

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

1st Special Session

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

1974

Kennebec Journal
Augusta, Maine

SENATE

Wednesday, January 2, 1974

In compliance with a Proclamation of His Excellency, Governor Kenneth M. Curtis, the Senators convened in the Senate Chamber at two o'clock in the afternoon and were called to order by the President.

Prayer by The Honorable Walter W. Hichens of Eliot.

The Secretary read the Proclamation.

STATE OF MAINE PROCLAMATION

By the Governor

WHEREAS, I have determined that there exists in the State of Maine an extraordinary occasion requiring the Legislature of this State to meet in a Special Session to consider legislative proposals concerning:

The energy crisis, current year, annual and supplemental appropriations to State agencies, the University of Maine and other accounts, financing the State highway program, recommendations of the Maine Management and Cost Survey, modifications of the rules of evidence by the Supreme Court, prohibition of certain gambling devices, legislative and executive reform, medical expenses for needy persons, the Equal Rights Amendment, the corrections system, programs for the aging, collective bargaining for the State and public higher education employees, occupational health and safety laws, campaign reporting, workmen's compensation, automobile accident liability, the Maine Port Authority, the foreign trade zone law, a study of the forest products industry, safety measures relating to natural gas disasters and fire prevention, an increase in the minimum wage, coastal management, amendments to the housing law, the Maine Development Act, the Maine Mountain Area Planning Committee, public lands, the retail price of milk, and other matters judged by the Legislature as necessary to the welfare of the State, and

WHEREAS, legislative leaders have agreed that a Special Session is necessary;

NOW, THEREFORE, I, Kenneth M. Curtis, Governor of the State of Maine, by virtue of the constitutional power

vested in me as Governor, convene the Legislature of this State, hereby requesting the Senators and Representatives to assemble in their respective chambers at the Capitol at Augusta on Wednesday, the second day of January, 1974, at two o'clock in the afternoon, in order to receive communications and to consider and enact such measures as in their judgment will best promote the welfare of the State.

Given at the office of the Governor at Augusta, and sealed with the Great Seal of the State of Maine, this Twenty-eighth day of November, One Thousand Nine Hundred and Seventy Three and of the Independence of the United States of America, the One Hundred and Ninety-eighth.

Signed:

KENNETH M. CURTIS
Governor

(SEAL)

By the Governor

Signed:

JOSEPH T. EDGAR
Secretary of State

A true copy.

Attest: Joseph T. Edgar

Secretary of State

Which was Read and Ordered Placed on File.

STATE OF MAINE
Department of State
Augusta, Maine 04330

July 26, 1973

To Harry N. Starbranch
Secretary of the Senate
of the One Hundred and
Sixth Legislature:

In compliance with Title 3, Section 1 of the Revised Statutes of 1964, notification is hereby given of a vacancy in Senatorial District 5 caused by the resignation of David F. Aldrich of Norway.

No date has been set to conduct a special election to fill the vacancy.

Respectfully,

Signed:

JOSEPH T. EDGAR
Secretary of state

Which was Read and Ordered Placed on File.

STATE OF MAINE
Office of the Secretary of State
November 20, 1973

To Harry N. Starbranch
Secretary of the Senate of the
One Hundred and
Sixth Legislature:

In compliance with the Constitution and laws of the State of Maine, I hereby certify that a Special Election was held in State Senatorial District 5 on November 6, 1973, for the purpose of electing a State Senator to the One Hundred and Sixth Legislature to fill the vacancy caused by the resignation of David F. Aldrich of Norway; that at said election Lowell D. Henley of Norway, having received a plurality of all votes cast in said election, as contained in a report submitted to the Governor and Council under date of November 20, 1973, appears to have been elected a Senator to the One Hundred and Sixth Legislature.

IN WITNESS WHEREOF, I have caused the Great Seal of the State of Maine to be hereunto affixed this twentieth day of November, in the year of our Lord one thousand nine hundred and seventy-three and of the Independence of the United States of America, the one hundred and ninety-eighth.

(Seal)
Signed:

JOSEPH T. EDGAR
Secretary of State

Which was Read and Ordered Placed
on File.

STATE OF MAINE
Office of the Secretary of State
November 20, 1973

To the Honorable Kenneth P. MacLeod,
President of the Senate of the One Hundred and Sixth Legislature:

In compliance with the Constitution and laws of the State of Maine, I have the honor to herewith report the return of votes cast for State Senator to the One Hundred and Sixth Legislature in State Senatorial District 5 at the Special Election held November 6, 1973, according to a review of the returns made by the Governor and Council, to fill the vacancy caused by the resignation of David F. Aldrich of Norway, as follows:

Lowell D. Henley of Norway received
5,239 votes
Burton A. MacDonald of Peru received
2,913 votes
Scattering
9 votes
Signed:

JOSEPH T. EDGAR
Secretary of State

Which was Read and Ordered Placed
on File.

