

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

Monday, June 18, 1973

Senate called to order by the President.

Prayer by the Honorable David Aldrich of Norway.

Reading of the Journal of yesterday.

Papers from the House Non-concurrent Matter

Resolution, Proposing an Amendment to the Constitution Changing the Tenure of Office of Senators to Four-year Terms. (S. P. 492) (L. D. 1557)

In the Senate June 14, 1973, Passed to be Engrossed.

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

Mr. Berry of Cumberland then moved that the Senate Recede and Concur.

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

Mr. SPEERS: Mr. President and Members of the Senate: Without delusions as to what might happen in the other branch, I would oppose the motion to recede and concur, and would hope that the Senate would vote against the motion so that we could then go on to adhere.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate recede and concur with the House. Will all those in favor of receding and concurring please say "Yes"; those opposed "No".

A viva voce vote being taken, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

Joint Order

WHEREAS, the forest lands of Maine are a great renewable resource; and

WHEREAS, the proper regulation of forest practices would benefit and improve that resource; and

WHEREAS, it is apparent that there is a need for effective regulation of this subject; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Re-

search Committee be authorized and directed to study the subject matter of the bill: AN ACT Creating the Maine Forest Practices Act, House Paper 1301, Legislative Document 1757, as introduced at the regular session of the 106th Legislature and all amendments and new drafts thereto, to determine whether or not the best interests of the State would be served by the adoption of such legislation; and be it further

ORDERED, that the Forestry Department and the Conservation Department and its constituent bureaus and the Department of Environmental Protection be directed to provide the Committee with such technical information and other assistance as the Committee deems necessary or desirable to carry out the purposes of this Order; and be it further

ORDERED, that the Committee report the results of its study at the next special or regular session of the Legislature; and be it further

ORDERED, that copies of this Order be transmitted forthwith to said bureaus upon final passage as notice of a pending study.

(H. P. 1619)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mr. Berry of Cumberland placed on the Special Legislative Research Table.

Communications

State of Maine

House of Representatives

Augusta, Maine 04330

June 15, 1973

Hon. Harry N. Starbranch

Secretary of the Senate

106th Legislature

Dear Mr. Secretary:

The Speaker of the House appointed the following conferees on the disagreeing action of the two branches of the Legislature on Bill, "AN ACT to Correct Errors and Inconsistencies in the Fish and Game Laws" (S. P. 645) (L. D. 1980):

Mr. KELLEY of Southport

Mr. PARKS of Presque Isle

Mr. MILLS of Eastport

Respectfully,
E. LOUISE LINCOLN, Clerk

House of Representatives
Which was Read and Ordered
Placed on File.

Orders

On motion by Mr. Richardson of Cumberland.

ORDERED, the House concurring, that the Joint Standing Committee on State Government of the 106th Legislature report out a bill entitled "AN ACT Providing for a State Lottery" and that such bill provide for a state-wide referendum and the question shall be: "Shall AN ACT Providing for a State Lottery become law?" (S. P. 671)

Which was Read.

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

Mr. RICHARDSON: Mr. President and Members of the Senate; I think the purpose of the order is quite obvious. As you recall, during the debate on the Bill itself I joined with the overwhelming majority of the Members of the Senate in voting against a state-wide lottery. But I think that subsequent events convinced me that a very, very substantial number of people in the State of Maine would like an opportunity to vote on whether or not we should or should not have a State lottery. It seems to me that it is not really ducking legislative responsibility to send significant public issues to the people for decision. It's always a question of whether or not you think it's a good idea or a bad idea; whether or not you agree with the referendum. But I think we can, consistent with our processes of Maine Government, send this question of a State Lottery to the people for decision. That is what this Order directs the State Government Committee to do; is to report out a bill, a lottery bill, similar in form to the one which was previously debated here in the Senate, but with the addition of a Statewide referendum for the people.

