

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth  
Legislature*

OF THE

STATE OF MAINE

**Volume II**

May 9, 1969 to June 17, 1969

KENNEBEC JOURNAL  
AUGUSTA, MAINE

ties of the State and Court Messenger of Cumberland County" (H. P. 1231) (L. D. 1564)

Tabled—June 11, by Mrs. White of Guilford.

Pending—Motion of Mr. Wight of Presque Isle to indefinitely postpone House Amendment "C" (H-517).

Mr. Kelley of Machias withdrew House Amendment "C" (H-517).

Whereupon, on motion of Mr. Carey of Waterville, tabled pending passage to be engrossed and assigned for later in today's session.

The SPEAKER: The Chair recognizes the gentleman from Dover Foxcroft, Mr. Meisner.

Mr. MEISNER: Mr. Speaker, would I be in order to present an amendment?

The SPEAKER: The Chair would advise the gentleman that this matter is tabled until later in today's session, at which time the amendment can be offered.

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

An Act Providing Additional Penalty for Commission of a Felony while Carrying a Firearm (H. P. 1031) (L. D. 1361)

Tabled—June 11, by Mr. Hewes of Cape Elizabeth.

Pending—Passage to be enacted.

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

Mr. BERMAN: Mr. Speaker, I move that this item be passed to be enacted.

Whereupon, on motion of Mr. Carter of Winslow, tabled pending passage to be enacted and assigned for later in today's session.

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

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)

Tabled—June 11, by Mr. Levesque of Madawaska.

Pending—Final Passage.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I will try to be very brief this morning on this document that will grant the powers of the Legislature to recall itself back into session. It is my personal feeling that there may be an area that would necessitate the Legislature to call itself back into session providing that the Chief Executive either by airplane accident or highway accident would become disabled for an extended period of time and some of the State's activities might become in jeopardy, then I say that because of that and prolonged illnesses that there would be a need for a model piece of legislation to be before the House of Representatives and the other branch for us to take some affirmative action.

Although in this document here it provides that the Speaker of the House and the President of the Senate—and at this stage I would like to point out that this has no reflection on our present Speaker and President of the other branch, but I sincerely feel that if we are going to endeavor to do things of that nature that the legislation would be a little bit broader than—its present form, granted the President of the Senate and the Speaker of the House would in all instances call a meeting of the legislative leaders of both branches and both political parties before they would even attempt to go into special session. But it does not say that in the document. The document now in its present form only indicates that the two presiding officers will be able to call a special session.

This I don't think is an absolute necessity to change our Constitution to provide for this type of legislation, although I do sincerely see the need that should the Governor or the Chief Executive become disabled because of illnesses or because of accident that the Legislature would have or should have the power of recalling the Legislature into session; and there are model pieces of legislation that have been written in the last few years to take care of these problem areas.

So therefore I hope that when the vote is taken for final passage this morning that it will be taken by the yeas and nays and I certainly hope that the members of the House will vote against the motion for final passage because in its present form it would seem unacceptable. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Vincent.

Mr. VINCENT: Mr. Speaker, this is Rodney Ross's bill and he is not present today. I would ask that this be tabled one legislative day.

The SPEAKER: The pending question is final passage.

The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker and Members of the House: Not out of any lack of respect for the gentleman from Bath, Mr. Ross, but I want to suggest to you that we are hopefully nearing the end of this session and I think that unless we are specifically requested by a particular member to table a matter because of his absence we should not do so and I have no such request from the gentleman from Bath, Mr. Ross.

I am not very sure whether the gentleman from Madawaska, Mr. Levesque is opposed to this bill or not. Let me say this, if you accept the argument that we should have annual sessions because any board of directors of a multi-million dollar corporation has to meet more than once every two years, and I am not sure I buy that argument, but if you buy that argument, how much more strongly must you accept the proposition that a board of directors that doesn't have authority to call itself into session is absolutely powerless.

The fear of using the Legislature as a forum or a platform from which to attack the Governor of another party should not lead our incumbent governor or his Floor leader in the House to reject a proposal which has been adopted by so many other states and has proven itself to work out. The wheels of legislative reform grind

exceeding slow and exceeding thin but I would like to see us at least in this session recognize that we as Legislators must have the power to handle our own business in an intelligent fashion or we are just not going to get anywhere. Many of the matters that come before us are matters which deserve special study and yet time and again the study report comes in after the old legislature has gone out and the new one has been elected, the problems are new to many of the legislators and the recommendations come from lame duck committees.

The gentleman from Madawaska, Mr. Levesque knows just as well as I do that no presiding officers of both Houses would call a session under these circumstances which would require emergency legislation if there weren't in fact any emergency. He knows as well as I do that the meeting would have to take place, a meeting of the minds between the leaders of both parties in order to propose a program for a special legislative session. Fear, distrust and their related species aren't going to do anything for governmental reform in this State. The two parties at this time are divided in their hold on the Executive Office and on the Legislature and unless one trusts the other I can see no good opportunity for constructive change of our legislative process.

