

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth  
Legislature*

OF THE

STATE OF MAINE

Volume III

June 6, 1973 to July 3, 1973

Index

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Wednesday, June 13, 1973

Senate called to order by the President.

Prayer by the Rev. Kenneth Brookes of Augusta.

Reading of the Journal of yesterday.

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

Bill, "An Act Relating to Possession of Firearms by Persons Convicted of Criminal Offenses." (S. P. 507) (L. D. 1596)

In the Senate June 11, 1973, Passed to be Engrossed as Amended by Committee Amendment "A" (S-218).

Comes from the House, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

On motion by Mr. Brennan of Cumberland, the Senate voted to Insist.

**Non-concurrent Matter**

Bill, "An Act to Provide a Maine Citizen's Preference on State Civil Service." (H. P. 678) (L. D. 885)

In the House May 31, 1973, Passed to be Engrossed as Amended by House Amendment "A" (H-418).

In the Senate June 11, 1973, Bill and accompanying papers, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference.

Mr. Hichens of York then moved that the Senate Insist and Join in a Committee of Conference.

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

Mr. BERRY: Mr. President, I would invite to the attention of the Senate that there was a very heavy vote against this bill. The matter was fully debated, and I think that the progress of legislation would be better served by voting against the motion, and then voting for a motion to adhere. I urge you to vote against the pending motion.

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

Mr. BRENNAN: Mr. President and Members of the Senate: The

posture of this bill, as amended by the House Amendment, really reduces it to just one little sentence. It says, in effect, that Maine citizens shall be given preference, and that is about it. I think that probably is a pretty good thing. We don't get into that very elaborate 8-page amendment that gave all sorts of other types of preferences, but it is just a situation of giving somebody from Maine a little better opportunity than some out-of-stater for some Maine job. It is just one sentence; that is all it is. So I hope you would go along with the idea of joining in a committee of conference so we can at least put that much on the books.

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

Mr. RICHARDSON: Mr. President, having spoken against and voted against this bill the last time around, I intend to vote this time to participate in a committee of conference. I don't think that doing the legislative business is so important that we shouldn't do it well and that we should substitute for doing it well doing it quickly. If some of the objectionable features can be cleaned out of this bill, I would certainly have no objection to the sort of statement which the Senator from Cumberland, Senator Brennan, suggests.

Mr. President, I would request a division.

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

Mr. BERRY: Mr. President and Members of the Senate: I sometimes fail to follow the logic of some of my confreres here. The single-sentence amendment referred to by Senator Brennan has the number of the last page of the amendment No. 8. In other words, there are eight pages to House Amendment 418. We are talking exactly the same bill we had before, the same House Amendment, exactly the same thing and I don't follow Senator Richardson's reasoning because of this either. I strongly urge that we just vote, as we did before, vote against the motion.

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

Mr. BRENNAN: Mr. President and Members of the Senate: If we join in a committee of conference, what I would support is just to put this one sentence on the books, and I suspect it wouldn't be too much for the Senator from Cumberland, Senator Berry: "In making appointments to any position on an open competitive basis in the classified service, or recruiting for the same, preference shall be given to the citizens of the State of Maine." I would be perfectly happy with just that one sentence, and I trust we might be able to work that out in the committee of conference.

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

Mr. BERRY: Mr. President, I would pose an inquiry to the Senator from Cumberland, Senator Brennan: Would it surprise him too much if the sentence he requests be put on the books is already on the books?

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

Mr. BRENNAN: Mr. President, not much of anything would surprise me in this place.

The PRESIDENT: As many Senators as are in favor of the motion of the Senator from York, Senator Hichens, that the Senate insist and join in a committee of conference on Bill, "An Act to Provide a Maine Citizen's Preference on State Civil Service", will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 15 Senators having voted in the affirmative, and 12 Senators having voted in the negative, the motion prevailed.

#### **Non-concurrent Matter**

Bill, "An Act Creating a Study Commission on Environmental Laws." (S. P. 642) (L. D. 1977)

In the Senate June 5, 1973, Passed to be Engrossed as Amended by Senate Amendments "A" (S-187), "B" (S-198) and "C" (S-210).

Comes from the House, Bill and accompanying papers Indefinitely Postponed, in non-concurrence.

On motion by Mr. Schulten of Sagadahoc, the Senate voted to Recede and Concur.

#### **Non-concurrent Matter**

Bill, "An Act Providing for Motor Vehicle Operator's License Classification." (S. P. 409) (L. D. 1211)

In the Senate June 6, 1973, Passed to be Engrossed as Amended by Committee Amendment "A" (S-201).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" and House Amendment "B" (H-555), in non-concurrence.

On motion by Mr. Tanous of Penobscot, the Senate voted to Recede and Concur.

#### **Communications**

##### **State of Maine**

One Hundred and Sixth Legislature  
Committee on County Government  
June 12, 1973

The Honorable Kenneth P. MacLeod

President of the Senate of Maine  
Senate Chamber  
State House

Augusta, Maine 04330

Sir:

The Committee on County Government is pleased to report the completion of that business of the 106th Legislature that was placed before this committee.