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

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

you remember we debated this bill a couple of weeks ago, and the bill, in effect was defeated. I'm really concerned about this end-run attempt to go around the cloture date, to go around the Reference of Bills Committee date. I think lotteries are just as objectionable as a method of raising revenue, whether authorized by the Legislature or referendum. And, frankly, I'm really bewildered by my good friend and distinguished friend from Cumberland. I recall that he joined me in my remarks characterizing lottery funding as 'gimmick financing'. So I'm really quite concerned about the consistency of this entire measure.

And, again; there's a process, if you want to get a bill in, now that cloture has gone by, you go to the Reference of Bills Committee and you try to get a majority of that Committee to go along with it. Again, I feel that this is an unproductive use of money which could be best used for something else in the State of Maine. I firmly believe that the people of the State of Maine want and deserve real property tax reform. We need tax reform, not more gimmicks. And I can only characterize this as the same as Mr. Richardson characterized it a couple of weeks ago, as 'gimmick financing'.

So I move the indefinite postponement of this Order and ask for a roll call.

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

Mr. SPEERS: Mr. President and Members of the Senate; I commend the Senator from Cumberland, Senator Richardson, for putting in this Order. I recall that when we debated the question of a State Lottery we brought up at length the amount of funds that this lottery would bring in to the State of Maine. It was mentioned at that point that we probably would not need additional finances in this biennium. But subsequent events have proven that if we wish to have meaningful property tax reform we are going to have to come up with additional revenue to make up for the shifting of the

tax incidence through some other base. I personally favor the income tax base. But I would certainly feel that it would be to the advantage of the people of the State to have an opportunity to vote as to whether or not they would wish to bring into the coffers of the State an estimated \$8 to \$10 million dollars a year through this procedure. I would oppose the motion to indefinitely postpone. And would hope that the people would have an opportunity to vote on this potentially very beneficial way of raising finances for the State of Maine.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Senator CLIFFORD: Mr. President, I just want to concur with the remarks of the good Senator from Kennebec, Senator Speers. And I'm happy to see the good Senator from Cumberland, Senator Richardson, sees the light and joins with the majority of the State Government Committee in saying that this is a beneficial and a good way to get us out of the financial problems that we appear to be heading for. I certainly would oppose the motion of the Senator from Cumberland, Senator Brennan; and hope that this would go to the State Government Committee so that we could report out a good bill to go to the people. Thank you.

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

Mr. CONLEY: Mr. President, I propose a parliamentary inquiry through the Chair if I may. Mr. President, if this Legislature has already disposed of a State Lottery Bill the question comes to my mind as to whether or not we need a two-thirds vote in order to bring another bill, a lottery bill, back into the session of the Legislature.

The PRESIDENT: The Chair would answer the Senator by referring to Joint Rule 21; Rejection of Bills.

When any measure shall be finally rejected it shall not be revived except by reconsideration. And no measure containing the same subject matter shall be introduced during the session unless

three days notice shall be given to the House of which the mover is a member. No measure shall be recalled from the Legislature File except by Joint Order approved by a vote of two-thirds of both houses.

The Chair would rule that this Joint Order is a violation of Rule 21, and inform the Senator from Cumberland, Senator Richardson, if he wishes to recall the Bill from the Legislative Files with a two-thirds vote by joint order, this would be the proper procedure. Because it is the same subject matter, providing for a State Lottery. And it has been rejected by this Session of the Legislature.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

Mr. SCHULTEN: Are we still discussing this Joint Order?

The PRESIDENT: Unless the ruling of the Chair is appealed, the Order is no longer before the body.

On motion by Mr. Richardson of Cumberland

ORDERED, the House concurring, that Joint Rule 4 be amended by adding a new paragraph at the end to read as follows:

Every member of the Legislature shall be under an affirmative duty to disclose any private right or interest he has in pending legislation, distinct from the public interest, prior to taking any action as a Legislator on any such proposal. If any member of the Legislature fails to make such disclosure, the presiding officer of the branch of the Legislature of which he is a member shall rule that the Legislator is in violation of this rule and prohibit him from taking any further action on the matter before the body.

