

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 25, 1973

Senate called to order by the President.

Prayer by the Honorable Joseph E. Brennan of Portland.

Reading of the Journal of yesterday.

Communications

State of Maine

House of Representatives

Augusta, Maine 04330

June 22, 1973

Hon. Harry N. Starbranch

Secretary of the Senate

106th Legislature

Dear Mr. Secretary:

Today the House voted to adhere to its action of June 21 whereby it indefinitely postponed Bill "An Act Relating to County Estimates" (H. P. 1549) (L. D. 1983).

Respectfully,

E. LOUISE LINCOLN, CLERK

House of Representatives

Which was Read and Ordered Placed on File.

State of Maine

One Hundred and

Sixth Legislature

Committee on Human Resources

June 22, 1973

Honorable Kenneth P. MacLeod

President of the Senate

State House

Augusta, Maine 04330

Dear Sir:

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

Total Number of

Bills Received

17

Ought to Pass in

New Draft

4

Ought Not to Pass

3

Ought to Pass

as Amended

2

Ought to Pass

1

Divided

1

Divided in New Draft

1

Leave to Withdraw

2

Referred to

Another Committee

3

Respectfully submitted,

LINWOOD E. GRAFFAM

Senate Chairman

Which was Read and Ordered Placed on File.

Orders

On motion by Mr. Tanous of Penobscot,

WHEREAS, the Judiciary Committee of the 106th Legislature has heard a number of proposals involving prison and parole reforms during the course of the session; and

WHEREAS, such proposals range from compensation, discrimination, civil and human rights, sentencing, positions of trust, earned good time and furloughs for inmates, to record nullification, eligibility for hearing, sentencing and parole of parolees and dangerous persons and

WHEREAS, the reforms proposed are far too extensive when considered as a whole to be effectively evaluated and integrated into the penal system in the course of a regular session; now, therefore, be it.

ORDERED, the House concurring, that the Legislative Research Committee be authorized and directed to study the subject matter of the following bills:

"An Act Relating to Sentence for Crime Committed by Parolee." H. P. 358, L. D. 473

"An Act Relating to Eligibility for a Parole Hearing." H. P. 367, L. D. 1155

"An Act Relating to the Parole of Dangerous Persons." H. P. 368, L. D. 1156

"An Act Relating to Earning of Good Time by Inmates." H. P. 362, L. D. 1147

"An Act Relating to Furloughs for Inmates and Prisoners of State Institutions" H. P. 937, L. D. 1262

"An Act Relating to Sentencing of Offenders." S. P. 450, L. D. 1416

"An Act Relating to Positions of Trust for Prisoners in Jails." H. P. 1090, L. D. 1422

"An Act Relating to Civil and Human Rights of Prisoners." H. P. 1312, L. D. 1730

An Act Relating to Nullification of Criminal Records." H. P. 1327, L. D. 1749

"An Act to Amend the Human Rights Act to Prohibit Invidious Discrimination against Ex-offenders." H. P. 1328, L. D. 1752

"An Act Relating to Compensation for Inmates of the State Prison

and State Institutions." H. P. 1398, L. D. 1840

as introduced at the regular session of the 106th Legislature in order to determine whether or not the best interests of the State would be served by enactment of this or related legislation; and be it further

ORDERED, that the Department of Mental Health and Corrections and Maine Judicial Council be respectfully directed to provide the Committee with such information, technical advice and assistance as the Committee deems necessary or desirable to carry out the purposes of this Order; and be it further

ORDERED, that the Legislative Research Committee report its findings and recommendations with any implementing legislation to the next special or regular session of the Legislature; and be it further

ORDERED, that upon passage of this Order, in concurrence, each agency specified herein be notified of the pending study. (S. P. 690)

Which was Read.

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

Committee Reports House Ought to Pass

The Committee on Judiciary on Bill, "An Act Authorizing Licensing of Certain Games of Chance." (H. P. 1631) (L. D. 2046)

Reported pursuant to Joint Order (H. P. 1591) that the same Ought to Pass.

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

Which report was Read and Accepted in concurrence, and 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.

