

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL
AUGUSTA, MAINE

An Act Relating to the Effective Date for Game Laws. (H. P. 632) (L. D. 820)

An Act Relating to Hunting Licenses. (H. P. 688) (L. D. 888)

An Act Relating to Secondary School Tuition. (H. P. 720) (L. D. 938)

An Act Relating to Form and Arrangement of Ballots in General Elections. (H. P. 724) (L. D. 942)

An Act Providing for Complimentary Fishing Licenses for Blind Persons. (H. P. 765) (L. D. 985)

An Act Relating to Rehabilitative Programs in State Penal and Correctional Institutions. (H. P. 818) (L. D. 1057)

An Act to Provide Social Security Rights to Firemen. (H. P. 880) (L. D. 1123)

An Act to Eliminate the Length of Trout in Brooks and Streams. (H. P. 891) (L. D. 1150)

An Act Relating to Support of Children by Parent Who Does Not Have Custody. (H. P. 933) (L. D. 1194)

Which, except for the tabled matters, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Resolve, to Reimburse Robert Sweet of Lincoln Center for Well Damage Resulting from Use of Salt on Route 2. (H. P. 87) (L. D. 96)

(On motion by Mr. Greeley of Waldo, placed on the Special Highway Appropriations Table.)

Resolve, in favor of Louis L. Doyle of Pownal for Automobile Damage Sustained Through Wrongful Act of State Ward. (H. P. 212) (L. D. 262)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

Emergency

An Act to Incorporate the Town of Bowdoin School District. (H. P. 888) (L. D. 1147)

This being an emergency measure and having received the affirmative votes of 28 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

An Act Relating to Conferring Degrees by Eleemosynary, Inc. (H. P. 924) (L. D. 1185)

This being an emergency measure and having received the affirmative votes of 30 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

Resolve, Relating to Fishing in Robbins Pond, Aroostook County. (H. P. 767) (L. D. 987)

This being an emergency measure and having received the affirmative vote of 30 members of the Senate, was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate the first tabled and specially assigned matter:

RESOLVE, Proposing an Amendment to the Constitution Repealing the Provisions Which Establish the Treasurer of State as a Constitutional Officer. (H. P. 14) (L. D. 14)

Tabled — April 1, 1969 by Senator Hoffses of Knox.

Pending — Motion by Senator Stuart of Cumberland to Reconsider Final Passage.

Mr. Hoffses of Knox moved the pending question.

The PRESIDENT: Is it now the pleasure of the Senate that we reconsider our action whereby we passed this resolve to be enacted?

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: Very briefly, last week, I believe, we passed this resolve with very little or no debate, as I recall.

This bill, I understand, received a majority Ought to Pass Report from the Committee on State Government after a rather enlightening hearing. Of course, we are familiar with the action in the other body, and I think that the members of the Senate should be

aware of the results of our Committee hearing.

At the hearing we were fortunate in having the presence of two former State Treasurers who, of course, appeared in opposition to the bill. Very briefly, the argument in support of abolishing the office of State Treasurer is that it no longer serves a useful purpose. The duties and responsibilities of this office could easily be delegated to other departments, such as Accounts and Control and Finance and Administration. The duties and responsibilities of the State Treasurer are, at best, very, very limited and very slight. In effect, the State Treasurer signs our checks and does nothing more. He is further responsible for signing State bonds and so forth.

Several members of the Committee asked these former Treasurers as to exactly what did they do, and what is it that they do that cannot be assumed by other State departments, and the reply was "Well, we sign the State checks and we sign the State bonds." Further explanation was not forthcoming.

We are all concerned with governmental reform. The citizens of the State of Maine are generally concerned. This is an area where we can enact progressive legislation. We can abolish an office that is very archaic and serves no useful purpose. The responsibilities of this office can be assumed by other State departments. We have a Treasurer and a Deputy Treasurer - and this is not intended to malign our present Treasurer or former Treasurers - and I think that this can best be exemplified by the testimony of the two former State Treasurers. If you had been present at the Committee hearing and listened to their testimony, and to observe how they were groping for reasons why the position should be retained, it was practically embarrassing to watch them perform. They couldn't tell us, other than the fact that the Treasurer executes our paychecks and bonds and other limited administrative duties, as to why this office should be retained.

It was suggested that if we permit the responsibilities of this

office to be assumed by Accounts and Control or the Department of Finance and Administration that it would be centralizing too much authority in one department. This, in my opinion, is a very fallacious argument and is unfounded. So, I urge the members of the Senate to oppose the pending motion to reconsider our action. We voted on this last week, it was finally passed, and I hope that we can relegate the office of State Treasurer to the annals of history where it certainly belongs.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: If the good Senator from Oxford, Senator Beliveau, really wants to curtail positions and save in State Government, there are several positions that come to my attention that have been created not too long ago. For instance, we created a Deputy Finance Administration Officer for \$17,500. Now, I am sure maybe he could take this work over because now he is part of the Indian Commissioner's office. We have a quasi - Indian Commissioner for \$12,000, and we are paying another man from the Department of Administration and Finance \$17,500 to watch him.

Again, we had a very satisfactory Purchasing Department, but in order to make a job and create another position, while our Purchasing Agent is getting \$14,378, we have created another position and we have taken our present Purchasing Agent, who has held the job for a long time, and we have made him an assistant and we created a job for another man to be above him for \$17,500.

