

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, February 7, 1973
Senate called to order by the President.

Prayer by Father Hilary J. Cameron of Gardiner.

Reading of the Journal of yesterday.

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

Bill, "An Act Relating to Probate Fees." (S. P. 172) (L. D. 427)

In the Senate January 30, 1973, Referred to the Committee on Judiciary and Ordered Printed.

Comes from the House, referred to the Committee on County Government, in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Bill, "An Act Relating to Fees of Clerks of Courts." (S. P. 171) (L.D. 426)

In the Senate January 30, 1973, referred to the Committee on Judiciary and Ordered Printed.

Comes from the House, referred to the Committee on County Government, in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

House Papers

Bills, Resolves and Resolution today received from the House requiring Reference to Committees were acted upon in concurrence except for the following:

Bill, "An Act Relating to Educational Assistance for Widows, Wives and Children of Veterans and Wives and Children of Prisoners of War." (H. P. 404) (L. D. 533)

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

On motion by Mr. Katz of Kennebec, referred to the Committee on Veterans and Retirement in non-concurrence and Ordered Printed.

Sent down for concurrence.

Communications

State of Maine
Office of the Governor
Augusta, Maine 04330

February 6, 1973
Honorable Members of the Senate
of the 106th Legislature

Last June the Cabinet established a Committee to study Federal funds received by Maine. I am transmitting today the report of the Committee - "Federal Funds in Maine."

I found the analysis thorough and timely. I hope this information and specific recommendations will be useful to members of the Legislature and other public officials during this period of Congressional review of Federal grant-in-aid programs.

Respectfully,
KENNETH M. CURTIS
Governor

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

**Report Of The Snowmobile
Study Committee**

To The Members Of The 106th Legislature:

The Snowmobile Study Committee was established by Joint Order of HP 1598 of the First Special Session of the 105th Legislature. The intent of the Legislature in said Order was to encourage this new sport and also adequately protect the rights of property owners, non-snowmobilers and our natural resources. The sport of snowmobiling can be increasingly healthful and an enjoyable family type of activity. The Committee has inquired at great length into those matters referred to it and has the honor to submit herewith its report to the 106th Legislature as charged.

The Committee wishes to acknowledge its appreciation for the cooperation and services rendered by the many individuals and organizations who have appeared before it to assist in its study. Many of these individuals came from great distances throughout the United States and Canada. The Committee sincerely hopes that the findings and recommendations herein contained will be of benefit to members of the 106th Legislature and the public at large.

Respectfully submitted
Sen. Wakine G. Tanous, Chm.
Snowmobile Study Committee
(S. P. 234)

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

Sent down for concurrence.

Senate Papers
Business Legislation

Mr. Tanous of Penobscot presented, Bill, "An Act Relating to Insurance Rate Filings" (S. P. 225)

The same Senator presented, Bill, "An Act Providing for the Maine Property Insurance Cancellation Control Act." (S. P. 231)

Which were referred to the Committee on Business Legislation and Ordered Printed.

Sent down for concurrence.

Judiciary

Mr. Kelley of Aroostook presented, Bill, "An Act Relating to Municipalities Providing Funds for Local Development Corporations." (S. P. 235)

Mr. Tanous of Penobscot presented, Bill, "An Act Relating to Nonpayment of Corporate Franchise Taxes." (S. P. 224)

The same Senator presented, Bill, "An Act Providing for Judicial Review from Decisions of the Banking Commissioner." (S. P. 226)

The same Senator presented, Bill, "An Act to Review Laws Relating to Violations of Parole." (S. P. 228)

The same Senator presented, Bill, "An Act Relating to Qualifying Foreign Corporations to do Business in Maine." (S. P. 229)

The same Senator presented, Bill, "An Act Relating to Claims Against the State and Immunity of State Officers and Employees." (S. P. 232)

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

Sent down for concurrence.

