

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

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Legislature*

OF THE

STATE OF MAINE

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Index

KENNEBEC JOURNAL
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going to be elected in Cumberland County as a commissioner, there is no question in my mind that he has got to carry Portland. They have one third of the population.

For example, I hate to use a name, but take for example John Menario. I have no idea where he lives but he is the City Manager of Portland. Now, he may well live in Windham and he could run for District 3 in the outlying areas and under Representative Hewes' amendment, he would certainly carry Portland, it would seem to me, as long as he is on good terms with the City of Portland and he would be a county commissioner district representing District 3, the outlying areas. There is no question that he is going to be looking out for particular individuals for the City of Portland and I think the taking out, as Mr. Hewes would, the fact that they would be elected from the district only in which they live, defeats, almost anyway, the intent of the entire bill.

We have seen a lot of this with the Civic Center. This was a big uproar in Cumberland County. The outlying cities and towns are really upset with this entire process of the Civic Center and I would say to you that if we had members or if we had had a member from Otisfield or Harrison or some other outlying area on that county commissioner board in the last six years, perhaps there would have been a little bit different location of the Civic Center for the entire Cumberland County and we wouldn't be having the problem that we are facing now with some of these towns that are going to refuse to pay their county taxes.

I hate to do this, but I would move that the House indefinitely postpone House Amendment "A" to Committee Amendment "A".

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Men and Women of the House: I stand before you not only as a Representative from House District 27, that comprises the towns of Freeport, Pownal and part of Gray, but I am a Democrat and it seems a little bit strange and not at all coincidental that as a Democrat in this great House of Representatives, I should be standing and supporting single-member districts. It also is strange to see the gentleman from Cape Elizabeth, Representative Hewes, stand and present an amendment which would, in fact, be in direct contradiction of the principles of single-member districts.

I support the motion of the gentleman from Scarborough, Mr. Higgins, and I would ask that you join with me and I would request the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Jensen.

Mr. JENSEN: Mr. Speaker, I think this bill, as originally presented by the committee to this body, is the best way to run it. The amendment offered by Mr. Hewes is an amendment which clearly defeats the purpose of the bill. Cumberland County is a county of nearly 200,000 people. I would like someone to explain to me how anyone can rationally campaign and have the voters understand who he or she is, what he or she would like to do, and a whole series of other related things.

I suspect that if any one of you would have run for an office such as that and you were going to be elected on any kind of rational basis, you would have to spend a heck of a lot of money. If you look at the Congressional campaigns, you would find

people spending \$60,000, \$80,000 or \$90,000 to run for Congress. Cumberland County is a little less than half the size of a congressional district, so you are probably talking, to do any kind of rational campaigning, of perhaps spending \$30,000, \$40,000 or \$50,000. This is one of the problems, I think, that has resulted in Cumberland County Representatives being some of the major supporters of abolition of county government.

This is a measure which will, hopefully, increase the accountability of members of the county commission so that they represent somebody in the county. The way it is now, they represent everybody, and it sure looks to me like they represent nobody.

I would ask the members of the House to support the motion of the gentleman from Scarborough, Mr. Higgins, to indefinitely postpone this amendment.

The SPEAKER: In order for the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. Those in favor 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 pending question before the House is on the motion of the gentleman from Scarborough, Mr. Higgins, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Birt, Blodgett, Boudreau, Burns, Bustin, Byers, Call, Carey, Carroll, Chonko, Churchill, Clark, Connors, Connolly, Cooney, Cote, Cox, Curtis, Dam, Davies, Doak, Dow, Drigotas, Dudley, Durgin, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Garsoe, Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hennessey, Higgins, Hinds, Hobbins, Hughes, Immonen, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lovell, Lunt, MacEachern, Mackel, MacLeod, Mahany, Martin, R.; Maxwell, McBreairty, Mills, Miskavage, Mitchell, Morin, Nadeau, Najarian, Palmer, Peakes, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Susi, Talbot, Tarr, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Walker, Wilfong, Winship.

NAY — DeVane, Hewes, Hunter, Kelleher, Mulkern, Norris, Teague.

