

MAINE STATE LEGISLATURE

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what they have budgeted in implementing that seven percent cut with \$385,000 to play with. I think since this action has already been taken, that we have already expressed ourselves on this on previous roll calls, that we might as well do the same again, thus, I will request a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, the good Senator from Penobscot, Senator Pray, is absolutely correct, that the Senate has already voted on this particular issue of the snowmobile registration fee. The Senate proceeded then to reconsider its motion whereby it voted on that issue, and reconsidered its vote on that issue on motion by the Senator from Penobscot, Senator Pray.

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

Mr. PRAY: Mr. President and Members of the Senate: I think my good seatmate, the Senator from Cumberland, Senator Merrill, made that motion, and I don't think we sit that far from the good Senator that he might have been confused by that.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Carbonneau.

Mr. CARBONNEAU: Mr. President, I would like to ask a question through the Chair. I look over this bill here and I count thirteen amendments. The question I have is do all thirteen amendments pertain to the snowmobile business?

The PRESIDENT: The Senator from Androscoggin, Senator Carbonneau, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: In answer to the good Senator from Androscoggin, Senator Carbonneau, I have in the back of my mind, from some questions that were posed earlier, that perhaps one of them has something to do with the pheasant stamp.

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

Mr. MERRILL: Mr. President, a parliamentary inquiry to the Chair: What do we now if we want this bill to go away and never come back?

The PRESIDENT: The Chair is at an impasse. The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: I would be more than happy to help you out at this moment. I move this bill and all its accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that L. D. 2121 and all accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Penobscot, Senator Pray.

Mr. PRAY: Mr. President and Members of the Senate: I hope that wasn't an answer to my seatmate's question about how to get rid of this bill, because I can assure you it isn't. At this same time I am going to again ask for a roll call on this motion. And I would like to pose a question through the Chair to the good Senator from Cumberland, Senator Conley, and ask him perhaps if he could enlighten us a little bit as to his motives?

The PRESIDENT: The Senator from Penobscot, Senator Pray, has posed a question through the Chair to the Senator from Cumberland, Senator Conley, who may answer if he so desires.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: There have been so many amendments offered to this particular bill that I doubt if anyone in this body actually knows what amendments are on the bill or off the bill.

There is one thing that has bugged me since the very inception of this bill, and that is the pheasant stamp. I make no bones about it. It was my understanding that a few years ago a pheasant program was set up with the Division of Fish and Wildlife — that is what they call themselves today — as a pilot project. For anyone who hunts pheasant, and I don't but I happen to have a number of people who have contacted me relative to this particular sportsmanship, and they would like to participate in it, but they have found that the only people that are allowed to participate in the shooting of pheasants are generally the game wardens and the friends of the game wardens because they are the only ones who know where the pheasants are located.

Secondly, I think the Fish and Game Division has just been running wild over the past two years, and I can see no better reason to kill this and put it off to the 108th, and I hope the Senate would go along with that motion.

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

Mr. PRAY: Mr. President and Members of the Senate: Again, I am not surprised at his reasoning. I would just like to point out the reason for the pheasant stamp — and I agree very much with the Senator from Cumberland, Senator Conley — but last session in the regular session we took the pheasant stamp off. There was a motion by that same Senator which indefinitely postponed the bill we had at that time, and I supported that motion. We were under the understanding that when the pheasant stamp was killed that so would the program be killed, but when we came back we found the department did not read that the same way. How they read it was that the program goes on but they don't get the stamp to take care of the \$80,000 cost of the program. Thus, if we do kill this bill, and the only concern being the pheasant stamp, I am surprised he didn't offer an amendment or oppose the amendment which put the pheasant stamp on.

I think it is quite clear that if the department down there is going to continue to want to run wild then it might need the \$80,000 that it is going to receive from the pheasant stamp to take care of the program.

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

Mr. SPEERS: Mr. President, I would like to respond to a comment that was made by the good Senator from Penobscot, Senator Pray, with regard to the manner in which we might allow this bill to quietly disappear. He suggested that the motion made by the Senator from Cumberland, Senator Conley, was not quite the way to accomplish that. I would disagree with his analysis of the motion, and I invite the Senator to sit back and watch it fade away.

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

Mr. PRAY: Mr. President and Members of the Senate: While I was sitting back to watch this bill fade away, as the good Senator from Kennebec, Senator Speers, put it, I was quite interested to receive a note from a fellow colleague in this body who earlier said he was going to support it and who feels now that he cannot support it because he understands that it will be vetoed. I don't know where that message came from, and I don't think we should concern ourselves with action on the second floor. As a matter of fact, I also notice that same colleague has disappeared, which kind of surprises me.

