

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 17, 1969 to July 2, 1969

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1st Special Session

January 6, 1970 to February 7, 1970

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KENNEBEC JOURNAL
AUGUSTA, MAINE

up in the next Current Services budget, and I assure you that some of us have a fairly good memory.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: I share the concern of the gentleman from East Millinocket, Mr. Birt, with regard to obligating future legislatures in the manner that we are doing with this bill. However, this bill is something that has been before this Legislature in the regular session and previous legislatures. It is something that we have hoped for a number of sessions to initiate. I am going to forget my aversion to doing this thing on this occasion and go along with the gentleman from Eagle Lake, Mr. Martin, in his motion to recede and concur with the Senate.

The SPEAKER: All in favor of receding and concurring will say aye; those opposed no.

A viva voce vote being taken, the motion did prevail.

By unanimous consent, ordered sent forthwith to the Senate.

Non-Concurrent Matter

Bill "An Act to Appropriate Moneys for Necessary Items and Miscellaneous Changes for the Fiscal Year's Ending June 30, 1970 and June 30, 1971" (S. P. 643) (L. D. 1818) which was passed to be engrossed as amended by House Amendment "A" and Senate Amendment "A" in non-concurrence in the House on February 4.

Came from the Senate with House Amendment "A" indefinitely postponed and the Bill passed to be engrossed as amended by Senate Amendments "A" and "D" in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker, I move that the House now insist on its former action and I would speak to my motion.

The SPEAKER: The gentleman from Kittery, Mr. Dennett, moves that the House insist on its former action and the gentleman may proceed.

Mr. DENNETT: Mr. Speaker and Members of the House: Before us today we have legislative document 1818, an act to appropriate moneys, but unfortunately this contains something else other than an act to appropriate moneys. I would call your attention to section "D" of this bill which is a section which is certainly not germane to an appropriation bill. The reason why this section was contained in this bill is beyond me completely. For all purposes, it should have been a bill that would be sent to State Government. It certainly has no place in an appropriations act.

Now what does it do? I would call it the secession act of 1970 because it certainly is an act of secession. What does it provide? It provides that the two bodies go their separate ways as far as the payment of accounts are concerned. I feel that it violates in every way the spirit, if not the letter, of the Constitution of the State of Maine which our founding fathers set forth in their wisdom that the Legislature should consist of two bodies, a House of Representatives and a Senate, which bodies should be equal bodies, but one having a negative over the other. This removes the negative of the bodies each over the other as far as the payment of accounts are concerned.

In the year 1861 a southern state attempted to secede from the Union. In April of that year they fired a shot into the federal fortress known as Fort Sumter. I feel today that the other body, in attempting to secede has fired the first shot into this bastion of democracy. This is perhaps one of the most unfair bills that ever came before this Legislature, this section. I don't refer to the bill, as far as the appropriations bill is concerned I have no quarrel. But I have a violent quarrel with this section of the bill.

The two bodies, according to the Constitution, according to the traditions of this state, must be in concurrence. They also have been in concurrence on all acts regarding payments of accounts between the two bodies. The other body has had a negative on this body. We

have had a negative on the other body. This attempts to destroy this. There is absolutely no question about it, and one body should not be allowed to go its own way regardless. And for this reason, my motion, Mr. Speaker, that this House insist on its former action.

The SPEAKER: The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker and Members of the House: Although I don't feel quite as strongly about this as the gentleman from Kittery, Mr. Dennett, I do feel that it is highly improper for language of this type to be included in a very important budget document.

We have here, as you all know, a kidney dialysis program which we all think is very important; we have a number of other items in here that appropriate money to our several state departments; we also have a section here which reduces our budget some little bit. And I think it is very unfortunate that we jeopardize this very important bill with the section here that really has no pertinence, and I urge you to vote with the gentleman from Kittery, Mr. Dennett in insisting and asking for a Committee of Conference.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, I did not hear the gentleman from Kittery, Mr. Dennett, ask for a Committee of Conference. That motion was merely to insist and I hope it remains in that manner.

I would concur with him in one way, and I think the other members join me. I am almost happy in one way that it did happen, because it affords the gentleman from Kittery an opportunity to discourse a bit on his favorite subject and that is the Constitution. It affords us the opportunity of listening to him.

