustments, county government, home rule, municipal revenue bonds and non-public elementary school assistance.

NOW, THEREFORE, I, Kenneth M. Curtis, Governor of the State of Maine, by virtue of the power vested in me as Governor, convene the Legislature of this State, hereby requesting the Senators and Representatives to assemble in their respective chambers at the Capitol at Augusta on Tuesday, the sixth day of January, 1970, at nine o'clock in the morning, in order to receive communications and to consider and enact such measures as in their judgment will best promote the welfare of the state. (SEAL)

Given at the office of the Governor at Augusta and sealed with the Great Seal of the State of Maine, this Twenty - second day of December, One Thousand Nine Hundred and Sixty - nine, and of the Independence of the United States of America, the One Hundred and Ninety - fourth.

KENNETH M. CURTIS, Governor
JOSEPH T. EDGAR
Secretary of State

Which was Read and Ordered
Placed on file.

The PRESIDENT: The Secretary of the Senate, Jerrold Speers, resigned during the summer months in order to accept a position in Washington. Pursuant to Senate Rule No. 5, on December 17th the Chair appointed Harry N. Starbranch to serve as Secretary until the legislature convened in this special session. It is now up to the Senate to elect a new Secretary. The Chair awaits nominations.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I would like to place in nomination the name of Harry N. Starbranch to be the Secretary of the Senate.

Mr. Starbranch has received degrees in Business Administration and Law at the University of Connecticut. He served on active duty for eight years in the Air Force, and is a member of the Maine National Guard, assigned to headquarter units in Augusta. He is a member of the Maine and Kennebec Valley Bar Associations. While with the Attorney General's Department for more than two years, Mr. Starbranch was assigned primarily to the Insurance and Banking Departments. I notice in the press that he has recently joined a local law firm of substantial repute.

I have had a chance to observe Mr. Starbranch in the preparation for the session, and I think you will agree with me as we get going that he is eminently qualified for this post. Mr. President, I nominate for Secretary of the Senate Harry N. Starbranch.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President, I would like to second the nomination of Harry N. Starbranch as Secretary of the Maine Senate.

The PRESIDENT: Harry N. Starbranch has been nominated and seconded as Secretary of the Senate. Are there further nominations?

The Chair recognizes the Senator from York, Senator Logan.

Thereupon, on motion by Mr. Logan of York, nominations were declared closed.

On further motion by the same Senator,

Mr. Hoffses of Knox was authorized to cast one ballot on the part of the Senate in favor of Harry N. Starbranch of York for Secretary of the Senate. This was done, and Harry N. Starbranch of York was declared duly elected Secretary of the Senate for the political year 1970.

At the request of the President, Mr. Hoffses escorted the Secretary-elect to the Council Chamber for the purpose of taking and subscribing to the necessary oaths of office to qualify him to enter upon the discharge of the duties of the Secretary of the Senate.

Subsequently, Mr. Hoffses reported to the Senate that he had attended to the duty assigned to him, and that Harry N. Starbranch had, before the Governor and Council, taken and subscribed to the oaths of office required to qualify him for the discharge of the duties of the Secretary of the Senate.

Communications

State of Maine
Department of State
Augusta, Maine

October 8, 1969

To Waldo H. Clark,
Assistant Secretary of the
Senate of the One Hundred
And Fourth Legislature:

In compliance with Title 3, Section 1 of the Revised Statutes of 1964, notification is hereby given of a vacancy in Senatorial District 21, created by the resignation of Peter Mills of Farmington.

A special election will be held on November 4, 1969 to fill the vacancy.

Respectfully,

S/ELDEN H. SHUTE, JR.
Deputy Secretary of State

Which was Read and Ordered
Placed on File.

State of Maine
Office of Secretary of State

December 17, 1969

To Harry N. Starbranch
Secretary of the Senate
of the One Hundred
and Fourth Legislature

In compliance with the Constitution and Laws of the State of Maine, I hereby certify that a Special Election was held in State Senatorial District 21 on November 4, 1969 for the purpose of electing a State Senator to the One Hundred and Fourth Legislature to fill the vacancy caused by the resignation of Peter Mills of Farmington; that at said election Joseph F. Holman of Farmington, having received a plurality of all votes cast in said election, as contained in a report submitted to the Governor and Council under date of November 17, 1969, appears to have been elected a Senator to the One Hundred and Fourth Legislature.

