

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh  
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Wednesday, January 1, 1975

Pursuant to the provisions of the Constitution and the laws of the State of Maine, the Senators-elect to the One Hundred and Seventh Legislature convened in the Senate Chamber and were called to order by Harry N. Starbranch, Secretary of the Senate of the One Hundred and Sixth Legislature.

Prayer by Father Paul E. Coughlin of Augusta:

Lord God, we are here to celebrate a beginning. We take this moment in time to meet to celebrate the world which made us and which we are making because we are your people and leaders of the family of man.

We pray that we may become more conscious of all the world loves, pursues and suffers, the first to seek, to sympathize and to suffer, the first to open and sacrifice ourselves, to become more widely human and more nobly of the earth than any of the world's servants, and we pray this as we gather in God's name. Amen.

**Communication  
State of Maine  
Office of the  
Secretary of State**

To Harry N. Starbranch, Secretary of the Senate of the One Hundred and Sixth Legislature:

In compliance with 3 M.R.S.A., Section 1, I hereby certify that the following are the names and residences of the Senators-elect to the One Hundred and Seventh Legislature, as appears by the report submitted to the Governor and Council under date of November 21, 1974:

District 1

Walter W. Hichens of Eliot

District 2

Guy A. Marcotte of Biddeford

District 3

John B. Roberts of Sanford

District 4

Peter W. Danton of Saco

District 5

Philip C. Jackson of Harrison

District 6

David G. Huber of Falmouth

District 7

Linwood E. Graffam of Gorham

District 8

Richard N. Berry of Cape Elizabeth

District 9

Gerard P. Conley of Portland

District 10

Philip L. Merrill of Portland

District 11

David L. Graham of Freeport

District 12

Elmer F. Berry, Jr. of Auburn

District 13

Robert W. Clifford of Lewiston

District 14

Roland J. Carbonneau of Lewiston

District 15

Jerrold B. Speers of Winthrop

District 16

Donald R. O'Leary of Mexico

District 17

Neal C. Corson of Madison

District 18

John L. Thomas, Jr. of Waterville

District 19

Bennett D. Katz of Augusta

District 20

Bruce M. Reeves of Pittston

District 21

Samuel W. Collins, Jr. of Rockland

District 22

Edward H. Greeley of Morrill

District 23

Alton E. Cianchette of Pittsfield

District 24

Minnette H. Cummings of Newport

District 25

Howard M. Trotzky of Bangor

District 26

Theodore S. Curtis, Jr. of Orono

District 27

Joseph Sewall of Old Town

District 28

Cecil H. McNally of Ellsworth

District 29

J. Hollis Wyman of Milbridge

District 20

Charles P. Pray of Millinocket

District 31

Hayes E. Gahagan of Caribou

District 32

Edward P. Cyr of Madawaska

District 33

Peter W. Johnston of Fort Fairfield

IN TESTIMONY WHEREOF I have caused the Seal of the State to be herewith affixed at Augusta this first day of January, A.D., 1975 and of the Independence of the United States of America the One Hundred and Ninety-ninth.

(s) JOSEPH T. EDGAR  
Secretary of State

Which was Read and Ordered Placed on File.

The roll being called, the following Senators-elect responded to their names: Elmer F. Berry, Richard N. Berry, Carbonneau, Cianchette, Clifford, Collins, Conley, Cummings, Curtis, Cyr, Danton, Gahagan, Graffam, Graham, Greeley, Hichens, Huber, Jackson, Johnston, Marcotte, McNally, Merrill, O'Leary, Pray, Reeves, Roberts, Speers, Thomas, Trotzky, Wyman, and Sewall.

31 Senators-elect having answered to the roll call, the Secretary declared that a quorum was present.

Subsequently, Mr. Katz of Kennebec took his seat in the Senate Chambers

On motion by Mr. Speers of Kennebec, that Senator-elect was charged with carrying a message to the Governor and Council informing them that a quorum of the Senators-elect was present in the Senate Chamber, ready to take and subscribe to the oaths of office required by the Constitution to qualify them to enter upon the discharge of their official duties.

Subsequently, Mr. Speers reported that he had delivered the message with which he was charged and the Governor was pleased to reply that he would attend upon the Senators-elect forthwith for the purpose of administering to them the oaths of office required by the Constitution.

Thereupon, the Governor, the Honorable Kenneth M. Curtis, attended by the Executive Council, came in and the Senators-elect took and subscribed the oaths of office required by the Constitution.

The Governor then addressed the Senate as follows:

GOVERNOR CURTIS: Distinguished members of the 107th Maine Senate, and ladies and gentlemen: Now that you are sworn in and officially seated as members of Maine's 107th Legislature, let me congratulate you on your assumption of office and commend you for your readiness to serve Maine and its people.

I would also like to compliment you on your apparent choice of leadership. House Speaker John Martin and Senate President Joe Sewall are outstanding legislators with

whom I have been privileged to work these past eight years. The majority and minority floor leaders of the House and Senate likewise are experienced and most able lawmakers. I think this combined leadership at the head of this elected assembly holds the promise of a legislative session of continued progress for the people of Maine.

Each session of the Legislature faces its own special set of problems and challenges peculiar to its era, and certainly the 107th Legislature will be no exception. National inflation and recession and the continuing energy crisis pose grave problems that must be addressed, and while Maine by itself cannot provide the cures to ailments of international dimensions, it must do what it can to care for Maine people who number among the victims of the times. They are especially the elderly, the poor and the ill, and the unemployed. Paradoxically, the times which make them victims, giving ever greater urgency to appeals for government to do more for the sake of humanity, these same times also give rise to demands for government to do less for the sake of our pocketbooks. So resolving this paradox will be the most difficult task that you face.

