

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

Thursday, February 21, 1974

Senate called to order by the President.

Prayer by the Rev. Grayson Schwarz of Hallowell:

Our Heavenly Father, we pause at this moment to remember that the power to govern is a gift that is given and originates from you. Father, we ask that the way we exercise this gift would be worthy of the one who has given it to us. And we thank you, Father, that by your power you can give to us the inner backbone to resist outer and external pressures. Through Jesus Christ our Lord, we pray. Amen.

Reading of the Journal of yesterday.

Joint Order

Out of Order and Under Suspension of the Rules:

On motion by Mr. Berry of Cumberland,

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Monday, February 25 at 4 o'clock in the afternoon. (S. P. 912)

Which was Read and Passed.

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

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

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

In the Senate February 19, 1974, the Minority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (S-351).

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

On motion by Mr. Speers of Kennebec, the Senate voted to Adhere.

House Papers

Bill, "An Act to Validate Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 51." (H. P. 1978) (L. D. 2520)

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

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

**Committee Reports
House
Ought to Pass**

The Committee on Taxation on, Bill, "An Act Relating to Due Dates of Property Taxes." (H. P. 1903) (L. D. 2411)

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 State Government on, Bill, "An Act Creating a Bureau of Institutional Resident Representatives within the Maine Human Rights Commission." (H. P. 1749) (L. D. 2208)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-692).

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 Reorganize the Department of Military, Civil Emergency Preparedness and Veterans' Services." (H. P. 1872) (L. D. 2371)

Reported that the same Ought to Pass in new Draft under New Title: "An Act to Reorganize the Department of Military, Civil Defense and Veterans Services" (H. P. 1975) (L. D. 2517)

The Committee on State Government on,

RESOLUTION, Proposing an Amendment to the Constitution to Provide Original Appointment of Notaries Public and Justices of the Peace by the Governor with the

Approval of the Executive Council. (H. P. 1885) (L. D. 2395)

Reported that the same Ought to Pass in New Draft under New Title: **RESOLUTION, Proposing an Amendment to the Constitution to Provide for Appointment of Justices of the Peace and Notaries Public to an Initial Term by the Governor with the Approval of the Executive Council and for Additional Terms of These Officers to be by Renewal of Commission, as Provided by Law.**" (H. P. 1973) (L. D. 2514)

Come from the House, the Bill and Resolution in New Drafts Passed to be Engrossed.

Which reports were Read and Accepted in concurrence, the Bill and Resolution in New Drafts Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Education on, Bill, "An Act Providing Aid for Ricker College." (H. P. 1833) (L. D. 2324)

Reported that the same Ought Not to Pass.

Signed:

Senators:

KATZ of Kennebec

OLFENE of Androscoggin

MINKOWSKY of Androscoggin

Representatives:

LEWIS of Auburn

LeBLANC of Van Buren

AULT of Wayne

LAWRY of Fairfield

MURRAY of Bangor

LaCHARITE of Brunswick

LYNCH of Livermore Falls

TYNDALE of Kennebunkport

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-696).

Signed:

Representatives:

BITHER of Houlton

FERRIS of Waterville

Comes from the House, Bill and accompanying papers Indefinitely Postponed.

Which reports were Read.

The PRESIDENT: The Chair

recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I move acceptance of the Majority Ought Not to Pass Committee Report and I hope we can dispose of it today, but I would like to reassure the members of the Senate that the plight of the private colleges is a continuing perplexing question which the Committee on Education is actively facing. We will have a bill out sometime in the next week or two, which is presently being studied by the president of every private college and every public college in the state, which I think will solve the problem from the long-range point of view.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate accept the Majority Ought Not to Pass Report of the Committee. Is this the pleasure of the Senate?

The motion prevailed.

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 Establish the Maine Archaeological Survey Program." (S. P. 819) (L. D. 2315)

Leave to Withdraw

Mr. Roberts for the Committee on Legal Affairs on, Bill, "An Act Relating to Municipal Reports and Audits." (S. P. 854) (L. D. 2423)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

Refer to 107th Legislature

Mr. Speers for the Committee on State Government on, Bill, "An Act Establishing a Small Claims Tax Commission." (S. P. 757) (L. D. 2188)

Reported that the same be referred to the 107th Legislature.

