

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Third
Legislature*

OF THE

STATE OF MAINE

Volume II

May 10 to June 15, 1967

**KENNEBEC JOURNAL
AUGUSTA, MAINE**

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I want to second the remarks of the good Senator from Penobscot, Senator MacLeod.

There was one comment before the State Government Committee when we heard this bill that impressed me in particular. A former governor of Maine told us that in conversation with Governors of other states, at the time he was governor, several of them said they would give a good deal if they had a council; that it was much easier to trade with seven men, to convince seven men, of their appointments, than it was to deal with 30 or 40 or whatever the number of members of the Senate might be, and they said it disturbed them greatly to have to do that, and that they would like very much to have a council.

The PRESIDENT: Is the Senate ready for the question?

The pending question is on the motion of the Senator from Washington, Senator Wyman, that we accept the Majority Ought Not to Pass Report of the Committee. The Senator from Aroostook, Senator Harding, has asked that the vote be taken by the "Yeas" and "Nays." In order for the vote to be entertained it must be the expressed desire of at least one-fifth of the members present.

Those in favor of taking the vote by the "Yeas" and "Nays" will stand in their places and remain standing. Obviously enough Senators having arisen, the vote will be taken by the "Yeas" and "Nays."

Those who are in favor of the motion of the Senator from Washington, Senator Wyman, that we accept the Majority Ought Not to Pass Report, will vote "Yes." Those who are opposed to the motion will vote "No." The Secretary will call the roll.

ROLL CALL

YEAS: Senators Albair, Anderson, Barnes, Beckett, Berry, Brewer, Curtis, Ferguson, Good, Greeley, Hildreth, Hoffses, Johnson, Katz, Lund, MacLeod, Mills, Ross,

Sewall, Sproul, Viles, Wyman, Young, and President Campbell.

NAYS: Senators Boisvert, Couturier, Duquette, Farley, Girard, Harding, Norris, Remy, Snow, Stern.

A Roll Call was had, 24 Senators having voted in the affirmative, and 10 Senators having voted in the negative, the Majority Ought Not to Pass Report of the Committee was accepted in concurrence.

Divided Report

The Majority of the Committee on Education on Bill "An Act Providing Vocational Education Loan Funds." (H. P. 882) (L. D. 1294)

Reported that the same Ought Not to Pass.

(Signed)

Senators:

KATZ of Kennebec
SNOW of Cumberland

Representatives:

ALLEN of Caribou
RICHARDSON of
Stonington

HANSON of Lebanon
BAKER of Winthrop
LEVESQUE of

Madawaska

The Minority of the same Committee on the same subject matter, reported that the same Ought to Pass.

(Signed)

Senator:

MacLEOD of Penobscot

Representatives:

SHUTE of Farmington
CARROLL of Limerick

Comes from the House, Minority — Ought to Pass Report Read and Accepted, and the Bill Passed to be Engrossed.

(On motion by Mr. Katz of Kennebec, tabled, Pending Acceptance of Either Report.)

Divided Report

The Majority of the 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)

Reported that the same Ought to Pass

(Signed)

Senators:

WYMAN of Washington
LUND of Kennebec
STERN of Penobscot

Representatives:

MARTIN of Eagle Lake
STARBIRD of Kingman
Township
CORNELL of Orono

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass

(Signed)

Representatives:

DENNETT of Kittery
WATTS of Machias
RIDEOUT of Manchester
PHILBROOK of South
Portland

Comes from the House, Minority Report — Ought Not to Pass Read and Accepted.

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

Mr. BERRY of Cumberland: Mr. President, I move that the Senate accept the Minority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Chair recognizes the Senator from Aroostook Senator Harding.

Mr. HARDING of Aroostook: I rise to oppose the motion and ask that when the vote is taken it be taken by the "Yeas" and "Nays."

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Lund.

Mr. LUND of Kennebec: Mr. President and Members of the Senate: I would like to state very briefly the reason why I felt this legislation was worthy of passage. At the hearing many people spoke of the difficulties of amending a long appropriations bill which oftentimes may be pushed together in the heat of the last minutes of the session. The State Budget Officer and the Commissioner of Finance and Administration both appeared in support of this constitutional amendment.