Eight years ago when I took my first oath of office, I borrowed a quote from Franklin Roosevelt for my inaugural address. "The test of progress", he said, "is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little." And I believe that statement is as true now as ever, for I believe that in the service of that vision of progress the people are best served.

Crucial, complex questions await your will, your wisdom, and your resolution. And as you search for and find the answers, I know that you will also find much satisfaction from having chosen to serve during the time when the need for service and the opportunities for service were great.

Previous legislators have made history in establishing a record for you to build on. During my years here, I have seen legislative enactment of fairer taxation, special assistance to the aged and the ill, measures to protect Maine's invaluable environment, reorganization of state government, and expanded educational opportunities become historic accomplishments, envied and emulated by other states. And as legislators met great challenges of the past, so can you meet the challenges of the future. And when historians look back upon this era as a time of national economic difficulty, a time of uncertainty, you, by the decisions you will make, can help to ensure that in Maine, at least, they will also see it as a time of compassion, a time of understanding, a time of Maine people sharing hardship as well as good fortune.

So my best wishes go to you all and to Governor Longley. It has been a privilege to serve with great numbers of dedicated public servants and state employees that we have in Maine government, and also with those in private life who have been willing to help with advice, time and effort. And I especially want to extend thanks to the department heads, my administrative staff, and the staff in the various departments who have worked faithfully to carry out the laws that the legislature has written. One day as you leave public service, as I do now, I know that you too will look back and realize that there can be

no greater privilege than to work for the people of the State of Maine.

My family and I will never forget our years in the Blaine House, and we will never forget the people we have known or the friendship we have been shown. So I want to thank you all and wish you the best and say goodbye.

Thereupon, the Governor and Council withdrew from the Chamber amid the applause of the Senate, the members rising.

On motion by Mr. Conley of Cumberland, Senator Speers of Kennebec was authorized to cast one ballot on the part of the Senate in favor of Joseph Sewall for President of the Senate.

Thereupon, the Chair declared Mr. Sewall of Penobscot duly elected President of the Senate for the political years 1975 and 1976.

The Chair then requested Mr. Conley of Cumberland to escort President Sewall to the rostrum.

Whereupon, Mr. Conley of Cumberland escorted President Sewall to the rostrum where he addressed the Senate as follows:

**PRESIDENT SEWALL:** Thank you all very much. I want to express my appreciation for the very kind and generous gesture of the Senator from Cumberland, Senator Conley. I also want to thank the Senate for the confidence you have placed in me by electing me the President of this austere body. It is indeed a very great honor and I accept it with a great sense of humility.

I would also like to take this opportunity to thank Harry Starbranch and his staff for the fine job they have done over the past several weeks preparing for this session.

Today the 107th Legislature convenes with many difficult and trying decisions facing us in the days ahead, important decisions which will map the future course of our great state. Great challenges face us all, and I am sure each of you are as eager to meet them as am I. I pledge to serve you in this office to the utmost of my ability and to be as impartial, honest and forthright as was my predecessor, Senator Kenneth MacLeod. My door will always be open to each of you, regardless of party, and my concerns will be for your needs and problems.

It is our duty, as stated in the Maine Constitution, to make and establish all reasonable laws and regulations for the defense and benefit of the people of this state. Let us never forget this. And shall we remember foremost throughout our tenure that we are here to serve and represent others, not simply ourselves, in the discharge of our responsibilities. Thank you very much. (Applause)

The President then noted the presence of the Senator-elect from Somerset, Mr. Corson, and requested Senator Speers of Kennebec to escort Mr. Corson to the Council Chamber for the purpose of subscribing to the oath of office required by the Constitution.

Mr. Speers subsequently announced that he had performed the duty with which he was charged and escorted Senator Corson to his seat in the Senate Chamber.

On motion by Mrs. Cummings of Penobscot, Mr. Curtis of Penobscot was authorized to cast one ballot on the part of the Senate in favor of Harry N. Starbranch for Secretary of the Senate.

The President then declared Harry N. Starbranch of Augusta duly elected

Secretary of the Senate for the political years 1975 and 1976.

At the request of the President, Mr. Hichens of York escorted the Secretary-elect to the Council Chamber for the purpose of taking and subscribing to the necessary oaths of office to qualify him to enter upon the discharge of the duties of the Secretary of the Senate.

Subsequently, Mr. Hichens reported to the Senate that he had attended to the duty assigned to him and that Harry N. Starbranch had before the Governor and Council taken and subscribed the oaths of office required to qualify him for the discharge of the duties of Secretary of the Senate.

On motion of Mr. Greeley of Waldo, Mr. Berry of Cumberland was authorized to cast one ballot on the part of the Senate in favor of May M. Ross for Assistant Secretary of the Senate.

The President then declared May M. Ross of Augusta duly elected Assistant Secretary of the Senate for the political years 1975 and 1976.

Thereupon, Mrs. Ross subsequently appeared before the Governor and Council to take and subscribe to the oaths of office.

On motion by Mr. Curtis of Penobscot, the Senate voted to send a message to the House of Representatives informing that body that the Senate had organized by the choice of Joseph Sewall as President, Harry N. Starbranch as Secretary, and May M. Ross as Assistant Secretary.

Thereupon, at the request of the President, the Secretary carried the message to the House of Representatives and subsequently reported that he had delivered the message with which he was charged.

#### Orders

On motion by Mr. Speers of Kennebec, **ORDERED**, that a committee of seven be appointed to which four shall be appointed by the Majority Leader and three shall be appointed by the Minority Leader to which the returns of votes for Senators for the political years of 1975 and 1976 shall be referred for examination and report.

Which was Read and Passed.

