

MAINE STATE LEGISLATURE

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insurance. They are in the lending business, not in the insurance business.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Scott.

Mr. SCOTT: Mr. Speaker and Members of the House: Two years ago I served on the committee that heard all of the Small Loan bills and the Truth in Lending bills and today listening to the gentleman from Portland, Mr. Brennan, I felt that I was back two years ago. These were exactly the same words that we had two years ago before our committee and which I feel we did considerably about. We passed several Small Loan bills and the Truth in Lending bill.

This bill is a bad bill. It harms the very people it is supposed to help. I have seen too many cases where the bread winner in the family dies and the widow with this credit life insurance is helped. I am not involved in this situation at all, so I can be impartial in this.

The tightening up of the regulation of small loan companies I think is far better than the gentleman believes. I even tagged an amendment on at the last session that forced by statutes the Banking Department to immediately notify the Insurance Department when these infractions were found and then work together.

I cannot see where this action, which prohibits these poor people from having this coverage, is in their interest at all and I will support the gentleman from Wilton, Mr. Scott.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Members of the House: Although it has happened before during this session, I think for the first time today I would like to admit that I am a bit confused as to what is going on. It doesn't seem to me that there are too many folks here that are working in the lobby for the small borrower. Perhaps there are some for the finance companies, but in any case, Mr. Brennan seems to feel that it is still a problem; Mr. Scott and some of the other gentlemen feel that it is not.

I was interested in Mr. Brennan's reading from Judge Gignoux's decision, and apparently the federal judge thought it was a problem. But in order that this matter be cleared up — for example we can find the date of the federal judge's decision when he very clearly stated that he felt it was a problem — I would hope that someone would table this for one day.

Thereupon, on motion of Mr. Donaghy of Lubec, tabled pending the motion of Mr. Scott of Wilton to indefinitely postpone and specially assigned for tomorrow.

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

Resolve Proposing an Amendment to the Constitution to Provide for Municipal Home Rule (H. P. 343) (L. D. 451)

Tabled — June 5, by Mr. Levesque of Madawaska.

Pending — Motion of Mr. Cote of Lewiston to indefinitely postpone.

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

Mr. RIDEOUT: Mr. Speaker and Ladies and Gentlemen of the House: I sponsored a similar bill to this as did Mr. Sahagian. My bill was the thinking of the Maine Municipal Association and his was an outgrowth of the hearings and recommendations of the Intergovernmental Relations Committee. This present bill is a compromise between the two that we have all agreed to and all subscribed to. The bill is brief and to the point and I will read the new section in total.

"Section I. Municipal home rule. Municipal corporations shall have the exclusive power to alter and amend their charters on all matters which are local and municipal in character." And I repeat that "on all matters which are local and municipal in character."

I submit to you also that this is a constitutional amendment and must be approved by a majority of the voters of this state. I also submit that in my opinion as a twelve-year veteran of local government, the matters pertained to in this bill would also go to the

local referendum. I ask you to vote against the indefinite postponement motion.

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mr. Sahagian.

Mr. SAHAGIAN: Mr. Speaker and Members of the House: I rise in opposition of the motion made by the gentleman from Lewiston, Mr. Cote. During my several years in the Legislature, I have always felt that the Legislature should pass a Municipal Home Rule bill. It makes no sense to me that the Legislature should determine what charter changes should be made by the cities and towns of our state. Passage of this bill would certainly mean a better government on the local level if the citizens of our state would turn in a favorable vote. I would therefore urge each and every one in the House to go against indefinite postponement of this Rule. And finally, I believe if this bill is passed, it will retard the Legislature's work by anywhere from two to three weeks because then the towns and cities will be altering and putting their home in order rather than coming here to the Legislature every time they want to alter their charter.

If you will permit me to say, I believe we have at least 70 or 77 charter changes in this Legislature which takes a lot of time, a lot of energy and a lot of cost. Thank you.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: We have been here since January 1, 1969 and time and time again when we had charter changes on the floor of this House which regarded the municipality, the municipality alone, they were voted down. Motions were made to indefinitely postpone, some survived and some didn't, and this leads me to believe that this House is not ready to vote for a constitutional amendment for home rule.

