

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 6, 1973 to July 3, 1973

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

the adoption of this Senate Amendment "A".

The PRESIDENT: Is the Senate ready for the question?

Thereupon, Senate Amendment "A" was Adopted and the Bill, as Amended, Passed to be Engrossed. Sent down for concurrence.

The President laid before the Senate the fifth tabled and specially assigned matter:

"An Act to Reform the Methods of Computing Benefit Payments under Workmen's Compensation Act." (S. P. 427) (L. D. 1287)

Tabled—June 15, 1973 by Senator Berry of Cumberland.

Pending — Enactment.

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Enactment.

The President laid before the Senate the sixth tabled and specially assigned matter.

Bill "An Act to Protect the Right of Injured Persons under the Workmen's Compensation Law." (H. P. 1584) (L. D. 2011)

Tabled — June 15, 1973 by Senator Tanous of Penobscot.

Pending — Passage to be Engrossed.

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

Mr. CONLEY: Mr. President and Members of the Senate: I would like to refer to today's calendar on page 4, Item 6-6, which is — apparently a great deal of work has gone into the drafting of this proposed L. D. 2040.

The PRESIDENT: The Chair would inquire, is the Senator going to make a motion?

Mr. CONLEY: Yes, sir.

The PRESIDENT: The Senator may proceed.

Mr. CONLEY: Having just had an opportunity of looking through it — and I am sure that there are probably aspects of this entire document that we all have personal reservations on — but I would just like to single out to the members of the Senate on Page 5, Section 4, Legislative Council. I know that

over the years we are all aware of the problems we have had with what was often referred to as Snow White and the Seven Dwarfs; the Executive Council and his Excellency. As I read what is being proposed to change that situation, it really doesn't do much to take away any of the problems that have existed up to the present date. I would just call your attention to, "after the appointment of the legislative council and how it is created," to look at Section 2. of Part Four of Article IV where it says, "Any action by the legislative council shall require the affirmative votes of six members." Now, when you read Section 1, it is obvious that six members are going to be of the Majority Party. And I trust that someday the Majority Party is going to be my party. And I don't like that any better than under the present situation as far as confirmation is concerned of any appointment. I just feel that this is not a very good substitute for doing away with the Executive Council. It would seem to me something far more appropriate would either be the Senate itself being the confirming body or some other area of establishing ten hacks who have all been elected as some sort of leadership within the legislature. I think if anybody is partisan it is the legislative leadership. I think you are just creating another monster. For that purpose, Mr. President, I move we reconsider whereby the Senate passed to be engrossed L. D. 2040 this morning.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that the Senate reconsider its action whereby item 6-6, L. D. 2017 was passed to be engrossed.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I would oppose the motion to reconsider the Senate's engrossment of this particular piece of work. The good Senator from Cumberland, Senator Conley, is quite correct when he states that there are small items, or perhaps large items, of this document and of the other document which was passed which would bring about the statutory

changes which go to make up what has been euphemistically called legislative reform. Any one member of this body, all members of this body, could get up, one right after another, and go down through this document and point out items that they do not like and that they feel should be changed and which they perhaps would attempt to change. I think it quite obvious to everyone here that were that to come about this session of the legislature will adjourn without having accomplished one single step toward legislative reform. This particular document that you see before you right now is not the product of overnight drafting. This document is the product of extensive discussions on the part of the leadership of both parties, making up this legislature, which discussions have gone on for the six months and more that we have been in session here today. I don't believe that if we start to take apart this document that we are going to accomplish anything for the people of the State of Maine. The good Senator from Cumberland also referred to his leadership as — and I am sure that I will be corrected if I am wrong — but, as political hacks. I am sorry to note that the Senator feels that way about his leadership. I certainly don't feel that way about mine. He also notes that perhaps the Senate should be the more appropriate body to make confirmation of nominations by the Governor. I would also point out to him that the Majority Party in the Senate would also have controlling power over those nominations, whichever the Majority Party happens to be. It is a very basic tenet in democracy that the Majority rules; and I don't know how the good Senator would try and get around that particular basic tenet. This document has been hammered out. There have been compromises put into it, compromises on both sides, a good deal of work. And I don't feel that we are going to accomplish anything by attempting to take it apart at this point. I would, therefore, oppose the motion to reconsider

our action whereby this was passed to be engrossed this morning.

