

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

Thursday, June 21, 1973

Senate called to order by the President.

Prayer by Father Jules Guy of Augusta.

Reading of the Journal of yesterday.

Communication**STATE OF MAINE**One Hundred and Sixth Legislature
Committee on State Government

June 20, 1973

Honorable Kenneth P. MacLeod

President of the Senate

Senate Chamber

State House

Augusta, Maine

Dear Senator MacLeod:

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

Total Number of Bills Received including 3 referrals. 184

Ought to Pass 28

Ought Not to Pass 20

Ought to Pass as amended 24

Ought to Pass in New Draft 22

Divided Reports 34

Leave to Withdraw 51

Referred to Another Committee 5

Sincerely,

Signed:

JERROLD B. SPEERS

Senate Chairman

Which was Read,

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

Mr. SPEERS: Mr. President, I would not wish this communication to fly into the files of the 106th Legislature without mentioning that perhaps this final report of the Committee on State Government is somewhat just a bit incomplete. We had many instances in the Committee, as I am sure all the committees did, when we reached a degree of frustration that we thought would not cease, but we were sustained in the Committee on State Government one afternoon by the comments of the senior member of that Committee, whose wit and wisdom born out of his years gave those of us who joined him on that

Committee a relaxation and realization that perhaps we cannot always control or direct as we would wish.

There was a motto born out of the comments of that member. They were etched into a plaque which was erected behind the hearing table of the Committee on State Government. Many copies of that motto have been made. And it occurs to me that in these final days of the session, with so many weighty decisions yet to be made, that perhaps this motto can best be applied to the entire 106th Legislature, Mr. President, and it is with fond respect that the members of the Committee on State Government wish to present to the President of the Senate, with the suggestion that perhaps this be part of our report and part of the wisdom of the 106th Legislature, and I would ask one of the pages or the Sergeant-at-Arms to carry this message to the President and ask him to read it for the members of the Senate.

The PRESIDENT: "No amount of planning can substitute for dumb luck. Uncle Hollis. The Joint Standing Committee on State Government, 106th Legislature." (Applause)

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN: Mr. President, words are inadequate to express my appreciation for the kind remarks of the good Senator from Kennebec, but I think maybe that is true with me. Dumb luck has been good to me, rather than considered planning, and I certainly appreciate the kind words. (Applause)

The PRESIDENT: Is it now the pleasure of the Senate that this communication be placed on file?

Thereupon, the Communication was ordered Place on File.

Orders

On motion by Mr. Greeley of Waldo,

ORDERED, the House concurring, that the State Librarian be directed to forward bound copies of the Legislative Record to members of the Senate and House and to the Secretary and Assistant Secretary of the Senate,

and the Clerk and Assistant Clerk of the House, at their home addresses. (S. P. 679)

Which was Read and Passed.

Under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Tanous of Penobscot,

ORDERED, the House concurring, that there be prepared after adjournment of the present session, under the direction of the Clerk of the House, a Register of all the Bills and Resolves considered by both branches of the Legislature, showing the history and final disposition of each Bill and Resolve, and that there be printed six hundred copies of the same. The Clerk shall mail a copy of the Register to each member and officer of the Legislature and the State Library shall receive such number of copies as may be required. (S. P. 680)

Which was Read and Passed.

Under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Conley of Cumberland,

ORDERED, the House concurring, that the State Budget Officer be and hereby is directed to furnish to the Legislative Finance Officer copies of all departmental budget requests and all information and data relating thereto submitted to him by all State departments, commissions and agencies as soon as same come into his possession. (S. P. 681)

Which was Read and Passed.

Under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Wyman of Washington,

ORDERED, the House concurring, that the uniforms procured for the Senate and House officers become their property at the end of their terms of office. (S. P. 682)

Which was Read and Passed.

Under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Sewall of Penobscot,

ORDERED, the House concurring, that the Speaker of the House, the President of the Senate and the Majority and the Minority Leaders and Assistant Leaders of the House and Senate, be and hereby are authorized during the current biennium to attend the conferences of the National Conference of State Legislative Leaders, and that their necessary expenses, and the dues of the State of Maine for membership, be paid from the Legislative Appropriation. (S. P. 683)

Which was Read and Passed.

Under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Speers of Kennebec,

ORDERED, the House concurring, that the Legislative Finance Officer, the Director of Legislative Research, and the Law and Legislative Reference Librarian, or their assistants, if any are unable to attend, be and hereby are authorized, during the current biennium, to attend the conference of the National Legislative Conference, and that they be reimbursed for their necessary expenses. (S. P. 684)

Which was Read and Passed.

Under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Berry of Cumberland,

ORDERED, the House concurring, that the President of the Senate and not exceeding four members of the House designated by him, and the Speaker of the House and not exceeding four members of the House designated by him, be and hereby are authorized during the current biennium to attend the conference of the National Legislative Conference and National Conference of Commissioners on Uniform State Laws; and be it further

ORDERED, that the necessary expenses of the President and the Speaker and the members appointed respectively by them be paid from the Legislative Appropriation; and be it further

ORDERED, that the Secretary of the Senate and the Clerk of the House are authorized during the current biennium to attend the National Legislative Conference and meetings of any Committee thereof on which they may serve; and be it further

ORDERED, that the Secretary of the Senate and the Clerk of the House be reimbursed for their necessary expenses. (S. P. 686)

Which was Read and Passed.