Now the towns and the cities of this state were created by the Legislature and are responsible to the Legislature. And if we want to surrender all of our powers that

we have in this House, we might as well give home rule to everything. Why should we have a session of the Legislature? Let the Governor's Council and the Governor make the decisions as far as taxes are concerned. Why should we? This is home rule, home rule at the executive end of it. I feel that as these municipalities were created by the Legislature, that they are responsible to the Legislature, and I am afraid at some time or other in the future, if we do let this constitutional amendment go by, that many of our towns and cities will have chaos. So we should be very very careful of what powers we give to our cities and towns and what powers we as legislators should relinquish.

If I remember right, last Friday afternoon the gentleman from Eagle Lake, Mr. Martin, gave an oration on the Floor of this House that pertained to a change in the Constitution — I don't remember just what the bill was now — and he won out. We were surrendering powers to the people who could have called a constitutional amendment and he felt that we should not relinquish those powers, and today — I am not as eloquent as he is in my speech, in my talking — but I feel that if we do relinquish these powers, we will be sorry in the future.

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

Mr. LUND: Mr. Speaker and Members of the House: During the first portion of the remarks of the gentleman from Lewiston, Mr. Cote, I thought he was going to debate in favor of the bill because during the course of a legislative session it seems to me that there are many many issues of statewide importance, of importance to each one of us and to the communities that we represent, but issues which we fail to deal with as effectively as we would like to because we do not have the time to do so.

One of the reasons that we are not able often times to devote adequate attention to these matters of statewide importance — I think you can all think of some of these issues — but one of the reasons

is the volume of legislation that we handle during the course of a legislative session. In the previous session of the Legislature, as I recall it, we had over thirty bills, charter amendment bills, originating from the City of Lewiston. This session, the malady seems to be spreading to Auburn.

I am not suggesting that these issues are not important to the City of Lewiston, or important to the City of Auburn, but I do think that they are not of burning importance to the inhabitants of every community in the state, at least not as important to the state as a whole as are matters of water pollution, resource development and conservation and the mechanics of state government itself.

I am not going to suggest to you that if the Legislature eventually carries out a home rule program that this will solve all of our problems, because it won't. But I think that home rule is one logical and effective way of cutting down on the number of local issues that divert a good deal of the attention and time of the Legislature. Passage of this constitutional resolve and approval of the people would be one step in carrying out the job of easing this burden of local matters. I say one step because it should be pointed out to you that this constitutional resolve will not be effective until acted upon by the Legislature at a session following the vote of the people. That is to say, the Legislature will by statute prescribe the means by which communities may amend their charters so that the mechanics of the charter amendment will be left to the eventual decision of the Legislature as to how it may be done.

I have indicated one of the advantages of our acting favorably on the home rule today. The second advantage I think is equally important and that is that it would encourage the resolving of local problems at the local level. It happens all too often that people who have a disagreement with a charter provision or with a city government or some officials within the city government, will not resolve their problem at the local level through local action and

through action at the ballot box, but will seek to go over the heads of the community representatives, elected officials, and will try to solve the problems here at the state level instead. I think these problems ought to be resolved and thrashed out at the local level and this bill provides the mechanics for doing so.

The bill was the outgrowth of the two years of study by the Intergovernmental Relations Commission of which a number of legislators participated actively. I think it does provide a constructive step in one incident in which I think has borne the stamp of approval of both of our party platforms, for at least the current platform, and I think in some cases previous to that, namely, the establishment of home rule in the state. So I hope the Legislature will act favorably upon this resolve in order to make it possible for laws to be enacted by which our communities can deal with their charter problems at the local level. So I hope you will vote in opposition to the motion for indefinite postponement.