Total number of	
Bills Received	79
Ought to pass	10
Ought Not to Pass	9
Ought to	
Pass as Amended	8
Ought to Pass	
in New Draft	3
Divided	10
Leave to Withdraw	38
Referred to	
Another Committee	1

Respectfully,

Senator JOHN B. ROBERTS  
Chairman

JBR-HMP

Which was Read and Ordered  
Placed on File.

Advisory Commission for the Study of Public Support for Post-Secondary Education in Maine

June 12, 1973

Honorable Members of the 106th Maine Legislature:

The Advisory Commission for the Study of Public Support for Post-Secondary Education in Maine is pleased to submit this report as its response to S. P. 473 - L. D. 1492 of the 105th Legislature directing the Commission to review and investigate the present and future economic needs of post-secondary educational institutions in Maine and their ability to meet emerging needs of future Maine students, and to study present programs of publicly supported financial assistance to Maine students and develop recommendations, if necessary, for new or additional responses to increasing student needs.

The Commission is indebted to members of the staff of the Chancellor's Office of the University of Maine and the Commissioner's Office of Educational and Cultural Services, who researched and compiled the data, on which the Commission makes its recommendations to the 106th Legislature.

The Commission feels that the report is thoroughly researched and documented. It deserves the careful consideration of all who recognize that the opportunity for a post-secondary education for all residents of this state, who desire such an education, and are properly qualified therefor, is important to the welfare and security of this state.

For the Advisory Commission,  
Francis T. Finnegan, Chairman  
(S. P. 665)

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

Sent down for concurrence.

### Committee Reports

#### House

#### Ought to Pass

The Committee on County Government on, Bill, "An Act Relating to Supplemental County Budgets." (H. P. 1594) (L. D. 2018)

Reported pursuant to Joint Order (H. P. 1578) that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which report was Read and Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

#### Ought to Pass - As Amended

The Committee on Labor on, Bill, "An Act to Amend the Workmen's Compensation Act to Make Compensation for Permanent Partial Incapacity Coextensive with the Duration of Durability." (H. P. 1409) (L. D. 1849)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-539).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

#### Ought to Pass in New Draft

The Committee on Health and Institutional Services on, Bill, "An Act Relating to Medical Treatment of Persons at State Operated Facilities." (H. P. 1079) (L. D. 1402)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1527) (L. D. 1957)

Comes from the House, the Bill in New Draft Passed to be Engrossed, as Amended by House Amendment "A" (H-552).

Which report was Read and Accepted in concurrence and the Bill in New Draft Read Once. House Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Access and Egress to Great Ponds." (H. P. 1417) (L. D. 1855)

Reported that the same Ought to Pass.

Signed:

Senators:

TANOUS of Penobscot  
SPEERS of Kennebec  
BRENNAN of Cumberland

Representatives:

WHEELER of Portland  
GAUTHIER of Sanford  
PERKINS

of South Portland  
DUNLEAVY

of Presque Isle  
McKERNAN of Bangor  
WHITE of Guilford  
KILROY of Portland

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

Signed:

Representatives:

BAKER of Orrington  
HENLEY of Norway  
CARRIER of Westbrook

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-551).

Which reports were Read, the Majority Ought to Pass Report of the Committee Accepted in concurrence, and the Bill Read Once. House Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

### Enactors

Out of order and under suspension of the rules, the Senate voted to take up the following papers from the House:

#### Emergency

An Act Increasing State, Maine Maritime Academy and Classified, University of Maine Employees' Pay. (H. P. 1580) (L. D. 2006)

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

Mr. RICHARDSON: Mr. President, with respect to this matter, I would inquire whether or not the bill in its present form or some other legislation is going to give additional monies to the University of Maine for teaching salaries. I would inquire of any member of the Appropriations Committee whether that is the case.

The PRESIDENT: The Senator from Cumberland, Senator Richardson, has posed a question through the Chair which any member of the committee may answer if he desires.

The Chair recognizes the Senator from Penobscot, Senator Sewall.

MR. SEWALL: Mr. President and Members of the Senate: As Senator Richardson properly points out, this legislative document 2006 does not include monies for the pay increases, if any there be, for professional salaries at the University of Maine. The Appropriations Committee has met and talked with the trustees on this item, and they have been given an assurance from the Appropriations Committee that we will consider money for the University in the Part II Budget, which will be earmarked for professors' salaries; at the exact level, I cannot say yet, but I hope it would be equitable treatment for the professors, the same treatment that has been accorded other state employees.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, this being an emergency measure, and having received the affirmative votes of 25 members of the Senate, was Passed to be Enacted and, having seen signed by the President, was by the Secretary presented to the Governor for his approval.