Now, we have a former State Auditor, and he has found a niche in the Liquor Department at \$11,830. We also have a former member of the other body, and he has found a job over in the Inland Fish and Game Department for \$9,880. So, I would suggest, if the good Senator really wants to curtail on State Government, that he introduce some kind of a measure to eliminate some of these positions, the most of which are

superfluous, and also which, with the exception of one, are paying considerably more than the State Treasurer's job pays. I hope the Senate will vote to reconsider this action.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: If I understand the good Senator from Washington County, I assume that he would support an amendment to this bill which, in effect, would repeal the positions that he has suggested here. But that isn't the question. I think that if those positions are superfluous that he suggests, then legislation should be introduced to abolish them. I am not quarreling with that, but this is an area upon which we are focusing now and it is a decision we have to make today. Now, if we are confronted with legislation which would abolish the offices that he has mentioned I think that I would support it, I would sympathize with him. But, again, we are confronted with a position, and it is interesting to note that there were no arguments presented here today in support of retaining the office, and that is the issue before us. Why should this office be retained? There is no convincing or any reasonable argument that has been presented to this body today to support the proposition that it should be retained. Again I urge you people to oppose the pending motion.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is the motion of the Senator from Cumberland, Senator Stuart, that the Senate reconsider its action whereby Resolve, Proposing an Amendment to the Constitution Repealing the Provisions Which Establish the Treasurer of State as a Constitutional Officer, was finally passed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I request a division.

The PRESIDENT: As many as are in favor of the motion to reconsider the action whereby this resolve was finally passed will rise

and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Nineteen Senators having voted in the affirmative, and eleven Senators having voted in the negative, the motion prevailed.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I now move that this L.D. with all its accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Washington, Senator Wyman, now moves that House Paper 14, Legislative Document 14, be indefinitely postponed. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President, I would ask for a roll call on this motion.

The PRESIDENT: The Senator from Cumberland, Senator Conley, has requested a roll call. In order for the Chair to order a roll call, under the Constitution it requires the affirmative vote of at least one - fifth of the members present and voting. As many as are in favor of a roll call will rise and remain standing until counted.

Obviously more than one - fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President, is further debate in order on this?

The PRESIDENT: Yes.

Mr. BELIVEAU: I think we are entitled to know the basis for the motion to indefinitely postpone this bill. As I say, it has proceeded through the other House and passed by a substantial margin. We considered it last week and it was passed to be enacted. Finally, someone has become enlightened and realized that this is a bad bill. But, again, why is it a bad bill? Will someone from the other party — if they are opposed to governmental reform, I would like to know why they are opposed. Why

are they opposed to the passage of this bill? We are entitled to know. I think that the method that we have used to kill this, of course, it is something we resort to every day, but I think in this instance we are all entitled to a little additional debate.

I would strongly urge some member, some person here, who is supporting the motion to indefinitely postpone, to tell me why they are supporting it.

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

Mr. KATZ of Kennebec: Mr. President and Gentlemen: The word "governmental reform" is a very interesting one. It is used when you are in favor of it, and it is opposed when you are against it.

Here I honestly believed that the abolishment of the office of Treasurer was a governmental reform and it was a step in the right direction, and I have had my mind changed, and I have had my mind changed very sincerely. The basis of my changing my mind - and I am speaking as an individual Senator from Kennebec County - the basis for my changing my mind is my conviction that were this job to be abolished that it would spring up under another job title within the Department of Finance and Administration, and my deep conviction, which is proven by performance over these past months, that it would no longer be an \$11,000 job, but closer to \$15,000 or \$17,000, I believe this, and this is why I am voting against this constitutional amendment.

The PRESIDENT: Is the Senate ready for the question? The Chair will state the question again. The question before the Senate is the motion of the Senator from Washington, Senator Wyman, that House Paper 14, Legislative Document 14, Resolve, Proposing an Amendment to the Constitution Repealing the Provisions Which Establish the Treasurer of State as a Constitutional Officer, be indefinitely postponed. A roll call has been requested.

The Secretary will call the roll.

Roll Call

YEAS: Senators Anderson, Barnes, Berry, Dunn, Greeley, Hanson, Hoffses, Katz, Logan, Mills, Moore, Peabody, Quinn, Sewall, Stuart, Tanous, Wyman and President MacLeod.

NAYS: Senators Bernard, Beliveau, Cianchette, Conley, Duquette, Gordon, Kellam, Letourneau, Levine, Martin, Minkowsky, Reed, and Violette.

ABSENT: Senator Boisvert.

A roll call was had. Eighteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, with one Senator absent, the motion prevailed and the Resolve was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the second tabled and specially assigned matter:

SENATE REPORTS — from the Committee on Judiciary on Bill, "An Act Relating to Election of Clerks of the Judicial Court." (S. P. 254) (L. D. 791) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — April 2, 1969 by Senator Wyman of Washington.

Pending — Acceptance of Either Report.

Mr. Mills of Franklin moved acceptance of the Majority Ought Not to Pass Report.

Thereupon, on motion by Mr. Wyman of Washington, retabled and specially assigned for Wednesday, April 16, 1969, pending the motion by Mr. Mills of Franklin to accept the Majority Ought Not to Pass Report of the Committee.

The President laid before the Senate the third tabled and specially assigned matter:

JOINT ORDER — Relative to University of Maine at Portland to Study Preservation of Building. (S. P. 423)

Tabled — April 2, 1969 by Senator Hoffses of Knox.

Pending — Passage.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Kellam.