

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

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Index

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merchandise that is being sold because it amounts to thousands and thousands of dollars each year, but is passed on to the consumer. I don't think that the utilities should be treated any differently. I would hope that the Senate Amendment would be indefinitely postponed, and that we put through a good bill and pass a good law for the people of this state.

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

Mr. CIANCHETTE: Mr. President, I would like to ask a question through the Chair to the Senator from Cumberland, Senator Conley. Is he recommending that this Senate pass a law that gives people a license to steal?

The PRESIDENT: The Senator from Somerset, Senator Cianchette, 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, it is my firm belief that the people of this state are basically honest.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion by the Senator from Cumberland, Senator Graham, that Senate Amendment "A" be indefinitely postponed. A roll call has been ordered. A "Yes" vote will be in favor of indefinite postponement of Senate Amendment "A"; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Carbonneau, Conley, Danton, Graham, Merrill, O'Leary, Reeves, Speers.

NAYS: Senators Berry, E.; Berry, R.; Cianchette, Clifford, Collins, Corson, Cummings, Curtis, Cyr, Gahagan, Graffam, Greeley, Hichens, Huber, Jackson, Johnston, Katz, McNally, Pray, Roberts, Thomas, Trotzky, Wyman.

ABSENT: Senator Marcotte.

A roll call was had. Eight Senators having voted in the affirmative, and 23 Senators having voted in the negative, with one Senator being absent, the motion did not prevail.

Thereupon, Senate Amendment "A" was Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

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

Bill, "An Act to Clarify Certain Provisions of the Maine Right to Know Law." (H. P. 848) (L. D. 1035)

Tabled — May 20, 1975 by Senator Conley of Cumberland.

Pending — Passage to be Engrossed.

(In the House — Passed to be Engrossed as amended by Committee Amendment "A" (H-285).)

(In the Senate — Committee Amendment "A", Adopted)

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

Mr. REEVES: Mr. President, I don't know whether today is a good day to go ahead with this, but I will try.

Mr. President, as I indicated in an earlier session, I wish to amend this bill to provide for a more complete revision to this important right to know law. By way of explanation, I have incorporated Committee Amendment "A", already adopted on this bill, into a longer amendment which I wish to offer today.

This new amendment is supported by myself and the other co-sponsors of the old L. D. 512, now filed away. It is also supported by Common Cause, the citizens' lobby which helped to draw up these revisions. This is Senate Amendment "A" to L. D. 1035, Filing No. S-176. To facilitate the procedures, I intend to ask for a roll call on this Senate Amendment "A" first. If this is adopted, I intend to move to postpone Committee Amendment "A", which, as I have said, is already covered by the new amendment.

I might also add that parts of a bill tabled earlier, L. D. 899, would also need to be postponed if we adopt this amendment. And to clarify the differences between these bills, I have again distributed a sheet to show which bills does what.

As I stated last week when the matter was first on the calendar, our right to know law, although it was a pioneer in the nation, does need some revisions. At that time I showed this headline, which I would like to hold up again. It says, "Council Budget Session Secret". And I would like now to read part of an editorial about this secret meeting.

"The City Council of Augusta has broken the law. By going into executive session and discussing a public issue, a discussion that resulted in a contract being drawn, they have broken the law. At least two Maine court rulings support that assertion: in South Portland, where the council was forced to open its budget meetings to the public, and Kittery, where selectmen's secret meetings were also ruled in violation.

"City councils, boards of selectmen and education are the governmental units closest to the people, the areas that affect them most intimately. Yet when such a body adjourns a meeting, waits for press and public to depart, and then reconvenes with the door open to make it a new public meeting, such a body is cheating its constituency, violating the law in spirit if not in fact, and laying itself open for legal action."

L. D. 512, which, as I have said, is now embodied in this new amendment, would sharply curtail the use of executive sessions for whatever purpose. It defines a few reasons that may be used for working behind closed doors, and citizens whose rights have been denied may bring a suit. That is the end of that editorial.

Yesterday a city council met in secret to discuss the dismissal of a fireman. And under this amendment such a discussion would be allowed unless — and this is important — the person being discussed chose to have this done in the open. This is the type of specific exception and guideline which is needed to be spelled out in our right to know law. There are others as indicated in the sheet which I have handed out.

In particular, the amendment I offered today provides for the following changes.

1. It extends open meeting requirements to us, the legislature, and all its committees, task forces and special study groups.

2. It requires minutes to be kept of all meetings.

3. It requires notice of all public proceedings and agenda to be posted 24 hours in advance at the place where the meetings would be held, except for emergency meetings. It provides for notification of the local newspaper or media that such a notification must be made prior to the emergency meeting with no time specified.

4. It allows only four narrowly defined areas for holding executive sessions by any public body. These include the discussion of an individual, as mentioned, the deployment of security devices, collective bargaining and other litigation, and criminal allegations.

I would like to stop here, Mr. President, and let others address this matter which I believe affects everyone in Maine, and especially at the local level. But let's not duck this issue. Our right to know law needs to be improved.

Mr. President, I offer Senate Amendment "A" to L. D. 1035 and move its adoption, and I ask for a roll call on this amendment.

The PRESIDENT: The Senator from Kennebec, Senator Reeves, now offers Senate Amendment "A" to L. D. 1035 and moves its adoption. 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 more than one-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President and Members of the Senate: If you want to give more work to Pine Tree Legal, then vote for this. If you want to discourage good substantial citizens from running for any of these public offices, vote for this. But if you want to have good candidates, I suggest that you vote against it. It is just a bad amendment and, in fact, I move for indefinite postponement of this bill and all its accompanying papers. It is just a bad bill.

We have enough laws on the books to regulate executive sessions, and anyone who cannot win his election through the ballot box wants to have a voice at any of these executive sessions, and I object very strenuously to it.

The PRESIDENT: The Chair will interrupt debate, because it is a hot afternoon, to welcome in the rear of the chamber some young people from South Berwick who are here as guests of the Senator from York, Senator Hichens. These young people are students at the Fifth Grade School in South Berwick, and they are accompanied by their teacher, Mr. Carleton Spring.

I would also like to welcome some gentlemen on the other side of the chamber who are members of the South Berwick Volunteer Ambulance Squad; Chief Clinton Shaw, Maynard Hanson, Robert Parent, and Carleton Spring. We are very pleased to have you gentlemen here with us this morning, and also you young people. I would like to introduce Senator Hichens to you, who represents you here in Augusta. (Applause)

Mr. Hichens of York, was granted unanimous consent to address the Senate.

Mr. HICHENS: Mr. President and Members of the Senate: In connection with the order which will be on the calendar later in today's session, I would make the following comments.

On May 22, 1960, then Governor John Reed officially dedicated the founding of the South Berwick Volunteer Ambulance and Rescue Squad. For 15 years the men and women of this group have given of themselves unselfishly to aid citizens of South Berwick and surrounding towns in Maine and New Hampshire in time of