On motion by Mr. Conley of Cumberland,

**ORDERED**, the House concurring, that the return of votes for the Governor, given in the several cities, towns and plantations of the State for the political years 1975, 1976, 1977 and 1978, be referred to a Joint Select Committee of seven on the part of the Senate, with such as the House may join. (S. P. 28)

Which was Read and Passed.

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

At this point a message was received from the House of Representatives, through the Clerk of the House, Mr. Pert, announcing the organization of the House by the election of John L. Martin as Speaker, Edwin H. Pert as Clerk, and Norman P. Whitzell as Assistant Clerk of the House.

#### Communications STATE OF MAINE Department of State Augusta

January 1, 1975

To the President of the Senate and to the

Speaker of the House of Representatives of the One Hundred and Seventh Legislature of the State of Maine:

In compliance with the Constitution and laws of the State of Maine, I have the honor to herewith transmit the returns of the votes cast for Governor in the several cities, towns and plantations in the State of Maine at the General Election held on November 5, 1974, as submitted by the appropriate officials of the municipalities involved immediately following said election.

Respectfully,

(Signed)

JOSEPH T. EDGAR  
Secretary of State

	James s. Erwin Pittston Rep.	William Brown Hughes Portland Ind.
Androscoggin	2,714	46
Aroostook	6,897	91
Cumberland	16,270	275
Franklin	2,093	34
Hancock	4,742	50
Kennebec	8,183	102
Knox	3,554	42
Lincoln	3,033	39
Oxford	3,578	61
Penobscot	8,399	115
Piscataquis	1,689	24
Sagadahoc	1,721	19
Somerset	3,479	43
Waldo	2,354	23
Washington	3,044	62
York	12,426	288
Totals	84,176	1,314

	Stanley J. Leen Jr. Bangor, Me. Ind.	James B. Longley Lewiston Longley for Me.
Androscoggin	103	21,715
Aroostook	206	5,718
Cumberland	387	27,637
Franklin	93	3,651
Hancock	160	5,347
Kennebec	202	15,105
Knox	59	4,332
Lincoln	43	3,818
Oxford	103	7,062
Penobscot	602	17,645
Piscataquis	67	2,512
Sagadahoc	31	4,082
Somerset	144	6,149
Waldo	113	3,545
Washington	248	2,630
York	322	11,516
Totals	2,883	142,464

	George J. Mitchell South Portland Dem.	Leith Hartman S. Berwick Write In
Androscoggin	10,558	32
Aroostook	10,514	36
Cumberland	28,118	83
Franklin	2,871	22
Hancock	4,200	90
Kennebec	13,750	49
Knox	3,188	37
Lincoln	2,559	35
Oxford	5,723	52
Penobscot	14,803	152
Piscataquis	2,400	9
Sagadahoc	3,015	20
Somerset	4,591	40
Waldo	2,530	43
Washington	3,882	50
York	19,517	139
Totals	132,219	889

(S. P. 14)

Which was Read and referred to the Committee on Gubernatorial Vote.  
Under suspension of the rules, sent down forthwith for concurrence.

State of Maine  
Office of the Secretary of State  
Augusta, Maine  
January 1, 1975

To the President  
of the Senate:

In compliance with the Constitution and laws of the State of Maine, I have the honor to herewith transmit the returns of the votes cast for Senators to the Legislature in the several cities, towns and plantations in the State of Maine at the General Election held on November 5, A.D., 1974.

Respectfully,  
/s/ JOSEPH T. EDGAR  
Secretary of State

<b>District 1</b>	
Walter W. Hichens, Eliot	5,741
Barry L. Valentine, York	4,592
<b>District 2</b>	
Guy A. Marcotte, Biddeford	7,144
Plato Truman, Biddeford	4,686
<b>District 3</b>	
John B. Roberts, Sanford	6,044
Robert R. Senesac, Sanford	5,222
<b>District 4</b>	
Peter W. Danton, Saco	7,847
Norman S. Hill, Buxton	4,603
<b>District 5</b>	
Philip C. Jackson, Harrison	5,965
Forrest E. Martin, Norway	5,415
<b>District 6</b>	
David G. Huber, Falmouth	7,241
Joan R. O'Toole, Cumberland	5,446
<b>District 7</b>	
Linwood E. Graffam, Gorham	6,018
Charles Malcolm Roma, Westbrook	5,877
<b>District 8</b>	
Richard N. Berry, Cape Elizabeth	6,106
Santo DiPietro, South Portland	5,333
<b>District 9</b>	
Gerard P. Conley, Portland	5,211
<b>District 10</b>	
Josephine S. Emanuelson, Portland	3,504
Philip L. Merrill, Portland	6,999
<b>District 11</b>	
David L. Graham, Freeport	5,633
Richard A. Morrell, Brunswick	4,865
<b>District 12</b>	
Elmer F. Berry, Jr., Auburn	5,250
Donald C. Gautier, Auburn	5,239
<b>District 13</b>	
Robert W. Clifford, Lewiston	9,586
<b>District 14</b>	
Roland J. Carbonneau, Lewiston	8,268
<b>District 15</b>	
Thomas G. Lane, Wayne	5,046
Jerrold B. Speers, Winthrop	6,691
<b>District 16</b>	
Paul W. Fuller, Rumford	4,608
Donald R. O'Leary, Mexico	6,037
<b>District 17</b>	
Neal C. Corson, Madison	5,919
Mary Flint, Farmington	4,690
<b>District 18</b>	
Joseph B. Ezhaya, Waterville	5,233
John L. Thomas, Jr., Waterville	5,576
<b>District 19</b>	
Earl D. Bragdon, Hallowell	2,995
Bennett D. Katz, Augusta	7,011
<b>District 20</b>	
Bruce M. Reeves, Pittston	6,966
Rodney E. Ross, Jr., Bath	5,587
<b>District 21</b>	
Samuel W. Collins, Jr., Rockland	7,150
Eleanor S. Mayer, Washington	3,213

