

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

Volume II

May 21, 1975 to July 2, 1975

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

ORDERED, the House concurring, that the Legislative Council be authorized, through the Joint Standing Committee on Natural Resources, to study the matter of solid waste problems of this State with particular emphasis on litter for the purpose of developing a comprehensive litter or waste management act for the State; and be it further

ORDERED, that the experience of other states, especially Connecticut, Florida and Washington, in litter or waste management be considered by the committee in the course of their deliberations; and be it further

ORDERED, that the Council report the results of its findings, together with any proposed recommendations and final drafts of necessary implementing legislation, to the next special or regular session of the Legislature; and be it further

ORDERED, upon passage in concurrence, that suitable copies of this Order be transmitted forthwith to said agencies as notice of this directive.

Came from the Senate read and passed as amended by Senate Amendment "A" (S-342)

In the House, the Order was read.

Senate Amendment "A" (S-342) was read by the Clerk.

Mrs. Mitchell of Vassalboro moved the indefinite postponement of Senate Amendment "A".

Mr. Farley of Biddeford moved the matter be tabled until later in today's session.

Mr. Greenlaw of Stonington requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Biddeford, Mr. Farley, that this matter be tabled pending the motion of Mrs. Mitchell of Vassalboro to indefinitely postpone Senate Amendment "A" and later today assigned. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

19 having voted in the affirmative and 72 having voted in the negative, the motion did not prevail.

Thereupon, Senate Amendment "A" was indefinitely postponed.

The Order received passage in non-concurrence and sent up for concurrence.

From the Senate: The following Joint Order: (S. P. 600)

WHEREAS, traditional educational approaches have failed to deal adequately with various forms of socially disruptive and self-destructive behavior among youth, such as alcohol and drug abuse, truancy, vandalism and dropping out of school; and

WHEREAS, there exists concern among Maine residents regarding the social, family, vocational and other problems which often result from these forms of behavior; and

WHEREAS, L. D.'s 1081, 1609 and 1702, presented before the Joint Standing Committee on Education during the 107th Legislature, have proposed school-based programs to deal with many of these problems; and

WHEREAS, while each of these bills provides an approach for attacking such behavioral and social problems, there exists uncertainty as to what kind of approach is most appropriate; and

WHEREAS, legislative action on these bills will have a direct impact on the welfare of many Maine citizens and, in

particular, on the welfare of many youth; now, therefore, be it

ORDERED, the House concurring, that the Legislative Council, be authorized through the Joint Standing Committee on Education, to study the need for school-based programs which provide approaches for the understanding and prevention of socially disruptive and self-destructive behavior of youth; and to work with the sponsors of the legislation under consideration to take full advantage of their special knowledge and expertise; and be it further

ORDERED, that in conducting its study the Council shall determine which social, family, vocational or other problems are priority areas of concern; examine existing school-based programs attacking such problems both in this State and beyond in order to ascertain which approaches have been the most effective; and present alternatives, regarding approaches and types of programs, which will be the most likely to provide appropriate solutions to such problems; and be it further

ORDERED, that the Council report the results of its findings together with any proposed recommendations and necessary implementing legislation to the next special or regular session of the Legislature; and be it further

ORDERED, Upon passage in concurrence, that suitable copies of this order be transmitted forthwith to said agencies as notice of this directive.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

By unanimous consent, all matters acted upon in concurrence and all matters requiring Senate concurrence were ordered sent forthwith to the Senate.

(Off Record Remarks)

The following papers appearing on Supplement No. 5 were taken up out of order by unanimous consent:

Report of the Committee on Conference on the disagreeing action of the two branches of the Legislature on RESOLUTION, Proposing an Amendment to the Constitution to Abolish the Executive Council and Reassign its Constitutional Powers to the Governor (H. P. 16) (L. D. 24) ask leave to report: That the House recede from passage to be engrossed, indefinitely postpone Committee Amendment "A" (H-583), adopt Committee Amendment "B" (H-584), and pass the bill to be engrossed as amended; that the Senate recede from passage to be engrossed, indefinitely postpone Committee Amendment "C" (H-585), adopt Committee Amendment "B" (H-584), and pass the bill to be engrossed as amended in concurrence.

(Signed)

Messrs. ROLDE of York

COONEY of Sabattus,

SUSI of Pittsfield

-of the House

Messrs. COLLINS of Knox

BERRY of Cumberland

DANTON of York

-of the Senate.

Report was read.

Mr. Cooney of Sabattus moved that the House accept the Conference Committee Report.

The SPEAKER: The Chair recognizes the gentleman from Hallowell, Mr. Stubbs.

