

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, February 13, 1975

Senate called to order by the President.

Prayer by Deacon Edward Powell of Mexico:

Eternal and almighty God, our Father, we pause this morning at this hour, first of all, to give thanks for a wonderful God, for the beauty of the day, for Thy watched care and Thy provision. We pray, our Father, that as these duly appointed representatives of the people of the State of Maine consider the thoughts of the day that indeed there would be a wisdom, a humility; give them an extra measure this day, for we have bestowed on them the trust of ordering our daily lives.

Our Father, it is with humility that we seek these blessings, realizing we are not worthy, yet realizing that in this day of despair and when things look so dark and dismal it is only through the magnitude and the beneficence of the wonderful God that we can expect things to get better. So we commit these men and women to Thee this day, our Father, and pray that Thou would give them strength, physical strength and spiritual strength, to carry on these tasks.

Order this day the things that would please Thee, our Father. May we see a unanimity, may we see a cooperation without compromise, may we see people who would stand fast on their faith and who would have the courage of their convictions but that would keep all things honest before Thee. The fool has said in his heart that there is no God, but Thy word has taught us that the fear of God is the beginning of wisdom. So, our Father, we would pray for this special measure of wisdom for this group, for the Governor, and for the other branch of government. Pray, our Father, that it would be evident in all these lives, and that each one would recognize their responsibility before Thee and the people of this state, that we would continue to be happy as residents, that we would continue to have the faith and the hope that we have put in these people. So bless each one again, and we pray this morning as the day advances may we see advancement, may we see the results of concerted effort, but most of all may we find honor with Thee, for we pray in Jesus' name and for His sake. Amen.

Reading of the Journal of yesterday.

Joint Order

Out of Order and Under Suspension of the Rules:

On motion by Mrs. Cummings of Penobscot,

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to Tuesday, February 18, at 10 o'clock in the morning. (S. P. 191)

Which was Read and Passed.

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

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

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)

In the Senate January 28, 1975, the Majority Ought to Pass report Read and Accepted and the Bill Passed to be Engrossed as amended by Senate Amendment "A" (S-2).

Comes from the House, the Minority

Ought Not to Pass report Read and Accepted, in non-concurrence.

On motion by Mr. Speers of Kennebec, tabled pending Consideration.

Joint Order

WHEREAS, the Legislature has declared it to be the policy of the State of Maine, consistent with its responsibility to protect the health, safety and welfare of its citizens, enhance and maintain the quality of the environment, conserve natural resources and prevent water and air pollution, that it should encourage solid waste programs, public or private, which will reduce the volume of solid waste production and improve efforts to reuse and recover valuable resources currently being wasted, and which will not adversely affect the public health, safety and welfare of the citizens nor degrade the environment; and

WHEREAS, the Legislature also finds and declares that an economic, efficient and environmentally sound method of waste disposal is of the highest priority, that municipalities are generating increasing amounts of solid waste with no systematic or consistent methods being used to reduce the volume of waste or to soundly dispose of it, and that failure to plan properly for future solid waste may further deplete already taxed natural resources and aggravate environmental and public health problems resulting from present inadequate practices of resource recovery and solid waste disposal; and

WHEREAS, the Legislature has delegated to the Board of Environmental Protection the authority to adopt, amend and enforce such rules and regulations as it deems necessary governing solid waste management; and

WHEREAS, such regulations will become effective on July 1, 1975; and

WHEREAS, the Legislature must act to modify, expand or reject such regulations as deemed appropriate before July 1, 1975; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be directed to conduct a study, through a subcommittee of five, appointed by the House Chairman and Senate Chairman of the Joint Standing Committee on Natural Resources, of said regulations; and be it further

ORDERED, that the Legislative Council report the results of its study, together with any implementing legislation, to the 107th Legislature. (H. P. 527)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

(See action later in today's session.)

Order

Out of Order and Under Suspension of the Rules:

On motion by Mr. Speers of Kennebec, ORDERED, that a message be sent to the House of Representatives proposing a Convention of both branches in the Hall of the House for the purpose of extending to His Excellency, Governor James B. Longley, an invitation to attend the Convention and make such communication as pleases him.

Which was Read and Passed.

The President appointed the Senator from Kennebec, Mr. Speers, to deliver the message, and Mr. Speers subsequently reported that he had delivered the message with which he was charged.

At this point a message was received from the House, through Representative

Mary Najarian, concurring in the proposition.

The Senate then retired to the Hall of the House of Representatives where a Joint Convention was formed.

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

In Senate

Called to order by the President.

Reconsidered Matter

On motion by Mr. Katz of Kennebec, the Senate voted to reconsider its prior action whereby Joint Order, House Paper 527, received Passage.

Mr. Speers of Kennebec then moved that the Joint Order lie on the table.

On motion by Mr. Merrill of Cumberland, a division was had: 17 having voted in the affirmative, and 13 having voted in the negative, the Joint Order was tabled, pending Passage.

House Papers

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

Senate Papers**Marine Resources**

Mr. Graham of Cumberland presented, Bill, "An Act Relating to the Labeling of Shrimp." (S. P. 195)

Which was referred to the Committee on Marine Resources and Ordered Printed.

