

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Sixth

Legislature

OF THE

STATE OF MAINE

1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, January 17, 1973

Senate called to order by the President.

Prayer by the Rev. Canon Roger S. Smith of Augusta.

Reading of the Journal of yesterday.

**Papers from the House
Joint Resolution**

STATE OF MAINE

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

Joint Resolution Protesting the Proposed Closing of the National Marine Fisheries Services at Boothbay Harbor, Maine.

WE, your Memorialists, the House of Representatives and Senate of the State of Maine of the One Hundred and Sixth Legislative Session assembled, most respectfully present and petition the National Oceanic and Atmospheric Administration, as follows:

WHEREAS, the National Oceanic and Atmospheric Agency has summarily and publicly announced the intention of permanently closing the National Marine Fisheries Services facility at Boothbay Harbor on or before July 1st of this year; and

WHEREAS, this incredible decision comes at a time when our commercial fisheries need the scientific capabilities that this, the only "cold water" fishery facility in the Nation can provide; and

WHEREAS, should budget cuts become necessary they should be planned and apportioned equally among all fisheries research centers rather than arbitrary closure and the accompanying financial burdens to the State; and

WHEREAS, the maintenance and development of this fishery research center at Boothbay Harbor is vital to the future overall economic development of the northeast; now, therefore, be it

RESOLVED: That we, your Memorialists, do hereby respectfully protest said closure and request the National Oceanic and Atmospheric Agency to cease and desist in its efforts to close the said facilities; and be it further

RESOLVED: That the Members of the United States Congress for the State of Maine are hereby urgently requested to use every possible means to cause the decision to close said facilities to be reversed; and be it further

RESOLVED: That a copy of this resolution, duly authenticated by the Secretary of State, be transmitted by the Secretary of State to the National Oceanic and Atmospheric Administration and to the Honorable Richard M. Nixon, President of the United States; the Honorable Fredrick B. Dent Secretary of Commerce; and to the Senate and House of Representatives in Congress and to the members of the said Senate and House of Representatives from this State. (H. P. 186)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

House Papers

At this point, the Bills and Resolutions received from the House requiring Reference to Committees were acted upon in concurrence, except for the following:

Resolution, Proposing Ratification of the Equal Rights Amendment to the Constitution of the United States of America. (H. P. 139) (L. D. 161)

Resolution, Proposing Ratification of the Equal Rights Amendment to the Constitution of the United States of America. (H. P. 140) (L. D. 162)

Come from the House referred to the Committee on State Government and Ordered Printed.

On motion by Mr. Berry of Cumberland, the above two Resolutions were tabled and tomorrow assigned, pending Reference.

Bill, "An Act Relating to Property Tax Administration." (H. P. 100) (L. D. 137)

Comes from the House referred to the Committee on Taxation and Ordered Printed.

On motion by Mr. Speers of Kennebec, tabled until later in today's session, pending Reference.

Communications**MAINE INDUSTRIAL BUILDING
AUTHORITY**

State House

Augusta, Maine 04330

January 15, 1973

To the Members of the 106th
Legislature

Gentlemen:

Pursuant to the Joint Order of the 105th Legislature enacted March 10, 1972, the Maine Industrial Building Authority reports the following to the 106th Legislature:

After studying and considering the Miner-Schaeffer Report and the opinion of counsel, copy of which opinion is attached as a part of this report, the Authority has found no basis for any new prosecution by the Authority at this time against Vahlsing Inc., Fred H. Vahlsing Jr. and any corporation owned or controlled by F. H. Vahlsing Jr. to recover any money or property which may have been paid by or diverted from Maine Sugar Industries, Inc.

The question raised by the Joint Order of March 10 as to possible causes of action on behalf of the taxpayers of the State is one which the Authority believes should be determined by the Attorney General.

Very truly yours,
Maine Industrial Building
Authority

(Signed)

JOSEPH KINNEY, JR.
Chairman
(S. P. 82)

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

Sent down for concurrence.

