

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

1st Special Session

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

1974

Kennebec Journal
Augusta, Maine

HOUSE

Tuesday, January 8, 1974

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Clyde W. Park of Brunswick.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Joint Order: (S. P. 816)

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs is directed to report out an emergency bill for appropriation to the Department of Health and Welfare for supplemental security income program. (S. P. 816)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

Divided Report**Tabled and Assigned**

Majority Report of the Committee on Judiciary on Bill "An Act to Require District Attorneys to Prosecute all Criminal Cases before the District Courts" (S. P. 711) (L. D. 2123) reporting "Ought not to pass." Report was signed by the following members:

Mr. TANOUS of Penobscot
— of the Senate.
Mrs. BAKER of Orrington
Mrs. WHEELER of Portland
Mrs. KILROY of Portland
Mrs. WHITE of Guilford
Messrs. GAUTHIER of Sanford
PERKINS of South Portland
CARRIER of Westbrook
McKERNAN of Bangor
DUNLEAVY of Presque Isle
— of the House.

Minority Report of the same Committee on same Bill reporting "Ought to pass." Report was signed by the following member:

Mr. SPEERS of Kennebec
— of the Senate.

Came from the Senate with the Minority "Ought to pass" Report accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-308).

In the House: Reports were read.

(On motion of Mr. Simpson of Standish, tabled pending acceptance of either Report and tomorrow assigned.)

Non-Concurrent Matter

Bill "An Act Amending the Full-time District Attorneys Law" (S. P. 808) (L. D. 2280) Emergency, which failed of enactment in the House on January 4.

Came from the Senate passed to be enacted in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, I request the vote be taken by the yeas and nays, and I would move that we recede and concur with the Senate.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves that the House recede and concur with the Senate.

The gentleman may proceed.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Last week during the course of the debate on this particular bill, I made a number of comments which I think still very much hold true to what I believe and said last week, that there was a proper way and a proper method to approach this problem, that there was an emergency with a certain portion of the bill, that there was not an emergency with the other portion and a public hearing ought to be held.

I fully agreed with the comments that were made that it was the intention of this body during the regular session that district attorneys be made fulltime. Apparently, a number of county attorneys who participated in the drafting of the legislation left a loophole sufficient enough to provide them a method to insure that they would be allowed to practice probate law. I disagreed with that, obviously, because I did not realize that that was written into the legislation at the time.

My comments, briefly, last week, was that there ought to be a public hearing on that. I was soundly defeated on a party vote for the most part. I do not believe that this type of legislation is such that party issues ought to be made on such a thing. I think it is proper, therefore, for us today to vote to recede and concur

with the other body and that it become law.

I do think, though, that I want to make it clear to all members of the legislature, both Democrats and Republicans, that I don't think it is proper for us to handle legislation of any consequence without at times determining whether a public hearing ought to be held. I still hold to that philosophy, but I do not believe that this particular bill deserves to be involved in a political controversy in the second week of the legislative session. So I would ask all of you to vote this morning for final enactment of this bill. I will point out that this is emergency legislation and needs 101 votes.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that the House recede and concur with the Senate. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Baker, Berry, G. W.; Berry, P. P.; Berube, Binnette, Birt, Bither, Boudreau, Bragdon, Brawn, Briggs, Brown, Bustin, Cameron, Carey, Carrier, Carter, Chick, Chonko, Churchill, Clark, Conley, Connolly, Cote, Cottrell, Cressey, Crommett, Curran, Dam, Davis, Deshaies, Donaghy, Dow, Drigotas, Dudley, Dunn, Dyar, Emery, D. F.; Evans, Farley, Farnham, Farrington, Faucher, Fecteau, Ferris, Finemore, Flynn, Fraser, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Haskell, Herrick, Hobbins, Hoffses, Huber, Hunter, Immonen, Jackson, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Mahany, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McNally, McTeague, Merrill, Mills, Morin, L.; Morin, V.; Morton,

Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Parks, Perkins, Pratt, Ricker, Rolde, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Smith, S.; Snowe, Soulas, Sproul, Stillings, Strout, Susi, Talbot, Tanguay, Theriault, Tierney, Trask, Trumbull, Twitchell, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Willard, Wood, M. E.; The Speaker.

NAY — Dunleavy.

ABSENT — Bunker, Cooney, Curtis, T. S., Jr.; Gahagan, Jacques, Maddox, Peterson, Pontbriand, Santoro, Sheltra, Smith, D. M.

Yes, 139; No 1; Absent, 11.

The SPEAKER: One hundred thirty-nine having voted in the affirmative and one in the negative, with eleven being absent, the motion does prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Messages and Documents

The following Communication:
State of Maine
Office of the Governor
Augusta, Maine

January 8, 1974

COMMUNICATION

To the Honorable Members of
the House of Representatives:

For your information and use, I am today presenting copies of the 1974 **Supplement to the State Budget Document**. The Supplement presents agency appropriations and recommendations for the current biennium.

