

# 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

Index

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Wednesday, January 7, 1970  
Senate called to order by the President.

Prayer by the Rev. Canon Roger S. Smith of Augusta.

Reading of the Journal of yesterday.

Out of order and under suspension of the rules, the Senate voted to consider the following matter:

**Ought to Pass**

Mr. Conley for the Committee on Liquor Control on Bill, "An Act Relating to Definition of Hotel Under Liquor Law." (Emergency) (S. P. 582) (L. D. 1709)

Reported that the same Ought to Pass.

The PRESIDENT: Is it the pleasure of the Senate to accept the Ought to Pass Report of the Committee?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, in moving to accept the Committee Report, I should like briefly to explain to the Senate that this bill will correct the situation whereby twenty-seven licensees of hotels have been held up with their liquor license due to a flaw in the legislation which was passed by the 104th whereby we increased the number of rooms for a hotel to qualify from ten to fourteen, and inadvertently omitted the grandfather clause. These licensees since January 1st have been living in hopes that this would pass forthwith. Arrangements have been made for pre-engrossment, and it would be the hope, I am sure, of everybody that this legislation would go right through and be on the Governor's desk for signature today.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Ought to Pass Report of the Committee?

Thereupon, the Ought to Pass Report of the Committee was Accepted and the Bill Read Once.

Under suspension of the rules the Bill was given its Second Reading and Passed to be Engrossed.

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

**Communications**

State of Maine  
Bureau of Public Improvements  
Augusta, Maine

January 6, 1970

To the Senate and House of Representatives of the Special Session of the One-Hundred and Fourth Legislature

We are submitting herewith Status of Capital Improvement Projects Authorized by the 104th and Previous Legislatures Including Cash Expenditures Through June 30, 1969.

Respectfully,

(SIGNED)

NIRAN C. BATES

Director

(S. P. 613)

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

Sent down for concurrence.

STATE OF MAINE  
House of Representatives  
Office of the Clerk  
Augusta, Maine

January 6, 1970

Hon. Harry N. Starbranch  
Secretary of the Senate

Sir:

To fill the vacancy on the Joint Standing Committee on Inland Fisheries and Game, the Speaker today appointed the following member:

Mr. RICKER of Lewiston.

Respectfully,

(SIGNED)

BERTHA W. JOHNSON

Clerk of the House

Which was Read and Ordered Placed on File.

STATE OF MAINE  
Executive Department  
Augusta, Maine

January 7, 1970

To the Honorable Members of the Senate and House of Representatives of the 104th Legislature

I have studied Senate Paper 151, Legislative Document 432, An Act Increasing Salaries and Duties of Liquor Commissioners Other Than the Chairman, and have decided to return it to the Legislature without my signature.

This legislation would further entrench an administrative structure for the Maine State Liquor

Commission which the Legislature is being asked to alter at this Special Session. I have proposed, in my Act to Promote Governmental Reorganization and Efficiency, the abolition of the 3 member State Liquor Commission and its replacement by a single administrator who would be a Bureau Chief in the Department of Finance and Administration. Such a change would eliminate the fragmentation of responsibility and the cumbersome decision-making process which the 3 member commission inevitably involves. Additionally, the change would eliminate the salaried positions.

L. D. 432 moves in the opposite direction. It requires that the two commissioners other than the Chairman devote 3 working days per week to their duties and it specifically involves them in a large number of purely administrative matters. An agency simply cannot be run by three people. Administrative responsibility must rest with a single individual who has the authority to make decisions and who can be held accountable for the consequence of decisions.

If there were any justification for retaining the 3 member commission, it would be because of its value as a policy-making and quasi-judicial body, rather than its administrative importance. Even this value is very dubious because of changes enacted by the 104th Legislature which largely eliminate the judicial functions of the commission. But L. D. 432 focuses entirely on the administrative duties of the commission and enlarges them beyond necessity. I therefore request that my action disapproving L. D. 432 be sustained.

Respectfully submitted,  
(SIGNED)

KENNETH M. CURTIS  
Governor

S. P. 151 - L. D. 432 - An Act Increasing Salaries and Duties of Liquor Commissioners Other Than the Chairman.

The President laid before the Senate the question: Shall this Bill become law notwithstanding the objections of the Governor? According to the Constitution, the

vote was taken by yeas and nays. The secretary called the roll, with the following results:

**ROLL CALL**

YEAS: Senators Anderson, Barnes, Dunn, Greeley, Hanson, Hoffses, Holman, Katz, Logan, Moore, Peabody, Quinn, Sewall, Stuart, Wyman, and President MacLeod.

NAYS: Senators Beliveau, Berry, Cianchette, Conley, Duquette, Gordon, Kellam, Letourneau, Martin, Minkowsky, Reed, and Violette.

A roll call was had. Sixteen Senators having voted in the affirmative and twelve Senators having voted in the negative, sixteen being less than two-thirds of the members present and voting, the veto was sustained.

**Senate Papers  
Appropriations and Financial  
Affairs**

Mr. Reed of Sagadahoc presented, Bill, "An Act To Authorize Bond Issue in the Amount of \$24,835,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine." (S. P. 603) (L. D. 1778)

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

Sent down for concurrence.

**Labor**

Mr. Tanous of Penobscot presented, Bill, "An Act Relating to Death Benefit for Parents Under Workmen's Compensation Law." (S. P. 611) (L. D. 1787)

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

Sent down for concurrence.

**State Government**

Mr. Logan of York presented, 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)

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

Sent down for concurrence.

**Committee Reports****Senate****Leave to Withdraw - Covered By  
Other Legislation**

Mr. Katz for the Committee on Education on Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws." (S. P. 566) (L. D. 1693)

Reported that the same be granted Leave to Withdraw - Covered by Other Legislation.

Which report was Read and Accepted.

Sent down for concurrence.

**Ought To Pass**

Mr. Katz for the Committee on Education on Bill, "An Act Increasing Borrowing Capacity of School Administrative District No. 75." (S. P. 564) (L. D. 1639)

Reported that the same Ought to Pass.

Mr. Sewall for the Committee on Appropriations and Financial Affairs on Bill, "An Act to Appropriate Moneys for Legislative Expenditures." (S. P. 579) (L. D. 1706)

Reported that the same Ought to Pass.

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

Reported that the same Ought to Pass.

Which reports were Read and Accepted and the Bills and Resolve Read Once.

Thereupon, under suspension of the rules, the Bills and Resolve were given their Second Reading and Passed to be Engrossed.

Sent down for concurrence.

**Orders of the Day**

Mr. Katz of Kennebec was granted unanimous consent to address the Senate off the record.

(Off Record Remarks)

On motion by Mr. Katz of Kennebec, recessed pending the sound of the bell.

**After Recess**

Called to order by the President.

Out of order and under suspension of the rules, the Senate voted to take up the following Paper from the House:

**Enactors**

The Committee on Engrossed Bills reports as truly and strictly engrossed the following:

**Emergency**

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

This being an emergency measure and having received the affirmative vote of 28 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 9 o'clock tomorrow morning.