

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Friday, February 19, 1971

Senate called to order by the President.

Prayer by the Rev. Robert Canfield of Gardiner.

Reading of the Journal of yesterday.

Joint Order

Out of Order and Under Suspension of the Rules:

On motion by Mr. Hoffses of Knox,

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, February 23, at 10 o'clock in the morning. (S. P. 302)

Which was Read and Passed.

Sent down forthwith for concurrence.

**Papers from the House
Non-concurrent Matter**

Bill, "An Act Creating the Maine Litter Control Act." (S. P. 262) (L. D. 768)

In the Senate February 12, 1971, referred to the Committee on Natural Resources.

Comes from the House, referred to the Committee on Legal Affairs, in non-concurrence.

On motion by Mr. Clifford of Androscoggin, the Senate voted to Recede and Concur.

House Papers

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

Communications

State of Maine
Department of State
Augusta, Maine 04330

February 18, 1971

To the Honorable Senate of the 105th Legislature of the State:

I have the honor to herewith transmit initiative petitions relating to "AN ACT Repealing the 'Maine Income Tax Law'."

This measure has been filed in this office in accordance with the provisions of Article IV, Part Third, Section 18 of the Constitution of the State of Maine. This measure is proposed by what is purported to be approximately

37,694 signatures. These petitions were filed on February 18, 1971.

Respectively,
(S) JOSEPH T. EDGAR
Secretary of State
(S. P. 312)

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

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

Joint Order

Out of Order and Under Suspension of the Rules:

On motion by Mr. Berry of Cumberland,

ORDERED, the House concurring, that the communication, together with Bill, "An Act Repealing the 'Maine Income Tax Law'," Initiated Bill (I. B. 1) and accompanying petitions, be referred to the Joint Standing Committee on Judiciary for an investigation and report as to the sufficiency of the petitions with the power to subpoena witnesses. (S. P. 313)

Which was Read and Passed.

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

**Senate Papers
Appropriations and Financial
Affairs**

Mr. Schulten of Sagadahoc presented, Bill, "An Act to Authorize Bond Issue in the Amount of \$27,680,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine." (S. P. 303) (L. D. 928)

On motion by Mr. Katz of Kennebec, tabled and tomorrow assigned pending Reference to Committee.

Education

Mr. Minkowsky of Androscoggin presented, Bill, "An Act Relating to Powers and Duties of School Principals." (S. P. 304) (L. D. 898)

The same Senator presented, Bill, "An Act Providing for Mandatory Retirement for Teachers." (S. P. 305) (L. D. 899)

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

Sent down for concurrence.

Fisheries and Wildlife

Mr. Graham of Cumberland presented, Bill, "An Act to Repeal the Oversize Lobster Law." (S. P. 306) (L. D. 900)

Mr. Violette of Aroostook presented, Bill, "An Act Relating to Use of Weapons in the Allagash Wilderness Waterway." (S. P. 307) (L. D. 901)

Which were referred to the Committee on Fisheries and Wildlife and Ordered Printed.

Sent down for concurrence.

Mr. Minkowsky of Androscoggin presented, Bill, "An Act Relating to Model Rocketry." (S. P. 308) (L. D. 902)

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

Sent down for concurrence.

Legal Affairs

Mr. Levine of Kennebec presented, Bill, "An Act Creating the Kennebec Sanitary Treatment District." (S. P. 309) (L. D. 953)

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

Sent down for concurrence.

Natural Resources

Mr. Violette of Aroostook presented, Bill, "An Act Defining the Standards of Judicial Review in Appeals from Orders and Decisions of the Environmental Improvement Commission." (S. P. 310) (L. D. 903)

The same Senator presented, Bill, "An Act to Clarify the Regulation-making Power of the Environmental Improvement Commission." (S. P. 311) (L. D. 904)

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

Sent down for concurrence.

Orders

On motion by Mr. Berry of Cumberland,

ORDERED, the House concurring, that Joint Rule 1 be amended by striking out in the 3rd line of the 2nd paragraph under the caption "Reference of Bills," the punctuation and word, 'orders' (S. P. 314)

Which was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The reference in the order is to the current procedure of the legislature whereby the Reference of Bills Committee must pass upon all orders and documents referred to the legislature. However, it has not been the practice for joint orders to be referred to the Reference of Bills Committee. It seems that it would be highly desirable to bring our orders in line with our practice. It would be an unfortunate thing probably for the progress of legislation for the legislature itself to require the orders which we do introduce from time to time to go to the Reference of Bills Committee.

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

Thereupon, the Joint Order received Passage.

Sent down for concurrence.

On motion by Mr. Katz of Kennebec,

ORDERED, the House concurring, that the Chairman of the Joint Standing Committee on Education be authorized to hire a staff for the Committee, the expense of which is not to exceed \$4,000 (for the regular legislative session of the 105th Legislature), the same to be paid from the payroll of the Joint Standing Committee on Education.

Which was Read.

