

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

Thursday, January 16, 1975

Senate called to order by the President.

Prayer by the Rev. Gene Gillin of Augusta:

O God, our Father, God of Abraham, Isaac, Jacob, God of our Lord Jesus Christ, we bow before you with reverence because you are the Holy One. We come before you with confidence because you have revealed yourself to us as the loving Heavenly Father. We bow before you in love because you have given us the gift of your love to be our Saviour. We ask you now that as you lead us and guide us that we may know you as the ultimate truth, that in all the going out and the coming in, the sitting down and the rising up in this chamber, we may come to so know you that we may truly love you, and so to love you that we may fully serve you and the people of Maine and America today and always. Amen.

Reading of the Journal of yesterday.

Out of Order and Under Suspension of the Rules:

On motion by Mrs. Cummings of Penobscot,

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, January 21, at 10 o'clock in the morning. (S. P. 71)

Which was Read and Passed.

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

**Papers From the House
Joint Resolution**

STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Seventy-Five

Joint Resolution Memorializing Congress and the Maine Congressional Delegation

to Oppose Increased Taxes on Oil

We, your Memorialists, the House of Representatives and Senate of the State of Maine in the One Hundred and Seventh Legislature, now assembled, most respectfully present and petition your Honorable Body as follows:

Whereas, the United States Congress will soon consider legislation to promote energy conservation; and

Whereas, among these proposals will be a measure proposed by the President to increase the tax on oil by \$1 per barrel for 3 months; and

Whereas, the State of Maine is far more dependent on oil as a source of energy than is most of the nation; and

Whereas, approximately 90 percent of Maine's energy is produced by oil; and

Whereas, Maine uses 48 barrels of oil per capita per year, compared with the national average of 28 barrels per year; and

Whereas, Maine is a predominantly rural state with a widely dispersed population which must travel long distances to work, shop and receive health care; and

Whereas, Maine has few urban transit systems and no passenger rail service to utilize in place of the automobile; and

Whereas, most Maine utilities have requested substantial rate increases in recent months while continuing to pass on to the consumer the sixfold increase in the cost of oil by use of the so-called fuel adjustment clause; and

Whereas, oil costs will also increase the

cost of other consumer necessities, particularly food, which must be carried into Maine by truck and train; and

Whereas, Maine's unemployment rate has soared past 8 percent and inflation shows no signs of abating; and

WHEREAS, Maine's middle and low income people should not be deprived of their right to travel, work and live a normal life because they are not wealthy; and

WHEREAS, more fair and equitable methods of conserving energy have been proposed than the policy of conservation based on the inability to pay; and

WHEREAS, among these methods are oil and gasoline rationing, fuel allocation systems and taxes on nonessential uses of energy; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge the Maine Congressional delegation to oppose efforts to increase the cost of oil in any form and seek ways to conserve energy in a manner which treats all people, regardless of income, equally; and be it further

RESOLVED: That a copy of this Resolution, duly authenticated by the Secretary of State, be transmitted forthwith by the Secretary of State to the Honorable Gerald R. Ford, President of the United States and to the Members of the United States Congress from the State of Maine. (H. P. 180)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

House Papers

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

Communications

State of Maine
Senate Chamber
Augusta, Maine 04330

**Report of the Committee
on Senatorial Vote**

January 15, 1975

In compliance with the Senate Order of January 1, 1975, the Committee on Senatorial Vote appointed by the Majority Leader and the Minority Leader to examine the returns of votes for Senators for the political years of 1975 and 1976 and to hear and act upon the petition of Michael D. Pearson concerning the election in District 27, has attended to its duty and reports that the returns of votes cast, as submitted by the Secretary of State to the President of the Senate under date of January 1, 1975, meets with the approval of the Committee with the exception of the report concerning District 27.

Concerning the election in District 27, the Committee made due inquiry concerning the request for a second recount of the ballots cast in the municipalities of Lincoln and Old Town. There were no allegations of fraud and it appeared to the Committee that the recount conducted under the auspices of the Election Division of the Secretary of State's Office, with counsel and counters for both parties taking part, was fair and complete. A second recount in this respect was accordingly denied.

Concerning the 127 disputed ballots in District 27, the Committee made careful inspection of each item and resolved the status of one hundred (100) of these ballots.

The remaining 27 ballots were set aside for further research and investigation, as the validity of certain challenged ballots depended upon evidence in Penobscot County which would have required subpoenas and further hearings by the Committee. On January 14, 1975, the Committee received a copy of a letter from Michael D. Pearson and a letter from Floyd L. Harding, Esquire, attorney for Michael D. Pearson and from Loyall F. Sewall, Esquire, attorney for Joseph Sewall, stating that Michael D. Pearson had conceded the election to Joseph Sewall.

Floyd L. Harding
Attorney at Law
429 Main Street
Presque Isle, Maine 04769
(207) 764-0131
January 13, 1975

Hon. Samuel W. Collins, Jr.
Chairman, Committee on Senatorial Vote
State House
Augusta, Maine 04330

Dear Senator Collins:
Re: Joseph Sewall-Michael D. Pearson
Recount in Senate District #27

This will confirm my conversation with you of Sunday afternoon in which I had indicated that my client does not wish to pursue the matter of the recount further.

I have talked with Loyall Sewall, counsel for Senator Sewall, and we are agreeable that the Committee might find as follows in relation to the vote. We will accept the results of the recount in the Secretary of State's Office which showed Michael Person having 4,973 votes and Joseph Sewall having 4985 votes with 127 disputed votes. Of the disputed votes, 51 are to be added to Michael Pearson's total, making his final total 5024; 45 of the disputed votes are to be awarded to Joseph Sewall, making his total 5030; the remainder of the disputed votes are to be declared void.

