

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Third
Legislature*

OF THE

STATE OF MAINE

Volume III

June 16 to July 8, 1967

Index

1st Special Session

October 2 and October 3, 1967

2nd Special Session

January 9 to January 26, 1968

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Monday, January 15, 1968

Senate called to order by the President.

Prayer by Rev. Fr. Roger S. Smith of Augusta.

Reading of the Journal of yesterday.

Communications

Legislative Research Committee

January, 1968

To the Members of the Second Special Session of the 103rd Legislature:

I have the honor to transmit herewith a report on Collective Bargaining by Municipalities.

This report, marked as Committee Publication 103-18, deals primarily with a proposed Act establishing a municipal public employees law and contains the findings and recommendations of the Legislative Research Committee as developed by the Committee under the scrutiny of representatives from the State Department of Labor and Industry, the Maine Municipal Association, the Maine Teachers Association and The American Federation of State, County and Municipal Employees, AFL - CIO.

The Committee sincerely hopes that the information contained herein will prove of benefit to the members of the Legislature and the people of the State of Maine.

Respectfully submitted,
 HORACE A. HILDRETH, JR.,
 Chairman Legislative
 Research Committee
 (S. P. 802)

Which was Read and with the accompanying report Ordered Placed on File.

Sent down for concurrence.

Legislative Research Committee

January, 1968

To the Members of the Second Special Session of the 103rd Legislature:

I have the honor to transmit herewith a report, along with implementing legislation on Marine Growth.

This report, designated as Committee Publication 103-19, is supported by the Committee in an effort to preserve, protect and stimulate research in the production, harvesting and commercial uses of Irish moss. The Legislative Research Committee presents these findings as recommendations in the best interests of the State as trustee for the people and in all fairness to existing industry and persons connected therewith.

The Committee sincerely hopes that the information contained herein will prove of benefit to the members of the Legislature and the people of the State of Maine.

Respectfully submitted,
 HORACE A. HILDRETH, JR.,
 Chairman, Legislative
 Research Committee
 (S. P. 803)

Which was Read and with the accompanying report Ordered Placed on File.

Sent down for concurrence.

Orders

On motion by Mrs. Sproul of Lincoln,

ORDERED, the House concurring, that the Legislative Research Committee be directed to study the subject matter of the Bill, "An Act Regulating Flammable Children's Clothing and Blankets," Legislative Document 1839, introduced at the second special session of the 103rd Legislature, to determine whether the best interests of the State would be served by the enactment of such legislation; and be it further

ORDERED, that a report of such study together with any recommendations deemed necessary be made to the 104th Legislature. (S. P. 804)

Which was Read.

(On motion by Mr. Johnson of Somerset, placed on the Special Legislative Research Table.)

Committee Reports

Senate

Ought Not to Pass

Mr. Berry for the Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Moneys to Provide

for Night Pay Differential for State Employees in Institutions within the Department of Mental Health and Corrections." (S. P. 775) (L. D. 1847)

Reported that the same Ought not to Pass.

Which report was Read.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: It was with considerable reluctance that your Appropriations Committee reported this bill out Ought Not to Pass, and a word of explanation is highly in order. There was a price tag on this for the biennium of some two hundred and thirty thousand dollars. The bill quite properly attempted to handle a serious situation dealing with the recruitment and retention of personnel in the lower pay grades at the mental institutions. However, in fairness to all State employees, such a night differential probably should include all State employees who work under nighttime conditions, and it was because of this, and the previous factor of lack of money, that your Committee reluctantly reported the bill out Ought Not to Pass.

Thereupon, the Ought Not to Pass Committee Report was accepted.

Sent down for concurrence.

Ought to Pass

Mr. Ross for the Committee on Highways on Bill, "Relating to the Piscataqua River Bridge." (S. P. 773) (L. D. 1845)

Reported that the same Ought to Pass.

Mr. Viles for the Committee on Public Utilities on Bill, "An Act Validating the Moscow Water District." (S. P. 747) (L. D. 1805)

Reported that the same Ought to Pass.

Which reports were Read and Accepted and the Bills Read Once. Thereupon, under suspension of the rules, the bills were given their Second Reading and Passed to be Engrossed. Sent down for concurrence.

Ought to Pass — As Amended

Mr. Lund for the Committee on Public Utilities on Bill, "An Act Creating the Corinth Utilities District." (S. P. 786) (L. D. 1866)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-339)

Which report was Read and Accepted and the bill Read Once. Committee Amendment "A", Filing No. S-339, was read by the Secretary and adopted. Thereupon, under suspension of the rules, the bill, as amended, was given its Second Reading and Passed to be Engrossed. Sent down for concurrence.

Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on Bill, "An Act Providing a Bond Issue in the Amount of One Hundred and Eighty Thousand Dollars for Constructing a Residential Facility for Mentally Retarded Children in Aroostook County." (S. P. 762) (L. D. 1819)

Reported that the same Ought Not to Pass.

(Signed)

Senators:

BERRY of Cumberland
DUQUETTE of York

Representatives:

HINDS of So. Portland
SCRIBNER of Portland
DUNN of Denmark
HUMPHREY of Augusta
BIRT of Millinocket

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

(Signed)

Senator:

ALBAIR of Aroostook

Representatives:

BRAGDON of Perham
JALBERT of Lewiston

Which reports were Read.

On motion by Mr. Albair of Aroostook, the Senate voted to accept the Minority Ought to Pass Report, and the bill was Read Once. Thereupon, under suspension of the rules, the bill was given its Second Reading and Passed to be Engrossed. Sent down for concurrence.

Orders of the Day

The President laid before the Senate the tabled and today assigned matter, House Report — Ought Not to Pass from the Committee on Legal Affairs on Bill, "An Act Regulating Flammable Children's Clothing and Blankets." (H. P. 1310) (L. D. 1839)

Tabled — January 12, 1968, by Senator Sproul of Lincoln.

Pending — Acceptance of the Report.

On motion by Mrs. Sproul of Lincoln, the Ought Not to Pass Committee Report was accepted in concurrence.

On motion by Mr. Johnson of Somerset, Senate in recess pending the sound of the bell.

After Recess

Called to order by the President.

Mr. Harding of Aroostook presented the following order and moved its passage.

WHEREAS, it appears to the Senate of the 103rd Legislature that the following is an important question of law, and that the occasion is a solemn one; and

WHEREAS, there is pending before the Legislature a Bill entitled, "An Act Providing for Appointment of Judges and Registers of Pro-

bate", H. P. 1295, L. D. No. 1801, and a Bill entitled, "Resolve, Proposing a Constitutional Amendment to Correct Inconsistency in Election of Judges of Probate", S. P. 780, L. D. No. 1852; and

WHEREAS, the legality of enacting L. D. 1801 at this Special Session has been questioned; and

WHEREAS, it is important that the Legislature be informed as to the legality of the enactment of L. D. 1801;

NOW THEREFORE BE IT ORDERED, that the Justices of the Supreme Judicial Court are hereby respectfully requested to give to the Senate, according to the provisions of the Constitution on its behalf, their opinion on the following question, to wit:

If L. D. 1852 is enacted by the Legislature, is it necessary that it be approved by the people before L. D. 1801 may be enacted, in view of the fact that the people in referendum repealed Article VI, section 6, of the Constitution, and that the provision relating to judges of probate, appearing in Article V, Part 1, section 8, has not been repealed?

Which was Read and Passed.

On motion by Mr. Ross of Piscataquis,

Adjourned until ten o'clock tomorrow morning.