(SEAL)

IN WITNESS THEREOF, I have caused the Great Seal of the State of Maine to be hereunto affixed this seventeenth day of December in the year of our Lord one thousand nine hundred and sixty - nine and of the Independence of the United States of America, the one hundred and ninety - fourth.

JOSEPH T. EDGAR
Secretary of State

Which was Read and Ordered
Placed on File.

The President appointed Mr. Greeley of Waldo to escort newly - elected Senator Holman of Franklin to the Council Chamber to subscribe to the oath of office before the Governor and Council.

Subsequently, Senator Holman of Franklin was escorted to his chair in the Senate Chamber, having subscribed to the oath of office before the Governor and Council.

There being no objection, the President appointed Senator Holman of Franklin to the Joint Standing Committees on Judiciary and Towns and Counties.

There being no objection, the President then appointed Senator Quinn of Penobscot as Chairman of the Judiciary Committee to fill the vacancy created by the resignation of Senator Mills of Franklin.

ROLL CALL

The roll being called, the following Senators responded to their names: Anderson, Barnes, Bellevau, Bernard, Berry, Boisvert, Cianchette, Conley, Dunn, Duquette, Gordon, Greeley, Hanson, Hoffs, Holman, Katz, Kellam, Letourneau, Levine, Logan, Minkowsky, Moore, Peabody, Quinn, Reed, Sewall Stuart, Tanous, Violette, Wyman, and President MacLeod.

31 Senators having answered to the roll call, the President declared that a quorum was present.

On motion by Mr. Katz of Kennebec,

ORDERED, that a message be conveyed to the House of Representatives informing that body that a quorum of Senators is present for the consideration of such business as may come before the Senate.

Which was Read and Passed.

The Secretary conveyed the message.

Subsequently, a message was received from the House, through Representative Benson of Southwest Harbor, informing the Senate that a quorum was present for the consideration of such business as might come before the House.

On motion by Mr. Minkowsky of Androscoggin,

ORDERED, that a message be sent to His Excellency, the Governor, informing him that in obedience to his Proclamation, a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.

Which was Read and Passed.

The President appointed Senators: Katz of Kennebec, Hoffs of Knox, and Boisvert of Androscoggin to convey the message.

The Committee retired and subsequently reported that they had delivered the message with which they were charged.

Joint Order

Out of order and under suspension of the rules:

On motion by Mr. Sewall of Penobscot.

ORDERED, the House concurring, that unless received by unanimous consent in both branches, no bill or resolve be considered at this Special Session except those designated Legislative Documents Nos. 1616 to 1792 inclusive, and such bills or resolves as may be returned by or recalled from the Governor. This Order shall not apply to such bills or resolves as are intended only to facilitate the business of the Special Session. (S. P. 605)

Which was Read and Passed.

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

Communications

State of Maine
Executive Department
Augusta, Maine

January 6, 1970

Mr. President and Honorable
Members of the Senate
Of the 104th Legislature:

It is my pleasure and duty to transmit for your consideration a separately printed message explaining the items included in my Proclamation convening this Special Session.

Respectfully,
KENNETH M. CURTIS
Governor

Which was Read and with accompanying papers Ordered Placed on File.

(For text of Governor's message see House Record.)

Senate Papers

**Appropriations and Financial
Affairs**

Mr. Sewall of Penobscot presented,

Bill, "An Act Making Deductions and Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971." (Emergency) (S. P. 554) (L. D. 1629)

The same Senator presented,
Bill, "An Act to Appropriate Moneys for Necessary Non - recur-

ring Items for the Fiscal Years Ending June 30, 1970 and June 30, 1971." (Emergency) (S. P. 557) (L. D. 1632)

Mr. Duquette of York presented,
Bill, "An Act Repealing the Law Requiring Assessment of Municipalities in Aid to Dependent Children Grants." (S. P. 576) (L. D. 1703)

