

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Special Session

OF THE

*One Hundred and Second
Legislature*

OF THE

STATE OF MAINE

1966

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

Act Appropriating Additional Funds for Alcoholism Services.”

Amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

‘Appropriation. There is appropriated to the Department of Health and Welfare from the General Fund the sum of \$13,080 to provide additional funds for alcoholism services. The breakdown of expenditure to be as follows:

	1965-66	1966-67
HEALTH AND WELFARE,		
DEPARTMENT OF		
Alcoholism Services		
Personal Services		
	(2) \$2,710	(2) \$7,410
All Other	800	2,160’

House Amendment “B” was adopted, the Bill passed to be engrossed as amended by Committee Amendment “A” and House Amendment “B” and sent to the Senate.

Bill “An Act relative to Issuance and Revocation of Boarding Home Licenses” (H. P. 1230) L. D. 1725)

Bill, “An Act Appropriating Funds for Additional Personnel in the Elections Division of the Office of Secretary of State” (H. P. 1237) (L. D. 1732)

Resolve Providing Funds for Enforcement of the Fair Minimum Wages for Construction of Public Improvements (H. P. 1195) (L. D. 1663).

Resolve to Reimburse Arthur E. Thompson of New Gloucester for Fire Loss (H. P. 1201) (L. D. 1669)

Resolve in favor of Margaret Sinclair of Windham for Fire Loss (H. P. 1202) (L. D. 1670)

Were reported by the Committee on Bills in the Third Reading, Bills read the third time, Resolves read the second time, all passed to be engrossed as amended by Committee Amendment “A” and sent to the Senate.

Orders of the Day

The Chair laid before the House the first tabled and today assigned matter:

Bill, “An Act relating to Branding of Potatoes.” (S. P. 627) (L. D. 1636)

Tabled—January 20, by Mr. Bragdon of Perham.

Pending — Passage to be Engrossed.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

The Chair laid before the House the second tabled and today assigned matter:

HOUSE ORDER Relative to Justices of Supreme Court Giving Their Opinion on the Constitutionality of Legislative Document 1630 and Legislative Document 1632.

Tabled—January 20, by Mr. Levesque of Madawaska.

Pending—Passage.

Mr. Starbird of Kingman Township offered House Amendment “A” and moved its adoption.

House Amendment “A” was read by the Clerk as follows:

HOUSE AMENDMENT “A” to House Order Relative to Constitutionality of Legislative Documents 1630 and 1632.

Amend said Order by striking out all of the 2nd paragraph.

Further amend said Order by striking out all of the 11th line and inserting in place thereof the following: ‘WHEREAS, this resolve requires that the apportionment of’

Further amend said Order in the 18th line by striking out the word “resolves” and inserting in place thereof the word ‘resolve’

Further amend said Order in the 23rd line by striking out the word “questions” and inserting in place thereof the word ‘question’

Further amend said Order by striking out all of the second question which reads as follows:

“II.

Is the method of apportioning Senators, set forth in Legislative Document 1632, constitutional?”

The SPEAKER: Is it now the pleasure of the House that House Amendment “A” be adopted?

The Chair recognizes the gentleman from York, Mr. Erwin.

Mr. ERWIN: Mr. Speaker, may I make a parliamentary inquiry

to the gentleman from Kingman, Mr. Starbird?

The SPEAKER: The gentleman may proceed, the gentleman may make his parliamentary inquiry to the Chair.

Mr. ERWIN: May I ask a question through the Chair of the gentleman from Kingman, Mr. Starbird?

The SPEAKER: The gentleman may proceed.

Mr. ERWIN: Would the gentleman from Kingman please explain the purpose of the amendment?

The SPEAKER: The gentleman from York, Mr. Erwin, has posed a question through the Chair to the gentleman from Kingman Township, Mr. Starbird, who may answer if he so chooses.

Mr. STARBIRD: Mr. Speaker and Members of the House: At the present time, L. D. 1632 is still in the State Government Committee. L. D. 1630 was on the Senate Calendar this morning. I presume that it will be in this House Monday. Therefore, we have one document before the House, 1630. I personally would like to see the constitutionality of that document tested. I would also like to see the constitutionality of 1632 tested. I believe both are constitutional.

We have of course talked among ourselves, among various people that we know. I have, I know many of you have, both political parties. It seemed that we had no — the democratic party had no chance of acquiring the proper number of votes to pass L. D. 1632 which the majority of the interim committee on Senate reapportionment came out with. Therefore, many of us in the democratic party adopted the attitude that we needed some sort of reapportionment now, rather than put the state to possibly quite a large cost, court suits, if someone decided to challenge our present mode of apportioning the Senate.

