

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

House Amendment "B" (H-594) was read by the Clerk.

The SPEAKER: The gentleman may continue.

Mr. BERMAN: Mr. Speaker and Members of the House: I would like to explain what House Amendment "B" is about so that you won't think that anything is being put over on you. During the session we had a bill before Judiciary Committee regarding people who are hospitalized in either Bangor or Augusta State Hospitals and other institutions of the State who may wish to petition the court that they be allowed to be freed from such institutions. Now somewhere along the line, the way that the state of the law at the present time is, the petition would have to be directed to the court in the county from which the person was sent to this institution.

Now it made good sense to the Attorney General's Department and to the Commissioner of Mental Health and Corrections that it would be much better if the petition were held say in Penobscot County if the person were in the Bangor State Hospital, or in Kennebec County if the petitioner were in the Augusta State Hospital; and that pure and simple is what this amendment is all about. So I hope you will go along and adopt House Amendment "B".

Thereupon, House Amendment "B" was adopted.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A", Senate Amendments "D", "E" and "G" and House Amendments "A", "B" and "D" in non-concurrence and sent up for concurrence.

By unanimous consent ordered sent forthwith to the Senate.

The SPEAKER: The Chair recognizes the gentleman from Fort Kent, Mr. Bourgoïn.

Mr. BOURGOÏN: Mr. Speaker, is L. D. 1248 still in the possession of the House?

The SPEAKER: The Chair would advise the gentleman that this matter has just been passed to be engrossed and sent under unanimous consent to the Senate.

Mr. BOURGOÏN: Thank you.

Non-Concurrent Matter

An Act Increasing the Number of Superior Court Justices (H. P. 955) (L. D. 1236) which was passed to be enacted in the House on May 2 and passed to be engrossed on April 25.

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" in non-concurrence.

In the House: The House voted to recede and concur.

By unanimous consent ordered sent forthwith.

The Chair laid before the House a matter tabled earlier and assigned for later in today's session:

Non-Concurrent Matter

Resolve Proposing an Amendment to the Constitution Providing for a Full-time Attorney General to Hold Office for Four Years (S. P. 491) (L. D. 1585) which failed of final passage in the House on June 27 and which was passed to be engrossed as amended by House Amendment "C" (H-541) as amended by House Amendment "A" (H-585) thereto on June 26.

Came from the Senate finally passed in non-concurrence.

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

Mr. BERMAN: Mr. Speaker and Members of the House: Last week we had quite an extensive debate on this matter. The House refused to enact this measure for very sound reasons. So I say simply today that I hope the House will stand by its position and not enact this amendment.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: As was indicated by the gentleman from Houlton, Mr. Berman, that this came before us last week and was debated for some time and failed enactment. I think primarily it failed enactment because a large number of the members of the House were not in attendance for very obvious reasons, that the weather was almost unbearable and the heat of the House itself in some instances became quite unbearable.

I would indicate to the members of the House that I think as was indicated last week, that again this week the same situation that comes before us, that we should have an Attorney General that is responsive to the needs of the people of the State. And I think by enacting this piece of legislation this is exactly what we are going to be doing, having the Attorney General elected by the general public to serve for a four-year term. And I think this is a proper action for the members of this House to do, and I hope that you will vote for the motion to recede and concur, and when the vote is taken I request that it be taken by the yeas and nays.

The SPEAKER: The Chair understands that the gentleman from Madawaska, Mr. Levesque, moves that the House recede and concur. This requires a two-thirds affirmative vote and 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 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 the desire for a roll call a roll call was ordered.

The SPEAKER: The pending question is the final passage of L. D. 1585. This being a Constitutional Amendment a two-thirds vote of the House is necessary. If you are in favor you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Barnes, Benson, Bernier, Binnette, Boudreau, B o u r g o i n, Bunker, Burnham, Carey, Carter, Casey, Chandler, Coffey, Corson, Cote, Cottrell, Crommett, Crosby, Croteau, Curran, Cushing, Dam, Drigotas, Erickson, Faucher, Fecteau, Fortier, A. J.; Fraser, Gauthier, Gilbert, Giroux, Good, Harriman, Haskell, Heselton, Hewes, Hichens, Hunter, Jalbert, Johnston, Keyte, Kilroy, Lawry, Label, Leibowitz, LePage, Levesque, MacPhail, Marstalker, Martin, McKinnon, McTeague, Mills, Mitchell,

Moreshead, M o r g a n, Nadeau, Noyes, Ouellette, Pratt, Richardson, H. L.; Rideout, Rocheleau, Sheltra, Starbird, Stillings, Susi, Temple, Thompson, Tyndale, Vincent, Watson, Waxman, Wheeler, Wood.

NAY — Allen, Baker, Berman, Birt, Brown, Chick, Clark, C. H.; Clark, H. G.; Curtis, Donaghy, Dudley, Durgin, Dyar, Emery, Farnham, Finemore, Foster, Hall, Hanson, Hardy, Hawkens, Henley, Huber, Immonen, Kelleher, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Lund, McNally, Meisner, Millett, Mosher, Norris, Page, Payson, Porter, Quimby, Rand, Richardson, G. A.; Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Soulas, Trask, White, Wight.

ABSENT — Bedard, Bragdon, Brennan, Buckley, Carrier, Couture, Cox, Cummings, D'Alfonso, Danton, Dennett, Eustis, Evans, Fortier, M.; Jameson, Jutras, Laberge, Marquis, Ricker, Santoro, Tanguay, Williams.

Yes, 75; No, 53; Absent, 22.

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

Thereupon, the House voted to adhere.

Mr. Jalbert of Lewiston was granted unanimous consent to briefly address the House.

Mr. JALBERT: Mr. Speaker and Members of the House: Turning back to L. D. 1248, it is my understanding now that this does take the railroad out of the tax obligation, and this apparently is now the understanding of the Taxation Division and also the parties involved. It is my further understanding that the situation will be remedied in the other branch because the people involved within the railroad confines realize this and they just want the law put back to where it was. But it was an honest error that was made.

Mr. Hewes of Cape Elizabeth presented the following Order out of order and moved its passage:

ORDERED, the Senate concurring, that the members on the Joint