The President appointed Mr. Greeley of Waldo to escort newly-elected Senator Henley of Oxford to the Council Chamber to subscribe to the oath of office before the Governor and Council.

Subsequently, Senator Henley of Oxford was escorted to his chair in the Senate Chamber, having subscribed to the oath of office before the Governor and Council.

Roll Call

The roll being called, the following Senators responded to their names: Anderson, Berry, Brennan, Cianchette, Clifford, Conley, Cox, Cummings, Cyr, Danton, Fortier, Graffam, Greeley, Henley, Hichens, Huber, Joly, Katz, Kelley, Marcotte, Minkowsky, Morrell, Olfene, Richardson, Roberts, Schulten, Sewall, Shute, Speers, Tanous, Wyman, and President MacLeod.

32 Senators having answered to the roll call, the President declared that a quorum was present.

Orders

Out of Order and Under Suspension of the Rules:

On motion by Mr. Sewall of Penobscot, ORDERED, that a message be conveyed to the House of Representatives informing that Body that a quorum of Senators is present for the consideration of such business as may come before the Senate.

Which was Read and Passed.

The Secretary conveyed the message.

Subsequently the Secretary reported that he had delivered the message with which he was charged.

Subsequently, a message was received from the House, through Representative Birt of East Millinocket, informing the Senate that a quorum was present for the consideration of such business as might come before the House.

Out of Order and Under Suspension of the Rules:

On motion by Mr. Sewall of Penobscot, ORDERED, that a message be sent to His Excellency, the Governor, informing him that in obedience to his Proclamation, a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.

Which was Read and Passed.

The President appointed the Senator from Penobscot, Mr. Sewall, to convey the message.

Subsequently Mr. Sewall reported that he had delivered the message with which he was charged.

Out of Order and Under Suspension of the Rules:

On motion by Mr. Hichens of York, ORDERED, that a message be sent to the House of Representatives proposing a Joint Convention to be held forthwith in the Hall of the House of Representatives for the purpose of extending an invitation to the Governor to attend the Convention and present such communication as he may be pleased to make.

Which was Read and Passed.

The President appointed the Secretary to convey the message.

Subsequently the Secretary reported that he had delivered the message with which he was charged.

The Senators then retired to the Hall of the House of Representatives where a Joint Convention was formed.

(For proceedings of Joint Convention, see House Report.)

After Joint Convention

Called to order by the President.

Communications

THE SENATE OF MAINE

Augusta, Maine 04330

November 12, 1973

The Honorable Kenneth P. MacLeod
President of the Senate

State House
Augusta, Maine

Dear Ken:

In view of the fact that Senator-Elect Henley has served with considerable experience on the Veterans and Retirement Committee, I believe his service

ought to be continued. Therefore, please consider this my resignation as a member of the Veterans and Retirement Committee to make Henley's appointment possible.

Sincerely,

Signed:

ELDEN H. SHUTE, JR.

Senator-District 17

Which was Read and Ordered Placed on File.

Thereupon, there being no objection, the Chair appointed Senator Henley of Oxford to the Committee on Legal Affairs and the Committee on Veterans and Retirement, and Senator Shute of Franklin to the Committee on Inland Fisheries and Game.

STATE OF MAINE

Department of State

Augusta, Maine 04330

December 19, 1973

To Harry N. Starbranch
Secretary of the Senate
of the One Hundred and
Sixth Legislature:

In compliance with Title 3, Section 1 of the Revised Statutes of 1964, notification is hereby given of a vacancy in Senatorial District 33, caused by the death of Arnold S. Peabody of Houlton.

No date has been set to conduct a special election to fill the vacancy.

Respectfully,

Signed:

JOSEPH T. EDGAR

Secretary of State

Which was Read and Ordered Placed on File.

Senate Papers

Joint Resolution

Mr. Tanous of Penobscot presented the following Joint Resolution and moved its adoption:

JOINT RESOLUTION

HONORING THE MEMORY OF

ARNOLD S. PEABODY

WHEREAS, the Members of the Legislature have learned with deep regret of the unexpected death, on December 10, 1973, of the Honorable Arnold S. Peabody of Houlton; and

WHEREAS, Senator Peabody was a willing public servant who conscientiously served his constituents'

needs with much favor during the 104th, 105th and the current session of the 106th State Legislature; and

WHEREAS, he possessed the courage to face many difficult tasks with joyful enthusiasm and the uncomplaining determination to replace them with achievement; and

WHEREAS, his success in athletics, business and politics, and privately as a husband and father is a tribute to the character and fortitude of this outstanding citizen who died at age sixty-five, known to and beloved by many; now, therefore, be it

RESOLVED: That we, the Members of the 106th Legislature, assembled this day in special session, take this opportunity to tender this token of our deep affection in honor and memory of a life which lightened the hearts and burdens of many lives and to express our common sorrow and sadness at the loss of a dear colleague and treasured companion; and be it further

RESOLVED: That a suitable copy of this Resolution be prepared and transmitted forthwith to his devoted wife and children in lasting memory of our esteem. (S. P. 799)

Which was Read.