Because of this, we felt that the need for a reapportionment amendment to our State Constitution was urgent, and we felt that you of the republican party would naturally support this bill, and

therefore, we also would attempt to support it. It appears then that this bill will pass. If it does pass, then Legislative Document 1632 will not have to be considered in any way whatsoever. If it does not pass, then I hope that you will give us the same consideration with 1632 as we are attempting to give you with 1630. If 1630 passes this body and passes the Senate and the Courts declare it is unconstitutional, then of course we have 1632 to fall back on. We can try again. We can bring this Legislative Document through the legislative processes and put that before the Court. I have no fear. I have no fear that either one of these documents are unconstitutional, but since we have decided to bring 1630 out first, there is no need to question the constitutionality or unconstitutionality of 1632 at this point. We are considering one document, 1630. This is already in the hands of the Senate. It will come before this body, and therefore at the proper time it should be turned over to the Justices, we will receive their opinion. If their opinion is favorable, it will go through, it will go to a referendum and the people naturally will have the final say on it. I hope that answers your question. If it does not, I will try to clarify anything I can.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Erwin.

Mr. ERWIN: Mr. Speaker, the gentleman from Kingman, Mr. Starbird, has done a very good job in answering my question. Mr. Starbird, as we all know, is a thoroughly honest and thoroughly able man. He is also a very trusting man. Once upon a time I like to think I was something like him when I was his age. Once upon a time in another place it happened that when I wasn't looking somebody put a bag over my head and they pulled the drawstring tight around my ankles and I didn't realize what had happened until it was too late to do anything about it. I prefer that didn't happen again.

With respect to this order, I think I may speak for the minority

party except for the fact that we wonder mildly why our idea wasn't just as good as yours, and that is send them both over to the Supreme Court; we have no objection to this order if it is the intent of the majority leadership in the event that the republican bill, 1632, is found to be constitutional, at least insofar as the questions directed to the Supreme Court are concerned. If it is the intent of the majority party to push this bill through to the point where we know whether or not it is going to pass, we have no objection to it. I wonder if the Majority Floor Leader is in a position to tell us whether or not this is the intent at this time.

The SPEAKER: The gentleman from York, Mr. Erwin has asked a question through the Chair of the gentleman from Madawaska, Mr. Levesque, who may answer if he so desires.

Mr. LEVESQUE: Mr. Speaker, may I approach the rostrum please?

House at Ease

Called to order by the Speaker.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: In answer to the question posed by the gentleman from York, Mr. Erwin, I don't think that his sincerity has been questioned in the past, and I doubt very much if it is questioned today, so in answer to his question, the answer is in the affirmative.

The SPEAKER: Is the House ready for the question? The question before the House is whether we adopt House Amendment "A" to the Order. Is it the pleasure of the House that House Amendment "A" be adopted?

The motion prevailed.

Thereupon, the Order received passage as amended by House Amendment "A".

The Chair laid before the House the third tabled and today assigned matter:

An Act for Licensing Private Detectives and Watch, Guard and Patrol Agencies. (H. P. 1130) (L. D. 1545), which was vetoed by the Governor, and which was

Tabled — January 20, by Mr. Levesque of Madawaska.

Pending — Further consideration.

The SPEAKER: The question before the House is, shall this bill become a law notwithstanding the objections of the Governor?

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: In view of the message presented with this document from the Executive Office in pointing out the objectionable part of this bill, I think we have before us another document with which we feel the Executive part of the Government will not have any objections, so therefore, certainly it is the feeling of the leadership that the veto of the Governor should be sustained.

The SPEAKER: Is the House ready for the question? The question before the House is, shall this bill become a law notwithstanding the objections of the Governor? Under the Constitution, the vote has to be taken by the yeas and nays.

If you are in favor of this bill becoming law notwithstanding the objections of the Governor, you will answer in the affirmative when your name is called. If you are opposed to it, you will answer in the negative. The Clerk will call the roll.

Roll Call

YEA — None.

NAY — Anderson, Avery, Baker, Orrington; Baker, Winthrop; Bal-dic, Beane, Bedard, Benson, Mechanic Falls; Benson, South-west Harbor; Berman, Berry, Binnette, Birt, Bishop, Blouin, Boissonneau, Bourgoin, Bradstreet, Bragdon, Brennan, Brewer, Buck, Burnham, Burwell, Carroll, Cars-well, Carter, Champagne, Conley, Cookson, Cornell, Cote, Cottrell, Cressey, Crommett, Crosby, Cur-ran, Cushing, D'Alfonso, Danton,