Under suspension of the rules, sent down forthwith for concurrence.

Committee Reports House

The Committee on State Government on Bill, "An Act Revising the Reorganization of the Department of Manpower Affairs." (H. P. 1004) (L. D. 1331)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1613) (L. D. 2030)

Comes from the House, the Bill in New Draft Passed to be Engrossed.

Which report was Read and Accepted in concurrence and the Bill in New Draft Read Once.

Under suspension of the rules, the Bill was then given its Second Reading.

Thereupon, on motion by Mr. Berry of Cumberland, tabled, pending Passage to be Engrossed.

Senate

The Committee on Judiciary on Bill, "An Act Creating the Power Authority of Maine" (I. B. 1), considered the petitions and asks leave to report that 275 petitions were filed with the Secretary of State on February 17, 1973 at 11:08 P.M., containing 44,885 signatures; that 249 petitions are in the form required by Article IV, Part Third, Section 18 and Section 20 of the Constitution and that said petitions contain the valid signatures of 34,837 electors.

The Committee further reports that it has conducted an investigation and held hearings relative to the validity and sufficiency of said petitions and, although evidence and information was thereby presented which cast some doubt

as to the authenticity of certain signatures and as to the validity of the procedures used in the preparation, circulation and verification of certain petitions, the Committee found that such evidence and information was insufficient to support the invalidation of any specific signatures or petitions, except those 26 petitions which were initially eliminated as not being in the form required by the Constitution. The Committee did find, however, from the evidence and information which it received that the present procedures and requirements provided in the Constitution and the Statutes relative to the initiation of legislation by the electors are vague, cumbersome, inadequate and impossible to adequately and properly enforce.

The Committee, therefore, further reports that the petitions contain a sufficient number of signatures which are valid and that said Bill is properly initiated before the Legislature under the provisions of Article IV, Part Third, Section 18 of the Constitution, and the Committee recommends that the Legislature take whatever action it deems appropriate to institute a complete reform of the present procedures and requirements relative to the initiation of legislation by the electors.

Signed:

WAKINE G. TANOUS
Senator

Chairman
Committee on Judiciary

Which report was Read.

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

Mr. TANOUS: Mr. President and Members of the Senate: I suppose the public power petition's time for a moment of truth is here upon us to accept the report of the Committee. I would like briefly to explain how we arrived at this particular report.

The history of the right of petition in the State of Maine was not one that we acquired by virtue of our Constitution when we formed our Constitution back in 1820. It was a later amendment to our Constitution by the people

of Maine when they saw that they had no method, no way at all, of petitioning their government or questioning the acts of their government. So in 1873 the Constitution was amended to grant the people of this state the right to petition their government.

There were rules that were set out in the Constitution and there were statutory laws enacted to provide the proper method of petitioning the government.

Now, two years ago we had two different petitions presented before the legislature, which were forwarded to the Judiciary Committee to determine whether or not the petitions were valid under our Constitution. I recall very vividly at that time the Minority Party, headed by former Senator Harding of Presque Isle, wanted an in-depth study into these two petitions and demanded an in-depth study into the petitions, and they criticized me personally, as Chairman of the Judiciary Committee, and the Republican Party for not conducting an in-depth study into the petitions. Some of you who were here recall the words that were spoken by the Minority Leader at that time and other members of his party for our failure to properly initiate a proper study into those two petitions.

At this session we were again faced with another petition. I felt, as Chairman of the Judiciary Committee, that we had sufficient reason to conduct an in-depth study into this petition. Perhaps the words of Senator Harding of two years ago have finally reached the inner depth of my mind, where I felt that probably a committee which is charged with the validation of such a serious matter should conduct an in-depth study, and we did. And when it was requested that we be granted funds to conduct an in-depth study, the Minority Party again criticized me, as Chairman of the Judiciary Committee, and the Republican Party for wanting to do what we legally were charged to do.

I vividly recall the remarks of Senator Kelley of Aroostook of two months ago when he charged that

the Republican Leadership was mortgaged to the private utility companies. Those aren't always sweet words to hear when you have been assigned a job and all you want to do is do the job that has been assigned to you.

I recall reading of other remarks from the Minority Party that the request for funds was a campaign fund for the Chairman of the Judiciary Committee, and there were many other innuendos and remarks that were made, and it is difficult to read these and hear of them when you are just trying to do the job that has been assigned to you. In any event, I might add as an aside, that we haven't spent one blasted penny of the money that was given to us.

We did conduct an in-depth study into these petitions, and I remind you that the right of petition is a most serious matter, one that isn't to be taken very lightly. We do have provisions of law and we do have a Constitution to be guided by in the manner which petition drives are to be conducted. It is an expensive procedure not only for the parties involved but also the state. It is a constitutional right that has been granted to us, and that right should not be subverted by the legislature, nor should it be subverted by the organizers of a petition drive.