Which was Read.

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

Committee Reports

Ought to Pass as Amended

The Committee on Judiciary on, Bill, "An Act Eliminating Admission to the Bar of the State of Maine by Motion." (H. P. 812) (L. D. 1057)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-556)

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A" and House Amendment "A" (H-574)

Which report was Read and Accepted in concurrence, and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence. House Amendment "A" was Read and Adopted in concurrence.

On motion by Mr. Berry of Cumberland, and under suspension of the rules, the Bill, as Amended, was Read a Second Time and Passed to be Engrossed in concurrence.

Ought to Pass in New Draft

The Committee on State Government on, Bill, "An Act to Establish a Revenue Bonded State Flexible Interest Rate Mortgage Program." (H. P. 457) (L. D. 606)

Reported that the same Ought to Pass in New Draft under New Title: "AN ACT Authorizing the State Housing Authority to Establish Capital Reserve Funds" (H. P. 1596) (L. D. 2022)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed as Amended by House Amendment "A" (H-563)

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 Bylines for Editorials in Maine Newspapers." (H. P. 1339) (L. D. 1775)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot
SPEERS of Kennebec
BRENNAN

of Cumberland

Representatives:

McKERNAN of Bangor

PERKINS

of South Portland
BAKER of Orrington
WHEELER of Portland
WHITE of Guilford

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

Signed:

Representatives:

KILROY of Portland
CARRIER of Westbrook
HENLEY of Norway
GAUTHIER of Sanford
DUNLEAVY

of Presque Isle

Comes from the House, the Majority Ought Not to Pass report Read and Accepted.

Which reports were Read.

Mr. Hichens of York then moved that the Minority Ought to Pass Report of the Committee be Accepted.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I would oppose that motion. I think that this item was sent to the Maine Supreme Judicial Court and I believe they returned an opinion which said, in effect, that this bill would be unconstitutional. So, on those grounds I would hope that you would vote against the pending motion.

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

Mr. HICHENS: Mr. President and Members of the Senate: On that explanation, I withdraw my motion.

The PRESIDENT: The Senator from York, Senator Hichens withdraws his motion to accept the Minority Ought to Pass Report of the Committee. Is it now the pleasure of the Senate to accept the Majority Ought Not to Pass Report of the Committee in concurrence?

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

Divided Report

Five members of the Committee on Appropriations and Financial

Affairs on Bill, "An Act Relating to Service Retirement of State Mental Institution Employees." (H. P. 181) (L. D. 223)

Reported in Report "A" that the same Ought Not to Pass.

Signed:

Senator:

SEWALL of Penobscot

Representatives:

BRAGDON of Perham

SPROUL of Augusta

CARTER of Winslow

HASKELL of Houlton

Five members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass.

Signed:

Sensors:

MORRELL

of Cumberland

CONLEY of Cumberland

Representatives:

NORRIS of Brewer

SMITH of Dover-Foxcroft

JALBERT of Lewiston

Comes from the House, Report "B" Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-522) and House Amendment "B" (H-567) as Amended by House Amendment "A" Thereto (H-573).

Which reports were Read.

Mr. Conley of Cumberland moved that the Senate Accept the Ought to Pass Report "B" of the Committee.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE: Mr. President and Members of the Senate: I would oppose that motion and ask for a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President and Members of the Senate: I would ask a member of the committee, maybe, if they would explain this as amended to us?

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

Thereupon, on motion by Mr. Morrell of Cumberland, tabled and

Tomorrow Assigned, pending the motion of Mr. Conley of Cumberland to accept the Ought to Pass Report "B" of the Committee.

Divided Report

Five members of the Committee on State Government on, Bill, "An Act Establishing the Office of Constituent Services." (H. P. 427) (L. D. 576)

Reported in Report "A" that the same Ought Not to Pass.

Signed:

Sensors:

SPEERS of Kennebec

CLIFFORD

of Androscoggin

Representatives:

CURTIS of Orono

GAHAGAN of Caribou

FARNHAM of Hampden

Five members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass.