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

Mr. SCHULTEN: Mr. President and Members of the Senate: I would like to take a moment to speak briefly about the resolution that has just been presented and to refer very briefly to the invocation as given by our fellow Senator, Senator Hichens from York, that talked about the man that we so recently lost.

As has been pointed out so clearly and warmly, we have all lost a great friend. In addition to losing a great friend, I also lost a great seatmate, and I would just like to very briefly tell you what I thought of the man, having sat here with him since 1971.

I didn't know Jim Peabody, or Arnold Peabody, before we met in the 105th Legislature, but I came to know him quite well because he was just that type of person; he was always bright and cheery, and it didn't really matter what time of the day you first saw him, his greeting was always warm and cordial. So I really enjoyed, away beyond any

usual hopes, a companionship with a man whom I came to admire extremely highly.

Now, as I thought back about my seatmate and our friend, the friend of all of us, Jim Peabody, over the years, I don't honestly know how much material affluence or material possessions Jim Peabody had or left when he left us, but I do know that Jim Peabody had a tremendous affluence of the noblest attributes of God, and he expressed these in kindness, in consideration, in patience, in understanding, in compassion, in warmth and loving. I don't know of a time that Jim Peabody would be sitting here when someone would come up to impose on his time that Jim wasn't always eager, willing and ready to listen, to counsel, to try to help.

I always felt, though I never expressed it, unfortunately, that Jim Peabody was really a well of humanity for his fellow man and, to me, these are the qualities that never die, they just never pass away, and they are true monuments to posterity.

So as we enter upon this special session, saddened, really truly saddened by the loss of a dear friend, I feel we are strengthened by the courage and the friendship of one who contributed so much of himself for the good and enjoyment and the harmony of all the rest of us. So I just wanted to take this few moments to express to my fellow Senators my real true feelings about our fellow Senator who so recently left us. Thank you, Mr. President.

The PRESIDENT: Will all those Senators who are in favor that this resolution be adopted please rise.

Thereupon, the resolution was unanimously adopted.

Sent down for concurrence.

Agriculture

Mr. Hichens of York presented, Bill, "An Act Relating to Cruelty of Animals." (S. P. 704) (L. D. 2116)

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

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

Appropriations and Financial Affairs

Mr. Berry of Cumberland presented Resolve, Providing Funds for Maine His-

torical Society for Aid in Constructing Mezzanine Floor in Nichols Hall. (S. P. 705) (L. D. 2117)

Mr. Speers of Kennebec presented Resolve, Providing Funds for Cerebral Palsy Centers. (S. P. 706) (L. D. 2118)

Mr. Tanous of Penobscot presented Bill, "An Act Relating to Payments in Behalf of Maine Students at Out-of-State Graduate Schools." (S. P. 707) (L. D. 2119)

Mr. Sewall of Penobscot presented Bill, "An Act Appropriating Funds to Carry Out Duties of the Director of Legislative Research." (S. P. 728) (L. D. 2140)

The same Senator presented Bill, "An Act to Appropriate Moneys for Legislative Expenditures." (S. P. 730) (L. D. 2142)

Mrs. Cummings of Penobscot presented Bill, "An Act Providing Funds for Implementation of a State-wide Program of Safety of Dams and Reservoirs." (S. P. 740) (L. D. 2152)

Mr. Brennan of Cumberland presented Bill, "An Act Providing Funds to Pine Tree Legal Assistance, Inc., for Continued Legal Representations for those Unable to Afford such Representation." (S. P. 754) (L. D. 2164)

The same Senator presented Bill, "An Act to Appropriate Funds for Dental Care Programs in Rural Sections of Cumberland and York Counties." (S. P. 755) (L. D. 2165)

Mr. Clifford of Androscoggin presented Bill, "An Act Creating a Third Assistant County Attorney for Androscoggin County." (S. P. 760) (L. D. 2191)

Mr. Brennan of Cumberland presented Bill, "An Act Providing Funds for Members of the State Police for Expenses Incurred as such Members." (S. P. 764) (L. D. 2195)

