

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Fifth
Legislature***

OF THE

STATE OF MAINE

Volume III

June 16, 1971 to June 24, 1971

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1st Special Session

January 24, 1972 to March 10, 1972

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**KENNEBEC JOURNAL
AUGUSTA, MAINE**

SENATE

Thursday, February 3, 1972

Senate called to order by the President.

Prayer by the Rev. Douglas M. Morrill of Augusta.

Reading of the Journal of yesterday.

On motion by Mr. Hoffses of Knox, Senate in recess pending the sound of the bell.

After Recess

Called to order by the President.

Papers from the House Joint Order

ORDERED, the Senate concurring, that there shall be a study and analysis of the offices, departments, boards, commissions and other agencies of the State and of the functions of State Government to ascertain the means by which and the manner in which the services of the State of Maine may be afforded to its citizens in the most efficient, expeditious and economical manner; and be it further

ORDERED, that such study and analysis shall be undertaken by a nonprofit corporation to be known as the Commission on State Management and Costs. Such commission and chairman shall be appointed by the Governor. The Commission may employ such agents, assistants, employees and consultants, and may utilize the services of such private citizens, including persons from Maine's business and industry, as it deems necessary and appropriate to carry out its functions; and be it further

ORDERED, that the commission is authorized to call upon any office, department, board, commission or other agency of the State, and any officer or employee of the State, to supply such statistical data, program reports and other information and materials as the commission deems necessary or appropriate to discharge its responsibilities.

Each office, department, board, commission or other agency of the State, and each officer and employee of the State, is authorized and directed, to the extent not inconsistent with the law, to coop-

erate with the commission and to furnish it such information and assistance as it may find necessary or appropriate in the discharge of its responsibilities; and be it further

ORDERED, that the commission shall render to the Governor and the Legislature such interim reports as it may deem appropriate; and, upon the completion of its work, the commission shall render a full report to the Governor and the 106th Legislature of its findings and recommendations as it deems appropriate. (H. P. 1564)

Comes from the House, Read and Passed.

Which was Read.

Mr. Hoffses of Knox then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-329, was Read.

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

Mr. HOFFSES of Knox: Mr. President, as a matter of information, this is just simply a house-keeping matter and it changes the name of this commission in conformity to some literature which has already been printed.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "A"?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Thereupon, on motion by Mr. Conley of Cumberland, tabled until later in today's session, pending adoption of Senate Amendment "A".

Orders

On motion by Mr. Greeley of Waldo,

WHEREAS, the harmony of the universe is a comfortable marriage which is full and rich and continually expanding in beauty and in power; and

WHEREAS, Leland and Hazel King have enjoyed harmony of such dimensions for the past fifty years; and

WHEREAS, Leland is a retired state employee and former officer of the Maine Senate; and

WHEREAS, the Kings are celebrating these happy years and special family relations of the

Golden Anniversary of their wedding; now, therefore, be it

ORDERED, the House concurring, that we the Members of the Senate and House of Representatives of the One Hundred and Fifth Legislature of the State of Maine now assembled in special legislative session join the Golden Wedding Anniversary celebration of our friend and colleague and his dear bride by extending our warmest congratulations on this memorable occasion, along with our very best wishes for the years to come; and be it further

ORDERED, that a suitable copy of this Joint Order be immediately transmitted to Mr. and Mrs. King of Jefferson as a small memento of our esteem. (S. P. 747)

Which was Read and Passed.
Sent down for concurrence.

Mr. Anderson of Hancock was granted unanimous consent to address the Senate.

Mr. ANDERSON: Mr. President and Members of the Senate: I am very much disturbed over the Governor directing the Attorney General to drop the proceedings against law violators at Snowy Beach. This is a very, very poor example for our young people. It will give other demonstrators the courage to break our laws, knowing that they will not be prosecuted. There was no question but what our laws were willfully violated.