Sent down for concurrence.

Public Utilities

Mr. Corson of Somerset presented, Bill, "An Act to Provide for Reciprocity in Permits and Fees Issued on Motor Vehicles for Hire under the Public Utilities Law." (S. P. 193)

Mrs. Cummings of Penobscot presented, Bill, "An Act Creating the Newport Water District." (S. P. 194)

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

Sent down for concurrence.

State Government

Mr. Conley of Cumberland presented, Bill, "An Act to Create a Construction Loan Program in which the Maine Housing Authority and Financial Institutions May Participate." (S. P. 192)

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

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 Concerning the Taking of Shellfish by Holders of Commercial Shellfish Licenses." (H. P. 117) (L. D. 153)

Ought to Pass

The Committee on Business Legislation on, Bill, "An Act Relating to Reinstatement of Suspended Corporations under the Business Corporation Act." (H. P. 133) (L. D. 180)

Reported that the same Ought to Pass.

The Committee on Taxation on, Bill, "An Act to Clarify the Laws Relating to the Bureau of Property Taxation." (H. P. 193) (L. D. 234)

Reported that the same Ought to Pass.

The Committee on Local and County Government on, Bill, "An Act to Set Off Burying Island in Taunton Bay to the Town of Franklin." (H. P. 209) (L. D. 253)

Reported that the same Ought to Pass.

The Committee on Taxation on, Bill "An Act to Exempt Incorporated Fire Fighters Associations from the Sales Tax." (H. P. 156) (L. D. 191)

Reported that the same Ought to Pass.

The Committee on Taxation on, Bill, "An Act Exempting Trucks Purchased by Nonresidents from Sales Tax." (H. P. 205) (L. D. 250)

Reported that the same Ought to Pass.

Come from the House, the Bills Passed to be Engrossed.

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

Ought to Pass in New Draft

The Committee on Taxation on, Bill, "An Act Relating to Bonding of Gasoline Distributors and Use Fuel Dealers." (H. P. 122) (L. D. 142)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 511) (L. D. 573)

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

Which report was Read and Accepted in Concurrence the Bill in New Draft Read Once and Tomorrow Assigned for Second Reading.

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 Relating to a Close Corporation Under the Unemployment Compensation Laws." (S. P. 11) (L. D. 43)

Ought to Pass

Mr. Corson for the Committee on Legal Affairs on,

Bill, "An Act Relating to the Number, Election, Quorum and Term of Office of the Trustees of Hebron Academy." (S. P. 69) (L. D. 185)

Reported that the same Ought to Pass.

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

Enactors

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

An Act to Change the Statutory Term "Workmen's Compensation" to "Workers' Compensation". (H. P. 100) (L. D. 110)

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

Mr. KATZ: Mr. President, I call the Senate's attention to L.D. 110, a very brief act which accomplishes really nothing except changing a bunch of words in our statutes at some significant expense to the taxpayer. You will notice the change "Workmen's Compensation" to "Workers' Compensation".

Now, I voted for ERA, I am a card carrying member of the Maine League of Women Voters, but this kind of stuff I just cannot in conscience support and I move indefinite postponement.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that An Act to Change the Statutory Term "Workmen's Compensation" to "Workers' Compensation", L.D. 110, be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

An Act to Amend the Charter of the

Bangor Children's Home. (H. P. 155) (L. D. 206)

An Act to Extend Collective Bargaining Rights to Maine Turnpike Authority Employees. (H. P. 61) (L. D. 73)

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

Emergency

An Act Authorizing Additional Indebtedness for School Administrative Districts Nos. 25 and 42. (H. P. 57) (L. D. 69)

This being an emergency measure and having received the affirmative votes of 32 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.

Orders of the Day

The President laid before the Senate the first tabled and Specially Assigned matter:

Senate Reports — from the Committee on State Government — Resolution, Proposing an Amendment to the Constitution Prohibiting Anyone under Sentence for a Felony from Seeking or Holding a Constitutional Office. (S. P. 43) (L. D. 95) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

Tabled — February 11, 1975 by Senator Speers of Kennebec.

Pending — Acceptance of Either Report.

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

Mr. HICHENS: Mr. President, whereas we are still awaiting an opinion from the Attorney General's office, I would request that someone retable this.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Curtis.

Thereupon, on motion by Mr. Curtis of Penobscot, retabled and Specially Assigned for February 20, 1975.

The President laid before the Senate the second tabled and Specially Assigned matter:

Bill, "An Act to Provide for 6-person Juries in Civil Cases." (S. P. 16) (L. D. 90)

Tabled — February 11, 1975 by Senator Conley of Cumberland.

Pending — Passage to be Engrossed.

(Committee Amendment "A" (S-3), as amended by Senate Amendment "A" (S-6).)

Thereupon, the Bill, as Amended, was Passed to be Engrossed.

The President laid before the Senate the third tabled and Specially Assigned matter:

House Reports — from the Committee on State Government — Bill, "An Act Establishing a Seal for Official Use of the Legislature." (H. P. 58) (L. D. 70) Majority Report — Ought Not to Pass; Minority Report — Ought to Pass.