The same Senator presented Bill, "An Act Relating to Salary of the Administrative Assistant, Supreme Judicial Court." (S. P. 767) (L. D. 2198)

Mr. Conley of Cumberland presented Bill, "An Act Relating to Payment of Patients at Certain State Institutions as Employees under Fair Labor Standards Act." (S. P. 774) (L. D. 2221)

Mr. Henley of Oxford presented Bill, "An Act Relating to Recruiting and Retention Incentives for the National Guard." (S. P. 783) (L. D. 2263)

Mr. Anderson of Hancock presented, Resolve, Providing Funds to Settle an American Arbitration Association Award and for Extra Costs in Constructing a Fish Trap on the Union River. (S. P. 784) (L. D. 2264)

Which were referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

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

Business Legislation

Mr. Cox of Penobscot presented, Bill, "An Act to Provide Information to Used Car Purchasers." (S. P. 758) (L. D. 2189)

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

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

County Government

Mr. Roberts of York presented, Bill, "An Act to Permit Counties to Accept and Expend State and Federal Grants." (S. P. 708) (L. D. 2120)

Mr. Henley of Oxford presented, Bill, "An Act to Authorize County Commissioners of Oxford County to Use 1974 Federal Revenue Sharing Funds for Hangar at Oxford County Regional Airport." (S. P. 741) (L. D. 2153)

The same Senator presented, Bill, "An Act to Authorize County Commissioners of Oxford County to use 1974 Federal Revenue Sharing Funds for Operating Expenses for Oxford County Regional Airport." (S. P. 742) (L. D. 2154)

The same Senator presented, Bill, "An Act to Authorize County Commissioners of Oxford County to Use 1974 Federal Revenue Sharing Funds to Support Oxford County Extension Service." (S. P. 743) (L. D. 2155)

Which were referred to the Committee on County Government and Ordered Printed.

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

Education

Mr. Katz of Kennebec presented, Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws." (S. P. 788) (L. D. 2268)

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

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

Election Laws

Mr. Shute of Franklin presented, Resolution, Proposing an Amendment to the Constitution to Eliminate the Three-Month Voting Residence Requirement Following a Change of Residence Within the State. (S. P. 709) (L. D. 2121)

The same Senator presented, Bill, "An Act to Clarify Certain Election Laws." (S. P. 729) (L. D. 2141)

Mr. Brennan of Cumberland presented, Bill, "An Act Relating to Receipts and Expenditures for Candidates for Office of Governor." (S. P. 736) (L. D. 2148)

Mr. Kelley of Aroostook presented, Bill, "An Act Limiting the Amount of Money Spent on Promoting or Opposing Referendum Questions." (S. P. 749) (L. D. 2178)

The same Senator presented, Bill, "An Act to Prohibit Corporate Contributions for Candidates, Political Parties and Referenda." (S. P. 785) (L. D. 2265)

Which were referred to the Committee on Election Laws and Ordered Printed.

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

Fisheries and Wildlife

Mr. Anderson of Hancock presented, Bill, "An Act to Correct Errors and Inconsistencies in the Fish and Game Laws." (S. P. 765) (L. D. 2196)

The same Senator presented, Bill, "An Act to Establish a Daily Limit on Salmon." (S. P. 777) (L. D. 2224)

Which were referred to the Committee on Fisheries and Wildlife and Ordered Printed.

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

Health and Institutional Services

Mr. Brennan of Cumberland presented, Bill, "An Act Relating to the Advertising of Drug Prices." (S. P. 739) (L. D. 2151)

The same Senator presented, Bill, "An Act to Expand the Authority of Pharmacists to Dispense Drugs by Their Generic Names." (S. P. 759) (L. D. 2190)

Which were referred to the Committee on Health and Institutional Services and Ordered Printed.

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

Judiciary

Mr. Tanous of Penobscot presented, Bill, "An Act Relating to Delegation of Selected Services by Professional Nurses." (S. P. 768) (L. D. 2199)

On motion by Mr. Berry of Cumberland, referred to the Committee on Judiciary and Ordered Printed.

