

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth  
Legislature*

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL  
AUGUSTA, MAINE

Which reports were Read and Accepted in concurrence, the Bills Read Once and Tomorrow Assigned for Second Reading.

**Ought to Pass-As Amended**

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Moneys to Carry Out Duties of the Attorney General." (Emergency) (H. P. 111) (L. D. 127)

Reported that the same Ought to Pass as Amended by Committee Amendment "A".

Comes from the House, the report Read and Accepted, and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, tomorrow assigned for Second Reading.

**Ought to Pass In New Draft**

The Committee on Sea and Shore Fisheries on Bill, "An Act Prohibiting the Taking of Striped or Sea Bass in Tidal Waters Except by Hand Line or Rod and Reel." (Emergency) (H. P. 7) (L. D. 7)

Reported that the same Ought to Pass in New Draft under the same title. (H. P. 251) (L. D. 241)

Comes from the House, the Report Read and Accepted and the Bill, in New Draft, Passed To Be Engrossed.

Which report was Read and Accepted in concurrence and the Bill, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

**Senate**

**Ought To Pass-As Amended**

Mr. Mills of Franklin for the Committee on Judiciary on Bill, "An Act Relating to Settlement with Joint Tortfeasors." (S. P. 41) (L. D. 124)

Reported that the same Ought To Pass As Amended by Committee Amendment "A".

Mr. Violette of Aroostook for the Committee on Judiciary on Bill, "An Act Relating to Workmen's

Compensation Third-Party Actions." (S. P. 42) (L. D. 125)

Reported that the same Ought To Pass As Amended by Committee Amendment "A".

Which reports were Read and Accepted and the Bills Read Once. Committee Amendments "A", Filing Nos. S-3 and S-4, were Read and Adopted, and the Bills, as Amended, Tomorrow Assigned for Second Reading.

**Second Readers**

The Committee on Bills in the Second Reading reported the following:

**House**

Bill, "An Act Relating to Closed Season on Wild Hares in Lincoln County." (H. P. 17) (L. D. 20)

Which was Read a Second Time and Passed To Be Engrossed in concurrence.

**House - As Amended**

Bill, "An Act Relating to Settlement Status of Persons Residing in Rest Homes and Nursing Homes." (H. P. 36) (L. D. 37)

Which was Read a Second Time.

On motion by Mr. Peabody of Aroostook, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

**Senate**

Bill, "An Act Authorizing Application of 1966 Assessed Valuation for Reimbursement to Towns for Snow Removal in Winter Season of 1968-1969." (Emergency) (S. P. 30) (L. D. 88)

Which was Read a Second Time and Passed To Be Engrossed.

Sent down for concurrence.

**Orders of the Day**

The President pro tem laid before the Senate the following tabled and specially assigned matter:

House Reports — from the Committee on State Government on Resolve, Proposing an Amendment to the Constitution Providing for Convening of the Legislature at Such Times as the Legislature Deems Necessary. (H. P. 21) (L. D. 24) Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

Tabled—January 23, 1969 by Senator Berry of Cumberland.

Pending—Motion by Senator Wyman of Washington to accept the Majority Ought to Pass Report.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The bill before us, L. D. 24, provides a rather sharp break with tradition and existing constitutional law and, accordingly, would seem to merit a close perusal. When we are faced with a proposal to make a change of this significance the first question might be "What is the change?" and, second, "Is it necessary?"

The proposal here would permit the President of the Senate and the Speaker of the House, acting together, to call the legislature into session. Of course, such a procedure now is impossible. I assume, from reading the news that the main purpose behind this bill is an attempt to bring the legislature into session more frequently than it is now brought by law and by our established constitutional procedure. Now this, in my opinion, is in itself newsworthy and meritorious because this indicates an increasing awareness on the part of people that it is necessary for the legislature to devote more time to the conduct of the State business than at present it does. Accordingly, my questioning would not be with the purpose of the bill, but rather with the manner in which this is attempted to be accomplished.

It has been said that this was the thinking man's answer to annual sessions, and I think this underscores what I just said, that we are realizing more and more that increasing attention has got to be given to more legislative supervision. As you probably gather, this opens up a whole complex problem, far more than just the simple wording "Shall the legislature come in session on the call of the President and Speaker?" Because we are face to face by the very nature of this bill and the causes which brought it before us to consider the whole

question, the whole spectrum, of what needs to be done to provide adequate and proper legislative action and supervision of our State's affairs, it is because of this that I attribute a great deal of importance to this bill.

Now, from a technical standpoint — and this is my question with it, of course — from a technical standpoint I do see problems in the ability of two members of the legislature to call in session whenever they wish, without any screening process or any restraining influence at all, the Maine State Legislature. Certainly the calling of the legislature is a significant and serious act. When we have been called in session there have been cogent reasons for doing this. The last one was the proposal to increase the borrowing capacity of the Maine Industrial Building Authority for the Bath Iron Works. To my knowledge, there has never been a reluctance on the part of any governor to call a special session of the legislature. This removes one of the reasons for the bill because, by law and by constitution, the governor is the party empowered to do this, and he should be. Now, if anything happens to the Governor we have a very clear line of succession, so the legislature of the State of Maine may be called in session promptly in the event of any need.

I see a possible chaotic situation developing. I see a divergence of thinking, say, between the executive branch and the legislative leadership. I see a situation which might develop where a strong personality, outside the elected membership of the legislature, might convince the President of the Senate and the Speaker of the House that there would be a need for a particular reason to call the legislature into session. I maintain, Mr. President and Members of the Senate, that this is not the prerogative of elected legislative leadership to call the legislature into session. The call should come from the governor and, as it does now, it should state the specific needs, the specific aims and objectives of such a special session.