

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth*

*Legislature*

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL  
AUGUSTA, MAINE

pressed desire of one fifth of the members present and voting. All members 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 pending question is on the motion of the gentleman from Lubec, Mr. Donaghy, that the House accept the Majority "Ought not to pass" Report on Resolution Proposing an Amendment to the Constitution Providing for the Appointment of the Secretary of State by the Governor, House Paper 436, L. D. 570. If you are in favor of accepting the Majority "Ought not to pass" Report you will vote yes; those opposed will vote no.

**ROLL CALL**

YEA — Albert, Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Bunker, Clark, Collins, Crosby, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Donaghy, Dudley, Dyar, Emery, D. F.; Evans, Finemore, Gagnon, Good, Hall, Hanson, Hardy, Haskell, Hawkens, Hayes, Henley, Herrick, Kelleher, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Littlefield, MacLeod, Maddox, Marstaller, McCormick, McNally, Millett, Mosher, Norris, Page, Parks, Payson, Porter, Pratt, Rand, Rollins, Ross, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Stillings, Susi, Trask, Tyndale, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

NAY — Bedard, Bernier, Berube, Binnette, Boudreau, Bourgoin, Bustin, Call, Carey, Carrier, Carter, Clemente, Conley, Cooney, Cote, Cottrell, Curran, Cyr, Dam, Dow, Doyle, Drigotas, Emery, E. M.; Farrington, Faucher, Fecteau, Fraser, Gauthier, Genest, Goodwin, Hancock, Hewes, Jalbert, Jutras, Kelley, P. S.; Keyte, Lebel, Lucas, Lund, Lynch, Mahany, Manchester, Marsh, Martin, McCloskey, McKinnon, McTeague, Mills, Morrell, Murray, O'Brien, Orestis, Pontbriand, Rocheleau, Slane, Smith, D. M.; Smith, E. H.; Tan-

guay, Theriault, Vincent, Webber, Wheeler, Whitson.

ABSENT — Berry, P. P.; Brown, Churchill, Gill, Hodgdon, Immonen, Kilroy, Lawry, Lessard, Lizotte, Santoro, Sheltra, Starbird.

Yes, 74; No, 63; Absent, 13.

The SPEAKER: Seventy-four having voted in the affirmative and sixty-three in the negative, with thirteen being absent, the motion does prevail.

Sent up for concurrence.

**Divided Report**

Majority Report of the Committee on State Government reporting "Ought not to pass" on Resolution Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money (H. P. 438) (L. D. 573)

Report was signed by the following members:

Messrs. JOHNSON of Somerset  
WYMAN of Washington  
— of the Senate.  
Messrs. HODGDON of Kittery  
CURTIS of Orono  
STILLINGS of Berwick  
HANSON of Gardiner  
MARSTALLER  
— of Freeport  
DONAGHY of Lubec  
— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Resolution.

Report was signed by the following members:

Mr. CLIFFORD  
— of Androscoggin  
— of the Senate.  
Messrs. COONEY of Webster  
FARRINGTON  
— of Old Orchard Beach  
Mrs. GOODWIN of Bath  
Mr. STARBIRD  
— of Kingman Township  
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

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

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, moves the House accept the Majority "Ought not to pass" Report.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am not foolish enough to know that this is not going to be the same as the previous, but let me give you really what I think is logical reasoning as to why this ought to be.

To some of you, you may know that the vast majority of the states now allow the governor to veto items in bills containing money. This is something that the Governor ought to have.

It is always a game of politics, I suppose, when the major party in a legislature, or for that matter a legislature of the same party as the Governor decides that they are going to get something that the Governor doesn't want to give, and so we get involved in pork barrel legislation.

The only way that we can bring any rhyme or reason to prevent the pork barrel legislation is by having the Governor take it out by item veto, and it is handled like any other veto is handled.

The President of the United States does not have this power. I have been one of those who have advocated it over the past years, because I feel very strongly that the President ought to have that right, as the Governor of the state ought to have that right.

Every time I take a look at these pork barrel bills that come out of Congress, especially those dealing with rivers and harbors and the drenching and building of dams, it is extremely obvious that if you pat my back, I will pat yours. And of course there is no way the President can get to it.

Under the Constitution of the State of Maine, this is pretty much the same story. I feel much more strongly about this one than I do about some of the others because I think this is one way that abuses can be prevented. If we as members of the Legislature know that we have got someone sitting at the other end of the hall who may just say, "Look kiddoes, let's be realistic, and if you don't do the right thing, you are going to find

an item veto on portions of the appropriation bill."