Since the concern again is the financial state-

ment of the bill which is in this same note that I received about the loss of the \$105,000, and what the department is going to be able to do without it, again, I will reflect back to the seven percent savings which saves the department \$490,000 plus of dedicated revenues that stay within the department. It doesn't take very much mathematics to decide that \$105,000 out of that close to half a million dollars is returning twenty percent of it back to those individuals who support that department.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously less than one-fifth having arisen, a roll call is not ordered. The Chair will order a division. Will all those Senators in favor of the motion by the Senator from Cumberland, Senator Conley, please rise in their places until counted. Those opposed will please rise in their places until counted.

A division was had, 18 having voted in the affirmative, and eight having voted in the negative, the Bill and accompanying papers were Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

Mr. SPEERS: Mr. President, having voted in the majority, I move the Senate reconsider its action and urge the Senate to vote against the motion.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves the Senate reconsider its action whereby this Bill was indefinitely postponed. Will all those Senators in favor of reconsideration please say "Yes"; those opposed will say "No."

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

The President laid before the Senate the following tabled and Specially Assigned matter:

Bill, "An Act Relating to Campaign Reports and Finances". (H. P. 2281) (L. D. 2340) (Emergency)

Tabled — April 6, 1976 by Senator Speers of Kennebec

Pending — Passage to be Engrossed

(In the House — Passed to be Engrossed)

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

On motion by Mr. Speers of Kennebec, the Senate voted to take from the unassigned table the following:

Bill, "An Act to Temporarily Suspend Statutory Provisions for Constituent Service Allowance." (S. P. 750) (L. D. 2304)

Tabled — March 16, 1976 by Senator Speers of Kennebec.

Pending — Consideration.

(In the House — Indefinitely Postponed.)

(In the Senate — Referred to the Committee on Appropriations and Financial Affairs.)

Thereupon, on further motion by the same Senator, the Senate voted to Insist.

On motion by Mr. Speers of Kennebec, the Senate voted to take from the unassigned table the following:

House Report — from the Committee on State Government — 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. (H. P. 1895) (L. D. 2075) Leave to Withdraw.

Tabled — February 9, 1976 by Senator Speers of Kennebec.

Pending — Motion of Senator Conley of Cumberland to Accept the Leave to Withdraw Report.

(In the House — Report Rejected pursuant to Joint Rule 28)

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

Mr. SPEERS: Mr. President and Members of the Senate: I will make no motion with regard to this particular bill and note that the pending motion is the acceptance of the leave to withdraw report. I would like to note, however, that it has been the position of this body for some time in several sessions to further this item as an item of governmental reform and legislative reform, that this legislature has done a good deal with respect to legislative reform, and that the reduction of the size of the House of Representatives I consider to be the last remaining item for legislative reform to be considered in the future.

Mr. President, in making that statement I do not mean to imply that there are not other areas of improvement, because certainly there are, but this certainly has been the last major item to carry over from previous sessions.

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

Mr. MERRILL: Mr. President, a parliamentary inquiry: has the Chair ruled on whether or not this violates Joint Rule 28?

The PRESIDENT: The Chair would reply in the negative, the Chair has not ruled.

Mr. MERRILL: I would request the Chair to make a ruling.

The PRESIDENT: The Chair would advise that in the opinion of the Chair this bill does violate the spirit of Rule 28.

Mr. MERRILL: The effect of that ruling then is that the matter is improperly before the body?

The PRESIDENT: The Chair would answer in the affirmative. Is it now the pleasure of the Senate to accept the leave to withdraw report of the committee?

The motion prevailed.

On motion by Mr. Speers of Kennebec, the Senate voted to take from the unassigned table the following:

Resolution, Proposing an Amendment to the Constitution to Assure Revenues for Bond Service and Prohibit State Bonding of Current Expenditures. (S. P. 698) (L. D. 2206)

Tabled — March 29, 1976 by Senator Speers of Kennebec.

Pending — Motion of Senator Corson of Somerset to Reconsider Final Passage.

(In the House — Finally Passed)

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

Mr. GAHAGAN: Mr. President, is a motion to indefinitely postpone in order at this time?

The PRESIDENT: The Chair would advise the Senator that the Senate must move to reconsider final passage before the motion to indefinitely postpone will be in order. The pending motion before the Senate at this time is the motion of the Senator from Somerset, Senator Corson, that the Senate reconsider final passage of this legislation.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: I have in my possession a letter from the Attorney General which raises great questions about the extraordinary financial effects that this measure would have in its present form. It was my understanding that upon reconsideration there would be an attempt to put it in a more acceptable posture, so I would urge the Senate to go along with reconsideration.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Corson.

Mr. CORSON: Mr. President and Members of the Senate: As the sponsor of this amendment, I would heartily concur with the remarks of the good Senator from Kennebec, Senator Katz. To put this resolution in an acceptable form which would not wreak havoc upon our budget for the second year of this biennium, we are going to have to amend it. To do so, we are going to have to reconsider, so I would urge you to support the pending motion which is to reconsider final passage.

The PRESIDENT: A division has been requested. Will all those Senators in favor of reconsideration please rise in their places until counted. Those opposed will please rise in their places until counted.

