

MAINE STATE LEGISLATURE

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the functions are likely to be done in the interest of the public when a remote insurance company has no contact with the buyer.

The present laws of this State require any person, firm or corporation who solicits or negotiates the sale of an insurance contract must meet the qualifications for licensing by the Insurance Department of this State. This law will strengthen that requirement and also make sure that the State receives the premium taxes that are due.

Similar measures have been enacted in the states of Florida and New Hampshire and have been proposed in Massachusetts and New Jersey as well as other States. In addition, the attorney general of the State of Maryland has ruled credit card solicitations to be in violation of that State's insurance law.

Ladies and gentlemen, this is good protection for the public and I would appreciate your support.

The SPEAKER: The Chair recognizes the gentleman from Hollis, Mr. Harriman.

Mr. HARRIMAN: Mr. Speaker and Members of the House: My good friend from Wilton, Representative Scott, brought up through the mail the selling of insurance.

Admittedly, there is no way to control that under our present state laws. Nobody can come up with any way to control it, although I think everybody would like to. The type of insurance being sold under credit cards is by reputable companies who are regulated by the State of Maine who pay all their taxes, they're all major companies. This to me is a way of selling insurance comparable with the old days when you had a service store against a super-market. If this thing falls of its own weight, I have no objections, but I don't think we have any right to pass restrictive legislation.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Scott.

Mr. SCOTT: Mr. Speaker and Ladies and Gentlemen of the House: I also hate to oppose my good friend, Mr. Harriman from Hollis, but I also would like to support my father from Wilton,

Mr. Scott. This title of the bill also, I agree, was very bad. It's not opposing the payment of premiums through credit cards, but it is opposing the promiscuous selling of a very technical form of a necessity which is insurance. I'm not an insurance agent as such, but I feel that the people of Maine are being harmed by the solicitations through the mail. Insurance today is a very complicated and very technical proposition and it should be explained in person, that is all we ask for under this bill. L. D. 1288 means that the first sale should be in person, and that is what we are asking.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Wilton, Mr. Scott, that the House accept the Minority "Ought to pass" Report on L. D. 1288, "An Act relating to Insurance Transactions Through Credit Card Facilities." The Chair will order a vote. All those in favor of accepting the Minority "Ought to pass" Report will vote yes, those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken.

57 having voted in the affirmative and 55 having voted in the negative, the motion prevailed, and the Bill was read twice and tomorrow assigned.

The Chair laid before the House the third item of Unfinished Business:

HOUSE MAJORITY REPORT (6) — Ought to Pass — Committee on State Government on Resolve Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money (H. P. 119) (L. D. 145) — MINORITY REPORT (4) — Ought Not to Pass.

Tabled — May 5, by Mr. Richardson of Cumberland.

Pending — Acceptance of either Report.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker, I move the acceptance of the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Kingman Township, Mr. Starbird, moves the acceptance of the Majority "Ought to pass" Report. Is this the pleasure of the House?

The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker and Ladies and Gentlemen of the House: I arise in opposition to the acceptance of the Majority "Ought to pass" Report. This bill, and seven that follow it, represent an involvement in the political philosophies of the two Parties. We will lay our cards on the table, these are political bills. They involve the strengthening of the office of the Governor. These bills are perennial in their appearance before this Legislature. The loyal opposition, which is now the Minority Party, has been very consistent in presenting them term after term. What is now the Majority Party has been just as consistent in opposing them. Probably in the course of debate, and I hope perhaps that we can all make it brief, I will perhaps make frequent allusions to the Governor, and I would have it distinctly understood that when I mention the word Governor, I do not address myself to the personality, but rather to the office. This particular bill I fell very strongly can be used as a whip, as a lash, by any Governor who felt so concerned, a lash, a whip, to whip a Party or individuals into line by perhaps giving the vague notion that he might refuse his assent, that he might veto something on the line budget, or on the line of a bill appropriating monies which a particular person, or even a Party, could be very much in favor, and thus reduce them to his own will. Now this would go for any Governor, regardless of the political party to which he belonged. I believe it is a very bad bill and I strongly urge that you do not accept the Majority "Ought to pass" Report of the Committee. When the vote is taken, I ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Beliveau.

