

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

Friday, February 8, 1974

Senate called to order by the President.

The PRESIDENT: We have with us a contingency of Eagle Scouts representing the Kennebec Valley District of the Pine Tree Council, Boy Scouts of America.

The prayer this morning will be offered by Don Hansen of Fairfield and the Pledge of Allegiance by Chris Hood of Benton. They are accompanied by Mr. Lester Nadeau, District Activities Chairman.

Also here are Brian Cherry of Augusta, William Rancourt of Randolph, Greg Fougere of Winslow, and Dan Niles of Waterville.

Mr. HANSEN: O Lord, strengthen and increase our admiration for honest dealing and clean thinking. Encourage us in our endeavors to live above the common level of life. Make us choose the harder right instead of the easier wrong. If it be right, do it boldly; if it be wrong, leave it undone.

Endow us with the courage that is born of loyalty to all that is noble and worthy, that scorns to compromise and knows no fear when truth and right are in jeopardy.

Help us in our work and in our play to keep ourselves physically strong, mentally awake and morally straight.

May God grant us the serenity to accept the things that we cannot change, the courage to change the things we can, and the wisdom to know the difference. Amen.

The Pledge of Allegiance was offered by Chris Hood of Benton.

Reading of the Journal of yesterday.

**Papers From the House
Non-concurrent Matter**

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

In the Senate February 5, 1974, Passed to be Engrossed as Amended by Committee Amendment "A" (S-335).

Comes from the House, Recommended

to the Committee on Taxation, in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Joint Order

WHEREAS, our State and Nation is undergoing a severe crisis as a result of limited supplies of energy; and

WHEREAS, such conditions are leading to shortages, quotas, rationing, hoarding, price hikes and business failure; and

WHEREAS, conditions are such that the Legislature and the public should be more fully aware of these developments for necessary counter actions; now, therefore, be it

ORDERED, the Senate concurring, that a Joint Select Committee on Energy, consisting of ten members, three of whom shall be members of the Senate appointed by the President of the Senate and seven of whom shall be members of the House appointed by the Speaker of the House, is hereby created and appointed for the purpose of reviewing and reporting on legislation referred to it or introduced in any remaining special session of the 106th Legislature of related energy matter in connection with the energy crisis and to study the possible effects that an energy shortage will have on different economic segments of Maine life and to recommend policies and plans which can be adopted to minimize the economic impact and representatives of the committee appointed by the Committee Chairman shall be authorized to attend the various State, regional or federal meetings concerning the energy crisis and make a complete report to other members of the Committee upon their return; and be it further

ORDERED, that said Select Committee is authorized and directed to employ such technical and clerical assistance as may be necessary; and be it further

ORDERED, that the Select Committee shall serve without compensation but shall be reimbursed for actual expenses incurred in the performance of its duties; and be it further

ORDERED, that there is appropriated from the Legislative Appropriation the sum of \$5,000 for the expenses incurred by the Select Committee on Energy; and be it further

ORDERED, that the Select Committee shall report their activities and findings and any pertinent legislation to the 107th Legislature and shall further recommend to that body as to the need for a Joint Select Committee on Energy or a Joint Standing Committee on Energy. (H. P. 1950)

Comes from the House, Read and Passed as Amended by House Amendment "A" (H-672).

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON: Mr. President and Members of the Senate: To me, this is a useless waste of time. I feel that it should be indefinitely postponed, and I so move.

The PRESIDENT: The Senator from Hancock, Senator Anderson, now moves that this Joint Order be indefinitely postponed. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Thereupon, on motion by Mr. Clifford of Androscoggin, tabled and Tomorrow Assigned, pending the motion by Mr. Anderson of Hancock that the Joint Order be Indefinitely Postponed.