And so, Mr. Speaker, I would hope that the House would reject the motion of the majority report, and when the vote is taken, I would ask that you vote no. When the vote is taken I request it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker and Members of the House: I doubt that the majority of this Legislature wants to relinquish its rights under an item veto piece of legislation. That is debatable, certainly, but I don't think that we want to give up this prerogative and I hope that you will support the motion before us.

The SPEAKER: The yeas and nays have 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. All members 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 pending question is on the motion of the gentleman from Lubec, Mr. Donaghy, that the House accept the Majority "Ought not to pass" Report on Resolution Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contain in Bills Appropriating Money, House Paper 438, L. D. 573. If you are in favor of accepting the Majority "Ought not to pass" Report you vote yes; if you are opposed you will vote no.

#### ROLL CALL

YEA — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Birt, Bither, Bragdon, Brown, Brown, Bunker, Clark, Collins, Cote, Crosby, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Dam, Donaghy, Dyar, Evans, Finemore, Gagnon, Good, Hall, Hanson, Hardy, Haskell, Hawkins, Hayes, Henley, Herrick, Hewes, Immonen, Jutras, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Littlefield, MacLeod, Maddox, Mar-

staller, McCormick, McNally, Millett, Morrell, Mosher, Norris, Page, Parks, Payson, Porter, Pratt, Rand, Rollins, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Stillings, Susi, Trask, Tyndale, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

**NAY** — Albert, Bedard, Bernier, Berry, P. P.; Berube, Binnette, Boudreau, Bourgoin, Bustin, Call, Carey, Carrier, Carter, Clemente, Conley, Cooney, Cottrell, Curran, Cyr, Dow, Doyle, Drigotas, Dudley, Emery, D. F.; Emery, E. M.; Farrington, Faucher, Fraser, Gauthier, Genest, Goodwin, Hancock, Kelleher, Kelley, P. S.; Keyte, Kilroy, Lawry, Lebel, Lizotte, Lucas, Lund, Lynch, Mahany, Manchester, Marsh, Martin, McCloskey, McKinnon, McTeague, Mills, Murray, O'Brien, Orestis, Pontbriand, Rochelleau, Ross, Slane, Smith, D. M.; Smith, E. H.; Tanguay, Theriault, Vincent, Weber, Wheeler, Whitson.

**ABSENT** — Churchill, Fecteau, Gill, Hodgdon, Jalbert, Lessard, Santoro, Sheltra, Starbird.

Yes, 76; No, 65; Absent, 9.

The **SPEAKER**: Seventy-six having voted in the affirmative and sixty-five having voted in the negative, with nine being absent, the motion does prevail.

Sent up for concurrence.

#### **Divided Report Tabled and Assigned**

Majority Report of the Committee on State Government reporting "Ought not to pass" on Bill "An Act to Repeal the Prohibition of Publishing a Periodical by the Department of Economic Development" (H. P. 897) (L. D. 1217)

Report was signed by the following members:

Mr. **WYMAN** of Washington  
— of the Senate  
Messrs. **HODGDON** of Kittery  
**DONAGHY** of Lubec  
**STILLINGS** of Berwick  
**CURTIS** of Orono  
**MARSTALLER**  
of Freeport  
**HANSON** of Gardiner  
— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Messrs. **JOHNSON** of Somerset  
**CLIFFORD**  
of Androscoggin  
— of the Senate.  
Mr. **FARRINGTON**  
of Old Orchard Beach  
Mrs. **GOODWIN** of Bath  
Messrs. **STARBIRD**  
of Kingman Township  
**COONEY** of Webster  
— of the House.

Reports were read.

The **SPEAKER**: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. **DONAGHY**: Mr. Speaker, I would move the Majority "Ought not to pass" Report.

(On motion of Mr. Susi of Pittsfield, tabled pending the motion of Mr. Donaghy of Lubec to accept the Majority Report and specially assigned for Wednesday, April 7.)

#### **Divided Report**

Majority Report of the Committee on Transportation reporting "Ought to pass" on Bill "An Act relating to Length of Combination of Motor Vehicles and Semitrailers Transporting Motor Vehicles" (H. P. 372) (L. D. 478)

Report was signed by the following members:

Messrs. **GREELEY** of Waldo  
**JOHNSON** of Somerset  
**KELLAM** of Cumberland  
— of the Senate.  
Messrs. **WOOD** of Brooks  
**CROSBY** of Kennebunk  
**HALL** of Windham  
**LEE** of Albion  
**DUDLEY** of Enfield  
**LEBEL** of Van Buren  
**KEYTE** of Dexter  
**FRASER** of Mexico  
— of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. **BARNES** of Alton  
**MCNALLY** of Ellsworth  
— of the House.

Reports were read.

The **SPEAKER**: The Chair recognizes the gentleman from Brooks, Mr. Wood.