Signed:

Representatives:

GOODWIN of Bath

BUSTIN of Augusta

NAJARIAN of Portland

SILVERMAN of Calais

COONEY of Sabattus

Comes from the House, Report "B" Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read.

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

Mr. SPEERS: Mr. President and Members of the Senate: This bill has a very great deal of merit. However with the legislative reform package, hopefully being passed this session, it was the feeling of the members who signed the Ought Not to Pass Report on this bill that we would be having very much the same type of staff services available to the legislators without establishing a separate office for that purpose. The bill actually establishes an office of staff members for members of the legislature, so that should you receive a complaint from a constituent or a request from a constituent the legislator would be able to call that staff office and have that matter handled. I think it is an excellent idea. And, as I said I believe that this is exactly what will come

about should we accomplish the legislative reform that we are very hopeful of accomplishing this session. I, therefore, would move the acceptance of Report "A" Ought Not to Pass.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate accept Report "A" Ought Not to Pass in non-concurrence. Is this the pleasure of the Senate?

The motion prevailed.

Senate Divided Report

The Majority of the Committee on State Government on, Resolution, Proposing Amendments to the Constitution to Provide for Annual Sessions of the Legislature and to Limit the Matters Which May be Considered in the Second Regular Session; to Provide for Single Member Districts in the House of Representatives; to Provide for Reduction of the Number of Representatives; and Reapportionments of the House of Representatives and Senate; to Abolish the Executive Council and Reassign Certain Constitutional Powers to a Legislative Council; and to Provide that Oaths and Subscriptions of Office of the Governor, Representatives and Senators shall be Taken before the Chief Justice of the Supreme Judicial Court.

(S. P. 662) (L. D. 2017)

Reported pursuant to Joint Order H. P. 1556 that the same Ought to Pass in New Draft under same Title (S. P. 673) (L. D. 2040)

Signed:

Senators:

SPEERS of Kennebec

CLIFFORD

of Androscoggin

Representatives:

COONEY of Sabattus

FARNHAM of Hampden

CURTIS of Orono

BUSTIN of Augusta

NAJARIAN of Portland

CROMMETT

of Millinocket

GOODWIN of Bath

GAHAGAN of Caribou

The Minority of the same Committee on the same subject matter reported pursuant to Joint Order H. P. 1556 that the same Ought Not to Pass.

Signed:

Senator:

WYMAN of Washington

Representatives:

SILVERMAN of Calais

STILLINGS of Berwick

Which reports were Read.

The Majority Ought to Pass in New Draft Report of the Committee was Accepted and the Bill, in New Draft, Read Once. Under suspension of the rules, the Bill was then given its Second Reading and Passed to be Engrossed.

Sent down for concurrence.

(See action later in today's session.)

Second Readers

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

House

Bill, "An Act Relating to Criminal Penalties for the Possession, Manufacture and Cultivation of Cannabis, Mescaline and Peyote. (H. P. 1604) (L. D. 2025)

Bill, "An Act Regulating Agricultural Labor Practices." (H. P. 1606) (L. D. 2027)

Bill, "An Act Providing Housing for Maine's Elderly." (H. P. 1609) (L. D. 2028)

Bill, "An Act to Establish a State Housing Rehabilitation Program." (H. P. 1612) (L. D. 2029)

Bill, "An Act Authorizing Plus New England Services of Maine, Inc., to Confer Degrees." (H. P. 907) (L. D. 1195)

(On motion by Mr. Katz of Kennebec, temporarily set aside.)

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

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

Bill, "An Act Authorizing Plus New England Services of Maine, Inc., to Confer Associate Degrees." (H. P. 907) (L. D. 1195)

Pending — Passage to be Engrossed.

