

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 6, 1973 to July 3, 1973

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

Mr. SEWALL: Mr. President and Members of the Senate: It is my understanding there are no costs involved with this legislative document. Therefore, Mr. President, I move the pending question.

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

On motion by Mr. Berry of Cumberland, the Senate voted to take from the unassigned table: Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 678) (L. D. 2044)

Tabled earlier in today's session by Mr. Berry of Cumberland.

Pending — Passage to be Engrossed.

Mr. Tanous of Penobscot then presented Senate Amendment "C" and moved its Adoption.

Senate Amendment "C", Filing No. S-261, was Read.

The PRESIDENT: The Senator has the floor.

Mr. TANOUS: Mr. President and Members of the Senate: The amendment calls for clarification of unregistered bonds and by whom they may be signed, the Treasurer of the State, and we have added his deputy in the amendment in two sections of the law, Section 17 and Section 18 of Title 25. Also, under Section 18(a) of Title 30, apparently Maurice Williams no longer wishes to serve as a commissioner on the board, and he desires that his name be taken out of the law, so that it provides for the Bank Commissioner to serve on this particular board rather than the Finance and Administration individual. Mr. Ferguson has requested that I introduce this amendment in his behalf.

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

Mr. KATZ: Mr. President, perhaps I wasn't duly attentive. Do I understand that we are changing the statutes to remove the Commissioner of Finance and Administration, who is presently by statute on this board, and substituting the Banking Commissioner?

It seems that this changes the substance on the law. It may be a very, very good substantive change, but here we are dealing with individuals, and I presume that this relationship was established by statute. It may be a great change, but I am unconvinced that it is proper for inclusion actually into Errors and Inconsistencies, because it is neither an error nor an inconsistency, and probably should be resolved by statute.

The PRESIDENT: Is the Senate ready for the question? As many Senators as are in favor of the adoption of Senate Amendment "C" will please say "Yes"; those opposed "No".

A viva voce vote being taken, Senate Amendment "C" was Adopted.

Mr. Tanous of Penobscot then presented Senate Amendment "D" and moved its Adoption.

Senate Amendment "D", Filing No. S-262, was Read.

The PRESIDENT: The Senator has the floor.

Mr. TANOUS: Mr. President and Members of the Senate: This amendment deals with two bills that we enacted at this session dealing with admission to mental hospitals. Senator Speers was the sponsor of one of these bills, and I forget who the other sponsor was, but they are conflicting in various sections, and this amendment was prepared by Court Perry in order to resolve the inconsistencies.

The PRESIDENT: Is it now the pleasure of the Senate that Senate Amendment "D" be adopted?

The motion prevailed.

Mr. Shute of Franklin then presented Senate Amendment "E" and moved its Adoption.

Senate Amendment "E", Filing No. S-263, was Read.

The PRESIDENT: The Senator has the floor.

Mr. SHUTE: Mr. President and Members of the Senate: I believe it was the original intent of the Election Laws Committee — and I am sure that Senator Cianchette or Senator Joly will correct me if I am wrong — that the legislature would require of candidates for Governor to file essentially the same reports as required of the

federal candidates or candidates for federal office in the State of Maine. It was not our intent, however, to have them file the report as often as the federal candidates, and this amendment would make this correction.

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

Mr. CIANCHETTE: Mr. President, I wouldn't want to debate with Senator Shute from Franklin about what the committee did, because I frankly don't remember the exact action taken. But I believe it was my thought at the time that in these days of questioning government figures and candidates, and all that sort of thing, that the inclusion of this law would ask that candidates for Governor file reports similar to those reports filed for candidates for federal office.