### Emergency

An Act to Adjust Certain Salary Provisions of State Officers and Officials. (H. P. 1581) (L. D. 2007)

This being an emergency measure, and having received the affirmative votes of 25 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.

### Committee of Conference

On the disagreeing action of the two branches of the Legislature on Bill, "An Act to Provide a Maine Citizen's Preference on State Civil Service" (H. P. 678) (L. D. 885), the President appointed the following Conferees on the part of the Senate:  
Senators:

RICHARDSON  
of Cumberland  
SPEERS of Kennebec  
CLIFFORD  
of Androscoggin

### Divided Report

The Majority of the Committee on Liquor Control on, Bill, "An Act Providing for Fines in Lieu of Suspensions under Liquor Laws." (H. P. 1247) (L. D. 1624)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Providing for Fine or Suspension under Liquor Law" (H. P. 1595) (L. D. 2019).

Signed:

Senators:

OLFENE of Androscoggin  
SCHULTEN of Sagadahoc

Representatives:

GENEST of Waterville  
TANGUAY of Lewiston  
RICKER of Lewiston  
STILLINGS of Berwick  
CHICK of Sanford  
FAUCHER of Solon  
KELLEHER of Bangor

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

Signed:

Senator:

FORTIER of Oxford

Representatives:

FARNHAM of Hampden  
IMMONEN of West Paris

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

Which reports were Read.

Thereupon, the Majority Ought to Pass in New Draft Report of the Committee was Accepted in concurrence, the Bill in new draft read Once and Tomorrow Assigned for Second Reading.

### Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Relating to Severance Pay for Employees." (H. P. 228) (L. D. 308)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1585) (L. D. 2012)

Signed:

Senators:

TANOUS of Penobscot  
KELLEY of Aroostook

Representatives:

HOBBINS of Saco  
ROLLINS of Dixfield  
FARLEY of Biddeford  
CHONKO of Topsham  
FLYNN of So. Portland

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

Signed:

Senator:

HUBER of Knox

Representatives:

BROWN of Augusta  
McNALLY of Ellsworth  
McHENRY of Madawaska  
GARSOE of Cumberland  
BINNETTE of Old Town

Comes from the House, the Majority report Read and Accepted and the Bill in New Draft passed to be Engrossed.

Which reports were Read.

Thereupon, on motion by Mr. Huber of Knox, the Minority Ought Not to Pass Report of the Committee was Accepted in nonconcurrency.

Sent down for concurrence.

(See action later in today's session.)

### Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Family Planning Services." (H. P. 1367) (L. D. 1823)

Reported that the same Ought Not to Pass.

Signed:

Senator:

BRENNAN of Cumberland

Representatives:

DUNLEAVY  
of Presque Isle  
WHEELER of Portland  
HENLEY of Norway  
GAUTHIER of Sanford  
CARRIER of Westbrook  
KILROY of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Senators:

TANOUS of Penobscot  
SPEERS of Kennebec

Representatives:

BAKER of Orrington  
WHITE of Guilford

McKERNAN of Bangor  
PERKINS of So. Portland

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

Which reports were Read.

Mr. Hichens of York then moved that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: I wish you would take another look at this bill. I think perhaps it is going quickly, before you really realize what it is.

It is not an abortion bill. It is just a bill to continue with family planning services which have been in operation for several years. It actually should have the support of any of you who have been against freedom of abortion laws, because this is to prevent unwanted conception. This bill deals with voluntary avoidance of conception. It is not pushing anything on anyone. If someone would like to take advantage of these services, they can. If they don't want to, there is certainly no pressure being brought to bear.

I think that the old arguments of what an unwanted pregnancy can do, not only to a woman but to the family, economically, emotionally, and eventually, therefore, getting down into the whole family structure, we don't need to go into that again, but I do think that something that will allow people to plan their families is of extreme importance to the state as a whole and to the families as individual units. I would urge that you vote against the present motion.

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

Mr. MORRELL: Mr. President, I rise in support of the comments made by Senator Cummings. I think this is a thoughtful proposal, and I think it would be a shame to quickly, without a little more consideration on our part, kill this out of hand. I hope we will defeat the motion of the good Senator,

Senator Hichens, and at least leave it alive for a period, and I hope for a good long period, possibly discuss it and think about it.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I would like to heartily concur with the Senators from Penobscot and Cumberland, and simply state that this matter is an act which would allow the further expansion of knowledge in this particular area. It is a matter which deals very closely and very directly with the quality of life.

There are a great number of problems which arise from the overcrowding of populations, not only to nations of the world, but to families as well. This bill in no way, of course, requires or places any kind of limit on the number of children a family may have, but it does offer to individuals the ability and the knowledge with which they can plan and effectively determine how many children they wish to have.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, to an extent, I would go along with the comments made by the three preceding speakers, but there are dangers to this family planning organization. I have been sort of repulsed by the advertisements which have been heard over the television in the last week where it shows a parent planning on a vacation, and other bills, and then all of a sudden having them all disrupted because he found out he was going to be the father of another child in the family. I think when family planning services start putting money ahead of life and families that we are running into a gambit of trouble.

