

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, February 13, 1974

Senate called to order by the President.

Prayer by the Rev. Lawrence E. Merckens of Hallowell:

Let us pray. Eternal and Holy Spirit of our God and Father, Lord of the past and all that shall come, by our being together in this place may we remember our need to be faithful in response to Thy faithfulness and the responsibilities which Thy love requires of us. Unite us with our ties with the past which bring us to the present moment in order that we will learn how to serve Thee and all Thy children. Speak through our lack of faith, our half-hearted love and self-preoccupation which hold us back from doing Thy ways and living up to Thy faith in us. Send us out into the affairs of this day with the humility we need. There shall be room in our hearts for Thy love, for this, Lord, is why Thou has entrusted life to us. Send us, we pray, with the enthusiasm and the courageousness we need to live as Thy servant as well as Thy children. Amen.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

Joint Order (H. P. 1950) relative to Joint Select Committee on Energy.

In the House February 7, 1974, Read and Passed as Amended by House Amendment "A" (H-672).

In the Senate February 11, 1974, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted and asked for a Committee of Conference.

Mr. Anderson of Hancock moved that the Senate Adhere.

Mr. Clifford of Androscoggin then moved that the Senate Insist and Join in a Committee of Conference.

On motion by Mr. Berry of Cumberland, a division was had. Eight Senators having voted in the affirmative, and 15 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

Non-concurrent Matter

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

In the Senate February 7, 1974, Passed to be Engrossed as Amended by Committee Amendment "A" (S-339) as Amended by Senate Amendment "A" thereto (S-336).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A", in non-concurrence.

Mr. Hichens of York then moved that the Senate Insist and Ask for a Committee of Conference.

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

Mr. BRENNAN: Mr. President, I move we recede and concur, and I would like to speak on it just briefly.

The PRESIDENT: The Senator from Cumberland, Senator Brennan, moves that the Senate recede and concur with the House.

The Senator has the floor.

Mr. BRENNAN: Mr. President and Members of the Senate: If we recede and concur, we knock off the amendment which the Senate adopted a few days ago, and it deals with legislation that passed at the last session which, in effect, said that the state could no longer jail someone for truancy. I think that makes sense.

Thinking back over the years, there are many kids who have gone to school, grammar school and high school, and some of the kids cannot succeed athletically, they cannot succeed academically, and the same kids often are pushed around in the school yard. They become somewhat frustrated, they don't go to school, they get into a situation where they are then brought before the court and they are placed on probation and, if they violate the probation, they are put in the Boys' Training Center. I think the state is the wrongdoer when they put someone into the Boys' Training Center because the child is frustrated. I think they are terribly wrong. They are just putting someone into a situation where there is a good chance that they may progress to the Men's Correctional Center and State's Prison. I think it is a terribly bad investment.

I appreciate that there are few alternatives presently available in the state at this time, but I say sending the kid to jail is no alternative whatsoever, so I would urge you to recede and concur.

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

Mr. BERRY: Mr. President, this is an extremely important bill which was discussed the last time we had it before us, and it should have the input of everybody who is knowledgeable on the subject. I notice that the Chairman of the Judiciary Committee, Senator Tanous, isn't present today, and I think we should have his views. It would seem to me to be in order that this matter be tabled until perhaps tomorrow when he will be back.

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

Thereupon, on motion by Mr. Joly of Kennebec, tabled and Tomorrow Assigned, pending the motion by Mr. Brennan of Cumberland that the Senate Recede and Concur.

Non-concurrent Matter

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

In the Senate February 7, 1974, Passed to be Engrossed as Amended by Committee Amendment "A" (S-340).

Comes from the House, the Majority Ought Not to Pass report Read and Accepted in non-concurrence.

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

Mr. CLIFFORD: Mr. President, it seems to me, for the same reasons that the good Senator from Cumberland, Senator Berry, indicated on the prior bill, that perhaps this might be a good idea, in the absence of Senator Tanous and the input from the Committee on Judiciary, that this might be tabled one legislative 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 Consideration.

(Off Record Remarks)

Orders

On motion by Mr. Roberts of York,

WHEREAS, the several counties of this State have received or are in the process of receiving federal revenue sharing moneys; and

WHEREAS, in some instances the counties have need to change prior allocations or make new allocations to meet specific needs which could not be reasonably anticipated; and

WHEREAS, such allocations should be approved in the form of a supplemental budget by the Legislature; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee on County Government report out a bill which will include such allocations of federal revenue sharing moneys as the several counties may wish to allocate from on hand, unexpended or anticipated federal revenue sharing funds for the year 1974. (S. P. 903)

Which was Read and Passed.