The Governor could have pardoned these offenders after the court proceedings. I feel it is a slap in the face to our law enforcement officers and to our courts, and I don't like it. Thank you.

(Off Record Remarks)

Mr. Shute of Franklin was granted unanimous consent to address the Senate.

Mr. SHUTE: Mr. President and Members of the Senate: Yesterday in my maiden speech during the special session I made reference to two items that I felt were troublesome for all of us, namely, the Senate reapportionment and the big box situation. Later in the day, when I had an opportunity to read the Portland Press Herald, I became distressed at what I read

under a by-line of one Donald Hanson in the Wednesday, February 2nd, issue, and I am asking the Sergeant-at-Arms to distribute a copy so that each one of you may have the opportunity to read this.

I am distressed because of the apparent attitude of the Executive Branch of our government in the matter of this big box controversy. 47,000 signatories of the initiative referendum, I believe, were being put on by the Governor and, indeed, put off by the Governor. The Hanson article — I would like to read part of it along with you: "The Republicans probably would have won the June Referendum that they want on the big box controversy if they hadn't tried to force it by taking him to court, Governor Kenneth M. Curtis said Tuesday. But because the G.O.P. backed ballot reform group tried to make him act in advance of his statutory deadline, the Governor said, he is willing to let the court decide whether a Governor can be forced to perform his ministerial duties. Prior to the court suit, Curtis had written to the Citizens for Ballot Reform, telling them that he intended to issue a proclamation calling for a referendum on the question in conjunction with the June 19 Primaries. Republicans, fearful that Curtis was going to backtrack on his word and delay the referendum until November, brought a writ of mandamus asking the Superior Court to force Curtis to call for the referendum in June. This court suit, Curtis said in an exclusive interview, has had an effect on my changing my mind."

This Hanson article in the Press Herald of yesterday indicates to me what I have suspected all along, that the Executive Department did not intend to issue a proclamation, and used as an excuse the court suit initiated by the Citizens for Ballot Reform. Now, if this is untrue and an unfair charge, then I would like to ask the Governor if he would consider asking the C.B.R. to withdraw their suit and, if agreeable on the part of the C.B.R., would the Governor then proclaim June 19th, June 20th,

June 21st, June 22nd, or any date in that area, as the date upon which the people in this state, and the 47,000 people who signed the initiative referendum, could have their day at the ballot box.

I will read again one of these paragraphs: "This court suit, the Governor said in an exclusive interview, has had an effect on my changing my mind." I would like to pose a question to any member of this body, that if they can secure an exclusive interview with the Chief Executive and prevail upon him again to change his mind, then we would welcome this opportunity.

I consider this an infantile attitude on the part of the Governor, and I think I feel that I represent the feelings of 47,000 people who are waiting for a decision.

So, if we could paraphrase what the good Reverend said to us this morning in our prayer, "Let our souls sing, let us find the peacemaker, let us be passionately reasonable." Thank you, sir.

The PRESIDENT: The Chair at this time would ask the Sergeant-at-Arms to escort the Senator from Cumberland, Senator Berry, to the rostrum to assume the duties of President pro tem.

Thereupon, the Sergeant-at-Arms escorted Senator Berry to the rostrum where he assumed the duties of the President pro tem, and President MacLeod retired from the Senate Chamber.

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:

Bill, "An Act Relating to the Treatment and Disposal of Sewage by Portland Water District." (H. P. 1502) (L. D. 1944)

Ought to Pass

The Committee on Public Utilities on, Bill, "An Act Relating to Filling Vacancies in Board of Trustees of Sanford Sewerage District." (H. P. 1501) (L. D. 1943)

Reported that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-519).

Which report was Read and Accepted in concurrence and the Bill Read Once. 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 Taxation on, Bill, "An Act Providing for a Change in Standard Deductions in Income Tax Law." (H. P. 1547) (L. D. 2003)

Reported that the same Ought to Pass.

