

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

House Paper 744, L. D. 1006, be indefinitely postponed.

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.

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 pending question is on the motion of the gentleman from Auburn, Mr. Emery that both Reports and Bill be indefinitely postponed. If you are in favor of that motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Bailey, Barnes, Berry, P. P.; Berube, Binnette, Bither, Brawn, Call, Carey, Carrier, Conley, Cote, Cottrell, Crosby, Curran, Curtis, A. P.; Cyr, Donaghy, Doyle, Dudley, Dyar, Emery, D. F.; Emery, E. M.; Evans, Faucher, Fecteau, Finemore, Gauthier, Hancock, Hardy, Henley, Herrick, Hewes, Jalbert, Jutras, Kelleher, Lebel, Lee, Lessard, Lewin, Lincoln, Lizotte, Lucas, MacLeod, Manchester, Marstaller, McCormick, McNally, Mills, O'Brien, Page, Porter, Pratt, Rand, Rollins, Sheltra, Shute, Simpson, L. E.; Tanguay, Theriault, Trask, Tyndale, Webber, Wheeler, Wight, Williams.

NAY — Ault, Baker, Bartlett, Bedard, Bernier, Berry, G. W.; Birt Boudreau, Bourgoin, Bragdon, Brown Bunker, Carter, Churchill, Clark, Clemente, Cummings, Curtis, T. S., Jr.; Dam, Drigotas, Farrington, Fraser, Gagon, Genest, Gill, Good, Goodwin, Hall, Haskell, Hawkens, Hayes, Hodgdon, Immonen, Kelley, K. F.; Kelley, P. S.; Keyte, Lawry, Lewis, Littlefield, Lund, Lynch, Maddox, Marsh, Martin, McCloskey, McKinnon, McTeague, Millett, Morrell, Mosher, Murray, Norris, Orestis, Parks, Payson, Ross, Scott, Shaw, Simpson, T. R.; Slane, Smith, E. H.; Stillings, Susi, Vincent, White, Whitson, Wood, M. W.; Wood, M. E.; Woodbury.

ABSENT — Bustin, Collins, Cooney, Dow, Hanson, Kelley, R. P.; Kilroy, Mahany, Pontbriand, Rocheleau, Santoro, Silverman, Smith, D. M.; Starbird.

Yes, 67; No, 69; Absent, 14.

The SPEAKER: Sixty-seven having voted in the affirmative, sixty-nine in the negative, with fourteen being absent, the motion does not prevail.

Thereupon, the Minority "Ought to pass" Report was accepted and the Bill was read twice.

Committee Amendment "A" (H-154) was read by the Clerk and adopted and the Bill assigned for third reading tomorrow.

Order Out of Order

Mr. Gill of South Portland presented the following Order and moved its passage:

ORDERED, that Kevin Kennedy and Frank West of Milbridge be appointed to serve as Honorary Pages for today.

The Order was received out of order by unanimous consent, read and passed.

Divided Report

Majority Report of the Committee on State Government reporting "Ought not to pass" on Resolution Proposing an Amendment to the Constitution Repealing the Provisions Which Establish the Treasurer of State As a Constitutional Officer (H. P. 437) (L. D. 572)

Report was signed by the following members:

Messrs. JOHNSON of Somerset
WYMAN of Washington
— of the Senate.
Messrs. HODGDON of Kittery
CURTIS of Orono
MARSTALLER
— of Freeport
DONAGHY of Lubec
STILLINGS of Berwick
— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Resolution.

Report was signed by the following members:

Mr. CLIFFORD
— of Androscoggin
— of the Senate.
Mrs. GOODWIN of Bath

Messrs. FARRINGTON
of Old Orchard Beach
COONEY of Webster
STARBIRD
of Kingman Township
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker, I move acceptance of the Majority "Ought not to pass" Report.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy moves the House accept the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Bangor, Mr. Murray.

Mr. MURRAY: Mr. Speaker and Ladies and Gentlemen of the House: I rise this morning to oppose the motion of the gentleman from Lubec, Mr. Donaghy. This bill was proposed in the 104th session of the Legislature and passed both bodies by the necessary two-thirds majority, because it is a Constitutional amendment; and then it died when it was reconsidered in the other body.

This year, with the spirit of reform seemingly very high, I am optimistic that it will succeed. It is time we start looking at some of the things that we have created in the past and analyze their present usefulness and their effectiveness, and decide if they are still really needed.

As I see it the Office of State Treasurer is simply a bookkeeping department which should be incorporated into the Department of Accounts and Control. In introducing this bill I hope to help in some small way to build economy into state government. I firmly believe that it can be effected without impairing the operation of state government in the least.

Through the years we have been willing to create new departments, programs, hire new state employees, issue bonds, build new buildings, and generally allow the programs to grow beyond our citizens' ability to pay. However, seldom if ever have we been willing to abolish or substantially change any of these programs or departments.