ABSENT — Ault, Berube, Bowie, Carpenter, Carter, Curran, R.; Fraser, Gauthier, Goodwin, H.; Gray, Hutchings, LaPointe, Lizotte, Lynch, Martin, A.; McKernan, McMahan, Quinn, Stubbs, Wagner, Webber.

Yes, 121; No, 7; Absent, 21.

The SPEAKER: One hundred and twenty-one having voted in the affirmative and seven in the negative, with twenty-one being absent, the motion does prevail.

Thereupon, Committee Amendment "A" was adopted. The Bill passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

Bill "An Act Relating to Board of Trustees of Bath Water District" (H. P. 463) (L. D. 565) (C. "A" H-495)

Was reported by the Committee on Bills in the second Reading, read the second time, passed to be engrossed and sent to the Senate.

Finally Passed Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature and to change the date of Convening of the Legislature (H. P. 1510) (L. D. 1827)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: This is a Constitutional Amendment providing for annual sessions. It has been up and down and we have had several discussions on it. It eventually ended up in a Committee of Conference.

In my own personal opinion, the Committee of Conference came out with probably the weakest amendment of any of them. My own individual philosophy is that if we are going to write the rules governing how legislative sessions are called into being, that language should be specifically spelled out in the Constitution. I think that is one of the major purposes for the Constitution. I do believe if we are going to call in and have annual sessions, that the guidelines of how the second session will come into existence should be clearly spelled out in that particular document.

Several of the other amendments that were proposed were areas that were spelled out in the Constitution and I think any one of them could have worked out. Some of them I preferred better than I would others, but to put the language as to how the session will come into being into the statutes leads into an area where it is easily played with, can be moved around pretty much at the will of any particular legislature.

I do believe, actually, we would be weakening the Constitution and weakening how it would be called into being. At the present time, I would rather have the law that we have now than we would to go into the direction that this particular amendment recommends with the amendment to it.

I would hope that you would not support this particular provision to the Constitution on your vote this afternoon.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, I would request that the Clerk tell us what the amendments are on the bill?

Thereupon the amendments were read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am opposed to final passage of this bill until such time as we spell out what we are meeting for. I have been here many years and every year on an awful lot of this stuff we hear the same year after year. I don't think there is any need for the people paying for this to be heard consistently year after year. It is bad enough to hear it every two years, and I think at present there is plenty of

provision to call the legislature. I am sure the Governor, if need be, would call us in and it is at his discretion and I am sure he is going to, as a matter of fact, the present Governor, and his predecessor has the same rights as well as do the leadership, if it becomes necessary, in their opinion, to call the legislature in session. I think this is adequate and it is especially adequate until such time as they can come up with some determination of what we are going to hear in the second session. My firm advice would be that we not pass this Constitutional Amendment.

The SPEAKER: This being a Resolution proposing an Amendment to the Constitution, a two-thirds vote of the membership of the House present is necessary. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Birt of East Millinocket requested a roll call.

The SPEAKER: In order for the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. Those in favor 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 Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: As we go on this Constitutional Amendment to have annual sessions in the Maine State Legislature, which in some of our opinions is going to open the budget up for more and more spending, and many of us feel that we would like to control the size of government, that many of the people are saying how much more taxes can we pay and with the present system, where we can have special sessions the second year, which is working somewhat well, I would at this time, even though I may be in a minority, would take the stand to oppose annual sessions with the thought that if you open up spending every year instead of every other year, that those who have got to pay their taxes are going to become very discouraged with what is taking place in Augusta.

The SPEAKER: This being a Constitutional Amendment, a two-thirds vote of the House is necessary. All in favor of this Resolution being passed to be enacted will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Blodgett, Boudreau, Burns, Bustin, Call, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Cooney, Cote, Cox, Curran, P.; Dam, Davies, Doak, Dow, Drigotas, Durgin, Dyer, Farley, Faucher, Fenlason, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hobbins, Hughes, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, Laffin, LeBlanc, Lewin, Lunt, Lynch, MacEachern, MacLeod, Mahany, Martin, R.; Maxwell, McBrearty, Mills, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Norris, Palmer, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Raymond, Rideout, Rolde, Saunders, Smith, Snow,

Snowe, Spencer, Sprowl, Susi, Talbot, Tarr, Theriault, Tierney, Tozier, Twitchell, Tyndale, Usher, Wilfong, Winship, The Speaker.