Also, I do not have with me this morning, but I tried to locate some brochures which have been distributed by the family planning services to unmarried minors, especially one entitled "Do I have to take the blame?" and another entitled "For the boys. This is what every girl should know", and it very fully describes prevention



of conception and so forth, and advocates that these young people go along with these things. To me, the father of seven children, I feel that we can plan our families, if we have the willpower to do so, without having all the decisions made for us as they are being made in very many facets of our life these days.

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

Mr. MORRELL: Mr. President, when we take the vote, I would ask that it be by division.

The PRESIDENT: A division has been requested. The pending motion before the Senate is the motion of the Senator from York, Senator Hichens, that the Senate accept the Majority Ought Not to Pass Report of the Committee on Bill, "An Act Relating to Family Planning Services." A division has been requested. As many Senators as are in favor of the motion of the Senator from York, Senator Hichens, that the Senate accept the Majority Ought Not to Pass Report of the Committee will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Five Senators having voted in the affirmative, and 20 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Minority Ought to Pass Report of the Committee was Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

#### **Reconsidered Matter**

Mr. Marcotte of York moved that the Senate reconsider its prior action whereby the Minority Ought Not to Pass Report of the Committee was Accepted on Bill, "An Act Relating to Severance Pay for Employees" (H. P. 228) (L. D. 308), in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Huber.

Mr. HUBER: Mr. President and Members of the Senate: I would oppose the motion completely. Despite the relatively evenly divided report, this is a piece of legislation that I don't think is very practical

for the entire State of Maine, and I hope you will vote against the motion to reconsider.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President and Members of the Senate: As I understand this bill, what it in fact does is just offer a bonus to faithful employees in the event any industry would decide to close its doors immediately. It is based on an average of what their earnings have been over a period of five years. If an industry were to take and locate with a 150-mile radius of where it is presently located, it wouldn't apply to them. So I hope you would consider the motion to reconsider.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, in any number of items which go through these halls, they place a burden on industry to remain within the State of Maine. This is one item which places a burden on an industry which decides to move out of the State of Maine, and I think that has much to commend it.

The PRESIDENT: As many Senators as are in favor of the motion of the Senator from York, Senator Marcotte, that the Senate reconsider its action whereby it accepted the Minority Ought Not to Pass Report of the Committee will please say "Yes"; those opposed "No".

The Chair will order a division. As many Senators as are in favor of reconsideration will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 16 Senators having voted in the affirmative, and 10 Senators having voted in the negative, the motion prevailed.

Thereupon, the Majority Ought to Pass in New Draft Report of the Committee was Accepted in concurrence, the Bill in New Draft Read Once and Tomorrow Assigned for Second Reading.

#### **Divided Report**

The Majority of the Committee on Judiciary on Bill, "An Act Relating to Commitment of Juve-

nile Offenders." (H. P. 1203) (L. D. 1542)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-541).

Signed:

Senators:

TANOUS of Penobscot  
SPEERS of Kennebec  
BRENNAN of Cumberland

Representatives:

BAKER of Orrington  
McKERNAN of Bangor  
KILROY of Protland  
WHEELER of Portland  
HENLEY of Norway  
WHITE of Guilford  
DUNLEAVY

of Presque Isle

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

Signed:

Representatives:

PERKINS

of South Portland  
CARRIER of Westbrook  
GAUTHIER of Sanford

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be En-grossed as Amended by Committee Amendment "A".

Which reports were Read.

Thereupon, the Majority Ought to Pass as Amended Report of the Committee was Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

#### Divided Report

Six members of the Committee on State Government on Bill, "An Act Providing Full-time Prosecuting Attorneys and Public Defenders." (H. P. 1380) (L. D. 1861)

Reported in Report "A" that the same Ought to Pass as Amended by Committee Amendment "A" (H-484).

Signed:

Senators:

SPEERS of Kennebec  
WYMAN of Washington

Representatives:

FARNHAM of Hampden  
STILLINGS of Berwick  
CURTIS of Orono  
SILVERMAN of Calais

Six members of the same Committee on the same subject reported in Report "B" that the same Ought Not to Pass.

Signed:

Senator:

CLIFFORD

of Androscoggin

Representatives:

CROMMETT

of Millinocket

COONEY of Sabattus

GOODWIN of Bath

NAJARIAN of Portland

BUSTIN of Augusta

Comes from the House, the Bill and accompanying papers Indefinitely Postponed.

Which reports were Read.

Thereupon, on motion by Mr. Tanous of Penobscot, the Ought to Pass as Amended Report "A" of the Committee was Accepted in non-concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

#### Senate

##### Leave to Withdraw -

##### Covered by Other Legislation

Mr. Speers for the Committee on State Government on, Bill, "An Act to Redistribute Certain Statutory Powers Now Vested in the Executive Council." (S. P. 501) (L. D. 1708)

Reported that the same be granted Leave to Withdraw, Covered by Other Legislation.

