

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

Thursday, February 17, 1972
Senate called to order by the President.

Prayer by the Rev. David Holroyd of Gardiner.

Reading of the Journal of yesterday.

Papers from the House
Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committee on Veterans and Retirement be directed to report out a bill relating to restoration to state service of any state retiree. (H. P. 1573)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Orders

On motion by Mr. Berry of Cumberland,

ORDERED, the House concurring, that Trooper Roger E. Drake, Security Officer of the Senate, be and hereby is authorized to attend the Legislative Security Training Seminar; and be it further

ORDERED, that the said Roger E. Drake be allowed his necessary expenses including seminar fees, if any. (S. P. 761)

Which was Read and Passed.

Sent down for concurrence.

Mr. Berry of Cumberland was granted unanimous consent to address the Senate.

Mr. BERRY: Mr. President and Members of the Senate: The long awaited Supreme Court decision dealing with the problem of the setting of the date for voting on the "Big Box" was issued last night and, in part, it is in the morning papers. This is an event which all of us who have viewed the matter dispassionately over the past several months have been waiting for. I do not want, of course, to read the whole decision, but there are several pertinent quotations that I will give you that I know you are, in some instances, literally hanging on my words to hear.

I am quoting from the opinion issued February 17th in John N.

Kelly v. Kenneth M. Curtis, in his capacity as Governor of the State of Maine. The Court says: "The Governor by interrogatories has announced his intention to proclaim a special election to be held in conjunction with the general election in November, 1972. We now hold that this proposed action is forbidden by the mandate of the Constitution. . ."

"On the date when this complaint was instituted (January 7, 1972) more than six (6) months had passed since the adjournment without day of the legislative session at which the initiative petitions were addressed to the Legislature containing a request for gubernatorial proclamation of special election. We declare as a matter of law that in the circumstances of this case a time span exceeding six (6) months cannot qualify as the reasonably short time after adjournment", which was last June, "contemplated by the Constitution."

I think the final quotation will sum this up rather well. "The Governor not having proclaimed a special election 'within a reasonably short time' after adjournment as we interpret that phrase, it is now his duty to issue his proclamation immediately."

Now, let us hope that the Governor will do this.

Committee Reports
House

Ought to Pass — As Amended

The Committee on Labor on, Bill, "An Act to Provide for Administrative Enforcement of the Municipal Public Employees Labor Relations Law." (H. P. 1548) (L. D. 2007)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-535).

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

Which report was Read and Accepted, in concurrence, and the Bill Read Once. Committee Amendment "A" was Read, House Amendment "A" to Committee Amendment "A" was Read and Amended by Committee Amendment "A" as Amended by House Amendment "A" Thereto (H-539).

Adopted, in concurrence. Committee Amendment "A" as Amended by House Amendment "A" Thereto was Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Senate

Change of Reference

Mr. Graham for the Committee on Natural Resources on, Bill, "An Act to Revise the Maine Land Use Regulation Commission Law." (S. P. 709) (L. D. 1890)

Reported that the same be referred to the Committee on State Government.

Which report was Read.

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

Ought to Pass — As Amended

Mr. Johnson for the Committee on State Government on, Bill, "An Act Implementing the Reorganization of the Department of Agriculture." (S. P. 716) (L. D. 1989)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-346).

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.

Second Readers

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

House — As Amended

Bill, "An Act Relating to Fees for Marketing and Advertising Farm Products." (H. P. 1448) (L. D. 1891)

Resolve, in Favor of Helen G. Pearson for Injuries Sustained as a State Employee. (H. P. 1540) (L. D. 1998)

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

Senate — As Amended

Bill, "An Act Relating to the Board of Registration in Medicine." (S. P. 720) (L. D. 1993)

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

Sent down for concurrence.

Orders of the Day

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

Joint Resolution Memorializing Congress to call a Convention for the Purpose of Amending the United States Constitution to Permit Voluntary Prayer in Public Schools. (S. P. 757)

Tabled — February 16, 1972 by Senator Berry of Cumberland.

Pending — Adoption.

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

Senate Amendment "A", Filing No. S-347, was Read and Adopted and the Joint Resolution, as Amended, was Adopted.

Sent down for concurrence.

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

House Reports — from the Committee on Judiciary on Bill, "An Act Relating to Kindling Out-of-door Fires." (H. P. 1480) (L. D. 1923) Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

Tabled — February 16, 1972 by Senator Berry of Cumberland.

Pending — Acceptance of Either Report.

On motion by Mr. Berry of Cumberland, retabled and specially assigned for February 22, 1972, Pending Acceptance of Either Report.

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

Senate Reports — from the Committee on State Government on Bill, "An Act Relating to Guarantees by the State Industrial Building Authority and the Maine Recreation Authority." (S. P. 706) (L. D. 1887) Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

Tabled — February 16, 1972 by Senator Violette of Aroostook.

Pending — Acceptance of Either Report.

On motion by Mr. Violette of Aroostook, retabled and Tomorrow Assigned, pending Acceptance of Either Report.

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

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)

Tabled — February 16, 1972 by Senator Sewall of Penobscot.

Pending — Enactment.

On motion by Mr. Sewall of Penobscot, retabled and Tomorrow Assigned, pending Enactment.

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

Bill, "An Act Authorizing Town of Dresden to Vote on Certain Liquor Local Option Questions." (H. P. 1494) (L. D. 1937)

Tabled — February 16, 1972 by Senator Berry of Cumberland.

Pending — Enactment.

On motion by Mr. Hoffses of Knox, retabled and Tomorrow Assigned, pending Enactment.

On motion by Mr. Berry of Cumberland, Senate in recess, pending the sound of the bell.

After Recess

Called to order by the President. There being no objection, all matters previously acted upon in today's session requiring concurrence were sent down forthwith for concurrence.

Papers from the House Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committees be directed to complete their work and report out all bills, resolves and resolutions no later than 5 p.m. Tuesday, February 22, 1972 with the exception of the State Government reorganization bills and the bill entitled "An Act to Correct Errors and Inconsistencies in the Public Laws." (H. P. 1576)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned pending Passage.

Non-concurrent Matter

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)

In the Senate February 10, 1972, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "B" (H-546), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Enactors

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

An Act relating to Municipal Finance. (S. P. 700) (L. D. 1881)

An Act Implementing the Reorganization of the Department of Commerce and Industry. (S. P. 726) (L. D. 1995)

An Act Authorizing the Supreme Judicial Court to Provide for Juries of 8 Jurors in Civil Cases. (H. P. 1478) (L. D. 1921)

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

Resolve, to Reimburse School Administrative District No. 37 for Funds Paid for School Construction in 1965 and 1966. (S. P. 692) (L. D. 1873)

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

Emergency

An Act Authorizing Oakfield to Withdraw from the Four Corners Elementary Community School District. (H. P. 1568) (L. D. 2030)

An Act relating to Use of Drugs on Animals at Agricultural Fairs. (H. P. 1569) (L. D. 2025)

These being emergency measures and having received the affirmative vote of 23 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.

(Off Record Remarks)
On motion by Mr. Hoffses of Knox,
Adjourned until 9:30 o'clock tomorrow morning.