

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

Index

1st Special Session

January 24, 1972 to March 10, 1972

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**KENNEBEC JOURNAL
AUGUSTA, MAINE**

SENATE

Friday, February 4, 1972

Senate called to order by the President.

Prayer by the Rev. Daniel C. Tuttle of East Winthrop.

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 Monday, February 7, 1972 at 3 o'clock in the afternoon.

Which was Read and Passed.

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

**Papers from the House
Joint Order**

State of Maine

In House February 3, 1972

WHEREAS, the General Assembly of Massachusetts Bay did Grant to those soldiers who "were either personally present at the fort and fight at Narragansett, or descendants from those that were, or in the strictest alliance to them" a portion of land; and

WHEREAS, one of these portions of land was known as Narragansett No. One; and

WHEREAS, the "Subscribers Inhabitants of Narragansett No. One, in the County of York, a Frontier Settlement under continual Fears of the Indian Enemy and obliged to keep watch and ward," did fulfill the terms of said Grant; and

WHEREAS, the Proprietors and Inhabitants did petition the Massachusetts General Court that Narragansett No. One might be incorporated into a Town; and

WHEREAS, on July 14th, 1772, Governor Thomas Hutchinson did "Consent to the Enacting of this Bill" that Narragansett No. One be incorporated into a Town by the name of Buxton; and

WHEREAS, July 14th, 1972 is the Two Hundredth Anniversary of the said incorporation of the Town of Buxton; now, therefore, be it

ORDERED, the Senate concurring, that we, the Members of the One Hundred and Fifth Legislature now assembled in the First Special Session, extend our heartiest congratulations and best wishes to the citizens of Buxton in this historical and memorable year of the bicentennial anniversary of the founding of the Town of Buxton in the State of Maine; and be it further

ORDERED, upon passage in concurrence, that a duly attested copy of this Joint Order, bearing the great seal of the State of Maine, be immediately transmitted to the citizens of Buxton, through the Town Clerk, in token of the sentiments expressed herein. (H. P. 1565)

Comes from the House, Read and Passed.

Which was Read and Passed, in concurrence.

**Joint Resolution
State of Maine**

In the Year of Our Lord One Thousand Nine Hundred and Seventy-Two

Joint Resolution in Support of Education for Handicapped Children

WHEREAS, the State of Maine is currently serving the educational needs of a minority of its handicapped children; and

WHEREAS, education and remediation at an early age is demonstrably less costly than corrective rehabilitative efforts at a later date; and

WHEREAS, public policy should dictate that our public schools move promptly to comply with the requirements of recent court decisions covering the rights of the handicapped child to the benefits of education; now, therefore, be it

RESOLVED: That the 105th Legislature does hereby publish and declare it to be the public policy of this State that no school-age child be denied the benefits of appropriate education because of physical, mental, or emotional handicaps, as defined by the Bureau of Education for the Handicapped in the United States Office of Education and the Maine

Department of Education; and be it further

RESOLVED: That the Commissioner of the Maine Department of Education is respectfully directed to develop proposals for consideration by the 106th Legislature relative to the amendment of Title 20, which will permit the full realization and implementation of this goal no later than July 1, 1975; and be it further

RESOLVED: That all state departments are requested to give full assistance to the Commissioner of Education as requested in the development of his proposals; and be it further

RESOLVED: That a copy of this Resolution be transmitted forthwith to said Commissioner of Education as notice of the intent expressed herein. (H. P. 1566)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

Mr. Hichens of York was granted unanimous consent to address the Senate.

Mr. HICHENS: Mr. President and Members of the Senate: I feel compelled to say a few words this morning concerning the burning issue of the big box. It is a unique situation with me because personally I feel that the big box helped me considerably in my bid for election to the Senate. In contrast, a young member of the opposite party who sought to represent my town in the other body apparently felt that if the big box were not there he would have been elected. As a result, he spent many hours getting names on petitions to bring the big box problem to the people in referendum, which his Governor refuses to do.

On principle alone I stand here this morning to protest the Governor's actions, and would like to read into the record his letter to Mr. John Kelly, dated August 6, 1971.

"Dear Mr. Kelly:

"I am responding to your inquiry on August 3rd.

I will issue at the appropriate time a proclamation directing that the initiated ballot reform question be voted on at the June 19, 1972

election. As you know, a statewide primary and special election involving several other referenda are already scheduled for that date. The specific phrasing that the question will take has not been determined, but it will be agreed to well in advance of the election. Sincerely,

(Signed)

KENNETH M. CURTIS
Governor

cc: Secretary of State
J. Edgar"

Can we depend on our Governor's word, or are we left to form our own opinions?

