

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

Volume II

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Index

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accompanying papers be indefinitely postponed. A roll call has been ordered. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, R. N.; Carbonneau, Cianchette, Clifford, Conley, Corson, Cummings, Cyr, Graham, Greeley, Huber, Katz, McNally, Merrill, Pray, Roberts and Trotzky.

NAYS: Senators Collins, Curtis, Danton, Gahagan, Graffam, Hichens, Jackson, Marcotte, O'Leary, Reeves, Speers, Thomas and Wyman.

ABSENT: Senators Berry, E. F., Jr.; and Johnston.

A roll call was had. 17 Senators having voted in the affirmative, and 13 Senators having voted in the negative, with two Senators being absent, the Bill and accompanying papers were Indefinitely Postponed.

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

Mr. **KATZ:** Mr. President, to lay this matter to rest, I move reconsideration.

The **PRESIDENT:** The Senator from Kennebec, Senator Katz, now moves that the Senate reconsider its action whereby this bill was indefinitely postponed. Will all those Senators in favor of reconsideration please say "Yes"; those opposed "No".

A viva voce vote being taken, the motion did not prevail.

Resolve, Authorizing Peggy Lanpher of South China or her Legal Representative to Bring Civil Action Against the State of Maine. (H. P. 549) (L. D. 677)

Which was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Resolve, Authorizing the Bureau of Public Lands to Convey the State's Interest in Trescott, Washington County to Clarify Title. (H. P. 954) (L. D. 1193)

On motion by Mr. Reeves of Kennebec, tabled and Tomorrow Assigned, pending Enactment.

Emergency

An Act Appropriating Funds to the Department of Mental Health and Corrections for Fire Prevention and Structural Safety Improvements at the Military and Naval Children's Home at Bath. (H. P. 1357) (L. D. 1659)

(On motion by Mr. Huber of Cumberland, placed on the Special Appropriations Table.)

Emergency

An Act Concerning Allocations from the General Highway Fund for the Repair of Certain Bridges in Baxter State Park. (H. P. 978) (L. D. 1225)

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

Emergency

An Act Repealing the York Harbor Village Corporation. (S. P. 468) (L. D. 1563)

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.

Orders of the Day

The President laid before the Senate the

first tabled and Specially Assigned matter:

Resolution, Proposing an Amendment to the Constitution to Establish Filing Dates for Initiative and Referendum Petitions; Clarify when the Effective Date of a Bill is Suspended by the Filing of a Referendum Petition; Clarify the Process of Calling a Special Election for an Initiative or Referendum Vote; Limit Legislative Amendment and Repeal of Laws Initiated or Approved by the People; Clarify the Petition Process; and Provide for Review of the Validity of Petitions. (H. P. 158) (L. D. 188)

Tabled — May 20, 1975 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-241) as amended by House Amendment "B" Thereto (H-374).)

(In the Senate — Committee Amendment "A" as amended by House Amendment "A" Thereto, Adopted in concurrence.)

The **PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. **CURTIS:** Mr. President, I would make an inquiry to the Chair as to whether or not the printed calendar is in error regarding the House Amendment which has been added to this bill? It would be my understanding it is House Amendment "B", under filing H-374 rather than House Amendment "A".

The **PRESIDENT:** The Senator is correct, the calendar is in error. House Amendment "B" to Committee Amendment "A" has been adopted.

Mr. **CURTIS:** Mr. President, one of the primary effects of the amendment that we are talking about now, H-374 is the filing number, is to provide that a law which is initiated or approved by a vote of the people would be in a special category, that it could be amended only by either another vote of the people or by a two-thirds vote of both houses of the legislature, about half way between our regular procedure for adopting a law and a change in the constitution. The Committee felt strongly that an initiated bill ought to be treated the same as any other law. It just has a different way of getting enacted. For that reason, Mr. President, I move reconsideration of the action by which the Senate adopted House Amendment "B" to Committee Amendment "A" under Filing H-374.

The **PRESIDENT:** The Senator from Penobscot, Senator Curtis, now moves that under suspension of the rules the Senate reconsider its action whereby House Amendment "B" to Committee Amendment "A" was adopted.

Thereupon, under suspension of the rules, the Senate voted to reconsider its action whereby Committee Amendment "A", as Amended by House Amendment "B" Thereto, was Adopted. Under further suspension of the rules, the Senate voted to reconsider its action whereby House Amendment "B" to Committee Amendment "A" was Adopted.

On subsequent motion by Mr. Curtis of Penobscot, House Amendment "B" to Committee Amendment "A" was Indefinitely Postponed in non-concurrence, and Committee Amendment "A" was then Adopted.

The **PRESIDENT:** The Chair recognizes the Senator from Androscoggin Senator Clifford.

Mr. **CLIFFORD:** Mr. President and

Members of the Senate: As I understand this resolution, it is an attempt to clarify the initiative referendum petition procedure. From the debate that we have had in the Senate on the Bigelow initiated referendum petition, it seems to me that there is a problem which exists in the law concerning those statutes which require funding. It seems to me that that is the big problem on the Bigelow matter, and I wonder if I could address a question through the Chair as to whether or not this resolution addresses that problem. It seems to me that the problem with the Bigelow matter is that the Legislature cannot change anything in the bill. If the legislature does not enact the bill, it goes to referendum and the people are going to be voting on the acquisition of public lands, not really having a good idea on what the cost will be. I wonder if this has been addressed by the committee and those who are looking to approve the initiated process. I am a believer in the initiated process and I wonder if this problem has been addressed. I would hope at this time we could address it and avoid the situation we have at Bigelow.

The **PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. **BERRY:** Mr. President and Members of the Senate: I am glad that Senator Clifford brought up the matter of the Bigelow problem. The constitution provides that the legislature, if it wishes, may put out competing questions for the people to vote on at the same time on initiative referendum is taken on a particular issue that was signed by the people who signed the petitions. This gives the legislature a chance to respond to the bill, and one of the problems I think we are facing in this Bigelow situation is: is the bill in proper form, in case it is passed, to be workable? The answer I do not have at the moment, and I would hope that when we come to this we will be able to table it for two days until we can get some more expert opinion. But in specific response to Senator Clifford's well thought out query, there is an avenue for the legislature to correct any errors in an initiative petition. I think it is workable and it can be done.

The **PRESIDENT:** Is it now the pleasure of the Senate that this bill as amended by Committee Amendment "A" be passed to be engrossed and sent down for concurrence?

It is a vote.

The President laid before the Senate the second tabled and Specially Assigned matter:

Bill, "An Act Relating to Contracts of Teachers with Municipalities." (H. P. 1033) (L. D. 1339)

Tabled — May 20, 1975 by Senator Merrill of Cumberland.

Pending — Adoption of House Amendment "A" (H-253)

(In the Senate — Passed to be Engrossed, in concurrence.)

(In the House — Passed to be Engrossed as amended by House Amendment "A" (H-253) as amended by House Amendment "C" Thereto, (H-300), in non-concurrence)

(In the Senate House Amendment "C" to House Amendment "A", Indefinitely Postponed, in non-concurrence.)

The **PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. **MERRILL:** Mr. President, I tabled