

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

Volume II

May 21, 1975 to July 2, 1975

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

in this session, as they indicated the way they feel, I do think that it certainly could imbalance the structure of this board.

As we are going to be here tomorrow morning, there certainly is plenty of time this evening to draft an amendment on this item, and perhaps the best thing to do is to put it on the table and get an amendment ready.

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

Mr. BERRY: Mr. President, responding to my good friend, Senator Conley, I would agree with everything he says, but I think that we have got six months to the regular session and I don't think that the per diem is going to make or break anybody on the board. That is all that is left in the bill, frankly, the per diem, if we are doing what I really feel we should do. I see no harm done by going through with this roll call and, hopefully, defeating the bill.

The PRESIDENT: A roll call has been ordered. The pending question before the Senate is the motion by the Senator from Oxford, Senator O'Leary, that L. D. 1175 and all accompanying papers be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLLCALL

YEAS: Senators Berry, E.; Berry, R.; Carbonneau, Cianchette, Clifford, Conley, Corson, Graffam, Greeley, Johnston, McNally, Merrill, O'Leary, Pray, Roberts, Wyman.

NAYS: Senators Collins, Cummings, Curtis, Gahagan, Graham, Huber, Reeves, Speers, Thomas, Trotzky.

ABSENT: Senators Cyr, Danton, Hichens, Jackson, Katz, Marcotte.

A roll call was had, 16 Senators having voted in the affirmative, and 10 Senators having voted in the negative, with six Senators being absent, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Huber of Cumberland, the Senate voted to take from the Special Appropriations Table the following:

An Act Pertaining to the Disposition of the Facilities of the Women's Correctional Center at Skowhegan. (H. P. 1441) (L. D. 1745)

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

Mr. CURTIS: Mr. President, I have two amendments to offer to this bill which has to do with the disposition of the Women's Correctional Center at Skowhegan. One amendment deletes the money on the bill, and the second amendment deletes any reference to proposed language for a Maine veterans home. I am disappointed that I find that I have to offer these amendments because I think this bill, as it now stands without the amendments, represents the State Government Committee's thinking and that the idea of a veterans home established at Skowhegan is a good one. However, there are other parts of this legislation which are necessary, and I think it is necessary to offer the amendments.

So, under suspension of the rules, Mr. President, I move reconsideration of the action by which this bill was passed to be engrossed.

The PRESIDENT: The Senator from Penobscot, Senator Curtis, now moves that, under suspension of the rules, the Senate reconsider its action whereby L. D. 1745

was passed to be engrossed. Is this the pleasure of the Senate?

The motion prevailed.

On further motion by Mr. Curtis of Penobscot, and under suspension of the rules, the Senate voted to reconsider its former action whereby Committee Amendment "A" was Adopted.

The same Senator then presented Senate Amendment "A" to Committee Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-389, to Committee Amendment "A" was Read and Adopted.

Mr. Curtis of Penobscot then presented Senate Amendment "B" to Committee Amendment "A" and moved its Adoption.

Senate Amendment "B", Filing No. S-391, to Committee Amendment "A" was Read and Adopted and Committee Amendment "A", as Amended by Senate Amendment "A" and "B" Thereto, was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Reconsidered Matter

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

Mr. SPEERS: Mr. President, having voted on the majority, I move the Senate reconsider its action whereby it indefinitely postponed (S. P. 481) (L. D. 1671) An Act to Provide State Relief to Household Holders for Extraordinary Property Tax Burdens, and urge the Senate to vote against the motion.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate reconsider its action whereby L. D. 1671 was indefinitely postponed. Will all those Senators in favor of reconsideration please say "Yes"; those opposed will say "No".

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

Papers from the House

Out of order and under suspension of the rules, the Senate voted to take up the following:

Non-concurrent Matter

Joint Order (S. P. 508) Relative to amending Joint Rules by adding a New Rule 7F.

In the Senate June 27, 1975, Read and Passed.

Comes from the House, Indefinitely Postponed, in non-concurrence.

On motion by Mr. Speers of Kennebec, the Senate voted to Recede and Concur.