STATE OF MAINE
House of Representatives
Augusta, Maine 04330

January 16, 1973

Mr. Harry N. Starbranch
Secretary of the Senate
106th Legislature

Dear Sir:

The Governor having returned to the House: Bill "An Act Relating to Inherent Managerial Functions Under the Municipal Employees Labor Relations Law" (H. P. 1531) (L. D. 1974) together with his objections to the same, the House proceeded to vote on the question:

Shall the Bill become a law notwithstanding the objections of the Governor?

According to the provisions of the Constitution, a ye a and nay vote was taken. 84 voted in the affirmative and 61 in the negative and accordingly the veto was sustained.

Respectfully,

(Signed)

E. LOUISE LINCOLN
Clerk of the House

Which was Read and Ordered
Placed on File.

STATE OF MAINE
Department of Indian Affairs
Augusta, Maine 04330

January 8, 1973

Honorable Louise Lincoln
Clerk of the House of Representatives

106th Legislature

State House

Augusta, Me. 04330

Dear Mrs. Lincoln:

The following were elected by their respective Indian Tribes as Indian Representatives at the Legislature for the years 1973 and 1974:

Vivian Massey
Penobscot Tribe
Elected September 12, 1972

Albert Dana
Passamaquoddy Tribe
Elected September 5, 1972

Respectfully submitted,

(Signed)

JOHN STEVENS
Commissioner
(H. P. 155)

Comes from the House, Read and
Ordered Placed on File.

Which was Read and Ordered
Placed on File in concurrence.

Senate Papers

Mr. Anderson of Hancock presented the following Joint Resolution and moved its adoption:

STATE OF MAINE

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

Joint Resolution Memorializing the
Honorable Winton M. Blount, Post-
master General and the United
States Congress for Restoration of
Maine Postal Service.

We, your Memorialists, the
Senate and House of Representa-
tives of the State of Maine in

Regular Session of the One Hundred and Sixth Legislative Session now assembled, most respectfully present and petition the Honorable Winton M. Blount, Postmaster General and the United States Congress as follows:

WHEREAS, Postal service in the State of Maine has greatly deteriorated as the result of suspension of highway post-office service and the institution of central sorting; and

WHEREAS, the altered service has seriously impaired communication between rural communities, particularly, imposing new handicaps upon rural enterprise and interfering with historic geographic relationships between neighboring towns; and

WHEREAS, for a generation, Federal and State leaders have urged the dispersal of overcrowded population and commercial activities of urban to rural areas, while new policies of the postal service continue to concentrate employment and enterprise in urban centers; and

WHEREAS, an efficient postal service with prompt delivery into and out of rural areas as well as between rural points is essential to the social well-being, cultural improvement and economic health of rural Maine; now, therefore, be it

RESOLVED: That we, your Memorialists, hereby record our dissatisfaction with the existing postal service afforded the Citizens of this State, and respectfully urge and petition said Postmaster General and the Congress of the United States, to take appropriate action to bring the United States Postal Service into conformity with other federal policies aimed at the preservation of rural life and to restore those standards of efficiency, economy and level of postal services in the State of Maine which previously prevailed; and be it further

RESOLVED: That a copy of this Memorial, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to the Postmaster General of the United States, to the Senate and House

of Representatives in Congress and to the Members of the said Senate and House of Representatives from this State. (S. P. 83)

(Approved for appearance on the calendar pursuant to Joint Rule No. 11)

Which was Read and Adopted.
Sent down for concurrence.

Judiciary

Mr. Speers of Kennebec presented Bill, "An Act Relating to the Renewal of Maine Sales or Use Tax and Income Tax Warrants." (S. P. 72)

Mr. Richardson of Cumberland presented Bill, "An Act Relating to Hospital Reports." (S. P. 75)

Which were referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

Legal Affairs

Mr. Richardson of Cumberland presented Resolve, Authorizing Fred P. Haskell, or his Legal Representative, to Bring Civil Action Against State of Maine. (S. P. 77)

Mr. Morrell of Cumberland presented Bill, "An Act to Amend the Charter of Bowdoin College." (S. P. 80)

Which were referred to the Committee on Legal Affairs and Ordered Printed.

Sent down for concurrence.

Natural Resources

Mr. Morrell of Cumberland presented Bill, "An Act Relating to a State Trails System." (S. P. 78)

Which was referred to the Committee on Natural Resources and Ordered Printed.

