

MAINE STATE LEGISLATURE

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OF THE

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objections. I now move, Mr. Speaker, that this bill be passed to be engrossed.

The SPEAKER: The pending question is the adoption of House Amendment "A". Is this the pleasure of the House?

The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Members of the House: I simply would like to ask Mr. Dennett, if he cares to answer, whether or not it is the same four men that are going to determine whether anyone gets to be a pilot so that we can get up to this figure, up to twelve. I didn't see anything in the amendment that indicated this. I could very well have missed it.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker, no, these four men would not determine who would be pilots, it would be the pilotage board which would be appointed by Governor and Council that would determine who the pilots would be.

Thereupon, House Amendment "A" was adopted and the Bill passed to be engrossed as amended in non-concurrence and sent up for concurrence.

The Chair laid before the House the fifth item of Unfinished Business:

Bill "An Act to Provide Protection for the Consumer Against Unfair Trade Practices" (H. P. 770) (L. D. 1003)

Tabled — June 10, by Mr. Berman of Houlton.

Pending — Passage to be engrossed.

On motion of Mr. Berman of Houlton, retabled pending passage to be engrossed and specially assigned for tomorrow.

The Chair laid before the House the sixth item of Unfinished Business:

Bill "An Act Establishing a Full-time Administrative Hearing Commissioner" (H. P. 1252) (L. D. 1577)

Tabled—June 10, by Mr. Rideout of Manchester.

Pending—Motion of Mr. Hewes of Cape Elizabeth to reconsider passage to be engrossed as amended by House Amendments "A" H-493 and "B" H-506.

The pending motion to reconsider prevailed.

On motion of Mr. Hewes of Cape Elizabeth, under suspension of the rules, the House reconsidered its action on June 10 whereby House Amendment "B" was adopted.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. HEWES: Mr. Speaker, I now move the indefinite postponement of House Amendment "B".

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, moves the indefinite postponement of House Amendment "B".

The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: If you look at House Amendment "A" H-506, my amendment, that was adopted on the bill on June 10, exactly what this amendment does, it takes away from the bill a precedent that is being established on section 2 of the bill on page 2, where by an act of the Legislature the hearing commissioner would be appointed by the Legislature for seven years. I think this is establishing a very bad precedent. I will not debate the merits of the bill. I think the merits of the bill itself is a very good thought, but to establish the precedent that the Legislature, not the Governor and Council, will do the appointing and confirmation of an appointment for seven years is very much in error. So therefore, I hope you will vote against the motion to indefinitely postpone the amendment.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Members of the House: In support of the pending motion to indefinitely postpone the amendment, I wish to point out that L. D. 1577, by that bill we are creating a new full-time administrative hearing commissioner. At the present time he is a part-time man, a gentleman named Mr. Robinson

from Lewiston, and this bill would provide for a full-time hearing commissioner.

I feel that the Legislature, in creating this new full-time position, has the right to exercise the right of saying that the high caliber service that this man has shown will continue in office. Now as a practical matter, the part-time hearing commissioner will, if this bill becomes a law, will close his private law practice in Lewiston and devote full time to the work this summer. And as you know, in the summertime he has a busier work load as a hearing administrative officer, and I would respectfully suggest that you vote in favor of indefinite postponement of House Amendment "B".

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I wholeheartedly agree and endorse the remarks made by the gentleman Mr. Hewes, because I think we are sadly in need of a full-time commissioner. That part of it I have absolutely no quarrel whatsoever. However, I feel, like other appointments that are made for seven years or four years, that the Executive Branch of the government should and must have a say as to the appointment and its confirmation. I don't think that the action taken by the Legislature for this type of an appointment—and I completely endorse the philosophy behind the purpose of this document, and certainly the gentleman in question as a hearing commissioner for a full-time basis is an excellent idea, but I think the method in which we are asking this person to serve for seven years by a legislative act rather than the other procedure for the other departments of seven year terms, should be and must be appointed by the Chief Executive with the confirmation of the Council.

