

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, March 10, 1971

Senate called to order by the President.

Prayer by the Rev. Robert W. Gunn of Gardiner.

Reading of the Journal of yesterday.

**Papers from the House
Joint Order**

WHEREAS, the Bulldogs of Hall-Dale High School have won the State Class C Basketball championship for the year 1971; and

WHEREAS, members of this championship team represent both the Town of Farmingdale and the City of Hallowell; now, therefore, be it

ORDERED, the Senate concurring, that the members of the 105th Maine Legislature commend this team and its coach, Gary Barrett, for their accomplishments in the field of sports and their undefeated record of 22 wins, and wish them continued success in their efforts to bring honor to their respective towns, school and state; and be it further

ORDERED, that a copy of this Joint Order be sent to the principal and coach of Hall-Dale High School.

(H. P. 1044)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

WHEREAS, the Wolverines of Schenck High School of East Millinocket have won the State Class B Basketball championship for the year 1971; and

WHEREAS, members of this championship team represent both the Towns of East Millinocket and Medway; now, therefore, be it

ORDERED, the Senate concurring, that the members of the 105th Maine Legislature commend this team, its co-captains Mark Rosebush and Michael Paoletti, its coach, Ronald Marks, for their accomplishments in the field of sports and wish them continued success in their efforts to

bring honor to their respective towns, school and state; and be it further

ORDERED, that a copy of this Joint Order be sent to the principal and coach at Schenck High School.

(H. P. 1045)

Comes from the House, Read and Passed.

Which was Read.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: As you are perhaps aware, last Saturday evening Schenck High School from East Millinocket played in the Class B championship with Cape Elizabeth High School at Waterville. Of course yesterday was the first day of the session after the game and I gave every opportunity to my fellow seatmate, one aisle removed, from Cape Elizabeth, Senator Berry, to stand up and perhaps congratulate the Schenck team from East Millinocket, but since he didn't happen to do so, I thought it would be appropriate if I stood up this morning and congratulated Cape Elizabeth on the fine game that they gave Schenck High School. Thank you.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: We were very proud, of course, of our performance at the game and were vanquished by an outstanding team. The respect which I know the Cape Elizabeth boys had for the East Millinocket team can only be exceeded by the regard in which I hold the Senator from Penobscot, Senator Tanous.

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

Thereupon, the Joint Order received Passage in concurrence.

House Papers

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

Communications
Maine-New Hampshire
Interstate Bridge Authority

Augusta, Maine

March 8, 1971

To the Honorable Senate and House of

Representatives of the One Hundred and Fifth Legislature:

Transmitted herewith is the Sixteenth Biennial Report of the Maine-New Hampshire Interstate Bridge Authority which is being presented in accordance with Chapter 18, Article VI, Private and Special Laws of 1937.

Respectfully submitted,

Signed:

DAVID H. STEVENS

Chairman

Maine-New Hampshire Interstate

Bridge Authority

(S. P. 428)

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

Sent down for concurrence.

STATE OF MAINE
 Department of Audit
 Augusta, Maine

January 15, 1971

To Governor Kenneth M. Curtis and Members of the One Hundred and Fifth Legislature:

In compliance with statutory requirements, I submit herewith the annual report of the State Auditor for the fiscal year ended June 30, 1970. The financial data presented herewith are based upon the accounting records maintained in the Bureau of Accounts and Control.

Scope of Examination

We have made an extensive examination of major pertinent transactions; such as, appropriations and dedicated revenues, carrying balances, transfers and reserves; securities in custody of the State Treasurer were inspected; other securities were verified by direct correspondence with the custodial banks. Verified other assets and liabilities by such other auditing procedures as were considered necessary in the circumstances, and tested major sources of revenue on a selective basis. We did not make a detailed examination of all recorded

transactions on the general books of the State for the year. We did, however, make a detailed examination of accounting records, procedures and internal controls, and verified financial transactions on a selective basis in our postaudits of the activities of the major State departments during the year. The results of these audits, together with comments, exceptions, and recommendations are contained in our individual audit reports submitted to the respective departments.