<b>District 22</b>	
John W. Bullard, Camden	1,763
Edwin H. Greeley, Morrill	5,789
George H. Murdock, Unity	4,306
<b>District 23</b>	
Alton E. Cianchette, Pittsfield	8,406
<b>District 24</b>	
Minnette H. Cummings, Newport	6,226
Albert G. Dietrich, Orrington	4,001
<b>District 25</b>	
Frank John Murray, Bangor	4,010
Howard M. Trotzky, Bangor	4,255
<b>District 26</b>	
Theodore S. Curtis, Jr., Orono	6,088
Barbara I. Hamaluk, Orono	3,946
<b>District 27</b>	
Michael D. Pearson, Old Town	4,950
Joseph Sewall, Old Town	4,968
<b>District 28</b>	
Cecil H. McNally, Ellsworth	6,839
Charles T. Palmer, Ellsworth	4,710
<b>District 29</b>	
Julian V. Rier, Lubec	4,191
J. Hollis Wyman, Milbridge	5,561
<b>District 30</b>	
Charles P. Pray, Millinocket	6,200
Gary A. Robinson, Sr., Milo	4,577
<b>District 31</b>	
James P. Dunleavy, Presque Isle	3,389
Hayes E. Gahagan, Caribou	3,781
<b>District 32</b>	
Edward P. Cyr, Madawaska	5,104
<b>District 33</b>	
Floyd M. Haskell, Houlton	4,207
Peter W. Johnston, Fort Fairfield	4,867
Which was Read and referred to the Committee on Senatorial Vote.	
<b>Order</b>	
On motion by Mr. Gahagan of Aroostook, ORDERED, that a message be sent to the House of Representatives proposing a Convention of the two branches of the Legislature in the Hall of the House, for the purpose of electing a Secretary of State, State Treasurer, Attorney General, and seven Executive Councilors at 4 o'clock in the afternoon.	
Which was Read and Passed.	
The President requested that the Sergeant-at-Arms carry the message, and the Sergeant-at-Arms then retired to the House of Representatives and subsequently reported that he had delivered the message with which he was charged.	
<b>Joint Order</b>	
On motion by Mr. Speers of Kennebec, ORDERED, the House concurring, that the Joint Rules of the One Hundred and Sixth Legislature, as amended, be the Joint Rules of this Legislature, with the exception of the following:	
Joint Rule 1 as amended by striking out all of the first 3 paragraphs and inserting in place thereof the following:	
1. Joint Standing Committees. There shall be no more than 22 Joint Standing Committees which shall be appointed as follows at the commencement of the session, viz:	
On Agriculture	
On Appropriations and Financial Affairs	
On Business Legislation	
On Education	
On Election Laws	
On Energy	
On Fisheries and Wildlife	
On Health and Institutional Services	
On Human Resources	
On Judiciary	
On Labor	
On Legal Affairs	

On Liquor Control  
On Local and County Government  
On Marine Resources  
On Natural Resources  
On Performance Audit  
On Public Utilities  
On State Government  
On Taxation  
On Transportation  
On Veterans and Retirement

Membership. Each of said committees shall consist of three on the part of the Senate and not less than seven nor more than ten on the part of the House. The first named Senate member shall be the Senate chairman. The first named House member shall be the House chairman. The Senate chairman shall preside and in his absence, the House chairman shall preside and, thereafter, as the need may arise, the chairmanship shall alternate between the members from each house in the order of their appointment to the committee. These committees may report by bill or otherwise.

Joint Rule 1 is further amended by deleting all of the 4th paragraph and inserting the following:

Reference of Bills: There shall also be appointed a Joint Standing Committee on Reference of Bills to consist of the following: The President of the Senate, the Senate Majority Leader, the Senate Assistant Majority Leader, the Senate Minority Leader and the Senate Assistant Minority Leader; the Speaker of the House, the House Majority Leader, the House Assistant Majority Leader, the House Minority Leader and the House Assistant Minority Leader.

Further amend Joint Rule 1 by adding at the end the following:

Committee Procedure. The hiring of all committee staff is to be mutually agreeable to both the Senate and House chairmen; if not agreeable, it shall be decided by the President of the Senate and Speaker of the House.

Scheduling of bills to be heard and bills to be considered in public and executive sessions shall be arranged by the Senate chairman with the agreement of the House chairman; if agreement is not reached, the committee, by majority vote, shall decide.

The presiding chairman shall decide all questions of order, subject to appeal to the committee. The chairman's ruling shall stand unless overruled by a majority vote of the committee membership.

Further amend the Joint Rules by inserting after Joint Rule 7B, the following:

7C. Cosponsorship. With the approval of a majority of the Committee on Reference of Bills, a presenter of legislation may authorize up to three additional members of the same House to cosponsor a bill or resolve.

7D. Expressions of Legislative Sentiment. All requests for expressions of legislative sentiment shall be presented in such manner as standardized by the Legislature.

Further amend the Joint Rules by adding at the end of Joint Rule 20 the following sentence:

If after 10 legislative days no report is made by the Conference Committee, the President of the Senate and the Speaker of the House may appoint a new committee.

(SP 29)

Which was Read and Passed.

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

**Communication**

State of Maine  
Director of Legislative Research  
Augusta, Maine 04330

December 31, 1974

To the Honorable  
Harry N. Starbranch,  
Secretary of the Senate  
of the 107th Legislature

In accordance with the Revised Statutes, Title 3, Section 164, Subsection 10, I hereby submit the report of the Director of Legislative Research.

During the regular session of the 106th Legislature the office of the Director processed 2,076 Acts and resolves and 1,245 amendments.