The same Senator then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-240, was Read and Adopted

and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Enactors

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

An Act Relating to the Cost of Operation of and Venue in the Superior Courts. (S. P. 603) (L. D. 1897)

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

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

An Act Relating to Commitment of Juvenile Offenders. (H. P. 1203) (L. D. 1542)

An Act to Amend the Employment Security Law. (H. P. 1212) (L. D. 1574)

(On motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Enactment.)

An Act Relating to Family Planning Services. (H. P. 1367) (L. D. 1823)

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

An Act Relating to Access and Egress to Great Ponds. (H. P. 1417) (L. D. 1855)

An Act to Amend the Workmen's Compensation Act to Make Compensation for Permanent Partial Incapacity Coextensive with the Duration of Disability. (H. P. 1409) (L. D. 1849)

(On motion by Mr. Richardson of Cumberland, tabled and Tomorrow Assigned, pending Enactment.)

An Act Relating to Severance Pay for Employees. (H. P. 1585) (L. D. 2012)

(On motion by Mr. Huber of Knox temporarily set aside.)

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

An Act Providing for Fine or Suspension under Liquor Laws. (H. P. 1595) (L. D. 2019)

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. Huber of Knox:

An Act Relating to Severance Pay for Employees. (H. P. 1585) (L. D. 2012)

Pending — Enactment.

The PRESIDENT: The Senator has the floor.

Mr. HUBER: Mr. President and Members of the Senate: An Act Relating to Severance Pay for Employees. How would you like to meet a new industry coming to town at the town line and say to them, "We propose to negotiate severance pay for all employees for the day when you decide to leave town?" If we decide to put this law on the books, it will be actually a little bit worse than that because it will become compulsory. It won't be a negotiable item at all and what we are talking about right now is L. D. 2012, a redraft of L. D. 308, and in part it reads: "Whenever a person, firm or corporation which employs or which has employed at any time during the preceding 12-month period 100 or more persons in any one establishment or place of business, relocates that establishment or place of business in an area more than 150 miles from the present location shall pay to each employee an amount equal to the employee's gross weekly income at the time of relocation, multiplied by the number of years the employee has been employed." Now if you can enforce this type of legislation it is quite conceivable that this might be the straw that tips the scale in favor of some locations other than the State of Maine for new industry or new business or expansion. Maine is seeking to create a favorable, industrial and business climate; has been now for several years. And there is a continuing effort in this thing. This kind of legislation is not going to help the cause in any way. An outsider is very apt to look upon this law as a sort of premeditated retaliation. Mr. President, I move indefinite postponement of L. D. 2012 and ask for a division.

The PRESIDENT: The Senator from Knox, Senator Huber, moves that An Act Relating to Severance Pay for Employees, be indefinitely postponed. A division has been requested.

The Chair recognizes the Senator from Aroostook, Senator Kelley.

Mr. KELLEY: Mr. President and Members of the Senate: I take exception with my good friend the Senator from Knox, Senator Huber, who served with me in Labor Committee on this bill, having signed opposite himself and would oppose his motion. This bill does provide for weekly severance pay times the number of years the employee has worked for a particular company only if the employee has worked more than five years for the company and only if there is not a legal binding pension plan already in effect for the employee. I do not think that this would be the straw that breaks the camel's back. I think it is a good piece of legislation. I think there are some instances, I believe around the Bangor area, where there was great problems posed to employees once a plant decided to move. There is another restriction which I think the good Senator pointed out, which was that this bill would not apply also in the event that the company moved either within or without the State of Maine a distance of less than 150 miles away from where it was located. So I think it is an important piece of legislation and hope you would vote against his motion.

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

Mr. BRENNAN: Mr. President and Members of the Senate: As I understand it, too, in regard to discouraging new industry, I don't believe industry comes up here with the plan of leaving within a few years. I think they intend to stay here. And, of course, if they intend to stay here this thing doesn't become operative at all. Again, as Senator Kelley pointed out, it doesn't become operative until there is somewhere like five years. I would ask for a roll call on this. I would also ask if the Secretary of the Senate would read the Committee Report.