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

Mr. JALBERT: Mr. Speaker and Members of the House: First I would like to set the record straight—and I am sure that the usually very alert and very knowledgeable gentleman from Augusta, Mr. Lund has his facts straighter when he rises to debate—at the last session of the Legislature, there were not thirty but there were five Lewiston charter bills. Three of them were enacted with not one word of debate in either branch. The fourth one had a referendum on it because there was some confusion in the House, and so that the referendum was put on the bill and when that went before the people the referendum passed.

The fifth bill—and you should remember, those who were here—the debate that was held between myself and the sponsor of the bill. I was against the measure. The bill the first time around was killed by one vote and the next time around, in my usual peace

offering, I agreed to the bill, but I did say that it was a bad piece of legislation. The sponsor of the bill now agrees that it was a bad piece of legislation because it left here and went into Lewiston, not into home rule, it went into Lewiston into the hands of a police commissioner who was in control and is now in control for another year under our commission form of government, so that a private in the Lewiston police department when this bad law was invoked suddenly woke up the next morning and found himself to be deputy chief of the police department; and so that many people in the department through this reorganization found themselves bypassed, people demoted, and others promoted. And the sponsor of the measure himself has told several of us within the earshot of my voice that he admits now that this was a bad piece of legislation.

If we lose all control here on the local level, and it would mean that we give possibly some factions within the local arena an opportunity to do exactly what you are trying to do now, and I am sure that there is at least a half dozen—particularly one gentleman here who could really attest to the statement that I am making now. We refused home rule through a bill that was also long and loudly studied by the Research Committee wherein it concerned giving home rule to the county government.

There was a bill that I presented, that was unanimously approved by all the county commissioners, that would allow the salaries of departmental heads to be set by the county commissioners and approved by the county delegation. This bill came out of committee "ought not to pass" and was referred back to committee and came out of committee with an "ought not to pass" decision. I didn't say anything. I went along with the judiciousness of the committee in thinking that would be too much home rule for county government.

Last Friday we debated loud and long on an amendment here that would provide direct initiative to amend the Constitution. That

was to give the right to the people to vote whether or not they wanted to initiate the Constitution, and we voted that down.

So on the basis of that I can hardly see in any event why we shouldn't stay on as the watchdog of the local charters, and also I would almost question the fact and put in question here what would happen to existing amendments that have been put on to all of the charters, all of the towns and cities, wherein it would concern itself with bank loans, wherein it concerns itself with contracts. I wonder whether or not we might not get ourselves enmeshed into a situation that we would be sorry that we did. I am not going to make the motion. The motion has already been made. But I just wanted to comment very briefly about being consistent.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: It seems that this bill suddenly becomes embroiled for some reason with the bill and the debate that we had on Friday of last week. Two points I want to make and I want to make them brief before I discuss home rule and these points are about the bill that we debated on Friday. One, is that a Constitution should be brief and it should contain fundamental rights and fundamental principles that a state wants. And secondly, that I was opposed to the bill before us on Friday because it allowed for abuses of a right which I think may be justified if it is properly written.

Now in light of what has been said today I do want to say this to you: that as a result of some of the points that were made by me and some of the points that were made by others on Friday, an attempt is being made now—and I happen to be one of those people involved, of writing an amendment which could be acceptable and would prevent the abuses which I discussed with you last Friday.

I think there seems to be misunderstanding about what home rule is. Let me point out to you

that 35 states have this in their constitution. What would it do and what is it? Home rule would be given by the State of Maine to the cities and municipalities to draft and to adopt and to amend their charters. It would prevent the various communities from coming to the Legislature every two years. And the gentleman from Augusta, when he was referring to the number of bills which we had two years ago, was referring to the total number of bills which we had before us, and those of you who are here can well remember the number of bills we had, and we spent a great deal of time.

Some of you who have been here for a long time may remember the times when you used to debate fishing regulations. You may remember the time when you used to debate whether or not a small road should be town aid or state aid. We have done away with this. It is not because the Legislature has relinquished its power to a sub powerful organization, but it is because the Legislature realizes that we don't have time to deal with everything along that line.