In order to facilitate the work of the Legislature, this office sent letters to each administrative department and each member of the present Legislature urging the use of the available facilities of the office in the preparation of bills to be introduced. Approximately 410 Acts and resolves were drafted before the Legislature convened and it is hoped that such cooperation may be continued and extended in the future.

The Members of the Legislature are reminded that the Senate and House rules provide that a statement of intent must accompany each bill and amendment, and the members who present bills, resolves and petitions must sign them.

The last revision of the public laws of Maine was enacted by the 101st Legislature in 1964. It is suggested that any criticisms of that revision and of the current method for updating, whether constructive or otherwise, be forwarded to the Director for aid in planning future revisions.

In order to continue and promote uniformity of procedure, to avoid confusion and to permit an orderly transition from revision to revision, all bills, before presentation to the Legislature, should be checked by the office of the Director. The cooperation of the members of the 107th Legislature in this respect is earnestly requested.

Respectfully,  
David S. Silsby,  
Director

DSS:ea

(SP 036)

Which was Read and Ordered placed on File.

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

At this point a message was received from the House of Representatives, through Majority Floor Leader Neil Rolde, informing the Senate that the House concurs in the recent proposal for a Joint Convention, to be held at four o'clock this afternoon in the Hall of the House, for the purpose set forth in the proposal.

**Communications**

Department of State  
Augusta, Maine 04330

January 1, 1975

To the President of the Senate:

I have under separate cover transmitted to you the return of votes cast for Senators to the Legislature at the General Election held on November 5, 1975.

A recount was conducted in Senatorial District 27 and there are presently 127 ballots in dispute.

Attached you will find a copy of a letter received in this office in which Mr. Michael Pearson requests that the

determination of the election be referred to the Maine State Senate.

Respectfully,  
JOSEPH T. EDGAR  
Secretary of State

Which was Read and referred to the Committee on Senatorial Vote.

State of Maine

**Petition to the 107th Legislature of The State of Maine on The Seating of Joseph Sewall in the Maine State Senate**

To: The Honorable Harry Starbranch,  
Secretary, Maine State Senate,  
State of Maine

RESPECTFULLY REPRESENTS,  
Michael D. Pearson, of Old Town, County of Penobscot, and State of Maine:

Your Petitioner alleges that he was the Democratic candidate for the Maine State Senate to the 107th Legislature of the State of Maine in the November 5, 1974 election in Senate District No. 27 in the Counties of Penobscot and Aroostook and State of Maine;

That he was opposed in said general election for said office of State Senator by Joseph Sewall of Old Town, County of Penobscot, and State of Maine;

That the return as determined by said Senate District No. 27 following the November 5, 1974 election indicated that said Joseph Sewall received 4,968 votes and that the Petitioner received 4,950 votes, making Joseph Sewall ostensibly the winner of the election;

That a recount of ballots was held on December 4 and 16, 1974, in the office of the Secretary of State in Augusta, Maine, and that the tentative results between the Petitioner and his opponent Joseph Sewall showed that Joseph Sewall received 4,985 votes and that the Petitioner received 4,973 votes. At said recount, 127 ballots cast in said Senate District No. 27 were contested;

Also, your Petitioner prays that by reason of the great variance in the official tabulation as originally returned and by the tabulations after the recount, that the votes in the Municipalities of Lincoln and Old Town ought to be recounted under the supervision of the Maine State Senate;

That the Petitioner and his opponent Joseph Sewall have been unable to agree on the validity of 127 ballots or for whom they should be counted;

That your Petitioner further alleges that of the 127 disputed ballots, 62 are for the Petitioner, and 60 are for Joseph Sewall, and 5 appear to be for neither candidate;

Your Petitioner further alleges that according to his computation of the disputed ballots, 22 are valid and should be counted for Joseph Sewall, and 51 are valid and should be counted for Michael D. Pearson, and the remainder of 54 are invalid and should not be counted for either candidate. If a recount in the Municipalities of Lincoln and Old Town should leave the results unchanged as tabulated by the recount in the office of the Secretary of State, it would mean as a result the election of the Petitioner to the Senate seat in question by a vote of 5024 in his favor to 5007 for his opponent.

WHEREFORE, your Petitioner prays that the 107th Legislature will vacate the seat previously awarded to the said Joseph Sewall and award said seat to your Petitioner, Michael D. Pearson, and give such further relief as the situation may require.

Dated this 28th day of December, 1974.

Signed: MICHAEL D. PEARSON

Address:

221 South Fourth Street  
Old Town, Maine 04468

Which was Read and on motion of Senator Speers of Kennebec referred to the Committee on Senatorial Vote.

State of Maine  
Executive Department  
State Planning Office  
184 State Street,  
Augusta, Maine 04330

October 31, 1974

To the Governor,  
Legislature and People of Maine:

The attached Survey of Municipal Planning and Regulatory Activity contains a summary of the current status (October 1974) of municipal planning and land use controls in Maine, a comparison with the situation in 1972 and 1973, and a series of charts showing the level of activity in each municipality in Maine, grouped according to the eight Official Planning and Development Districts.

The increasing number of Maine Municipalities with Planning Boards, Membership in Regional Planning Commissions, and a Comprehensive Planning Process, all demonstrate a growing concern for the future at the local level. Zoning ordinances covering all or part of a municipality have been adopted by 29 percent of Maine's cities and towns, unfortunately only a moderate increase since 1973. Shoreland zoning ordinances, which had been adopted by only 8 percent of Maine's municipalities in January 1974, have now been adopted by 58 percent, a total of 253 cities and towns, as of October 16, 1974. Only 9 percent of municipalities have Housing Codes and there has been a slight decline in reported Capital Improvement Programs.

