

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

**January 5, 1977 to May 25, 1977**

KJ PRINTING  
AUGUSTA, MAINE

## SENATE

Wednesday, January 12, 1977

Senate called to order by the President.

Prayer by Rev. James Brosius, Windsor Memorial Baptist Church, Windsor, Maine.

REV. BROSIUS: Let us pray. We are mindful as we meet here today that we are indeed a fortunate people to live in a land of freedom and a land of opportunity. It is a privilege to live in a country that is for, by and of the people, a land that has been blessed by God. We ask today, Father, that you help these leaders of the people as they meet to make decisions that will affect us all. Bless them with wisdom, understanding, compassion and integrity as they transact the business of the day. We ask it in the name of your Son and our Savior, Jesus Christ. Amen.

Reading of the Journal of yesterday.

## Papers from the House

Bills today received from the House requiring reference to committees were acted upon in concurrence.

## Communications

The Senate of Maine

January 11, 1977

To the Members of the Senate of the 108th Legislature

Pursuant to Senate Order relative to appointment of subordinate officers of the Senate, this is to inform you that the President of the Senate has appointed Janice Anderson as Secretary to the President and Ruth Dennett as Official Reporter of the Senate. Ruth Dennett has appointed Hattie Sheaff as Assistant Reporter of the Senate.

The Secretary of the Senate has appointed Patricia Moreau, Marie Brotherton and Mary Hawes as Office Secretaries, Sandra Lovejoy and Renee Potosky as Senate Stenographers and David Young as Postal Clerk.

Sincerely,

Signed:

MAY M. ROSS

Secretary of the Senate

Which was Read and Ordered Placed on File.

State of Maine

January 11, 1977

The Honorable May M. Ross

Secretary of the Senate

State House

Augusta, Maine 04330

Dear Mrs. Ross:

Pursuant to Senate Rule 32, I hereby appoint the following to serve during the 108th Legislature: Theresa Morrison as Sergeant at Arms, Walter Cameron as Assistant Sergeant at Arms, Robert Sellar as Postmaster, Randolph Angotti as Doorkeeper, Rowena Chick and Jill Healey as Pages.

Respectfully yours,

Signed:

JOSEPH SEWALL

President of the Senate

Which was Read and Ordered Placed on File.

Senate Chamber

January 11, 1977

REPORT OF COMMITTEE  
ON SENATORIAL VOTE

In compliance with the Senate Order of January 5, 1977, the Committee on Senatorial Vote met on January 11, 1977 to examine the returns of votes for the Senators for the political years 1977-1978, and reports as follows:

1. The returns of votes as submitted by the Secretary of State to the President of the Senate under date of January 5, 1977 meets with the approval of the Committee with the exception of the report concerning District No. 8.

2. Concerning the election in District 8 — the Committee reviewed the report of the Commis-

sion on Governmental Ethics and Election Practices dated January 4, 1977 as printed in the Senate Advance Calendar on January 5, 1977 and have made due examination of the five ballots upon which the Commission was unable to make any determination.

The Committee unanimously voted to accept the report of the Commission and to find that the election in Senate District No. 8 resulted in a tie between Marietta E. Burrows and Richard D. Hewes. Accordingly, the Committee recommended that the Senate declare the seat in District No. 8 to be vacant and that a new election be held in accordance with the statutes as soon as possible.

It is the view of the Committee that the findings, opinions and recommendations of the Commission ought not to be overturned unless clearly erroneous. The Committee is satisfied that the Commission has performed its duty in a conscientious, non-partisan fashion and that its recommendation, which is also the recommendation of the two candidates, should be followed.

The Committee appreciates the assistance of the Deputy Secretary of State Hayes and Commission Secretary Bowie, in accomplishing this examination.

Respectfully submitted,

Signed:

SAMUEL W. COLLINS, JR.

Chairman

PETER W. DANTON

CHARLES P. PRAY

PHILIP C. JACKSON

MICHAEL E. CARPENTER

ANDREW REDMOND

BENNETT KATZ

Which was Read.

Mr. COLLINS: Mr. President.

The PRESIDENT: The Chair recognizes the Senator from Knox, Mr. Collins.

Mr. COLLINS: Mr. President, and Members of the Senate: The Senate accepts and adopts the report of the Committee on Senatorial Vote. The effect will be to declare a vacancy in the Senate Seat for District No. 8. I hope that the Senate will so vote, and I wish to call to the attention of the Senate that in so doing we will be creating a precedent, because this will be the first time that the work of the Commission on Governmental Ethics and Election Practices comes before the Senate for critical review.

When we enacted the Section in 1975 that pertains to the review of election results, we used language that indicated that we wanted the decision of that Commission to be as final as possible. The language had to be qualified by the fact that Federal and State Constitutions had a bearing on what was done.

During the special session in 1976, the language concerning the jurisdiction of this Commission was amended, and the language was made to read that this Commission should make findings of fact and opinion. The Commission presented material. It was reviewed carefully by the Senate Committee, and the results of that review are found in the report that is in your calendar.

It seems to me that the Legislature has made a forward step in the sanctity of the election process by making the determination of closely contested elections as non-partisan as possible.

