

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume I

January 5, 1977 to May 25, 1977

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AUGUSTA, MAINE

that you adopt House Amendment "A" and then I think you will have a good bill.

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the sixth tabled and today assigned matter:

House Report — "Ought to Pass" as Amended by Committee Amendment "A" (H-159) — Committee on Education on Bill "An Act to Facilitate Out-of-state Post Graduate Education in Certain Professions" (H. P. 408) (L. D. 502)

Tabled — May 10, 1977 by Mr. Lynch of Livermore Falls.

Pending — Acceptance of the Committee Report.

On motion of Mr. Lynch of Livermore Falls, retabled pending acceptance of the Committee Report and specially assigned for Friday, May 13.

The Chair laid before the House the seventh tabled and today assigned matter:

House Divided Report — Majority (11) "Ought Not to Pass" — Minority (2) "Ought to Pass" as Amended by Committee Amendment "A" (H-271) — Committee on Judiciary on Bill "An Act Concerning Warrantless Arrests by a Law Officer" (H. P. 630) (L. D. 771)

Tabled — May 9, 1977 by Mr. Spencer of Standish.

Pending — Acceptance of either Report.

On motion of Mr. Spencer of Standish, the Bill was recommitted to the Committee on Judiciary and sent up for concurrence.

The Chair laid before the House the eighth tabled and today assigned matter:

House Divided Report — Report "A" (6) "Ought to Pass" in New Draft under New Title: Resolution, Proposing an Amendment to the Constitution to Permit the Highway Fund to be used for Public Transportation Purposes (H. P. 1532) (L. D. 1758) — Report "B" (6) "Ought Not to Pass" — Report "C" (1) "Ought to Pass" — Committee on State Government on Resolution, Proposing an Amendment to the Constitution to Undedicate the Highway Fund (H. P. 536) (L. D. 651)

Tabled — May 9, 1977 by Mr. Curran of South Portland.

Pending — Acceptance of any Report.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Curran.

Mr. CURRAN: Mr. Speaker, the hour is late and I know of seven people who wish to debate this bill; therefore, I would suggest that we table this one more day in hopes that maybe it is earlier in the day when it is before the floor.

Whereupon, on motion of Mr. Tierney of Lisbon Falls, tabled pending acceptance of any Report and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Establish a Presidential Primary in the State of Maine" (H. P. 187) (L. D. 249) which was tabled earlier in the day and later today-assigned pending further consideration.

Mrs. Kany of Waterville moved that the House recede and concur.

The SPEAKER: The Chair will order a vote. All those in favor of receding and concurring will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Tierney of Lisbon Falls requested a roll call vote.

The SPEAKER: 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 Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, I would like to pose a question to the sponsor of this bill or anyone else who may care to answer. I would like them to explain the exact status of this bill at the present time and exactly what sort of presidential primary would be proposed were we to recede and concur with the other body.

The SPEAKER: The gentleman from Lisbon Falls, Mr. Tierney, has posed a question through the Chair to anyone who may care to answer.

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

Mrs. KANY: Mr. Speaker and Members of the House: I will be happy to answer the gentleman's question. The bill before us in its present state calls for an opportunity for the citizens of Maine, those enrolled in a party, to help select their candidate. It presently is in the status in which that would be on the same date as our statewide primary. I personally preferred it at an earlier date in which we would have a New England regional primary, but I think this is a lot better than our present status in which only two or three percent of our enrolled citizens in the state of Maine are participating.

I hope that you will go along with this motion. I understand that there has been an effort as early as 1969 when Representative Goodwin of Bath introduced a presidential primary bill to get something on the books, and I hope that we could get this on the books. If we wanted to try during the next session to amend the bill so that we could have an earlier date, we could do that at that time.

