

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

Tuesday, February 15, 1972
Senate called to order by the President.

Prayer by the Rev. Fr. Louis J. Fortier of Augusta.

Reading of the Journal of yesterday.

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

Bill, "An Act To Create a Crime Laboratory." (S. P. 688) (L. D. 1869)

In the Senate February 9, 1972, Passed to be Engrossed as Amended by Senate Amendment "A" (S-336).

Comes from the House, Recommended to the Committee on Appropriations and Financial Affairs in non-concurrence.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: In reference to L. D. 1869, An Act to Create a Crime Laboratory, this item has been discussed in this body a number of days ago and was passed by a very close vote to be considered by the other branch.

The Appropriations Committee carefully considered this proposition and, while we certainly admit that it is a worthy project, we did feel that there are just so many \$400,000 bills available during the special session. We felt that this was an important enough item so that it should be given the full exposure of a regular session of this legislature. Being aware of its merits, we attempted to keep some life in its body by doing something which we have not done before, or at least since I have been Chairman of the Appropriations Committee. I guess it might be said that our hearts ruled our heads. In other words, we didn't give it 17-A; we passed it out with the recommendation that it be referred to the 106th Legislature. And in my drawer, if this motion had passed, I was going to suggest an order which would have referred this item to the Legislative Research Committee for additional study during the interim period between now and the 106th.

However, apparently this item has gotten somewhat embroiled in debate between this body and the other, some partisan debate apparently, and other implications which frankly I am not aware of. As far as I am concerned, and I think I speak for my fellow Senators on the Appropriations Committee, we do not feel at this time that the State should embark upon a project of this scope and implication. Therefore, Mr. President, I would move that this bill, L. D. 1869, An Act to Create a Crime Laboratory, and all its accompanying papers be indefinitely postponed, and when the vote is taken I request a roll call.

The PRESIDENT: The Chair would inform the Senator that the only motions that can be made on a non-concurrent matter between the other body and this branch are to recede, recede and concur, or to adhere. If the Senator wishes to get the matter before this body for a motion to indefinitely postpone, the motion would be that the Senate recede from its former action whereby this bill was passed to be engrossed.

Mr. SEWALL: Mr. President, I so move.

The PRESIDENT: The Senator from Penobscot, Senator Sewall, moves that the Senate recede from its former action whereby Bill, An Act to Create a Crime Laboratory, was passed to be engrossed. Is this the pleasure of the Senate?

The motion prevailed.

The PRESIDENT: The Chair understands that the same Senator now moves that this bill and all its accompanying papers be indefinitely postponed. A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I was greatly disturbed last evening when on the radio I heard where a member of the other body had decided to take the Minority Party of this State to task in relationship to this particular piece of legislation. I was also disturbed to hear that he also said that the Democrats were going to deny the Attorney General the

three additional assistants that he had requested in this special session of the legislature.

I think I am free also to say that the Appropriations Committee at this time has already acted positively on this matter with regards to the Attorney General, and I think the members of this body here will recall that last week when we first took up the matter of the crime lab that it was my name that was on the calendar that morning as signing this bill and referring it to the 106th Legislature. And a roll call vote being taken, I voted to keep the bill alive, to keep it present within this body so that in the final analysis, if moneys were available, we would finance it. The good Senator from Penobscot, the Chairman of the Committee, voted along with the Appropriations Committee, and that was to retain their position to refer it to the 106th. So I am really disturbed to have heard the remarks and also to have read the remarks in the newspaper. So this morning I am going to go along with the motion which the good Senator from Penobscot has made.

The PRESIDENT: Is the Senate ready for the question? A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least 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 Penobscot, Senator Sewall, 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, Bernard, Berry, Carswell, Chick, Clifford, Conley, Danton, Dunn, Fortier, Graham, Greeley, Harding, Hichens, Hoffses, Johnson, Katz, Kellam, Levine, Mar-

cotte, Minkowsky, Moore, Peabody, Schulten, Sewall, Shute, Violette, Wyman and President MacLeod.

ABSENT: Senators Martin, Quinn, and Tanous.

A roll call was had. Twenty-nine Senators having voted in the affirmative, with three Senators absent, the motion to Indefinitely Postpone the Bill prevailed.

Mr. Sewall of Penobscot then moved that the Senate reconsider its action whereby the Bill was Indefinitely Postponed.

Thereupon, a viva voce vote being taken, the motion to reconsider did not prevail.