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act to Provide a Maine Citizen's Preference on State Civil Service." (H. P. 678) (L. D. 885)

ask leave to report: that the House recede from passing the Bill to be engrossed as amended by House Amendment "A" (H-418) recede from adopting House Amendment "A", indefinitely postpone House Amendment "A", adopt Conference Committee Amendment "A" (H-602), submitted herewith, pass the Bill to be engrossed as amended by Conference Committee Amendment "A";

that the Senate recede and concur with the House.

On the part of the House:

BERRY of Madison

GOOD of Westfield

KELLEHER of Bangor

On the part of the Senate:

RICHARDSON

of Cumberland

CLIFFORD

of Androscoggin

SPEERS of Kennebec

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Conference Committee Amendment "A" (H-602).

Which report was Read.

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

Mr. BERRY: Mr. President, I wonder if a member of the Conference Committee would explain the resulting action of this item?

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

Mr. RICHARDSON: Mr. President and Members of the Senate: The Committee of Conference agreed to an amendment, which is before you as House 602, involving a codification, a statutory statement of existing policies of the Personnel Board. It simply indicated that, first of all, the Personnel Board may prescribe educational experience criteria to be substituted for formal educational requirements, and that in all jobs in classified service preference shall be given to Maine citizens. Finally, that in certification as being qualified, certification preference shall be given to Maine citizens.

These are policy considerations which I believe presently govern the Personnel Board, and I have

conferred with members of the Personnel Board in connection with this Conference Committee Report.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Report of the Committee of Conference in concurrence?

Thereupon, the Committee of Conference Report was Accepted in concurrence and the Senate voted to Recede and Concur.

Senate Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on, Bill, "An Act to Extend the Deadline for Mandatory Shoreland Zoning." (H. P. 1538) (L. D. 1968) ask leave to report: that the Senate recede and concur with the House and Pass the Bill to be Engrossed as Amended by House Amendment "B" (H-478).

On the part of the Senate:

SCHULTEN of Sagadahoc
CUMMINGS of Penobscot
MARCOTTE of York

On the part of the House:

MARTIN of Eagle Lake
ROLDE of York
HERRICK of Harmony

Which report was Read and Accepted.

Thereupon, the Senate voted to Recede and Concur and the Bill, as Amended by House Amendment "B", was Passed to be Engrossed.

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

Committee Reports

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

Senate

Bill, "An Act Relating to Claims Against the State and Immunity of State Officers and Employees." (S. P. 232) (L. D. 668)

Reports that the same Ought Not to Pass.

Which report was Read and Accepted.

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

Enactors

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

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)

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

Orders of the Day

The President laid before the Senate the following matter of Unfinished Business:

Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 678) (L. D. 2044)

Tabled — June 22, 1973 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

Mr. Shute of Franklin then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-258, was Read.

The PRESIDENT: The Senator has the floor.

Mr. SHUTE: Mr. President and Members of the Senate: This is an amendment having to do with an oversight in the law that was already passed, and I believe if you will refer to the chapter number you will find that the two are in conflict, and the Attorney General's Department asked that this amendment be put on the Errors and Inconsistencies.

Thereupon, Senate Amendment "B" was Adopted.

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

Senate Amendment "A", Filing No. S-256, was Read.

The PRESIDENT: The Senator has the floor.

Mr. COX: Mr. President and Members of the Senate: Earlier this session we enacted a bill that did away with people serving on two boards of banks that are of a different nature, such as persons under this bill could not serve on a savings bank's board of directors

and a commercial bank's at the same time. Included in those items that were excluded were bank holding companies. Somehow or other, when we drafted the grandfather clause of three years, we omitted bank holding companies and, when this becomes effective, they would be the only banking institutions that would not be able to go the next three years, so this amendment takes care of that problem.

Thereupon, Senate Amendment "A" was Adopted. On motion by Mr. Berry of Cumberland, retabled, pending Passage to be Engrossed.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the eighth tabled and unassigned 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: Bill, "An Act to Conserve, Manage and Regulate Lobster Fishery." (H. P. 1614) (L. D. 2031)

Tabled — June 21, 1973 by Senator Berry of Cumberland.

Pending — Acceptance of Either Report.

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

Mr. Danton of York requested a division on the motion.

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

Mr. RICHARDSON: Mr. President, I think it might be very appropriate if the Committee on Marine Resources, which the Senator from York, Senator Danton, and I have enjoyed serving upon so much, could indicate to the members of the Senate why we are now apparently burying the last of the Mohicans insofar as doing something about our lobster fishery is concerned.