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

Mr. BRENNAN: Mr. President and Members of the Senate: Very reluctantly do I oppose the remarks of the Senior Senator from Portland and oppose what he is working for because he is usually right, probably about 99 percent of the time. But I think this situation, as the Senator from Kennebec, Senator Speers, pointed out, is a product of compromise. There are some things in there that I am not very happy about. But if we are going to get some governmental reform, and if we start picking apart this piece by piece we are going to end up with no governmental reform. So looking at the overview, the important part of the package, I would oppose any reconsideration. I think we are going to have to pretty much keep this intact if we are going to get anything. So, on the basis of those remarks, I very much oppose my good friend, the senior Senator.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: As a matter of courtesy here in the Senate I think that we have ordinarily granted reconsideration to a request of one of our fellow Senators. I am about today to violate what has been a personal rule with me, and I am not going to vote for the motion for reconsideration posed by my distinguished seatmate. Tradition, and tradition alone, requires Senate confirmation of gubernatorial appointments. There is no reason and logic or common sense why the Senate, as opposed to a bi-partisan elected committee from both branches of the legislature, should have the confirmation responsibility. I don't see anything about the Senate — and I know that this will come as a shock to some of the members in the Senate — but, I don't see anything about the membership of the Senate that uniquely qualifies it and it alone to pass on gubernatorial appointments. I have fought for years, and have the

scars to prove it, that we should have a so-called legislative council in order to insure that the minority view, whichever party it might be, is heard and heard fully on the question of confirmation. I would point out to the Senator from Cumberland, Senator Conley, that the United States Senate and the State Senate, in every case where the State Senate of a State has a confirming function does so by a majority vote. In short the elected leadership, if elected by the members of the party involved, has a responsibility of passing and recommending major programs and state finance. It's state policy. Those people who are elected leaders have directly participated in the decision making process. I think it is far more appropriate today to perform the confirming functions than in organizations which are totally separated from the elective process and the decision making process. Therefore, I very reluctantly oppose the — as he has described the senior Senator from Portland, and I want to join the others in this branch who have indicated to the Senator from Cumberland, Senator Conley that not all of us are totally enamored with the plan espoused by L. D. 2040 but it is a lot better than doing nothing.

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

Mr. CONLEY: Mr. President and Members of the Senate: I think L. D. 2040 is an excellent piece of workmanship. And I hold no reservations at all relative to any of the matters before us, with the sole exception of the Legislative Council. We have had bills submitted, particularly in the last session, by, in fact, the majority floor leader in the other branch down the hall who submitted this bill in the last session, and it was annihilated. I think it was annihilated for a good cause. It was questioned at that time as to whether or not there was a conflict relative to the appropriations at that time. I see now that all the powers and duties of the present council are being stripped of statutory powers so I would presume that that eliminates

that conflict. I just personally feel that legislative leadership — and I think this document before us is certainly a product of input by many of the legislative leaders here, and I have explicit faith in all of them. Perhaps I am being a little off-the-cuff when I referred to them as a bunch of hacks, but I have a great deal of respect for each and every one of you, perhaps with minor reservations in some places. But I certainly don't want to incur the entire wrath of all leaderships here this morning. I just think that something other than what is being proposed would certainly be far better to the citizens of the State. But if it is going to help expedite this project along, Mr. President, I will withdraw my motion for reconsideration.

The PRESIDENT: The Senator from Cumberland, Senator Conley, withdraws his motion to reconsider.

Mr. BRENNAN: I will withdraw my statements.

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

Thereupon, on motion by Mr. Speers of Kennebec, and under suspension of the rules, the Bill was sent forthwith for concurrence.

Reconsidered Matter

On motion by Mr. Berry of Cumberland, the Senate voted to reconsider its action whereby Bill, "An Act Relating to Sale of Crawfish or Imitation Lobster", (S. P. 237) (L. D. 688), was Passed to be Engrossed.

The same Senator then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-244, was Read.

The PRESIDENT: The Senator has the floor.

Mr. BERRY: Mr. President and Members of the Senate: Anybody that thinks the words imitation lobster in a bill would ever allow a bill to go through, of course, is crazy. I am just merely retitling the bill by the amendment to state