The PRESIDENT: A roll call has been requested and the Secretary will read the committee report.

The SECRETARY: The Ought to Pass in New Draft was signed by Senator Kelley, Senator Tanous, Representatives Hobbins, Rollins, Farley, Chonko, and Flynn. The Ought Not to Pass Report was signed by Senator Huber, Representatives Brown, McNally, McHenry, Garsoe, and Binnette.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion of the Senator from Knox, Senator Huber, that An Act Relating to Severance Pay for Employees, L. D. 2012, be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, Huber, Olfene, Schulten, Sewall, Shute, Wyman, MacLeod.

NAYS: Senators Aldrich, Brennan, Cianchette, Clifford, Conley, Cox, Cummings, Danton, Fortier, Graffam, Greeley, Hichens, Joly, Katz, Kelley, Marcotte, Minkowsky, Morrell, Peabody, Richardson, Roberts, Speers.

ABSENT: Senators Anderson, Cyr, Tanous.

A roll call was had. Eight Senators having voted in the affirmative, and 22 Senators having voted in the negative, with three Senators being absent, the motion did not prevail.

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 Amend the Elderly Householders Tax Relief Act. (H. P. 1265) (L. D. 1641)

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

Emergency

An Act Relating to Supplemental County Budgets. (H. P. 1594) (L. D. 2018)

This being an emergency measure and having received the affirmative votes of 27 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.

Orders of the Day

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

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

Tabled — June 13, 1973 by Senator Roberts of York.

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

On motion by Mr. Clifford of Androscoggin, retabled and Tomorrow Assigned, Pending Adoption of Senate Amendment "A".

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

HOUSE REPORTS — from the Committee on Judiciary — Bill, "An Act Regulating Abortion Procedures." (H. P. 1195) L. D. 1529) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass in New Draft Same Title (H. P. 1615) (L. D. 2035)

Tabled — June 15, 1973 by Senator Berry of Cumberland.

Pending — Motion of Senator Tanous of Penobscot to accept Majority Report.

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, Pending the motion of Mr. Tanous of Penobscot to Accept the Majority Ought Not to Pass Report of the Committee.

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

"An Act Reconstituting and More Effectively Coordinating the Maine Commission on Drug Abuse and the Division of Alcoholism and

Providing an Alternative Sentencing for Violators of Drug Laws." (S. P. 635) (L. D. 2008)

Tabled — June 15, 1973 by Senator Speers of Kennebec.

Pending — Enactment.

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

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

Bill, "An Act to Create the Maine Guarantee Authority and to Amend the Maine Industrial Building Authority and Maine Recreational Authority Statutes." (S. P. 667) (L. D. 2033)

Tabled — June 15, 1973 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

Mr. Sewall of Penobscot then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-242, was Read.

The PRESIDENT: The Senator has the floor.

Mr. SEWALL: Mr. President and members of the Senate: To explain this amendment very briefly; this amendment would establish within the recommended Maine Guaranteeing Authority, which as you may recall is an amalgamation of the Maine Industrial Building Authority, the Maine Recreation Authority and the Maine Municipal Security Approval Board. This amendment would establish within this same bureau a division, if you would, which would approve the building and fund the building of relatively small general purpose industrial buildings which would be applied for through local development bodies in areas particularly where unemployment is a large factor. This would establish a revolving fund in the order of a million dollars which would be granted on approval by the Maine Guaranteeing Authority Board and it is the opinion of many of us who have thought about this item off and on this winter that this might go a long way to alleviate some of the industrial unemployment that we are experiencing in the state. Therefore, Mr. President, I move

the adoption of this Senate Amendment "A".

The PRESIDENT: Is the Senate ready for the question?

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

Sent down for concurrence.

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

"An Act to Reform the Methods of Computing Benefit Payments under Workmen's Compensation Act." (S. P. 427) (L. D. 1287)

Tabled—June 15, 1973 by Senator Berry of Cumberland.

Pending — Enactment.

