

# MAINE STATE LEGISLATURE

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**Legislative Record**

OF THE

**One Hundred and Seventh Legislature**

(First Special Session)

OF THE

STATE OF MAINE

**1976**

KENNEBEC JOURNAL  
AUGUSTA, MAINE

## SENATE

Wednesday, March 24, 1976

Senate called to order by the President.

Prayer by Father Jules Guy, Augusta Mental Health Institute:

God, our Father, we pray for all those in our state who are responsible for our civic welfare, health and security. May you guide them in their decisions that they may have a care only for what will promote good government. May they have a sense of duty that no self interest will turn them from striving for the common good of the people. We pray that they may never be enslaved by routine and convention and popular opinion, but that they may be guided by the convictions of their conscience, enlightened by your wisdom, O Lord.

We pray that the elected officials of our state may honestly and consciously respond to the needs of all the people. Difficult decisions face this legislature, Lord. May you guide them in these decisions. May your spirit inspire them to make the right choices and select the worthwhile programs which will benefit the greater needs of the people of Maine. May the Lord bless you all in your endeavors. Amen.

Reading of the Journal of yesterday.

(Off Record Remarks)

Papers From the House  
Non-concurrent Matter

Bill, "An Act Relating to Water District Rate Proceedings." (S. P. 715) (L. D. 2245)

In the Senate March 22, 1976, the Majority report Read and Accepted and the Bill Passed to be Engrossed.

Comes from the House, Recommended to the Committee on Public Utilities, in non-concurrence.

On motion by Mr. Conley of Cumberland, the Senate voted to Recede and Concur.

## Non-concurrent Matter

Bill, "An Act to Amend the Definition of "School Bus" to Include School Buses Rented from School Administrative Units by Nonprofit Organizations in Order to Transport Children." (H. P. 1930) (L. D. 2117)

In the House March 16, 1976, Passed to be Engrossed as Amended by Committee Amendment "A" (H-973).

In the Senate March 19, 1976, Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by Senate Amendment "A" Thereto (S-442), in non-concurrence.

Comes from the House, that Body having Insisted.

On motion by Mr. O'Leary of Oxford, the Senate voted to Recede and Concur.

## Non-concurrent Matter

Resolution, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money. (H. P. 1981) (L. D. 2170)

In the Senate March 17, 1976, Passed to be Engrossed as Amended by Committee Amendment "B" (H-942), as Amended by House Amendment "A" Thereto (H-943), in concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "B", as Amended by House Amendments "A" (H-943) and "C" (H-1039), Thereto, in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President, because the matter has three amendments on it at this time, I have asked the Attorney General's Office to review the question, and we would appreciate it if somebody might table this matter until later in today's session.

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

Thereupon, on motion by Mr. Speers of Kennebec, tabled until later in today's session, pending Consideration.

## Non-concurrent Matter

Bill, "An Act to Classify the Positions of Director of Program Review and Evaluation in the Department of Audit, Director of Fraud Investigation in the Department of Audit, and of Employees of the Fraud Investigating Division in the Department of Audit." (H. P. 1992) (L. D. 2174)

In the Senate March 18, 1976, Bill and accompanying papers Indefinitely Postponed in non-concurrence.

Comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" (H-936) and Senate Amendment "A" (S-428) and House Amendment "A" (H-1021), in non-concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to Adhere.

## Non-concurrent Matter

Bill, "An Act Concerning Single Motor Vehicle Registration Plates and Placement of Motor Vehicle Inspection Stickers." (H. P. 2009) (L. D. 2191)

In the House March 16, 1976, the Minority report Read and Accepted and the Bill Passed to be Engrossed as amended by House Amendment "A" (H-976).

In the Senate March 19, 1976, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference.

On motion by Mr. Greeley of Waldo, the Senate voted to Insist and join in a Committee of Conference.

The President appointed the following Conferees on the part of the Senate:

Senators:

GREELEY of Waldo  
WYMAN of Washington  
O'LEARY of Oxford

## Joint Orders

State of Maine

ORDERED, the Senate concurring, that the Committee on State Government shall report out a bill to facilitate the setting of financial and tax policy by the Legislature. (H. P. 2227)

Comes from the House. Read and Passed.

Which was Read.

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

Mr. SPEERS: Mr. President and Members of the Senate: I would like to clear up a misconception or misreporting regarding this particular item that occurred over the weekend, and that is the report that this particular item was bottled up in the Reference of Bills Committee, being held there by leadership, and that certain members of the body were rather frustrated because it seemed to be bottled up. Now, I would like to make one fact perfectly clear, and that is that the Reference of Bills Committee was asked to pass on this particular item yesterday for the first time.

Now, this matter of creating another committee for the legislative process in the review of the budgetary process has been generally discussed, the general idea has been presented before this legislature in the hallways, at least, for approximately a month and a half, and the Reference of Bills Committee was asked for the first time yesterday to determine whether or not the item should be allowed to come before this session as a bill.

Mr. President, it is certainly no secret that this legislature is attempting to adjourn this special session, and it seems ridiculous to me that there should come before this session an item of such importance, and I term it of great importance, within the last two weeks of the

session and expect a committee of this legislature to be able to hold a public hearing, take the testimony, make a decision on a proposal that is a far-reaching proposal and one that changes the legislative process considerably. And I seriously ask the question and wonder why such a proposal has been in somebody's back pocket and has stayed there until the last closing days of the legislature.

I don't wish to debate the merits or non-merits of the particular issue, Mr. President, but I would point out that I personally feel that the appropriations process of this legislature could certainly use a different approach, or at least a revamping of the present approach that we now have. I personally feel there is room for improvement of that approach. The legislature took a step in the last regular session to improve the control of the legislature over the budget and over the spending of money by the executive branch. We created a new committee, a joint standing committee on performance audit.

I am not at all sure that the approach that should be taken to improve the appropriations process, where we already have two committees involved with this process, the Appropriations Committee and the Performance Audit Committee, that the answer to improving that process is to create one more committee, a third committee. Perhaps if we kept on creating committees we wouldn't have freshman members of the other body feeling frustrated because the chances of them being on at least one committee would be pretty good.

But I do feel that this is an important area and that it is wrong for the sponsors of this measure to be asking this legislature to take action on something that is so fundamental as the appropriations process within the last closing days of this legislature, and I would ask that this order be indefinitely postponed.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Gahagan.

Mr. GAHAGAN: Mr. President and Members of the Senate: I would like to speak to the merits of the proposal this morning, and I think that this order, just on the face of the title of what we are being asked to do, is enough to have us defeat this order, because when you ask that State Government report out a bill to facilitate the setting of financial and tax policy by the legislature, you are actually implying that we don't have the ability or the means by which to do this already. We certainly do. The point here is that we are just not using the means that we already have in the best possible way.

I think that this committee is actually an insult to the appropriations process. It says that we are going to be establishing a super committee at the top of the pile here and that that committee will have the ability to establish spending and taxation in the State of Maine, which is a prerogative of the legislature itself. It is not the prerogative of any committee of the legislature but of this body as a whole. So I take it quite seriously that someone would be attempting to establish what amounts to a mini-legislature. This committee would have more power than any committee of the legislature and it would not be a grass roots committee.

The committee structure that we have at the present time, if it were utilized properly — and the Chairman of the Appropriations Committee and I in the Republican caucus have discussed this at some length — that each of the committees of the legislature, be it Education, Transportation, what have you, should be setting priorities for spending in their own areas. Those priorities of spending in their own areas of interest would then go to the Appropriations Committee, who would then be able to consider the priorities that those committees had established. Instead of just having a potpourri of bills come into the Appropriations Table at the