On motion by Mr. Katz of Kennebec, tabled and tomorrow assigned, pending Passage.

Committee Reports House

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules.

RESOLUTION, Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions. (H. P. 51) (L. D. 85)

Leave to Withdraw

The Committee on Business Legislation on, Bill, "An Act Relat-

ing to Renewals of Insurance Policies." (H. P. 109) (L. D. 153)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass

The Committee on Labor on, Bill, "An Act Relating to Contempts Before the Industrial Accident Commission." (H. P. 269) (L. D. 358)

Reported that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed.

Which report was Read and Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass-As Amended

The Committee on Election Laws on, Bill, "An Act Relating to Persons Ineligible to Serve as Election Officials." (H. P. 224) (L. D. 306)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-18).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-18) and House Amendment "A" (H-21).

Which report was read and Accepted in concurrence, and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence. House Amendment "A" was Read and Adopted in concurrence, and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act to Annex Marshall Island to the Town of Swan's Island." (H. P. 154) (L. D. 209)

Reported that the same Ought Not to Pass.

Signed:
Senators:

QUINN of Penobscot
CLIFFORD of
Androscoggin
KELLAM of Cumberland

Representatives:

CURTIS of Bowdoinham
SILVERMAN of Calais
SMITH of Dover-Foxcroft
COTE of Lewiston
CROSBY of Kennebunk
BRAWN of Oakland
FECTEAU of Biddeford
NORRIS of Brewer
GAUTHIER of Sanford

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Representative:

EMERY of Rockland

Comes from the House, the Majority Ought Not to Pass Report Read and Accepted.

Which reports were Read, and the Majority Ought Not to Pass Report of the Committee Accepted in concurrence.

Senate

Change of Reference

Mr. Schulten for the Committee on Business Legislation on, Bill, "An Act Increasing Compensation of Members of the Maine Insurance Advisory Board." (S. P. 131) (L. D. 343)

Reported that the same be referred to the Committee on State Government.

Which report was Read and Accepted, and the Bill referred to the Committee on State Government and Ordered Printed

Sent down for concurrence.

Ought to Pass

Mr. Marcotte for the Committee on Labor on, Bill, "An Act Relating to Compensation of the Panel of Mediators." (S. P. 18) (L. D. 46)

Reported that the same Ought to Pass.

Mr. Tanous for the Committee on Judiciary on, Bill, "An Act Relating to Lascivious Speech or Behavior in Public Places." (S. P. 85) (L. D. 179)

Reported that the same Ought to Pass.

Mr. Tanous for the Committee on Judiciary on, Bill, "An Act Authorizing the Recording of Certified Copies of Petitions, Decrees and Orders Filed Pursuant to the

Federal Bankruptcy Act." (S. P. 113) (L. D. 292)

Reported that the same Ought to Pass.

Mr. Quinn for the Committee on Judiciary on, Bill, "An Act Relating to Recording Floor Plans and Definition of Building Under Unit Ownership Act." (S. P. 179) (L. D. 531)

Reported that the same Ought to Pass.

Which reports were Read and Accepted, the Bills Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass-As Amended

Mr. Moore for the Committee on Election Laws on, Bill, "An Act Clarifying and Revising Certain Election Laws." (S. P. 72) (L. D. 151)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-9).

Mr. Hoffses for the Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Use of Power Boats on Long Pond, Oxford County." (S. P. 110) (L. D. 289)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-10).

Mr. Graham for the Committee on Natural Resources on, Bill, "An Act Relating to Extension of Time for Operation of Certain Wastewater Treatment Plants Without a Certified Operator." (S. P. 144) (L. D. 383)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-11).

Which reports were Read and Accepted and the Bills Read Once. Committee Amendments "A" were Read and Adopted and the Bills, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Judiciary on, Resolve Authorizing Ansel Green of Bangor to Bring Action Against the State of Maine. (S. P. 54) (L. D. 91)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot
QUINN of Penobscot

Representatives:

HEWES of Cape Elizabeth
WHEELER of Portland
HENLEY of Norway
PAGE of Fryeburg
KELLEY of Caribou
LUND of Augusta
BAKER of Orrington
ORESTIS of Lewiston
WHITE of Guilford

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Senator:

HARDING of Aroostook

Representative:

CARRIER of Westbrook

Which reports were Read.

On motion by Mr. Harding of Aroostook, tabled and specially assigned for February 25, 1971, pending Acceptance of Either Report.

Second Readers

The Committee on Bills in the Second Reading reported the following:

House

Bill, "An Act to Remove the Word Steam from the Boiler Law." (H. P. 117) (L. D. 161)

Bill, "An Act Changing the Name of the Preachers' Aid Society of the Maine Conference of the Methodist Church." (H. P. 237) (L. D. 319)

Which were Read a Second Time and Passed to be Engrossed in concurrence.