Labor

Mr. Tanous of Penobscot presented, Bill, "An Act Extending the Appeal Period under Employment Security Law." (S. P. 227)

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

Sent down for concurrence.

Natural Resources

Mr. Berry of Cumberland presented, Bill, "An Act to Include Operators of Industrial Wastewater Treatment Plants in the Operator Certification Program." (S. P. 223)

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

Sent down for concurrence.

State Government

Mr. Tanous of Penobscot presented, Bill, "An Act to Reestablish the Maine Commission on Drug Abuse." (S. P. 230)

Which was referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

Orders

ORDERED, the House concurring, that there be created a Joint Select Committee on Constitutional State Reapportionment, consisting of 3 members on the part of the Senate, to be appointed by the President of the Senate, and 7 members on the part of the House, to be appointed by the Speaker of the House. The Committee is directed to consider the apportionment of the districts of the House of Representatives of the Legislature, as provided by Article IV, Part 1, Section 2 and Section 3 of the Constitution of Maine, and report to this Legislature by bill or otherwise; and be it further

ORDERED, that any necessary expenses to carry out the duties of the Committee shall be paid from the Legislative Appropriation. (S. P. 233)

Which was Read and Passed.

Sent down for concurrence.

On motion by Mr. Greeley of Waldo,

ORDERED, that all Bills and Resolves carrying or requiring an appropriation or involving a loss of highway revenue that are in order to be passed, to be enacted, or finally passed, shall, at the request of the Committees on Transportation, be placed on a special calendar to be called up for consideration only by a member of that committee.

Which was Read and Passed.

Committee Reports
House

The following Ought Not to Pass reports shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Relating to Loading of Vehicles to Prevent Dropping of Load on Public Way." (H. P. 110) (L. D. 130)

Bill, "An Act to Pay for One Hundred Percent of Health Insurance Plan for State Employees." (H. P. 182) (L. D. 224)

Leave to Withdraw

The Committee on Agriculture on, Bill, "An Act Relating to the Licensing and Regulation of Stables for Horses." (H. P. 125) (L. D. 149)

Reported that the same be granted Leave to Withdraw.

The Committee on Legal Affairs on, Bill, "An Act Changing Name of Main Rescue Service." (H. P. 63) (L. D. 75)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in Concurrence

Ought to Pass

The Committee on Taxation on, Bill, "An Act Exempting Fuels to Burn Blueberry Fields from the Sales Tax." (H. P. 86) (L. D. 106)

Reported that the same Ought to Pass.

The Committee on Business Legislation on, Bill, "An Act Relating to Manner of Transferring Investment Securities Under Uniform Commercial Code." (H. P. 136) (L. D. 159)

Reported that the same Ought to Pass.

The Committee on Business Legislation on, Bill, "An Act Relating to the Holding of Securities by Fiduciaries and by Custodians for Fiduciaries." (H. P. 137) (L. D. 160)

Reported that the same Ought to Pass.

Come from the House, the Bills Passed to be Engrossed.

Which reports were Read and Accepted in concurrence, the Bills Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act Repealing the Prohibition Against Mobile Home Sales On Sunday." (H. P. 39) (L. D. 46)

Reported that the same Ought to Pass.

(Signed)

Senators:

JOLY of Kennebec
ROBERTS of York
ALDRICH of Oxford

Representatives:

PECTEAU of Biddeford
EMERY of Rockland
BRAWN of Oakland
COTE of Lewiston
CAREY of Waterville
FAUCHER of Solon
CONNOLLY of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

(Signed)

Representatives:

SHUTE
of Stockton Springs
SHAW of Chelsea
DUDLEY of Enfield

Comes from the House, the Majority Ought to Pass Report Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read, and the Majority Ought to Pass Report of the Committee Accepted in Concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

Senate

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Governing Disclosure of School Records," (S. P. 89) (L. D. 235)

Ought to Pass - As Amended

Mr. Morrell for the Committee on Appropriations and Financial Affairs on, Resolve, Appropriating Funds to the Bath-Brunswick Mental Health Association to Purchase a Facility for a Federally Funded Expanded Program. (S. P. 108) (L. D. 253)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-7).