(Off Record Remarks)

Committee Reports House

Leave to Withdraw

The Committee on Natural Resources on, Bill, "An Act Establishing a Portland Coastal Island Trust Commission." (H. P. 1496) (L. D. 1939)

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.

Leave to Withdraw — Covered by Other Legislation

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Providing Funds for the Maine Law Enforcement Planning and Assistance Agency." (H. P. 1449) (L. D. 1892)

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

Comes from the House, the Report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass

The Committee on Veterans and Retirement on, Resolve, Providing a Minimum Service Retirement under the State Retirement Law for Marion Gates of Phillips. (H. P. 1520) (L. D. 1962)

Reported that the same Ought to Pass.

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

as Amended by House Amendment "A" (H-524).

Which report was Read and Accepted in concurrence and the Resolve Read Once. House Amendment "A" was Read.

Mr. Anderson of Hancock presented Senate Amendment "A" to House Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-332, to House Amendment "A", was Read.

The PRESIDENT: The Chair now recognizes the Senator from Cumberland, Senator Carswell.

Mrs. CARSWELL of Cumberland: Mr. President, I ask the Senator who just presented this amendment if the Committee on Retirements and Pensions had the information relative to this individual, Christine Delano?

The PRESIDENT: The Senator has asked a question through the Chair of the Senator from Hancock, which he may answer if he desires.

The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President, I believe it has. I am not definite on that, but I am quite positive it has.

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

Thereupon, on motion by Mrs. Carswell of Cumberland, tabled and Tomorrow Assigned, pending Adoption of Senate Amendment "A" to House Amendment "A".

Ought to Pass — As Amended

The Committee on Legal Affairs on, Bill, "An Act Authorizing Use of the Name Maine Institute of Continuing Medical Education." (H. P. 1485) (L. D. 1928)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-520).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

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

The Committee on Transportation on, Bill, "An Act Relating to Speed of Motor Vehicles on Expressway Systems." (H. P. 1513) (L. D. 1955)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-515).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" and House Amendment "B" (H-525).

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

The Committee on Education on, Bill, "An Act Permitting the Commissioner of Education to Assign Towns to Supervisory Units when Fewer than 35 Teachers are Employed." (H. P. 1527) (L. D. 1970)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-521).

Comes from the House, the report Read and Accepted and the Bill Indefinitely Postponed.

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

Divided Report

The Majority of the Committee on Public Utilities on, Bill, "An Act Relating to Costs of Inspections by the Passenger Tramway Safety Board." (H. P. 1500) (L. D. 1942)

Reported that the same Ought to Pass.

Signed:

Senators:

MOORE of Cumberland
VIOLETTE of Aroostook
MARCOTTE of York

Representatives:

SHUTE
of Stockton Springs
BARTLETT
of South Berwick

MARSH of Hampden
RAND of Yarmouth

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

Signed:

Representatives:

EMERY of Auburn
MOSHER of Gorham
WILLIAMS of Hodgdon
BERUBE of Lewiston

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

Which reports were Read and the Majority Ought to Pass Report of the Committee Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

Refer to 106th Legislature

Mr. Conley for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Create a Crime Laboratory." (S. P. 688) (L. D. 1869)

Reported that the same be referred to the 106th Legislature.

Which report was Read.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I have discussed with my good friends on the Appropriations Committee who are members of this body the decision of the Committee in connection with this crime laboratory bill. I find that their position is primarily one of the appropriation of some \$400,000 at a special session and that there is a possibility that there isn't this money around.

I would move that in order to perhaps give us a chance to move this along and see if there is money at the end of the session, because I haven't heard a word yet that the bill is not a vitally needed one, that we substitute the bill for the report. I would hope that in the spirit of perhaps doing something in the matter of organized crime and helping our law enforcement and other department heads along that use this laboratory that we could move it to the point where the decision would be one of

money, and perhaps see what happens at that stage of the game.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the bill be substituted for the report of the Committee in non-concurrence. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I am very much opposed to this bill. It carries a price tag of nearly half a million dollars, and we don't consider in the construction of these things the maintenance. The time has come when we must call a halt to the creation of new programs.

I would like to give you a little background of why I am opposed to this program and to any new programs in this session and in the upcoming 106th. I know you must be bored at my continual harping on economy in state government, but I shall continue this policy as long as the people of Hancock County see fit to send me to the state house as their representative.