Senate

Bill, "An Act Relating to Charges for Care and Treatment of Persons in State Institutions." (S. P. 99) (L. D. 263)

Bill, "An Act Creating the Model White Cane Law for the Blind." (S. P. 142) (L. D. 381)

Bill, "An Act Relating to Community Mental Retardation Services." (S. P. 153) (L. D. 422)

Bill, "An Act Relating to Definitions and Credit Cards Under truth-in-Lending Law." (S. P. 140) (L. D. 379)

Which were Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly

engrossed the following:

An Act Relating to Qualification of Candidates for the Legislature. (S. P. 95) (L. D. 259)

An Act Relating to Operation of the Livermore Falls Water District. (H. P. 78) (L. D. 118)

An Act Relating to Creditable Service Under State Retirement Law for Certain Teachers. (H. P. 143) (L. D. 198)

Which were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Orders of the Day

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

SENATE REPORTS — from the Committee on State Government on Resolution, Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions. (S. P. 57) (L. D. 96) Majority Report. Ought Not to Pass; Minority Report, Ought to Pass.

Tabled— February 18, 1971 by Senator Berry of Cumberland.

Pending —Acceptance of Either Report.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I move that we accept the Minority Ought to Pass Report of the Committee and I would like to speak on it.

The PRESIDENT: The Senator from Kennebec, Senator Levine, moves that the Senate accept the Minority Ought to Pass Report of the Committee.

The Senator has the floor.

Mr. LEVINE: Mr. President and Members of the Senate: When I introduced this legislation my idea was not to change this to full two-year sessions. What I would like to do is change it so we would meet every year, do it in a shorter time, and I think it can be done but my bill would have to be amended. So I would like at this time to have this body vote to accept the Ought to Pass Report, and I will bring in an amendment

which I think would be acceptable to the people who now oppose the bill.

The reason for presenting this legislation, the main reason, is that I don't think we can legislate intelligently concerning our budget when we have to guess for a year in advance.

I looked over the statistics and I don't think that in the last ten years, which is what I checked, the legislature ever estimated the revenues and came out right. And it wasn't the fault of the legislature because the legislature took the figures from the department heads. It turned out in most of the cases that when we enacted a new tax it always brought in a lot more revenue. And when it brings in a lot more revenue it is easy for the next legislature to come and spend it. If they were just to appropriate money for one year, and come back the next year and work on the budget for the following year, you wouldn't have too many surpluses and you wouldn't have as much money spent.

An example was the last special session. I always had the idea that when you had an emergency session you only considered emergency legislation. And I am not criticizing anybody; I was part of it myself, but we passed legislation in the special session that were some of the bills offered in the regular session and did not pass. Some of those bills were money bills, but in the special session money was available and the bills were passed. Now I don't think that is very good legislating.

Another thing is that we had an overdraft of \$5 million. I, myself, as a person and as a business, don't like overdrafts, and I think that if we had annual sessions that would not happen. It is too late to cry over spilt milk, we are being put in a straightjacket, and we will have to vote for the overdraft, but that is poor management, and I don't think the people who elect us like for us to act in that manner.

What I would like to see is that in the second year of the biennium, the second year, that the only thing we should deal with is just financial matters, just the budget, and

nothing else. Then I think we would be doing a better job for the State of Maine by doing it that way.

The next thing is that when this legislation was passed to have us meet every other year the state budget was very small, the state had just a few employees, and it is now getting to be too big an organization to guess about two years in advance. Guessing doesn't usually turn out to be too good a method of running a business.

We have right now, I think, some changes that should be made, if the legislature would agree to them. There are a lot of bills which I call "fishing bills", or fishing legislation when they come here before us. I will admit now that I don't know anything about them. If a lake in Penobscot, Aroostook or Kennebec County should be fished a week earlier or a week later, or what size fish they can catch there, I am not competent to vote on those things. I feel that most of those bills, and there is a lot of them too, you know, amazingly, should go to the departments and let the department heads and their assistants decide them. A lot of the resolves for highway damages, the fifty and hundred dollar ones, I don't feel we are competent to vote on them; they should go directly to the Highway Department.

We could lower our load in the first year and, instead of being here for six months, I think we could be here three months or three months and a half if we took

out some of those small items. There are a lot of bills and they take just as much time. We could meet the first year for maybe three and a half months and do our business, and meet the second year to just work on fiscal matters, which might take a month or six weeks, and I think we would be doing a great service to the State of Maine by putting this resolution out on referendum to the people.

I don't have any more time than the rest of you here to come to Augusta and spend six months here every year, and that is not what I intend by this resolution. I think if it is amended right it would save us time, it would save the state money, and it would make the people who elect us a lot happier. Thank you, sir.

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

Thereupon, on motion by Mr. Berry of Cumberland, tabled and specially assigned for February 25, 1971, pending the motion by Mr. Levine of Kennebec that the Minority Ought to Pass Report of the Committee be Accepted.

(Off Record Remarks)

The Adjournment Order having been returned from the House, Read and Passed in concurrence, on motion by Mr. Hoffses of Knox,

Adjourned until Tuesday, February 23, 1971, at 10 o'clock in the morning.