As shown in Table 2, there is a direct correlation between the size of a municipality and the adoption of zoning other than shoreland zoning. Of municipalities over 10,000 population, 94 percent have zoning ordinances but this declines to 11 percent for municipalities with under 500 population.

Municipal subdivision controls, either ordinances adopted by the legislative body or regulations adopted by the municipal reviewing authority, have been adopted by 43 percent of Maine's cities and towns. Building Codes and Mobile Home Ordinances have also increased in 1973. Conservation Commissions, first reported in 1973, have increased to a total of 191, 43 percent of Maine's municipalities.

The Map on the Current Status of Land Use Controls, October 1974, and the individual tables show the extent of activity at the local level and the size of the task still ahead.

Sincerely,  
PHILIP M. SAVAGE  
State Planning Director  
(S. P. 032)

Which was Read and with accompanying papers Ordered Placed on File.

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

**Senate Papers****Appropriations and Financial Affairs**

Mr. Jackson of Cumberland, presented, Bill, "An Act Relating to Salary, Expenses and Travel of Members of the Legislature." (S. P. 13) (L. D. 56)

Which was referred to the Committee on

Appropriations and Financial Affairs and Ordered Printed.

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

#### **Fisheries and Wildlife**

Mr. Corson of Somerset presented, Bill, "An Act to Allow Maine Residents to Hunt on Sundays." (S. P. 10) (L. D. 42)

Which was referred to the Committee on Fisheries and Wildlife and Ordered Printed.

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

#### **Health and Institutional Services**

Mr. Hichens of York presented, Bill, "An Act to Repeal the Statutes on Boards of Visitors to State Institutions." (S. P. 5) (L. D. 5)

The same Senator presented, Bill, "An Act to establish a Committee on Problems of Corrections." (S. P. 6) (L. D. 18)

Which were referred to the Committee on Health and Institutional Services and Ordered Printed.

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

#### **Judiciary**

Mr. Corson of Somerset presented, Bill, "An Act to Provide a Mandatory 60-day Sentence for Anyone Convicted of a Felony." (S. P. 9) (L. D. 41)

The same Senator presented, Bill, "An Act to Prohibit Filing of Criminal Cases." (S. P. 12) (L. D. 53)

Which were referred to the Committee on Judiciary and Ordered Printed.

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

#### **Labor**

Mr. Corson of Somerset presented, Bill, "An Act Relating to a Closed Corporation Under the Unemployment Compensation Laws." (S. P. 11) (L. D. 43)

Which was referred to the Committee on Labor and Ordered Printed.

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

#### **Legal Affairs**

Mr. Hichens of York presented, Bill, "An Act to Prohibit Smoking in Certain Areas of Public Buildings." (S. P. 7) (L. D. 19)

Which was referred to the Committee on Legal Affairs and Ordered Printed.

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

#### **Liquor Control**

Mr. Hichens of York presented, Bill, "An Act Raising the Age of Persons who may Purchase Alcoholic Beverages or Sell as Licensees." (S. P. 4) (L. D. 4)

Which was referred to the Committee on Liquor Control and Ordered Printed.

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

#### **Public Utilities**

Mr. Reeves of Kennebec presented, Bill, "An Act to Provide Lifetime Electrical Service for Older Citizens." (S. P. 8) (L. D. 20)

Which was referred to the Committee on Public Utilities and Ordered Printed.

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

#### **State Government**

Mr. Curtis of Penobscot presented, RESOLUTION, Proposing an

Amendment to the Constitution to Abolish the Executive Council and Make Changes in the Matter of Gubernatorial Appointments and Their Confirmation. (S. P. 1) (L. D. 1)

The same Senator presented,

RESOLUTION, Proposing an Amendment to the Constitution Reducing the Size of the House of Representatives and Establishing the Size of the Senate. (S. P. 2) (L. D. 2)

The same Senator presented,

RESOLUTION, Proposing an Amendment to the Constitution Providing for the Election of the Attorney General by the Electors. (S. P. 3) (L. D. 3)

Which were referred to the Committee on State Government and Ordered Printed.

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

#### **Orders**

On motion by Mr. Graham of Cumberland,

ORDERED, the House concurring, that the Secretary of the Senate and Clerk of the House jointly prepare the Senate and House Registers, and that 25,000 copies be printed for the use of the Legislature. (S. P. 17)

Which was Read and Passed.

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

On motion by Mr. Speers of Kennebec,

ORDERED, the House concurring, that there be paid to the members of the Senate and House as advances on account of compensation established by statute, the amount of One Hundred Fifty dollars (\$150) weekly, according to lists certified to the State Controller by the President of the Senate and Speaker of the House, respectively. (S. P. 18)

Which was Read and Passed.

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

On motion by Mr. McNally of Hancock,

ORDERED, the House concurring, that the Secretary of the Senate and the Clerk of the House, respectively, be authorized to furnish wrappers and postage stamps for each member of the Senate and House not exceeding \$20.00 in amount each, for the purpose of distributing the various reports of the Departments of State and other public documents such as they may desire to mail to the citizens of the State. (S. P. 19)

Which was Read and Passed.

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

On motion by Mr. Trotzky of Penobscot,

ORDERED, the House concurring, that the Legislative Finance Officer be authorized and directed to prepare weekly, from expense accounts to be submitted to him by the members of the Senate and House, expense rosters showing the entitlement of each member for meals allowance and lodging reimbursement and to obtain approval thereof by the President of the Senate and the Speaker of the House, respectively, and deliver the same to the State Controller for processing and payment, in the manner and form recommended by the Joint Interim Committee of the 101st Legislature created to study and report on a method of implementing the administration of the provision of law relating to the mileage and expenses for

members of the Legislature; and be it further

ORDERED, that the Legislative Finance Officer be authorized and directed to provide the forms necessary for such purpose and provide suitable space in his office for the filing and safekeeping of all such expense accounts and other papers and records pertaining thereto. (S. P. 020)

Which was Read and Passed.

