

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

Monday, February 11, 1974

Senate called to order by the President.

Prayer by the Honorable Richard N. Berry of Cape Elizabeth:

We are grateful for the opportunity of service, for the privilege of working for the welfare of the State of Maine and our country. Amen.

Reading of the Journal of yesterday.

House Papers

Bills today received from the House requiring Reference to Committees were acted upon in concurrence.

Orders

ORDERED, the House concurring, that the Joint Standing Committee on Transportation is directed to report out a bill authorizing the Secretary of State to extend expiration date of all motor vehicle registrations under emergency conditions. (S. P. 900)

Which was Read and Passed.

Sent down for concurrence.

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

Ought to Pass

The Committee on Business Legislation on, Bill, "An Act Relating to Jurisdiction of the Boxing Commission." (H. P. 1880) (L. D. 2390)

Reported that the same Ought to Pass.

The Committee on State Government on, Bill, "An Act Relating to Organizational Change in Department of Transportation." (H. P. 1886) (L. D. 2396)

Reported that the same Ought to Pass.

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

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

The Committee on State Government on, Bill, "An Act Relating to the Land Damage Board." (H. P. 1887) (L. D. 2397)

Reported that the same Ought to Pass.

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

Which report was Read.

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

Mr. BERRY: Mr. President, I would like to invite the attention of the Senate to the fact that this bill and the preceding two bills are three issues which came out of the Longley Commission Report. There has been considerable attention given to reports which have been defeated. I think this shows that the State Government Committee, as well as the others, are giving a great deal of attention to the specific issues and those bills which are worthy are being passed.

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

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

Senate

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 Consolidate the State Harness Racing Commission and the State Running Horse Racing Commission." (S. P. 864) (L. D. 2433)

Leave to Withdraw

Mr. Speers for the Committee on State Government on, Bill, "An Act Relating to the Maine Development Act." (S. P. 804) (L. D. 2299)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Graffam for the Committee on Human Resources on, Bill, "An Act Repealing the Law Relating to Youth Community Activities." (S. P. 851) (L. D. 2419)

Reported that the same Ought to Pass.
Which report was Read and Accepted,
the Bill Read Once and Tomorrow
Assigned for Second Reading.

Second Readers

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

House

Resolve, Reimbursing Southern
Aroostook Community School District
for Loss by Fire. (H. P. 1847) (L. D. 2340)

Resolve, to Reimburse Edgar W.
Tupper of Madison for Loss of Bee-
hives by Bear. (H. P. 1900) (L. D. 2408)

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

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

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

Which was Read a Second Time.

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

Senate Amendment "A", Filing No.
S-346, was Read.

The PRESIDENT: The Senator has
the floor.

Mr. BERRY: Mr. President and
Members of the Senate: This
amendment permits the two counties of
Kennebec and Somerset to have plants
operated by the county commissioners
and provides for the assessment of costs
on the operating basis based on
population. I think if you will look at
Senate Amendment S-346, it will be
quite self-explanatory.

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 in
non-concurrence.

Sent down for concurrence.

House - As Amended

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

Which was Read a Second Time and

Passed to be Engrossed, as Amended, in
concurrence.

Enactors

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

An Act to Create the Bangor
Community Solid Waste District. (S. P.
772) (L. D. 2219)

An Act to Repeal the Sewerage
Provisions of the Lincoln Water District.
(H. P. 1765) (L. D. 2233)

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

Emergency

An Act Providing Funds for Spruce
Budworm Control and Surveys. (H. P.
1684) (L. D. 2077)

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

Mr. BRENNAN: Mr. President and
Members of the Senate: Could I have
someone explain this bill, how much it
costs, why it is being taken out of turn
and not going on the Appropriations
Table?

The PRESIDENT: The Senator from
Cumberland, Senator Brennan, has
posed a question through the Chair
which any Senator may answer if he
desires.

The Chair recognizes the Senator from
Cumberland, Senator Berry.

