

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume II

April 23, 1973 to June 5, 1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

rise and remain standing until counted.

Obvious less than one-fifth having arisen, a roll call is not ordered. Is the Senate ready for the question?

Thereupon, this being an emergency measure and having received the affirmative votes of 26 members of the Senate, with seven Senators voting in the negative, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Mr. Berry of Cumberland then moved that the Senate reconsider its action whereby the Bill was Passed to be Enacted.

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

The PRESIDENT: I think it is interesting to note that one of the first bills taken from the Appropriations Table and enacted by this body was a loss of revenue of \$175,000 each year of the biennium to go to the racing interests.

Mr. Speers of Kennebec was granted unanimous consent to address the Senate:

Mr. SPEERS: Mr. President and Members of the Senate: I don't think that this body ought to adjourn today without making some comment on the events of the weekend that we are just past and that were just revealed yesterday.

The actions which were revealed to have been taken by the Chief Executive of this State, I feel, is an affront not only to the Senate, not only to the Legislature, but to the people of the State of Maine as well.

I find it rather incredible, particularly in light of the revelations going on now in Washington in regards to Watergate, that the Chief Executive would even give the appearance of interference with the process of the investigation of wrongdoings that the legislature has undertaken, let alone actually interfere with that process.

I find it even more incredible that the Chief Executive of this State has impounded evidence and

refuses to release that evidence that may well show illegal activities on the part of certain individuals. The Governor of the State of Maine is sworn to uphold the Constitution and the laws of the State of Maine. And yet he refuses to release evidence and cooperate with the Legislature in finding evidence that has been gathered that may very well show illegal activities on the part of some individuals.

The issue that faces us right now, today, is not the issue of public power. It has been very clear and it has been stated time and time again by the Majority Party, and it has been agreed to by the Minority Party, that there has been a commitment for the public power question to go to the people for a vote, so it is not an issue of whether or not you are in favor of public power. The issue right now has come down to the question of whether or not the Legislature may conduct its constitutional duty and its constitutional responsibility to investigate the authenticity of petitions, and uphold the integrity of the petition process, without the interference of the Executive Branch.

It has been well demonstrated and well stated time and time again that there are certainly suspicions of wrongdoings in the process of gathering these particular petitions. There is enough evidence to give rise to a reasonable question as to whether or not there have been wrongdoings. We, the Legislature, speaking through the Judiciary Committee, the Senate as a part of the Legislature, have the responsibility and the duty to investigate any kind of wrongdoing that may have taken place in the gathering of these petitions.

The Chief Executive of the State has indicated that he is quite concerned with the kind of tactics that are being used by the State Police in this instance. Well, what are the tactics that are causing such great concern? The State Police have gone in plain clothes, knocked on the door at reasonable hours of the day, and asked if they might ask a few questions. The individuals obviously did not even have to let them into the house. They

were very civil, very polite, just as you would expect from anyone in conducting an investigation as to whether or not there was any wrongdoing. Now, many times the State Police have stopped cars on the highway on a routine check of the registration of an automobile, and I hardly think that that could be called storm trooper tactics.

There are reasonable questions as to whether or not there are wrongdoings in the obtaining of these petitions, and I simply can't understand the position of the Governor of this State in refusing to release evidence that might bear upon that question. I call upon the Governor today to immediately cease his interference with this investigation, to release the evidence that has been gathered by the State Police, and to further cooperate with the Legislature in performing its constitutional duty to determine the authenticity of the petitions that are before us.

Mr. Brennan of Cumberland was granted unanimous consent to address the Senate:

Mr. BRENNAN: Mr. President and Members of the Senate: First, I might say Governor Curtis needs no defense. I think personally he is a person of the highest loyalty, the highest integrity, and one of the most compassionate people I have ever met. I consider him, frankly, one of the finest living Americans, and I honestly think that many members of the Majority Party in this body feel likewise. I think he is concerned with the little guy and protecting the average citizen.

I think, constitutionally, Governor Curtis is on sound ground. The Legislature cannot order the Executive Branch around. The Legislature cannot order the State Police around. These are Executive Branch functions. There is a separation of powers.

It has been said on many occasions in reference to this power situation that there is no evidence of criminal conduct. Senator Tanous, the distinguished Senator from Penobscot, has said it many times himself; no evidence of criminal conduct. The State Police that have gone around to these

homes have said that there is no evidence of a criminal violation, no evidence of criminal conduct. In effect, they have also said there is not even an investigation.

I say, if there is no evidence of criminal conduct, why send the State Police around to homes of people who circulated petitions that just want to give someone a chance to vote for public power or against public power. I say, State Police going up there with their cars and their big aerials and from the homicide squad is intimidation per se. The thing that bothers me is I think we have an excellent State Police, and I really hate to see the State Police being exploited for political purposes.

I frankly think that the Governor showed one of his finest hours, really, being concerned about the civil liberties of people. I think as the top Executive of this State he did the right thing in calling a halt to these unwarranted intrusions.

If we have a function here dealing with the Legislative Branch of government, we ought to look into it from the Legislative Branch of government. I don't think that we have any business whatsoever sending the State Police around when there is no criminal investigation being conducted.

I honestly believe that, frankly, instead of condemning the Governor here, I think more appropriately we probably should be passing a resolution commending him for protecting the rights of the citizens, the people of the State of Maine.

In regard to this investigation, I have asked the good Senator from Penobscot, Senator Tanous, on several occasions "Let's get minority counsel and majority counsel and let's get to the bottom of this and go right at it, instead of turning it over to the Attorney General's Office and making use of the State Police for partisan political purposes." Again, I just must condemn the remarks of the Senator from Kennebec, Senator Speers.

Reconsidered Matter

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Fortier.