Communications

STATE OF MAINE

One Hundred and Seventh Legislature

House of Representatives

Office of the Clerk

Augusta, Maine 04330

June 27, 1975

Honorable Harry N. Starbranch
Secretary of the Senate

107th Legislature

Augusta, Maine

Dear Mr. Secretary:

The House voted today to Adhere to its action whereby it Failed to Enact Bill "An Act Increasing Motor Vehicle Registration Fees" (H. P. 1692) (L. D. 1930)

Signed:

Respectfully,

EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

Non-concurrent Matter

Bill, "An Act to Make Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1976 and June 30, 1977." (S. P. 577) (L. D. 1928)

In the Senate June 24, 1975, Passed to be Engrossed as Amended by Senate Amendment "A" (S-364).

Comes from the House, Passed to be Engrossed, in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY: Mr. President and Members of the Senate: I would like to make a couple of comments pertaining to this allocation bill. One is on snow removal of the town ways. During the session we had Legislative Document 917 which, if enacted, would relieve the state of the obligation of reimbursement to towns on the snow removal on town ways. That bill was indefinitely postponed.

At the present time we have \$850,000 each year of the biennium. It is not funded. But next fall the towns and cities will plow and sand the roads during the winter of 1975-1976. If this bill was funded, they wouldn't receive their refund until next July 1976. So it is the intention of the department and the committee to try to come up with something to fund this at the next special session.

The other item is the \$600,000 that there has been some comment on pertaining to insurance. This \$600,000 is not funded either, but it is the intent of the Commissioner of Transportation to use some funds that lapsed in the unappropriated surplus and to ask for permission from the Governor and Council to pay off this obligation.

I now move that we recede and concur with the House.

The PRESIDENT: The Senator from Waldo, Senator Greeley, now moves that the Senate recede and concur with the House. Is this the pleasure of the Senate?

The motion prevailed.

Enactors

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

Constitutional Amendment

Resolution, Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature with Limits on the Matters which may be Considered in the Second Regular Session of Each Biennium and to change the Date of Convening of the Legislature. (H. P. 1510) (L. D. 1827)

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President, I am requesting a division on this resolution and I would hope we could vote against this annual sessions bill. The reason is because I don't think that this bill puts sufficient restrictions on the legislature.

This Senate, by a fairly strong vote, earlier in this session passed an amendment to limit the legislature by days and by subject matter, by days in both sessions, both the regular annual sessions, and by subject matter on the second regular session. It further limited the special sessions by days. That was not accepted in the other body, and I am not standing here arguing for that, but I do think that the annual sessions bill in its present form does not contain the kind of restrictions which I think the public expects and deserves on the second regular session of the legislature.

In essence, what this is doing is putting

in cement a second regular session and putting the restrictions on only as those presently exist under our rules. It seems to me the public deserves more protection from the legislature.

The conference committee came up with an idea which I think had a lot of merit, which has now been taken off, and that is that a lot of people don't like the idea of putting a number of days, a limit, into the constitution, but that conference committee report recommended that the legislature be required to set a limit by statute, which is much more flexible. That has been taken off, and I think now, under the wording of the limits on the second regular session, that any bill that the Governor wanted to get in, or which the leadership wanted to allow in, would be allowed in, and I think we would very quickly go into four and five-months second regular sessions. I think this would do great harm to our desire to maintain the legislature as a citizens legislature, which I think is the really overriding and important issue here.

I am in favor of annual sessions, most of us are. It is a question of what kind of annual sessions we want and what limits we want to put on them. I think the public wants these limits, and I don't think the constitutional amendment in its present form puts those limits on, to the satisfaction of the public, to guarantee that the members of the legislature in the future will be citizen legislatures. So I would hope that we could vote against the enactment of this constitutional resolution. Thank you, Mr. President.

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

Mr. CONLEY: Mr. President, earlier today I voted to support this document when it went back down to the other body. It was my understanding at that time that the limitations that the good Senator from Androscoggin, Senator Clifford, speaks of that were in the committee of conference report would be incorporated within an amendment to protect and be able to limit the number of legislative days, appropriation matters, etc., that have been spoken of.

The proposed amendment before us today does absolutely nothing that we cannot already do by constitutional amendment, because we know that a majority of both political parties within the legislature can call itself in at any time, the Governor can call us in, and I think that the proposed amendment before us today would do nothing but insure, absolutely insure, a second legislative session, and it would be wide open.