Which report was Read.

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

Mr. SPEERS: Mr. President and Members of the Senate: There is something magic about a report referred to the next legislature, a

tradition perhaps that has grown up over the past that this is an easy way to get rid of a particular bill. I want to assure the members of this body that the State Government Committee does not regard this report as a light report. I think that there is a great deal to commend itself to this body in the legislation that is before us at the present time. It does require a good deal of work, however, on that legislation, a good deal of drafting work, to correct some of the problems and inequities that do exist now in the ability of an individual to appeal a tax decision.

For that reason, I wish to make it very clear that the State Government Committee regards this as an opportunity for individuals to attempt to clarify those problems and to work on the drafting of this particular bill, hopefully, that it will be considered again in the 107th Legislature when there is more time to undertake a review of the problems that it attempts to correct.

The PRESIDENT: Is it now the pleasure of the Senate to accept the report of the Committee whereby this bill be referred to the 107th Legislature?

Thereupon, the report of the Committee was Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Clifford for the Committee on State Government on, RESOLUTION, Proposing an Amendment to the Constitution to Clarify Validity of Municipal Industrial Parks. (S. P. 884) (L. D. 2472)

Reported that the same Ought to Pass.

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

Ought to Pass in New Draft

Mr. Henley for the Committee on Legal Affairs on, Bill, "An Act Repealing Certain Laws Relating to Games of Chance." (S. P. 718) (L. D. 2130)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 911) (L. D. 2521)

Which report was Read and Accepted, 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 Appropriating Funds to Provide for Secretarial Assistance to the Members of the Legislature." (H. P. 1927) (L. D. 2462)

Bill, "An Act to Regulate Procedures for Obtaining Short-term Permits for Motor Trucks." (H. P. 1970) (L. D. 2510)

(On motion by Mr. Berry of Cumberland, Tabled and Specially Assigned for February 26, 1974, pending Passage to be Engrossed.)

Bill, "An Act Relating to the Installation of a Uniform Crime-reporting System." (H. P. 1971) (L. D. 2511)

Bill, "An Act Increasing Borrowing Capacity of School Administrative Districts No. 25 and 42." (H. P. 1974) (L. D. 2515)

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

RESOLUTION, Proposing an Amendment to the Constitution to Provide for Single Member Districts in the House of Representatives; to Provide for Reduction of the Number of Representatives to One Hundred Thirty-two, and Reapportionment of the House of Representatives before the General Election of 1976; to Provide for Further Reduction of the Number of Representatives to Ninety-nine, and Reapportionment of the House of Representatives and the Senate before the General Election of 1984; to Provide for Annual Sessions of the Legislature and to Limit the Matters which may be Considered in the Second Regular Session; to Establish an Apportionment Commission to Plan for all Reapportionments of the House of Representatives and Senate; to Abolish the Executive Council and Reassign Certain Constitutional Powers to a Legislative Council; and to Provide that Oaths and Subscriptions of Office of the Governor, Representatives and Senators shall be Taken before the Chief Justice of

the Supreme Judicial Court. (H. P. 1972) (L. D. 2513)

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

Sent down for concurrence.

House - As Amended

Bill, "An Act Relating to the Statue, "The Maine Lobsterman." (H. P. 1969) (L. D. 2509)

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

Senate

Bill, "An Act Relating to Property Tax Exemption of Health Care Institutions." (S. P. 910) (L. D. 2519)

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-359, was Read.

The PRESIDENT: The Senator has the floor.

Mr. BERRY: Mr. President, this amendment is a technical one which defines hospitals as licensed institutions and is merely for clarification.

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.

Senate - As Amended

Resolve, Authorizing the Town of Bingham to Remove Sand Bars at Confluence of Austin Stream and Kennebec River. (S. P. 720) (L. D. 2132)

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

Sent down for concurrence.

Enactors

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

An Act Repealing the Laws Relating to Youth Community Activities. (S. P. 851) (L. D. 2419)

An Act to Eliminate Collection of Delinquent Accounts by the Treasurer of State. (S. P. 852) (L. D. 2420)

An Act to Clarify the Real Estate Subdivision Law. (S. P. 890) (L. D. 2485)

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

Orders of the Day

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

Bill, "An Act to Establish Better Interlocal Cooperation in Preparedness for Civil Disasters and Emergencies." (S. P. 828) (L. D. 2362)

Tabled — February 19, 1974 by Senator Speers of Kennebec.