Mr. SPEERS for the Committee on State Government on, Bill, "An Act Relating to Joint Standing Committees of the Legislature." (S. P. 560) (L. D. 1731)

Reported that the same be granted Leave to Withdraw, Covered by Other Legislation.

Which reports were Read and Accepted.

Sent down for concurrence.

##### Ought to Pass - As Amended

Mr. Speers for the Committee on State Government on, Bill, "An Act to Correct Errors and Inconsistencies in the Executive Reorganization." (S. P. 430) (L. D. 1302)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-233).

Which report was Read.

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

Mrs. CUMMINGS: Mr. President and Members of the Senate: I would like to commend Senator Speers; I think the explanation that he has put on everybody's desk has been a great help. Sometimes these errors and inconsistencies bills come over our desk and we haven't a chance to read them. I, for one, greatly appreciate this extra effort.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I thank the good Senator from Penobscot, Senator Cummings, and would simply mention once more that it is an indication of the wisdom of this legislature at the very beginning to give itself enough staff so that this kind of explanation can be forthcoming.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Ought to Pass as Amended Report of the Committee?

Thereupon, the Ought to Pass as Amended Report of the Committee was Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on State Government on RESOLUTION, Proposing an Amendment to the Constitution Changing the Tenure of Office of Senators to Four-year Terms. (S. P. 492) (L. D. 1557)

Reported that the same Ought to Pass.

Signed:

Senators:

SPEERS of Kennebec

CLIFFORD

of Androscoggin

Representatives:

COONEY of Sabattus

FARNHAM of Hampden

CURTIS of Orono

GAHAGAN of Caribou

NAJARIAN of Portland

BUSTIN of Augusta

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

Signed:

Representatives:

CROMMETT

of Millinocket

STILLINGS of Berwick

SILVERMAN of Calais

Which reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: In a number of discussions on the bills which would create a unicameral legislature it has been often mentioned that there was no difference between the two bodies of the Maine Legislature. This bill would correct that one particular comment on the bicameral legislature. I think to have the Senators serve for four-year terms would be to create a continuity of the Maine Legislature that is not now necessarily existent.

This particular bill would have one-half of the Senate elected every two years so that you would have a great deal of continuity within the body itself. It would not be possible for the entire body to be defeated in an election and to have totally new Senators returning to this body. I think there are 37 states of the union which have four-year terms for the Senate.

I think there has been a good deal of criticism that there is a high rate of turnover in the Maine Legislature, and I think this bill would help correct that situation. I move the acceptance of the Majority Ought to Pass Report.

The PRESIDENT: The Senator from Kennebec, Senator Speers, moves that the Senate accept the Majority Ought to Pass Report of the Committee. Is this the pleasure of the Senate?

Thereupon, the Majority Ought to Pass Report of the Committee was Accepted, the Resolution Read Once and Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on State Government on, RESOLUTION, Proposing an Amend-

ment to the Constitution to Enlarge the Executive Council and Provide for Selection of the Council by the People. (S. P. 472) (L. D. 1516)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

SPEERS of Kennebec

CLIFFORD

of Androscoggin

Representatives:

GAHAGAN of Caribou

FARNHAM of Hampden

COONEY of Sabattus

CROMMETT

of Millinocket

CURTIS of Orono

STILLINGS of Berwick

BUSTIN of Augusta

SILVERMAN of Calais

NAJARIAN of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Sensor:

WYMAN of Wahington

Which reports were Read.

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

Sent down for concurrence.

#### Divided Report

The Majority of the Committee on State Government on, Bill, "An Act Relating to the Maine Development Act." (S. P. 536) (L. D. 1756)

Reported that the same Ought Not to Pass.

Signed:

Sensor:

SPEERS of Kennebec

Representatives:

FARNHAM of Hampden

CURTIS of Orono

NAJARIAN of Portland

STILLINGS of Berwick

CROMMETT

of Millinocket

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-234).

Signed:

Sensor:

CLIFFORD

of Androscoggin

Representatives:

COONEY of Sabattus

SILVERMAN of Calais

GOODWIN of Bath

GAHAGAN of Caribou

Which reports were Read.

Mr. Minkowsky of Androscoggin then moved that the Minority Ought to Pass as Amended Report of the Committee be Accepted.

The PRESIDENT: The Senator has the floor.

Mr. MINKOWSKY: Mr. President and Members of the Senate: L. D. 1756 basically has been created from the recognition that there is a critical need for more effective land use in Maine, and for better controls over the land use at the present time that all living systems depend upon.

Currently, we have all the statutory resources needed to protect our communities from undesirable economic development which may have a deleterious effect upon our environment. However, we have no statutory resources to ensure desirable economic development which will maintain no threats to our environment and will produce better standards of living for the people of the State of Maine.