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: I strongly urge that we adopt the conference committee report. This is Report B, which I spoke at length on several weeks ago. This is the report that would establish a confirmation committee consisting of five members of the House, five members of the Senate. I firmly believe that if we are going to abolish this Executive Council, this is the way to do it. This is the one that is most acceptable to both bodies.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I am wondering if I am reading this order correctly. The way it reads to me, the report of the committee of conference on the disagreeing action of the two branches of the Legislature on Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council and Reassign its Constitutional Powers to the Governor. That places everything from the Council right in the hands of the Governor without any controls whatsoever, as I read it; therefore, I move the Indefinite Postponement of this paper.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker and members of the House, I believe I can help Mr. Mills' query. The title of the bill is an original bill that I filed last December and the bill itself that I filed was only about one or two paragraphs long. I fully realized that those powers should not go to the Governor but felt that this would be a function of committee of compromise of research.

The title of the Bill says "An Act to Abolish the Executive Council and to Reassign its Constitutional Powers to the Governor" but Committee Amendment "B", which is under discussion, very clearly allocates those powers to a committee, five from this House and five from the Senate and it is simply the old title of the early bill that misleads you. I would also urge that we do not indefinitely postpone this absolutely vital bill. I think we are all aware of it, I don't think we need to take a great deal of discussion. I think we have been over and over the ground; it is a chance for us to strike a blow for something that is in the platform of both parties, something that is absolutely vital to the continued good relationship between this legislature and the people of Maine and I would urge unanimous approval of this committee report.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I would just like to say that in the past session, whenever a bill has been substantially altered, we have always had a redraft with a new title and a new L.D. number. This year we haven't done that. We have had many bills come through here where the title is applied to an old bill and everything has been repealed after the enacting clause and the substance of the bill, does in no way correspond to the title. It is not a practice that I find very agreeable. I wish that we had gone through with the process of redrafting bills with new titles, but I suppose to save time and perhaps save money that we avoided doing that many, many times this year, so on the basis of the title not corresponding with the body of the Bill, I would hope that you would oppose the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Stow, Mr. Wilfong.

Mr. WILFONG: Mr. Speaker and Members of the House: I would like to pose a question to Mr. Cooney if I could. Could you please explain how the members of this committee will be elected, how they will be nominated and elected, and so forth?

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, the Committee Amendment "B", which is the recommendation of the conference committee, calls for election by each House of the five members, they would have representing them on the confirmation committee and that not more than three be from any one political party.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen: As a member of the State Government Committee that has wrestled with this problem for four years, I think it is a wonderful solution to a problem that has been hanging over the legislature for years.

Now, I think the problem has been magnified by the press and the Governor's Council has become such a dirty word that here is our opportunity to do the job and do it right and it will mean that at all times in the future the confirming body will have members of the minority party on it. I hope you do not vote for the indefinite postponement measure.

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

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: I also hope you will oppose the motion to indefinitely postpone this bill. When I was running for office and getting ready to come down here, this sounded like a very easy thing to do, to abolish the Executive Council, and I sat through many, many, long hours in the State Government Committee and it is just not that easy to do. I know a lot of you in here have thought about ways, the legislative council, this committee and that committee, but you have to remember, we are tampering with the State Constitution, which is a pretty important document and basically a sound document. It is not that easy to just remove or delete the Executive Council from the Constitution and put something in its place.

This is a very good position, a very good compromise. It was our original fallback position in the first place, so we're not really losing anything, and if we are really serious about abolishing the Executive Council, you are going to have the chance in just a few minutes to go on record, as to whether you are serious or whether it is just a lot of talk.

Also, one thing that some thought was given in the caucus to, five and five equals 10, you are going to have a lot of tie votes which will kill the motion or kill the confirmation or whatever. Don't forget, this new committee is a very much watered down version of the present Executive Council. They are not going to be dealing nearly with the scope of things that the present Executive Council deals with as far as our confirmations of appointees, so I would sincerely urge you to support this conference committee report and vote against the motion to indefinitely postpone.

Mrs. Najarian of Portland requested a roll call on the acceptance of the Conference Committee Report.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I think possibly seven or eight times in the last 30 years I have made the motion to indefinitely postpone any thinking that might be entertained to abolish the Governor's Council. I think as time goes on, one starts to hear and one starts to listen and, frankly, I had not made up my mind even as of this morning, I think that in due fairness, I probably should quote and give credit to the remarks of my floor leader, the gentleman from York, Mr. Rolde, when he told me this morning that he felt that if we did not do something along the line of the Governor's Council at this session, we would be doing a disservice to the people that we represent and rightfully so he mentioned our party. Frankly, I made up my mind just that fast. I never thought the day would come, Mr. Speaker and members of the House, but I shall vote today to start the machinery going to abolish the Governor's Council.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: This, to me, appears to be D-Day and H-Hour on the question of the abolition of the Governor's Council. For many years, there has been varying amount of support for abolition and I think that it generally has been growing. I don't believe there has ever been more support than there is.