Mr. Tanous of Penobscot presented,

Bill, "An Act Appropriating Funds for Employment of an Occupational Safety Engineer by Department of Labor and Industry." (S. P. 577) (L. D. 1704)

Mr. Katz of Kennebec presented,
Bill, "An Act to Provide Protection for the Consumer Against Unfair Trade Practices." (S. P. 578) (L. D. 1705)

Mr. Sewall of Penobscot presented,

Bill, "An Act to Appropriate Moneys for Legislative Expenditures." (Emergency) (S. P. 579) (L. D. 1706)

Mr. Anderson of Hancock presented,

Bill, "An Act Appropriating Funds for Union River Anadromous Fish Restoration Program." (S. P. 580) (L. D. 1707)

Mr. Sewall of Penobscot presented,

Bill, "An Act Appropriating Funds for Providing Shade Trees Through the Forestry Department." (Emergency) (S. P. 581) (L. D. 1708)

Mr. Wyman of Washington presented,

Resolve, Appropriating Funds for Purchase of Equipment at Washington County Vocational - Technical Institute. (S. P. 587) (L. D. 1742)

Mr. Duquette of York presented Bill, "An Act Making Supplemental Appropriations and Deductions for the Fiscal Years Ending June 30, 1970 and June 30, 1971." (S. P. 592) (L. D. 1749)

Mr. Berry of Cumberland presented,

Bill, "An Act Providing Additional Funds for Salaries in the Department of the Attorney General." (S. P. 594) (L. D. 1765)

Mr. Katz of Kennebec presented,
Bill, "An Act Appropriating funds for Construction of a Library

Wing at the University of Maine at Augusta." (S. P. 595) (L. D. 1766)

Which were referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

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

Business Legislation

Mr. Berry of Cumberland presented, Bill, "An Act to Amend the Home Solicitation Sales Act." (S. P. 561) (L. D. 1636)

Mr. Hanson of Kennebec presented,

Bill, "An Act Relating to Investment Fiduciaries Under State Retirement System." (S. P. 562) (L. D. 1637)

Which were referred to the Committee on Business Legislation and Ordered Printed.

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

Education

Mr. Violette of Aroostook presented,

Bill, "An Act Clarifying Laws Relating to the University of Maine." (S. P. 559) (L. D. 1634)

Mr. Stuart of Cumberland presented,

Bill, "An Act Increasing the Borrowing Capacity of School Administrative District No. 75." (Emergency) (S. P. 564) (L. D. 1639)

Mr. Katz of Kennebec presented,

Bill, "An Act Repealing Provision for Student Tuition in Coordination of Public Higher Education." (S. P. 565) (L. D. 1640)

The same Senator presented,

Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws." (Emergency) (S. P. 566) (L. D. 1693)

The same Senator presented,

Bill, "An Act Relating to Difference of Student Tuition Between University of Maine and the State Colleges." (S. P. 596) (L. D. 1767)

Mr. Quinn of Penobscot presented,

Bill, "An Act Relating to Conferring Associate Degrees by Hus-

son College." (S. P. 600) (L. D. 1771)

Which were referred to the Committee on Education and Ordered Printed.

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

Highways

Mr. Cianchette of Somerset presented,

Bill, "An Act to Authorize the Issuance of Bonds in the Amount of Nineteen Million Five - Hundred Thousand Dollars on Behalf of the State of Maine to Build State Highways." (S. P. 551) (L. D. 1626)

Mr. Believeau of Oxford presented,

Resolve, to Reimburse Canton Water District for Costs of Relocating Pipes because of Highway Construction. (S. P. 597) (L. D. 1768)

Which were referred to the Committee on Highways and Ordered Printed.

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

Judiciary

Mr. Hanson of Kennebec presented,

Bill, "An Act Relating to Subpoena Power for State Employees Appeals Board." (Emergency) (S. P. 570) (L. D. 1697)

Mr. Martin of Piscataquis presented,

Resolve, Authorizing Henry Perley to Bring Civil Action Against State of Maine. (S. P. 571) (L. D. 1698)

Mr. Holman of Franklin presented,

Bill, "An Act Relating to Place of Hearings on Post - Conviction Cases." (S. P. 572) (L. D. 1699)

The same Senator presented,

Bill, "An Act Providing for Immunity to Members of Ski Patrols in Emergency Cases." (Emergency) (S. P. 583) (L. D. 1710)

The same Senator presented,
Bill, "An Act Relating to Judicial Divisions of the District Court." (Emergency) (S. P. 585) (L. D. 1712)

Which were referred to the Committee on Judiciary and Ordered Printed.