I wish I would have had time to prepare a statement perhaps this morning to properly express my feelings, but I guess I am just going to have to speak from the heart and mind as to how I feel about this subject.

Well, we did conduct a study, and I am sure that many of you felt, or will feel when I get done, that our study wasn't conducted as an in-depth study as you would have wanted, but we did. We examined the petitions. We had some help from the Attorney General's Office, and his methods of investigation were promptly chastized by members of the Minority Party, and the Governor impounded the work that the State Police conducted, the results of the work conducted by the State Police in this matter.

The Press was not at all charitable towards the Majority

Party nor the Attorney General in this investigation, or some of the Press, if I may correct that statement.

But in any event, we did have a witness before the Judiciary Committee last week. He was there for several hours. And I was convinced, upon the completion of his presentation to the Committee and his admissions to the Committee, that the Judiciary Committee could well have invalidated over 4,000 signatures on these petitions. We could have, and a report this morning could well have reported to you that the Judiciary Committee had sufficient cause to invalidate the petitions; I am sure that you would have had a minority report.

There are certain rules and regulations that people who desire to petition their government must follow, and these rules and regulations have been printed on each and every one of these petitions before they are circulated, and there is no question in my mind that there were many, many areas which we could have delved into and found that the procedure was not properly followed.

Ultimately, as I mentioned, we did have sufficient evidence. This evidence was based upon the admissions of an individual that appeared. The evidence was to the effect that he had not placed under oath the circulating petitions, the verifying petitioners, prior to taking the acknowledgement of their signatures. He was doubtful as to whether or not there were 15 or 16 of these individuals who ever appeared before him when he supposedly took their oaths.

I obtained an opinion from the Attorney General's Office, as well as another legal opinion, and the law is clear, we have precedence in Maine, we have constitutional law, we have reported cases — we have consulted *Amjur* and *Corpus Juris* 2d — and there is no question whatsoever that in a procedure of this type that an individual who is a verifying petitioner or circulating petitioner must be placed under oath by the jurat who is going to take the acknowledgement of the individual, and this was not done.

Perhaps I will be criticized by some of you because we reported to this legislature to validate these petitions. Perhaps we have turned our backs to the law, that we have not properly fulfilled our function, that we have not applied the law to the facts that have been presented to us, and you may well be right in criticizing me, the Chairman of the Committee, because I take full responsibility for the report that is before you.

A couple months ago Senator Kelley quoted a speech that I made two years ago in this body. He felt that myself, as an individual, and the Republican Party at that time which apparently agreed with the words that I had spoken on this floor two years ago when we voted to send those two other petitions to the people, he criticized me individually and the Party because he felt now we were applying different standards and we were trying to subvert the rights of the people. Well, I say to you now on behalf of myself and on behalf of the Republican Party that we are not trying to subvert the rights of the people. I felt and always will feel that in a matter of this nature we should bend over backwards to see that the rights of the people in petitioning their government be granted to them.

There were sufficient signatures on these petitions; there is no question about that. There were 44,885 signatures that were submitted to the Secretary of State's Office. There were some 34,000 that were validated by the Secretary of State's Office; a little over 2,300 more than required to send the petition to the people.

I feel, now that I am speaking on behalf of myself and the Republican Party, that we have again bent backwards not to deny the people the right of voting on such an important issue. The one overriding factor in this whole process is that because there were some ill-doings or some wrongdoings, or that the law was not complied with by the organizers of this petition drive, and those 44,000 people should not be deprived of the right of voting on this particular issue, because I feel they signed these petitions in good

faith. It was the individuals who took shortcuts trying in the last moments of this drive to get enough signatures in to the Secretary of State's Office; I feel that they are the ones that should take the blame and responsibility for having taken the shortcuts and not complying with the law.

I ask you this morning to join me in accepting the unanimous report of the Judiciary Committee. I hope that what we have done has been done properly, I hope you agree with the process we have undertaken, and I hope that in the future that some people ought to hold back some of their words prior to judgment of certain people or a party prior to the culmination of a particular act. Mr. President and Members of the Senate, I thank you.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I think that we have reached the right result after a long period of time, some four months, in validating these petitions. However, I think it is clear that we have done the just and fair thing in that the people of the State of Maine will have an opportunity, I hope, to vote on those petitions.

I think what we need in this entire initiative process is some rules that will be directed at simplicity and clarity so that the people can do this rather easily. Right now it is bogged down in technicalities, and I just refer to one little section of the report of the committee: "the initiation of legislation by the electors are vague, cumbersome, inadequate and impossible to adequately and properly enforce." These are the problems that exist under our present mechanism.

I think we can do two fine things in this session in regard to this issue: We can pass this, which I hope we will. And secondly, we can make a serious effort to spell out the rules very clearly and concisely as possible so the people of the State of Maine will have the initiative process available to them, and not be subjected to some

technicality type situation when it is presented to the legislature.

I do commend the good Senator from Penobscot, Senator Tanous, for doing what he has done and going along with these petitioners.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Kelley.