The committee of conference, if you will look on your supplement, is made up of people of all sorts of political ideas and each of them made contact with many other legislators and I think the committee recognized, without doubt, that the proposal which you have before you, the five-five, is the one that stands the best chance of passage, has the greatest support, so I believe that now we have the very practical political question of whether or not we want to abolish the Governor's Council. I believe that it should be done, I believe that the five-five is the only method of handling this that has a wide-spread acceptance. I hope you support the committee of conference report.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I don't know if I can support it or not. I have some reservations and I'm getting them from back home. The people that did want to do away with the Council thought it was unnecessary and that we had men on the payroll we didn't need, but they don't appreciate taking off seven and taking on ten. They said this was a step in the wrong direction, they want less government, less people participating and not more. They see this as just a boondoggle to put more people in and make it harder to confirm; in other words, tie their Governor's hands further, and that they don't want to do. So, this isn't the answer to what my people want, I am sure, based on what conversation I've had with them, and those people interested, they are nice enough to call me or have a communication with me verbally or by mail, and this is their feeling and I suspect it will have to be mine.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: The Speaker, Ladies and

Gentlemen of the House: I feel this morning that probably we will do away with the Governor's Council but it will not be with my vote. I have always believed in the Governor's Council and I still do and we are trying desperately here to find some solution to do away with them, no matter whether it is good or bad. Change for the sake of change, as we have been told in some other legislatures, is not good, and that is what this is in my opinion. We are increasing the number of people on the Council to ten from seven and I would be much happier if we were decreasing it instead of increasing it.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: The last thing I want to do today is inject any partisan note into this debate. However, I think as this historic vote is taken, and I do think this is going to carry in both branches, that it is only fair to point out that while this matter has been in the Democratic Party platform year after year after year, here in the 107th Legislature, with a Democratic Party in the majority of both branches controlling the Executive Council it is the same Democratic Party which has said, we are going to still take the move toward good government on the basis of betterment for our people. We have not, as we could have, stopped the abolition of the Executive Council for our own advantage.

I would also like to add that in my opinion, and I may be prejudiced, that the Executive Council currently sitting is one of the finest we have ever had. It has not played partisan politics, when it could have, it is the first council to initiate public hearings on gubernatorial appointments. I think they have done a fine job. I support the gentleman from Sabattus, Mr. Cooney.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I certainly don't want to let that pass without a word or two about the makeup of this legislature. If my memory serves me correctly, I think we have a Republican Senate, you may have the most numbers in both branches but passage of this amendment requires a two thirds vote on both branches. Without the assistance of the minority party in the House and the Republican Party in the Senate, it could not pass.

The SPEAKER: A roll call has 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 those desiring a roll call vote will vote yes; those opposed will vote no.

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 Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I think that I support the platform and the people that I represent support the platform but abolishing the council is one thing but we are not abolishing it, we are just changing the name and putting more people on it. We are further tying the Governor's hands, this is the very thing that they don't want. We are not going to deceive the people that I represent by putting ten men on in place of seven, they are not easily deceived, I can tell you. If you think that is what you are going to do, you are not going

to fool me and you are not going to fool them either.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Sabattus, Mr. Cooney, that the House accept the Conference Committee Report on Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council and Reassign its Constitutional Powers to the Governor, House Paper 16, L. D. 24. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Davies, Doak, Dow, Drigotas, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Greenlaw, Henderson, Hennessey, Higgins, Hinds, Hobbins, Hutchings, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McKernan, McMahon, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Norris, Palmer, Peakes, Pearson, Pelosi, Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Shute, Snow, Snowe, Spencer, Sprowl, Stubbs, Susi, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Twitchell, Tyndale, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY — Albert, Call, Carey, Conners, Dam, DeVane, Dudley, Gould, Gray, Hall, Hewes, Hunter, Kauffman, Kelley, Lewis, Littlefield, Lovell, Mills, Rollins, Silverman, Strout, Talbot.

ABSENT — Faucher, Hughes, Immonen, Lizotte, Perkins, S.; Smith, Truman, Usher, Webber.

Yes, 120; No, 22; Absent, 9.

The SPEAKER: One hundred and twenty having voted in the affirmative, twenty-two in the negative, with nine being absent, the motion did prevail.

The House voted to recede from passage to be engrossed; receded from adoption of Committee Amendment "A" and the amendment was indefinitely postponed.

Committee Amendment "B" (H-584) was read by the Clerk and adopted.