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

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

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

Tabled — June 15, 1973 by Senator Tanous of Penobscot.

Pending — Passage to be Engrossed.

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

Mr. CONLEY: Mr. President and Members of the Senate: I would like to refer to today's calendar on page 4, Item 6-6, which is — apparently a great deal of work has gone into the drafting of this proposed L. D. 2040.

The PRESIDENT: The Chair would inquire, is the Senator going to make a motion?

Mr. CONLEY: Yes, sir.

The PRESIDENT: The Senator may proceed.

Mr. CONLEY: Having just had an opportunity of looking through it — and I am sure that there are probably aspects of this entire document that we all have personal reservations on — but I would just like to single out to the members of the Senate on Page 5, Section 4, Legislative Council. I know that

over the years we are all aware of the problems we have had with what was often referred to as Snow White and the Seven Dwarfs; the Executive Council and his Excellency. As I read what is being proposed to change that situation, it really doesn't do much to take away any of the problems that have existed up to the present date. I would just call your attention to, "after the appointment of the legislative council and how it is created," to look at Section 2, of Part Four of Article IV where it says, "Any action by the legislative council shall require the affirmative votes of six members." Now, when you read Section 1, it is obvious that six members are going to be of the Majority Party. And I trust that someday the Majority Party is going to be my party. And I don't like that any better than under the present situation as far as confirmation is concerned of any appointment. I just feel that this is not a very good substitute for doing away with the Executive Council. It would seem to me something far more appropriate would either be the Senate itself being the confirming body or some other area of establishing ten hacks who have all been elected as some sort of leadership within the legislature. I think if anybody is partisan it is the legislative leadership. I think you are just creating another monster. For that purpose, Mr. President, I move we reconsider whereby the Senate passed to be engrossed L. D. 2040 this morning.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that the Senate reconsider its action whereby item 6-6, L. D. 2017 was passed to be engrossed.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I would oppose the motion to reconsider the Senate's engrossment of this particular piece of work. The good Senator from Cumberland, Senator Conley, is quite correct when he states that there are small items, or perhaps large items, of this document and of the other document which was passed which would bring about the statutory

changes which go to make up what has been euphemistically called legislative reform. Any one member of this body, all members of this body, could get up, one right after another, and go down through this document and point out items that they do not like and that they feel should be changed and which they perhaps would attempt to change. I think it quite obvious to everyone here that were that to come about this session of the legislature will adjourn without having accomplished one single step toward legislative reform. This particular document that you see before you right now is not the product of overnight drafting. This document is the product of extensive discussions on the part of the leadership of both parties, making up this legislature, which discussions have gone on for the six months and more that we have been in session here today. I don't believe that if we start to take apart this document that we are going to accomplish anything for the people of the State of Maine. The good Senator from Cumberland also referred to his leadership as — and I am sure that I will be corrected if I am wrong — but, as political hacks. I am sorry to note that the Senator feels that way about his leadership. I certainly don't feel that way about mine. He also notes that perhaps the Senate should be the more appropriate body to make confirmation of nominations by the Governor. I would also point out to him that the Majority Party in the Senate would also have controlling power over those nominations, whichever the Majority Party happens to be. It is a very basic tenet in democracy that the Majority rules; and I don't know how the good Senator would try and get around that particular basic tenet. This document has been hammered out. There have been compromises put into it, compromises on both sides, a good deal of work. And I don't feel that we are going to accomplish anything by attempting to take it apart at this point. I would, therefore, oppose the motion to reconsider

our action whereby this was passed to be engrossed this morning.

