

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Monday, March 8, 1976

Senate called to order by the President.

Prayer by the Honorable Roland J. Carbonneau of Lewiston:

Let us pray. I invite you all this morning to recite with me the Lord's Prayer.

Our Father, who art in Heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in Heaven. Give us this day our daily bread and forgive us our trespasses, as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil. Amen.

Reading of the Journal of Friday, March 5, 1976.

**Papers from the House
Joint Resolutions
STATE OF MAINE**

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

IN MEMORIAM

Having Learned of the Death of George B. Cable who was an Outstanding Citizen of Newcastle

The Senate and House of Representatives of the State of Maine do hereby extend their sincere heartfelt condolences and sympathy to the bereaved family and friends of the deceased; and further

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine. (H. P. 2156)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

STATE OF MAINE

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

IN MEMORIAM

Having Learned of the Death of the Honorable John T. Doughty of Gray Member of the Gray Town Council and Member of the 90th and 91st Legislatures

The Senate and House of Representatives of the State of Maine do hereby extend their sincere heartfelt condolences and sympathy to the bereaved family and friends of the deceased; and further

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine. (H. P. 2158)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

**House Papers
Marine Resources**

Bill, "An Act Concerning the Seining of Mackerel in the Territorial Waters of Washington County." (H. P. 2157) (L. D. 2291)

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

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

Study Report — Performance Audit

The Committee on Performance Audit to which was referred the study relative to Increasing the Efficiency of the Investigation and Prosecution of Fraud against the State, pursuant to H. P. 529 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act to Increase the Efficiency of the Investigation and Prosecution of Fraud against the State" (H. P. 2155) (L. D. 2290) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Comes from the House, the report Read and Accepted and the Bill referred to the Committee on Performance Audit.

Which report was Read and Accepted and the Bill referred to the Committee on Performance Audit, in concurrence.

**Senate Papers
Joint Resolution**

Mr. Speers of Kennebec presented the following Joint Resolution and moved its adoption:

STATE OF MAINE

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

Joint Resolution in Honor of State Law and Legislative Reference Library Services

WHEREAS, the Sixth Maine Legislature directed the Joint Standing Committee on Literature and Literary Institutions to inquire into the expediency of adopting measures to procure books and other publications to enable Members of the Legislature and other persons connected with State Government to inform themselves on any subject upon which they might be called to act in the discharge of their official duties and to lay the foundation of a State Library for that purpose; and

WHEREAS, acting on the committee's recommended action, the Legislature passed a Resolve on March 6, 1826, appropriating \$100 annually for the purchase of general laws and judicial reports of the United States, and of the several states, for use of the Legislature; and

WHEREAS, from this modest beginning a Law and Legislative Reference Library has developed which today carries forward the banner of 150 years of proud governmental service; now, therefore, be it

RESOLVED: That We, the Members of the 107th Legislature, now assembled in special legislative session, pause to reflect on this, the 150th anniversary of this valuable service and to recognize and honor our colleagues of former years for their foresight in initiating such a valuable and enduring library service which has, in the words of the law itself, "aided the Legislature, other public officials and citizens to perform their duties in an enlightened manner;" and be it further

RESOLVED: That the State Law and Legislative Reference Library staff be hereby commended for their contribution and dedication in exercising this continued responsibility on behalf of the government and citizens of this State; and be it further

RESOLVED: That a suitable copy of this Resolution, duly authenticated by the

Secretary of State, be transmitted forthwith by the Secretary of State to the State Law Librarian in honor of this special occasion. (S. P. 742)

Which was Read.

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

Mr. SPEERS: Mr. President, I would like to say just a few brief words regarding this joint resolution. It is a resolution in honor of the state law and legislative library on the 150th anniversary of its founding.

The institution itself, of course, is very valuable, but perhaps the most important part of that law and legislative reference library is the director of the library and staff which she has put together and which serves the legislature. I think that there is not a single individual that serves in the legislature or has in the past who has not realized the extremely valuable services that the law and legislative reference librarian, Edith Hary, performs for the people of the State of Maine, and it is a distinct honor not only to the institution but to herself and the others who serve that we adopt this resolution today.

The PRESIDENT: Is it now the pleasure of the Senate that this joint resolution be adopted?

Thereupon, the Joint Resolution was Adopted.

Sent down for concurrence.

Mr. Marcotte of York presented, Bill, "An Act to Assure Resources for the Resolution of Disputes." (S. P. 666)

The Committee on Reference of Bills suggested that this Bill be referred to the Committee on Labor and Ordered Printed.