It is my understanding, and I hope the Senator will correct me if I am in error, that this is indeed

the last vehicle which this legislature has to enact any changes whatever in our laws relating to lobsters.

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

Mr. HUBER: Mr. President and Members of the Senate: The Senator from Cumberland, Senator Richardson, is exactly right; this is the last vehicle as far as lobster legislation is concerned. I think you realize we held this bill for quite some time, knowing full well that with this one, or another committee bill that was recommended also in the lobster legislation field, we expected that we might be able to get one or the other.

The reason for the motion, and the disagreeable feeling perhaps, is that it is unrealistic to buck the 106 to 20 vote that was garnered in the other branch last week on the other piece of legislation which is very, very similar to this one. We made every effort to come up with something that would be acceptable to a very fine, thin majority in either branch, and obviously were not very successful at all as far as we were concerned with our friends at the other end of the corridor.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Knox, Senator Huber, that the Senate accept the Majority Ought Not to Pass Report of the Committee. A division has been requested. As many Senators as are in favor of accepting the Majority Ought Not to Pass Report of the Committee will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

The Chair recognizes the Senator from Cumberland, Senator Richardson.

Mr. RICHARDSON: Mr. President, I would request the vote be taken by the Yeas and Nays.

The PRESIDENT: A roll call has been requested. Under 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. As many Senators as

are in favor of ordering a roll call will please rise and remain standing until counted.

Obviously less than one fifth having arisen, a roll call is not ordered. As many Senators as are in favor of accepting the Majority Ought Not to Pass Report of the Committee will please rise once more and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 17 Senators having voted in the affirmative, and 15 Senators having voted in the negative, the Majority Ought Not to Pass Report of the Committee was Accepted in concurrence.

On motion by Mr. Sewall of Penobscot, recessed, pending the sound of the bell.

After Recess

Called to order by the President.

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

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)

Pending — Enactment.

On motion by Mr. Minkowsky of Androscoggin, and under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

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

Senate Amendment "B" was Read.

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

Mr. MINKOWSKY: Mr. President, I will temporarily withdraw my amendment.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, wishes to withdraw his amendment. Is this the pleasure of the Senate? It is a vote.

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

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table:

Resolve, to Locate the Public Lot in Township 2, Range 6 W.B.K.P., Franklin County. (S. P. 193) (L. D. 538)

On motion by Mr. Richardson, and under suspension of the rules, the Senate voted to reconsider its action whereby the Resolve was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-259, was Read.

The PRESIDENT: The Senator has the floor.

Mr. RICHARDSON: Mr. President and Members of the Senate: The purpose of this resolve, which was introduced by the Senator from Franklin, Senator Shute, is to locate the public lot in the township named in the resolve, which is known as the Chain of Ponds Township, which contains significant and historic recreational areas which we believe on the Public Lands Committee should be set aside for public use.

The purpose of this amendment is to incorporate within the resolve specific criteria recently approved by the Supreme Judicial Court of Maine.

Mr. President, I move the adoption of this amendment.

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

The motion prevailed.

Thereupon, the Resolve, as Amended, was Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table:

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

The PRESIDENT: The Senator has the floor.

Mr. SEWALL: Mr. President and Members of the Senate: It is my understanding there are no costs involved with this legislative document. Therefore, Mr. President, I move the pending question.

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

On motion by Mr. Berry of Cumberland, the Senate voted to take from the unassigned table: Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 678) (L. D. 2044)

Tabled earlier in today's session by Mr. Berry of Cumberland.

Pending — Passage to be Engrossed.

Mr. Tanous of Penobscot then presented Senate Amendment "C" and moved its Adoption.

Senate Amendment "C", Filing No. S-261, was Read.

The PRESIDENT: The Senator has the floor.

Mr. TANOUS: Mr. President and Members of the Senate: The amendment calls for clarification of unregistered bonds and by whom they may be signed, the Treasurer of the State, and we have added his deputy in the amendment in two sections of the law, Section 17 and Section 18 of Title 25. Also, under Section 18(a) of Title 30, apparently Maurice Williams no longer wishes to serve as a commissioner on the board, and he desires that his name be taken out of the law, so that it provides for the Bank Commissioner to serve on this particular board rather than the Finance and Administration individual. Mr. Ferguson has requested that I introduce this amendment in his behalf.

