

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, March 4, 1974

Senate called to order by the President.

Prayer by the Honorable Joseph E. Brennan of Portland:

Eternal God, thou source of all life and truth, we pray as we begin the activities of this week that we may realize our dependence upon that power and not ourselves which makes for righteousness and peace. We would seek enlightenment for our minds and the determination to follow that truth as it may be revealed to our hearts. Amen.

Reading of the Journal of yesterday.

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

Bill, "An Act Relating to Citizenship and Residency Requirements for Employment in the State's Classified Service." (S. P. 909) (L. D. 2516)

In the Senate February 20, 1974, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-718), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committee on Transportation be directed to report out a bill authorizing hitchhiking for the duration of the emergency crisis. (H. P. 2002)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mr. Berry of Cumberland, Indefinitely Postponed in non-concurrence.

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 to Initiate Issuance of Nonresident Marine Sports Fishing Licenses." (H. P. 1849) (L. D. 2342)

**Leave to Withdraw, Covered
by Other Legislation**

The Committee on State Government on, Bill, "An Act Relating to Certain Bureaus in the Department of Finance and Administration." (H. P. 1865) (L. D. 2359)

Reported that the same be granted Leave to Withdraw, Covered by Other Legislation.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass - As Amended

The Committee on Taxation on, Bill, "An Act to Collect the Tax on Insurance Premiums Quarterly." (H. P. 1873) (L. D. 2372)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-715).

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 Business Legislation on, Bill, "An Act Relating to Fees Charged by the Department of Public Safety." (H. P. 1891) (L. D. 2401)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1989) (L. D. 2533).

The Committee on Business Legislation on, Bill, "An Act Amending the Insurance Laws." (H. P. 1893) (L. D. 2403)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1990) (L. D. 2534).

The Committee on State Government on, Bill, "An Act Relating to Standards for Selection of State Auditor and Duties of the Office." (H. P. 1888) (L. D. 2398)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1996) (L. D. 2538).

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

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

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act Providing for the Biweekly Payment of Wages to State Employees." (H. P. 2001) (L. D. 2541)

Reported pursuant to Joint Order (H. P. 1966) that the same Ought Not to Pass.

Signed:

Sensors:

SPEERS of Kennebec

WYMAN of Washington

Representatives:

GAHAGAN of Caribou

SILVERMAN of Calais

BUSTIN of Augusta

STILLINGS of Berwick

GOODWIN of Bath

The Minority of the same Committee on the same subject matter reported pursuant to Joint Order (H. P. 1966) that the same Ought to Pass.

Signed:

Sensor:

CLIFFORD of Androscoggin

Representatives:

FARNHAM of Hampden

CROMMETT of Millinocket

NAJARIAN of Portland

COONEY of Sabattus

CURTIS of Orono

Comes from the House, the Majority Ought Not to Pass report Read and Accepted.

Which reports were Read.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, before we dispose of this item, I would like to have somebody on the Committee explain what their reasoning was in going against biweekly payments.

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

Mr. SPEERS: Mr. President and Members of the Senate: The Committee on State Government heard a bill that we have reported out as Leave to Withdraw on Page 1 of the calendar relating to certain bureaus in the Department of Finance and Administration, which

really contained four separate recommendations on the part of the Management and Cost Survey. Biweekly payments was one of those recommendations, and we felt that it would be more justified to report out each one of these as a separate item, and discuss each one of them as a separate item, rather than report them all out in one particular bill with several committee reports. This was the instance in the first place.

But this particular item evoked a bit of controversy and a considerable amount of testimony, and we had the representatives of the Maine State Employees come before the Committee and most urgently request that the state employees not be placed upon a biweekly payment system. The thrust of their comments was simply that those individuals who are taking home less than \$100 a week in the State of Maine, of which there are a considerable number in state government, that to have them paid on a biweekly basis would constitute a considerable hardship to them and to their family budgeting.

The Committee thought long and hard about this matter because it was a recommendation of the Cost and Management Survey and apparently there would be some savings, although there is some disagreement as to what the savings would be, on the one hand on the part of the Management and Cost Survey, and on the other on the part of the Department of Finance and Administration. But, as you can see, the majority of the Committee felt that it could very well involve a particular hardship upon those employees making very little money a week and reported this out the Majority Ought Not to Pass.

I might add that by law in the State of Maine private industry must pay their employees on a weekly basis and we would not, therefore, be departing from the norm in the State of Maine by accepting the Majority Ought Not to Pass Report, and I make that motion, Mr. President.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now 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** reports shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act to Adjust Certain Salary Provisions of the State Officers and Officials." (S. P. 847) (L. D. 2416)

Bill, "An Act to Eliminate the Position of Assistant Secretary, Public Utilities Commission." (S. P. 842) (L. D. 2383)

Leave to Withdraw

Mr. Shute for the Committee on Transportation on, Bill, "An Act Authorizing the Governor to Increase Size and Weight of Trucks Because of the National Energy Crisis." (S. P. 738) (L. D. 2150)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Conley for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Expand the Line Budget in the Department of Mental Health and Corrections." (S. P. 846) (L. D. 2415)

Reported that the same Ought to Pass.