As a freshman legislator in the 100th session of the legislature, I was confused and bewildered by the staggering increase in amounts that highways, education, institutions and all functioning departments of the state were asking in that biennium, \$128,000,000.

Looking back now, I can see it was just pocket change compared to the forthcoming budget of the 106th Legislature which will undoubtedly be in excess of \$450,000,000. It seems to me the way we are going now that this figure is inevitable. And what is the reason for this fabulous budget increase? Very simple. We have promoted program after program without revenues to finance them. The result — frenzied search for new taxes and sharp increases in taxes already on the books.

Since the 100th Legislature we have added approximately 3500 employees to the state payrolls. Has this fabulous increase in programs and employees paid off in that much greater service to our people? I don't think it has.

Our constituents want progress, but they want it through careful evaluation of all programs. They are fed up on the continual expansion of bureaucratic monsters. When the time comes that the state's industrial climate warrants new programs, then the increased revenue will give us new and more tax money to support them. It is sad to think our constituents are losing faith in our ability to supply their wants in a proper businesslike perspective. This is evidenced by the creation of "ACT", the Associated Concerned Taxpayers, which stemmed from the recent referendum on repeal of the income tax.

I have no quarrel with the income tax, only how it came into being. In my humble opinion, by abstaining from creation of new programs and curtailing existing programs, we could have done without it for several years.

The Republican Platform Committee worked long hours on planks to the platforms. One of the planks was specifically "No Income Tax." And yet many Republicans insisted on its passage in the 104th. Is it any wonder our people are beginning to lose faith in our legislative ability?

Speaking of taxes, we never want to lose sight of the fact that the sales tax is not a curse, but a boon to Maine taxpayers. Our tourism over the years has increased by leaps and bounds, and the ever-increasing revenue from this influx is substantially lessening the burden on our taxpayers.

I will never forget the inspiring message of Bob Marden, President of the Senate back in the 101st session when he stepped down from the rostrum and addressed the Senate. Outstanding in his speech was the comparison of the potential of the state to a sleeping giant — a sleeping giant that must be awakened. Since the time of Bob's speech the giant has stirred, yawned and stretched, but still is far from being wide awake. It is up to us to prod him onto his feet.

The potential of the State of Maine knows no bounds. Our resources are many and must never be jeopardized by industries that would despoil the beauty of

our state or threaten decimation of long-established industries that so far have kept us on a fairly even keel.

I have noted with much misgiving the contemplation of new programs and expansion of existing programs on the agenda for this special session. We will hear the same moth-eaten cliché, "The people are demanding these programs." I say to you the Executive and department heads are screaming for these snowballing bureaus, not the public.

What we do here in this special session may be symbolic of what may happen in the 106th Legislature. This is our chance to regain the confidence of our constituents. Let's not muff it.

In our deliberations on new and expanding programs let's forget the word "create" and use instead a word more in keeping with the state's present financial status, "evaluate". The folks back home will like it better.

Mr. President, I move indefinite postponement of this bill and all accompanying papers, and when the vote is taken I move it be taken by the Yeas and Nays. Thank you.

The PRESIDENT: The Senator from Hancock, Senator Anderson, moves that Legislative Document 1869 be indefinitely postponed. A roll call has been requested. Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I can understand the concern of the good Senator from Hancock, Senator Anderson. This bill was given a very lengthy hearing before the Committee on Appropriations, and I guess just about every law enforcement official in the state turned out on this bill.

The Committee itself realizes that it has extreme merit. We have, on the other hand, deep concern as to how much money there is available, and that mainly was the reason for the report on today's calendar. Some feel that perhaps the total budget as outlined in the L. D. is not a true or accurate figure on personnel. I believe that

the structure is a three-story structure, and listed under personnel services are seven additional people. However, we do realize that many people will be transferred from other departments, and we assume that this would make up the contingency of the building.

Everyone that appeared before the Committee testified to the fact that there are delays in the prosecution of trials mainly because of the fact that most of the work that is done is done in a very delayed manner here at the present State Police Laboratory or is sent on to the F.B.I. in Washington. At times that they have a report from Washington and they try to present it in court, many times they are unable to get the person from the F.B.I. before the court to testify in behalf of the state.