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

Mr. KATZ: Mr. President, perhaps I wasn't duly attentive. Do I understand that we are changing the statutes to remove the Commissioner of Finance and Administration, who is presently by statute on this board, and substituting the Banking Commissioner?

It seems that this changes the substance on the law. It may be a very, very good substantive change, but here we are dealing with individuals, and I presume that this relationship was established by statute. It may be a great change, but I am unconvinced that it is proper for inclusion actually into Errors and Inconsistencies, because it is neither an error nor an inconsistency, and probably should be resolved by statute.

The PRESIDENT: Is the Senate ready for the question? As many Senators as are in favor of the adoption of Senate Amendment "C" will please say "Yes"; those opposed "No".

A viva voce vote being taken, Senate Amendment "C" was Adopted.

Mr. Tanous of Penobscot then presented Senate Amendment "D" and moved its Adoption.

Senate Amendment "D", Filing No. S-262, was Read.

The PRESIDENT: The Senator has the floor.

Mr. TANOUS: Mr. President and Members of the Senate: This amendment deals with two bills that we enacted at this session dealing with admission to mental hospitals. Senator Speers was the sponsor of one of these bills, and I forget who the other sponsor was, but they are conflicting in various sections, and this amendment was prepared by Court Perry in order to resolve the inconsistencies.

The PRESIDENT: Is it now the pleasure of the Senate that Senate Amendment "D" be adopted?

The motion prevailed.

Mr. Shute of Franklin then presented Senate Amendment "E" and moved its Adoption.

Senate Amendment "E", Filing No. S-263, was Read.

The PRESIDENT: The Senator has the floor.

Mr. SHUTE: Mr. President and Members of the Senate: I believe it was the original intent of the Election Laws Committee — and I am sure that Senator Cianchette or Senator Joly will correct me if I am wrong — that the legislature would require of candidates for Governor to file essentially the same reports as required of the

federal candidates or candidates for federal office in the State of Maine. It was not our intent, however, to have them file the report as often as the federal candidates, and this amendment would make this correction.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President, I wouldn't want to debate with Senator Shute from Franklin about what the committee did, because I frankly don't remember the exact action taken. But I believe it was my thought at the time that in these days of questioning government figures and candidates, and all that sort of thing, that the inclusion of this law would ask that candidates for Governor file reports similar to those reports filed for candidates for federal office.

I think the purpose of that is that once the candidate has been elected, if he has been doing something funny with his campaign, in practice it is too doggone late to do anything about it. The purpose is simply truth in reporting procedures. I believe the bill as passed is fine, without this amendment doing away with those interim reports. I personally feel that interim reports are for good government, and I would urge you to vote against this amendment.

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

Mr. SHUTE: Mr. President and Members of the Senate: As I recall, the Committee on Election Laws did report out a bill which essentially would be similar to a document which would include Senate Amendment "E", which I am now offering. As I recall it, either in committee or subsequent to our committee meetings, we did discuss the requirements of the United States House of Representatives, which has a sheaf of reports and requirements, some of which I hold in my hand here now. The type of report it asked for includes verifications, oath or affirmation, complete documentation from the candidate on his expenditures and

his cash receipts. This now is required by the Secretary of State. You do have pretty complete reports that are required. If we adopted this as the document that we have now placed on the books, it would require a March 10 report, a June 10 report, a September 10 report, a January 31 report, plus a report 45 days after the election.

It seems to me this is requiring too much of any candidate for Governor, and I must say right now that I am not a candidate for Governor, and I would like to have that on the record so that I can feel free to at least debate this particular type of proposal. I think it would be too much for any candidate to contend with. This is why I am offering Senate Amendment "E", in the hopes that it will be accepted.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I just got hold of this amendment, and I really haven't had a chance to absorb it. I wonder if someone would table it for me.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. Cianchette of Somerset then moved that the Bill be tabled and Tomorrow Assigned, pending Adoption of Senate Amendment "E".