House Papers

Bill, "An Act to Regulate Credit Terms in the Retail Sale of Heating Oil for Residential Use." (H. P. 1949) (L. D. 2487)

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

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

ORDERS

ORDERED, the House concurring, that unless approved by all of the members of the Joint Standing Committee on Reference of Bills, no bill or resolve shall be considered at this Special Session except those within the scope of the Proclamation by the

Governor convening this Special Session or those previously approved by a majority of the members of the aforesaid Reference of Bills Committee and such bills or resolves as may be returned by or recalled from the Governor. This Order shall not apply to such bills or resolves as are intended only to facilitate the business of the Special Session. (S. P. 899)

Which was Read and Passed.

Sent down for concurrence.

Committee Reports

House

Leave to Withdraw

The Committee on State Government on,

Bill, "An Act to Transfer the Coastal Planning Unit of the State Planning Office to the Department of Environmental Protection." (H. P. 1864) (L. D. 2358)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass

The Committee on Legal Affairs on, Resolve, to Reimburse Edgar W. Tupper of Madison for Loss of Beehives by Bear. (H. P. 1900) (L. D. 2408)

Reported that the same Ought to Pass.

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

Which report was Read and Accepted and the Resolve Read Once.

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

Mr. SCHULTEN: Mr. President, would it be in order to inquire of anyone who might have the answer as to why this particular bill would qualify under the emergency type of legislation that we are supposed to be considering in this special session?

The PRESIDENT: The Chair would inform the Senator that the inquiry is in order. Whether anyone answers it is another matter.

The Chair recognizes the Senator from Kennebec, Senator Joly.

Mr. JOLY: Mr. President and Members of the Senate: The good

Senator from Sagadahoc raises a very good question and I agree completely with him. This is no more of an emergency than most of the other four or five hundred bills that we have had, but it might be a good opportunity to mention to you that, because of the time expended by the Legal Affairs Committee last year on cases such as this, a bill has been introduced — I am not sure whether we have already passed it — so that in the future this will be taken care of by the Department of Agriculture and we won't be bothered with these in the future. Hopefully, this will be the last session that we will have to spend our time on such things.

The PRESIDENT: What time does the Senate assign for the second Reading of this Resolve?

Thereupon, the Resolve was Tomorrow Assigned for Second Reading.

The Committee on Natural Resources on,

Bill, "An Act Simplifying Variance Procedures Due to the Energy Crisis." (H. P. 1941) (L. D. 2478)

Reported that the same Ought to Pass.

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

Which report was Read and Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

The Committee on County Government on,

Bill, "An Act to Authorize a Solid Waste Collection and Disposal System in Kennebec County." (H. P. 1687) (L. D. 2080)

Reported that the same Ought to Pass.

Comes from the House, Recommended to the Committee on County Government.

Which report was Read and Accepted in non-concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Public Utilities on,

Bill, "An Act to Increase the Indebtedness of the Ogunquit Sewer District." (H. P. 1818) (L. D. 2305)

Reported that the same Ought to Pass

as Amended by Committee Amendment "A" (H-669)

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on, Resolve, Reimbursing Southern Aroostook Community School District for Loss by Fire. (H. P. 1847) (L. D. 2340)

Reported that the same Ought to Pass.

Signed:

Senators:

SEWALL of Penobscot
MORRELL of Cumberland
CONLEY of Cumberland

Representatives:

HASKELL of Houlton
BRAGDON of Perham
JALBERT of Lewiston

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Representatives:

SPROUL of Augusta
SMITH of Dover-Foxcroft
CARTER of Winslow
NORRIS of Brewer

Comes from the House, the Majority report Read and Accepted and the Resolve Passed to be Engrossed.

Which reports were Read and the Majority Ought to Pass Report of the Committee Accepted in concurrence.

Thereupon, the Resolve was Read Once and Tomorrow Assigned for Second Reading.

Second Readers

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

Bill, "An Act to Clarify the Power of the Commissioner of the Department of Transportation and the Chief of the Maine State Police to Lower Speed Limits in Order to Provide Energy Conservation." (H. P. 1857) (L. D. 2350)

Which was Read a Second Time.