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

Judiciary

Mr. Clifford of Androscoggin presented, Bill, "An Act Relating to Liability of Natural Gas Distributors." (S. P. 710) (L. D. 2122)

Mr. Speers of Kennebec presented, Bill, "An Act to Require District Attorneys to Prosecute all Criminal Cases before the District Courts." (S. P. 711) (L. D. 2123)

The same Senator presented, Bill, "An Act Relating to Breaking and Entering, and Larceny of Trailers and Semitrailers." (S. P. 712) (L. D. 2124)

Mr. Tanous of Penobscot presented, Bill, "An Act Lowering the Maximum Age of Juvenile Offenders." (S. P. 713) (L. D. 2125)

Mr. Brennan of Cumberland presented, Bill, "An Act to Correct an Inconsistency in the District Attorney Law." (S. P. 731) (L. D. 2143)

Mr. Tanous of Penobscot presented, Bill, "An Act Relating to Equitable Relief after Period of Redemption in Real Estate Sales or Liens." (S. P. 732) (L. D. 2144)

Mr. Clifford of Androscoggin presented, Bill, "An Act to Amend the Motor Vehicle Financial Responsibility Law." (S. P. 747) (L. D. 2159)

Mr. Shute of Franklin presented, Bill, "An Act Relating to Appeals by Defendants in Prosecutions before the District Court." (S. P. 750) (L. D. 2160)

Mr. Brennan of Cumberland presented, Bill, "An Act to Clarify Election Procedure Respecting Jury Trials in Misdemeanor Proceedings." (S. P. 751) (L. D. 2161)

Mr. Conley of Cumberland presented, Bill, "An Act to Establish Guidelines for Release of Accused Persons Pending Trial." (S. P. 766) (L. D. 2197)

Mr. Speers of Kennebec presented, Bill, "An Act Relating to Threatening Communications." (S. P. 779) (L. D. 2235)

Mr. Richardson of Cumberland presented, Bill, "An Act Relating to Duties of the Attorney General." (S. P. 780) (L. D. 2236)

Mr. Speers of Kennebec presented, Bill, "An Act to Clarify the Real Estate Subdivision Law." (S. P. 789) (L. D. 2272)

Mr. Brennan of Cumberland presented, Bill, "An Act to Prohibit Executive Sessions in Public Proceedings." (S. P. 790) (L. D. 2273)

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

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

Legal Affairs

Mr. Tanous of Penobscot presented, Resolve Authorizing Attorney General to Convey State's Interest in Certain Land in Bangor. (S. P. 714) (L. D. 2126)

Mr. Katz of Kennebec presented, Bill, "An Act Relating to Exemption of Certain Plants under Oil Burner Men's Licensing Law." (S. P. 715) (L. D. 2127)

The same Senator presented, Bill, "An Act Changing Name of Maine Tuberculosis and Health Association." (S. P. 716) (L. D. 2128)

Mr. Hichens of York presented, Bill, "An Act Repealing Certain Laws Relating to Games of Chance." (S. P. 718) (L. D. 2130)

Mr. Schulten of Sagadahoc presented, Bill, "An Act Relating to Name of The Better Business Bureau of Maine, Inc." (S. P. 719) (L. D. 2131)

Mr. Cyr of Aroostook presented, Resolve, In Favor of Edmundston Regional Hospital, Edmundston, New Brunswick and Dr. Rino Fournier of Madawaska. (S. P. 724) (L. D. 2136)

Mr. Clifford of Androscoggin presented, Bill, "An Act Relating to Change of Name of The Right to Life Committee." (S. P. 725) (L. D. 2137)

The same Senator presented, Resolve, in Favor of Archelas Duchesneau of Sabattus for Damage by Moose. (S. P. 726) (L. D. 2138)

Mr. Cox of Penobscot presented, Bill, "An Act to Regulate Municipal Debt." (S. P. 727) (L. D. 2139)

Mr. Clifford of Androscoggin presented, Bill, "An Act to Insure Confidentiality of Original Birth Records." (S. P. 748) (L. D. 2177)

The same Senator presented, Bill, "An Act to Authorize the Construction of a District Court Facility in Lewiston." (S. P. 786) (L. D. 2266)

Which were referred to the Committee on Legal Affairs and Ordered Printed.

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

Judiciary

Mr. Tanous of Penobscot presented, Bill, "An Act to Repeal Certain Due Process of Law Provisions by Governmental Agencies". (S. P. 717) (L. D. 2129)

On motion by Mr. Berry of Cumberland, referred to the Committee on Judiciary and Ordered Printed.

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

Liquor Control

Mrs. Cummings of Penobscot presented, Bill, "An Act Relating to Definition of Public Place as to Drinking Alcoholic Beverages. (S. P. 744) (L. D. 2156)

Mr. Danton of York presented, Bill, "An Act to Permit Hours of Sale of Liquor in Take-out Stores to Correspond with On-premises Establishments." (S. P. 762) (L. D. 2193)

Which were referred to the Committee on Liquor Control and Ordered Printed.