Mr. KELLEY: Mr. President and Members of the Senate: I too would commend the members of the Judiciary Committee for the action that they have just taken. I know that they have been very much fully charged with tremendous responsibilities and they have been difficult to fulfill. I think perhaps just a brief note on the effort that was made to gather these signatures, that there really was a grass roots effort. We had no great amount of funds, many volunteers, and the technicalities in order to get the necessary signatures are very difficult.

I think the wording in this report is very apt, and I hope it won't die here today or in the other body, that is, the recommendation for reform. I think it is very important that we do have legislation proposed in future legislatures to clean up some of the difficulties involved, probably somewhat along the line suggested by Senator Brennan, to streamline and perhaps simplify in clear language just exactly how petitions should be gathered in the future.

I think we are probably all tired, I am especially, without any further protracting of this rhetorical struggle, and otherwise, that has gone on since February 17 when we turned the petitions in. Now we can be assured that the citizens of the state will be able to vote on this valid issue and, as you well know, the citizens can either vote it down or up; we don't know that yet. Certainly both sides of this issue have very valid points to make, and I think the voters have the opportunity to make an intelligent decision on it.

To the members of this body, I want to commend you for your patience in this matter, and I am very hopeful that we will soon see it go out. I think as one closing favorable note, we all recall the time that the order was passed

to appropriate \$5,000. If I am not mistaken, I think now we can have the assurance that the \$5,000 will be returned to the treasury, in that I think Senator Tanous's Committee has conducted its affairs in investigating this properly and hasn't spent any of that money. Again, I want to commend the members of this body and also the members of the Judiciary Committee for their effort in this. I hope there are two valid things that do result from this: One, that it does go to the people. Number two, that we can follow ahead, perhaps in the special session or later, with some statutory proposals to streamline and make more effective petition drives in the future.

The PRESIDENT: Is it now the pleasure of the Senate to accept the report of the Committee on Judiciary?

Thereupon, the Committee Report was Accepted and, under suspension of the rules, sent down forthwith for concurrence.

Ought to Pass in New Draft

Mr. Speers for the Committee on Judiciary on, Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 554) (L. D. 1883)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 678) (L. D. 2044)

On motion by Mr. Tanous of Penobscot, tabled until later in today's session, pending Acceptance of the Committee Report.

Orders of the Day

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

HOUSE REPORTS — from the Committee on Marine Resources — Bill, "An Act to Change the Lobster License to the Boats, Increase License Fees and to Limit the Number of Licenses." (H. P. 1221) (L. D. 1578) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass in New Draft and New Title of: Bill, "An Act to Conserve, Manage and Regulate Lobster Fishery." (H. P. 1614) (L. D. 2031)

Tabled — June 20, 1973 by Senator Huber of Knox.

Pending — Acceptance of Either Report.

On motion by Mr. Berry of Cumberland, retabled, pending Acceptance of Either Committee Report.

On motion by Mr. Sewall of Penobscot,

Recessed until 2:00 o'clock this afternoon.

(After Recess)

Called to order by the President.

Papers from The House

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

Non-concurrent Matter

Joint Order (S. P. 676) Relative to Bill, "An Act Providing for a State Lottery (H. P. 1507) (L. D. 1938) being recalled from Legislative files to Senate.

In the Senate June 20, 1973, Read and Passed.

Comes from the House, Read and Failed of passage, in non-concurrence.

Mr. Danton of York moved that the Senate Insist.

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

Mr. Conley of Cumberland subsequently requested a division on the motion to Recede and Concur.

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

Mr. SPEERS: Mr. President and Members of the Senate: I would oppose the motion to recede and concur. I feel that this body has indicated quite clearly and quite strongly by a two-thirds vote what it wishes to be done with this particular matter. I have no illusions as to what might happen in the other branch, but I would hope that the Senate would remain in its desire to have this matter recalled from the legislative files.

The PRESIDENT: As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Berry, that the Senate recede and concur with the House will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 11 Senators having voted in the affirmative, and 20 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to insist.

Non-concurrent Matter

Bill, "An Act to Clarify and Simplify the Administration of the Mechanic's Lien Law." (H. P. 1361) (L. D. 1817)

In the House June 18, 1973, Passed to be Enacted, as Amended by House Amendment "A" (H-561).

In the Senate June 20, 1973, Passed to be Engrossed, in non-concurrence.

Comes from the House, that Body having Insisted.

On motion by Mr. Tanous of Penobscot, the Senate voted to Recede from its action whereby the Bill was Passed to be Engrossed.

Thereupon, House Amendment "A" was Read.

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

Mr. MORRELL: Mr. President, could I ask Senator Tanous to explain this amendment to us, if he would?

The PRESIDENT: The Senator has posed an inquiry through the Chair which the Senator from Penobscot may answer if he desires.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: When the Senate killed this amendment, I perhaps wasn't on my toes as I should have been, but the amendment was put on in the House to exclude certain structures from the contents of this particular bill. As I recall, it excluded certain dwellings from the application of this law. I feel the amendment is a good one. It provides an exception to the law, is what it does.

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

House Amendment "A" was Adopted in concurrence and the Bill Passed to be Engrossed.

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.