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

Legal Affairs

Mr. Boisvert of Androscoggin presented, Bill, "An Act to Implement the Powers of Municipal Home Rule." (S. P. 555) (L. D. 1630)

Mr. Quinn of Penobscot presented,

Bill, "An Act Relating to Issuing Revenue - Producing Municipal Facilities." (S. P. 568) (L. D. 1695)

Mr. Tanous of Penobscot presented,

Bill, "An Act Relating to Election and Terms of Town Council of the Town of Lincoln." (S. P. 569) (L. D. 1696)

Mr. Greeley of Waldo presented,

Bill, "An Act Relating to Dumping Offal and Feathers on Highways." (S. P. 589) (L. D. 1744)

Which were referred to the Committee on Legal Affairs and Ordered Printed.

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

Liquor Control

Mr. Conley of Cumberland presented,

Bill, "An Act Relating to Hours of Sale in Retail Stores Under Liquor Laws." (S. P. 575) (L. D. 1702)

Mr. Berry of Cumberland presented,

Bill, "An Act Relating to Definition of Hotel Under Liquor Law". (Emergency) (S. P. 582) (L. D. 1709)

The same Senator presented,

Bill, "An Act Amending the Liquor Laws." (Emergency) (S. P. 586) (L. D. 1741)

Which were referred to the Committee on Liquor Control and Ordered Printed.

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

Natural Resources

Mr. Berry of Cumberland presented,

Bill, "An Act Prohibiting Dumping of Out - of - State Waste Matter." (Emergency) (S. P. 553) (L. D. 1628)

Mr. Bernard of Androscoggin presented,

Bill, "An Act Relating to Enforcement by Sea and Shore Fisheries and the Maine Mining Bureau." (S. P. 556) (L. D. 1631)

Mr. Berry of Cumberland presented,

Bill, "An Act Relating to Grants and Interest - free Loans for Preliminary Planning of Pollution Abatement Facilities." (S. P. 584) (L. D. 1711)

Mr. Reed of Sagadahoc presented,

Bill, "An Act Relating to Water Quality Standards." (S. P. 599) (L. D. 1770)

Mr. Berry of Cumberland presented,

Bill, "An Act Providing for Moratorium on Construction of Certain Industries." (S. P. 602) (L. D. 1773)

Which were referred to the Committee on Natural Resources and Ordered Printed.

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

Public Utilities

Mr. Moore of Cumberland presented,

Bill, "An Act to Extend Period During Which the Trustees of Harrison Water District Have to Acquire Properties Owned by Harrison Water Company." (S. P. 567) (L. D. 1694)

Mr. Violette of Aroostook presented,

Bill, "An Act Relating to the Charter of the Van Buren Light and Power District." (S. P. 601) (L. D. 1772)

Which were referred to the Committee on Public Utilities and Ordered Printed.

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

Sea and Shore Fisheries

Mr. Hanson of Kennebec presented,

Bill, "An Act To Improve Sanitary Standards to Stop Unlawful

Sales of Shucked Shellfish." (S. P. 563) (L. D. 1638)

Which was referred to the Committee on Sea and Shore Fisheries and Ordered Printed.