Mr. BELIVEAU: Mr. Speaker and Members of the House: This

bill differs substantially from the other seven governmental reform bills or Constitutional revision bills in that it is the only one that received a unanimous "Ought to pass" Report from the Committee—Majority "Ought to pass" Report. Sorry.

This current proposed Constitutional Amendment would permit the Governor to object to or reduce one or more items contained in an appropriation bill while approving other portions of the bill. Now today, under the present law, the Governor can only veto a complete bill, although he may object to a certain portion of the appropriation bill. Now this amendment would permit him to veto those items which are objectionable, while permitting the remaining items to become enacted.

Now this is not a novel situation; Maine is not unique in presenting or proposing this law, and there is presently law in 41 other states, and in the Commonwealth of Puerto Rico. It is a bill which would strengthen the Executive, I believe it is nonpartisan in the sense that it would benefit governors from both parties, and consequently I strongly support the motion to accept the Majority "Ought to pass" Report of the Committee.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker, just one brief word. I would like to mention in support of what Mr. Beliveau has just said, that this was the one bill that members of both political persuasions did come to some meeting of the minds although there were, as you see, four who did not. This is a bill that would simply permit the Executive, if he saw in an appropriations package bill an item or one or more items that he did not like, he would be permitted to cut this out and veto that item or items without vetoing the whole bill, and I would also like to go on to mention that this item veto would be subject to the sustaining or rejection by the Legislature. The Legislature could pass over this item veto just as they could over the regular veto that the Governor now possesses. So, there is nothing

radical or nothing alarming in this thing. The Legislature still is a check and it provides another check in our check and balance system—a system that I am very, very much in favor of. I hope you will go along with the Majority Report of this Committee.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Beliveau.

Mr. BELIVEAU: Mr. Speaker, I request a roll call vote.

The SPEAKER: A roll call is requested.

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

Mr. LEVESQUE: Mr. Speaker and Members of the House: In view of the time of the day, and in view of the session this afternoon which has been called for, I believe, by the Majority Floor Leader, Mr. Richardson of Cumberland, for 2:30 this afternoon, and in view of the fact that we have on our notice sheet this morning Executive sessions for the several committees and the Education Committee having hearings this afternoon, and the possibility, if I read the notice correctly, that the Republicans are planning a caucus at 2:00 p.m. today, time is of the essence. I fail to see why the crowding of all these things under one day for fear of expediency, I believe. But, be that as it may, those shots are called not by us but by the Majority Party, so I suppose we'll have to assume that there is no other recourse, but to bend under the whip.

However, this document before you presently is an important document because of the fact that the Governor in his wisdom might feel that the major document before him is of much importance with minor changing or alteration of one or separate items could carry through, and in view of the fact that 41 other states presently have this, and we only ask, we only ask both the Republicans and the Democrats on this document that they allow the people a voice in the matter.

As was stated by the gentleman from Kittery, Mr. Dennett, this has been before us many years, and I don't think that the Demo-

crats have got all the intelligence in the world, nor do I think that all the Republicans hold the key to all the intelligence of the world. So, my feeling is certainly that this document should go before the people and find out what the people have to say about these constitutional reforms. Certainly since the early nineteen hundreds, or as far back as the eighteen hundreds, certainly some changes have occurred in our state, as well as in our form of government, so let's hear from the people and see what they have to say on these documents.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Kingman Township, Mr. Starbird that the House accept the Majority "Ought to pass" Report. A roll call has 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. As many as desire a roll call will vote yes, those opposed will vote no, and the Chair opens the vote.

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 Kingman Township, Mr. Starbird, that the House accept the "Ought to pass" Report on L. D. 145, Resolve Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money. All those in favor of accepting the Majority "Ought to pass" Report will vote yes, those opposed will vote no, and the Chair opens the vote.