Joint Order

WHEREAS, since last year an open channel has been created between the United States and the people of the Republic of China and through this channel mutual interests either economic, scientific or athletic, etc.; and

WHEREAS, a new China medically speaking, has appeared through the yellow curtain, very much progress has been noticed by our medical school here; and

WHEREAS, a new type of pain killing system official and legal matter of treatment in China for over 2,000 years then empirically practiced but scientifically done now; and

WHEREAS, this treatment is also very valuable for purpose of anesthesia prior to surgery with the difference that anesthesia so provoked does not leave the patient drugged and weak; and

WHEREAS, there is need in the State for some treatment like this to take care of pains from arthritis, cancer, etc., in which we could use acupuncture instead of drugs to which most of these pains do not respond and leave the patient drugged, sick and addicted; and

WHEREAS, the technique of acupuncture has recently been formally recognized in the States of Nevada and California and under consideration by others; and

WHEREAS, there is real concern that the enormous public interest in this potentially valuable technique will lead to exploitation by untrained persons; now, therefore, be it

ORDERED, the Senate concurring, that there is hereby created a special commission on acupuncture consisting of 7 members, 2 of whom shall be Senators appointed by the President of the Senate and 5 of whom shall be Representatives appointed by the Speaker of the House. The members shall select their own chairman and be compensated for their duties in connection with the commission at the rate of \$25 per day, plus all actual expenses. It shall

be the duty of the commission to study, evaluate and make recommendations concerning the practice of acupuncture within this State and is authorized and empowered to meet publicly 6 times when deemed necessary. Meetings are to be held in the large towns of Maine where hospitals are available. At these meetings the public will be invited and a panel of doctors will be there to answer questions either from the public or from the committee. Records will be kept and in the final executive session in December a program will be outlined and recommendation for legalization to the special session in 1974. If vacancy in the committee shall occur by death, resignation or otherwise of those appointed as commissioners, the vacancy shall be filled in the same manner as the original appointment; and be it further

ORDERED, that the Departments of Health and Welfare and Mental Health and Corrections shall provide such administrative assistance as may be needed by the commission in the discharge of its responsibilities; and be it further

ORDERED, that there is allocated from the Legislative Account the sum of \$1,500 to carry out the purposes of this Order.

(H. P. 1629)

Comes from the House, Read and Passed.

Which was Read.

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

Joint Resolution State of Maine

In the year of our Lord one thousand nine hundred and seventy-three

Joint resolution in support of local training of the Maine National Guard

WHEREAS, the Maine National Guard is a reserve force of trained and equipped men for the defense of critical State and national interests; and

WHEREAS, the Maine National Guard has provided well over

\$360,000 in savings to the State over the past 3 years; and

WHEREAS, such savings are reflected in serving needy projects throughout the State in exchange for their training value; and

WHEREAS, the Legislature wishes to acknowledge with gratitude such in-state training contributions of the Maine National Guard with sincere hope this valuable program will be continued and expanded; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the 106th Legislature of the State of Maine join in an expression of gratitude to the Maine National Guard for their valuable participation, brought about through in-state training, in needy projects throughout the State and extend special thanks to all those who are in a position to encourage and expand this worthy service; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to the Governor, the Adjutant General and the Maine Congressional Delegation in the Congress of the United States as notice of the Legislature's interest and support in continuing and expanding the existing levels of in-state training programs in the near or immediate future.

(H. P. 1628)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

Committee Reports House

Leave to Withdraw-

Covered by Other Legislation

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Appropriate Additional Matching Funds for Social Services." (H. P. 1358) L. D. 1814)

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

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass

The Committee on Public Utilities on, Bill, "An Act In-

creasing Indebtedness of Berwick Sewer District." (H. P. 1616) (L. D. 2036)

Reports that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

Which reports was Read and Accepted in concurrence and the Bill Read Once.

Under suspension of the rules, the bill was then given its Second Reading and Passed to be Engrossed in concurrence.

Thereupon, under further suspension of the rules, sent forthwith to the Engrossing Department.

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act to Provide for the Reduction of Speed Limits to Conserve Fuel during Energy Crisis." (H. P. 1627) (L. D. 2043)

Reports pursuant to Joint Order (H. P. 1623) that the same Ought Not to Pass.

Signed:

Senators:

SHUTE of Franklin
CIANCHETTE

of Somerset

Representatives:

WOOD of Brooks
DUNN of Poland
McCORMICK of Union
BERRY of Madison
STROUT of Corinth
JACQUES of Lewiston

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

Signed:

Senator:

GREELEY of Waldo

Representatives:

FRASER of Mexico
KEYTE of Dexter
WEBBER of Belfast
McNALLY of Ellsworth

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

Which reports were Read.

On motion by Mr. Greeley of Waldo, the Minority Ought to Pass Report of the Committee was Accepted in non-concurrence and the Bill Read Once.

Under suspension of the rules, the Bill was then given its Second

Reading and Passed to be Engrossed in non-concurrence.

Thereupon, under further suspension of the rules, sent down forthwith for concurrence.