I urge every member of the House to vote for this bill. We have been castigated time and again for not effecting reform, if you can say that this is not a reform. We have been castigated time and again for our unwillingness to depart from the old way and to accept constructive and progressive changes. Well this is such a change and I would be very distressed to find the gentleman from Madawaska or any of the members of his party opposing this measure which is to strengthen the Legislature, to give us the tools to do the job we promised to do when we take the oath. I request a roll call, Mr. Speaker, and urge every member of the House to vote in favor of final passage of this Resolve.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: As I have indicated lightly in my first remarks that we in the State of Maine have had some problems in the past that were one time or another taken care of. Either the problem was of such a nature that by the recommendations of the Majority Party or the Minority Party to the Chief Executive and that the area that needed to be solved, the Chief Executive and the Legislature have met in special session on several instances, two, three and four special sessions in one biennium. Unless there are any areas that we can think of right now that would become necessary, which I fail to see at this moment, that any problem that would arise in the State of Maine and is made known to the Chief Executive, whether this one or any other Chief Executive that would be responsive to the needs of our people, I feel very sure that the Chief Executive would take the recommendations of both political parties in recalling the members of the Legislature.

As I pointed out, with one bare exception that should it become necessary for the Legislature to call itself back in session because of the disability of the Chief Executive, and as I indicated there has been model legislation been drafted and accepted in other states, primarily in the midwest and the western states, but it is gradually coming towards the Eastern Seaboard.

So unless the gentleman from Cumberland, Mr. Richardson has got some specific areas that he can foresee problems other than that of the mental illness or incapacities of the Chief Executive, the recall by the presiding officers of both branches, I am sure that if they would make their recommendations to the Chief Executive there would be no problem in that area. Of course, we haven't had to debate that problem for the last hundred and fifty years or so, so I don't see that that this legislation in its present form is accept-

able, and it may very well be changed or amended to take care of the disability of the Chief Executive, or a Chief Executive, and it would most likely be acceptable. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, I want to answer the suggestion made by the gentleman from Madawaska, Mr. Levesque, that there is no necessity for this legislation. I regret very much that this is taking on a partisan hue. I would have hoped that the Minority leader would have seen fit to support a change in our present operating procedures that is recognized by students of political science all over the country as being a necessary ingredient of legislative abilities to grapple with the problems that they are forced to face. A classic example, of which the gentleman from Madawaska is fully aware, is the case with respect to University of Maine capital construction.

The Chancellor of the University of Maine proposed a drastic reduction, in fact a moratorium, on truly non-emergency capital construction. He did so at the suggestion of several of us who felt that this wasn't the time to embark on necessary but not truly emergency capital construction requests. Yet when we accepted that we could make no commitment of any kind that we would call ourselves back into session and in an orderly fashion after review of capital construction priorities, again tackle the question of just what construction should be carried out at the University.

Now to leave this to the Chief Executive in his sole prerogative is in my judgment a very bad idea, not because of any foul motive on his part but because we the Legislature know what the problem is, we know how the study systems were set up, we know when we are going to be ready to take action, and under these circumstances we ought to be in a position to make a commitment that at a specific time and at a specific place we are going to meet and resolve these problems.

Now this is just one example and I think there are many examples that you can think of as you think of this situation. Now again, I think the opposition to this is borne out of an ill founded fear that the Majority Party, whoever it is in the future, is going to use the Legislature as a device to embarrass the Chief Executive if he happens to be of the opposite political persuasion, and in such an environment we can never have reform.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I did present this piece of legislation and at the public hearing I labeled this bill "the thinking man's solution to annual sessions." For years the subject of annual sessions has been the hue and cry of a great many persons. In my opinion this has been built up to very exaggerated proportions. Some have been led to believe that this would be the end-all solution to the extremely complex and complicated dilemmas found in modern state government. I have never believed this. I have always thought that these would only compound confusion and I shall cite but a few of my reasons.

It is now possible to find dedicated persons willing to sacrifice six months every year for our nominal salary of \$2,000. However, if they were asked to spend this time each year many qualified persons would be unable to take time off from their regular business. Some say that if we had annual sessions salaries would then be made commensurate with the time expended. This would be extremely costly and in my opinion we would not get better qualified legislators. To those who say it is difficult to budget for two years, I have only one comment. Our departments come up with enough new schemes for money every two years. Just think how they would grow if we opened up departmental negotiations annually.

However, I am cognizant of the fact that in a business as large as state government things come up that cannot wait one and a half years. For this reason we have

special sessions. To all intents and purposes we meet annually now. During Governor Muskie's second term we had four special sessions and only last year we met three times. This is now common practice and in my mind an excellent one. We meet normally for anywhere between one day and one week. The agenda is set by leadership. In this manner, with only a few important specific items to be considered, we can accomplish more in two or three days than we generally do in a month of regular session. In the final analysis I am a firm believer in special sessions as opposed to extended set date annual sessions.