Essentially, this bill accomplishes three main features: One, the creation of a Municipal Development Commission, with the authority and responsibility for planning and implementing programs for economic growth consistent with the needs and aspirations of the people at the local level.

Two, the creation at the state level of a Development Approvals Board to serve as a central coordinating and screening agency ensuring municipalities that projects meet established guidelines consistent with the environment, social and economic needs. The Development Approvals Board would also provide maximum expertise in assisting municipal development commissions in planning and implementing their projects.

Three, the opportunity which large businesses enjoy of financing required environmental controls through revenue bonds would also be afforded the small, less economically viable firms here in the State of Maine.

It should be emphasized, however, that once passed as law, this

proposal only creates the opportunity for a municipality to form a local development commission. It definitely does not make it mandatory nor a requirement to do so.

It is time to allow the local areas needed legislation to positively develop their communities economically. This legislation, in conjunction with the environmental protection legislation already existent, would give Maine communities the balance desperately needed in this particular state: economic viability and environmental protection working together for a better way of life.

Now, basically, as a thumbnail synopsis of what this is all about: one, L. D. 1756 will allow those communities who wished to create local development commissions, whose responsibilities and authority would be to plan and implement economic growth programs. These programs must be consistent with the aspirations and desires of the people of the community sponsoring such a committee, as well as conform with the existing State Constitution and relative statutes.

The proposed Development Approvals Board would be a corollary to the current Maine Municipal Securities Approval Board, and would be an instrument of the State of Maine.

Through the creation of local development commissions, local small businesses would be able to obtain tax-exempt revenue bonds for the purpose of pollution control devices which are required by Maine statutes. The large industries and businesses, of course, are already afforded this opportunity.

And finally, the Maine Development Act does not superimpose any entirely new system of development, but rather restructures existing authority and mechanisms in order that they may more effectively realize the objectives for which they were originally intended.

Gentlemen, and Senator Cummings, I have passed out this morning a recent article by Mr. Anderson of the Maine Municipal Bond Bank which correlates with what I have just told you, and

also a copy that came out of one of the trade magazines on how Massachusetts has a very, very similar bill to this particular one here.

Mr. President, I would move the acceptance of the Minority Report.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, the Minority Ought to Pass as Amended Report of the Committee was 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

Resolve, Authorizing the Commissioner of Mental Health and Corrections to Convey Land at the Augusta State Hospital to the Augusta Sanitary District. (H. P. 1533) (L. D. 1966)

Bill, "An Act to Protect the Rights of Injured Persons under the Workmen's Compensation Law." (H. P. 1584) (L. D. 2011)

(On motion by Mr. Tanous of Penobscot, tabled and Tomorrow Assigned pending Passage to be Engrossed.)

Bill, "An Act Appropriating Funds for Public Housing Authorities for Operating Subsidies." (H. P. 1365) (L. D. 1821)

Bill, "An Act to Establish a State Mortgage Assistance Program." (H. P. 1586) (L. D. 2013)

Bill, "An Act Relating to Property Tax and Rent-Relief for Disabled Persons." (H. P. 1587) (L. D. 2014)

Bill, "An Act Giving Powers of Arrest to State House Security Officers." (H. P. 821) (L. D. 1058)

Which were Read a Second Time and, except for the tabled matter, Passed to be Engrossed in concurrence.

### House - As Amended

Bill, "An Act to Allow Group Self-Insurance Under Maine's Workmen's Compensation Law." (H. P. 1345) (L. D. 1779)

Bill, "An Act to Clarify and Improve the Enforcement of Decis-

ions of the Public Employees Labor Relations Board." (H. P. 1421) (L. D. 1857)

Resolve, Authorizing the County Commissioners of Sagadahoc County to Pay Certain Claims. (H. P. 1547) (L. D. 1981)

Bill, "An Act Relating to the Certification and Regulation of Geologists and Soil Scientists." (H. P. 1570) (L. D. 2000)

(On motion by Mr. Sewall of Penobscot tabled and Tomorrow Assigned, pending Passage to be Engrossed.)

Bill, "An Act Relating to Salaries of Jury Commissioners and County Officers in the Several Counties of the State and Court Messenger of Cumberland County and Payments to the County Law Libraries." (H. P. 1565) (L. D. 1999)

(On motion by Mr. Roberts of York, tabled and Tomorrow assigned, pending Passage to be Engrossed.)

Bill, "An Act Revising the Motor Vehicle Dealer Licensing Law." (H. P. 478) (L. D. 629)

Which were Read a Second Time and, except for the tabled matters, Passed to be Engrossed, as Amended, in concurrence.

### Senate

Resolve, Approving Draft and Arrangement of the State Constitution Made by the Chief Justice of the Supreme Judicial Court, and Providing for its Publication and Distribution. (S. P. 93) (L. D. 239)

Bill, "An Act to Redistribute Certain Statutory Powers Now Vested in the Executive Council, to Abolish the Legislative Research Committee, to Create a Statutory Legislative Council, to Provide for Permanent Joint Standing Committees of the Legislature, and to Provide for an Annual Rather than a Biennial Budget." (S. P. 661) (L. D. 2021)

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

Sent down for concurrence.