NAY — Birt, Byers, Conners, Curtis, DeVane, Dudley, Farnham, Finemore, Hunter, Immonen, Laverty, Leonard, Lewis, Littlefield, Lovell, Mackel, Peakes, Rollins, Shute, Silverman, Strout, Teague, Torrey, Truman, Walker.

ABSENT — Berube, Bowie, Connolly, Curran, R.; Gauthier, Gray, Hutchings, LaPointe, Lizotte, Martin, A.; McKernan, McMahon, Quinn, Stubbs, Wagner, Webber.

Yes, 109; No, 25; Absent, 16.

The SPEAKER: One hundred and nine having voted in the affirmative and twenty-five in the negative, with sixteen being absent, the Resolution is finally passed.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side, I move that we reconsider our action whereby we enacted this resolution and I hope you will vote against me.

The SPEAKER: The gentleman from York, Mr. Rolde, having voted on the prevailing side, now moves we reconsider our action whereby this Resolution was finally passed. All in favor will say yes; those opposed will say no.

A viva voce vote being taken, the motion to reconsider does not prevail.

Signed by the Speaker and sent to the Senate.

Passed to Be Enacted Emergency Measure

An Act to Create a Commission to Revise the Laws Relating to Medical and Hospital Malpractice Insurance (S. P. 494) (L. D. 1825)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary a total was taken. 118 voted in favor of same and 7 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Emergency Measure

An Act Relating to Additional Roads on Indian Reservation at Indian Island (S. P. 499) (L. D. 1851)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary a total was taken. 116 voted in favor of same and 6 against and accordingly the Bill was passed to be enacted, signed by the Speaker and Sent up for concurrence.

Emergency Measure

An Act to Allow Certain Nonprofit, Volunteer and Educational Organizations to Operate a Raffle without a License from the Maine State Police (H. P. 316) (L. D. 394)

Was report by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary a total was taken. 114 voted in

favor of same and 6 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent up for concurrence.

Passed to Be Enacted

An Act Relating to State Employees Serving in Acting Capacities (S. P. 119) (L. D. 384)

An Act to Prevent Hunting of Bear in Areas Near Dumps in Unorganized Territories and Plantations of the State (S. P. 205) (L. D. 695)

An Act Relating to the Maine State Lottery Law (S. P. 299) (L. D. 1031)

An Act to Provide for the Appointment of Deputy District Attorneys (S. P. 321) (L. D. 1098)

An Act to Authorize County Commissioners to Provide or Contract for Certain County and Municipal Services (S. P. 332) (L. D. 1118)

An Act Relating to the Statutes Concerning Licensing of Dogs (S. P. 351) (L. D. 1151)

An Act Clarifying the Right to Appeal from Final Decisions of the Public Utilities Commission (S. P. 379) (L. D. 1230)

An Act to Provide Opportunity for Reasonable Correction of Applications before the Board of Environmental Protection (S. P. 527) (L. D. 1892)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Increase the Veteran's Property Tax Exemption (H. P. 1174) (L. D. 1172)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

Mr. Strout of Corinth 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 pending question is on passage to be enacted. All in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bennett, Berry, P. P.; Burns, Byers, Call, Carey, Chonko, Clark, Conners, Cooney, Cote, Cox, Curran, P.; Curtis, Dam, Davies, DeVane, Doak, Dow, Drigotas, Dyer, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Goodwin, K.; Gould, Gray, Greenlaw, Henderson, Hennessey, Hewes, Higgins, Hobbins, Hughes, Hunter, Immonen, Ingegneri, Jackson, Jalbert, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lovell, Lunt, MacEachern, Mahany, Martin, R.; Maxwell, McBrearty, McMahon, Mills, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Peakes, Pelosi, Perkins, S.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Raymond, Rideout, Rollins, Saunders, Shute, Smith, Snow, Snowe, Sprowl, Susi, Talbot, Tarr, Teague, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Wilfong.

NAY — Bagley, Blodgett, Carter, Dudley, Durgin, Garsoe, Hall, Kauffman, Kelley, Laverty, MacLeod, Palmer.