

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Sixth

Legislature

OF THE

STATE OF MAINE

1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

MacLeod, Mahany, Maxwell, McCormick, McKernan, McTeague, Morin, L.; Mulkern, Murray, Norris, O'Brien, Peterson, Ricker, Rollins, Ross, Talbot, Walker, Wheeler.

ABSENT — Carey, Deshaies, Donaghy, Dyar, Evans, Hodgdon, Kelley, R. P.; Kilroy, Najarian, Palmer, Sheltra, Strout, Whitzell.

Yes, 88; No, 48; Absent, 14.

The SPEAKER: Eighty-eight having voted in the affirmative and forty-eight having voted in the negative, with fourteen being absent, the motion to indefinitely postpone does prevail.

Sent up for concurrence.

Supplement No. 2 was taken up out of order by unanimous consent.

Divided Report

Majority Report of the Committee on County Government reporting "Ought to pass" on Resolve for Laying of the County Taxes for the Years Nineteen Hundred and Seventy-three and Nineteen Hundred and Seventy-four. (H. P. 1419) (L. D. 1733)

Report was signed by the following members:

Messrs. ROBERTS of York
PEABODY of Aroostook
CLIFFORD
of Androscoggin
— of the Senate

Messrs. FARRINGTON of China
DYAR of Strong
SHELTRA of Biddeford
TANGUAY of Lewiston
DAM of Skowhegan
CHURCHILL of Orland
— of the House.

Minority Report of the same Committee reporting "Ought not to pass" on same Resolve.

Report was signed by the following members:

Messrs. McMAHON of Kennebunk
PONTBRIAND of Auburn
WHITZELL of Gardiner
— of the House.

Reports were read.

On motion of Mr. Farrington of China, the Majority "Ought to pass" Report was accepted.

The Resolve was read once and assigned for second reading the next legislative day.

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. 605) (L. D. 803)

Report was signed by the following members:

Messrs. SPEERS of Kennebec
WYMAN of Washington
— of the Senate.

Messrs. FARNHAM of Hampden
COONEY of Sabattus
SNOWE of Auburn
CURTIS of Orono
STILLINGS of Berwick
SILVERMAN of Calais
— of the House.

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

Report was signed by the following members:

Mr. CLIFFORD
of Androscoggin
— of the Senate.

Messrs. CROMMETT
of Millinocket
BUSTIN of Augusta
Mrs. GOODWIN of Bath
Mrs. NAJARIAN of Portland
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, I move acceptance of the Majority "Ought not to pass" Report and would speak briefly to my motion.

The SPEAKER: The gentleman from Orono, Mr. Curtis, moves the acceptance of the Majority "Ought not to pass" Report.

The gentleman may proceed.

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: This is a proposal to change the Constitution to permit the Governor to have an item veto. It is one of several bills which might be called reform measures.

The hearing before the State Government Committee was a very good hearing I thought. There were two proponents — the sponsor and the professor of government from Colby. Both made excellent presentations explaining that most

of the states in the country have such an arrangement for an item veto. There were two opponents, both members of this House of Representatives and members of the other political party, incidentally. The committee considered the proposal and for a variety of reasons, I think, the majority of the committee decided that this proposal ought not to pass.

I would point out briefly that the legislature is responsible for the raising and the appropriating of monies. The governor is responsible primarily for making proposals and for administration. In a year when the legislature is desperately trying to reassert some of our own prerogatives, I would suggest this is the wrong time to give away one of our few powers.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker and gentle members of the House: This is my bill. I sponsored it, and by the divided report, it is not just a partisan issue. At the hearing, members of my own party opposed this constitutional amendment.

I happen to believe in the principle and it is a matter of principle, I think, that members of both parties could either support or oppose. I happen to support it. It would allow the governor to veto items in appropriations bills.

I will be very brief. I would hope that you do not accept the majority "ought not to pass" but would vote on the minority "ought to pass" report. I will be very brief so the gentleman from Bangor, Mr. Kelleher will be able to get up and wet his teeth on this bill, and that concludes my presentation.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I am fully aware of the report of the committee. As a member of the Appropriations Committee of long standing, this measure has come up before with the governors of both parties and at all times I have opposed it. If this bill passes, the only thing left for us to do

is adjourn sine die. We may just as well go home.

This makes the governor positively and absolutely a czar, and I wouldn't want this bill if I were governor.

This measure would be presented before a governor, and he could take this thing apart, piece it together again and then throw it back at you. You wouldn't amount to any more than we amount to three days before we adjourn when you have got about 400 bills on the Senate Appropriation Calendar. That is bad enough for my money. And I am not going to tell you one thing right now, I said so at meetings of our platform committee; I said so during the campaign; I have said so since and I say it now, and I am perfectly happy and willing to go on record as being opposed to this czarist bill.

I move the indefinite postponement of this bill and all is accompanying papers and when the vote is taken, I move it be taken by the yeas and nays. I challenge anybody to beat me at the draw on the tote board.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves the indefinite postponement L. D. 803 and all accompanying papers and requests a roll call.

The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and gentlemen of the House: I will be very brief. I was one of the two people who went before the State Government Committee to oppose this piece of legislation, and I am going to direct my remarks to the freshmen members of this House because when you get here in June or July — and the way things are going, it might be August before we get out of here — and the appropriations bill is out. Believe me, I am sure there are some of you who are not going to be able to buy it. This would be just one more gun that they could hold to your head and ask you to vote for items that you wouldn't want to.