Non-concurrent Matter

RESOLUTION, Proposing a 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. (S. P. 717) (L. D. 1990)

In the Senate February 10, 1972, Passed to be Engrossed in New Draft (S. P. 755) (L. D. 2027).

Comes from the House, Recommended to the Committee on State Government, in non-concurrence.

Thereupon, on motion by Mr. Johnson of Somerset, the Senate voted to Insist.

Communications

STATE OF MAINE

House of Representatives
Augusta

February 14, 1972

To the Honorable Senate and House of Representatives of the One Hundred and Fifth Legislature:

In accordance with the wishes of the 105th Maine Legislature as expressed in the Provisions of S. P. 107 to study, review and analyze the operations, rules, regulations, procedures and programs of the Department of Health and Welfare, the Joint Select Committee of Inquiry herewith submits the enclosed report.

Respectfully,

(Signed)

REP. H. SAWIN MILLETT, JR.

Chairman
Joint Select Committee of Inquiry
(S. P. 750)

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

Sent down for concurrence.

Committee Reports

House

Ought to Pass as Amended

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Providing Police Communications Operators for State Police." (H. P. 1451) (L. D. 1894)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-534).

The Committee on Veterans and Retirement on, Bill, "An Act to Clarify the Laws on Veterans Reemployment Rights in Public Service." (H. P. 1517) (L. D. 1959)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-536).

Come from the House, the reports Read and Accepted and the Bills Passed to be Engrossed as Amended by Committee Amendment "A".

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

Ought to Pass in New Draft

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Distribute Funds Under the State-Municipal Revenue Sharing Act on a Monthly Basis." (H. P. 1453) (L. D. 1896)

Reported that the same Ought to Pass in New Draft Under Same Title (H. P. 1571) (L. D. 2028)

The Committee on Labor on, Bill, "An Act to Promote Vocational Education." (H. P. 1483) (L. D. 1926)

Reported that the same Ought to Pass in New Draft Under Same Title (H. P. 1570) (L. D. 2026)

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

Which reports were Read and Accepted in concurrence, the Bills in New Draft Read Once and

Tomorrow Assigned for Second Reading.

Senate

Ought to Pass as Amended

Mr. Clifford for the Committee on Legal Affairs on, Resolve to Reimburse Certain Persons for Displacement Costs Because of Property Taken by State. (S. P. 691) (L. D. 1872)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-343).

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.

Enactors

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

Emergency

An Act to Clarify Party Enrollment Requirements for Filing Nomination Petitions Under the Election Laws and to Clarify the Amount of Money Spent by Candidates for the Legislature. (H. P. 1567) (L. D. 2022)

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

Resolve, Providing a Minimum Service Retirement Under the State Retirement Law for Marion Gates of Phillips; Mae A. Bowden of Coopers Mills and Edith Wiggins Carter of Topsham and Christine B. Delano of Verona and Norman F. Hanson of Eliot. (H. P. 1520) (L. D. 1962)

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

Orders of the Day

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

Bill, "An Act Relating to Educational Assistance for Certain

Widows, Wives, Orphans and Children of Veterans and Wives and Children of Prisoners of War." (H. P. 1519) (L. D. 1961)

Tabled — February 8, 1972 by Senator Hoffses of Knox.

Pending — Passage to be Engrossed.

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

Senate Amendment "A", Filing No. S-344, 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 second tabled and specially assigned matter:

Senate Reports — from the Committee on Health and Institutional Services on Bill, "An Act to Include Fees as Local Funds in the Community Mental Health Grant-in-aid Program." (S. P. 695) (L. D. 1876) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — February 14, 1972 by Senator Minkowsky of Androscoggin.

Pending — Acceptance of Either Report.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: I don't further want to reiterate the sentiments I expressed yesterday, but I would like to add this morning that basically what this bill intends to do is to create more of a centralized power in the Department of Mental Health and Corrections insofar as regulating the funds of the community health centers throughout the State of Maine.

I think the Majority Ought Not to Pass Report, eleven to two, speaks very well for itself, and I am sure it will not create a hardship on the Department of Mental Health and Corrections that this bill should be referred possibly to the 106th Legislature. I would hope the Senate would accept the Majority Ought Not to Pass Report as recommended by the Committee on Health and Institutional Services.

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted.

Sent down for concurrence.

On motion by Mr. Hoffses of Knox,

Adjourned until 10 o'clock tomorrow morning.