There is no question in any of our minds in Appropriations that a crime lab is probably a very essential and important thing that is needed within the state and, as one member of the Committee, I certainly realize it would be a great addition to our criminal departments throughout the entire state to have such a building. It boils down really to the question of whether or not the funds are going to be available and, as the good Senator from Cumberland, Senator Berry, said this morning, I believe there are many of us on the Appropriations Committee who would go along with putting the bill on the Appropriations Table and then deciding at a later time as to whether or not we can actually afford the cost.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I am quick to recognize that this is a good program and undoubtedly we could make good use of it, but I don't see how in the world we can do it on our present tax base.

We have efficient state police, state detectives, and efficient sheriff departments. I have been informed by the sheriff in Hancock County that the F.B.I. has told them that they would come in on

any case, and I have also looked into this and find that these are criminologists and it would take many of them. They are much the same as doctors; they specialize in some certain things. A doctor will specialize in hearts, another in ears, and another in throats. These criminologists specialize, one in cloth, another in metals, another in hair, and so forth and so on, and I have found that they get as high as \$25,000 a year. Now, I ask you, can we afford the maintenance of this at the present time?

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the indefinite postponement of Bill, "An Act to Create a Crime Laboratory."

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: As very often happens, bills that do have merit we move along to a certain position and then make decisions later. I just want to make sure as we vote on this bill here that my position on it is exactly that. We will come to adding up the dollars later and seeing what we have to work with and what the needs are, and at that point I will make my judgment. But I have no opposition to moving it along at this point. So I will vote for substituting the bill for the report, but under those conditions.

The PRESIDENT: In order for the Chair to order a roll call, it requires the affirmative vote of one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from Hancock, Senator Anderson, that Bill, "An Act to Create a Crime Laboratory", be indefinitely postponed. A Yes vote will be in favor of indefinite postponement; a No vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Clifford, Dunn, Fortier, Graham, Harding, Hichens, Katz, Levine, Martin, Minkowsky, Peabody, and Sewall.

NAYS: Senators Berry, Carswell, Chick, Conley, Danton, Greeley, Hoffses, Marcotte, Moore, Quinn, Schulten, Tanous, Violette, and President MacLeod.

ABSENT: Senators Bernard, Johnson, Kellam, Shute, and Wyman.

Mr. Greeley of Waldo was granted leave to change his vote from yea to nay.

A roll call was had. Thirteen Senators having voted in the affirmative, and fourteen Senators having voted in the negative, with five Senators absent, the motion did not prevail.

Thereupon, the Bill was substituted for the report, Read Once, and Tomorrow Assigned for Second Reading.

**Senate
Ought to Pass**

Mr. Conley for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds to Carry Out the Duties of the Director of Legislative Research." (S. P. 689) (L. D. 1870)

Reported that the same Ought to Pass.

Mr. Sewall for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Providing Funds to Carry Out Duties of the Criminal Division of the Department of the Attorney General." (S. P. 690) (L. D. 1871)

Reported that the same Ought to Pass.

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

Second Readers

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

House — As Amended

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

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

Senate

Bill, "An Act Relating to Actions to Quiet Title to the Fee Interest in Discontinued Roads and Ways." (S. P. 748) (L. D. 2021)

Which was 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 the Change of Name of Junior Achievement of Greater Portland, Inc. (S. P. 699) (L. D. 1880)

(On motion by Mr. Berry of Cumberland, temporarily set aside.)

An Act Relating to the Regulation of Private Detectives. (S. P. 702) (L. D. 1883)

An Act to Make Additional Allocations from the General Highway Fund for the Fiscal Year Ending June 30, 1973. (S. P. 708) (L. D. 1889)

(On motion by Mr. Greeley of Waldo, Placed on the Special Highway Appropriations Table.)

An Act Relating to Traffic-control Signals. (S. P. 722) (L. D. 1994)

An Act Relating to the School Year. (H. P. 1464) (L. D. 1907)

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

The President laid before the Senate the matter temporarily set aside by Mr. Berry of Cumberland, An Act Relating to the Change of Name of Junior Achievement of Greater Portland Inc., (S. P. 699) (L. D. 1880), pending Enactment.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: With reference to L. D. 1880, there was a mix-up in another bill which would have provided that the name of the present statewide organization of the blind, namely, the Maine Council of the Blind, be changed to the National Federation of the Blind of Maine.

And inasmuch as it has the word "Maine" in it it needs legislative approval.