However, at the present time only the Governor can call these. In all fairness if the Executive Branch has this authority the Legislative Branch should have the same prerogative.

The SPEAKER: The pending question is the final passage of L. D. 24. 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 vote on this matter 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 of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is the final passage of Resolve Proposing an Amendment to the Constitution Providing for Convening of the Legislature at Such Times as the Legislature Deems Necessary, House Paper 21, L. D. 24. If you are in favor of the final passage of this Resolve you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

#### ROLL CALL

YEAS — Allen, Baker, Barnes, Benson, Birt, Bragdon, Brown, Buckley, Bunker, Chandler, Chick, Clark, C. H.; Clark, H. G.; Corson, Cummings, Curtis, Cushing, Dennett, Donaghy, Dudley, Durgin, Erickson, Evans, Farnham, Fine-more, Good, Hall, Hanson, Hardy,

Haskell, Hawkens, Henley, Hewes, Hichens, Huber, Immonen, Jame-son, Johnston, Kelley, K. F.; Kel-ley, R. P.; Lee, Lewin, Lewis, Lin-cola, Lund, MacPhail, Marstaller, McNally, Meisner, Millet, Mores-head, Mosher, Noyes, Page, Pay-son, Porter, Pratt, Quimby, Rand, Richardson, H. L.; Rideout, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Soulas, Stillings, Susi, Thompson, Trask, Tyndale, White, Wight, Williams, Wood, The Speaker.

NAYS — Bedard, Bernier, Bin-nette, Boudreau, Bourgoin, Bren-nan, Burnham, Carey, Carrier, Carter, Casey, Coffey, Cote, Cou-ture, Crommett, Croteau, Dam, Drigotas, Eustis, Faucher, Fraser, Gauthier, Giroux, Hunter, Jalbert, Jutras, Kelleher, Keyte, Kilroy, Lawry, Lebel, Leibowitz, LePage, Levesque, Marquis, Martin, Mc-Kinnon, McTeague, Mills, Mitchell, Morgan, Nadeau, Ouellette, Ricker, Tanguay, Temple, Vincent, Wat-son, Waxman, Wheeler.

ABSENT — Berman, Cottrell, Cox, Crosby, Curran, D'Alfonso, Danton, Dyar, Emery, Fecteau, Fortier, A. J.; Fortier, M.; Foster, Gilbert, Harriman, Heselton, La-berge, Norris, Richardson, G. A.; Rocheleau, Santoro, Sheltra, Snow, Starbird.

Yes, 77; No, 50; Absent, 24.

The SPEAKER: Seventy-seven having voted in the affirmative and fifty in the negative, seventy-seven not being two thirds, the Resolve fails of final passage.

Sent to the Senate.

The Chair laid before the House the fifth item of Unfinished Busi-ness:

Bill "An Act relating to Small Loan Companies Licensees" (S. P. 396) (L. D. 1352) (In Senate, "Ought not to pass" report accepted)

Tabled—June 11, by Mr. Kelle-her of Bangor.

Pending—Motion of Mr. Scott of Wilton to indefinitely postpone.

The SPEAKER: The Chair recog-nizes the gentleman from Port-land, Mr. Brennan.

Mr. BRENNAN: Mr. Speaker and Ladies and Gentlemen of the House: This bill would prohibit the

small loan companies from mak-ing any profits from the sale of credit and life insurance and thereby evade the already high rates set by statute for small loan licensees. This bill was debated for some time last week and the principal point made by my col-league to support the small loan companies' position is that the average borrower will be pre-vented from having the benefit of some form of insurance on his life or because of any disability. It really makes me feel very happy that my colleagues frame their argument in the interest of the poor borrower. But really when you look at this closely you will observe that the argument is a sham.

There isn't anything in L. D. 1352 that prevents loan companies from selling insurance. All it does is to compel them to sell the in-surance at a price as established in the open market. As it is now they are padding the cost for addi-tional hidden profit by charging a price which is much higher than that prevailing in the open market. It is this overcharging that we are trying to eliminate. We simply want to prevent any goug-ing of the public. The borrowers will still have insurance coverage but at a fair competitive price. As a matter of fact, the credit unions in this state provide this insurance at no cost whatsoever to the borrowers. Also there are many banks in this state that do the same thing.

Now it seems to me to be em-inently fair to permit these small loan lenders to gain the additional security which they say they re-quire by compelling the borrowers to purchase this insurance at a price which is consistent with the market level. In other words, the small loan lender should only be permitted to charge borrowers the same amount they had to pay for the policy as a true cost for in-surance protection and they shouldn't again be permitted to get around the high rates that would permit them to charge by statute.

My colleagues make the second point that abuses or unconscion-