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

State Government

Mr. Conley of Cumberland presented,

Resolve, Ratifying Certain Conveyances to the United States Government Made by the Governor and Council. (Emergency) (S. P. 552) (L. D. 1627)

Mr. Logan of York presented,

Bill, "An Act to Create a Commission to Prepare a Consumer Credit Code." (S. P. 560) (L. D. 1635)

Mr. Berry of Cumberland presented, Bill, "An Act Relating to Powers and Duties of the Attorney General." (S. P. 588) (L. D. 1743)

Mr. Duquette of York presented,

Bill, "An Act Adjusting Salaries of Certain Unclassified State Personnel." (S. P. 590) (L. D. 1745)

Mr. Boisvert of Androskoggin presented,

Bill, "An Act Relating to State Retirement Laws." (S. P. 593) (L. D. 1764)

Mr. Katz of Kennebec presented,

Resolve, proposing an Amendment to the Constitution Affecting the Apportionment of the House of Representatives. (S. P. 598) (L. D. 1769)

Which were referred to the Committee on State Government and Ordered Printed.

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

Taxation

Mr. Martin of Piscataquis presented,

Bill, "An Act Relating to Property Tax Administration." (S. P. 591) (L. D. 1746)

Which was referred to the Committee on Taxation and Ordered Printed.

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

Towns and Counties

Mr. Minkowsky of Androskoggin presented,

Bill, "An Act Relating to Compensation for Full-time Deputy Sheriffs and Chief Deputies of Androskoggin County." (S. P. 558) (L. D. 1633)

Mr. Hoffes of Knox presented,

Bill, "An Act Authorizing Knox County to Raise Money for Airport and Industrial - Commercial Improvement and Development." (S. P. 573) (L. D. 1700)

Mr. Boisvert of Androskoggin presented,

Bill, "An Act Providing for a Chief Administrative Officer of and Increasing Salaries of County Commissioners of Androskoggin County." (S. P. 574) (L. D. 1701)

Which were referred to the Committee on Towns and Counties and Ordered Printed.

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

Orders

On motion by Mr. Violette of Aroostook

ORDERED, the House concurring, that three hundred twenty-five (325) copies of the Legislative Record for this Special Session, convened on January 6, 1970, be printed and bound, one copy for each of the members of the Senate, House of Representatives, the Secretary of the Senate and Clerk of the House, and the remainder to be deposited in the State Library for exchange and library use; and be it further

ORDERED, that suitable index be prepared for such Legislative Record, under the direction of the Secretary of the Senate and Clerk of the House.

(S. P. 606)

Which was Read and Passed.

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

On motion by Mr. Stuart of Cumberland

ORDERED, the House concurring, that the Secretary of the Senate and Clerk of the House be directed to furnish to each member of the Senate and the House, a copy of the State newspaper each

morning during the present Special Session of the Legislature.

(S. P. 607)

Which was Read and Passed.

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

On motion by Mr. Hoffses of Knox

ORDERED, the House concurring, that the Secretary of the Senate and Clerk of the House, respectively, be authorized to furnish wrappers and postage stamps for each member of the Senate and House, not exceeding \$6.00 in amount each, for the purpose of distributing the various reports of the Departments of State and other public documents such as they may desire to mail to the citizens of the State.

(S. P. 608)

Which was Read and Passed.

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

On motion by Mr. Sewall of Penobscot

ORDERED, the House concurring, that there be paid to the Officers of the Senate and House of Representatives for salaries for this Special Session, the amounts included in weekly lists certified to the State Controller by the Secretary of the Senate and Clerk of the House, respectively, subject to the approval of the Committee on Appropriations and Financial Affairs. (S. P. 609)

Which was Read and Passed.

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

On motion by Mr. Moore of Cumberland

ORDERED, the House concurring, that free telephone service may be provided for the Special Session for each member of the Senate and House to the number of 25 calls, of reasonable duration, from Augusta to points within the limits of the State of Maine, the privilege granted to be a personal privilege, not to be exercised by other than the member, that each member of the Senate and House may be provided with a credit card

under the direction of the Secretary of the Senate and Clerk of the House, respectively, the cost of this service to be paid to the New England Telephone Company at regular tariff rates; and be it further

ORDERED, that free telegraph service may be provided for the Special Session for each member of the Senate and House to the number of 5 messages of reasonable length, from Augusta to points within the limits of the State of Maine, the privilege granted to be a personal privilege, not to be exercised by other than the member, that each member of the Senate and House may be provided with a card under the direction of the Secretary of the Senate and Clerk of the House, respectively, the cost of the service to be paid to Western Union Telegraph Company at regular tariff rates.