### Senate - As Amended

Bill, "An Act Providing for Irreconcilable Marital Differences as a Ground for Divorce." (S. P. 69) (L. D. 171)

Which was 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 to Exempt Child Placement Agencies for Payment of Sales Tax. (S. P. 208) (L. D. 552)

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

An Act Providing Pensions for Former Governors and their Widows. (S. P. 363) (L. D. 1077)

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

An Act Relating to Liquor Purchased from State Liquor Stores. (S. P. 387) (L. D. 1133)

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

An Act to Amend the Personal Property and Homestead Exemption Laws to Provide for Realistic and Liberalized Exemptions. (S. P. 462) (L. D. 1497)

An Act Relating to School Buses. (S. P. 622) (L. D. 1936)

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

An Act to Create a Department of Marine Resources. (S. P. 637) (L. D. 1972)

(On motion by Mr. Richardson of Cumberland, temporarily set aside.)

An Act Relating to Veterans Preference and Military Service for Employees of State Agencies. (H. P. 454) (L. D. 603)

An Act Relating to Seasonal Employment under the Employment Security Law. (H. P. 939) (L. D. 1236)

An Act Relating to Physician Assistants. (H. P. 1557) (L. D. 1990)

An Act to Provide Protection of Fetal Life and the Rights of Physicians, Nurses, Hospitals and Others Relating to Abortions. (H. P. 1559) (L. D. 1992)

An Act Amending the Mountain Resorts Airport Authority Act. (H. P. 1572) (L. D. 2002)

(On motion by Mr. Richardson of Cumberland, temporarily set aside.)

An Act Relating to Possession of Marijuana, Peyote or Mescaline. (H. P. 1553) (L. D. 1986)

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

The President laid before the Senate the matter temporarily set aside at the request of Mr. Richardson of Cumberland:

An Act to Create a Department of Marine Resources. (S. P. 637) (L. D. 1972)

Pending — Enactment.

The PRESIDENT: The Senator has the floor.

Mr. RICHARDSON: Mr. President and Members of the Senate: L. D. 1972, An Act to Create a Department of Marine Resources, is a bill which was originated out of the Governor's Office, the State Planning Office, and the present Department of Sea and Shore Fisheries. Its purpose, quite simply stated, is to elevate this significant resource, and significant source of livelihood to thousands of Maine people, to cabinet status within the administration and to provide needed regulatory authority to the new Commissioner of the Department of Marine Resources. It is one of the things that we are doing, I think, in this session in the area of governmental reform in organizing state government to more responsibly and effectively meet the needs of Maine people. Mr. President, I move the question.

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

Mr. TANOUS: Mr. President and Members of the Senate: Just an aside to correct my good friend, Senator Richardson from Cumberland, the original thought of creating a Department of Marine Resources originated from the Republican Platform Committee last year. As a matter of fact, the Governor's Office contacted me, as Chairman of the Committee, to get the information relative to

this, and I do thank the Governor for having prepared the legislation to bring forth to this legislature.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, the Bill was Passed to be Enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

The President laid before the Senate the matter temporarily set aside at the request of Mr. Richardson of Cumberland:

An Act Amending the Mountain Resorts Airport Authority Act. (H. P. 1572) (L. D. 2002)

The PRESIDENT: The Senator has the floor.

Mr. RICHARDSON: Mr. President and Members of the Senate: In the same splendid bipartisan spirit that has marked today's activities I wish to note the intention of the Public Lands Committee with respect to L.D. 2002, and I would ask that this be recorded as a statement of legislative intent.

The Mountain Resorts Airport Authority Act and companion legislation authorizing the incorporation of Bigelow Township by a developer caused real concern to a lot of people, including the Natural Resources Council and other environmentally concerned organizations, and the Public Lands Committee felt that the best thing to do was, in fact, hold the Bigelow Mountain area, insofar as future development is concerned, in a state of suspended animation.

The Committee on Public Lands reported out Ought Not to Pass unanimously on a bill introduced by Senator Shute of Franklin which would have created a state park in the Bigelow Mountain Area, an exciting, unique, and possibly very worthwhile concept. But prior to this time, the Governor had appointed a Maine Mountain Advisory Committee, a group of people all the way from environmentally related organizations to people who own and have development plans in the Bigelow Mountain Area, and it was felt that this committee should be given an opportunity to present its plans; these plans not to supplant the responsibilities of the Land Use Regulation Com-

mission, which is now involved in that area, but instead that we should simply hold everything in a state of suspended animation until the next special session of this legislature, and at that time the legislature could make a determination as to what the fate of Bigelow would be, but only after having giving all interested parties an opportunity to submit their plans and their recommendations for this area.