On motion by Mr. Marcotte of York, referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

**Committee Reports
House**

Leave to Withdraw

The Committee on Judiciary on, Bill, "An Act Relating to Public Inspection of Certain Juvenile Court Records." (H. P. 1881) (L. D. 2059)

Reported that the same be granted Leave to Withdraw.

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 Natural Resources on, Resolve, Authorizing the Exchange of Certain Public Reserved Lands. (H. P. 2066) (L. D. 2246)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-953).

Comes from the House, the Resolve Passed to be Engrossed as Amended by Committee Amendment "A".

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

Mr. HUBER: Mr. President, I request that I be excused from voting on this item due to a possibility of an appearance of conflict.

The PRESIDENT: The Senator from Cumberland, Senator Huber, now requests leave of the Senate to refrain from voting on L. D. 2246 because of a possibility of an apparent conflict of interest. Is it the pleasure of the Senate to grant this leave?

It is a vote.

Thereupon, the Ought to Pass Report of the Committee was Accepted in concurrence and the Resolve Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Resolve, as Amended, Tomorrow Assigned for Second Reading.

Senate Ought to Pass

Mr. Katz for the Committee on Education on, Bill, "An Act Extending the Time During Which School Budgets May Be Adopted." (S. P. 665) (L. D. 2103)

Reported that the same Ought to Pass. Which report was Read and Accepted and the Bill Read Once.

Thereupon, under suspension of the rules, the Bill was Read a Second Time and Passed to be Engrossed.

Ought to Pass in New Draft

Mr. McNally for the Committee on Transportation on, Bill, "An Act to Establish the Waldo County Transportation Authority." (S. P. 680) (L. D. 2171)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Establish the Belfast and Moosehead Lake Railroad Authority" (S. P. 741) (L. D. 2292).

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

Second Readers

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

House — As Amended

Bill, "An Act Concerning the Identification by Fingerprints of Past Offenders." (H. P. 1883) (L. D. 2061)

Bill, "An Act to Amend the Protection and Improvement of Air Statutes." (H. P. 2034) (L. D. 2207)

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

Senate

Bill, "An Act Relating to Residency for the Purposes of Municipal Relief of the Poor." (S. P. 738) (L. D. 2288)

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

Sent down for concurrence.

Enactors

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

An Act Concerning Certain Financial Guarantees to be Made to Triple A Sugar Corporation by the Maine Guarantee Authority. (H. P. 1861) (L. D. 2032)

Mr. Katz of Kennebec requested a division, and Mr. Gahagan of Aroostook subsequently requested a roll call.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

One-fifth having arisen, a roll call is ordered. The pending question before the Senate is the enactment of L. D. 2032, Item 8-1 on today's advance journal and calendar. A "Yes" vote will be in favor of enactment; a "Nay" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, E.; Berry, R.; Carboneau, Cianchette, Collins, Conley, Cummings, Cyr, Danton, Gahagan,

Graffam, Hichens, Huber, Jackson, Johnston, Marcotte, O'Leary, Speers, Thomas, Trotzky, Wyman.

NAYS: Senators Clifford, Corson, Curtis, Graham, Greeley, Katz, McNally, Merrill, Reeves.

ABSENT: Senators Pray, Roberts.

A roll call was had. 21 Senators having voted in the affirmative, and nine Senators having voted in the negative, with two Senators being absent, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Gahagan.

Mr. GAHAGAN: Mr. President, having voted on the prevailing side, I move we reconsider our action whereby this bill was passed to be enacted, and I hope you vote against me.

The PRESIDENT: The Senator from Aroostook, Senator Gahagan, now moves that the Senate reconsider its action whereby this bill was passed to be enacted. Will all those Senators in favor of reconsideration please say "Yes"; those opposed say "No".

A viva voce vote being taken, the motion did not prevail.

Emergencies

An Act to Permit a Manufacturer of Alcoholic Beverages to be a Stockholder in a Corporation which is a Licensee. (H. P. 1892) (L. D. 2072)

An Act to Remove the Vassalboro Sanitary District from the Kennebec Sanitary District Before the Kennebec District Issues Bonds this Spring. (H. P. 2035) (L. D. 2208)

These being emergency measures and having received the affirmative votes of 30 members of the Senate, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

(Off Record Remarks)

On motion by Mrs. Cummings of Penobscot,

Adjourned until 10 o'clock tomorrow morning.