(S. P. 610)

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I note that this order would require that the calls emanate from Augusta to points within the limits of the State of Maine. I don't know whether their language is similar to the order that we passed at the beginning of the regular session of the 104th, and was wondering whether or not this was a very unrealistic and impractical order. If we are going to have the use of a credit card, certainly we are not going to come down to Augusta to place a phone call; we are going to be placing them from our districts.

I would like to see this item tabled so we could prepare an amendment to it that would permit us to place the calls from our districts to Augusta or to anywhere within the State of Maine.

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

Mr. KATZ of Kennebec: Mr. President, I would inform the Senator that the wording is exactly the same wording as the regular session and all previous regular and special sessions, and I would

hope that the Senate can live with it as it is written.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I consider the point raised by the Senator from Oxford, Senator Beliveau, well taken. Many times when you are in your home district you want to contact some of the heads of departments for information, and there is a question of whether you can do it under this order because the call would be emanating from your home district to Augusta rather than from Augusta to some other point.

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

Mr. BERRY of Cumberland: Mr. President, I move this item be tabled until tomorrow.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that Joint Order 4-5 be tabled until the next legislative day.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, questioning the timing of the motion, I wonder whether justice couldn't be served by tabling it until later in this morning's session. My understanding is that we will be getting some papers from the House and we will be here for a while.

The PRESIDENT: Does the Senator care to amend his motion?

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

Mr. Levine of Kennebec was granted unanimous consent to address the Senate.

Mr. LEVINE: Mr. President and Members of the Senate: As you all know, the City of Waterville and the State of Maine lost a good citizen and public servant. All of you knew Richard Dubord. He served as Mayor of Waterville, as Attorney General, and he used to be in Augusta as a lobbyist.

There are a lot of things all of you know about Richard Dubord.

There are a few little things that most of you might not know, and I would like to mention them. At the last session Richard Dubord was lobbying for a bill that was introduced by the small loan companies. At the last end of it I was fighting this bill and I was losing out. When they were debating this bill in the other branch I was called some names. I didn't mind that, but I just wanted to tell you what kind of a heart he had and what kind of a man Richard Dubord was. Richard advised me then that I lost; that the only way of stopping this bill would be for the Governor to veto it. There was a gentleman very close to the Governor who was standing right near me there, and I didn't know that he had any interest in it, but he told me "The Governor is not going to veto this bill." That evening I met Richard Dubord in one of the rooms here at the Senator Motel and he told me that that gentleman approached one of the lobbyists and said that if they hired him he would see to it that the Governor didn't veto the bill. With that kind of ammunition I went to see the Governor and I told him that if he didn't veto this bill I would see to it that everybody else would find out about it. I was accused by one of the members of the Senate of being a henchman by forcing the Governor to do something that he didn't like to do. I felt that I had done my duty that I was elected for.

Richard Dubord told me that if he had been in the Senate he would have voted the same way I did; that in his heart he was for the little fellow, for the underdog, he called it - at that time that is what he said, the "underdog." So I would like to ask the Senate to stand up for one minute of prayer in memory of Richard Dubord, a great public servant.

(Thereupon, the members of the senate arose and observed a minute of silence in tribute to Richard Dubord.)

Mr. LEVINE: Mr. President and Members of the Senate: We just had an election in Waterville. The people who live in central Maine must have read the paper. We had the most likeable person for mayor

that any city could have, Mayor Marden. Most of you know Bob Marden, but the mayor, I think, was even a more likeable fellow than his brother. He had great ambitions, but he made one mistake: He raised taxes the first year from 29 mills to 31. The second year he raised taxes from 31 to 37½ mills. I will see to it tomorrow morning, Wednesday morning, that all of you Senators have copies of the papers in Waterville and what it was all about. There were no personalities involved. Representative Carey is a very respectable man, and so was Mr. Marden, but I guess the people in Waterville decided that they don't want any higher taxes, and Mayor Marden and the whole slate of Republicans that imposed the heavy tax on the citizens of Waterville lost out. I just wanted to remind the Senators that we are coming before the jury, any of us who are going to run for any office, we will be coming before the voters, and we should have it in mind. Thank you for listening.