ROLL CALL

YEA — Bedard, Belanger, Beliveau, Bernard, Binnette, Boudreau, Bourgoin, Brennan, B u r n h a m, Carey, Carrier, Carroll, Carswell, Champagne, Conley, Cornell, Cote, Cottrell, Crommett, Curran, D'Alfonso, Drigotas, Eustis, Fecteau, Fortier, Fraser, Gaudreau, Gauthier, Giroux, Harnois, Harvey, Healy, Hennessey, Hewes, Hunter, Jalbert, Jameson, Keyte, Kilroy,

Label, Levesque, Lowery, Martin, Minkowsky, Nadeau, J. F. R.; Nadeau, N. L.; Quimby, Rocheleau, Ross, Sawyer, Scribner, Starbird, Sullivan, Tanguay, Thompson, Truman, Wheeler.

NAY — Allen, Baker, E. B.; Baker, R. E.; Benson, Berman, Birt, Bragdon, Brown, Buck, Bunker, Clark, Cookson, Crockett, Crosby, Cushing, Darey, Dennett, Dickinson, Drummond, Dunn, Durgin, Edwards, Ewer, Farrington, Foster, Gill, Hall, Hanson, H. L.; Hanson, P. K.; Harriman, Hawes, Henley, Hichens, Hinds, Hodgkins, Hoover, Huber, Humphrey, Immonen, Jannelle, Jewell, Kyes, Lewin, Lincoln, Littlefield, Lyette, Maddox, McMann, McNally, Meisner, Miliano, Mosher, Pendergast, Philbrook, Pike, Porter, Prince, Rackliff, Richardson, G. A.; Richardson, H. L.; Rideout, Robertson, Robinson, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Shute, Snow, P. J.; Snowe, P.; Soulas, Susi, Trask, Waltz, Watts, White, Wight, Williams, Wood, The Speaker.

ABSENT — Bradstreet, Couture, Danton, Dudley, Evans, Fuller, Hanson, B. B.; Haynes, Lewis, Noyes, Payson, Quinn, Roy, Townsend.

Yes, 57; No, 80; Absent 14.

57 having voted in the affirmative and 80 having voted in the negative, the motion did not prevail.

Thereupon the Minority "Ought not to pass" Report was accepted and sent up for concurrence.

The Chair laid before the House the fourth item of Unfinished Business:

HOUSE MAJORITY REPORT (7)—Ought Not to Pass—Committee on State Government on Resolve Proposing an Amendment to the Constitution Providing for the Appointment of the Secretary of State by the Governor (H. P. 247) (L. D. 355)—MINORITY REPORT (3)—Ought to Pass.

Tabled—May 5, by Mr. Richardson of Cumberland.

Pending—Acceptance of either Report.

The SPEAKER: The Chair recognizes the gentleman from Kitery, Mr. Dennett.

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

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: As you may know, I am the sponsor of this Legislative Document and I will attempt to relate to you the reasons why I am in favor of it.

In accordance with any contemporary theory of Modern Government the Chief Administrative Officials of any State should be people responsible to the Elected Governor and thoroughly sympathetic with his point of view. Only in this manner will we obtain responsibility in the conduct of our Executive Branch to assure the citizens of the State a responsive and Democratic Government.

The government of Maine at this time is now hydra-headed. I am not attempting to tell you that it is a monster, but it is multi-headed and therefore often ineffective. Although the Governor of Maine is supposed to be the supreme executive and he is charged by the Constitution of Maine by seeing that the laws are faithfully executed, he is faced with the impossible situation of attempting to control and to direct administrative agencies that are not really subordinate to him.

One of the worst derangements in our system is the unfortunate Constitutional requirement that the Secretary of State be elected by the State Legislature in joint convention rather than be appointed by the Governor. I point out to you that Maine is one of only three states that has the Secretary of State elected by the Legislature. In all other states the Secretary of State is made more responsive to the will and contemporary sentiments of the voters of the state.

The Secretary of State should have a very close relationship to the Governor. According to the Constitution he keeps the records and he serves the Governor when