Now let me make two points to you. Two years ago I introduced this bill at the request of the Governor. I did so because it happened to be in the Democratic Platform. A like bill was introduced by a Republican, if I remember correctly. The bills were referred to the Intergovernmental Relations Commission because it was felt that the State of Maine should have its own particular home rule rather than copying from another state, and so this was done. This time the bill has been introduced by my seatmate, the gentleman from Belgrade, Mr. Sahagian, on behalf of the Commission. It is in both the Democratic Platform and in the Republican Platform.

What are the four basic things which make home rule important and why should it become a part of the Constitution of the state? Number one, it permits the citizens of the state to determine the form and the administrative organization of their local government. Second, home rule would relieve the State Legislature of

the time consuming burden of special legislation dealing with the various cities and towns and would allow it to devote itself more fully to total state problems. As a matter of fact, you are already aware that we debated one this afternoon for some time.

Third, home rule would permit the citizens of the locality to have a greater voice in the determination of local governmental policies and I think would encourage more citizens to participate in local government. And under the home rule resolve, the local communities and the individuals could take care of their own problems in which they are interested in and therefore they would determine whether or not it would become final.

And finally, fourth, home rule would prevent a legislator or legislators who have a pet peeve or a pet friend within local government at home be getting things done which the local community might not want.

Now a couple of other points come to mind. Some people will argue that we are abolishing our rights. This is not so. Take a look at the resolve that is before you. Assuming that it goes to the people, what would it do? Number one, it would say that the local communities could decide the course of the local government upon laws passed by this Legislature—and by this Legislature, I am referring to, obviously, the next Legislature,—after this would become a part of the Constitution.

This Legislature would set down the ground rules as to how local communities would decide their local affairs. We would maintain all controls. We would not set up cities and towns as an entity of their own, because by all rights they are an entity of the state and should remain that way. And so I hope that when you vote you will vote against the motion for indefinite postponement and that you will vote for final enactment of the resolve.

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

Mr. JALBERT: Mr. Speaker, I was hoping that I would be spared another course in government to-

day. I was only speaking about consistency.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: In view that I was a supporter of the general public initiating the constitutional changes if the Legislature failed to react to their request or demands of which I supported last week. And again I support this important document because I feel that by far a great majority of the charter changes or additions or deletions of charter changes could very well be taken care of on the local level and probably with a greater and better participation of the general public.

This is something that is very important to most local municipalities and therefore should be very interested in. If the local municipalities fail to take any corrective action, if they have difficulties in their charter, then I don't think that the Legislature, in all its wisdom would pass a document and refer it back to the municipalities on a referendum, would fail to stir up too many people if it was so involved with the Legislature as to create political divisions.

So therefore I would hope that the members of the House today would vote against the motion of indefinite postponement and when the vote is taken, I would request that it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette:

Mr. BINNETTE: Mr. Speaker and Ladies and Gentlemen of this House: I too believe a great deal in home rule. I think many members here will recall at the last session that we deliberated a lot on a very small issue which if we would have had home rule it would have saved a lot of time. And I believe that same condition exists in many communities where home rule could handle the situation very easily and we would not get into any difficulties in this House.

I approve of the Minority Leader's request for a roll call.

The SPEAKER: The pending question is the motion to indefinitely postpone. The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call on the indefinite postponement motion will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken and more than one fifth having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is the motion of the gentleman from Lewiston, Mr. Cote, that House Paper 343, L. D. 451, Resolve Proposing an Amendment to the Constitution to Provide for Municipal Home Rule, be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEAS — Casey, Cote, Durgin, Emery, Jalbert, Kelleher, Kelley, K. F.; Marquis, Mills, Rand, Ricker, Rocheleau, Shaw, Soulas, Tanguay, Temple, Wight.