This bill which is now up for enactment is a good vehicle for this amendment. It is just as simple as my explanation is. Accordingly, Mr. President, I would move that the rules be suspended and the Senate reconsider its action whereby this Bill was passed to be engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves on L. D. 1880 that the rules be suspended in order that the Senate reconsider its action whereby this bill was passed to be engrossed. Is this the pleasure of the Senate?

The motion prevailed.

Mr. Berry of Cumberland then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-334, was Read and Adopted, and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Resolve, Authorizing the Maine Military Defense Commission to Convey Certain Land in Brunswick. (H. P. 1509) (L. D. 1951)

Resolve, Designating U.S. Route No. 2 and State Route No. 3 in Maine as Blue Star Memorial Highway. (H. P. 1515) (L. D. 1957)

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

Emergencies

An Act Clarifying the Duties of the Treasurer of State Relating to the Care and Custody of Guaranty Funds. (H. P. 1506) (L. D. 1948)

An Act to Create a New Highway Classification Designated Seasonal Parkways. (H. P. 1512) (L. D. 1954)

These being emergency measures and having received the affirmative vote of 26 members of the Senate, 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 first tabled and specially assigned matter:

House Reports from 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) Majority Report Ought to Pass; Minority Report, Ought Not To Pass.

Tabled — February 3, 1972 by Senator Wyman of Washington.

Pending — Motion by Senator Wyman of Washington to Accept the Majority Ought to Pass Report.

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

Mr. FORTIER of Oxford: Mr. President and Members of the Senate: In view of the fact that the Chairman of the Taxation Committee is not present this morning, and he had previously tabled this bill in order to give him time to develop more data on it, I would suggest that someone might table it until Tuesday next.

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

Thereupon, on motion by Mr. Berry of Cumberland, retabled and specially assigned for February 8, 1972, pending the motion by Mr. Wyman of Washington to Accept the Majority Ought to Pass Report of the Committee.

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

Senate Reports from the Committee on Judiciary on Bill, "An Act Increasing Membership of State Parole Board." (S. P. 696) (L. D. 1877) Majority Report, Ought Not to Pass; Minority Report, Ought To Pass.

Tabled — February 3, 1972 by Senator Carswell of Cumberland.

Pending — Acceptance of Either Report.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: Senator Carswell has prepared an amendment to this. It was presented to me this morning and I would like a little

time to study this amendment before discussing the bill, so, I would appreciate it if this matter was tabled until Tuesday.

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

Thereupon, on motion by Mrs. Carswell of Cumberland, retabled and specially assigned for February 8, 1972, pending Acceptance of Either Report.

The President laid before the Senate the third 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 3, 1972 by Senator Hoffses of Knox.

Pending — Passage to be Engrossed.

Mr. Hichens of York then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-333, was Read and Adopted, and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

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

Tabled — February 3, 1972 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

Mr. Katz of Kennebec then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-330, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ: Mr. President and Members of the Senate: When this bill came into the legislature it was a bill which simply created a bank holiday for Columbus Day. In committee it was amended to include a couple of other proposals for the savings banks in reference to loans on mobile homes. And I am in the unusual position of supporting the amendments the committee added and I am opposed to the original concept of the bill.

I would like to briefly state the pros and cons of this bill for the Senate to make up its mind. Columbus Day is not a holiday in the State of Maine. It is a holiday in many other states but, as a holiday, it has no impact at all in the State of Maine. It creates a few problems for the banks in Maine when they attempt to deal with correspondence banks out of the state. It could create some problems for some larger depositors or brokers who do business out of state and have a certain amount of confusion that our banks are open and banks out of state are closed. I am referring only to commercial banks.

On the other hand, against this I weighed the public convenience and necessity of having our banks open, and it occurred to me that the ninety-five per cent of the Maine public who look to our banks to be open at convenient times would not be helped by this bill, and it would do them injury. I think the bill unnecessarily casts shadows on the problems that may or may not come up, and I would like to see the banks open for the public's convenience on Columbus Day. That is why I presented this amendment and moved its adoption.

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

Thereupon, Senate Amendment "A" was Adopted, and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the fifth 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 3, 1972 by Senator Hoffses of Knox.

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

Thereupon, House Amendment "A" was Adopted, and the Joint Order, as Amended, received Passage in concurrence.

(Senate at Ease)

Called to order by the President.

Papers from the House

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

Committee Reports

House

Leave to Withdraw — Covered by Other Legislation

The Committee on Appropriations and Financial Affairs on, Resolve, Appropriating Moneys for Spruce Budworm Control. (H. P. 1455) (L. D. 1898)

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

Comes from the House, the report Read and Accepted.