I talked with Attorney Sewall last night and I am sure that he will confirm the above with you which will simplify, I believe, your Committee's deliberations.

I want to express to you as Chairman of the Committee and to all members of the Committee my sincere appreciation for the very impartial and considerate manner in which the Committee deliberated on this very important matter. If I can be of further assistance in concluding this matter, please do not hesitate to advise.

Sincerely,

Floyd L. Harding

Counsel for Michael D. Pearson

Both attorneys agreed that the 127 ballots in dispute should be counted as follows:

For Michael D. Pearson	51
For Joseph Sewall	45
For neither candidate	31

The Committee concurs in the foregoing determination.

The Committee therefore finds that the final tally of ballots cast for the office of State Senator in District 27 on November 5, 1974 is as follows:

For Michael D. Pearson	5024
For Joseph Sewall	5030

The Committee therefore reports that Joseph Sewall should be determined to be the winner of the office of State Senator for District 27.

The Committee appreciates the work of Secretary of State Gartley, Deputy Secretary Ross, Mrs. Berry and Mrs.

Schenk of the Election Division in accomplishing this assignment.

Respectfully submitted,
 Samuel W. Collins Jr.
 Chairman
 Charles P. Pray
 Robert W. Clifford
 Hayes E. Gahagan
 John B. Roberts
 Neal C. Corson
 Alton E. Cianchette

Which was Read and on motion by Mr. Conley of Cumberland, Accepted.

221 South Fourth Street
 Old Town, Maine 04468
 January 13, 1975

The Honorable Joseph Sewall
 President of the Maine State Senate
 State House

Augusta, Maine 04330

Dear Senator Sewall:

After conference with my counsel, I have concluded that my chances of reversing the results in the election in Senate District #27 are so remote that it is not in anyone's best interests to pursue the matter further.

I therefore concede that you are the victor in the Senate race and offer you my congratulations and best wishes in the very challenging and difficult task which lies ahead for you.

I feel it appropriate also at this time to offer my sincere appreciation to Chairman Collins and other members of the Committee on Senatorial Vote for the very careful and impartial manner in which they reviewed the disputed ballots. Their service was in the highest tradition of the Maine State Senate and the political system in Maine.

Sincerely yours,
 MICHAEL D. PEARSON

Which was Read.

Mr. Speers of Kennebec then moved that the Communication be placed on file.

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

Mr. BERRY: Mr. President, I think the occasion this morning on the receipt and filing of these several papers is one that should not go unnoticed. I am sure that all members of the Senate have followed the progress of the recount with a great deal of attention. The matter has been a source of concern to all of us, and I am sure that I speak for all members of the body when I want to congratulate our presiding officer on his forbearance and his calmness through what must have been a period of great pressure. I am sure that the matter has been resolved to probably the satisfaction of everybody, except perhaps Mr. Pearson, but he too has conducted himself with distinction. I think the matter has come to final happy solution.

The PRESIDENT: The Chair thanks the Senator.

Is it now the pleasure of the Senate that this Communication be placed on file?

The motion prevailed. (Applause)

Senate Papers

Appropriations and Financial Affairs

Mr. Huber of Cumberland presented, Bill, "An Act Appropriating Funds for Replacement Volumes of the Revised Statutes." (S. P. 72)

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

Sent down for concurrence.

Business Legislation

Mrs. Cummings of Penobscot presented,

Bill, "An Act Relating to Record of Sales of Used Merchandise of Auctioneers." (S. P. 73)

Which was referred to the Committee on Business Legislation and Ordered Printed. Sent down for concurrence.

Fisheries and Wildlife

Mr. Pray of Penobscot presented, Bill, "An Act to Permit All-day Hunting of Deer on Sunday by Maine Residents." (S. P. 74)

The same Senator presented, Bill, "An Act Limiting Complimentary Hunting and Fishing Licenses to State, National and International Leaders." (S. P. 75)

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

Sent down for concurrence.

Judiciary

Mr. Roberts of York presented, Bill, "An Act to Increase Funds Allowed by Court Order to a Minor without a Guardian." (S. P. 76)

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

Sent down for concurrence.

Legal Affairs

Mr. Roberts of York presented, Bill, "An Act Requiring the Registration of Off-highway Vehicles." (S. P. 77)

The same Senator presented, Bill, "An Act to Reduce Registration Fee for Snow Traveling Vehicles." (S. P. 80)

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

Sent down for concurrence.

Liquor Control

Mr. Curtis of Penobscot presented, Bill, "An Act to Clarify Questions on Local Option under Liquor Law." (S. P. 79)

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

Sent down for concurrence.

Local and County Government

Mr. Corson of Somerset presented, Bill, "An Act to Annex Township 4, Range 2 to the Town of Carrabassett Valley." (S. P. 78)

Which was referred to the Committee on Local and County Government and Ordered Printed.

Sent down for concurrence.

Committee Reports

House

Ought to Pass-As Amended

The Committee on Legal Affairs on, Bill, "An Act to Prevent the Department of Transportation from Confiscating or Appropriating Private Water Supply Equipment in Certain Situations." (H. P. 30) (L. D. 38)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-3).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-3).

Which report was Read.

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

Mr. SPEERS: Mr. President, at this point I would like to commend the Committee on Legal Affairs and its Chairman, Senator Corson of Somerset, for the quick, prompt action in getting out the first bill that is to come before this session as a committee report. I hope that

the other committees will very soon follow suit.

The PRESIDENT: Is it now the pleasure of the Senate to accept the committee report?

Thereupon, the Committee Report was 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.

(Off Record Remarks)

The Adjournment Order having been returned from the House, Read and Passed in concurrence, on motion by Mrs. Cummings of Penobscot, adjourned until Tuesday, January 21, 1975, at 10:00 o'clock in the morning.