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

Natural Resources

Mr. Cyr of Aroostook presented, Bill, "An Act Relating to Bulldozing of St. John River." (S. P. 763) (L. D. 2194)

Mr. Speers of Kennebec presented, Bill, "An Act to Clarify the Powers of the Cobbossee Watershed District and Providing Funds for the Acquisition of Dams." (S. P. 781) (L. D. 2237)

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

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

Public Utilities

Mr. Shute of Franklin presented, Resolve, Authorizing the Town of Bing-

ham to Remove Sand Bars at Confluence of Austin Stream and Kennebec River." (S. P. 720) (L. D. 2132)

Mrs. Cummings of Penobscot presented, Bill, "An Act Providing for State Supervision of the Construction and Safety of Dams and Reservoirs." (S. P. 745) (L. D. 2157)

Mr. Cox of Penobscot presented, Bill, "An Act to Create the Bangor Community Solid Waste District." (S. P. 772) (L. D. 2219)

Which were referred to the Committee on Public Utilities and Ordered Printed.

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

State Government

Mr. Fortier of Oxford presented, Bill, "An Act Relating to Investment of State Funds and Revenue Sharing Funds in Interest Bearing Accounts." (S. P. 721) (L. D. 2133)

Mr. Speers of Kennebec presented, Bill, "An Act Relating to Definition of Resident under Personnel Laws." (S. P. 733) (L. D. 2145)

The same Senator presented, Bill, "An Act Relating to Eligibility for Employment in the State's Classified Service." (S. P. 734) (L. D. 2146)

Mr. Morrell of Cumberland presented, Resolution, Proposing an Amendment to the Constitution Broadening the Limitation for Revenues Derived from Taxation of Vehicles Used on Public Highways and Fuels Used by Such Vehicles. (S. P. 756) (L. D. 2166)

Mr. Richardson of Cumberland presented, Bill, "An Act Establishing a Small Claims Tax Commission." (S. P. 757) (L. D. 2188)

The same Senator presented, Bill, "An Act Relating to Legislative Ethics and the Disclosure of Certain Information by Legislators." (S. P. 769) (L. D. 2200)

Mr. Cox of Penobscot presented, Bill, "An Act Authorizing the Commissioner of Mental Health and Corrections to Convey a Sanitary Easement at the Bangor Mental Health Institute to the Northeast Psychiatric Institute, Incorporated." (S. P. 771) (L. D. 2218)

Mr. Shute of Franklin presented, Bill, "An Act Relating to Guardianship of Incapacitated Adults in Need of Protective Service." (S. P. 773) (L. D. 2220)

Mr. Speers of Kennebec presented,

Bill, "An Act to Make the Term of Office of the State Planning Director Coterminous with that of the Governor." (S. P. 775) (L. D. 2222)

The same Senator presented, Bill, "An Act Relating to Citizenship and Residency Requirements for Employment in the State's Classified Service." (S. P. 776) (L. D. 2223)

Mr. Kelley of Aroostook presented, Bill, "An Act to Increase Membership on the Public Utilities Commission." (S. P. 778) (L. D. 2225)

Mr. Speers of Kennebec presented, Bill, "An Act Providing an Enforcement Provision for the Police Training Law." (S. P. 782) (L. D. 2238)

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

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

Taxation

Mr. Joly of Kennebec presented, Bill, "An Act Including Reconditioned Machinery in Definition of New Machinery used for Manufacturing and Research Which is Exempt from Sales and Use Tax." (S. P. 735) (L. D. 2147)

Mr. Shute of Franklin presented, Bill, "An Act Providing for a Credit in Maine Income Tax Law for Investment in Pollution Control Facilities." (S. P. 737) (L. D. 2149)

Mr. Richardson of Cumberland presented, Bill, "An Act Exempting Machinery and Equipment Used for Manufacturing and Research from Sales and Use Tax." (S. P. 746) (L. D. 2158)

Mr. Cox of Penobscot presented, Bill, "An Act Exempting Certain Sales through Coin-operated Vending Machines from the Sales Tax." (S. P. 753) (L. D. 2163)

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

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

Transportation

Mr. Hichens of York presented, Bill, "An Act Relating to School Buses." (S. P. 722) (L. D. 2134)

Mr. Graffam of Cumberland presented, Bill, "An Act Authorizing the Governor to Increase Size and Weight of

Trucks Because of the National Energy Crisis." (S. P. 738) (L. D. 2150)

Mr. Greeley of Waldo presented, Bill, "An Act to Implement the Federal Aid Safer Roads Demonstration Program and to Make Additional Allocations from the General Highway Fund." (S. P. 752) (L. D. 2162)

Mrs. Cummings of Penobscot presented, Resolve, Designating State Route No. 157 and State Route No. 201 in Maine as a Blue Star Memorial Highway. (S. P. 761) (L. D. 2192)

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

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

Veterans and Retirement

Mr. Richardson of Cumberland presented, Bill, "An Act Relating to Effective Date of Retirement Benefits for Retirees under the State Retirement System." (S. P. 723) (L. D. 2135)

The same Senator presented, Resolve, Providing a Minimum Service Retirement Allowance under the State Retirement Law for Alice Weston Wyman. (S. P. 770) (L. D. 2217)

The same Senator presented, Bill, "An Act Providing Minimum Retirement Benefits for Certain Teachers." (S. P. 787) (L. D. 2267)

Which were referred to the Committee on Veterans and Retirement and Ordered Printed.

