

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

Index

**KENNEBEC JOURNAL
AUGUSTA, MAINE**

SENATE

Thursday, February 10, 1972
Senate called to order by the President.

Prayer by the Rev. Ondon P. Stairs of Augusta.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

Resolve, Providing a Minimum Service Retirement Under the State Retirement Law for Marion Gates of Phillips. (H. P. 1520) (L. D. 1962)

In the House February 3, 1972, Passed to be Engrossed as Amended by House Amendment "A" (H-524).

In the Senate February 7, 1972, Passed to be Engrossed as Amended by House Amendment "A" as Amended by Senate Amendment "A" Thereto (S-332) in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" as Amended by Senate Amendment "A" Thereto and House Amendment "B" (H-531) in non-concurrence.

On motion by Mr. Anderson of Hancock, the Senate voted to Recede and Concur.

Orders

Mr. Tanous of Penobscot was granted unanimous consent to address the Senate:

Mr. TANOUS: Mr. President and Members of the Senate: In the past couple of weeks in this body and in the other body we have taken on partisan airs, especially about certain bills that have come before us. More specifically, we certainly took on very partisan airs, perhaps at the expense of the taxpayers of this state, relative to the referendum question which is eventually destined to be given to the people to vote upon, and that is the referendum to remove the so-called big box from the ballot.

You know, matters of this nature, while we are debating them like we did during the regular session, debating the issues, certainly during this period of time I agree that probably we should be parti-

san because of our position on particular philosophies and issues. But once a particular matter of this nature has reached the point where it ought to be given to the people, as provided for in our Constitution, I feel there then should no longer be any partisan airs about a particular question. It then becomes a question of the rights of the people, a question of the rights of the people granted them under the Constitution, and at that particular point, under the Constitution, it becomes a question of whether we will deny these rights to the people. By delaying their rights, of course, we are in fact denying the rights of the people to vote on this very important question.

All along we have kicked this around pretty well on a partisan basis, but now, now that this particular referendum issue is at a point where all it requires is the signature on the proclamation by the Governor of the State of Maine, I feel that the partisan issues have gone by, and that now we should permit the people of the State of Maine to express their feelings on this very important issue.

Now, the courts of Maine have ruled on this. The question has been sent to them and the courts have answered the question: they have requested the Governor to send this very important issue to the people within a reasonable period of time. The court went on further to say in its dictum that a reasonable period of time has now elapsed and the question ought to go to the people as speedily as possible and as expeditiously as possible. And I feel that the Governor, who is the head of our State, our leader, the man who is the figurehead of the State of Maine, in effect, is now delaying this particular thing by claiming now that he is going to appeal the decision of the court. The court has spoken and he can appeal it; this is his right. But I feel at this point that it certainly is a poor example for the youth of our State, especially the youth of our State, for the Governor of Maine to use dilatory tactics on such a very issue to the people of the State. I certainly think that this matter

ought to be sent to the people for their vote as soon as possible. Thank you.

Committee Reports
House
Leave to Withdraw

The Committee on Labor on, Bill, "An Act Relating to Fees of Employment Agencies." (H. P. 1482) (L. D. 1925)

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 in New Draft

The Committee on Agriculture on, Bill, "An Act Relating to Use of Drugs on Animals at Agricultural Fairs." (H. P. 1498) (L. D. 1967)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1569) (L. D. 2025)

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

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

Senate

Leave to Withdraw — Covered by Other Legislation

Mr. Sewall for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Providing Funds to Increase Payments to Boarding Homes." (S. P. 711) (L. D. 1985)

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

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Johnson for the Committee on State Government on, Bill, "An Act Implementing the Reorganization of the Department of Commerce and Industry." (S. P. 726) (L. D. 1995)

Reported that the same Ought to Pass.

Mr. Sewall for the Committee on Appropriations and Financial Affairs on, Resolve to Reimburse School Administrative District No. 37 for Funds Paid for School Construction in 1965 and 1966. (S. P. 692) (L. D. 1873)

Reported that the same Ought to Pass.

Which reports Were Read and Accepted, the Bill and Resolve Read Once and Tomorrow Assigned for Second Reading.

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 President pro tem, and President MacLeod retired from the Senate Chamber.

Second Readers

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

House

Bill, "An Act Authorizing Oakfield to Withdraw from the Four Corners Elementary Community School District." (H. P. 1568) (L. D. 2023)

Which was Read a Second Time.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: This is the bill that got overwhelming support yesterday. The Department advises me that if we are going to permit the remaining three communities to go it alone the bill is going to need some further attention. I would hope that this could be tabled until the next legislative day.