I think this is a very dangerous piece of legislation. I stated so be-

fore the committee and as Mr. Jalbert pointed out, Representative Curtis, you would be disarming yourselves. It makes no difference to me who the governor happens to be, whether it is the present gentleman or any of the future gentlemen in this House or in the Senate who are running. We would just be giving them an unnecessary lever to use on us to pass out bills, and as Representative Jalbert has stated, when he picks out the item veto and picks out the little plums that he doesn't want, there is nothing that you and I could ever do about it. To be realistic and consistent and try to represent your own constituents, I suggest you follow the motion and indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Crommett.

Mr. CROMMETT: Mr. Speaker, Ladies and Gentlemen of the House: I signed this bill "ought to pass" and I am proud of it. Following my good friend, Mr. Kelleher, from Bangor, my dear dear friend from Lewiston, Mr. Jalbert, I disagree with them. If you don't have any confidence in your governor who is obligated to propose and to lead — I think you should have. Furthermore, I think some people have an inflated sense of values.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: In answer to my very dear friend whom I respect a great deal, the gentleman from Millinocket, Mr. Crommett, and I really mean that, I would like to suggest to Mr. Crommett that as far as confidence in the present governor is concerned, the very first petition, when he ran for reelection, on his desk was placed on his desk by me, circulated by me and signed by me. There are members of the body who were present in Lewiston when he was in a rough primary fight in front of 600 Lewiston constituents when I told them that if they did not vote for the present governor, not to vote for me in the primary. Now, if that isn't confidence, I don't know what is.

I didn't necessarily sign over the State of Maine to them.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Cote.

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I support this morning the "ought not to pass" report of this committee. I feel that the majority members of the committee who came out with this report made a very intelligent decision. It is probably the only one they will make during the session but I want to congratulate them on this bill.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I am one of those who signed the majority "ought not to pass" report. Representative Cooney and I actually had a little debate among ourselves for a while.

There is some merit in Representative Peterson's bill and I think if I was in the State of Massachusetts, I would go for it. But the Maine Legislature has never been irresponsible. Sure, I presume occasionally some frivolous item gets into the budget and slides along that the Governor would like to kill, but he still has a tool whenever he wants to use it. Invariably, that frivolous item is buried in a bigger bill and the mere threat of vetoing the big bill will eliminate the frivolous item before it ever reaches him. If it does reach him, he can veto the big bill and we will all turn summersaults to take the frivolous item out.

I hope you go along with the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I have heard a lot of talk pro and con on this question but I take the position I have always taken, that this is too much authority to give to any one person in the State of Maine. We have had these things happen before in previous sessions and I do not recall any of them having been passed.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed consent 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 pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that Resolution Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money, House Paper 605, L. D. 803 and all accompanying papers be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Berube, Binnette, Birt, Bither, Bragdon, Brawn, Briggs, Brown, Bunker, Cameron, Carrier, Carter, Chick, Chonko, Churchill, Conley, Connolly, Cooney, Cote, Cottrell, Cressey, Curran, Curtis, T. S., Jr.; Dam, Davis, Drigotas, Dudley, Dunleavy, Dunn, Emery, D. F.; Farley, Farnham, Farrington, Faucher, Fecteau, Ferris, Finemore, Flynn, Fraser, Gahagan, Garsoe, Genest, Hamblen, Haskell, Henley, Herrick, Hoffses, Huber, Hunter, Immonen, Jackson, Jalbert, Kelleher, Kelley, Kilroy, Knight, LaCharite, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Maxwell, McCormick, McHenry, McKernan, McMahan, McNally, Merrill, Mills, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Norris, O'Brien, Parks, Perkins, Pontbriand, Pratt, Ricker, Rollins, Ross, Santoro, Shaw, Shute, Silverman, Simpson, L. E.; Smith, D. M.; Snowe, Soulas, Sproul, Stillings, Susi, Tanguay, Theriault, Trask, Trumbull, Tyndale, Walker, Webber, Wheeler, White, Willard, Wood, M. E.

NAY — Berry, P. P.; Boudreau, Bustin, Clark, Crommett, Dow, Gauthier, Goodwin, H.; Goodwin,

K.; Greenlaw, Hobbins, Keyte, LaPointe, Martin, McTeague, Murray, Peterson, Rolde, Smith, S.; Talbot, Tierney, Whitzell.

ABSENT — Albert, Carey, Deshaies, Donaghy, Dyar, Evans, Good, Hancock, Hodgdon, Jacques, Kelley, R. P.; Najarian, Palmer, Sheltra, Strout.

Yes, 113; No, 22; Absent, 15.

The SPEAKER: One hundred thirteen having voted in the affirmative and twenty-two having voted in the negative, with fifteen being absent, the motion does prevail.

Sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, I would like to reconsider our action whereby we accepted the minority report on page five, item five, and I hope everybody votes against me.

The SPEAKER: The gentleman from Old Town, Mr. Binnette, moves that the House reconsider its action of earlier in the day whereby it indefinitely postponed Bill "An Act Relating to Suspension of Original Motor Vehicle Operator's License," House Paper 204, L. D. 277. The Chair will order a vote. All in favor of reconsideration will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

**Consent Calendar
First Day**

(S. P. 110) (L. D. 255) Bill "An Act to Authorize Eleven New Regions and Central Aroostook County Region for Vocational Education" (Emergency) — Committee on Education reporting "Ought to pass" as amended by Committee Amendment "A" S-56.

On the request of Mr. Shute of Stockton Springs, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once.

Committee Amendment "A" (S-56) was read by the Clerk and adopted.

The Bill was assigned for second reading the next legislative day.