It was pointed out by the opponents that the power to veto items

in the appropriations might be used by governors to change legislation. However, we did learn that 41 states in the Union do have item veto laws and, as far as we could learn, that no state which has adopted it has found it was used improperly and had undertaken to return to the status quo before having enacted the veto. So, it seemed to some of the Committee, at least, that this was a worthwhile constitutional change.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: This bill provides that at the time the governor makes his decision on the approval or disapproval of any legislative documents he at that time makes his decision on the matter. I believe that the timing of these item vetos comes at a particularly inappropriate time, and this is at the end of the session.

We have seen in the past power plays of no mean proportion when we have had a governor of one party and a legislature controlled by the other party, and the legislature has been kept in session and prevented from adjourning by just such action as is contemplated in here. I believe that the theory of the item veto may be fine, but I think it would be more practical if we had a legislature in session each year. The impracticality arises due to the pressure we would have in the closing days of the session to accommodate the views of the governor to the legislature under this Act. I believe it is practically and politically infeasible.

The PRESIDENT: Is the Senate ready for the question? The pending question is on the motion of the Senator from Cumberland, Senator Berry, that the Senate accept the Minority Ought Not to Pass Report of the Committee. The Senator from Aroostook, Senator Harding, has requested that the vote be taken by the "Yeas" and "Nays."

In order for the "Yeas" and "Nays" to be entertained it must meet the expressed desire of at least one fifth of the members

present. Will those Senators who favor taking the vote by the "Yeas" and "Nays" please stand and remain standing until counted. Obviously enough Senators having arisen, the vote will be taken by the "Yeas" and "Nays".

The question again is on the motion of the Senator from Cumberland, Senator Berry, that we accept the Ought Not to Pass Report of the Committee. Those in favor of accepting the Ought Not to Pass Report will say "Yes." Those opposed to accepting the Report will say "No." The Secretary will call the roll.

ROLL CALL

YEAS: Senators Albair, Anderson, Barnes, Beckett, Berry, Brewer, Curtis, Ferguson, Good, Greeley, Hildreth, Hoffses, Johnson, Katz, MacLeod, Ross, Sewall, Sproul, Viles, Young, and President Campbell.

NAYS: Senators Boisvert, Coururier, Duquette, Farley, Girard, Harding, Lund, Mills, Norris, Reny, Snow, Stern, Wyman.

A Roll Call was had. 21 Senators having voted in the affirmative, and 13 Senators having voted in the negative, the Ought Not to Pass Committee Report was accepted in concurrence.

Divided Report

The Majority of the 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) reported that the same Ought Not to Pass.

(Signed)

Senators:

WYMAN of Washington
LUND of Kennebec

Representatives:

DENNETT of Kittery
WATTS of Machias
CORNELL of Orono
RIDEOUT of Manchester
PHILBROOK of South
Portland

The Minority of the same Committee on the same subject matter

reported that the same Ought to Pass.

(Signed)

Senator:

STERN of Penobscot

Representatives:

STARBIRD of Kingman
Township
MARTIN of Eagle Lake

Comes from the House, Majority Report—Ought Not to Pass Read and Accepted.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President, I move we accept the Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Washington, Senator Wyman, moves that we accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I rise to object to the motion of the Senator from Washington, Senator Wyman. On this black Friday we are seeing a lot of opportunities to improve our State go down the drain.

I think actually the majority party has paid a tribute to these measures by scheduling them to be heard all on the same day. Because the people of Maine, if they were scheduled on different days, would have a better understanding of the contents of each bill. Each of these bills are progressive measures. I think this is not a coincidence that they are scheduled all to be heard today because the majority party, it seems to me, realizes that the people are very much aware of what is going on, and they are looking for progress, and on these days that you see progressive moves, when they have them scheduled all on the same day I think the hope is that they will not come to the attention of the Maine people. The people in Maine will be aware of this, and the people in Maine will also be aware of the great discourtesy which has been shown here to the minority party and the Governor