Auditor's Opinion

Based on the scope of our examinations, it is our opinion that, except for the exclusion of certain trust and operating fund transactions and balances recorded and controlled locally by State agencies and not reflected herein, the accompanying financial statements present fairly the financial position of the operating funds of the State of Maine at June 30, 1970, and the results of their operations for the fiscal year then ended, in conformity with generally accepted governmental accounting principles applied on a consistent basis.

Respectfully submitted,

(Signed)

R. M. RIDEOUT, JR.

State Auditor

(S. P. 435)

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

Sent down for concurrence.

Senate Papers

Judiciary

Mr. Dunn of Oxford presented, Bill, "An Act to Establish Step-parents Responsibility to Support Stepchildren." (S. P. 429) (L. D. 1243)

(Approved by a majority of the Committee on Reference of Bills—Pursuant to Joint Rule No. 11)

(On motion by Mr. Dunn of Oxford, tabled and tomorrow assigned, pending Reference to Committee.)

Appropriations and Financial Affairs

Mr. Wyman of Washington presented, Bill, "An Act to Authorize Bond Issue in the Amount of \$750,000 for Student

Housing at Washington County Vocational-Technical Institute at Calais." (S. P. 439) (L. D. 1244)

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

Sent down for concurrence.

Health and Institutional Services

Mrs. Carswell of Cumberland presented, Bill, "An Act Relating to Board of Visitors for Each State Institution Under the Department of Mental Health and Corrections." (S. P. 431) (L. D. 1245)

Which was referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

Mr. Bernard of Androscoggin presented, Bill, "An Act Establishing a Comprehensive Child Care Program in Maine." (S. P. 432) (L. D. 1247)

On motion by Mr. Bernard of Androscoggin, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

Judiciary

Mr. Harding of Aroostook presented, Bill, "An Act Abolishing Imprisonment for Debt." (S. P. 433) (L. D. 1253)

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

Sent down for concurrence.

Natural Resources

Mr. Schulten of Sagadahoc presented, Bill, "An Act to Revise the Environmental Improvement Commission Laws." (S. P. 434) (L. D. 1257)

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

Sent down for concurrence.

Committee Reports

House

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

Bill, "An Act Relating to Immunity of State Officers and Employees from Personal Liability." (H. P. 47) (L. D. 80)

Bill, "An Act Relating to Possession of Trout." (H. P. 113) (L. D. 157)

Bill, "An Act Providing for Regulating Water Well Construction and Pump Installation." (H. P. 119) (L. D. 163)

Bill, "An Act Relating to Trade-In Credit for Woods Tractors and Skidders under Sales Tax Law." (H. P. 210) (L. D. 276)

Resolve, Relating to Daily Bag Limit on Ponds Restricted to Fly Fishing Only. (H. P. 297) (L. D. 397)

Bill, "An Act Regulating Fishing on Part of Moose River, Somerset County." (H. P. 415) (L. D. 542)

Bill, "An Act Relating to Payment for Sales of Malt Liquor or Table Wine in Retail Stores." (H. P. 497) (L. D. 638)

Bill, "An Act Decreasing State Employees' Contribution to the Maine State Retirement System." (H. P. 513) (L. D. 658)

Change of Reference

The Committee on Veterans and Retirement on, Bill, "An Act Relating to Injury or Incapacity of Wardens of the Department of Inland Fisheries and Game and Sea and Shore Fisheries." (H. P. 444) (L. D. 578)

Reported that the same be referred to the Committee on Labor.

Comes from the House, the report Read and Accepted and the Bill referred to the Committee on Labor.

Which report was Read and Accepted and the Bill referred to the Committee on Labor in concurrence.

The Committee on Legal Affairs on, Bill, "An Act Relating to Trespass on Lands Abutting Great Ponds." (H. P. 573) (L. D. 749)

Reported that the same be referred to the Committee on Judiciary.