Committee of Conference Report

The Committee of Conference 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) have had the same under consideration, and ask leave to report: that the House recede from engrossing the Bill as amended by Senate Amendment "A" (S-204) as amended by House Amendment "A" thereto (H-514), recede from adopting Senate Amendment "A" as amended by House Amendment "A" thereto, recede from adopting House Amendment "A" to Senate Amendment "A", indefinitely postpone House Amendment "A" to Senate Amendment "A", indefinitely postpone Senate Amendment "A", adopt Conference Committee Amendment "A" (H-592) submitted herewith, and pass the Bill to be engrossed as amended by Conference Committee Amendment "A";

That the Senate recede from engrossing the Bill as amended by Senate Amendment "A" (S-204) and Senate Amendment "B" (S-228), recede from adopting Senate Amendment "A", indefinitely postpone Senate Amendment "A", recede from adopting Senate Amendment "B", indefinitely postpone Senate Amendment "B", adopt Conference Committee Amendment "A" (H-592) submitted herewith, and pass the Bill to be engrossed as amended by Conference Committee Amendment "A".

On the part of the House:

KELLEY of Southport
PARKS of Presque Isle
MILLS of Eastport

On the part of the Senate:

TANOUS of Penobscot
RICHARDSON

of Cumberland

BRENNAN of Cumberland

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

Amended by Conference Committee Amendment "A" (H-592).

Which report was Read and Accepted and the Bill Passed to be Engrossed as Amended by Conference Committee Amendment "A" in concurrence.

Enactors

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

An Act Regulating the Interception of Wire and Oral Communications. (S. P. 377) (L. D. 1108)

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

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

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

An Act Relating to the Terms of the Commissioners of the Departments of Health and Welfare and Mental Health and Corrections and to the Constitution of those Departments. (H. P. 1621) (L. D. 2039)

An Act to Increase Benefits and Reduce the Waiting Period Under Workmen's Compensation. (H. P. 618) (L. D. 816)

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

(On motion by Mr. Clifford of Androscoggin, tabled until later in today's session, pending Enactment.

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

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

Comes from the House, Indefinitely Postponed.

Mr. Tanous of Penobscot moved that under suspension of the rules the Senate reconsider its prior action whereby the Bill was Passed to be Engrossed.

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

Mr. CLIFFORD: Mr. President, I would like to direct a question through the Chair to the good Senator from Penobscot, Senator Tanous, as to the purpose for his motion.

The PRESIDENT: The Senator from Androscoggin, Senator Clifford, has directed a question through the Chair to the Senator from Penobscot who may answer if he desires.

the Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: My purpose is to indefinitely postpone Senate Amendment "C", I believe it is, and then I understand the bill would go back to the House for further action.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: Senate Amendment "C", on which it is apparently going to be moved be indefinitely postponed, was an amendment which I presented to the Senate and which was adopted. It was worked out at the meeting with people from county government and the municipal people. It did two things to the bill which I felt in its original form was unacceptable.

The original bill provided a county review board consisting of one vote per town in the county, irrespective of population, irrespective of valuation, and irrespective of what the town paid in county taxes. It also set out and enumerated a number of powers, some of which were questionable as to whether or not they existed in existing statutes on county government.

The amendment provided for a constitutionally sound proportional representation on the county review board, based on population and based on valuation. It also deleted a number of those powers without deleting any of the existing powers which county government currently has. Therefore, I would reluctantly oppose the motion to

reconsider, because I think the bill in its original form is really not in the shape which the Senate should pass. I do so reluctantly because I do think we worked out a fairly good compromise which would have protected the municipalities, which pay the county bills. It would have limited the county governments expending powers unnecessarily. I think it did have a good provision to allow county governments to contract with municipalities to provide specific services, and those municipalities receiving those specific services would pay for the services rendered. Therefore, I would oppose the motion of the good Senator from Penobscot, Senator Tanous, and I hope that we later could insist on our action or adhere to our action.

The PRESIDENT: As many Senators as are in favor of the motion of the Senator from Penobscot, Senator Tanous, that the rules be suspended will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 10 Senators having voted in the affirmative, and 16 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Bill was Passed to be Enacted in non-concurrence.

Sent down for concurrence.

Emergency

An Act Relating to Representation of Boards of School Directors. (H. P. 1617) (L. D. 2037)

This being an emergency measure and having received the affirmative votes of 29 members of the Senate, with two Senators voting in the negative, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Bill, "An Act Revising the Reorganization of the Department of Manpower Affairs." (H. P. 1613) (L. D. 2030)

Pending — Passage to be Engrossed.

Mr. Speers of Kennebec then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-252, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

Joint Order

Out of order and under suspension of the rules, on motion by Mr. Speers of Kennebec:

WHEREAS, the Maine Housing Authority has no clear sense of overall goals; and

WHEREAS, the Authority has not linked its planning, if any, with the needs of the entire state; and

WHEREAS, such actions and inactions of the Authority are in need of review for possible statutory revision; now, therefore, be it

ORDERED, that the Legislative Research Committee be authorized and directed to study the Maine Housing Authority as established and constituted under chapter 470 of the public laws of 1969 and later amendments thereof to determine what improvements can be made in the law that will enable the Maine Housing Authority to fulfill the task it was designed to do; and be it further

ORDERED, the House concurring, that said Authority be respectfully directed to assist the committee in carrying out the purpose of this Order to the maximum extent possible; and be it further

ORDERED, that the committee shall make a written report of its findings and recommendations, together with such legislation as it deems appropriate; and subject to its discretion, submit the same at the next special or regular legislative session; and be it further

ORDERED, that upon passage in concurrence, a copy of this Joint Order be transmitted forthwith to said Authority as notice of this objective. (S. P. 687)

Which was Read.