I think the purpose of that is that once the candidate has been elected, if he has been doing something funny with his campaign, in practice it is too doggone late to do anything about it. The purpose is simply truth in reporting procedures. I believe the bill as passed is fine, without this amendment doing away with those interim reports. I personally feel that interim reports are for good government, and I would urge you to vote against this amendment.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE: Mr. President and Members of the Senate: As I recall, the Committee on Election Laws did report out a bill which essentially would be similar to a document which would include Senate Amendment "E", which I am now offering. As I recall it, either in committee or subsequent to our committee meetings, we did discuss the requirements of the United States House of Representatives, which has a sheaf of reports and requirements, some of which I hold in my hand here now. The type of report it asked for includes verifications, oath or affirmation, complete documentation from the candidate on his expenditures and

his cash receipts. This now is required by the Secretary of State. You do have pretty complete reports that are required. If we adopted this as the document that we have now placed on the books, it would require a March 10 report, a June 10 report, a September 10 report, a January 31 report, plus a report 45 days after the election.

It seems to me this is requiring too much of any candidate for Governor, and I must say right now that I am not a candidate for Governor, and I would like to have that on the record so that I can feel free to at least debate this particular type of proposal. I think it would be too much for any candidate to contend with. This is why I am offering Senate Amendment "E", in the hopes that it will be accepted.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I just got hold of this amendment, and I really haven't had a chance to absorb it. I wonder if someone would table it for me.

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

Mr. Cianchette of Somerset then moved that the Bill be tabled and Tomorrow Assigned, pending Adoption of Senate Amendment "E".

On motion by Mr. Berry of Cumberland, a division was had. Eight Senators having voted in the affirmative, and 20 Senators having voted in the negative, the motion did not prevail.

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

Mr. CIANCHETTE: Mr. President and Members of the Senate: Perhaps I can help the Senator from Cumberland, Senator Brennan, in deciding what this amendment is all about, and I would ask him to listen. I would like to declare too now on the record that I am not a candidate for Governor. That perhaps cuts it down a little more.

This amendment takes away from the law that we have here

now the requirement for a candidate for Governor to file interim reports. Again, it is my understanding that if we are going to have truth in disclosure, we need that truth in disclosure before the voters have cast their vote. By voting for this amendment, you are taking that away from the people.

You are only asking that this has to be done several times during the interim of the campaign. Obviously, I can understand the reasons for that. The reasons are simply for disclosure of who is backing who, where the money is coming from, and where it is going. Once the candidate is elected, it is pretty doggone late to do anything about it then.

As far as the candidates for Governor being too busy to file these reports, well, I feel sorry for them, but most of them have staffs and it really does not take a staff man that long to keep these records and disclose them on an interim basis, instead of disclosing them all together 45 days after the campaign. I really think it is in the interest of good government to vote against this amendment.

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

Mr. BRENNAN: Mr. President and Members of the Senate: Frankly, I am very impressed by the remarks of the good Senator from Somerset, Senator Cianchette. I think it is terribly important to know where the money is coming from before someone votes, and as to how much money he has. I think we all should have gotten some message recently; I am not so sure we did though, but this idea of trying to better inform the public ought to be the objective of everybody in this Senate. As I understand it, the bill without the amendment has a good chance of doing that. So I think Senator Cianchette makes an awful lot of sense, that we ought to kill this amendment and try to keep the public well informed before the election.

The PRESIDENT: The pending motion before the Senate is the adoption of Senate Amendment "E".

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President, I would request a roll call.

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the adoption of Senate Amendment "E", to Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws". A "Yes" vote will be in favor of adoption of Senate Amendment "E"; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Cox, Hichens, Huber, Joly, Morrell, Peabody, Richardson, Schulten, Sewall, Shute, Wyman.

NAYS: Senators Aldrich, Berry, Brennan, Cianchette, Clifford, Conley, Cummings, Cyr, Danton, Fortier, Graffam, Greeley, Katz, Kelley, Marcotte, Minkowsky, Roberts, Speers, Tanous, MacLeod.

ABSENT: Senators Anderson, Olfene.

A roll call was had. 11 Senators having voted in the affirmative, and 20 Senators having voted in the negative, with two Senators being absent, the motion did not prevail.

Thereupon, on motion by Mr. Berry of Cumberland, tabled, pending Passage to be Engrossed.

Joint Resolution

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

In the year of our Lord one thousand nine hundred and seventy-three

In Memoriam

WHEREAS, on June 24, 1973 this State lost a distinguished friend and servant in the death of the