NAYS — Allen, Baker, Barnes, Bedard, Benson, Beran, Bernier, Binnette, Birt, Boudreau, Bourgoin, Brennan, Buckley, Bunker, Burnham, Carrier, Carter, Chandler, Chick, Clark, C. H.; Clark, H. G.; Coffey, Corson, Cottrell, Cox, Crommett, Crosby, Croteau, Cummings, Curran, Curtis, Cushing, Dam, Dennett, Donaghy, Drigotas, Dyar, Eustis, Farnham, Faucher, Fecteau, Finemore, Fortier, A. J.; Fortier, M.; Fraser, Gauthier, Giroux, Good, Hall, Hanson, Harriman, Haskell, Hawkens, Henley, Hewes, Hichens, Huber, Hunter, Immonen, Jameson, Jutras, Kelley, R. P.; Keyte, Kilroy, Laberge, Lawry, Lebel, Lee, Leibowitz, LePage, Levesque, Lewin, Lewis, Lincoln, Lund, MacPhail, Marstaller, Martin, McKinnon, McNally, McTeague, Meisner, Millett, Mitchell, Moreshead, Morgan, Mosher, Nadeau, Norris, Noyes, Ouellette, Page, Payson, Porter, Pratt, Richardson, G. A.; Richardson, H. L.; Rideout, Sahagian, Santoro, Scott, C. F.; Scott, G. W.; Sheltra, Snow,

Stillings, Susi, Thompson, Trask, Tyndale, Vincent, Watson, Waxman, Wheeler, White, Williams, Wood.

ABSENT — Bragdon, Brown, Carey, Couture, D'Alfonso, Danton, Dudley, Erickson, Evans, Foster, Gilbert, Hardy, Heselton, Johnston, Quimby, Ross, Starbird.

Yes, 17; No, 116; Absent, 17.

The SPEAKER: Seventeen having voted in the affirmative and one hundred sixteen in the negative, the motion does not prevail.

Thereupon, this being a Constitutional Amendment and a two-thirds vote of the House being necessary, a total was taken. 108 voted in favor of same and 13 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

Bill "An Act relating to Contracts of Loans under Small Loan Agency Law" (H. P. 622) (L. D. 810)

Tabled—June 5, by Mr. Gauthier of Sanford.

Pending Passage to be engrossed as amended by Committee Amendment "A" (H-406).

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

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

Bill "An Act Establishing the Municipal Public Employees Labor Relations Law" (H. P. 636) (L. D. 824)

Tabled—June 5, by Mr. Rideout of Manchester.

Pending — Adoption of House Amendment "A" (H-447).

On motion of Mr. Huber of Rockland, retabled pending adoption of House Amendment "A" and specially assigned for tomorrow.

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

An Act to Correct Errors and Inconsistencies in the Fish and

Game Laws (S. P. 464) (L. D. 1543)

Tabled—June 5, by Mr. Porter of Lincoln.

Pending—Passage to be enacted.

On motion of Mr. Lewin of Augusta, under suspension of the rules, the House reconsidered its action on May 28 whereby the Bill was passed to be engrossed.

The same gentleman then offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-455) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Machias, Mr. Kelley.

Mr. KELLEY: Mr. Speaker, I rise to a point of order. Is this bill, is this amendment in order? Is it germane to the title?

Thereupon, on motion of Mr. Benson of Southwest Harbor, tabled pending the adoption of House Amendment "A" and specially assigned for tomorrow.

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

House Report — Committee on Judiciary on Bill "An Act Concerning the Adoption of State Wards" (H. P. 760) (L. D. 930) reporting "Ought to pass" as amended by Committee Amendment "A" H-365 (In House, Report and Bill indefinitely postponed) (In Senate, Report accepted and Bill passed to be engrossed as amended by Committee Amendment "A")

Tabled—June 5, by Mr. Berman of Houlton.

Pending—His motion to recede and concur.

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

Mr. BERMAN: Mr. Speaker and Members of the House: I have discussed this matter with both the friendly adversaries, the gentleman from Bethel, Mrs. Lincoln, on the one hand, and the gentleman from Portland, Mr. Cottrell, on the other, and if I would be permitted to withdraw the motion to recede and concur, I would make a subsequent motion. And I would now ask permission, Mr. Speaker, to withdraw my motion to recede and concur.