

# 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

Cordially,  
(Signed)

HARRY N. STARBRANCH  
Secretary of the Senate  
The Communication was read  
and ordered placed on file.

The following Communication:  
STATE OF MAINE  
EXECUTIVE DEPARTMENT  
AUGUSTA

January 7, 1970

To the Honorable Members of the  
Senate and House of Representatives  
of the 104th Legislature

I have studied House Paper 21,  
Legislative Document 24, Pro-  
posing an Amendment to the  
Constitution Providing for Con-  
vening of the Legislature at Such  
Times as the Legislature Deems  
Necessary, and have decided to  
return it to the Legislature without  
my signature.

I do not see what useful purpose  
this change in the Constitution  
would serve. During the past 150  
years of our State's history I know  
of no instance where the Governor,  
granted sole authority by the  
Constitution to call a Special Ses-  
sion of the Legislature, has failed  
to do so when the public interest  
demanded. Given the constant need  
for cooperation between the  
Governor and the Legislature, the  
Governor's call for a Special Ses-  
sion, both with respect to timing  
and content, should not be issued  
without consultations with the  
elected Legislative leaders and  
members. I have found it both  
beneficial and essential to keep the  
Legislative branch fully informed  
of my plans. Any Special Session,  
even under the present Constitu-  
tional framework, could not be  
carried out without planning and  
advance work by members of the  
Legislature and the Legislative  
staff.

I further believe that the  
proposed Constitutional amend-  
ment needlessly complicates a  
procedure which I hope will soon  
become obsolete with the enact-  
ment and public acceptance of  
annual sessions legislation. Only by  
holding our legislative sessions on  
an annual basis can we insure  
adequate attention to the con-  
tinuing demands on state govern-  
ment. A Special Session, with its

time and content restrictions, can-  
not meet this need. We should be  
focusing our energies on this larger  
problem.

Finally, if L. D. 24 is designed  
to answer the unresolved problems  
of gubernatorial disability, I do not  
believe that it does so adequately.  
Our Constitution offers no guidance  
on what is to be done if a Governor  
becomes too ill to fulfill the duties  
of his office, such as the calling  
of a Special Session. That omission  
should be cured by appropriate  
legislation. But gubernatorial  
disability raises many complex  
questions which could only be  
resolved by legislation which is  
much more detailed than L. D. 24.

In summary, I do not believe  
that L. D. 24 is necessary or wise  
legislation. It assumes a problem  
which does not exist, complicates  
a procedure which should be  
eliminated, and oversimplifies the  
issue of disability which should  
soon be clarified. I therefore re-  
quest that my action disapproving  
L. D. 24 be sustained.

Respectfully,  
(Signed)

KENNETH M. CURTIS  
Governor

The Communication was read  
and ordered placed on file.

The SPEAKER: The pending  
question before the House is: Shall  
this bill become law notwithstand-  
ing the objections of the Governor.

The Chair recognizes the gentle-  
man from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and  
Ladies and Gentlemen of the  
House: If it were possible to bat  
higher than one thousand per cent,  
I should rightly have earned that  
average. This is only our second  
day in Special Session, and already  
I have another veto.

During the Regular Session I was  
rewarded with three of these. And  
this, this morning, is a carry over,  
making my grand total four.

Today I will not go into the  
merits of this logical, sensible,  
very progressive legislation, be-  
cause a Constitutional technicality  
has appeared on the scene and this  
might alter my plan of attack. A  
bill such as this, of necessity, goes  
to the people, since it is a Constitu-  
tional Amendment.

Now, various astute persons have  
raised the question as to whether

a veto on such an item is in fact an allowable action for any Chief Executive to take. For this reason, the question has already been sent to the Law Court for their opinion. The Justices are now meeting here in Augusta. Consequently, we are now awaiting their decision. So for this reason I would request that some member table this specific item.

Whereupon, on motion of Mr. Richardson of Cumberland, the matter was tabled pending further consideration and tomorrow assigned.

#### **Petitions, Bills and Resolves Requiring Reference**

The following Bills were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

##### **Judiciary**

Bill "An Act to Correct Errors and Inconsistencies in the Public Laws" (H. P. 1412) (L. D. 1779) (Presented by Mr. Berman of Houlton)

Bill "An Act relating to the Housing Needs of People Who Pay Rent" (H. P. 1418) (L. D. 1786) (Presented by Mrs. Goodwin of Bath)

Sent up for concurrence.

##### **Legal Affairs**

Bill "An Act to Clarify the Law for Eligibility for Burial in the Maine Veterans Memorial Cemetery" (H. P. 1413) (L. D. 1780) (Presented by Mr. Lewin of Augusta)

Sent up for concurrence.

##### **Natural Resources**

Bill "An Act relating to Permits for Dredging and Erection of Causeways, Docks, etc. in Tributaries of Great Ponds" (H. P. 1414) (L. D. 1781) (Presented by Mr. Benson of Southwest Harbor)

Bill "An Act to Regulate Site Location of Development Substantially Affecting Environment" (H. P. 1415) (L. D. 1782) (Presented by Mr. Snow of Caribou)

Bill "An Act relating to Coastal Conveyance of Petroleum" (H. P. 1417) (L. D. 1785) (Presented by Mr. Richardson of Cumberland)

Sent up for concurrence.

#### **Taxation**

Bill "An Act to Extend Certificate of Number Coverage and to Provide Increased Registration Fees in Lieu of Personal Property Tax on Certain Watercraft" (H. P. 1416) (L. D. 1783) (Presented by Mr. Ross of Bath)

Sent up for concurrence.

#### **Orders**

On motion of Mr. Ross of Bath, it was

ORDERED, that Mrs. Brown of York be excused because of serious illness in her family.

#### **House Reports of Committees Leave to Withdraw Covered by Other Legislation**

Mrs. Kilroy from the Committee on Education on Bill "An Act relating to Secondary School Tuition" (H. P. 1322) (L. D. 1651) reported Leave to Withdraw as covered by other legislation.

Report was read and accepted and sent up for concurrence.

#### **Ought Not to Pass**

Mr. D'Alfonso from the Committee on State Government reported "Ought not to pass" on Bill "An Act Increasing the Salary of the Governor" (H. P. 1353) (L. D. 1682)

Report was read and accepted and sent up for concurrence.

#### **Ought to Pass Printed Bills**

##### **Passed to Be Engrossed**

Mr. Chick from the Committee on Education reported "Ought to pass" on Bill "An Act to Clarify School Construction Aid" (H. P. 1326) (L. D. 1655)

Mr. Millett from same Committee reported same on Resolve Approving of Conveying of Anson Academy to School Administrative District No. 74 (H. P. 1328) (L. D. 1657)

Mr. Richardson from same Committee reported same on Bill "An Act to Authorize the Insurance of the Payment of Revenue Bonds of the Maine School Building Authority" (H. P. 1305) (L. D. 1618)