

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

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: The provisions that would be included in this bill have been added to a bill that we had on the calendar today under Bills in the Second Reading, item number one; therefore, my bill becomes very unnecessary and a waste of our time and I would move that it be indefinitely postponed.

Thereupon, on motion of Mr. Davies of Orono, the Bill and all accompanying papers were indefinitely postponed and sent up for concurrence.

The following papers appearing on Supplement No. 1 were taken up out of order by unanimous consent:

Mr. Kelleher of Bangor presented the following Joint Order and moved its passage: (H. P. 2014)

WHEREAS, the State Department of Human Services has announced that it is closing the Human Services' office in Belfast because of budgetary considerations; and

WHEREAS, the purpose of this Human Services' office is to provide an efficient extension into the Belfast area of food stamp services, public health nursing services, vocational rehabilitation services for the physically and emotionally handicapped and other services; and

WHEREAS, one effect of the closing of this office is on the public health services furnished to the Belfast area, as 3 nurses will have to travel to the Belfast area from a new office in Rockland, a requirement which will cause an increased travel cost per month of \$155 and a loss of time spent actually caring for the needy of the 174 hours per month; and

WHEREAS, the Legislature is gravely concerned about this effect caused by the closing of the Belfast office, as well as about many other effects; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Health and Institutional Services is ordered to conduct a study of the effect on the Belfast area of the closing of the Belfast office of the Department of Human Services with emphasis on the loss of services provided to that area and the alternatives to that closing which are open to the department; and be it further

ORDERED, that the Department of Human Services is requested to provide any technical and clerical assistance which the committee may deem necessary to carry out the purposes of this Order; and be it further

ORDERED, that the committee shall report its findings, together with final drafts of any recommended legislation, to the Legislature by March 15, 1976; and be it further

ORDERED, that the Clerk of the House transmit a suitable copy of this order to the Commissioner of Human Services as notice of this inquiry.

The Order was read.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I am the appointee from this House on the Human Service Council, as well as Senator Greeley, if I was able to mention his name, who represents the other branch on the other side of the hall on the Human Service Council.

A few weeks ago, the Department of Human Services, through an economy move, recommended the closing of the

Belfast Human Service Office. The Human Service Council, in viewing what this office projects, particularly for the entire Waldo County area and what services it offers, between vocational rehabilitation, food stamp programs, public health nursing, it was the unanimous recommendation of the Human Service Council that the Human Service Department not close this particular branch office. Nevertheless, they did.

What I would like this House to allow, is to allow the Health and Institutional Services Committee to look into it. I think they can do it in a rather brief and thorough fashion, because there is a lot of available information, and report back to this House and to the other body if, in fact, they accept the wisdom and the decision of the Department of Human Services. So I would urge that you support this order and would move for its passage.

Thereupon, the Joint Order received passage and was sent up for concurrence.

Mr. Fraser from the Committee on Transportation on Bill "An Act Concerning the Calculation of State Aid to Municipalities for the Care of Highways and Bridges" (Emergency) (H. P. 1896) (L. D. 2076) reporting "Ought Not to Pass"

Pursuant to Joint Rule 17-A, was placed in the Legislative Files without further action.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, is the House in possession of Resolution, Proposing an Amendment to the Constitution to Provide that the House of Representatives shall, Beginning on the Day Next Preceding the First Wednesday after the First Tuesday in January of 1985, Consist of One Hundred and Thirty-two Members Instead of One Hundred and Fifty-one, House Paper 1895 L. D. 2075?

The SPEAKER: The Chair would answer in the affirmative, and the gentleman may proceed.

Mr. COONEY: Mr. Speaker, I move we reconsider our action of yesterday whereby we accepted the "Leave to Withdraw" Report.

The SPEAKER: The gentleman from Sabattus, Mr. Cooney, moves the House reconsider its action of yesterday whereby it accepted the Committee Report.

Thereupon, Mr. Finemore of Bridgewater objected to the motion.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker and Members of the House: I would ask for a division on that reconsideration and would speak to the motion.

This is, of course, the bill to cut down the size of the House. It is a bill which we had very strong debate on in the last session. We had several approaches in the State Government Committee, one suggesting 99, another suggesting 132. I think we came in with the suggestion of 99 and that suggestion was defeated in the House.

Now we are in a special session with the rules more or less stating that we would like to handle bills, especially of this magnitude, only when they are an emergency. And yet, a bill was submitted, it went through the Reference of Bills Committee, and it was put before the State Government Committee. At the hearing, that bill was suggested to be withdrawn by the sponsor. I imagine it was because of the technicality that 132 was considered by

the State Government Committee. It came to the floor of this House and was held at the last session by the Chairman of State Government and now it is asked to be recommitted.

I believe this -- if several editorial writers for this state are going to run this legislature, then we all might as well pack our bags and go home and let three or four editorial writers of this state run the legislature. But I think we are voted to come to this legislature to accept this office of responsibility to represent the people who voted for us, and if you do come from areas such as mine, and a majority of you do, you know the value to be able to speak out and vote to protect those areas. And whether we like it or not, when it comes to appropriations, when it comes to funding for highways, when it comes to funding for education, it has to be and always will be, for it is human nature to favor your own. If we allow in rural areas for the city areas to have complete control of this House, then I am quite certain we can go home in our rural areas with a lot less funding than we have now. This is a major concern to me in 1976, it has been ever since I have been in the legislature.