On motion by Mr. Speers of Kennebec, placed on the Special Legislative Research Table.

Papers From the House

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

Enactors

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

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.)

The President laid before the Senate the matter tabled earlier in today's session by Mr. Tanous of Penobscot:

Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 554) (L. D. 2044)

Pending — Acceptance of the Committee Report.

The PRESIDENT: The Senator has the floor.

Mr. TANOUS: Mr. President and Members of the Senate: I think you will find on your desks a six or seven page memorandum, which explains the entirety of the errors and inconsistencies bill. This was done so that I wouldn't have to go through the bill explaining each section to every one of you and take up most of the afternoon. I would like to accept the committee report at this time, and perhaps we ought to table it until tomorrow for the second reading.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, moves that the Senate accept the unanimous Ought to Pass in New Draft Report of the Committee. Is this the pleasure of the Senate?

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

On motion by Mr. Berry of Cumberland,

Recessed pending the sound of the bell.

(After Recess)

Called to order by the President.

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

Non-concurrent Matter

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 Reapportionment of the House of Representatives and the Senate in 1983; to Establish an Apportionment Commission to Plan for all 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. 673) (L. D. 2040)

In the Senate June 18, 1973, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "E" (H-600) in non-concurrence.

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

Mr. SPEERS: Mr. President, with a great sense of history on this bill, I do move that the Senate recede and concur with the House.

The PRESIDENT: The Senator from Kennebec, Senator Speers, moves that the Senate recede and concur with the House. Is this the pleasure of the Senate?

The motion prevailed.

Thereupon, under suspension of the rules, sent forthwith to the Engrossing Department.

The President laid before the Senate the matter tabled earlier in today's session at the request of Mr. Clifford of Androscoggin:

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

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

Mr. BERRY: Mr. President, in moving enactment of this bill, I would just like to make a comment that the allegations were made earlier in the session, not too long ago, that there was a hold-up on certain financial documents here in an effort to arm twist and force members of the Majority Party to vote for educational assistance. I think that the passage of this bill throws it right back into the teeth of those who said it.

The action of 1994 was in the Republican Party Platform, and the implementation of this carries that mandate out. This does not detract from the statements that have been made about the bill, and no one, unless he resigns, is going to escape the possibility of sitting in his chair at the special session and being forced to vote on a tax to support the measure.

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

Mr. CONLEY: Mr. President, I always like to hear my good friend, the good Senator from Cape Elizabeth, Senator Berry, make comments with reference to taking the Minority Party to task. It is clearly obvious that because of the fact that the Minority Party did take exception to the fact that certain members of the Majority Party were on television and making statements in the news media that no tax reform, or no attempt at tax reform, would be made in this session, clearly indicates the fact that the good Senator from Kennebec, Senator Katz, and the nine members of the Minority Party who did join in preventing the Part I Budget from being enacted at that particular time did lead to some progressive action by the fact that we do have a tax reform bill before us. I move the enactment of this particular measure.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: Not to continue the grab for plaudits, but rather to discuss the

merits of the legislation, I would like to point out to you that 1994, as it was originally reported out by the Committee on Education, included a commitment that this legislature was making to go to 50 per cent, thence to 55 per cent, and then to 60 per cent public support for education in the State of Maine. By "public," I mean state support for public education.

Now, myself and other members of the Majority Party are, and have been in the past, repelled by the notion of going on the "fly now pay later" plan, or what I like to refer to as the "funny money" financing plan, and at a caucus of the Republican members of the Senate we discussed in considerable detail the fact that we thought it was financially irresponsible to commit a subsequent session of the legislature to increase this to 55 and then to 60 per cent without having the courage to vote for a tax increase. And as one of those who still bears the scars of having attempted to pass tax measures in the other branch, as its Majority Leader, I can tell you that there is no greater cause of increases in state spending levels than irresponsible legislation which says "We will pass it now and let someone else pay for it."

Now, it is because our note of caution has been heeded, and because this bill has been reduced to 50 percent, and it leaves to subsequent sessions of the legislature the determination as to whether or not to implement the statement of intent to at sometime in the future go to 55 and then to 60 percent, that I support L. D. 1994 in its present form.

Finally, I might say to you that myself and others have discussed this matter with the Governor, that by adopting the Governor's estimates, as to which there is some serious question, but by adopting his estimates, it is my understanding that by implementing this program in the second year of the next biennium there will not be a necessity for a tax increase.

It is my further understanding that in the subsequent biennium this bill, 1994, which lacks some necessary safeguards, in my judgment, concerning the use to which

municipalities put this money, or their ability to control the uses to which the money is put, there is a possibility, and as a matter of fact a probability, of being required to raise \$12 million.

