

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 17, 1969 to July 2, 1969

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1st Special Session

January 6, 1970 to February 7, 1970

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KENNEBEC JOURNAL
AUGUSTA, MAINE

that any city could have, Mayor Marden. Most of you know Bob Marden, but the mayor, I think, was even a more likeable fellow than his brother. He had great ambitions, but he made one mistake: He raised taxes the first year from 29 mills to 31. The second year he raised taxes from 31 to 37½ mills. I will see to it tomorrow morning, Wednesday morning, that all of you Senators have copies of the papers in Waterville and what it was all about. There were no personalities involved. Representative Carey is a very respectable man, and so was Mr. Marden, but I guess the people in Waterville decided that they don't want any higher taxes, and Mayor Marden and the whole slate of Republicans that imposed the heavy tax on the citizens of Waterville lost out. I just wanted to remind the Senators that we are coming before the jury, any of us who are going to run for any office, we will be coming before the voters, and we should have it in mind. Thank you for listening.

Mr. Logan of York moved that the Senate reconsider its action of earlier in today's session whereby Bill, "An Act to Create a Commission to Prepare a Consumer Credit Code," (S. P. 560) (L. D. 1635) was referred to the Committee on State Government.

Thereupon, on motion by Mr. Katz of Kennebec, tabled until later in today's session, pending the motion of Mr. Logan of York to reconsider.

On motion by Mr. Katz of Kennebec,

Recessed pending the sound of the bell.

After Recess

Called to order by the President. On motion by Mr. Katz of Kennebec.

WHEREAS, it appears to the Senate of the 104th Legislature, convened in Special Session, that the following are important questions of law and that the occasion is a solemn one; and

WHEREAS, there was introduced before the 104th Legislature at its

Regular Session, H.P. 21, L.D. 24, RESOLVE, Proposing an Amendment to the Constitution Providing for Convening of the Legislature at Such Times as the Legislature Deems Necessary; and

WHEREAS, both the House and Senate passed said Resolve by a vote of 2-3 of each body and said Resolve has been signed by the Speaker of the House of Representatives and by the President of the Senate; and

WHEREAS, said Resolve provides for the submission of said proposed constitutional change to the Inhabitants of the State; in accordance with Article X of the Constitution of Maine; and

WHEREAS, said Resolve was presented to the Governor for his consideration on the 27th day of June, 1969; and

WHEREAS, the regular session of the 104th Legislature adjourned, without day, on July 2, 1969 before the Governor could consider the merits of the proposed constitutional amendment; and

WHEREAS, under the Constitution of Maine if the Resolve is a matter which requires the consideration of the Governor, he may sign or veto said proposed constitutional change within three days of the convening of the first special session of the 104th Legislature; and

WHEREAS, constitutional questions have been raised as to whether said Resolve should have been presented to the Governor for his consideration, and it is important that the Legislature be informed as to the constitutionality of said presentation to the Governor;

NOW, THEREFORE, BE IT ORDERED, that the Justices of the Supreme Judicial Court are hereby respectfully requested to give to the Senate, according to the provisions of the Constitution, on its behalf, their opinion of the following questions.

I

Did the Legislature err in sending Legislative Document 24, RESOLVE, Proposing an Amendment to the Constitution Providing for the Convening of the Legislature at Such Times as the Legislature Deems Necessary, to the

Governor for his approval, instead of sending it forthwith to the Secretary of State to prepare for the referendum provided in said Resolve?

II.

Does the Governor have the power of veto over said Legislative Document 24, RESOLVE, Proposing an Amendment to the Constitution Providing for the Convening of the Legislature at Such Times as the Legislature Deems Necessary, which is a proposed amendment to the Constitution of the State of Maine?

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. Cianchette of Somerset: Mr. President, I move that this order lie on the table until the next legislative day.

The PRESIDENT: The Senator from Somerset, Senator Cianchette, moves that this order be placed on the table specially assigned for tomorrow pending passage.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I wonder if the Senator would withdraw his motion for just a moment so that I may make an explanation.

The PRESIDENT: The Senator has posed a question to the Senator from Somerset, Senator Cianchette, which he may acknowledge if he so wishes.