It is our intent, Mr. President that no action leading to final incorporation of this township be taken without express legislative approval by this session of the legislature or a subsequent session. With that statement of our intent, Mr. President, I would move the question.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### **Emergency**

An Act to Correct Errors and Inconsistencies in the Maine Housing Authorities Act. (H. P. 1571) (L. D. 2001)

This being an emergency measure and having received the affirmative votes of 26 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**

An Act to Establish an Advisory Committee on Corrections. (S. P. 407) (L. D. 1209)

(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:

HOUSE REPORT — from the Committee on Education — Bill, "An Act Authorizing Plus New England Services of Maine Inc., to Confer Associate Degrees." (H. P. 907) (L. D. 1195) Ought to Pass Report.

Tabled — June 11, 1973 by Senator Berry of Cumberland.

Pending — Acceptance of Report.

On motion by Mr. Katz of Kennebec, retabled and Specially Assigned for June 15, 1973, pending Acceptance of the Committee Report.

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

Bill, "An Act Relating to County Estimates." (H. P. 1549) (L. D. 1983)

Tabled — June 11, 1973 by Senator Tanous of Penobscot.

Pending — Adoption of Senate Amendment "A" (S-221)

On motion by Mr. Roberts of York, retabled and Specially Assigned for June 18, 1973, pending Adoption of Senate Amendment "A".

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

Bill, "An Act Equalizing the Financial Support of School Units." (H. P. 1561) (L. D. 1994)

Tabled — June 11, 1973 by Senator Katz of Kennebec.

Pending — Adoption of Senate Amendment "A" (S-227)

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: Senate Amendment "A" is a technical amendment, which changes the phrasing of 5 mills at \$25 to 2½ mills at \$50, and there is no way of changing the intent of the legislation. I move the pending question.

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.

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

Bill, "An Act Clarifying Interest Charges on Personal Loans in Excess of \$2,000." (S. P. 383) (L. D. 1129)



Tabled — June 12, 1973 by Senator Brennan of Cumberland.

Pending — Consideration.

In the Senate — Passed to be Engrossed.

In the House — Passed to be Engrossed as amended by House Amendment "A" (H-533) in non-concurrence.

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

Mr. COX: Mr. President and Members of the Senate: This is one of the few bills that came out of our committee this year unanimous in doing with lending. This was sponsored by the white hats concerned about the lending institutions in Maine. We now find there may be a few problems in the bill, and some people have been trying to work out some amendments, so I would appreciate it if someone would table this for two days so we could complete our work.

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

Thereupon, on motion by Mr. Morrell of Cumberland, retabled and Specially Assigned for June 15, 1973, pending Consideration.

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

Bill, "An Act to Authorize the Commissioner of Sea and Shore Fisheries to enter into an Agreement to Lease the Land, Buildings and Facilities of the National Marine Fisheries Service Biological Laboratory at Boothbay Harbor." (H. P. 648) (L. D. 864)

Tabled — June 12, 1973 by Senator Huber of Knox.

Pending — Consideration.

In the Senate — Passed to be Engrossed in concurrence.

In the House — Passed to be Engrossed as amended by House Amendment "A" (H-547).

Thereupon, on motion by Mr. Huber of Knox, the Senate voted to Recede and Concur.

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

An Act Relating to Marine Fishery Regulations. (S. P. 287) (L. D. 834)

Tabled — June 12, 1973 by Senator Richardson of Cumberland.

Pending — Enactment.

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Enactment.

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

An Act Relating to Mobile Home Parks (S. P. 630) (L. D. 1956)

Tabled — June 12, 1973 by Senator Speers of Kennebec.

Pending — Enactment.

On motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending Enactment.

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

Bill, "An Act to Amend the Land Use Regulation Commission Law." (H. P. 627) (L. D. 851)

Tabled — June 12, 1973 by Senator Cianchette of Somerset.

Pending — Motion of Senator Cianchette of Somerset to Indefinitely Postpone Senate Amendment "A" (S-225)

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending the motion by Mr. Cianchette of Somerset to Indefinitely Postpone Senate Amendment "A".

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

House Reports — from the Committee on Taxation — Bill, "An Act Providing for a Tax on Petroleum Products and Refineries to Promote Environmental Protection." (H. P. 819) (L. D. 1149) Majority Report — Ought to Pass; Minority Report — Ought Not to Pass.

Tabled — June 12, 1973 by Senator Richardson of Cumberland.

Pending — Motion of Senator Conley of Cumberland to Indefinitely Postpone the Bill and Accompanying Papers.

Mr. Richardson of Cumberland then moved that the Bill be tabled and Tomorrow Assigned, pending the motion by Mr. Conley of Cumberland to Indefinitely Postpone the Bill and Accompanying Papers.

On motion by Mr. Berry of Cumberland, a division was had.

14 Senators having voted in the affirmative, and 11 Senators having voted in the negative, the motion prevailed.

On motion by Mr. Sewall of Penobscot,

Adjourned until 9:30 tomorrow morning.