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

Orders

On motion by Mr. Schulten of Sagadahoc,

ORDERED, the House concurring, that there be paid to the Clerk and Assistant Clerk of the House, and the Secretary and Assistant Secretary of the Senate, salaries at a weekly rate for this special session in the amounts certified to the State Controller by the Chairman of the Committee on Appropriations and Financial Affairs. (S. P. 792)

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 Director of Legislative Research is directed to have printed in pamphlet form and distributed to the members of the Legislature and the public, the Acts and Resolves passed at the First Special Session of the 106th Legislature. (S. P. 793)

Which was Read and Passed.

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

On motion by Mr. Brennan of Cumberland,

ORDERED, the House concurring, that three hundred twenty-five (325) copies of the Legislative Record for this Special Session, be printed and bound, one copy for each of the members of the Senate, House of Representatives, the Secretary of the Senate and Clerk of the House, and the remainder to be deposited with the State Law Librarian for exchange and library use; and be it further

ORDERED, that suitable index be prepared for such Legislative Record under the direction of the Secretary of the Senate and Clerk of the House. (S. P. 794)

Which was Read and Passed.

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

On motion by Mr. Hichens of York,

ORDERED, the House concurring, that there is appropriated from the Legislative Appropriation a sum sufficient to pay each of the Indian representatives mileage for Nine (9) round trips and compensation for meals, lodging and attendance commensurate with other members of the Legislature for attendance at the First Special Session of the 106th Legislature. (S. P. 795)

Which was Read and Passed.

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

On motion by Mr. Morrell of Cumberland,

ORDERED, the House concurring, that the Secretary of the Senate and Clerk of the House be directed to furnish to each member of the Senate and the House, a copy of the State newspaper each morning during the present Special Session of the Legislature. (S. P. 796)

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 Honorable Lowell D. Henley be granted retirement benefits under the Maine State Retirement System by the Board of Trustees of the Maine State Retirement System for the full biennium as to the 106th Legislature. (S. P. 798)

Which was Read and Passed.

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

On motion by Mr. Richardson of Cumberland,

ORDERED, the House concurring, that the Joint Rules be amended by adding a new Joint Rule 2A, to read as follows:

2A. Formal committee action. All meetings at which formal action is taken by any legislative committee or subcommittee shall be open to the public. "Formal action" shall be construed to mean any vote or motion of a member of a legislative committee to report or not to report, amend, consider or table a bill or resolution and the discussion and debate thereof. (S. P. 805)

Which was Read.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: The purpose of this amendment to our rules is to adopt by rule the gist of legislation which is being sponsored by my good friend, the Senator from Cumberland, Senator Brennan, and I believe that this order constitutes perhaps a test of the seriousness of our intention to truly open the governmental process to the people.

The purpose of this amendment to the rules would require in fact that in legislative sessions when committees are in session to consider legislation, that is, to report it out ought to pass, ought not to pass, ought to pass as amended, or to table that bill for consideration at a later session of that same committee, that those hearings, the formal proceedings on bills which are taken by committees, which are in fact doing the public's business, be open to

the public, that they not be closed. Now, some of my cynical friends in this body would suggest that you can't do that, you can't open up the committee process to public scrutiny, you can't allow the press to be there, and I think the very statement of that proposition is reason enough in itself to call for the passage of this order.

I recognize that you may view this as a striking and innovative departure from our established precedent, and I would suggest to you that this is the law in approximately seventeen states, that this doesn't prohibit informal discussion of legislation, it does not prohibit your expressing your views privately to other members of the legislature. It does require that when a committee takes formal action on legislation, that that action be taken in full public view. We have nothing to hide, and I see no reason why we should try to do so.

Some have asked "Why do this now?" If you really believe that the legislative process ought to be opened up, the time to do this is now; not to pass an L.D., which I am going to support, and have it take effect X number of days after the session is over or after the Governor signs it into law, if it is an emergency measure. The test of our faith, members of the Senate, is whether or not we have the courage to take this action now.