Mr. CIANCHETTE of Somerset: I would be pleased to withdraw it for the moment.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Time is of the essence in this particular case. If you will recall, during the regular session of the legislature the question as to whether or not a constitutional amendment should properly be referred to the Governor, having been passed by both houses of the legislature, for his signature was raised. Of course, this constitutional amendment then goes to the people for their action on it. At that time we were conscious of

the fact that the Governor had not yet signed or vetoed the measure. And he has until the third legislative day when we reconvene to do this. It is a solemn question, and this matter has been discussed with the Minority Leadership of this body and with the Governor. I think all parties are in agreement that this matter should be referred to the Law Court for whatever decision they care to make. It is my understanding that the Law Court is aware of the question that is being propounded, and it would be very helpful if the matter could go to them without delay in view of the timeliness limit of the Governor's veto.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE of Somerset: Mr. President and Members of the Senate: My reasons for asking for the order to lay on the table is the fact that I do not concur in orders such as this being read, although in most instances it is proper, but I feel that all members of this body should have an opportunity to read with some leisure an order of such length and importance as this. I recognize what the Senator from Kennebec has said, however I still feel that in any instance, I am sure that this order did not come out of the clear blue, and I feel that this membership deserves the right to have this printed and distributed to them before passing such an order.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I think the Senator from Somerset knows I concur full well, that all during the regular session I slow down surprises in the session. This was a surprise to us. I would inform the Senator from Somerset that it was our understanding that this would have been introduced at the other end of the corridor. It was not, and during the interim — as a matter of fact I signed this just briefly — and that is the reason why you haven't been extended the same courtesies that I have felt should be extended all during the regular session.

The PRESIDENT: Is it now the pleasure of the Senate that this order receive passage?

Thereupon, the order received Passage.

Papers From the House

Out of order and under suspension of the rules, the following papers were received from the House:

**Joint Resolution
STATE OF MAINE**

IN THE YEAR OF OUR LORD
ONE THOUSAND NINE HUNDRED AND SEVENTY

**JOINT RESOLUTION
EXPRESSING SYMPATHY ON
THE DEATH OF RICHARD J.
DUBORD.**

WHEREAS, the gentle quiet of personal sadness fills our chambers with the untimely death on New Year's Day of Richard J. Dubord of Waterville; and

WHEREAS, he was a rare person, a compassionate leader, the very conscience of his party, profession and the people of Maine; and

WHEREAS, uniquely possessed with a warm glowing radiance, he spontaneously uplifted the hearts of all who knew him throughout the Legislature and its several departments; and

WHEREAS, he consistently and constructively used his quiet wisdom and profound skill for the genuine betterment of his community and State; now, therefore, be it

RESOLVED: That the members of the 104th Legislature assembled this day in special session tender a lasting token of our deepest affection to honor the memory of a life that enriched many lives and to express a common sorrow and sadness at the loss of a dear friend and trusted companion; and be it further

RESOLVED: That a suitable copy of this Joint Resolution be sent to his devoted wife and three children, along with our highest regards and heartfelt sympathy.

(H. P. 1419)

Which was Read.

The PRESIDENT: Is it now the pleasure of the Senate that this Joint Resolution be adopted in con-

currence? The Chair would ask the Senators who are in favor of the adoption of this Joint Resolution to please rise.

Thereupon, the Joint Resolution was Adopted in concurrence.

House Papers

Bills and Resolves today received from the House requiring Reference to Committees were acted upon in concurrence.

Orders of the Day

The President laid before the Senate a matter tabled earlier in today's session by Mr. Katz of Kennebec, Bill, "An Act to Create a Commission to Prepare a Consumer Credit Code," (S. P. 560) (L. D. 1635), pending the motion by Mr. Logan of York that the Senate reconsider its action whereby the Bill was referred to the Committee on State Government.

The PRESIDENT: Is it now the pleasure of the Senate that the Senate reconsider its action whereby this bill was referred to the Committee on State Government?

The motion prevailed.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I am afraid my "No" was not loud enough. I was objecting to the reconsideration motion. May I now move, having reconsidered, that this be referred to the Committee on State Government?

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that Bill, "An Act to Create a Commission to Prepare a Consumer Credit Code" (S. P. 560) (L. D. 1635), be referred to the Committee on State Government, ordered printed and sent down for concurrence. Is this the pleasure of the Senate?

The motion prevailed.

The President laid before the Senate Joint Order S. P. 610, tabled earlier in today's session by Mr. Berry of Cumberland, pending passage.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.