Mr. Logan of York moved that the Senate reconsider its action of earlier in today's session whereby Bill, "An Act to Create a Commission to Prepare a Consumer Credit Code," (S. P. 560) (L. D. 1635) was referred to the Committee on State Government.

Thereupon, on motion by Mr. Katz of Kennebec, tabled until later in today's session, pending the motion of Mr. Logan of York to reconsider.

On motion by Mr. Katz of Kennebec,

Recessed pending the sound of the bell.

After Recess

Called to order by the President. On motion by Mr. Katz of Kennebec.

WHEREAS, it appears to the Senate of the 104th Legislature, convened in Special Session, that the following are important questions of law and that the occasion is a solemn one; and

WHEREAS, there was introduced before the 104th Legislature at its

Regular Session, H.P. 21, L.D. 24, RESOLVE, Proposing an Amendment to the Constitution Providing for Convening of the Legislature at Such Times as the Legislature Deems Necessary; and

WHEREAS, both the House and Senate passed said Resolve by a vote of 2-3 of each body and said Resolve has been signed by the Speaker of the House of Representatives and by the President of the Senate; and

WHEREAS, said Resolve provides for the submission of said proposed constitutional change to the Inhabitants of the State; in accordance with Article X of the Constitution of Maine; and

WHEREAS, said Resolve was presented to the Governor for his consideration on the 27th day of June, 1969; and

WHEREAS, the regular session of the 104th Legislature adjourned, without day, on July 2, 1969 before the Governor could consider the merits of the proposed constitutional amendment; and

WHEREAS, under the Constitution of Maine if the Resolve is a matter which requires the consideration of the Governor, he may sign or veto said proposed constitutional change within three days of the convening of the first special session of the 104th Legislature; and

WHEREAS, constitutional questions have been raised as to whether said Resolve should have been presented to the Governor for his consideration, and it is important that the Legislature be informed as to the constitutionality of said presentation to the Governor;

NOW, THEREFORE, BE IT ORDERED, that the Justices of the Supreme Judicial Court are hereby respectfully requested to give to the Senate, according to the provisions of the Constitution, on its behalf, their opinion of the following questions.

I

Did the Legislature err in sending Legislative Document 24, RESOLVE, Proposing an Amendment to the Constitution Providing for the Convening of the Legislature at Such Times as the Legislature Deems Necessary, to the

Governor for his approval, instead of sending it forthwith to the Secretary of State to prepare for the referendum provided in said Resolve?

II.

Does the Governor have the power of veto over said Legislative Document 24, RESOLVE, Proposing an Amendment to the Constitution Providing for the Convening of the Legislature at Such Times as the Legislature Deems Necessary, which is a proposed amendment to the Constitution of the State of Maine?

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. Cianchette of Somerset: Mr. President, I move that this order lie on the table until the next legislative day.

The PRESIDENT: The Senator from Somerset, Senator Cianchette, moves that this order be placed on the table specially assigned for tomorrow pending passage.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I wonder if the Senator would withdraw his motion for just a moment so that I may make an explanation.

The PRESIDENT: The Senator has posed a question to the Senator from Somerset, Senator Cianchette, which he may acknowledge if he so wishes.

Mr. CIANCHETTE of Somerset: I would be pleased to withdraw it for the moment.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Time is of the essence in this particular case. If you will recall, during the regular session of the legislature the question as to whether or not a constitutional amendment should properly be referred to the Governor, having been passed by both houses of the legislature, for his signature was raised. Of course, this constitutional amendment then goes to the people for their action on it. At that time we were conscious of

the fact that the Governor had not yet signed or vetoed the measure. And he has until the third legislative day when we reconvene to do this. It is a solemn question, and this matter has been discussed with the Minority Leadership of this body and with the Governor. I think all parties are in agreement that this matter should be referred to the Law Court for whatever decision they care to make. It is my understanding that the Law Court is aware of the question that is being propounded, and it would be very helpful if the matter could go to them without delay in view of the timeliness limit of the Governor's veto.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE of Somerset: Mr. President and Members of the Senate: My reasons for asking for the order to lay on the table is the fact that I do not concur in orders such as this being read, although in most instances it is proper, but I feel that all members of this body should have an opportunity to read with some leisure an order of such length and importance as this. I recognize what the Senator from Kennebec has said, however I still feel that in any instance, I am sure that this order did not come out of the clear blue, and I feel that this membership deserves the right to have this printed and distributed to them before passing such an order.