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.

Second Readers

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

House

Bill, "An Act Relating to Interest and Penalties with Respect to Motor Fuel Taxes." (H. P. 217) (L. D. 290)

Which was Read a Second Time and Passed to be Engrossed, in concurrence.

Senate

Bill, "An Act to Amend the Charter of Bowdoin College." (S. P. 80) (L. D. 197)

Bill, "An Act Appropriating Funds for Replacement Volumes of the Revised Statutes." (S. P. 85) (L. D. 231)

Resolve, Providing for Purchase of Copies of History of Millinocket. (S. P. 86) (L. D. 232)

Resolve, Appropriating Funds for the Perambulation of the Maine-New Hampshire Boundary Line. (S. P. 115) (L. D. 260)

Bill, "An Act Relating to Working Capital of the Bureau of Alcoholic Beverages." (S. P. 128) (L. D. 305)

Which were Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

Senate - As Amended

Bill, "An Act Relating to Regulations Governing Horsepower of Boats on Certain Inland Waters." (S. P. 11) (L. D. 68)

Resolve, Authorizing the State Tax Assessor to Convey by Sale the Interest of the State in Certain Lands in the Unorganized Territory. (S. P. 57) (L. D. 140)

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

Sent down for concurrence.

Enactors

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

An Act Changing Name of Promote Recreation and Industry Down East, Inc. (S. P. 38) (L. D. 95)

An Act Changing Name of Land Owners Association. (H. P. 70) (L. D. 83)

An Act Relating to Procedure for Securing Specially Designed Motor Vehicle License Plates for State Officials. (H. P. 85) (L. D. 110)

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 Fees Received by the Clerk of the House of Representatives and Secretary of the Senate. (H. P. 94) (L. D. 115)

An Act to Correct an Error in the Reorganization of the Department of Civil Defense and Public Safety. (H. P. 111) (L. D. 131)

An Act Making Additional Appropriations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1973. (S. P. 190) (L. D. 394)

These being emergency measures and having received the affirmative votes of 31 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.

Emergency

An Act Creating a Second Assistant County Attorney for Kennebec County (H. P. 88) (L. D. 108)

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

Orders of the Day

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Table the following tabled and unassigned matter:

Bill, "An Act Increasing Compensation of Assistant Secretary of the Senate and the Assistant Clerk of the House of Representatives." (H. P. 76) (L. D. 89)

Tabled—February 6, 1973 by Senator Berry of Cumberland.

Pending—Enactment.

On motion by Mr. Berry of Cumberland, and under suspension of the rules, the Senate voted to reconsider its prior 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-8, was Read.

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

Mr. BERRY: Mr. President and Members of the Senate: This amendment clarifies the language of the basic L.D. and in no way does it change it at all. Once again we are attempting to spell out very clearly the point brought out here, particularly that the people involved are important and necessary officers to the legislature which, of course, is quite obvious.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment A?

Thereupon Senate Amendment "A" was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Mr. Katz of Kennebec was granted unanimous consent to address the Senate:

Mr. KATZ: Mr. President and Members of the Senate: I noticed within the Senate Chambers and in the corridors of the State House today a group of special interest people; they call themselves the League of Women Voters. We who are in the legislature are used to being invaded by special interest groups representing all kinds of special interests, but this particular special interest group, I think, more successfully than any other represents the welfare of all people in the State, and I wish to a great extent that they had the ability to be here every day because they are acting as our conscience. I think what they are saying to us is that we should try to do better, that we should attempt to pursue excellence, and I hope that their conscience makes an impression on us today.

(Off Record Remarks)

On motion by Mr. Sewall of Penobscot,

Adjourned until 1:30 o'clock in the afternoon.