Mr. BERRY: Mr. President and
Members of the Senate: This is the
biennial spruce budworm disease bill
and it is taken out of order because there
is a time element in the spraying
contract awards. There is a time that is
optimum to have the spraying done in
the late spring, and it is necessary to line
up the equipment and award the
contracts well in advance because a lot
of this work is done by equipment not
available in the State of Maine.

The money involved is covered - it is
perhaps easier to look at it - under the
appropriations feature of the bill:
\$723,450 in '74, and the U.S. Forest
Service is appropriating \$698,750 to
match these funds. And then \$36,600
would be expended in the fiscal year 1975

to continue the survey study program, broken down into \$31,800 for personnel services and \$4,800 for all other.

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

Mr. MORRELL: Mr. President and Members of the Senate: Just by way of a little further explanation: under the old system, if you will recall, the 25 mill wildlands tax, the breakdown on the cost of handling the spruce budworm problem was 50 percent federal, 25 percent state, and 25 percent landowner. Then when the mill rate was changed, it was changed so as to include in the mill rate the landowners' share of the program. So currently it is really, in a sense, 50-50 federal-state, but with the landowners contributing through the new revamped tax on the wildlands their 25 percent share.

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

Mr. BRENNAN: Mr. President and Members of the Senate: Just so I can have a chance to look this over, I wonder if someone would table it for one day.

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

Thereupon, on motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Enactment.

Orders of the Day

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

JOINT ORDER — Relative to Committee on Appropriations and Financial Affairs to report out a bill to establish a Maine Public Transit Fund. (S. P. 889)

Tabled — February 7, 1974 by Senator Morrell of Cumberland.

Pending — Motion of Senator Cianchette of Somerset to Indefinitely Postpone.

Mr. Cianchette of Somerset was then granted Leave to Withdraw his motion to Indefinitely Postpone.

Thereupon, The Joint Order received Passage in concurrence.

The President laid before the Senate

the second tabled and specially assigned matter:

Bill, "An Act to Authorize the City of Lewiston to Issue \$500,000 Bonds for the Construction, Original Equipping and Furnishing of a District Courthouse and to Authorize the City to Lease such Courthouse to the District Court of the State." (S. P. 888) (L. D. 2484)

Tabled — February 7, 1974 by Senator Minkowsky of Androscoggin.

Pending — Passage to be Engrossed.

On motion by Mr. Clifford of Androscoggin, retabled and Specially Assigned for February 13, 1974, pending Passage to be Engrossed.

The President laid before the Senate the third tabled and Specially Assigned matter:

JOINT ORDER — Relative to Joint Select Committee on Energy be Created. (H. P. 1950)

Tabled — February 7, 1974 by Senator Clifford of Androscoggin.

Pending — Motion of Senator Anderson of Hancock to Indefinitely Postpone.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: As I understand the order, the purpose — and I understand it passed the other body — is to create a Joint Select Committee on Energy composed of legislators, and I wonder if the good Senator from Hancock, Senator Anderson, would indicate the reason for his opposition.

The PRESIDENT: The Senator from Androscoggin, Senator Clifford, has posed an inquiry through the Chair which the Senator from Hancock may answer if he desires.

The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON: Mr. President, I didn't hear his question.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: Since it did pass the other body, I wonder if the good Senator might explain the reasons why he proposed the motion to indefinitely

postpone, since it, at least on the surface, sounds like it might be something the legislature should get involved in.

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

Mr. ANDERSON: Mr. President and Members of the Senate: I think we have too darn many studies going on now. I think this is a useless expenditure of time and money. I reiterate it should be indefinitely postponed, and again I so move.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Hancock, Senator Anderson, that Joint Order Relative to

Joint Select Committee on Energy be Created, be indefinitely postponed. The Chair will order a division. As many Senators as are in favor of the motion to indefinitely postpone the Joint Order will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 23 Senators having voted in the affirmative, and seven Senators having voted in the negative, the Joint Order was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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