There is another very important reason to me to try to protect the size of this House. When I was like a sophomore in high school, raised in the State of Maine, and many of you had the same privilege, we went down to the bandstand on Memorial Day and we gave a speech. Each year someone else was chosen to do so, and it usually was the Gettysburg Address, all for and by the people -- that's the basis of the Constitution of this country. But there is one word that is left out, one word that says "from the people," and you cannot have good government unless you have it from the people and the more possible to represent those people in the policy of this state, the more you will have from the people.

Although the trend today may be in this state that the less we have in government, the more efficient it will be, there is no debate that this is possible, but you are losing a vital element from the people, and from the people means 151 members that has worked well throughout our constitutional history, as long as we have had it, to let the people of Maine from all areas have a say in how their taxes be spent and how their areas receive services and, also, if we do believe in equality, how there is an equal chance for all to take part in the Maine State Legislature.

With that, I would ask for a division and hope the motion to recommit will be defeated.

The SPEAKER: What I think ought to happen is that we would put it in a position at this point so that the motion to recommit would be in order. At that point, the Chair would rule, pursuant to Joint Rule 28, that the bill was in as a result of an error and should not have been let in unless there had been a two-thirds vote of both houses, pursuant to our own Joint Rules.

What transpired was that yesterday or the day before, I was informed by a member of this body that this body had in fact rejected a similar measure. In researching the matter, in fact that did occur and it occurred as a result of a redraft from the Committee on State Government on a bill introduced by the gentleman from East Millinocket, Mr. Birt, and that bill was rejected after the other bill was rejected and the vote was defeated. Both houses voted to reject all bills dealing with that issue.

As a result of that, this bill is in violation of Rule 28. There is no sense attempting to lay blame as to where and why it should not have been researched sooner, but it just wasn't. So what the Chair would appreciate from members of the House is that you simply let the bill come to reconsideration, that the reconsideration motion prevails, the gentleman from Sabattus, Mr. Cooney, will move to recommit. At that point, the Chair will rule that pursuant to Joint Rule 28, it needs a two-thirds vote of this body and a two-thirds vote of the other body to be recommitted to the committee for discussion during this session of the legislature.

Thereupon, the House reconsidered its action whereby the "Leave to Withdraw" Report was accepted.

Mr. Cooney of Sabattus moved the Bill be recommitted to the Committee on State Government.

The SPEAKER: The gentleman from Sabattus, Mr. Cooney, moves this Bill be recommitted to the Committee on State Government. Pursuant to Joint Rule 28, the Chair will announce that it is a two-thirds vote that is required of those present and voting in order to let the bill in.

Thereupon, Mr. Carpenter of Houlton requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire 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 Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: First off, I would like to say I have been here going on twelve years and that is only the second time I have ever objected, but I have seen this bill so many times, I think five terms out of six that I have been here I have seen this bill before us and it doesn't please me very much.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Sabattus, Mr. Cooney, that this Bill be recommitted to the Committee on State Government. Pursuant to Joint Rule 28, this requires a two-thirds vote of all those present and voting. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Birt, Chonko, Clark, Cooney, Cox, Davies, Durgin, Farley, Farnham, Flanagan, Goodwin, K.; Greenlaw, Hall, Henderson, Hewes, Hughes, Jacques, Jensen, Kauffman, Kennedy, Laffin, LaPointe, Littlefield, Lovell, Morton, Najarian, Pelosi, Peterson, P.; Peterson, T.; Pierce, Shute, Snow, Spencer, Sprowl, Stubbs, Susi, Truman, Tyndale.

NAY — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carey, Carpenter, Carter, Churchill, Conners, Connolly, Cote, Curran, P.; Curran, R.; Dam, DeVane, Doak, Drigotas, Dudley, Dyer, Faucher, Fenlason, Finemore, Fraser, Garsoe, Goodwin, H.; Gould, Gray, Hennessey, Higgins, Hinds, Hunter, Immonen, Ingegneri, Jackson, Jalbert, Joyce, Kany, Kelleher, Kelley, Laverty, LeBlanc, Leonard, Lewin, Lizotte, Lunt,

Lynch, MacEachern, Mackel, Mahany, Martin, R.; Maxwell, McBairty, McMahon, Mills, Miskavage, Mitchell, Morin, Mulkern, Nadeau, Norris, Palmer, Peakes, Pearson, Perkins, S.; Perkins, T.; Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Silverman, Snowe, Strout, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Twitchell, Usher, Wagner, Walker, Webber, Wilfong, Winship.

ABSENT — Carroll, Curtis, Dow, Gauthier, Hobbins, Hutchings, Lewis, MacLeod, Martin, A.; McKernan, Smith.

Yes; 38; No, 101; Absent, 11.

The SPEAKER: Thirty-eight having voted in the affirmative and one hundred one in the negative, with eleven being absent, this Bill is rejected pursuant to Joint Rule 28, and the Senate will be so notified of our action.

(Off Record Remarks)

On motion of Mr. Birt of East Millinocket,

Adjourned until Monday, February 9, at eleven o'clock in the morning.