On motion by Mr. Cyr of Aroostook, tabled and Specially Assigned for February 12, 1974, pending Passage to be Engrossed.

Bill, "An Act to Transfer the Pesticides Control Board to the Department of Agriculture." (H. P. 1946) (L. D. 2480)

Which was Read a Second Time and Passed to be Engrossed in concurrence.

House — As Amended

Bill, "An Act Correcting Ambiguities in the Statutes Relating to the Maine Guarantee Authority." (H. P. 1787) (L. D. 2259)

Bill, "An Act to Increase Salaries of County Attorneys and Assistant County Attorneys." (H. P. 1848) (L. D. 2341)

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

Senate

Bill, "An Act Relating to Fees for Inspection of Elevators." (S. P. 836) (L. D. 2377)

Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws." (S. P. 895) (L. D. 2488)

Which were Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

Enactors

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

An Act Permitting the Supreme Judicial Court to Modify the Rules of Evidence. (H. P. 1800) (L. D. 2281)

An Act to Authorize County Commissioners of Aroostook County to Use 1974 Federal Revenue Sharing Funds for Court System and Jail. (H. P. 1769) (L. D. 2241)

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

Indefinitely Postponed by the House

An Act to Specifically Include Sundays in the Seasonal Date Limitations for Hunting in Commercial Shooting Areas. (H. P. 1836) (L. D. 2327)

Comes from the House, Indefinitely Postponed.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON: Mr. President, and Members of the Senate: In order to prepare an amendment, I would be pleased if some member of this body would move to table this until Tuesday, February 12th.

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

Thereupon, on motion by Mr. Shute of Franklin, tabled and Specially Assigned for February 12, 1974, pending Enactment.

Emergency

An Act Relating to Name of Maine Ambulance and Rescue Association. (H. P. 1852) (L. D. 2345)

This being an emergency measure and having received the affirmative votes of 27 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

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

SENATE REPORT — from the Committee on Public Utilities — RESOLVE, Authorizing the Town of Bingham to Remove Sand Bars at Confluence of Austin Stream and Kennebec River." (S. P. 720) (L. D. 2132) Ought to Pass as Amended by Committee Amendment "A" (S-337)

Tabled — February 6, 1974 by Senator Berry of Cumberland.

Pending — Acceptance of Report.

On motion by Mr. Berry of Cumberland, retabled and Specially Assigned for February 13, 1974, pending Acceptance of the Committee Report.

Mr. Olfene of Androscoggin was granted unanimous consent to address the Senate.

Mr. OLFENE: Mr. President and Members of the Senate: I have just returned from a very fine and wonderful trip into the midwest and the southwestern part of the country. One of the things that I try to do as I move around is to read the newspapers that come from the various communities to which I visit hoping to get a pulse on what is happening in that part of the country. I hold before you the Houston Texas Post, dated February 4, 1974, and one of the articles in this paper is something I don't particularly enjoy. That is the fact that for some reason on occasion the press seems to like to needle Maine a little bit and write little stories about us. I am going to read you the story that is in the Houston Post.

"Augusta, Maine UPI. The Maine House of Representatives voted to give \$450 to a man who claimed 500 of his

chickens were scared to death by a state police cruiser. Erlon Ricker of Litchfield said the cruiser went by his chicken ranch with the siren howling and the birds piled up in fright in their coops and died."

I don't know about you fellows, but I will tell you something. I kind of love this state and this kind of bothers me. It seems to me if I were a reporter I could find a little something better to send around the United States than this type of article. I don't like to see it and I just caution them and hope that they will feel much like I do, that we do have a great state, and this is no way to help us. Thank you.

On motion by Mr. Sewall of Penobscot,
Adjourned until Monday, February 11,
1974, at 4:00 o'clock in the afternoon.