Tabled — February 12, 1975 by Senator Speers of Kennebec.

Pending — Motion of Senator Curtis of Penobscot to accept the Majority Ought Not to Pass Report.

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

Mr. DANTON: Mr. President and Members of the Senate: I would like to explain this legislative seal, and I oppose the motion to accept the majority ought not to pass report.

During the summer months when the

Legislative Council met, it was suggested that perhaps the legislature should have its own legislative seal. Many times I have heard that we here in the legislature should start making moves to show that we are a coequal branch of government, and we thought it would be appropriate if we designed our own legislative seal. I am sure that most of you have got a copy on your desk, and this is the legislative seal.

Now, I know there has been some concern that we might take whatever letterheads, envelopes, and what have you, and just throw them away and start printing new material. That is not the case at all. What we want to do is eventually start using our legislative seal on our materials and in that way we can take one giant step towards becoming a co-equal branch of government.

I would request a division, Mr. President.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President and Members of the Senate, since it is my motion that is being discussed, I think I ought to explain a little bit of the reason for the majority report from the State Government Committee.

The proposal for the legislative seal, I think, falls into the same kind of category of unnecessary legislation as one item we just laid to rest a few minutes ago. At a time when we are considering serious matters, the state has 10 percent unemployment and inflation is at a high rate, it just didn't seem that it was important enough for this legislature to provide for itself a new little trinket in a legislative seal. However, there was some research done on the matter and I would like to duly report that:

The previous Attorney General, Jon Lund, wrote this letter to the Honorable Walter Birt, the sponsor of the legislation. He said:

"This will respond to your letter dated December 3, 1974 regarding the proposed legislative seal which has been approved by the Legislative Council.

"In my opinion, there is no statutory prohibition upon the use of such a seal by the legislature for the limited purpose identified in your letter, namely, on legislative correspondence, memorials, resolutions, and possibly on letterheads and programs. I would, however, caution the legislature against any use of its seal where the state seal is required. The legislative seal may not be used in lieu of the state seal. Also, the Legislative Council may wish to have both houses approve the seal before proceeding further.

"If I may be of any further assistance, please let me know. Very Truly yours, Jon A. Lund, Attorney General."

Well, Mr. President and Members of the Senate, that is exactly what happened. A bill was introduced so that both houses of this legislature and presumably the Governor, if it is passed, will put their stamp of approval upon this seal. Now, I really think this falls in the category of unnecessary legislation. We have a state seal, which is the official seal of the state, which ought to be used on those important documents and at important times when the official seal of the state is desired. Other than that, I really think this legislation should be labeled as a trinket and ought to be killed at this time.

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

Mr. BERRY: Mr. President and Members of the Senate: It was my privilege during the last session to ex-officio be a member of the Legislative Council, and one of the more weighty subjects to which considerable time was devoted was this matter to which the good Senator from York, Senator Danton, addressed himself.

To say that I don't consider this the most important thing coming before the 107th would be the understatement of the year. I think it is a total waste of time. I think one of the chief benefits that might come from it is that we might be able to get shoulder patches and then we could wear them around. I think this would be perhaps about the best thing that could come out of it.

Quite frankly, I see nothing but unnecessary expense here. It has no real value. As Senator Curtis has quite properly pointed out, we have a state seal of which we are all proud, and I would urge everybody to go along and kill this thing.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Curtis, that the Senate accept the Majority Ought Not to Pass Report of the Committee.

A division has been requested. Will all those in favor of accepting the Majority Ought Not to Pass Report please rise and remain standing in their places until counted. Will all those opposed please rise and remain standing in their places until counted.

A division was had, 21 having voted in the affirmative, and 11 in the negative, the Majority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

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

Mr. MERRILL: Mr. President and Members of the Senate: I promise to be brief, and it is with some reluctance that I stand up to oppose a recommendation of the Governor so quickly after he has made it, but it is something that could take place very soon, and I feel that it is important that someone address the issue at this time. In the Governor's message he has asked that the Board of Trustees of the University of Maine step down. I think that this is a mistake and I want to urge them here on the floor not to do so.

Their terms have been set up for a definite time for two purposes, as I see it: one, to provide continuity and, the other, to provide that there be a freedom from political influence. The tradition of a free university is one of the most important traditions in our society, and it is a tradition that we should protect. The continuity factor will be lost by inadvertence. The making of it free from political pressure will be lost because the Governor wants to bring some political influence to bear. Now, I don't say that this is bad and I don't mean to make this a bad connotation in terms of what he wants to accomplish but, nonetheless, his own political views will have a chance indirectly, admittedly, but indirectly, to be brought to bear on the board in this immediate sense.

I believe in a strong executive and I will support many pieces of legislation which will make his office stronger, but we do have a system of limited powers. The legislature has limited the Governor's power in this respect, and I would urge the

members of the Board of Trustees not to step down and to continue to fulfill their duties as they have been asked to do by the state. Thank you.

(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, February 18, 1975, at 10:00 o'clock in the morning.