

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume II**

**May 26, 1977 to July 25, 1977**

**Index**

**Senate Confirmation Session  
September 16, 1977**

**Index**

KJ PRINTING  
AUGUSTA, MAINE

Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Peakes, Post, Prescott, Quinn, Sewall, Spencer, Talbot, Tarbell, Tierney, Trafton, Twitchell, Tyndale, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Brown, K.C.; Churchill, Connors, Gill, Higgins, Howe, LeBlanc, Lunt, McKean, Mills.

EXCUSED — Joyce, Norris.

Yes, 69; No, 70; Absent, 10; Excused, 2.

The SPEAKER: Sixty nine having voted in the affirmative and seventy in the negative, with ten being absent and two excused, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "A", House Amendment "C", and House Amendment "D," in non-concurrence and sent up for concurrence.

By unanimous consent, all matters requiring Senate concurrence and all matters acted upon in concurrence were ordered sent forthwith to the Senate.

On motion of Mr. Jalbert of Lewiston, Recessed until five o'clock this afternoon.

After Recess  
5:00 P.M.

The House was called to order by the Speaker.

The Chair laid before the House the sixth tabled and today assigned matter:

Senate Divided Report — Majority (5) "Ought to Pass" — Committee on Taxation on Bill "An Act to Provide Relief from Extremely Burdensome Property Taxes" (S. P. 386) (L. D. 1331)

Tabled — June 9, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Motion of Mr. Carey of Waterville to Accept the Majority "Ought Not to Pass" Report.

On motion of Mr. Greenlaw of Stonington, tabled pending the motion of Mr. Carey of Waterville to accept the Majority "Ought Not to Pass" Report and later today assigned.

The Chair laid before the House the seventh tabled and today assigned matter:

House Divided Report — Majority (11) "Ought to Pass" as Amended by Committee Amendment "A" (H-559) — Minority (2) "Ought to Pass" as Amended by Committee Amendment "B" (H-560) — Committee on Education on Bill "An Act Relating to Approving and Financing School Construction" (Emergency) (H. P. 477) (L. D. 583)

Tabled — June 10, 1977 by Mr. Lynch of Livermore Falls.

Pending — Motion of the same gentleman to Accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, we are holding this bill pending the signing of another bill by the Governor.

Whereupon, on motion of Mr. Greenlaw of Stonington, tabled pending the motion of Mr. Lynch of Livermore Falls to accept the Majority "Ought to pass" Report and tomorrow assigned.

The Chair laid before the House the eighth tabled and today assigned matter:

HOUSE DIVIDED REPORT — Majority (8) "Ought Not to Pass" — Minority (5) "Ought to Pass" — Committee on State Government on RESOLUTION, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money and Retaining the Power Within the Legislature to Override such Item Vetoes (H. P. 1287) (L. D. 1520)

Tabled — June 10, 1977 by Mr. Curran of South Portland.

Pending — Motion of the same gentleman to Accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Curran:

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: This particular L.D. has had an unusual legislative history in the last few weeks. After the work session a while back, not including two members who were absent, this had a unanimous "Ought Not to Pass" But amazingly, overnight we find that it is a divided report.

I wish that I could just move that the record of the 107th be substituted here. I know that the debate is pretty redundant. This was a bad bill two years ago and, ladies and gentlemen, it is even worse this year, and it is worse because not only does it include the item veto, it includes a reduction, that the Governor would have the power to reduce amounts within appropriation budgets.

This morning's Press Herald, on the editorial page, takes a stand in favor of the item veto, which leads me to believe that perhaps I am on the right side of opposing this, and one of the reasons they use is that 40 other states have it. Well, let me point this out to you. There is only one state that has an appropriation process like we have. None of the other 40 states go through the Appropriations Act as we do, and I think that is clearly the difference.

The other thing I would like to point out is that Maine is not behind in this particular matter. In fact, we are ahead of those other states, because most of those item vetoes were given back when their legislatures were too weak to handle the appropriations process. I am sure that if you talked with legislators from those states, they regret that that item veto is there. So I would say to this House that until we change our own appropriations process, that we give this particular L.D. a deep six tonight.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair to my very good friend from South Portland, Mr. Curran. I am not facetious in this at all, but he has just alluded to the fact that other states that have an item veto provision in their Constitution have a different appropriation process than we do. It seems to me that perhaps if he has information that he could share with us about the different types of appropriations process, it might, at least in my mind, help resolve whether or not I would support the item veto this time.

The SPEAKER: The gentleman from Stonington, Mr. Greenlaw, has posed a question through the Chair to the gentleman from South Portland, Mr. Curran, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I would be glad to present some material to the gentleman from Stonington. I don't have it with me but if he would like to delay the process, then I would be glad to collect it for him.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Boudreau.

Mr. BOUDREAU: Mr. Speaker and Members of the House: I think I should probably get up and defend this bill since I am sponsoring it for the Governor and I don't think it would be right for me to sit here even though I don't think there are 101 votes in this House to pass it.

I have read the record from the past legislature. I wasn't here and I know just about who in here favors the veto and who doesn't. I have read the testimony as to what would happen if the Governor had an item veto, etc.

I think we are talking about a balance of power between the Executive and Legislative Branches. I really feel that since there is provision in the bill that we could override any veto or any reduction in the appropriations, we are still retaining the legislative prerogative when it comes to appropriations.

I think in light of the public's attitude towards government and spending, or an item veto we really could single out responsibility for an appropriations bill, we really could single out who is responsible for either a veto or the ratification of an appropriation. I think that is very important. As it is now, the Governor can either take it or leave it, and in most cases, he has to just take the whole package because he is not going to veto a large appropriation bill because of one or two minor appropriations that he dislikes.

I do think the evidence would indicate to me in the past two decades that the executive, even at the national level, has increasingly become more and more responsible for tax policy, programs, etc., and has run on different kinds of issues, and I think it is up to the executive to really scrutinize the budget and see where there might be a reduction or a cut. I would hope that you would not accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from South Portland, Mr. Curran, that the House accept the Majority "Ought Not to Pass" Report. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

59 having voted in the affirmative and 37 having voted in the negative, the motion did prevail.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Bustin.

Mr. BUSTIN: Mr. Speaker, having voted on the prevailing side, I now move reconsideration and hope the House votes against me.

The SPEAKER: The gentleman from Augusta, Mr. Bustin, moves that the House reconsider its actions whereby the Majority "Ought Not to Pass" Report was accepted. All those in favor of reconsideration will vote yes; those opposed will vote no.

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

Sent up for concurrence.

The Chair laid before the House the ninth tabled and today assigned matter:

Bill "An Act Creating the Maine Development Foundation" (H. P. 1012) (L. D. 1243) (C. "A" H-535)

Tabled — June 10, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Engrossed.

On motion of Mr. Curran of South Portland, tabled pending passage to be engrossed and tomorrow assigned.

The Chair laid before the House the tenth tabled and today assigned matter:

An Act to Clarify Sex Discrimination in the Maine Human Rights Act (S. P. 260) (L. D. 821) (S. "A" S-182)

Tabled — June 10, 1977 by Mr. Palmer of Nobleboro.

Pending — Passage to be Enacted.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: If you recall, last Friday I expressed certain reservations relative to this bill. I don't have much more information, but I would like to reiterate some of the information that I did mention last Friday and add the little that I have obtained since.

I mentioned last Friday that sometime in the future this particular bill would add to the cost