On motion by Mr. Berry of Cumberland, a division was had. Eight Senators having voted in the affirmative, and 20 Senators having voted in the negative, the motion did not prevail.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President and Members of the Senate: Perhaps I can help the Senator from Cumberland, Senator Brennan, in deciding what this amendment is all about, and I would ask him to listen. I would like to declare too now on the record that I am not a candidate for Governor. That perhaps cuts it down a little more.

This amendment takes away from the law that we have here

now the requirement for a candidate for Governor to file interim reports. Again, it is my understanding that if we are going to have truth in disclosure, we need that truth in disclosure before the voters have cast their vote. By voting for this amendment, you are taking that away from the people.

You are only asking that this has to be done several times during the interim of the campaign. Obviously, I can understand the reasons for that. The reasons are simply for disclosure of who is backing who, where the money is coming from, and where it is going. Once the candidate is elected, it is pretty doggone late to do anything about it then.

As far as the candidates for Governor being too busy to file these reports, well, I feel sorry for them, but most of them have staffs and it really does not take a staff man that long to keep these records and disclose them on an interim basis, instead of disclosing them all together 45 days after the campaign. I really think it is in the interest of good government to vote against this amendment.

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

Mr. BRENNAN: Mr. President and Members of the Senate: Frankly, I am very impressed by the remarks of the good Senator from Somerset, Senator Cianchette. I think it is terribly important to know where the money is coming from before someone votes, and as to how much money he has. I think we all should have gotten some message recently; I am not so sure we did though, but this idea of trying to better inform the public ought to be the objective of everybody in this Senate. As I understand it, the bill without the amendment has a good chance of doing that. So I think Senator Cianchette makes an awful lot of sense, that we ought to kill this amendment and try to keep the public well informed before the election.

The PRESIDENT: The pending motion before the Senate is the adoption of Senate Amendment "E".

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President, I would request a roll call.

The PRESIDENT: A roll call has been requested. Under 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 motion before the Senate is the adoption of Senate Amendment "E", to Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws". A "Yes" vote will be in favor of adoption of Senate Amendment "E"; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Cox, Hichens, Huber, Joly, Morrell, Peabody, Richardson, Schulten, Sewall, Shute, Wyman.

NAYS: Senators Aldrich, Berry, Brennan, Cianchette, Clifford, Conley, Cummings, Cyr, Danton, Fortier, Graffam, Greeley, Katz, Kelley, Marcotte, Minkowsky, Roberts, Speers, Tanous, MacLeod.

ABSENT: Senators Anderson, Olfene.

A roll call was had. 11 Senators having voted in the affirmative, and 20 Senators having voted in the negative, with two Senators being absent, the motion did not prevail.

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

Joint Resolution

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

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

In Memoriam

WHEREAS, on June 24, 1973 this State lost a distinguished friend and servant in the death of the

Honorable John T. Quinn of Bangor; and

WHEREAS, his splendid record of service as a member of the 97th, 98th, 103rd, 104th and 105th Legislatures, as a veteran of two World Wars, as Bangor City Councilman, Brewer City Solicitor, Disclosure Commissioner, Municipal Court Judge, County Attorney and Judge of Probate for Penobscot County, as Director of Selective Service Records and prominent member of the Bench and Bar, has earned for him the gratitude, admiration and respect of all who knew or had the good fortune to work with him; and

WHEREAS, his great faith, patience and courage, despite affliction, has been a continual source of strength and inspiration to all; now, therefore, be it

RESOLVED: By the One Hundred and Sixth Legislature of the State of Maine, that its members join colleagues and friends of former Legislatures, the Judiciary and the people of this state in an expression of common sorrow and sadness at the loss of a great friend, an honored judge and a fine man; and be it further

RESOLVED: That a duly authenticated copy of this Resolution, signed by the President of the Senate and Speaker of the House, be prepared and presented to his devoted wife as a lasting token of our esteem for his memory and our deep sympathy for her. (H. P. 1635)

Which was Read.

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

Mr. TANOUS: Mr. President and Members of the Senate: I would like to add something for the record of this body prior to the adoption of the resolution. I would like to read to you from the obituary that appeared in the paper regarding our dear friend, Senator Quinn:

"State Senator John T. Quinn, whose seat in the Maine Legislature was a wheelchair after circulation injuries forced the amputation of his right leg, died Sunday at Bangor.