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

Thereupon, on motion by Mr. Hoffses of Knox, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

House — As Amended

Bill, "An Act Authorizing Town of Dresden to Vote on Certain

Liquor Local Option Questions." (H. P. 1494) (L. D. 1937)

Which was Read a Second Time.

Thereupon, on motion by Mr. Johnson of Somerset, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

Senate

Bill, "An Act Providing Funds for Maine Historical Society." (S. P. 710) (L. D. 1984)

Resolution, Proposing an Amendment to the Constitution Pledging Credit of the State for Guaranteed Loans to Resident Maine Veterans of the Armed Forces of the United States of America or the Peace Corps. (S. P. 755) (L. D. 2027)

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 the Change of Name of Junior Achievement of Greater Portland, Inc. and to the Change of Name of Maine Council of the Blind to the National Federation of the Blind of Maine. (S. P. 699) (L. D. 1880)

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

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)

An Act Relating to Costs of Inspections by the Passenger Tramway Safety Board. (H. P. 1500) (L. D. 1942)

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 Transit Districts. (S. P. 704) (L. D. 1885)

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

An Act Authorizing Use of the Name Maine Institute of

Continuing Radiologic Education. (H. P. 1485) (L. D. 1928)

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

These being emergency measures and having received the affirmative votes 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.

Orders of the Day

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

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

Tabled — February 7, 1972 by Senator Moore of Cumberland.

Pending — Enactment.

On motion by Mr. Moore of Cumberland, and under suspension of the rules, the Senate voted to reconsider its previous action whereby the Bill was Passed to be Engrossed.

The same Senator then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-338, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act Relating to Municipal Finance." (S. P. 700) (L. D. 1881)

Tabled — February 8, 1972 by Senator Clifford of Androscoggin.

Pending — Enactment.

The PRESIDENT pro tem: The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFFORD of Androscoggin: Mr. President and Members of the Senate: There are some amendments being prepared to this bill as a result of Senator Minikowsky's talk the other day, and I would appreciate it if someone would table this matter so we can have these amendments prepared.

The PRESIDENT pro tem: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Thereupon, on motion by Mr. Minkowsky of Androscoggin, retabled until later in today's session, pending Enactment.

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

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

Tabled — February 9, 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-339, was Read.

The PRESIDENT pro tem: The Senator has the floor.

Mr. KATZ: Mr. President and Members of the Senate: This amendment does several things. It clears up an inconsistency. This was a research bill, as I understand it. It also forbids the use of any state employee as a domestic in any state hospital or other institution unless it is a bona fide training program. And finally it specifies how the policy insofar as the use of housing can be implemented on the approval of the budget officer and a review by the Legislative Research Committee.

The PRESIDENT pro tem: The Chair recognizes the Senator from Somerset, Senator Johnson.

Thereupon, on motion by Mr. Johnson of Somerset, retabled and specially assigned for February 14, 1972, pending Adoption of Senate Amendment "A".

On motion by Mr. Hoffses of Knox,

Senate in recess, pending the sound of the bell.

After Recess

Called to order by the President.

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

Papers from the House Enactors

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

An Act relating to Speed of Motor Vehicles on Divided Controlled-access Highways and to Clarify the Definition of Motorcycle to Exclude Certain Traffic Control Vehicles. (H. P. 1513) (L. D. 1955)

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

An Act Providing Funds for County Access Road to Katahdin. (H. P. 1514) (L. D. 1956)

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

Resolve in Favor of Robert D. Lust for Automobile Damage. (H. P. 1492) (L. D. 1935)

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

Emergency

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

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: At the risk of completely alienating all my good friends of Italian background, I just wanted to point out that this bill is going to close the banks of the State down on Columbus Day, so perhaps we will know when Columbus Day arrives in the State of Maine after this.

Thereupon, this Bill being an emergency measure and having received the affirmative vote of 24 members of the Senate, with three Senators voting in the negative, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

An Act Appropriating Funds to Carry Out Duties of the Director

of Legislative Research. (S. P. 689) (L. D. 1870)

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

The President laid before the Senate the matter tabled earlier in today's session by Mr. Minkowsky of Androscoggin, Bill, "An Act Relating to Municipal

Finance," (S. P. 700) (L. D. 1881), pending Enactment.

On motion by Mr. Minkowsky of Androscoggin, retabled and specially assigned for February 14, 1972, pending Enactment.

On motion by Mr. Hoffses of Knox,

Adjourned until 10 o'clock tomorrow morning.