

# 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**

Tuesday, January 22, 1974

Senate called to order by the President.

Prayer by the Rev. Gilbert N. Lemieux of Lewiston.

Reading of the Journal of yesterday.

**Papers from the House****Joint Order**

WHEREAS, the peak electrical power demand in New England is currently about 12,000 megawatts; and

WHEREAS, the demand is expected to approach 20,000 megawatts by 1980 and 70,000 megawatts by the year 2000; and

WHEREAS, construction of new generating facilities is urgently needed and will place severe demands on water and water-related lands; and

WHEREAS, the State should exercise strong and constructive influence in establishing goals and objectives for use of its waters and related lands in order to meet demands of the future; now, therefore, be it

ORDERED, the Senate concurring, that the Public Utilities Commission be respectfully directed to inventory and evaluate present and potential use of water and water-related lands for generating electricity by water power in this State or for water storage basins or reservoirs for the purpose of controlling the waters of any of the lakes or rivers of the State having potential for hydroelectric use; such study to include but in no way be limited to determining the potential development of water power at Azischohos Dam at Wilsons Mills and Long Falls Dam at Flagstaff Lake within Oxford and Somerset Counties respectively; and be it further

ORDERED, that the Public Utilities Commission may report so far as its investigations will permit on the development of the water powers of the State with reference to such inventory and evaluation so that the Legislature may have before it a comprehensive summary of the possibilities that lie in the development of hydroelectric water powers of the State and the necessary steps that should be taken by the State to further increase and conserve them. (H. P. 1892)

Comes from the House Read and Passed.

Which was Read.

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

**House Papers**

The Bills and Resolution today received from the House requiring Reference to Committees were acted upon in concurrence, except for the following:

Bill, "An Act to Clarify the Mining Laws." (H. P. 1889) (L. D. 2399)

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

On motion by Mrs. Cummings of Penobscot, tabled and Tomorrow Assigned, pending Reference.

**Committee Reports****House**

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act to Revise the Laws on Snowmobiles." (H. P. 1736) (L. D. 2182)

**Leave to Withdraw**

The Committee on Marine Resources on, Bill, "An Act to Provide for the Disposition of Herring Unfit for Human Consumption." (H. P. 1741) (L. D. 2187)

Reported that the same be granted Leave to Withdraw.

The Committee on Marine Resources on, Bill, "An Act Prohibiting V-notching or Similar Practices on Lobsters." (H. P. 1776) (L. D. 2248)

Reported that the same be granted Leave to Withdraw.

The Committee on Natural Resources on, Bill, "An Act to Clarify the Law Relating to Disposal of Septic Tank or Cesspool Wastes." (H. P. 1690) (L. D. 2083)

Reported that the same be granted Leave to Withdraw.

The Committee on Marine Resources on, Bill, "An Act Relating to the V-notching of Lobsters." (H. P. 1834) (L. D. 2325)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

### **Ought to Pass**

The Committee on Legal Affairs on, Bill, "An Act Permitting Northern Maine General Hospital of Eagle Lake to Maintain a Nursing Home." (H. P. 1668) (L. D. 2061)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on, Resolve, to Reimburse Erlon Ricker of Litchfield for Loss of Poultry Due to Activities of the State Police. (H. P. 1784) (L. D. 2256)

Reported that the same Ought to Pass.

The Committee on Agriculture on, Bill, "An Act Relating to the Weights and Measures Law." (H. P. 1657) (L. D. 2050)

Reported that the same Ought to Pass.

The Committee on Agriculture on, Bill, "An Act Relating to Definition of Nursery Stock under Nursery Law." (H. P. 1682) (L. D. 2075)

Reported that the same Ought to Pass.

Come from the House, the Bills and Resolve Passed to be Engrossed.

Which reports were Read and Accepted in concurrence, the Bills and Resolve Read Once and Tomorrow Assigned for Second Reading.

### **Second Readers**

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

#### **House**

Bill, "An Act Increasing Salaries of Various County Officers." (H. P. 1732) (L. D. 2176)

(On motion by Mr. Shute of Franklin, tabled until later in today's session, pending Passage to be Engrossed.)

Bill, "An Act Extending the Territorial Limits of Kennebunk, Kennebunkport and Wells Water District to Include all of the Town of Wells." (H. P. 1677) (L. D. 2070)

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

### **House — As Amended**

Bill, "An Act Increasing Borrowing Capacity of Ashland Water and Sewer District." (H. P. 1674) (L. D. 2067)

Bill, "An Act to Increase Borrowing Capacity of the Fort Fairfield Utilities District." (H. P. 1676) (L. D. 2069)

Which were Read a Second Time and Passed to be Engrossed, as Amended, in concurrence.

### **Senate — As Amended**

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

Which was Read a Second Time and Passed to be Engrossed, as Amended.

Sent down for concurrence.

### **Orders of the Day**

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

Senate Report — from the Committee on Appropriations and Financial Affairs, Bill, "An Act Relating to Payments in Behalf of Maine Students at Out-of-State Graduate Schools." (S. P. 707) (L. D. 2119) Ought to Pass in New Draft Under New Title "An Act to Encourage Maine Students at Graduate Schools to Become Physicians and Dentists." (S. P. 824) (L. D. 2336)

Tabled — January 16, 1974 by Senator Berry of Cumberland.