Respectfully,
(Signed) KENNETH M. CURTIS
Governor

The Communication was read and ordered placed on file.

Petitions, Bills and Resolves Requiring Reference

The following Bills were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Fisheries and Wildlife

Bill "An Act to Regulate the Size of Shot in Shotgun Shells for Waterfowl Hunting" (H. P. 1829) (Presented by Mr. Kelley of Southport)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Clarify the Municipal Rent Control Law" (H. P. 1828) (Presented by Mr. Murray of Bangor)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act Prohibiting a Municipal Officer from being a Member of the Legislature" (H. P. 1827) (Presented by Mr. Norris of Brewer)

(Ordered Printed)

Sent up for concurrence.

Orders

On motion of Mrs. McCormick of Union, it was

ORDERED, that Bertrand L. Pontbriand of Auburn be excused due to illness in the family.

Mr. Birt of East Millinocket presented the following Joint Resolution and moved its adoption:

WHEREAS, a shortage of petroleum for the mills of Maine's industrial economy constitutes a constant threat to the State's economic stability; and

WHEREAS, the citizens of Maine fear 2 major paper mills may be forced to close, substantially reducing work forces or work hours for want of fuel to operate; and

WHEREAS, the Federal and Provincial Governments of Canada have demonstrated a willingness within their proper sphere of activity to do all within their power to keep such industry and commerce supplied; and

WHEREAS, the Honorable Richard Hatfield, Premier of the Provincial Government of New Brunswick, Canada, has been instrumental in obtaining necessary relief in an atmosphere of friendly understanding on behalf of government management and labor; now, therefore, be it

RESOLVED: That we, the Members

of the Senate and House of Representatives of the One Hundred and Sixth Legislature of the State of Maine now assembled in Special Legislative Session, extend to the Rt. Honorable Richard Hatfield, Premier, and the Provincial Government and people of New Brunswick, our sincere thanks for assisting Maine industry in meeting its demand for petroleum at times of vital need; and be it further

RESOLVED: That a copy of this resolution be transmitted forthwith by the Secretary of State to said Premier and the citizens of New Brunswick, Canada, in token of our gratitude. (H. P. 1830)

The Joint Resolution was read.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: This is an order that really is an accompanying order to the order that was put in by the Representative from Eagle Lake, Mr. Martin, last week, when he commended the Prime Minister of Canada, Premier Trudeau, for his efforts in helping some of the Maine mills. At the time he did this I indicated that the Premier of New Brunswick, Premier Hatfield, had also done a great deal of work in this area, and he suggested that an accompanying order be drawn up. We couldn't get it ready at the time that one was introduced.

A copy of this order is in the process of being circulated. In fact, I believe you have it on your desks now, and I think that this is in continuing the good feeling that we have between the Province of New Brunswick and the State of Maine.

Thereupon, the Joint Resolution was adopted and sent up for concurrence.

House Reports of Committees Ought to Pass Amended Bill

Mr. Bither from the Committee on Education on Bill "An Act Increasing Borrowing Capacity of School Administrative District No. 64" (H. P. 1692) (L. D. 2085) Emergency, reporting "Ought to pass" as amended by Committee Amendment "A".

Report was read and accepted and the Bill read once. Committee Amendment "A" (H-623) was read by the Clerk and

adopted and the Bill assigned for second reading tomorrow.

Consent Calendar
First Day

(H. P. 1679) (L. D. 2072) Emergency Bill "An Act Relating to Membership on Maine State American Revolution Bicentennial Commission" — Committee on State Government reporting "Ought to pass" as amended by Committee Amendment "A" (H-624)

(S. P. 779) (L. D. 2235) Bill "An Act Relating to Threatening Communications" — Committee on Judiciary reporting "Ought to pass"

(S. P. 716) (L. D. 2128) Bill "An Act Changing Name of Maine Tuberculosis and Health Association" — Committee on Legal Affairs reporting "Ought to pass"

(S. P. 719) (L. D. 2131) Bill "An Act Relating to Name of the Better Business Bureau of Maine, Inc." — Committee on Legal Affairs reporting "Ought to pass"

(S. P. 725) (L. D. 2137) Bill "An Act Relating to Change of Name of The Right to Life Committee" — Committee on Legal Affairs reporting "Ought to pass"

(S. P. 721) (L. D. 2133) Emergency Bill "An Act Relating to Investment of State Funds and Revenue Sharing Funds in Interest Bearing Accounts" — Committee on State Government reporting "Ought to pass"

(S. P. 773) (L. D. 2220) Bill "An Act Relating to Guardianship of Incapacitated Adults in Need of Protective Service" — Committee on State Government reporting "Ought to pass"

No objection having been noted, were assigned to the Consent Calendar's Second Day list tomorrow.

Papers from the Senate appearing on Supplement No. 1 were taken up out of order by unanimous consent.

Bills from the Senate requiring reference were disposed of in concurrence.

(Off Record Remarks)

On motion of Mr. Birt of East Millinocket,

Adjourned until eleven o'clock tomorrow morning.