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

Ought to Pass-As Amended

Mr. Conley for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Establish a Small Grants Program for Municipal Conservation Commissions in the Department of Conservation." (S. P. 818) (L. D. 2320)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-377).

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

Divided Report

The Majority of the Committee on

Public Utilities on, Bill, "An Act Relating to Fees Charged by the Public Utilities Commission." (S. P. 873) (L. D. 2441)

Reported that the same Ought Not to Pass.

Signed:

Senators:

CUMMINGS of Penobscot

ANDERSON of Hancock

Representatives:

GENEST of Waterville

MADDOX of Vinalhaven

LITTLEFIELD of Hermon

KELLEHER of Bangor

SOULAS of Bangor

MULKERN of Portland

CHICK of Sanford

TRASK of Milo

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Senator:

CYR of Aroostook

Representatives:

CONLEY of South Portland

MURRAY of Bangor

Which reports were Read and the Majority Ought Not to Pass Report of the Committee Accepted.

Sent down for concurrence.

Second Readers

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

House

Bill, "An Act to Transfer Authority for Watercraft Registration and Safety to Commissioner of Inland Fisheries and Game." (H. P. 1987) (L. D. 2531)

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

House - As Amended

Bill, "An Act Increasing Salaries of Various County Officers." (H. P. 1982) (L. D. 2525)

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

Senate

Bill, "An Act Authorizing the Commissioner of Mental Health and Corrections to Convey a Sanitary Easement at the Bangor Mental Health Institute to the Northeast Psychiatric

Institute, Incorporated." (S. P. 921) (L. D. 2546)

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

Sent down for concurrence.

Senate-As Amended

Bill, "An Act to Correct Errors and Inconsistencies in the Fish and Game Laws." (S. P. 765) (L. D. 2195)

Bill, "An Act to Correct Errors and Inconsistencies in the Fish and Game Laws." (S. P. 765) (L. D. 2196)

Bill, "An Act Relating to Custody of State Trust and Retirement Funds Securities." (S. P. 833) (L. D. 2374)

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

Which were 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 to Provide Financial Assistance to Nonprofit Nursing Homes. (H. P. 1766) (L. D. 2234)

An Act Relating to Fees Administered by the Department of Environmental Protection. (H. P. 1862) (L. D. 2356)

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

An Act Establishing a State Register of Critical Areas. (H. P. 1977) (L. D. 2518)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

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

Resolve, to Reimburse A. D. Soucy Co. of Fort Kent for Redemption of Cigarette Stamps. (H. P. 1922) (L. D. 2460)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

Resolve, to Reimburse Reid's Confectionery Company of Houlton for

Redemption of Cigarette Stamps. (H. P. 1923) (L. D. 2461)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

Resolve, Designating a Certain Man-made Lake in Berwick as "Lake Hatfield". (H. P. 1924) (L. D. 2457)

Resolve, Reimbursing the Town of Wade for Welfare Expenditures in Behalf of a Nonsettled State Case. (H. P. 1932) (L. D. 2465)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

Which, except for the tabled matters, were Finally Passed and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

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

This being an emergency measure and having received the affirmative votes of 22 members of the Senate was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution to Clarify Validity of Municipal Industrial Parks. (S. P. 884) (L. D. 2472)

This being a Constitutional Amendment and having received the affirmative votes of 23 members of the Senate, was Finally Passed and, having been signed by the President, was by the Secretary presented to the Secretary of State.

Orders of the Day

The President laid before the Senate the first 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 28, 1974 by Senator Olfene of Androscoggin.

Pending — Adoption of Senate Amendment "A" (S-371).

On motion by Mr. Katz of Kennebec, retabled and Specially Assigned for March 6, 1974, pending Adoption of Senate Amendment "A".

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

HOUSE COMMUNICATION — Relative to Joint Standing Committee Appointments.

Tabled — March 1, 1974 by Senator Tanous of Penobscot.

Pending — Placing on File.

Thereupon, the Communication was ordered Placed on File.

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

HOUSE REPORTS — from the Committee on State Government — Bill, "An Act to Increase the Authorized Bonding Indebtedness of the Maine State Housing Authority." (H. P. 1804) (L. D. 2284) Majority Report — Ought to Pass: Minority Report — Ought Not to Pass.

Tabled — March 1, 1974 by Senator Clifford of Androscoggin.

Pending — Motion of Senator Speers of Kennebec to Accept the Minority Ought Not to Pass Report.

On motion by Mr. Danton of York, retabled and Tomorrow Assigned, pending the motion by Mr. Speers of Kennebec to Accept the Minority Ought Not to Pass Report of the Committee.

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

Bill, "An Act to Clarify Certain Administrative Aspects of the Saco River Corridor Commission." (S. P. 826) (L. D. 2353)

Tabled — March 1, 1974 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

(Committee Amendment "A" (S-369).

On motion by Mr. Speers of Kennebec, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

The PRESIDENT: The Chair would again like to urge all Committee Chairmen and members of the committees to set up and attend executive sessions to get the 83 bills remaining in the various committees out on the floor for debate.

The Chair is very disappointed to see the attendance in the Senate this morning. I think this is the lowest attendance I have seen in six years as your presiding officer. I would hope that those who are in absentia would hear the message and get back here and go to work.

(Off Record Remarks)

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