Comes from the House, the report Read and Accepted and the Bill referred to the Committee on Judiciary.

Which report was Read and Accepted and the Bill referred to

the Committee on Judiciary in concurrence.

Leave to Withdraw

The Committee on Legal Affairs on, Bill, "An Act Relating to Operation of Snowmobiles During Nighttime in Municipalities." (H. P. 352) (L. D. 461)

Reported that the same be granted Leave to Withdraw.

The Committee on Liquor Control on, Bill, "An Act Relating to Sale of Wine in Retail Stores." (H. P. 357) (L. D. 465)

Reported that the same be granted Leave to Withdraw.

The Committee on Liquor Control on, Bill, "An Act to Remove Inconsistency in Age of Check-out Personnel in Retail Stores under Liquor Laws." (H. P. 536) (L. D. 709)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Health and Institutional Services on, Bill, "An Act Relating to Salary of Executive Secretary of the Board of Barbers." (H. P. 65) (L. D. 106)

Reported that the same Ought to Pass.

The Committee on Agriculture on, Bill, "An Act Regulating Imitation Milk and Milk Products." (H. P. 376) (L. D. 491)

Reported that the same Ought to Pass.

The Committee on Public Utilities on, Bill, "An Act to Authorize the Beaver Cove Water Company to Utilize the Water of Moosehead Lake." (H. P. 541) (L. D. 713)

Reported that the same Ought to Pass.

The Committee on Education on, Bill, "An Act to Validate Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 22." (H. P. 645) (L. D. 875)

Reported that the same Ought to Pass.

Come from the House, the reports Read and Accepted and the Bills Passed to be Engrossed.

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

Ought to Pass — As Amended

The Committee on Education on, Bill, "An Act to Reconstitute School Administrative Districts Numbers 12, 22, 59, 73, 74, 75 and 77." (H. P. 646) (L. D. 876)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-39).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-39) and House Amendment "A" (H-40).

Which report was Read.

On motion by Mr. Katz of Kennebec, the Bill was Recommended to the Committee on Education in non-concurrence.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act Relating to Disability and Powers of Town Managers." (H. P. 199) (L. D. 254)

Reported that the same Ought Not to Pass.

Signed:

Senators:

QUINN of Penobscot

KELLAM of Cumberland

CLIFFORD

of Androscoggin

Representatives:

CURTIS of Bowdoinham

SILVERMAN of Calais

SMITH

of Dover-Foxcroft

COTE of Lewiston

FECTEAU of Biddeford

NORRIS of Brewer

EMERY of Rockland

GAUTHIER of Sanford

BRAWN of Oakland

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

Signed:

Representative:

CROSBY of Kennebunk

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 Ought to Pass

Mr. Johnson for the Committee on State Government on, Bill, "An Act Relating to Computation of Housing Expenses for Members of the Legislature." (S. P. 241) (L. D. 702)

Reported that the same Ought to Pass.

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

Senate Ought to Pass — As Amended

Mr. Dunn for the Committee on Appropriations and Financial Affairs on, Resolve Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans. (S. P. 88) (L. D. 217)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-29)

Which report was Read and Accepted and the Resolve Read Once. Committee Amendment "A" was Read and Adopted and the Resolve, as Amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

Mrs. Carswell for the Committee on Business Legislation on, Bill, "An Act Relating to Trust Assets of Banks and Trust Companies." (S. P. 217) (L. D. 663)

Reported that the same Ought to Pass in New Draft under same Title: (S. P. 427) (L. D. 1125)

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

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act Authorizing a Mortgagee to Bid and Purchase Real Estate Sold Under Power of Sale." (S. P. 117) (L. D. 296)

Reported that the same Ought to Pass.

Signed:

Senators:

QUINN of Penobscot
KELLAM of Cumberland
CLIFFORD

of Androscoggin

Representatives:

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

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Representatives:

EMERY of Rockland
GAUTHIER of Sanford

Which reports were Read.