Pending — Adoption of Committee Amendment "A" (S-355)

On motion by Mr. Speers of Kennebec, retabled and Specially Assigned for February 26, 1974, pending Adoption of Committee Amendment "A".

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

Bill, "An Act Relating to the Budgetary Process of the Eleven New Regions for Vocational Education." (H. P. 1945) (L. D. 2479)

Tabled — February 20, 1974 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

Mr. Katz of Kennebec then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-350, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

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

Tabled — February 20, 1974 by Senator Katz of Kennebec. Pending — Consideration.

(In Senate — Passed to be Engrossed.)

(In House — Passed to be Engrossed as Amended by House Amendment "A" (H-682) in non-concurrence.)

On motion by Mr. Berry of Cumberland, retabled and Specially

Assigned for February 26, 1974, pending Consideration.

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

Bill, "An Act Relating to School Buses." (S. P. 722) (L. D. 2134)

Tabled — February 20, 1974 by Senator Joly of Kennebec.

Pending — Adoption of Senate Amendment "A" (S-356)

Mr. Berry of Cumberland was granted Leave of the Senate to Withdraw Senate Amendment "A".

On motion by that same Senator, retabled and Specially Assigned for February 26, 1974, pending Passage to be Engrossed.

Mr. Cyr of Aroostook was granted unanimous consent to address the Senate.

MR. CYR: Mr. President and Members of the Senate: I don't know how many of you tuned in on Channel 5 last night and Channel 6 at 6:00 and listened to the interview of Mr. Wilson. I think that Mr. Wilson's attack on the legislature was unwarranted and in very bad taste. I believe that Mr. Wilson should apologize to this legislature.

Mr. Wilson has asked the people of Maine to tighten their belts, to lower their thermostats, to reduce their speed limits, and to put up with all of the inconveniences needed to ride this energy crisis. He has asked businesses to change their mode of doing business and individuals to change their way of life. All this they have done, but Mr. Wilson expects to do business as usual in his department. Certainly the Civil Defense must be involved in projects of lower priorities that they can put on the back burner and use this personnel to staff the fuel allocation bureau which, after all, is nothing more than a complete bureau.

I think that Senator Henley from Oxford hit the nail on the head during the previous debate on this matter. If the Civil Defense can not handle a minor emergency such as this with 28 full-time employees, maybe it is time we should take a second look at the department itself. We may also find "Fat cats with their feet plopped up on their desks,

smoking big cigars" in Mr. Wilson's own department.

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

MR. JOLY: Mr. President and Members of the Senate: As you know, the legislature passed a bill last year appropriating funds for a portrait to be made of former Senator Margaret Chase Smith. The portrait has been made. Senator Cummings and I were honored to be at the uncrating of the picture and we have seen it. It will be hung in the rotunda in the Hall of the Flags over the week-end, and we hope that you all drop by Monday before the session to see it. The actual dedication will take place later on this spring when Senator Smith can be with us.

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

MR. KATZ: Mr. President and Members of the Senate: The comments of the Senator from Aroostook, Senator Cyr, were predictable. I am sure we all have tried to do our best in this session, which really hasn't gone very well and hasn't done all that much for the people of the State of Maine, and I think we perhaps all took umbrage at the remarks this morning that we read in the press.

Mr. Wilson has been given a very difficult job. I kind of have a feeling that he is being asked to do something very significant in an area where nobody knows any answers and there are precious few facts. And in Washington they have to admit that everything is a shambles because they have no information either. Mr. Wilson is new to state government. He is painfully unaware of the significant functions of the legislature, and I am sure he must be the most frustrated man in the State House along about now. Actually, although I share the Senator's concern at the nature of the remarks, deep down inside I just share this man's frustrations, and I hope that we will be patient with the man who has a difficult job to do and is trying to do it in a good way and has struck out at just about

everybody who seems to be standing in the way of performance of his job. Let's hope that things work out a little bit better.

returned from the House, Read and Passed in concurrence, on motion by Mr. Berry of Cumberland, adjourned until Monday, February 25, 1974, at 4 o'clock in the afternoon.

The Adjournment Order having been