A division was had. 29 having voted in the affirmative, and none having voted in the negative, the motion prevailed.

Mr. Gahagan of Aroostook then moved that the Bill and all accompanying papers be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. GAHAGAN: Mr. President and Members of the Senate: I wonder how much each one of us thinks about high finance; that is, do we ask ourselves what is causing this incredible economic instability. We know intellectually that the instability comes from massive debt, but even if we know it in our innermost hearts, few men will say it is so. Now, I say it is so.

Guaranteeing first revenue, from whatever source derived, to the bondholder in the constitution, as this bill provides, does three things: First, it acknowledges the truth of our present and worsening financial instability. Second, it commits Maine revenues to the payment of debt at the deprivation of the very operating budget which today has so little buying power in relation to need. Third, it publicly declares the retreat of the Maine Legislature in the face of irresistible economic pressure stemming from out national public and private insolvency; evidence the cities.

We must recall that the only serious alternative is to be wise enough not to retreat. One backward step in an economy as unstable as ours commits us irrevocably to the next. We are so hard pressed that we are contemplating double bonding just to continue to roll over that state debt. We must take a stand today for ourselves and for all other Maine people and defeat this bill.

It is really a matter of taking the responsibility into our own hands. This will do the most to rebuild the public confidence, which is far more precious than our bond rating. Through great sacrifice we may restore our state bond rating, but without this stand we may never regain the confidence of the people of Maine.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Corson.

Mr. CORSON: Mr. President and Members of the Senate: I rise to oppose the motion to indefinitely postpone this resolution. I have listened to the remarks of the good Senator from Aroostook, Senator Gahagan, and quite frankly I don't understand what he is talking about. He says that he is opposed to double bonding, and I can assure you, gentlemen, I too am opposed to double bonding, and it was not I as a member of the Appropriations Committee who signed a report which advocated double bonding.

What this amendment would do, if you are as concerned as I am about the fact that the State of Maine may be getting in a little too far with bonding, what this amendment would do is state that we will not be bonding for current expenditures. In other words, we will not borrow money over a long term to meet current obligations.

The other thing this amendment will do is put

a little bit of extra guarantee behind all bonds. This is not an unusual step, and many states have done so. We are simply saying that if in the highly unlikely event the legislature fails to appropriate the funds necessary for debt service that the treasurer of the state will be directed to utilize revenue coming into the state to meet these bonded obligations. It is guaranteeing our bonds. It is saying that we, the State of Maine, will stand behind that money which we have borrowed. This should, if nothing else will, raise our bond rating from this AA rating we currently enjoy to an AAA rating. This should amount to a savings to the people of Maine of approximately \$325,000 per annum on those bonds that we do issue.

Now, I am not advocating bonding. I feel that bonding should be cut back. I certainly do not advocate bonding for current expenditures, and this is what this amendment would prohibit. So if you are concerned about fiscal responsibility, please vote against the motion to indefinitely postpone.

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

Mr. GAHAGAN: Mr. President and Members of the Senate: Right now, as I understand it, part of what the intent of this bill is to do is to provide that the bondholders are going to be paid by constitutional action; first come first served on all revenues coming into the state, should there be a problem paying off our bonds. Presently bondholders are paid back first by statute, and there is uneasiness in the bond houses as to whether or not a legislature in the future which ran into trouble would come in and change that provision whereby the bondholders would come up first. So by putting it into the constitution, we are guaranteeing in a much stronger way that bondholders will be paid before operating expenses of the state government. I don't think this is the way we should be going.

I don't offer any alternatives at the present time. I only feel as if it is wrong at the present time to put this provision into the constitution, because I am very uncomfortable about saying to the people of the State of Maine that if the bonds are likely to fail we are going to take money that we would be putting into ongoing state programs, with their great needs, and give it to the bondholders instead.

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

Mr. KATZ: Mr. President and Members of the Senate: The Senate might recall that it was I who expressed some uneasy feelings about this, and I took the advantage of some of the high paid legal talent that one finds in the corridors, particularly when the legislature is in session. I did not clearly understand what happens if the state gets into financial trouble and bonds apparently are going to go into default. I was concerned it was going to be a completely automatic process and that AFDC money would be skimmed off the top to pay for the bondholders and put them in an extraordinary position. I received assurance that this would not be the case, that if it looked like defaults were going to be occurring that there would be negotiation as to the time and delay of payment, and that the essential services of the state would not be in jeopardy.

I look upon this amendment in its form, or at least in the form it will be in as soon as the Senator from Somerset, Senator Corson, offers his amendment, as a conservative tool to make bonding an even more serious procedure, that the legislature will be considerably more reluctant to put out bonds, based upon their knowledge that this alternative is in the background.

I must confess that I have a feeling of — chagrin is not a good word, but perhaps a sense of shame that the legislature of the State of Maine has over the past two or three sessions