

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 17, 1969 to July 2, 1969

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1st Special Session

January 6, 1970 to February 7, 1970

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KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, January 7, 1970

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. William Dunstan of Gardiner.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that free telephone service may be provided for the Special Session for each member of the Senate and House to the number of 25 calls, of reasonable duration, from Augusta 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 member, that each member of the Senate and House 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 free telegraph service may be provided for the Special Session for each member of the Senate and House to the number of 5 messages of reasonable length, from Augusta 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 member, that each member of the Senate and House may be provided with a card under the direction of the Secretary of the Senate and Clerk of the House, respectively, the cost of the service to be paid to Western Union Telegraph Company at regular tariff rates (S. P. 610)

Came from the Senate read and passed as amended by Senate Amendment "A," as follows: amend Joint Senate Order S. P. 610 by striking out in the 3rd and 4th lines the words "from Augusta to points"

In the House, the Order was read. Senate Amendment "A" (S-

355) was read by the Clerk and adopted in concurrence.

The Order was passed as amended in concurrence.

From the Senate:

Bill "An Act to Create a Commission to Prepare a Consumer Credit Code" (S. P. 560) (L. D. 1635)

Came from the Senate referred to the Committee on State Government.

In the House, referred to the Committee on State Government in concurrence.

The following paper from the Senate appearing on Supplement No. 1.

Report of Committee Ought to Pass

Passed to Be Engrossed

Report of the Committee on Liquor Control reporting "Ought to pass" on Bill "An Act relating to Definition of Hotel under Liquor Law" (S. P. 582) (L. D. 1709)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed.

In the House, the Report was read and accepted in concurrence and the Bill read twice. Under suspension of the rules the Bill was read the third time and passed to be engrossed in concurrence.

By unanimous consent, ordered sent forthwith.

Messages and Documents

The following Communication:

THE SENATE OF MAINE
AUGUSTA, MAINE

January 6, 1970

Honorable Bertha W. Johnson

Clerk of the House

Augusta, Maine

Dear Madam Clerk:

This is to inform you that Senator Joseph F. Holman of Farmington has been sworn in today by the Governor and Council to fill the vacancy in State Senatorial District 21 caused by the resignation of Peter Mills of Farmington.

The President today appointed Senator John T. Quinn of Penobscot as Chairman of the Joint Standing Committee on Judiciary and Senator Holman as a member of the same committee.

Cordially,
(Signed)

HARRY N. STARBRANCH
Secretary of the Senate
The Communication was read
and ordered placed on file.

The following Communication:
STATE OF MAINE
EXECUTIVE DEPARTMENT
AUGUSTA

January 7, 1970

To the Honorable Members of the
Senate and House of Representatives
of the 104th Legislature

I have studied House Paper 21,
Legislative Document 24, Pro-
posing an Amendment to the
Constitution Providing for Con-
vening of the Legislature at Such
Times as the Legislature Deems
Necessary, and have decided to
return it to the Legislature without
my signature.

I do not see what useful purpose
this change in the Constitution
would serve. During the past 150
years of our State's history I know
of no instance where the Governor,
granted sole authority by the
Constitution to call a Special Ses-
sion of the Legislature, has failed
to do so when the public interest
demanded. Given the constant need
for cooperation between the
Governor and the Legislature, the
Governor's call for a Special Ses-
sion, both with respect to timing
and content, should not be issued
without consultations with the
elected Legislative leaders and
members. I have found it both
beneficial and essential to keep the
Legislative branch fully informed
of my plans. Any Special Session,
even under the present Constitu-
tional framework, could not be
carried out without planning and
advance work by members of the
Legislature and the Legislative
staff.

I further believe that the
proposed Constitutional amend-
ment needlessly complicates a
procedure which I hope will soon
become obsolete with the enact-
ment and public acceptance of
annual sessions legislation. Only by
holding our legislative sessions on
an annual basis can we insure
adequate attention to the con-
tinuing demands on state govern-
ment. A Special Session, with its

time and content restrictions, can-
not meet this need. We should be
focusing our energies on this larger
problem.