This is a big improvement over the present situation, and I hope you will go along with the motion to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Ms. Beniot.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: The gentlelady from Waterville is correct to a point. It does give the citizens of Maine an opportunity to vote in a primary; however, the primary would not be binding. The delegates to the convention would not have to vote according to how the citizens of Maine voted in a primary. For that reason, I am against the motion to recede and concur and would urge you to vote against it so that we might insist and ask for a Committee of Conference and perhaps come to some sort of a compromise with the other body and in the end be able to have a good presidential primary.

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

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the recede and concur motion. I think the suggestion just made by Ms. Benoit of South Portland is a very good one. I think that the bill needs more adjustment.

It seems to me that when you deal with a bill of this type, that in this particular case at least, there are three things that we might consider in this order. The first is the benefits and the good for the people of Maine. The second is the benefits and the good, perhaps, for the presidential selection process. The third and last priority, which I do submit is valid, is the effect on our political party structure. I tend to think the political party structure is well worthy of our consideration as one of the last major, formal groupings that our society has left to develop, to articulate and to express public

policy. I think that anything that weakens our party structure tends to do a disservice to our democracy.

Taking this particular proposal in its original state, it had many things going for it. For the first of my criteria, that of how did it benefit the people of Maine, there can be no doubt that an early primary, February or March, would be of benefit to the people of Maine. It would not only bring us economic benefits, it would project Maine into a visible figure nationally and, as far as the second priority, that of its effect on the presidential process, it would also have some value because we could regionally thus make ourselves felt and hopefully be that much more meaningful in the process by which the eventual presidential candidates were selected. The third criteria, that of its effect on political parties, it would tend to weaken parties, but I would be willing to accept that loss of party strength to gain the two original goods.

However, the bill you have before you today no longer does that. The bill you have before you today simply says that a presidential primary will be conducted in joint conjunction with our other regular primaries the normal 18 or 20 percent of the people, party people who come out to vote will get to make an additional choice on the top of the ballot as to whom they thought the presidential candidate might be.

In this case, this does not benefit whatsoever for the people of Maine. In the second criteria, that of its effect on the national presidential process, it has no bearing, it is a simple personality kind of thing and the candidate who has the most money, who can buy the most TV time, wins. The third criteria, that of what it will do to our political parties, has very sharply changed. It will almost entirely emasculate the present conventions that both of our major political parties still have.

What kind of reason would there be for people who wish to support a minor or a splinter candidate to go out and work and round up the delegates to go to the convention and try and support that person when they realize that a personality contest which will be voted, as we all know, largely on the basis of TV, which will be occurring just a few weeks later, might well, through public pressure, nullify the original decisions they have made.

I agree with the thrust behind the bill. I would like to see the bill saved, and I think the way to save it is to reject this motion to recede and concur and then to insist and ask for another Committee of Conference and see if reasonable people between the two bodies can't come up with a bill that does satisfy my three criteria.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentlewoman from Waterville, Mrs. Kany, that the House recede and concur. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Aloupis, Ault, Austin, Bachrach, Bagley, Berube, Biron, Birt, Brennerman, Bunker, Carey, Carter, D.; Carter, F.; Chonko, Conners, Cunningham, Curran, Devoe, Dexter, Dow, Durgin, Garsoe, Gill, Goodwin, K.; Gould, Green, Higgins, Hobbins, Huber, Jacques, Jensen, Kane, Kany, Laffin, Littlefield, Lizotte, Locke, Lougee, Lunt, Mackel, Marshall, Martin, A.; Masterman, McBrearty, McMahon, Mills, Mitchell, Moody, Morton, Nadeau, Norris, Palmer, Peltier, Perkins, Peterson, Rideout, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Stubbs, Talbot, Tarbell, Tarr, Torrey, Trafton, Truman, Twitchell, Valentine, Wilfong.

NAYS — Beaulieu, Bennett, Benoit, Blodgett, Brown, K. L.; Brown, K. C.; Burns, Byers, Carrier, Carroll, Churchill, Clark, Connolly, Cote, Cox, Davies, Diamond, Drinkwater, Dudley, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Gauthier, Gillis, Goodwin, H.; Gray,