Sent down for concurrence.

Committee Reports

House

Ought to Pass

The Committees on Fisheries and Wildlife on, Bill, "An Act to Incorporate the Atlantic Sea Run Salmon Commission into the Department of Inland Fisheries and Game." (H. P. 1868) (L. D. 2367)

Reported that the same Ought to Pass.

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

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

Ought to Pass - As Amended

The Committee on Legal Affairs on, Resolve, to Reimburse Michael Gilbert of Albion for Loss of Poultry by Wild Animals. (H. P. 1899) (L. D. 2407)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-678).

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.

Ought to Pass in New Draft

The Committee on State Government on, Bill, "An Act to Revise the Membership of the Land Use Regulation Commission." (H. P. 1748) (L. D. 2207)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1937) (L. D. 2471)

Comes from the House, the Bill in New Draft Passed to be Engrossed.

Which report was Read and Accepted in concurrence, the Bill in New Draft 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 Relating to Deductions from Sentences of Inmates in County Jails." (H. P. 1839) (L. D. 2331)

Bill, "An Act Relating to Motor Vehicle Accident Reports." (H. P. 1874) (L. D. 2373)

Bill, "An Act Relating to Certified Copy of Regulations Promulgated by Commissioner of Inland Fisheries and Game as Evidence." (H. P. 1954) (L. D. 2489)

Bill, "An Act Relating to Nullification of Criminal Records." (H. P. 1956) (L. D. 2491)

Bill, "An Act Relating to Failure to File Annual Reports of Corporations." (H. P. 1959) (L. D. 2493)

Bill, "An Act Clarifying the Provisions of the Waste Water Construction Grant Program and Waste Water Pollution Control Planning Program." (H. P. 1960) (L. D. 2499)

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

Bill, "An Act to Repeal Reference in Law that University of Maine Officers and Employees are Unclassified Employees of State of Maine." (H. P. 1775) (L. D. 2247)

Bill, "An Act to Clarify Certain Property Tax Statutes." (H. P. 1796) (L. D. 2276)

Bill, "An Act Providing for Restricted Motor Vehicle Operator's License." (H. P. 1755) (L. D. 2214)

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

Senate

Bill, "An Act Relating to Transporting School Children to Other Than Public Schools." (S. P. 880) (L. D. 2466)

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

Sent down for concurrence.

The PRESIDENT: The Chair at this time would ask the Sergeant-at-Arms to escort the Senator from Cumberland, Senator Berry, to the rostrum to assume the duties of President pro tem.

Thereupon, the Sergeant-at-Arms escorted Senator Berry to the rostrum where he assumed the duties of President pro tem, and President MacLeod retired from the Senate Chamber.

Enactors

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

An Act to Provide for Continuation of Service by Cable Television Systems, to Facilitate Compliance with Federal Communications Commission Regulations and to Fix Liability for Cable Television Programming. (S. P. 827) (L. D. 2361)

The PRESIDENT pro tem: The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President and Members of the Senate: I would like to read into the record the intention of the Committee on this bill. It was not to penalize or restrain the cable television companies from changing their programs or making small changes. It says here this is just to assure the continuance of cable television service to the municipalities. We had no intention of restricting them in perhaps dropping some of their programs or even discontinuing some of their channels. It

was intended to apply to the system as a whole.

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

Mr. CONLEY: Mr. President, I would just like to say that I don't believe the Senator from Penobscot, Senator Cummings, has any fear relative to this bill if it does relatively anything at all.

The PRESIDENT pro tem: Is the Senate ready for the 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.

An Act to Make Public Utilities Commissioners Full Time. (S. P. 879) (L. D. 2455)

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

Mr. KATZ: Mr. President and Members of the Senate: With respect to item 8-2, An Act to Make Public Utilities Commissioners Full Time, I think this bill is a significant piece of legislation which reflects the growing concern not only of the legislature but of the people of the state with this particular department. Therefore, on the enactment, Mr. President, I request a roll call.