"Senator Quinn, was honored by his colleagues in the legislature on

his retirement in 1972. Fellow lawmakers paid a special tribute to Senator Quinn's wife, Edith, for her devotion and assistance to the crippled Senator during his final legislative term.

"A native of Bangor, the State Senator attended the University of Maine and Georgetown Law School. He was solicitor for the City of Brewer for 23 years and served as Penobscot County Attorney for a decade. Senator Quinn was a former municipal court and probate court judge.

"Prior to taking his seat in the Maine State Senate, Senator Quinn served in the House of Representatives for three terms. In 1970, he ran for the State Senate in both the Republican and Democratic primaries and won both of them.

"During his legislative career Senator Quinn was a strong supporter of full adult rights for 18-year olds, a law which state legislators enacted, and also full-time district attorney prosecutors."

I would like to add a few words of my own. Those of you who have known Senator Quinn, I am sure you share my thoughts. Senator Quinn was indeed a dedicated servant. He was a rugged individualist and a warm and thoughtful person. He was an inspiration to all of us who knew him and worked with him. The citizens of Maine are indeed fortunate to have had such a public servant. His achievements will long be remembered by all those of us who knew and worked with him.

Mr. President, I move the adoption of the Joint Resolution.

The PRESIDENT: The Senators will express their willingness that this Joint Resolution be adopted by please rising.

Thereupon, the Senators stood for a moment of silence, and the Joint Resolution was Adopted in concurrence.

Committee Reports

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

Senate

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on

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

ask leave to report: that the House recede and concur with the Senate and Pass the Bill to be Engrossed, as Amended by Committee Amendment "A" (H-471) and Senate Amendment "C" (S-239).

On the part of the Senate:

SCHULTEN of Sagadahoc
CUMMINGS of Penobscot
MARCOTTE of York

On the part of the House:

HERRICK of Harmony
WHEELER of Portland

Which report was Read and Accepted.

Sent down for concurrence.

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

An Act Reconstituting and More Effectively Coordinating the Maine Commission on Drug Abuse and the Divisions of Alcoholism and Providing an Alternative Sentencing for Violators of Drug Laws. (S. P. 635) (L. D. 2008)

Pending — Passage to be Engrossed.

Mr. Minkowsky of Androscoggin then presented Senate Amendment "C" and moved its Adoption.

Senate Amendment "C", Filing No. S-264, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 678) (L. D. 2044)

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: This is the wrap-up bill from the Judiciary Committee and obviously, looking at that document in your hand, it takes a great deal of time to be able to read through this document to see exactly what the

contents are. I would just like to pose a question to the Chairman of the Judiciary, that, if this is indeed a bill to correct errors and inconsistencies within the present law, if he could please explain to me and to other members of the Senate, on page 42 of this document, Section 2302, under jurisdiction, I would like to know what the errors and the inconsistencies are relative to the general law at this time?

The PRESIDENT: The Senator from Cumberland, Senator Conley, has posed a question through the Chair which the Senator from Penobscot, Senator Tanous, may answer if he so desires.

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

Mr. TANOUS: Mr. President and Members of the Senate: As perhaps those of you who served in the legislature before realize, that my sub-chairman of Judiciary, Sam Slosberg, prepares many of these amendments. If you refer to page 6 of the explanations on every one of these sections, at the bottom you will notice that Section 192 — it is difficult to read because the printing isn't clear — but according to the explanations on this particular section, according to Mr. Slosberg, this corrects an inconsistency, as the district court fund was repealed by Public Law 1967 Chapter 449. We have repealed this, and this corrects the language in that particular section.

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

Mr. CONLEY: Mr. President and Members of the Senate: As I read supposedly the correction here, it is just a further erosion of the district court fund. I know that there are many of you who know that once the district court fund is sent back to the communities it helps to lower the property tax rate within those communities. I have always taken a strong position against having the court being run on a cash register basis, and that is why the general fund was set up at that time that the good Senator from Penobscot, Senator Tanous, makes reference to. But I think in looking at this correction

here, it is just further erosion of the district court fund, and it is only going to be loss of revenue to the municipalities.

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

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

On motion by Mr. Sewall of Penobscot,

Adjourned until 10:00 o'clock tomorrow morning.