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

On motion by Mr. Danton of York,

ORDERED, the House concurring, that the members of the Legislature be furnished with express and parcel transportation for all packages and department reports in a sum not exceeding \$10.00 for each member, the privilege granted to be a personal privilege not to be exercised by anyone other than the member and that such transportation be furnished and expended under the direction of the Secretary of the Senate and the Clerk of the House, respectively, and the unexpended balance at the close of the year 1975 shall be available for use in 1976. (SP 21)

Which was Read and Passed.

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

On motion by Mr. Cianchette of Somerset,

ORDERED, the House concurring, that the Secretary of the Senate and the Clerk of the House, respectively, be authorized to furnish to the Superintendent of Public Printing, postage on all correspondence relative to advertising committee hearings during the present session, same to be charged to legislative expense. (SP 22)

Which was Read and Passed.

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

On motion by Mr. Corson of Somerset,

ORDERED, the House concurring, that any Town or City Clerk or Board of County Commissioners may, upon written request to the Document Clerk receive without charge, copies of all printed bills, so that there may be available to the public during the legislative session a complete and convenient file of all printed bills. (SP 23)

Which was Read and Passed.

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

ORDERED, the House concurring, that telephone service may be provided for each member of the Senate and House, and each representative from the Indian Tribes at the Legislature for a reasonable number of calls, of reasonable duration, as determined by the President of the Senate as to members of the Senate and the Speaker of the House as to members of the House and the representatives from the Indian Tribes, to points within the limits of the State of Maine, the privilege granted to be a personal privilege, not to be exercised by other than the members or representative, that each member of the Senate and House, and each representative from the Indian Tribes at the Legislature, may be provided with a credit card under the direction of the Secretary of the Senate and Clerk of the House, respectively, the cost of this service to be paid to the New England



Telephone Company at regular tariff rates, and be it further

ORDERED, that the President of the Senate or the Speaker of the House may, upon a finding of abuse of the privilege of telephone service by a Member of the Senate or a Member of the House, respectively, temporarily suspend or terminate the privilege of said telephone service to that member. (SP 24)

Which was Read and Passed.

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

On motion by Mrs. Cummings of Penobscot,

ORDERED, the House concurring, that the rooms in the State House, State Office Building and State Cultural Building used by the One Hundred and Sixth Legislature as hearing rooms be reserved as hearing rooms for the One Hundred and Seventh and succeeding Legislatures and be released for other purposes only upon approval by the President of the Senate and Speaker of the House. (S. P. 25)

Which was Read and Passed.

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

On motion by Mr. Berry of Cumberland,

ORDERED, the House concurring, that all printing and binding authorized by the Legislature shall be under the direction of the Secretary of the Senate and Clerk of the House. (S. P. 26)

Which was Read and Passed.

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

On motion by Mr. Collins of Knox,

ORDERED, the House concurring, that the Secretary of the Senate and Clerk of the House, respectively, purchase such services, supplies and equipment as may be needed to carry on the business of the Senate and the House, respectively. (S. P. 27)

Which was Read and Passed.

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

On motion by Mrs. Cummings of Penobscot,

ORDERED, the House concurring, that the Clerk of the House and Secretary of the Senate shall receive all necessary expenses incurred in the performance of their official duties at the same rate for room, meals and mileage as allowed to Legislators. (S. P. 34)

Which was Read and Passed.

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

On motion by Mr. Clifford of Androscoggin,

ORDERED, that the Senate hold one session a day commencing at 10 o'clock in the forenoon until otherwise ordered.

Which was Read and Passed.

On motion by Mr. Jackson of Cumberland,

ORDERED, that the Secretary of the Senate be directed to furnish each member and officer of the Senate, during the present session, with two daily newspapers printed in the State, as each member and officer may direct.

Which was Read and Passed.

On motion by Mr. Greeley of Waldo

ORDERED, that the Secretary of the Senate prepare and have printed five

hundred diagrams of the Senate Chamber for the use of the Senate.

Which was Read and Passed.

On motion by Mr. Katz of Kennebec, ORDERED, that the Secretary of the Senate be directed to secure uniforms for the subordinate officers of the Senate.

Which was Read and Passed.

On motion by Mr. Hichens of York, ORDERED, that the Secretary of the Senate be authorized to invite the clergymen of Augusta, Hallowell and Gardiner to officiate as Chaplains of the Senate, or to invite clergymen from other areas of the State as requested by any member of the Senate and be it further

ORDERED, that all clergymen acting as chaplains of the Senate shall receive \$10.00 for each officiation. The same is to be approved by the Secretary of the Senate.

Which was Read and Passed.

On motion by Mr. Roberts of York,

ORDERED, that the Senate Majority Floorleader and the Senate Minority Floorleader be authorized to hire one secretary each.

Which was Read and Passed.

On motion by Mr. Cyr of Aroostook,

ORDERED, that the official reporter of the Senate be authorized to procure the services of an assistant reporter during the present session.

Which was Read and Passed.

On motion by Mr. Thomas of Kennebec,

ORDERED, that subordinate officers of the Senate be appointed as follows: by the President, a Secretary to the President, and the official Reporter of the Senate; by the Secretary, an Administrative Assistant to the Secretary, a Secretary to the Assistant Secretary, an Index and Recording Secretary, a Postal Clerk, a Courier and two Senate Stenographers, one of whom will operate the Public Address System.

Which was Read and Passed.

On motion by Mr. Speers of Kennebec, ORDERED, that Senate Rule 32 be amended to read:

32. All committees, a sergeant at arms, an assistant sergeant at arms, a postmaster, a doorkeeper and two pages shall be appointed by the President, unless the Senate otherwise directs. Such appointments may be rescinded at anytime by the President.