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

Mr. KATZ of Kennebec: Mr. President, I think the Senator from Somerset knows I concur full well, that all during the regular session I slow down surprises in the session. This was a surprise to us. I would inform the Senator from Somerset that it was our understanding that this would have been introduced at the other end of the corridor. It was not, and during the interim — as a matter of fact I signed this just briefly — and that is the reason why you haven't been extended the same courtesies that I have felt should be extended all during the regular session.

The PRESIDENT: Is it now the pleasure of the Senate that this order receive passage?

Thereupon, the order received Passage.

Papers From the House

Out of order and under suspension of the rules, the following papers were received from the House:

**Joint Resolution
STATE OF MAINE**

IN THE YEAR OF OUR LORD
ONE THOUSAND NINE HUN-
DRED AND SEVENTY

**JOINT RESOLUTION
EXPRESSING SYMPATHY ON
THE DEATH OF RICHARD J.
DUBORD.**

WHEREAS, the gentle quiet of personal sadness fills our chambers with the untimely death on New Year's Day of Richard J. Dubord of Waterville; and

WHEREAS, he was a rare person, a compassionate leader, the very conscience of his party, profession and the people of Maine; and

WHEREAS, uniquely possessed with a warm glowing radiance, he spontaneously uplifted the hearts of all who knew him throughout the Legislature and its several departments; and

WHEREAS, he consistently and constructively used his quiet wisdom and profound skill for the genuine betterment of his community and State; now, therefore, be it

RESOLVED: That the members of the 104th Legislature assembled this day in special session tender a lasting token of our deepest affection to honor the memory of a life that enriched many lives and to express a common sorrow and sadness at the loss of a dear friend and trusted companion; and be it further

RESOLVED: That a suitable copy of this Joint Resolution be sent to his devoted wife and three children, along with our highest regards and heartfelt sympathy.

(H. P. 1419)

Which was Read.

The PRESIDENT: Is it now the pleasure of the Senate that this Joint Resolution be adopted in con-

currence? The Chair would ask the Senators who are in favor of the adoption of this Joint Resolution to please rise.

Thereupon, the Joint Resolution was Adopted in concurrence.

House Papers

Bills and Resolves today received from the House requiring Reference to Committees were acted upon in concurrence.

Orders of the Day

The President laid before the Senate a matter tabled earlier in today's session by Mr. Katz of Kennebec, Bill, "An Act to Create a Commission to Prepare a Consumer Credit Code," (S. P. 560) (L. D. 1635), pending the motion by Mr. Logan of York that the Senate reconsider its action whereby the Bill was referred to the Committee on State Government.

The PRESIDENT: Is it now the pleasure of the Senate that the Senate reconsider its action whereby this bill was referred to the Committee on State Government?

The motion prevailed.

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

Mr. KATZ of Kennebec: Mr. President, I am afraid my "No" was not loud enough. I was objecting to the reconsideration motion. May I now move, having reconsidered, that this be referred to the Committee on State Government?

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that Bill, "An Act to Create a Commission to Prepare a Consumer Credit Code" (S. P. 560) (L. D. 1635), be referred to the Committee on State Government, ordered printed and sent down for concurrence, Is this the pleasure of the Senate?

The motion prevailed.

The President laid before the Senate Joint Order S. P. 610, tabled earlier in today's session by Mr. Berry of Cumberland, pending passage.

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

Mr. KATZ of Kennebec: Mr. President, perhaps we are doing something today we should have done twenty years ago. I present Senate Amendment "A" to Joint Order 610 and move its adoption.

Thereupon Senate Amendment "A", Filing No. S-355, was Read

and Adopted and the Joint Order, as Amended, received Passage.

Sent down for concurrence.

On motion by Mr. Hoffses of Knox,

Adjourned until 9 o'clock tomorrow morning.