In the final analysis, under our Constitution, each House is the Judge of the election results of its own members, and we have not sought to change that Constitutional provision. But as with most tribunals, where there is a lower tribunal and a higher tribunal, there is a standard for review, and this particular report suggests that the standards for review should be that the findings of the lower tribunal should not be over-turned unless clearly erroneous; and this is the highest standard that is generally applied to review process by the higher tribunal

in looking at the work of the lower tribunal.

I call this to the attention of the Senate so that in future years, should this question arise, there may be some attention given to this action as a precedent.

Mr. CONLEY: Mr. President.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Mr. Conley.

Mr. CONLEY: Mr. President, and Members of the Senate: First of all, Mr. President, I certainly would like to congratulate you and the joint leadership of this Body for the deliberations it took several days ago relating to this particular subject matter.

I believe everyone here looks upon the ballot as being a very, very sacred document. Not only is the ballot sacred, but even the petitioning process itself, as we have learned over recent months, are very sacred documents as well.

The main concern, I think, that this body must have, not only in this particular Senate race that is before this Senate, but in the future elections of any member of this branch of the Government, and it is how the decisions are to be arrived at. I certainly welcome the report made by this very select Senate Sub-Committee who reviewed the ballots that were brought before them, and I think as honorable men, men of integrity, that they have made the correct decision.

I think though that we also must review the whole matter, as the events sort of piled on themselves from the election day until the present, and I certainly think it was an unfortunate event that the two candidates vying for the representation of Senate District 8 have both made a joint statement to the press that if either one of them were to be elected, they would resign to create the new election. I think the good Senator from Knox, Senator Collins, has clearly pointed out that the Constitution states very clearly and emphatically that this Senate shall be the judge of its own elections, and will resolve those disputes, and if we find that we cannot do that, then we know that we can always send the problems to the high Court of this State for a very fast resolution.

It would be my hope that in the future that anything in the nature of this, certainly candidates would refrain from making public statements as to resigning if duly seated to create a vacancy.

I also have to commend the Governmental Ethics Commission for the fine job it has done, not only on this particular election, but on the many recounts they had to handle since November 4th. I think everyone should be aware of the fact that the Ethics Commission was not just confronted with five ballots in this particular Senate race, but 71 ballots were brought before the Ethics Commission, and they were able to resolve all but these five that came before us, and I am sure had the Ethics Commission had its full membership voting, that there is a strong possibility that these five may have been resolved, and a strong likelihood that the voters of Senate District 8 may not be faced with another election. There is also the strong possibility that there could have been.

So again, Mr. President, I wish to commend you and the leadership of this body for handling this matter in the manner that it has, and I certainly hope that it does not establish a precedent in the sense that we may be faced with handling the disposition of recounts in this body in the future.

Which Report was accepted.

Senate Papers

Mr. Pierce of Kennebec presented, Bill, An Act to Empower all Sworn Public Safety Department Personnel with Criminal Powers of Arrest. (S. P. 40)

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

Sent down for concurrence.

Mr. Pierce of Kennebec presented, Bill, An Act to Repeal Statutory Provisions Permitting a Manufacturer of Alcoholic Beverages to be a Stockholder in a Corporation which is a Licensee. (S. P. 39)

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

Sent down for concurrence.

Mr. Pierce of Kennebec presented, Bill, An Act to Authorize Use of Emergency Lights and Signals by State Liquor Inspectors. (S. P. 38)

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

Sent down for concurrence.

#### Orders

On motion by Mr. Huber of Cumberland, ORDERED, that all Bills and Resolves carrying or requiring an appropriation or involving a loss of revenue that are in order to be passed to be enacted, or finally passed, shall, at the request of a member of the Committee on Appropriations and Financial Affairs, be placed on a special calendar to be called up for consideration only by a member of that committee.

Which was Read and Passed.

On motion by Mr. Greeley of Waldo, ORDERED, that all Bills and Resolves carrying or requiring an appropriation of highway revenue or involving a loss of highway revenue that are in order to be passed, to be enacted, or finally passed, shall, at the request of a member of the Committee on Transportation, be placed on a special calendar to be called up for consideration only by a member of that committee.

Which was Read and Passed.

#### (Off Record Remarks)

Mr. HICHENS: Mr. President.

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

Mr. HICHENS: Mr. President, and Members of the Senate: I have risen to my feet quite a few times commenting on the Maine Press. Most of the time it has been criticizing what I felt was irresponsible reporting, and two years ago I aroused their ire by presenting a bill requiring signed editorials in our newspapers, so I have not become too popular with the press.

It is my pleasure today to rise to my feet and bring to your attention, which I know you have all been made aware of over the week-end, of the fine gesture of the Gannett Newspapers in assigning Maryline White as our State House correspondent. I know that you all read with pride the supplement to the Maine Sunday Telegram last Sunday, which was written by Maryline White, and the artistry work done by Mr. Michael Ricci, and I would like to commend the Gannett papers for this supplement, and for the reporting and for assigning Miss White as our State House reporter. I think we can look for brighter things ahead in this 108th Legislative Session by that act, and I want to commend Mrs. White for that.

She is in the rear of the auditorium, and I think we should give her a hand of applause for her reporting.

On motion of Mr. Huber of Cumberland,  
Adjourned until 10:00 tojorrow forenoon.