

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*One Hundred and First Legislature*

OF THE

STATE OF MAINE

VOLUME II

MAY 10 - JUNE 22, 1963

and

SPECIAL SESSION

JAN. 6 - JAN. 17, 1964

DAILY KENNEBEC JOURNAL  
AUGUSTA, MAINE

on low-rent public housing would necessarily be curtailed."

I read this in conjunction with the letter which you have already heard from the City Solicitor of the City of Bangor indicating the difficulty of enforcing the code under the L. D. which we have under consideration here. I therefore hope that the motion to indefinitely postpone may prevail.

Mr. ATHERTON of Penobscot: Mr. President, I believe a division was requested.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Oxford, Senator Ferguson that the bill and report be indefinitely postponed.

A division of the Senate was had.

Twenty-six having voted in the affirmative and six opposed, the report and bill were indefinitely postponed.

The President laid before the Senate the 12th tabled and today assigned item (S. P. 531) (L. D. 1452) Senate Reports from the Committee on Constitutional Amendments and Legislative Reapportionment on "Resolve, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in bills Appropriating Money"; Majority report, Ought Not to Pass; Minority report, Ought to Pass; tabled on May 23 by Senator Stilphen of Knox pending motion by Senator Porteous of Cumberland to accept the Majority Ought not to Pass report; and Mr. Stilphen of Knox yielded to Mr. Edmunds of Aroostook.

Mr. EDMUNDS of Aroostook: Mr. President and members of the Senate, as the sponsor of this particular amendment to the Maine Constitution, and as a signer of the Minority Ought to Pass report I would like to make a few brief remarks in support of the proposed legislation.

First, if I might, I would like to point out to the Senate that this is part of the third report of the Maine Constitutional Commission to this 101st Legislature. You have a copy of that in your

legislative documents and it is numbered L. D. 1394.

I can think of no better defense of this particular constitutional amendment than to read to you the remarks in the Constitutional Commission's report which are pertinent to this particular amendment as proposed to the Constitution, and, with your leave, I will quote from the L. D. that I have referred to, L. D. 1394, on Page 2.

"In the opinion of the Commission, the most important amendment presented is that which would give to the Governor the right of item veto over legislation involving appropriations. It is the responsibility of the Governor to prepare and submit to the legislature a budget wherein the Governor, reporting on amounts of income available from existing or proposed revenue sources indicates the expenditures which the Governor believes must be made to carry out authorized and proposed state programs during the next biennium. Such budget submissions giving guidance to the legislature do not make funds available to the executive branch of the government. It is the responsibility of the legislature to appropriate all amounts to be spent by the State of Maine. Such appropriations, however, require the approval of the Governor. If appropriations made by the legislature depart from the budgetary proposals of the Governor he may veto such appropriations. However, if many appropriations are contained in a single bill, most of them meeting with the Governor's approval, he must find it necessary or expedient to approve such bill even though certain appropriation items are excessive or in the Governor's opinion unnecessary, even though such items do violence to budget proposals made by the Governor. More than forty states have now recognized the hand of the Governor in financial matters should be strengthened by authorizing a Governor to veto separate items contained in appropriations bills. The legislature at all times retains the right to veto, to pass such vetoed items over the Governor's objec-

tion. The right of veto, however, does allow careful and thorough consideration both by the legislature and the Governor of each separate item contained in a multi-item appropriation measure. Maine should now join the more than 40 other states in which a Governor has the right of item veto, and the Governor of Maine should be authorized to veto or reduce separate items contained in bills appropriating state funds. A resolve containing the necessary amendment to the Constitution to accomplish this result is submitted herewith and marked Resolve "A", and of course that is the matter now before you, "Resolve Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money."

I would state that this is a non-partisan matter; it would make no difference which party occupied the front office, in my opinion. I feel very strongly that the governor and the executive branch should have this authority, and therefore I would hope that the motion now pending to accept the majority Ought not to Pass report would not prevail, and when the vote is taken I would request a division.

Mr. PORTEOUS of Cumberland: Mr. President, may I approach the rostrum?

The PRESIDENT: The Senator may.

---

#### At Ease

---

Called to order by the President.

Mr. PORTEOUS of Cumberland: Mr. President and members of the Senate: In supporting the action of the majority, and it was 8 to 7, so I will be very candid and say it was a close one, the majority opinion "Ought not to pass" on this, that as a principle of the checks and balances which make up the body of our Constitution this has always been a good one. It has always been felt that the item veto is a tool by which, with no reflection on the present occupant of the front office or either political party, that could be held as a hammer over the

head of individual legislators, and that there does not seem to be a particular need for the item veto since the budget is, in this State anyway, is very carefully and at length discussed, as has just been witnessed throughout the last several weeks of discussing it, and through two committees of conference, at which time any items that the Governor would wish to have removed could certainly have been removed.

I remember former Secretary of State Goss speaking with great pride of the Constitution of the State of Maine as one which is relatively uncomplicated and a good one, especially insofar as the checks and balances are concerned. So I would urge that you support the majority opinion of this committee and defeat the motion of the good Senator from Aroostook, Senator Edmunds, for adoption of the "Ought to pass" report.

Mr. EDMUNDS of Aroostook: Mr. President, I made no motion. I merely stated that I hoped the motion now pending to accept the majority "Ought not to pass" report would prevail, and I did request a division.

I agree with the Senator from Cumberland, Senator Porteous, that the Maine Constitution is a good one, however I believe we recognized at the last session that there were numerous areas in the Constitution where revision was perhaps necessary in view of changing times, changing conditions and so forth. I believe that the Constitutional Committee did an outstanding job. As you all know, they did find many areas in the Constitution where they felt new language was necessary or antiquated provisions should be deleted or new authorities should be provided. I do think that in view of the fact forty states have adopted the type of amendment which we are now considering is indicative of the fact that it is good legislation and it does not in any way upset the checks and balances which we currently operate under, either here in the State of Maine or in the other 49 states of the Union. I repeat: I hope

that the motion to accept the "Ought not to pass" report will not prevail.

Mr. FARRIS of Kennebec: Mr. President and members of the Senate: As one of the members of the committee that did sign the "Ought not to pass" report, all that I can say is along the same lines that the Senator from Cumberland, Senator Porteous has stated, you cannot win them all, but I hope I can win this one.

I seriously feel that the legislature should think very seriously before it does give up the power which has been accorded it under our Constitution. I feel that we may be moving a little too rapidly in the theory of a strong central government and I heartily endorse a practical working constitution where we do have a legislative check upon the executive branch of the government. I certainly can see no need of this constitutional amendment in Maine, and I hope that the majority "Ought not to pass" report prevails.

Mrs. CHRISTIE of Aroostook: Mr. President and members of the Senate: I dislike very much

to oppose my colleague from Aroostook County, the good Senator Edmunds, but I feel that there can be too much centralization of power. I feel that although forty states have adopted such a law as this it is a trend toward more centralization. I am in favor of keeping the government as diversified as possible through the three branches of government and I feel that the legislature should have the right to control this matter:

The PRESIDENT: The question before the Senate is on the motion of the Senator from Cumberland, Senator Porteous, to accept the Majority Ought Not to Pass report.

A division of the Senate was had.

Sixteen having voted in the affirmative and fifteen opposed, the motion prevailed.

---

On motion by Mr. Edmunds of Aroostook

Adjourned until tomorrow morning at 9:30.