The PRESIDENT pro tem: A roll call has been requested. In order for the Chair to order a roll call, under the Constitution, 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 question before the Senate is the enactment of L. D. 2455, An Act to Make Public Utilities Commissioners Full Time. A "Yes" vote will be in favor of enactment; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Berry, Brennan, Cianchette, Clifford, Conley, Cox, Cummings, Cyr, Danton, Fortier, Graffam, Greeley, Henley, Hichens, Huber, Joly, Katz, Kelley, Marcotte,

Minkowsky, Morrell, Olfene, Roberts, Sewall, Shute, Speers.

ABSENT: Senators Richardson, Schulten, Tanous, Wyman, MacLeod.

A roll call was had. 28 Senators having voted in the affirmative, and no Senators having voted in the negative, with five Senators being absent, 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.

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

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

Emergency

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

This being an emergency measure and having received the affirmative votes of 26 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.

Emergency

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

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: I am not about to rehash the statements I made previously in reference to the increase of salaries of the county attorneys of the State of Maine, except to add and I want the record to show that I feel this is really an atrocious gimmick to be perpetrated against the people of the State of Maine, during the economic conditions we are faced with at the present time, predicated upon the simple fact that they are only going to be in existence for ten more months. Thank you, Mr. President.

The PRESIDENT pro tem: The Chair

recognizes the Senator from Penobscot, Senator Sewall.

Thereupon, on motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.

Orders of the Day

The President laid before the Senate the first 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 8, 1974 by Senator Berry of Cumberland.

Pending — Acceptance of Report.

The PRESIDENT pro tem: The Chair recognizes the Senator from Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President and Members of the Senate: We are still awaiting word from the Attorney General's office, and I would appreciate it if this could be set on the table for one day.

The PRESIDENT pro tem: The Chair recognizes the Senator from Kennebec, Senator Speers.

Thereupon, on motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

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 11, 1974 by Senator Clifford of Androscoggin.

Pending — Passage to be Engrossed.

Mr. Clifford of Androscoggin then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-342, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

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

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

Tabled — February 12, 1974 by Senator Berry of Cumberland.

Pending — Enactment.

Mr. Minkowsky of Androscoggin then moved that the Bill be retabled and Tomorrow Assigned, pending Enactment.

On motion by Mr. Morrell of Cumberland, a division was had. 22 Senators having voted in the affirmative and three Senators having voted in the negative, the Bill was retabled and Tomorrow Assigned, pending Enactment.

Mr. Katz of Kennebec was granted unanimous consent to address the Senate:

Mr. KATZ: Mr. President and Members of the Senate: Last year by an overwhelming vote this legislature passed a bill called 1994. The motivations in our minds were very, very clear that we were removing about \$30 million in property tax liability from local property taxes and transferring it to the state.

The whole key to the success of this bill is in the attitude of local communities now, this spring, towards their oncoming city and town budgets. It was the intent of the legislature that property tax savings be passed along to the people. It was not the intent of the legislature that these revenue responsibilities removed from the local communities be used for spanking new projects or expansion of services by the local communities.

By and large the bill appeared to be working well around the state. The figure of the cost of education of \$211 million for next year will probably hold up splendidly, but there are isolated cases in this state where it is very apparent that we are running into substantial increases in spending, both in the educational community and in city hall. There is no question in the mind of this one Senator that next year we will be faced with the need to increase personal

income taxes, and if the people do not get the benefit of property tax savings this year, and then next year are faced with the necessity of paying increased income taxes, the bill will not have succeeded in this respect. So what do we do about it? Well, I guess one thing that you hear all the time, and I sure do, is the need for local control. And there is local control in this respect. I think that each of us who voted for this measure last year has a personal responsibility to call to the attention of our constituents in our districts the fact that there never was a more important time than this spring for them to be aware of what is going on in their town meetings and in the city councils.

People say that they feel isolated. Well, there is no reason to feel isolated; they darn well should get involved. If we let this spring slide by and let our own communities raise expenditures by varying amounts, from 10, 15, 20 to 25 percent, whether it is an education budget or non-education budget, I think that somehow the taxpayers will have been cheated. Perhaps it is their own

fault if they are cheated, but certainly we have to call to their attention the fact that this is a very, very important spring for Maine taxpayers.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: Last week you may recollect that our fearless and auspicious leader, Senator Berry, brought to the attention of the Senate that the two Democratic candidates for Governor were absent from their seats. Just to set the record straight, Mr. President, I would like to call to the attention of the Senate this morning that the Senator from Cumberland, Senator Richardson, is absent and Senator Tanous from Penobscot is absent.

(Off Record Remarks)

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