I would concur with the gentleman from Southwest Harbor, Mr. Benson in saying that I feel that this document is far too important to tamper with with a proposition that should be probably handled in a separate manner by the unmentionable other branch members if they so see fit. I certainly hope that we go along with

the motion of the gentleman from Kittery, Mr. Dennett, to merely insist.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: This war that the gentleman from Kittery, Mr. Dennett, refers to is of quite lengthy duration. I hope it doesn't expand too much further in this session.

On the day that this amendment was offered to the Appropriations Committee, I think other members of the committee will bear me out that I looked the other way and did not in any sense approve. I felt at that time that this would not solve the breach but would only aggravate it. And so for these reasons I certainly will go along with the recommendations of the gentleman from Kittery, Mr. Dennett.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I rise again to bring out another very important point. I recall in my first days many many moons ago on the Appropriations Committee that we had a House Appropriations Calendar and we had a Senate Appropriations Calendar. I need not tell you that in the last closing session when that was abolished by agreement by some weaker members in this body and some stronger members in the other side, when there was a greater bond, believe me we then came to a sudden halt as far as us having anything to do with the last twenty-four or thirty-six hours of this Legislature. We are completely at their mercy. And as far as I am concerned, that is as far as I want to go, and believe me, God being willing that I might be here the next session, I am going to make my move to come back with that House appropriations table so that some of us might have something to say the last few closing moments of the Legislature and cut ourselves into that famous pie-cutting contest.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Members of the House: I rise to agree with the other members of the Appropriations Committee and with the gentleman from Kittery, Mr. Dennett. In addition to what he has already told us, I would also point out to you that coming over on L. D. 1818 was the amendment that we killed yesterday on L. D. 1842, and this is an extra \$50,000 for the Museum Commission which we defeated 100 to 20-some odd. And so I would be more than happy to agree to insist with the gentleman from Kittery so we can iron this thing out.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I am glad to see that we are finally getting our House in order. To me the dividing of the pay between the House and the Senate, or the other body, would further fracture what little power we have as a legislative branch. My feeling that if this is going to be the type of reorganization that we are going to do, I think we should sadly sit in session for another six months and find out just what is going to happen. I think the other branch, in their wisdom, may have justification for trying to eliminate the House for any particular control as the gentleman from Lewiston has pointed out, several years ago when they took out the House Appropriations table. If we now try to divide the House and the other branch into two separate bodies what have we got?

When I said the will of the Legislature to do something in reorganization of State Government yesterday, I certainly did not want to include the will of the Legislature to fracture themselves into smaller groups so that we would be further divided. So I hope that the motion of the good gentleman from Kittery, Mr. Dennett, will certainly prevail by one hundred and fifty one to nothing.

The SPEAKER: The Chair will order a vote. All in favor of insisting on its former action will vote yes; those opposed will vote no.

A vote of the House was taken.

135 having voted in the affirmative and none in the negative, the motion to insist did prevail.

Non-Concurrent Matters

Resolve to Appropriate Funds from the Unappropriated Surplus for the Construction of an International Ferry Terminal (H. P. 1310) (L. D. 1624)

which was finally passed in the House on January 26 and passed to be engrossed as amended by House Amendment "A" on January 22.

Came from the Senate passed to be engrossed as amended by House Amendment "A" as amended by Senate Amendment "A" thereto in non-concurrence.

In the House: The House voted to recede and concur.

An Act Appropriating Funds to Combat the Drug Abuse (H. P. 1365) (L. D. 1714)

which was passed to be enacted in the House on January 22 and passed to be engrossed on January 21.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House: The House voted to recede and concur.

An Act Appropriating Funds for Providing Shade Trees Through the Forestry Department (S. P. 581) (L. D. 1708)

which was passed to be enacted in the House on January 14 and passed to be engrossed as amended by Committee Amendment "A" on January 13.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" in non-concurrence.

In the House: The House voted to recede and concur.

An Act Appropriating Funds for Union River Anadromous Fish Restoration Program (S. P. 580) (L. D. 1707)

which was passed to be enacted in the House on January 14 and passed to be engrossed as amended by Committee Amendment "A" on January 13.