Which was Read and Accepted in concurrence.

Ought to Pass

The Committee on Judiciary on, Bill, "An Act Relating to the Assumption of Responsibility for Juvenile Probationers in Cumberland County by State Division of Probation and Parole." (H. P. 1479) (L. D. 1922)

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.

The Committee on State Government on,

Bill, "An Act Relating to Housing and Food Supplies Furnished by State Departments." (H. P. 1504) (L. D. 1946)

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-527).

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.

Ought to Pass — As Amended

The Committee on Natural Resources on, Bill, "An Act

Relating to Property of Cobbossee-Annabessacook Authority." (H. P. 1534) (L. D. 1977)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-523).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which report was Read.

On motion by Mr. Chick of Kennebec, tabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act Relating to the Administration of State Funds Appropriated to Charitable and Benevolent Institutions." (H. P. 1528) (L. D. 1971)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HICHENS of York

GREELEY of Waldo

MINKOWSKY

of Androscoggin

Representatives:

McCORMICK of Union

DOYLE of Bangor

LESSARD of Lisbon

CUMMINGS of Newport

DYAR of Strong

BERRY of Madison

PAYSON of Falmouth

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

Signed:

Representatives:

CLEMENTE of Portland

LEWIS of Bristol

SANTORO of Portland

Comes from the House, Recommended to the Committee on Health and Institutional Services.

Which reports were Read.

On motion by Mr. Hichens of York, tabled and Tomorrow Assigned, pending Acceptance of Either Report.

Enactors

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

An Act Relating to Veterans Preference in State Employment. (H. P. 1516) (L. D. 1958)

An Act to Create the Maine Municipal Bond Bank. (S. P. 701) (L. D. 1882)

An Act Relating to Use of Artificial Lights for Lighting Game. (H. P. 1471) (L. D. 1914)

An Act Relating to Closed Season on Deer on Swan Island, Hancock County. (H. P. 1472) (L. D. 1915)

An Act Relating to Authorized Equipment Purchases at the Bangor State Hospital. (H. P. 1474) (L. D. 1917)

An Act Correcting an Inconsistency in the Pharmacy Laws. (H. P. 1475) (L. D. 1918)

An Act Providing for the Observance of the 200th Anniversary of the American Revolution. (H. P. 1503) (L. D. 1945)

An Act to Exempt Incorporated Volunteer Ambulance Corps from Sales and Use Taxes. (H. P. 1511) (L. D. 1953)

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

An Act Relating to Property Tax Exemption of Certain Pollution Control Facilities. (H. P. 1560) (L. D. 2020)

An Act Relating to Kents Hill School. (H. P. 1489) (L. D. 1932)

An Act Creating a State Employees' Suggestion Awards Board. (H. P. 1507) (L. D. 1949)

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

Resolve, in Favor of Cole's Express for Truck Damage. (H. P. 1490) (L. D. 1933)

(On motion by Mr. Greeley of Waldo, placed on the Special Highway Appropriations Table.)

Resolve, to Reimburse Mrs. Clarisse Fournier of Jackman for Property Damage due to Highway Maintenance. (H. P. 1491) (L. D. 1934)

(On motion by Mr. Greeley of Waldo, placed on the Special Highway Appropriations Table.)

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

Emergencies

An Act Relating to Change of Name and Powers of Anson Academy. (H. P. 1484) (L. D. 1927)

An Act Relating to the Community School District Law. (H. P. 1463) (L. D. 1906)

An Act Increasing Funds for Lincoln County Court House Capital Improvements. (H. P. 1461) (L. D. 1904)

An Act Relating to Filing Final County Estimates after Adjournment of the Legislature. (H. P. 1459) (L. D. 1902)

An Act to Correct Errors and Inconsistencies in the Maine Business Corporation Act. (S. P. 693) (L. D. 1874)

An Act Increasing Salaries of County Commissioners of Waldo County. (S. P. 694) (L. D. 1875)

These being emergency measures and having received the affirmative vote of 27 members of the Senate, 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 Loans to Candidates for Practice of Osteopathic Medicine in Maine. (H. P. 1476) (L. D. 1919)

On motion by Mr. Katz of Kennebec, tabled and specially assigned for February 8, 1972, pending Enactment.

The Adjournment Order having been returned from the House, Read and Passed in concurrence, on motion by Mr. Hoffses of Knox, adjourned until February 7, 1972 at 3 o'clock in the afternoon.