The Bill passed to be engrossed as amended by Committee Amendemnt "B" in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

An Act to Reorganize the Department of Public Safety (H. P. 1469) (L. D. 1813) (H. "B" H-812 to C. "A" H-785)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary a total was taken. 127 voted in favor of same and 3 agaisnt and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Extend the Effective Date for Regulations Concerning Solid Waste Disposal (H. P. 1746) (L. D. 1943) (H. "A" H-815)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to make any motion on this but I have talked with a lot of the town fathers over the past couple of weeks and I find quite a lot of dissatisfaction on the fact that we keep postponing dates when these things take effect.

One man told me that his town has spent thousands of dollars on equipment and they are going to use it but the towns people are riding him now because, as these bills go through, it proves that they didn't have to. I have had complaints from several people about this. The people that the environmental control had variance papers all filled out, all made out ready to be sent if there was going to be any hardship, so those hardships could be taken care of. Yet in spite of that we postpone and postpone. I have talked with a town father the other day and I will leave out one word and I will quote exactly with the exception of that word, he said, "I will be damned if we will do anything more until they" meaning us "set a final date and stick to it."

The SPEAKER: The pending question is passage to be enacted. All in favor of passage to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken.

116 having voted in the affirmative, 16 having voted in the negative the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Revising Lobbyist Disclosure Procedures (S. P. 150) (L. D. 513) (H. "D" H-807 to C. "A" S-312)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. DeVane.

Mr. DeVANE: Mr. Speaker, Ladies and Gentlemen of the House: Like Mr. Bagley or as Mr. Bagley did, I will make no motion regarding this act and its enactment. I would like to address what I think is one hypocrisy and that is in the Lobbyist Disclosure Act that you had before you for enactment, Section 317, compensation, requires that the compensation received or due by a lobbyist, a person paid to influence legislation shall be made public. I happen to regard the employment of lobbyists as a private matter. It matters not to me and I suggest to most of you if somebody gets \$2 or \$2,000 a day, their opinion doesn't carry any more weight one way or the other. I believe earnestly as I think most of you do that every cent that is spent by a lobbyist to influence people should be reported. However, what that person earns by way of doing it with a private employer, I think, is a private matter, although I don't object to this, but the hypocrisy is that this chamber declined to make public what public employees make. I turn your attention back to the snoop book and this Body declined the opportunity to see that everybody knows what every public employee makes. That ladies and gentlemen is hypocrisy.

I would direct your attention to another section of the act, which is in my opinion, chicanery. Section 319, media expenditures, this section would require

that it shall be the duty of every person whether or not a lobbyist or an employer who incurs total media expenses in excess of \$500 for the purpose of influencing legislation, directly or indirectly, to file with the Secretary of State an accounting of that. That is fine, but ladies and gentlemen, how about the people who secure for themselves and their interests \$500 or more of broadcast time under the Fairness Doctrine? You don't see them here, apparently that is fine.

There are essentially four groups of people involved in this business of self-government, the citizen for whom the whole procedure exists, the legislators that they elect and send here, the lobbyists, the paid agent of various interests who come here to influence the process and the fourth group is the press or as it is now call, the media, who come here and report back to the people. If you noticed the last week editorial in the Kennebec Journal it indicates that 74 percent of the public think there is something wrong with the process. I frankly think that is the fault of the press and the media. I don't think in addressing this House since I have been here, I have spoken of my own person, but I will in this case. I have a degree in government and five years experience as a public administrator and I have watched it from that end. I have ten years experience in business and that has been in the broadcast business and I have watched people cultivate the press. I have watched people promote themselves, I go every morning through a pile of press releases two thirds of which is pat. I think when you talk about the lobby that we ought to talk about the whole ball of wax, the citizen, the legislator, the paid agent and the people who are sent here by somebody to report back to the citizen. If there is fault, if there is undue influence by lobbyist, it is a criticism of the membership. In all due respect to Mr. Cooney and his committee, this act leaves a great deal to be desired in making everybody more responsible.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: This doesn't meet with my pleasure passing a bill of this type. I have hired a lot of people and fired some in my day and I always thought a man was worthy of his hire. Some men are worth a lot of money and some aren't worth a nickel. I don't think it is any of my business or your business or anybody elses business what a man is hired for. I think that is his own personal business and I think we are getting in an area where we have got no business being in. I don't think the public is expecting us to be that snoopy. I hope this bill doesn't pass and I move that it be indefinitely postponed and I also ask for a roll call.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I just would like to speak to a couple of comments by Representative DeVane. One was comparing this to the snoop book, these records will just purely be on file in the Secretary of State Office just as the salaries of public employees are on record. This is not the original Lobbyist Disclosure Bill which you read about when it first came out and which you saw before you, this particular bill is a bill which was totally developed by the State Government Committee with just the original principle of the monthly disclosure kept in. We did