Sent down for concurrence.

Taxation

Mr. Wyman of Washington presented Bill, "An Act Relating to collection of the Blueberry Tax." (S. P. 74)

Which was referred to the Committee on Taxation and Ordered Printed.

Sent down for concurrence.

Transportation

Mr. Hichens of York presented Bill, "An Act Revising the School Bus Law." (S. P. 73)

Mr. Morrell of Cumberland presented Bill, "An Act Relating to Use of Studded Tires on Motor Vehicles." (S. P. 79)

Which were referred to the Committee on Transportation and Ordered Printed.

Sent down for concurrence.

Veterans and Retirement

Mr. Richardson of Cumberland presented Bill, "An Act to Clarify Certain Provisions of the Maine State Retirement Law." (S. P. 76)

Which was referred to the Committee on Veterans and Retirement and Ordered Printed.

Sent down for concurrence.

Orders

On motion by Mr. Berry of Cumberland,

ORDERED, the House concurring, that any legislator may be reimbursed for expenses for ferry service tolls upon submitting a receipt. In such cases, the mileage shall be computed from the mainland port to Augusta and return. (S. P. 81)

Which was Read.

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

Mr. BERRY: Mr. President and Members of the Senate: This is an order similarly passed by the last legislature and it directly affects the gentleman from Vinalhaven, Mr. Maddox, who has to take a ferry to come to the legislative session. It would be my fervent hope that it would be possible to take this very important item and put it permanently on the books after this.

The PRESIDENT: Is it now the pleasure of the Senate that this order receive passage and be sent down for concurrence?

Thereupon, the Order received Passage.

Sent down for concurrence.

On motion by Mr. Berry of Cumberland,

ORDERED, the House concurring, that the President of the Senate and the Speaker of the House, are each authorized, during the periods when the Legislature is not in session, to direct that

officers and employees of their respective branches shall attend to such duties and work as the President and Speaker may deem necessary. The compensation of the said officers and employees shall be the same as paid them during a regular or special session of the Legislature and shall be paid and certified in accordance with Joint Rule 5. (S. P. 84)

Which was Read.

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

Mr. BERRY: Mr. President, I would like to point out to the members of the Senate that this is, in spite of its brevity, an extremely important and noteworthy order.

For the first time it will provide, upon its passage, that the presiding officers of the two bodies will have clerical assistance and that the bodies themselves will be able to conduct a small amount of business after adjournment.

It has certainly been a matter of concern to all of us that, for instance, the person who would step into the Governor's chair in the absence of the Governor during the recess of the legislature did not even have clerical or secretarial help. This is just another item of what has already started to be progressive measures to make the legislature of the State of Maine more responsive.

The PRESIDENT: Is it the pleasure of the Senate that this order receive passage and be sent down for concurrence?

Thereupon, the Order received Passage.

Sent down for concurrence.

Orders of the Day

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

Bill, "An Act Providing for an Additional District Court Judge at Large." (S. P. 65)

Tabled — January 16, 1973 by Senator Katz of Kennebec.

Pending — Reference.

On motion by Mr. Brennan of Cumberland, referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

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

Bill "An Act Increasing the Number of Superior Court Justices and Official Court Reporters." (S. P. 61)

Tabled — January 16, 1973 by Senator Katz of Kennebec.

Pending — Reference.

On motion by Mr. Brennan of Cumberland, referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

Pursuant to the authority of Joint Order, House Paper 84, Creating a Joint Special Committee on Public Lands, the President appointed the following Senators to the Joint Special Committee:

Richardson of Cumberland
Clifford of Androscoggin
MacLeod of Penobscot
(Representing Senate District 26 —
Resides in Brewer)

The President laid before the Senate the following matter tabled earlier in today's session by Mr. Speers of Kennebec:

Bill, "An Act Relating to Property Tax Administration." (H. P. 100) (L. D. 137)

Thereupon, on Motion by Mr. Speers of Kennebec, referred to the Committee on Taxation and Ordered Printed in concurrence.

(Off Record Remarks)

On motion by Mr. Sewall of Penobscot,
Adjourned until ten o'clock tomorrow morning.