And I think probably if this procedure is accepted by the members of the House and the other body, that this bill in its entirety will be acceptable with the exception of the last paragraph. I will ask for a division when the vote is taken.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, I would direct a question through the Chair to the gentleman from Madawaska, Mr. Levesque, with his knowledge of the corner office, can he guarantee us that the Governor will in fact nominate this gentleman who is now holding the job?

The SPEAKER: The Chair would advise the House and the gentleman that under the rules of procedure, we must not use the persuasion of the body of the Chief Executive to influence the members of this body.

The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker and Members of the House: Just to try to clarify a point in the bill, the administrative hearing commissioner shall be appointed by the Governor with the advice and the consent of the Council henceforth, except in this first instance it assures that the present hearing commissioner will be appointed and the continuity of the office will continue. Now it does not detract from the authority of the Chief Executive after the first seven-year term.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, is the motion now to reconsider our action whereby we adopted House Amendment "A"?

The SPEAKER: The motion now before the House is the motion of the gentleman from Cape Elizabeth, Mr. Hewes, that House Amendment "B" be indefinitely postponed.

The gentleman may proceed.

Mr. JALBERT: Mr. Speaker, I would go along with the gentleman from Cape Elizabeth, Mr. Hewes. This measure was presented by me. This measure was held in the Committee on State Government for over three months. There were several discussions that I know were held on it. It came out of the Committee on State Government which is made up of five Republicans and five Democrats

with the unanimous "ought to pass" as is. And I certainly hope that the motion of the gentleman from Cape Elizabeth, Mr. Hewes will prevail.

The SPEAKER: Is the House ready for the question? A vote has been requested. All in favor of the indefinite postponement of House Amendment "B" will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

77 having voted in the affirmative and 30 having voted in the negative, the motion did prevail.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Lund.

Mr. LUND: Mr. Speaker, My intention was to debate the bill.

The SPEAKER: The gentleman may reconsider whereby this bill was passed to be engrossed.

Mr. LUND: I move that the House reconsider its action whereby this bill was passed to be engrossed in order to debate the bill.

The SPEAKER: The gentleman from Augusta, Mr. Lund, moves the House reconsider its action whereby this bill was passed to be engrossed as amended. The Chair will order a vote. All in favor will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

57 having voted in the affirmative and 35 having voted in the negative, the motion to reconsider did prevail.

The SPEAKER: The pending question is this bill be passed to be engrossed.

The Chair recognizes the gentleman from Augusta, Mr. Lund.

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: I do not intend to debate against this bill. I am sorry we had to reconsider it in order to make a point. But there is a point here to be made, and I hope that the House might take note of it.

This bill would take a presently part - time job, which as I read the bill pays \$11,000, and would

convert it to a full - time job at a salary of \$19,500.

I have no quarrel with the idea of making the administrative hearing examiner a full - time job, because indeed it needs to be. I think a person who is hearing the type of cases that Mr. Robinson is hearing ought not to be required to engage in private practice while deciding these matters. I note, however, that this measure, which was reported by the gentleman from Kittery, Mr. Dennett on behalf of the unanimous Committee on State Government did set a salary of \$19,500 for a job which is now presently a part - time job.

I would like to point out to the House that this is the salary scale which this committee apparently determined was appropriate and I would also like to point out the disparity between this salary level and the level at which our Maine district court judges are now being paid at the rate of \$15,000 for a job that is now full time and has been full time for a good many years.

As I say, I am not opposed to the passage of this bill. I am not prepared to say that \$19,500 is too much to pay the hard working gentleman who will carry out these duties, but I do think that passage of this bill is an insult to the judiciary of this state.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

The Chair laid before the House the seventh item of Unfinished Business:

An Act to Create the Maine Land Use Regulation Commission and to Regulate Realty Subdivisions (H. P. 1234) (L. D. 1566)

Tabled — June 10, by Mr. Benson of Southwest Harbor

Pending — Motion of Mr. Dudley of Enfield to reconsider passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker, I notice my neighbor Mr. Dudley is temporarily out of the Hall of the House and I would hope that one