Thereupon, on motion by Mr. Quinn of Penobscot, the Majority Ought to Pass Report of the Committee was Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act to Extend Unemployment Compensation Benefits during High Periods of Unemployment." (S. P. 156) (L. D. 425)

Reported that the same Ought to Pass.

Signed:

Senators:

TANOUS of Penobscot
MARCOTTE of York
LEVINE of Kennebec

Representatives:

McTEAGUE of Brunswick
BUSTIN of Augusta
ROLLINS of East Dixfield
SIMPSON of Millinocket
BEDARD of Saco
GENEST of Waterville
GOOD of Westfield

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Representatives:

KELLEY of Machias
LINCOLN of Bethel
LEE of Albion

Which reports were Read.

Thereupon, the Majority Ought to Pass Report of the Committee was Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

Second Readers

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

House

Bill, "An Act Relating to Temporary Lodging in County Jails of Returnees from Entrustment and Juveniles Absent without Leave from Juvenile Institutions." (H. P. 460) (L. D. 615)

Bill, "An Act Relating to Notice of Hearings before the Administrative Hearing Commissioner." (H. P. 418) (L. D. 545)

Bill, "An Act Revising Probate Rules and Blanks." (H. P. 456) (L. D. 611)

Bill, "An Act Relating to Arson." (H. P. 491) (L. D. 632)

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

House — As Amended

Bill, "An Act Relating to Payments by the State for Damage by Dogs and Wild Animals." (H. P. 252) (L. D. 334)

Which was Read a Second Time and Passed to be Engrossed, as Amended, in concurrence.

Senate

Bill, "An Act Relating to Legislative Counsel or Agents." (S. P. 13) (L. D. 41)

Bill, "An Act to Amend the Charter of Portland Widows' Wood Society." (S. P. 180) (L. D. 532)

Bill, "An Act Repealing the Interim State Valuation of Municipalities." (S. P. 265) (L. D. 771)

Bill, "An Act Exempting Certain Incorporated Nonprofit Nursing Homes from the Sales Tax." (S. P. 288) (L. D. 842)

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 Changing the Name of Committee on Educational Television and Relating to Educational Services in Communication Media. (S. P. 96) (L. D. 260)

An Act Relating to Death Benefits for Fish and Game and Coastal Wardens under the State Retirement System. (S. P. 147) (L. D. 386)

An Act Creating County Commissioner Districts for Hancock County. (H. P. 330) (L. D. 439)

An Act to Regulate Sewer Utilities. (H. P. 503) (L. D. 649)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

An Act Providing for Termination of the Old Town Great Works School District. (H. P. 523) (L. D. 686)

An Act Repealing Law Relating to Permits for Aircraft Pilots to Transport Fish and Game. (H. P. 526) (L. D. 688)

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

Emergency

An Act Increasing the Indebtedness of Veazie Sewer District. (H. P. 501) (L. D. 647)

This being an emergency measure and having received the affirmative votes of 32 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.

Orders of the Day

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

House Reports — from the Committee on Legal Affairs on Bill, "An Act Requiring Referendum Elections on Certain Municipal Public Works Appropriations." (H. P. 103) (L. D. 147) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled—March 4, 1971 by Senator Quinn of Penobscot.

Pending—Motion by Senator Quinn of Penobscot to Accept the

Majority Ought Not to Pass Report.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: This document has been around the halls of the Senate for some time, tabled and retabled, and it now has come to its day of judgment.

I noticed on my desk this morning a decision which has been offered by the Attorney General's office. I would like to point out to you the statement of fact in this particular document. It says that the bill would require certain public works projects to be approved by the voters in a referendum election before a municipality could legally raise or appropriate money to finance them.