Which was Read.

The PRESIDENT: The Senator has the floor.

Mr. SPEERS: Mr. President and Members of the Senate: As it appears on the calendar, the amending portion of the order was inadvertently left off, and as it appears on the calendar the rule reads as it presently reads. I would like to point out to the members of the Senate that the motion further amends that rule to add the sentence that "Such appointments may be rescinded at any time by the President", and that is the purpose of the order.

The PRESIDENT: Is it now the pleasure of the Senate that this order receive passage?

Thereupon, the Order received Passage.

(Off Record Remarks)

On motion by Mr. Speers of Kennebec, recessed pending the sound of the bell.

### After Recess

Called to order by the President.

### Paper From The House

Out of order and under suspension of the rules, the Senate voted to take up the following:

Bill, "An Act to Clarify Motor Vehicle Finance Charges in the Maine Consumer Credit Code." (H. P. 5) (L. D. 10)

The Committee on Reference of Bills suggests that this Bill be referred to the Committee on Business Legislation.

Comes from the House, Passed to be Engrossed without reference to Committee and Ordered Printed.

In the Senate, under suspension of the rules, the Bill was given its First Reading.

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

Mr. SPEERS: Mr. President, I believe a brief explanation of what is transpiring here would be in order for the record. This matter has been discussed in caucus, I believe, by both of the parties, but I think that, for the record, we should clarify why it is necessary to pass and enact a measure on the first day of the session.

The Uniform Consumer Credit Code, when it was enacted in the 106th Legislature, contained a mistake within it that all parties concerned do agree was an honest error and was not intentional, but the mistake does provide an undue hardship upon one certain segment of the population as it does exist at the present time and as it goes into effect today, January 1, 1975, as was written into the legislation originally enacted.

That mistake, Mr. President, provides or would have the effect of denying to automobile dealers the opportunity to sell automobiles and finance those automobiles, and this in turn contemplates a very undue hardship upon consumers in the State of Maine who are unable to obtain financing through banks. The amendment that is before us at the present time would correct this situation and would return the Uniform Consumer Credit Code to its form that was originally intended, and it would then alleviate this situation that we would otherwise find ourselves in and allow automobiles to be financed by the automobile dealers.

With that in mind, Mr. President, I would move that the rules be suspended and that this bill be given its second reading at this time.

The PRESIDENT: Is it the pleasure of the Senate that the rules be suspended and the bill be given its second reading at this time?

Thereupon, under suspension of the rules, the Bill was given its Second Reading and Passed to be Engrossed in concurrence.

Under further suspension of the rules, sent forthwith to the Engrossing Department.

### Orders

On motion by Mr. Hichens of York, State of Maine

In The Year Of Our Lord One Thousand Nine Hundred And Seventy-five.

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of

Marshwood High School  
State Co-Class C Football Champions  
For The Academic Year 1974

We the Members of the Senate and House of Representatives do hereby Order



that our congratulations and acknowledgment be extended; and further Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (S. P. 30)

Which was Read and Passed.  
Sent down for concurrence.

On motion by Mr. Speers of Kennebec, ORDERED, that the rules of the Senate of the One Hundred and Sixth Legislature, as amended, be the rules of this Senate.

Which was Read and Passed.

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

Mr. SPEERS: Mr. President, pursuant to the Senate Order passed earlier this morning, I, as Majority Leader, would like to report to the Senate that I have appointed the following members to the Committee on Senatorial Vote:

The Senator from Knox, Senator Collins, to serve as Chairman; the Senator from York, Senator Roberts; the Senator from Aroostook, Senator Gahagan; the Senator from Somerset, Senator Corson.

Mr. Conley of Cumberland was granted unanimous consent to address the Senate.

Mr. CONLEY: Mr. President, again in compliance with the order that was passed this morning, the Minority Party wishes to have serving on that Committee:

The Senator from Somerset, Senator Cianchette; the Senator from Androscoggin, Senator Clifford; and the Senator from Penobscot, Senator Pray.

(Off Record Remarks)

At this point the Senate retired to the Hall of the House of Representatives where a Joint Convention was formed.

(For proceedings of Joint Convention, see House Report.)

#### After Joint Convention

Called to order by the President.

At this point, there being no objection, the President appointed the following members to Senate Standing Committees (first named Senator to serve as Chairman):

#### Bills in Second Reading

Senators:

SPEERS of Kennebec  
WYMAN of Washington  
DANTON of York  
MARCOTTE of York

#### Engrossed Bills

Senators:

GREELEY of Waldo  
HICHENS of York  
TROTSKY of Penobscot  
CURTIS of Penobscot  
CORSON of Somerset  
JACKSON of Cumberland  
COLLINS of Knox  
CLIFFORD of Androscoggin  
CYR of Aroostook  
MERRILL of Cumberland  
CIANCHETTE of Somerset  
REEVES of Kennebec

#### Gubernatorial Vote

Senators:

McNALLY of Hancock  
ROBERTS of York  
THOMAS of Kennebec  
GAHAGAN of Aroostook  
GRAHAM of Cumberland  
CARBONNEAU  
of Androscoggin

PRAY of Penobscot

(Off Record Remarks)

Senate in recess, pending the sound of the bell.

#### After Recess

Called to order by the President.

#### Paper from the House

Out of order and under suspension of the rules, the Senate voted to take up the following:

#### Enactor

#### Emergency

An Act to Clarify Motor Vehicle Finance Charges in the Maine Consumer Credit Code. (H. P. 5) (L. D. 10)

This being an emergency measure and having received the affirmative votes of 31 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.

On motion by Mrs. Cummings of Penobscot,

Adjourned until 10:00 o'clock tomorrow morning.