Finally, if L. D. 24 is designed
to answer the unresolved problems
of gubernatorial disability, I do not
believe that it does so adequately.
Our Constitution offers no guidance
on what is to be done if a Governor
becomes too ill to fulfill the duties
of his office, such as the calling
of a Special Session. That omission
should be cured by appropriate
legislation. But gubernatorial
disability raises many complex
questions which could only be
resolved by legislation which is
much more detailed than L. D. 24.

In summary, I do not believe
that L. D. 24 is necessary or wise
legislation. It assumes a problem
which does not exist, complicates
a procedure which should be
eliminated, and oversimplifies the
issue of disability which should
soon be clarified. I therefore re-
quest that my action disapproving
L. D. 24 be sustained.

Respectfully,
(Signed)

KENNETH M. CURTIS
Governor

The Communication was read
and ordered placed on file.

The SPEAKER: The pending
question before the House is: Shall
this bill become law notwithstand-
ing the objections of the Governor.

The Chair recognizes the gentle-
man from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and
Ladies and Gentlemen of the
House: If it were possible to bat
higher than one thousand per cent,
I should rightly have earned that
average. This is only our second
day in Special Session, and already
I have another veto.

During the Regular Session I was
rewarded with three of these. And
this, this morning, is a carry over,
making my grand total four.

Today I will not go into the
merits of this logical, sensible,
very progressive legislation, be-
cause a Constitutional technicality
has appeared on the scene and this
might alter my plan of attack. A
bill such as this, of necessity, goes
to the people, since it is a Constitu-
tional Amendment.

Now, various astute persons have
raised the question as to whether

a veto on such an item is in fact an allowable action for any Chief Executive to take. For this reason, the question has already been sent to the Law Court for their opinion. The Justices are now meeting here in Augusta. Consequently, we are now awaiting their decision. So for this reason I would request that some member table this specific item.

Whereupon, on motion of Mr. Richardson of Cumberland, the matter was tabled pending further consideration and tomorrow assigned.

Petitions, Bills and Resolves Requiring Reference

The following Bills were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Judiciary

Bill "An Act to Correct Errors and Inconsistencies in the Public Laws" (H. P. 1412) (L. D. 1779) (Presented by Mr. Berman of Houlton)

Bill "An Act relating to the Housing Needs of People Who Pay Rent" (H. P. 1418) (L. D. 1786) (Presented by Mrs. Goodwin of Bath)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Clarify the Law for Eligibility for Burial in the Maine Veterans Memorial Cemetery" (H. P. 1413) (L. D. 1780) (Presented by Mr. Lewin of Augusta)

Sent up for concurrence.

Natural Resources

Bill "An Act relating to Permits for Dredging and Erection of Causeways, Docks, etc. in Tributaries of Great Ponds" (H. P. 1414) (L. D. 1781) (Presented by Mr. Benson of Southwest Harbor)

Bill "An Act to Regulate Site Location of Development Substantially Affecting Environment" (H. P. 1415) (L. D. 1782) (Presented by Mr. Snow of Caribou)

Bill "An Act relating to Coastal Conveyance of Petroleum" (H. P. 1417) (L. D. 1785) (Presented by Mr. Richardson of Cumberland)

Sent up for concurrence.

Taxation

Bill "An Act to Extend Certificate of Number Coverage and to Provide Increased Registration Fees in Lieu of Personal Property Tax on Certain Watercraft" (H. P. 1416) (L. D. 1783) (Presented by Mr. Ross of Bath)

Sent up for concurrence.

Orders

On motion of Mr. Ross of Bath, it was

ORDERED, that Mrs. Brown of York be excused because of serious illness in her family.

House Reports of Committees Leave to Withdraw Covered by Other Legislation

Mrs. Kilroy from the Committee on Education on Bill "An Act relating to Secondary School Tuition" (H. P. 1322) (L. D. 1651) reported Leave to Withdraw as covered by other legislation.

Report was read and accepted and sent up for concurrence.

Ought Not to Pass

Mr. D'Alfonso from the Committee on State Government reported "Ought not to pass" on Bill "An Act Increasing the Salary of the Governor" (H. P. 1353) (L. D. 1682)

Report was read and accepted and sent up for concurrence.