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

Mr. BRENNAN: Mr. President and Members of the Senate: Very reluctantly do I oppose the remarks of the Senior Senator from Portland and oppose what he is working for because he is usually right, probably about 99 percent of the time. But I think this situation, as the Senator from Kennebec, Senator Speers, pointed out, is a product of compromise. There are some things in there that I am not very happy about. But if we are going to get some governmental reform, and if we start picking apart this piece by piece we are going to end up with no governmental reform. So looking at the overview, the important part of the package, I would oppose any reconsideration. I think we are going to have to pretty much keep this intact if we are going to get anything. So, on the basis of those remarks, I very much oppose my good friend, the senior Senator.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: As a matter of courtesy here in the Senate I think that we have ordinarily granted reconsideration to a request of one of our fellow Senators. I am about today to violate what has been a personal rule with me, and I am not going to vote for the motion for reconsideration posed by my distinguished seatmate. Tradition, and tradition alone, requires Senate confirmation of gubernatorial appointments. There is no reason and logic or common sense why the Senate, as opposed to a bi-partisan elected committee from both branches of the legislature, should have the confirmation responsibility. I don't see anything about the Senate — and I know that this will come as a shock to some of the members in the Senate — but, I don't see anything about the membership of the Senate that uniquely qualifies it and it alone to pass on gubernatorial appointments. I have fought for years, and have the

scars to prove it, that we should have a so-called legislative council in order to insure that the minority view, whichever party it might be, is heard and heard fully on the question of confirmation. I would point out to the Senator from Cumberland, Senator Conley, that the United States Senate and the State Senate, in every case where the State Senate of a State has a confirming function does so by a majority vote. In short the elected leadership, if elected by the members of the party involved, has a responsibility of passing and recommending major programs and state finance. It's state policy. Those people who are elected leaders have directly participated in the decision making process. I think it is far more appropriate today to perform the confirming functions than in organizations which are totally separated from the elective process and the decision making process. Therefore, I very reluctantly oppose the — as he has described the senior Senator from Portland, and I want to join the others in this branch who have indicated to the Senator from Cumberland, Senator Conley that not all of us are totally enamored with the plan espoused by L. D. 2040 but it is a lot better than doing nothing.

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

Mr. CONLEY: Mr. President and Members of the Senate: I think L. D. 2040 is an excellent piece of workmanship. And I hold no reservations at all relative to any of the matters before us, with the sole exception of the Legislative Council. We have had bills submitted, particularly in the last session, by, in fact, the majority floor leader in the other branch down the hall who submitted this bill in the last session, and it was annihilated. I think it was annihilated for a good cause. It was questioned at that time as to whether or not there was a conflict relative to the appropriations at that time. I see now that all the powers and duties of the present council are being stripped of statutory powers so I would presume that that eliminates

that conflict. I just personally feel that legislative leadership — and I think this document before us is certainly a product of input by many of the legislative leaders here, and I have explicit faith in all of them. Perhaps I am being a little off-the-cuff when I referred to them as a bunch of hacks, but I have a great deal of respect for each and every one of you, perhaps with minor reservations in some places. But I certainly don't want to incur the entire wrath of all leaderships here this morning. I just think that something other than what is being proposed would certainly be far better to the citizens of the State. But if it is going to help expedite this project along, Mr. President, I will withdraw my motion for reconsideration.

The PRESIDENT: The Senator from Cumberland, Senator Conley, withdraws his motion to reconsider.

Mr. BRENNAN: I will withdraw my statements.

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

Thereupon, on motion by Mr. Speers of Kennebec, and under suspension of the rules, the Bill was sent forthwith for concurrence.

Reconsidered Matter

On motion by Mr. Berry of Cumberland, the Senate voted to reconsider its action whereby Bill, "An Act Relating to Sale of Crawfish or Imitation Lobster", (S. P. 237) (L. D. 688), was Passed to be Engrossed.

The same Senator then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-244, was Read.

The PRESIDENT: The Senator has the floor.

Mr. BERRY: Mr. President and Members of the Senate: Anybody that thinks the words imitation lobster in a bill would ever allow a bill to go through, of course, is crazy. I am just merely retitling the bill by the amendment to state

its purpose which would permit the sale of crawfish in the State of Maine.

The PRESIDENT: Is it 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.
Sent down for concurrence.

On motion by Mr. Sewall of Penobscot,

Adjourned until 9:30 tomorrow morning.