We have a good government with a strong foundation based on the principles we expound. But the house we have built on this foundation, namely our present government, I sometimes worry about. It is very much weaker than its foundation, and certain parts should be torn down completely.

I strongly feel that the Office of State Treasurer is one of these parts. We have within the present system the facilities and the talents to do whatever work this department does that must be continued. I urge the members of this House to look favorably on the bill keeping in mind the best interest of the citizens of this state. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Members of the House: I am sorry to have to differ with the young man from Bangor. This has been studied at some length, and we find that a man who earns \$11,000 in the past biennium has earned over \$5 million for the State of Maine. Now this is not the kind of man we want to do away with.

It may be, looking at the division on the ballot, I can see perhaps why we want to get it into Accounts and Controls which comes under the Governor's office. This means that the money that comes in would be handled by the Governor's office, and the money that goes out would be handled by the Governor's office, with no checks nor controls.

There are very definite items of business that have to go through the Treasurer's office. If it doesn't it will have to go through someone else's office. And I think the Treasurer is the man to do it.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I am indeed surprised to hear the gentleman say that someone is playing politics with this bill. I think that the gentleman knows full well where it has been, where it is going to go. But we

ought to remember a few things about this bill, and perhaps also about the office, when we are on that particular subject.

Previous to 1965, of course, the only Democrat that had ever been Treasurer of this state was back about 1912. And I would point out to the gentleman that we didn't have much control where the funds were going. As I well recall there was very little money that was being invested under the Republican Treasurer.

I can also recall, as my facts come back to me, a Republican State Committee Treasurer that was also the Treasurer of the State of Maine. And I am not implying that any monies from the State Republican Committee went to the State of Maine or vice versa. I can also recall that there was very little money that was invested for any worthwhile purpose under the so-called Republican Treasurer, and I would point that out to the gentleman.

So I would think that in 1965 when we assumed the Office of State Treasurer, we at that time made what we thought was a worthwhile approach, that it ought to be not an elected office by the legislature, it ought to be one step away so that politics did not enter into it. And as I recall the Democrats went along with that idea and the Republicans did not. I don't think that things are going to change much today.

As I recall we had a Democratic Treasurer who invested a great deal of money and for the first time made use of idle state monies. And I don't have the figures in front of me, but we made some pretty good money investments, and the State of Maine came out ahead in that deal.

Then two years later, of course, the Democrats lost control of the legislature and so they lost control of that particular office. Now our thinking did not change at all. Our thinking before 1965 was that the Treasurer ought to be chosen in another fashion than it is now. Our feelings remained the same in 1965 when we took over, and in 1967 even when the other party

took over, our feelings didn't change any.

I am not saying today that we are attempting to abolish the Office of Treasurer per se, that we are trying to do with that particular job per se. We ought to remember that the Treasurer of the State will continue whether he is in effect an elected official by this legislature or a constitutional officer. It can be done better somewhere else, and I think that for those of you who care to recall something relatively recent, especially to the Majority Party, I heard criticisms about the particular office, and I would think that you might like to keep that in mind. I am not saying that the Democrats made any criticisms. I would hope also that we would do away with the particular office, and perhaps take one step in the right direction.

As you well recall, and it was pointed out by the gentleman from Bangor, Mr. Murray, the last Legislature passed this by a two-thirds vote in both houses, and lo and behold someone had second thoughts. And the night after there was a reconsideration motion made in the other body. And as you well remember, it was reconsidered and then it was simply killed very neatly, very nicely and effectively.

I would hope that this morning we could take that first step forward and that perhaps there would be no motion made to reconsider. And I know that the gentleman from East Millinocket, Mr. Birt, is about ready to stand up and say this is in error. I would point out to him before he does arise that I am sure that he knows that I am right. And so I would hope that you would defeat the motion to accept the Majority Report. And when the vote is taken I ask that it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Since we are harkening back to what some call the good old days, during the 102nd, as you were

told, the Democrats controlled the legislature. I happened to be one of the few Republicans here at that time.

A gentleman by the name of Mr. Eben Elwell was elected Treasurer. He received more publicity in this office than even the Governor that year. So I didn't know until then how valuable and important this job really was. And so I certainly feel the same way today, and I move indefinite postponement of this Resolve and all accompanying papers.

The SPEAKER: The gentleman from Bath, Mr. Ross, now moves the indefinite postponement of the Resolve and all accompanying papers.

The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: I wouldn't want to disappoint the gentleman from Eagle Lake, that he might be able to hear at least a couple of thoughts that are going on in my mind.

As I remember what happened two years ago — and I think I recall it quite well — that after it was first given consideration, passage, and then at the time it was reconsidered, that they looked into this and found that actually the saving to the state would not be any money at all; that the office would have to be filled in another manner, and the staff in the office would also have to be maintained because of the work that is involved.