Ought to Pass Printed Bills

Passed to Be Engrossed

Mr. Chick from the Committee on Education reported "Ought to pass" on Bill "An Act to Clarify School Construction Aid" (H. P. 1326) (L. D. 1655)

Mr. Millett from same Committee reported same on Resolve Approving of Conveying of Anson Academy to School Administrative District No. 74 (H. P. 1328) (L. D. 1657)

Mr. Richardson from same Committee reported same on Bill "An Act to Authorize the Insurance of the Payment of Revenue Bonds of the Maine School Building Authority" (H. P. 1305) (L. D. 1618)

Same gentleman from same Committee reported same on Bill "An Act Authorizing the State Board of Education to Lease a Section of Property at Southern Maine Vocational-Technical Institute to the Research Institute of the Gulf of Maine" (H. P. 1327) (L. D. 1656)

Mrs. Baker from the Committee on Legal Affairs reported same on Bill "An Act relating to Duties of Lucerne-in-Maine Village Corporation and Town of Dedham as to Education of Children" (H. P. 1340) (L. D. 1669)

Mr. Cote from same Committee reported same on Bill "An Act relating to Elections in City of Biddeford" (H. P. 1342) (L. D. 1671)

Mrs. Wheeler from same Committee reported same on Bill "An Act relating to Powers and Duties of the Public Safety Commission of the Town of Old Orchard Beach" (H. P. 1341) (L. D. 1670)

Mr. Dennett from the Committee on State Government reported same on Bill "An Act relating to Authority of State Employees Appeal Board" (H. P. 1352) (L. D. 1681)

Mrs. Goodwin from same committee reported same on Bill "An Act relating to Certain Classified Employees in the Forestry Department" (H. P. 1354) (L. D. 1683)

Reports were read and accepted and the Bills read twice, Resolve read once.

Under suspension of the rules the Bills were read the third time, the Resolve the second time, passed to be engrossed and sent to the Senate.

**Ought to Pass with
Committee Amendment
Passed to Be Engrossed**

Mrs. Cummings from the Committee on Education on Bill "An Act to Change the Name of Westbrook Seminary and Junior College to Westbrook College" (H. P. 1325) (L. D. 1654) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice. Committee Amendment "A" (H-619) was read

by the Clerk and adopted and under suspension of the rules the Bill was read the third time, passed to be engrossed as amended and sent to the Senate.

The following Enactor appearing on Supplement No. 2:

**Passed to Be Enacted
Emergency Measure**

An Act relating to Definition of Hotel under Liquor Law (S. P. 582) (L. D. 1709)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 127 voted in favor of same and 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

Orders of the Day

The Chair laid before the House the first tabled and today assigned matter:

House Order that matters tabled be automatically considered the next legislative day.

Tabled — January 6.

Pending — Passage under the rules.

Thereupon, the Order received passage.

The Chair laid before the House the second tabled and today assigned matter:

HOUSE ORDER re opinion of Justices on Constitutionality of H. P. 1395 L. D. 1751 "An Act Creating a Nonpublic Elementary Education Assistance Act"

Tabled — January 6, by Mr. Jalbert of Lewiston.

Pending — Passage under the rules.

Thereupon, the Order received passage.

The Chair laid before the House the third tabled and today assigned matter:

Bill "An Act Creating the Nonpublic Elementary Education Assistance Act" (H. P. 1395) (L. D. 1751)

Tabled — January 6, by Mr. Jalbert of Lewiston.

Pending — Reference.

On motion of Mr. Jalbert of Lewiston, tabled pending reference and tomorrow assigned.

The Chair laid before the House the fourth tabled and today assigned matter:

Bill "An Act relating to Rules and Regulations for the Protection of Health and Safety" (H. P. 1311) (L. D. 1625)

Tabled — January 6, by Mr. Donaghy of Lubec.

Pending — Reference.

Thereupon, on motion of Mr. Richardson of Cumberland, referred to the Committee on Labor and sent up for concurrence.

By unanimous consent, ordered sent forthwith.

On motion of Mr. Richardson of Cumberland,

Adjourned until nine o'clock tomorrow morning.