If this amendment is to pass, then I firmly believe that we must amend it to a point where there is a number of legislative days and specifically spelling out constitutionally as to what type of items we are going to allow into the legislative session. That is not in this particular bill and, therefore, I cannot support it.

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

Mrs. CUMMINGS: Mr. President, I request leave to pair my vote with Senator Cyr of Aroostook. If he were here, he would vote against the measure, and I would like to vote for it.

The PRESIDENT: The Senator from Penobscot, Senator Cummings, now requests leave of the Senate to pair her vote with the Senator from Aroostook, Senator Cyr, how, if he were here, would

be voting against the constitutional amendment, and the Senator from Penobscot, Senator Cummings, would be voting for it. Is it the pleasure of the Senate to grant this leave?

The motion prevailed.

The Chair recognizes the Senator from Somerset, Senator Corson.

Mr. CORSON: Mr. President, I request permission of the Senate to pair my vote with that of the Senator from York, Senator Danton. If he were here, he would be voting against this constitutional amendment, and I shall be voting for the amendment.

The PRESIDENT: The Senator from Somerset, Senator Corson, now requests leave of the Senate to pair his vote with the Senator from York, Senator Danton, who if he were here, would be voting "No", and the Senator from Somerset, Senator Corson, would be voting "Yes." Is it the pleasure of the Senate to grant this leave?

The Chair recognizes the Senator from Cumberland, Senator Conley?

Mr. CONLEY: Mr. President, a point of order: is it permissible to pair on a constitutional amendment?

The PRESIDENT: The Chair is advised in the affirmative. Is it the pleasure of the Senate to grant leave on the pairing by the Senator from York, Senator Danton, and the Senator from Somerset, Senator Corson?

It is a vote.

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President, I would request leave to pair my vote with the Senator from York, Senator Hichens, who would be voting for the amendment, and I would be voting against.

The PRESIDENT: The Senator from Somerset, Senator Cianchette, now requests leave of the Senate to pair his vote with the Senator from York, Senator Hichens, who, if he were here, would be voting "Yes" and the Senator from Somerset, Senator Cianchette, would be voting "No". Is it the pleasure of the Senate to grant this leave?

It is a vote.

Is the Senate ready for the question? Will all those Senators in favor of the final passage of this resolution please rise in their places until counted.

Thereupon, this being a Constitutional Amendment and having received the affirmative votes of nine members of the Senate, with 14 Senators voting in the negative, the Resolution Failed of Final Passage in non-concurrence.

Sent down for concurrence.

Communications

STATE OF MAINE

One Hundred and Seventh Legislature

House of Representatives

Office of the Clerk

Augusta, Maine 04330

June 27, 1975

Honorable Harry N. Starbranch

Secretary of the Senate

107th Legislature

Augusta, Maine

Dear Mr. Secretary:

The House voted today to Adhere to its action whereby it Failed to Enact Bill "An Act Increasing the State Gasoline Tax" (Emergency) (H. P. 1055) (L. D. 1332).

Respectfully,

Signed:

EDWIN H. PERT

Clerk of the House

Which was Read and Ordered Placed on File.

Enactors

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

An Act Relating to Public Compensation to the Victims of Crime. (H. P. 1401) (L. D. 1787)

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

Communications

STATE OF MAINE

Senate Chamber

President's Office

Augusta, Maine 04330

June 27, 1975

May M. Ross

Assistant Secretary of the Senate

State House

Augusta, Maine 04333

Dear Mrs. Ross:

I am pleased to authorize and direct you to serve on a full-time basis when the Legislature is not in regular or special session, as provided in Section 22 of Title 3 of the Maine Revised Statutes Annotated, for the 107th Maine Legislature.

Sincerely,

Signed:

JOSEPH SEWALL

President of the Senate

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President, under suspension of the rules, I move the Senate show its approval of this communication by a round of applause.

Thereupon, the Communication was Ordered Placed on File, amid the applause of the Senate, the members rising.

On motion by Mrs. Cummings of Penobscot,

Adjourned until 9:30 tomorrow morning.