Now the first thought that comes to mind is the matter of home rule. I am a strong advocate of home rule. I believe that it is the proper prerogative of the people of the community to endeavor to govern themselves insofar as possible. This particular document does pertain to home rule, but if it is adopted it will provide a uniformity of procedure by which the municipalities may operate. Now, any municipality that so desires can incorporate this particular piece of legislation in its charter and it can be thus governed. Other municipalities which do not would be operating under a separate and different form of government, and this bill, I believe, would create a uniformity by which all the municipalities in this particular matter would be governed.

With your indulgence, ladies and gentlemen of the Senate, I would like to read to you an opinion by the Attorney General relative to this particular document, and it reads:

"In reference to your inquiry as to the constitutionality of Legislative Document 147, it is the opinion of this office that no constitutional problems arise under Article VIII-A of the Maine Constitution.

"Article VIII-A, passed in November, 1969, granted to the municipalities the exclusive broad

power to alter and amend their charters as to local and municipal matters, including the substitution of charters. This grant of power is limited to action upon previously existing charters and relating to local or municipal matters only.

"Legislative Document 147 repeals and replaces a general statute by creating a new manner of raising and appropriating money for expenditure for parks and construction projects. The statute applies to any municipality operating under the general statutes. We see no constitutional problem with such application because of the provisions of Article VIII-A of the Maine Constitution.

"We cannot determine, because we have not examined the charters of municipalities which do not operate under the general statutes, whether such a provision would have the effect of altering their charters and as such be unconstitutional. In short, so long as the legislation does not affect a municipal charter, it is not in violation of Article VIII-A."

Now, for the benefit of you people, the matter of the charter relative to the City of Rockland has been in question, and I would like to point out to you that the City of Rockland has solved this problem and that it does no longer create a problem for that municipality. However, as I said earlier, it would create a general uniform practice by which all of the municipalities would handle the matter of a bond issue relative to local and municipal matters. I would hope that you would defeat the motion by the distinguished Senator from Penobscot, Senator Quinn, that this bill ought not to pass, and I would ask for a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD of Androscoggin: Mr. President and Members of the Senate: I would ask that you support Senator Quinn's motion and accept the majority report, and I would like to say a few words in support of this.

I was present when the hearing took place before the Legal Affairs Committee, and very basically what was testified to at that time was that back last fall the City of Rockland, the City Council, voted four to one to go ahead and build a city hall complex which would cost the city approximately \$711,000. The townspeople were upset; they didn't feel that they could afford it, and they decided to do something about it. They circulated petitions and they got enough signatures so that they put the matter to referendum. And when the election came up the proposal by the City Council for the city hall complex was defeated by a three to one margin.

Now, this bill was conceived as a result of the controversy that happened within the City of Rockland last fall. What this bill would do is simply this: It would require public works projects over a certain price tag to go out to voter referendum. There has been a formula devised that basically is this: If the project would cost over ten per cent of the debt limit, then it would automatically go to referendum and the voters would either approve or disapprove.

Now, don't get me wrong. I am not against economy in government, and I am not a liberal spender by any manner or means. And I am really not opposed to giving the voters in a community the right to either approve or disapprove of a public works project. My objection to this bill is something far different. In my opinion, this bill is inconsistent with the "Home Rule" bill which was passed by the 104th Legislature less than two years ago. And because it is inconsistent with this "Home Rule" bill or the "Home Rule" principal, this is why I am against L. D. 147, this piece of legislation that we are talking about today.

Now, I think there has been some confusion about this bill, and this is why I had caused to be passed out today a photostatic copy of a letter from the Attorney General's office. The point I wanted to make by this letter was simply this: Could Rockland, if they did have this problem or do have this problem, amend or adopt their charter

through home rule? Can they adopt the provisions of L. D. 147 and thereby solve their problem? Now, I asked this specific question to the Attorney General's office, and I won't bother to read the answer that the Attorney General's office gave me because it is in the hand-out that you have before you now, and I think it is very clear that they can, if they want to, if the people in Rockland want to, amend their charter to include the provisions of L. D. 147.