Signed:

Senators:

WYMAN of Washington
HICHENS of York
FORTIER of Oxford

Representatives:

TRASK of Milo
FINEMORE

of Bridgewater
MORRELL of Brunswick
COLLINS of Caribou
McCLOSKEY of Bangor
COTTRELL of Portland

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

Signed:

Representatives:

CYR of Madawaska
DAM of Skowhegan
ROSS of Bath

Come from the House, the Majority Ought to Pass report Read and Accepted and the Bill Indefinitely Postponed.

Which reports were Read.

Mr. Wyman of Washington moved that the Senate Accept the Majority Ought to Pass Report of the Committee.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: The implications of this bill are not completely clear. I wonder if someone would explain them.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Thereupon, on motion by Mr. Wyman of Washington, tabled and Tomorrow Assigned, pending the motion by that Senator to accept the Majority Ought to Pass Report of the Committee.

Senate

Ought to Pass in New Draft

Mr. Tanous for the Committee on Judiciary on, Bill, "An Act Relating to Actions to Quiet Title to the Fee Interest in Discontinued Roads and Ways." (S. P. 697) (L. D. 1878)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 748) (L. D. 2031)

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 Judiciary on, Bill, "An Act Increasing Membership of State Parole Board." (S. P. 696) (L. D. 1877)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot
QUINN of Penobscot
HARDING of Aroostook

Representatives:

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

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

Signed:

Representative:

CARRIER of Westbrook

Which reports were Read.

On motion by Mrs. Carswell of Cumberland, tabled and Tomorrow Assigned, pending Acceptance of Either Report.

Second Readers

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

House

Bill, "An Act Increasing Borrowing Capacity of York Sewer District." (H. P. 1499) (L. D. 1941)

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

House — As Amended

Bill, "An Act to Amend the Laws Pertaining to the Protection and Improvement of Air by Establishing Ambient Air Quality Standards." (H. P. 1549) (L. D. 2008)

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

Senate — As Amended

Bill, "An Act Relating to Transit Districts." (S. P. 704) (L. D. 1885)

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

Sent down for concurrence.

Enactors

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

An Act Relating to Number of Corporators of Oak Grove School. (H. P. 1486) (L. D. 1929)

An Act Authorizing the Use of the Name Maine School Management Association. (H. P. 1487) (L. D. 1930)

Which 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 Relating to Property of the Seed Potato Board. (S. P. 719) (L. D. 1992)

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

Emergency

An Act Relating to Unusual School Enrollment Increases. (H. P. 1465) (L. D. 1908)

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

Emergency

An Act Relating to School Construction Aid Payments. (H. P. 1469) (L. D. 1912)

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

Orders of the Day

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

Bill, "An Act Relating to Penalty for Dogs Killing or Wounding Wild Animals". (H. P. 1470) (L. D. 1913)

Tabled — February 2, 1972 by Senator Hoffses of Knox.

Pending — Passage to be Engrossed.

On motion by Mr. Hoffses of Knox, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

Bill, "An Act to Revise Certain Laws Relating to Banks." (H. P. 1559) (L. D. 2019)

Tabled — February 2, 1972 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

On motion by Mr. Katz of Kennebec, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

JOINT ORDER — Relative to a study of the Tax structure of the State of Maine. (H. P. 1561)

Tabled — February 2, 1972 by Senator Berry of Cumberland.

Pending — Adoption of House Amendment "A", Filing H-516.

On motion by Mr. Hoffses of Knox, retabled and Tomorrow Assigned, pending Adoption of House Amendment "A".

The President pro tem laid before the Senate Joint Order (H. P. 1564) tabled earlier in today's session by Mr. Conley of Cumberland, pending Adoption of Senate Amendment "A".

Thereupon, Senate Amendment "A" was Adopted and the Joint Order received Passage in non-concurrence.

Sent down for concurrence.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 9:30 o'clock tomorrow morning.