Pending — Motion of Senator Katz of Kennebec to Indefinitely Postpone bill and accompanying papers.

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

Mr. KATZ: Mr. President, because there will be an amendment which reflects the consensus of all concerned, I withdraw my motion to indefinitely postpone.

The PRESIDENT: Is it now the pleasure to accept the Ought to Pass in New Draft Report of the Committee?

The Ought to Pass Report of the Committee was Accepted and the Bill Read Once.

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

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

Senate Amendment "A", Filing No. S-320, was Read.

The PRESIDENT: The Senator has the floor.

Mr. TANOUS: Mr. President and Members of the Senate: The purpose of the amendment is to remove some of the objections that my good friend Senator Katz of Kennebec had in the original bill. This relates to a compact agreement which we have with other states, with the States of Vermont and Massachusetts, Tufts Dental School in Massachusetts and Vermont Medical School, whereby we reserved a certain number of seats for Maine students to attend these schools, to be assured of an opening if they so desire to attend. Last year an amendment was passed by this Legislature which put the financial test to the students and somewhat involved or abrogated the original compact, but by virtue of this amendment we are now conforming with the original agreement of the compact, and at the same time it answers the questions of Senator Katz in that the students from the State of Maine who may be attending Tufts or the Medical School in Vermont, whereby they are in a position to pay more than others perhaps whose financial needs are not so great, then these various institutions will charge regular student fees and they will reimburse the State of Maine. I hope that you vote in favor of the bill. Thank you.

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

Mr. KATZ: Mr. President and Members of the Senate: This might be a good time to explain that as we have gotten more and more into the practice of contracting for spaces in medical and dental schools, we have gradually built up some very, very expensive programs. The amount of these programs increases every year, and I think the prospects will be that the contractual relationship with Tufts and Vermont will probably go up as their costs go up. A little later in the session I will be presenting a joint order requesting an evaluation, an interim evaluation, of the whole question of whose cost do we underwrite; where is the public interest involved; should there be an expansion of the program to include osteopaths, who tend to settle in the smaller towns rather than the larger metropolitan areas; and perhaps include also one or two of the other health fields.

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

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

Sent down for concurrence.

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

House Reports — from the Committee on Election Laws — Bill, "An Act Relating to Absentee Voting by Persons Serving Sentences in Jails and Penal Institutions." (H. P. 1781) (L. D. 2253) Report "A", Ought Not to Pass, Report "B", Ought to Pass as Amended by Committee Amendment "A" (H-360); Report "C", Ought to Pass.

Tabled — January 17, 1974 by Senator Cianchette of Somerset.

Pending — Acceptance of any Report.

Mr. Shute of Franklin then moved that the Senate Accept the Ought to Pass Report "B" of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. SHUTE: Mr. President and Members of the Senate: To explain the three reports on this bill, which is similar to the one which came before the regular session: Report "A" is Ought Not to Pass which would permit absentee voting by persons serving sentences in jails and penal institutions. The title itself explains the Bill.

The Report "B", Ought to Pass as Amended by Committee Amendment "A", was the one that was presented by Representative Boudreau, and would permit any person serving a sentence on a civil offense the right to vote.

Report "C" is Ought to Pass as the bill is constituted.

I asked last week that Senator Cianchette table this item because of a decision made by the Supreme Court, and I would like to read, in part, the story on this decision, which was published last week by UPI:

"The Supreme Court ruled Wednesday that absentee ballots must be provided to citizens in jails who have not lost their right to vote.

"Chief Justice Warren E. Burger, writing the majority opinion in the 7-2 decision, said that a New York statute

providing for absentee balloting applies equally to persons in jail; otherwise they are denied 'equal protection of the laws' if unable to vote.

"New York law permits persons convicted of misdemeanors or awaiting trial to vote, and the decision was not concerned with statutes suspending a felon's civil rights, including the right to vote.

"A New York appeals court had held that the state law on absentee balloting did not require government to provide voting facilities for jail inmates, although mobile voting and registration units are used in some New York county jails.

"Overturning this decision, Burger wrote that 'New York's election statutes, as construed by its highest court, discriminate between categories of qualified voters in a way that, as applied to pre-trial detainees and misdemeanants, is wholly arbitrary.'

"The case was filed by 72 inmates at the Monroe County jail who tried to register and vote in the 1972 elections. The county elections board denied the request and the county court ruled for the jail inmates. The appeals court overruled the decision and itself was overturned by the Supreme Court decision last Wednesday.

"Burger noted that an inmate of the Monroe County jail who resides in another county can vote by absentee ballot because he is 'unavoidably absent from the county of his residence'."

That is the substance of the story and I ask you now to refer to House

Amendment H-636, which has been filed by Representative Boudreau, and which would be added as a substitute to Report "B". I now move the question, Mr. President.

The PRESIDENT: Is the Senate ready for the question?

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

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

Bill, "An Act Increasing Salaries of Various County Officers." (H. P. 1732) (L. D. 2176)

Pending -- Passage to be Engrossed.

Mr. Huber of Knox then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-319, was Read and Adopted.

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

Senate Amendment "B", Filing No. S-321, was Read and Adopted and the Bill, ss Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

(Off Record Remarks)

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