The thing that I find distasteful about this bill is that this legislature, if they do pass this piece of legislation, would be compelling every other municipality within this state to adopt or be governed by this L. D. 147. Now, if Rockland has a problem, let Rockland come up with its own solution and don't bother every other community in the state with its problem.

How many people in the Senate actually know the inner workings of the Lewiston City Government? Outside of the Senators from Androscoggin County, I doubt if there are many. So how can we intelligently pass a law that goes to the very heart of Lewiston Government, or the government of any other municipality, when we really don't know what we are doing? I am not trying to criticize people here for not knowing about the Lewiston City Charter or Lewiston Government. I don't know about any other city charter in this state other than my own home town, because my interest is there. I feel that the citizens of Lewiston should govern themselves on these matters. This basically is my objection to this L.D. 147. I think this was the objection that the majority on the Committee on Legal Affairs had. I was really quite proud of them that they were able to make this distinction, that they were able to see through this piece of legislation and come up with a ten to three majority report that it ought not to pass. It is for this reason that I now urge the members of this Senate to support Senator Quinn's motion and vote in the affirmative on this question. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: When this bill came up it seemed almost to me like a nightmare revisited. In the last terms I served in the Senate we used to have these charter bills which took days and days of the legislature's time while we tried to resolve some matter which was a municipality's concern. The legislature took care of that problem when we gave home rule. This is trying to revisit the old system whereby this Legislature took over the responsibilities of the municipalities.

My good friend, Senator Hoffses, has read from the Attorney General's letter. I believe that he overlooked, or perhaps he didn't emphasize the last sentence, in the next to the last paragraph, and I would ask you to listen to this with some care, "In short, so long as the legislation does not affect a municipal charter, it is not in violation of Article VIII-A," of the Constitution. If it does affect the municipal charter, then it is in violation clearly by this letter.

So, let's not kick this thing around, back and forth. I have heard some of the Senators say, "Look this is poor legislation," I have heard them tell the sponsor, "but if you want to get it through one more time in the Senate, well, we will go along with you. You are young, we appreciate what you are trying to do, and you have worked hard, so we will go along with you." This legislation is unconstitutional. It is a nuisance. It should be defeated. Let's give it a merciful death, and be on with the important matters of this Senate.

So, I ask that you support the good Senator from Penobscot, Senator Quinn, in the motion which he has made.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Penobscot, Senator Quinn, that the Senate accept the Majority Ought Not to Pass Report of the Committee. A division has been requested. As many Senators as are in favor of accepting the Majority Ought

Not to Pass Report of the Committee will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Twenty Senators having voted in the affirmative and ten Senators having voted in the negative, the Majority Ought Not to Pass Report of the Committee was Accepted in concurrence.

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

House Reports — from the Committee on Taxation on Bill, "An Act to Eliminate Moose River from the Maine Forestry District." (H. P. 141) (L. D. 196) Majority Report, Ought Not to Pass; Minority Report Ought to Pass.

Tabled—March 5, 1971 by Senator Wyman of Washington.

Pending—Acceptance of Either Report.

On further motion by the same Senator, retabled and specially assigned for March 17, 1971 pending Acceptance of Either Report.

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

Bill, "An Act Limiting the Amount of Money Spent by Candidates Seeking Political Office." (S. P. 398) (L. D. 1011)

Tabled—March 5, 1971 by Senator Katz of Kennebec.

Pending—Passage to be Engrossed.

On motion by Mr. Shute of Franklin, retabled and specially assigned for March 17, 1971, pending Passage to be Engrossed.

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

Bill, "An Act Relating to Record of Plans by Registers of Deeds." (H. P. 728) (L. D. 816)

Tabled—March 5, 1971 by Senator Sewall of Penobscot.

Pending—Motion by Senator Martin of Piscataquis to Indefinitely Postpone.

Thereupon, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

(Off Record Remarks)

On motion by Mr. Hoffses of
Knox,

Adjourned until 9 o'clock
tomorrow morning.