Now, with these reservations, because I don't like to vote for legislation and go back to the people and say "look at the great things we did for you; we didn't have to raise any taxes", with these reservations and hopefully that you share these reservations, I am going to vote for 1994 and I hope that you will because, although my friend from Kennebec, Senator Joly, yesterday said that the Supreme Court of the United States has ruled that there is nothing legally wrong with our present system of using the property tax to fund public education I believe, as I indicated to the members of the Senate yesterday, that it is morally wrong to make the quality of a child's education dependent upon the fortuitous circumstances of where he happens to live.

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

Mr. BERRY: Mr. President, in view of the importance of this, I would request a roll call.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I know it has been discussed as to whether or not the delay in holding up of Part I focused the attention on this program and possibly helped it, and that really is not for me to say; that is for someone else to say. I think the significant thing here is that a real effort and real strides are being made to do something to relieve the burden of the local property taxpayer and, secondly, to hopefully equalize the opportunity for kids in this state to get an education. I think those are the important things. As to who gets credits and who gets plaudits, I think, is completely irrelevant. I hope everyone in the Senate supports L. D. 1994.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: After

the remarks which I made in the Senate yesterday, and being referred to as a poor man's William Jennings Bryan, I think it is incumbent upon me to explain why my vote today will be different than it was yesterday.

I, first of all, have received some revised figures from the Department of Education which indicates that my community does make out under this bill of 50 percent funding better than the indications which I had yesterday.

Secondly, I have, with the help of a lot of people, introduced a bill which is on the Senate Calendar, Supplemental Senate Journal Number 4, which is "An Act to Provide Communities with Subsidies for Private School Enrollments", which I hope will be referred to the Committee on Education. My main objection, as I indicated yesterday, was the formula of distribution, which did not include certain things which I consider to be important, namely: non-school tax efforts and incomes of people in the community. That has not changed in this bill, however, one of the circumstances in my community which makes it particularly difficult is the existence of private schools. The bill which I hope will receive good support from all of you who concurred with my remarks as to some of the inequities in this current bill, and to those of you who really want to see equalized education and really want to see all member communities of the state benefit, I hope you would support that bill, which has been drafted this morning with the help of the good Senator from York, Senator Marcotte, the good Senator from Androscoggin, Senator Minkowsky, the good Senator from Cumberland, Senator Brennan, the Governor's Office, and Mrs. Sue Haven from the Legislative Aides. It seems to me that with this bill and with Senate Paper 685, although I am not real thrilled about 1994, it seems to me that it is the only step to take at this point, and I hope you would support the motion for enactment, the motion of Senator Berry from Cumberland. Thank you.

The PRESIDENT: A roll call has been requested. Under the the

Constitution, 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 question before the Senate is the enactment of An Act Equalizing the Financial Support of School Units. A "Yes" vote will be in favor of enactment; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Aldrich, Berry, Brennan, Cianchette, Clifford, Conley, Cox, Cummings, Cyr, Danton, Fortier, Greeley, Katz, Kelley, Marcotte, Minkowsky, M o r r e l l, Olfene, P e a b o d y, Richardson, Roberts, Schulten, Sewall, Shute, Speers, Tanous, Wyman, MacLeod.

NAYS: Senators Anderson, Grafam, Huber, Joly.

ABSENT: Senator Hichens.

Mr. Graffam of Cumberland was granted permission to change his vote from Nay to Yea.

A roll call was had. 29 Senators having voted in the affirmative, and three Senators having voted in the negative, with one Senator being absent, 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:** The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. **KATZ:** Mr. President, I move reconsideration.

The **PRESIDENT:** The Senator from Kennebec, Senator Katz, moves that the Senate reconsider its action whereby this bill was passed to be enacted. As many Senators as are in favor of reconsideration will please say "Yes"; those opposed "No".

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

Senate Papers

Out of Order and under suspension of the rules the Senate voted to take up the following:

Senate Papers

Mr. Clifford of Androscoggin presents, Bill, "An Act to Provide Communities with Subsidies for Private School Enrollments." (S. P. 685)

(Approved by a Majority of the Committee on Reference of Bills pursuant to Joint Rule No. 10).

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

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Legislative Research Table:

JOINT ORDER — Relative to Legislative Research Committee Study of Maine State Retirement System. (H. P. 1387)

Tabled — April 5, 1973 by Senator Berry of Cumberland.

Pending — Passage.

Mr. Richardson of Cumberland then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-251, was Read.

The **PRESIDENT:** The Senator has the floor.

Mr. **RICHARDSON:** Mr. President and Members of the Senate: Briefly stated, this amendment to this order is designed to rest responsibility for the conduct of the in-depth review of the Maine State Retirement System in the Committee on Veterans and Retirement, and to grant to the Committee the opportunity to employ outside professional assistance in carrying out the review, which in my judgment is long overdue.

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

The motion prevailed.

Thereupon, on motion by Mr. Berry of Cumberland, placed on the Legislative Research Table.

On motion by Mr. Sewall of Penobscot,

Adjourned until 10:00 o'clock tomorrow morning.