I have requested of the leadership that this matter be tabled until tomorrow because I would like to see each of you take the time to think about this, to talk about it, either privately or in public, and I would like to see the vote on this taken tomorrow. I would hope that you would not permit this matter to be tabled unassigned because to do so would defeat the very purpose of this whole concept. I would, therefore, respectfully request that some member of the Senate table this matter, specially assigned for tomorrow, so that you may express your wishes on it in a vote tomorrow, and not six weeks from now or five months from now.

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

Thereupon, on motion by Mr. Berry of Cumberland, tabled and tomorrow assigned, pending Passage.

On motion by Mr. Sewall of Penobscot,
recessed until 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:

Senate Papers

Mr. Tanous of Penobscot presented,
Bill, "An Act Amending the Full-time
District Attorneys Law." (S. P. 808)

On motion by Mr. Tanous of Penobscot
and under suspension of the rules, the
Bill was Read Once.

On further motion by the same Senator
and under suspension of the rules, the
Bill was then Read a Second Time and
Passed to be Engrossed.

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

On motion by Mr. Sewall of Penobscot,
recessed until 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:

Communications

STATE OF MAINE
Maine State Archives
Augusta, Maine 04330

December 17, 1973

Honorable Kenneth M. Curtis
Governor of State of Maine
Members of the One Hundred
Sixth Legislature of Maine
Gentlemen:

In compliance with Maine Revised
Statutes Annotated, Title 27, Section 278,
subsection 6, I have the honor to submit
the accompanying report relating to the
work and needs of the Maine State
Archives.

The publication of the report was de-
layed in order to include those signifi-
cant changes in the records laws of the
State enacted by the One Hundred Sixth
Legislature as the "Municipal Records
Law", "County Records Law", and
"Archives and Records Management
Law"; and the proposed order for the
establishment of an Advisory Commit-
tee on Judicial Records pending before
the Supreme Judicial Court.

Respectfully,

Signed:

SAMUEL S. SILSBY, JR.
State Archivist
(S. P. 791)

Which was Read and with accompany-
ing papers ordered Placed on File.
Sent down for concurrence.

House Papers

Bills and Resolves today received
from the House requiring Reference to
Committees were acted upon in concu-
rence except for the following:

Bill, "An Act Relating to Medical
Treatment of Persons at State-operated
Facilities." (H. P. 1762) (L. D. 2230)

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

On motion by Mr. Berry of Cumber-
land, referred to the Committee on
Health and Institutional Services and
Ordered Printed in non-concurrence.

Sent down for concurrence.

Bill, "An Act to Permit Lakeville
Plantation to Use a Public Lot for Sani-
tary Landfill." (H. P. 1746) (L. D. 2205)

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

On motion by Mr. Richardson of Cum-
berland, tabled and Tomorrow As-
signed, pending Reference to Commit-
tee.

Resolve, Authorizing Commissioner of
Mental Health and Corrections to Lease
Certain Land in South Windham to the
Maine Society for the Protection of
Animals. (H. P. 1754) (L. D. 2213)

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

On motion by Mr. Berry of Cumber-
land, referred to the Committee on
Health and Institutional Services and
Ordered Printed in non-concurrence.

Sent down for concurrence.

Reconsidered Matter

On motion by Mr. Berry of Cumber-
land, the Senate voted to reconsider its
prior action whereby it referred to the
Committee on Health and Institutional
Services Bill, "An Act Relating to the
Installation of Sprinkler Systems in all

New and Existing Hotels. (H. P. 1694) (L. D. 2087)

The PRESIDENT: The Senator has the floor.

Mr. BERRY: Mr. President, this legislation has been handled in the past by the Committee on Legal Affairs, and I would move that this be referred to the Committee on Legal Affairs in non-concurrence.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that Legislative Document 2087 be referred to the Committee on Legal Affairs in non-concurrence. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

Reconsidered Matter

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

Mr. BERRY: Mr. President, with reference to Bill, "An Act to Revise the Membership of the Land Use Regulation Commission, (H. P. 1748) (L. D. 2207), it

has been brought to my attention that this is a change in the structure of the Commission and that matters of this nature are handled by the State Government Committee. Accordingly, I would move that the Senate reconsider its action whereby this bill was referred to the Committee on Natural Resources.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate reconsider its action whereby Bill, "An Act to Revise the Membership of the Land Use Regulation Commission", was referred to the Committee on Natural Resources. Is this the pleasure of the Senate?

The motion prevailed.

Thereupon, on further motion by the same Senator, referred to the Committee on State Government in non-concurrence.

Sent down for concurrence.

(Off Record Remarks)

On motion by Mr. Sewall of Penobscot, Adjourned until 10 o'clock tomorrow morning.