Now I would like to remind the gentleman one other point. He commented about what was done in 1965. But he should remember that the legislature that went out in 1963, the 101st Legislature, did leave a very nice surplus; probably the largest surplus that has even been left in the history of this state, with the exception of the one at the present time. So the Treasurer at that time had plenty of money to play with, and of course he did play with it and he did a good job.

But he also was a very effective salesman to letting everybody in the state know how much he was

doing. This had been done for years; the money available in the state had always been invested. And there had always been an account, as I remember it, in the balance sheet that comes out monthly as to the earnings of the state. But the Treasurer at that time made sure that every month it was in the papers as to how much he had made. But he had \$18 million to play with, and this was more money than any other Treasurer had ever had.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to join my colleague and leader, the gentleman from Eagle Lake, Mr. Martin. I will join him, however, with the comments that as far as I am concerned, when it comes to appropriations measures and when it comes to other matters that come before this body I get up and plead and beg and everything that goes with it. In this particular instance here, there is no pleading, there is no begging with me. You have the numbers, have fun, they may change.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call vote 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.

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 pending question is on the motion of the gentleman from Bath, Mr. Ross, that both Reports and Resolution Proposing an Amendment to the Constitution Repealing the Provisions Which Establish the Treasurer of State As a Constitutional Officer, House Paper 437, L. D. 572, be indefinitely postponed. All those in favor of indefinite postponement will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.;

Birt, Bither, Bragdon, Brawn, Brown, Bunker, Call, Churchill, Clark, Collins, Crosby, Cummings, Curtis, A. P.; Curtis, T. S. Jr.; Donaghy, Dyar, Emery, D. F.; Evans, Finemore, Gagnon, Gill, Good, Hall, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Hodgdon, Immonen, Kelley, K. F.; Lee, Lewin, Lewis, Lincoln, Littlefield, Lund, MacLeod, Maddox, Marstaller, McCormick, McNally, Millett, Norris, Page, Parks, Payson, Porter, Pratt, Rand, Rollins, Ross, Scott, Shaw, Shute, Simpson, L. E.; Simpson, T. R.; Stillings, Susi, Trask, Tyndale, White, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

NAY — Albert, Bedard, Bernier, Berry, P. P.; Berube, Binnette, Boudreau, Bustin, Carey, Carrier, Carter, Clemente, Conley, Cote, Cottrell, Curran, Cyr, Dam, Doyle, Drigotas, Dudley, Farrington, Faucher, Fecteau, Fraser, Gauthier, Goodwin, Hancock, Hewes, Jalbert, Jutras, Kelleher, Kelley, P. S.; Keyte, Lawry, Lebel, Lessard, Lizotte, Lucas, Lynch, Manchester, Marsh, Martin, McCloskey, McKinnon, McTeague, Mills, Morrell, Murray, O'Brien, Orestis, Sheltra, Slane, Smith, E. H.; Tanguay, Theriault, Vincent, Webber, Wheeler, Whitson.

ABSENT — Bourgoin, Cooney, Dow, Emery, E. M.; Genest, Hanson, Kelley, R. P.; Kilroy, Mahany, Mosher, Pontbriand, Rocheleau, Santoro, Silverman, Smith, D. M.; Starbird, Wight.

Yes, 73; No, 60; Absent, 17.

The SPEAKER: Seventy - three having voted in the affirmative, sixty in the negative, with seventeen being absent, the motion does prevail. It will be sent up for concurrence.

Divided Report

Majority Report of the Committee on State Government reporting "Ought not to pass" on Resolution Proposing an Amendment to the Constitution Providing for the Election of the Attorney General by the Electors (H. P. 545) (L. D. 717)

Report was signed by the following members:

Messrs. WYMAN of Washington
JOHNSON of Somerset
CLIFFORD

of Androscoggin
—of the Senate.

Messrs. DONAGHY of Lubec
HODGDON of Kittery
COONEY of Webster
FARRINGTON
of Old Orchard Beach
—of the House

Minority Report of same Committee reporting "Ought to pass" on same Resolution.

Report was signed by the following members:

Messrs. MARSTALLER
of Freeport
CURTIS of Orono
STARBIRD

of Kingman Township
STILLINGS of Berwick

Mrs. GOODWIN of Bath
—of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker, I move the Majority "Ought not to pass" Report be accepted.

Whereupon, Mr. Bartlett of South Berwick requested a roll call.

The SPEAKER: 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 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 Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: It seems that these issues are going to come fast and furious for time immemorial. I would simply ask you to vote against this bill and vote for the motion to accept the Majority Report. I am sure that at that point the Chairman of the State Government Committee is probably saying, what have I done wrong? I think he has done it right, and I would hope that the members of this House would go