

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth  
Legislature*

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Thursday, May 1, 1969

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Leonard LeClair of Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate  
Reports of Committees  
Leave to Withdraw**

Report of the Committee on Natural Resources on Bill "An Act relating to Issuance of Permits by the Water and Air Environmental Commission" (S. P. 271) (L. D. 909) reporting Leave to Withdraw.

Report of same Committee reporting same on Bill "An Act Creating the Water Development Authority" (S. P. 350) (L. D. 1216)

Came from the Senate read and accepted.

In the House, the Reports were read and accepted in concurrence.

**Ought Not to Pass**

Report of the Committee on Transportation reporting "Ought not to pass" on Bill "An Act relating to Operating Motor Vehicles on Parking Areas" (S. P. 341) (L. D. 1139)

Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence.

**Ought to Pass with  
Committee Amendment**

Report of the Committee on Judiciary on Bill "An Act relating to the Guardianship of Mentally Retarded Persons" (S. P. 109) (L. D. 315) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-108) was read by the Clerk and adopted in concurrence, and tomorrow assigned for third reading of the Bill.

**Divided Report**

Majority Report of the Committee on Taxation reporting "Ought to pass" on Bill "An Act Exempting Sales to Certain Institutions from Sales Tax" (S. P. 240) (L. D. 715)

Report was signed by the following members:

Messrs. WYMAN of Washington  
HANSON of Kennebec

— of the Senate.

Messrs. SUSI of Pittsfield  
DRIGOTAS of Auburn

Mrs. WHITE of Guilford  
Messrs. COTTRELL of Portland

FORTIER of Rumford  
ROSS of Bath

— of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Mr. MARTIN of Piscataquis

— of the Senate.

Mr. HARRIMAN of Hollis

— of the House

Came from the Senate with the Minority Report accepted.

In the House: Reports were read. On motion of Mr. Susi of Pittsfield, the Majority "Ought to pass" Report was accepted in non-concurrence.

The Bill was given its two several readings and tomorrow assigned.

**Divided Report**

Report "A" of the Committee on State Government reporting "Ought to pass" on Resolve Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money (S. P. 131) (L. D. 393)

Report was signed by the following members:

Messrs. BELIVEAU of Oxford  
LETOURNEAU of York

— of the Senate.

Messrs. D'ALFONSO of Portland  
STARBIRD

of Kingman Township

Miss WATSON of Bath

— of the House.

Report "B" of same Committee reporting "Ought not to pass" on same Resolve.

Report was signed by the following members:

Mr. WYMAN of Washington  
—of the Senate.  
Messrs. DONAGHY of Lubec  
RIDEOUT of Manchester  
MARSTALLER  
of Freeport  
DENNETT of Kittery  
—of the House.

Came from the Senate with Report "B" accepted.

In the House: Reports were read.

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

Mr. DENNETT: Mr. Speaker, I move the acceptance of Report "B", the "Ought not to pass" Report of the Committee in concurrence.

The SPEAKER: The gentleman from Kittery, Mr. Dennett, moves that the House accept Report "B" "Ought not to pass" in concurrence with the Senate. Is this the pleasure of the House?

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: For the sole purpose of possible further discussion on this bill it would be my hope that we could accept or reject Report "B" and go in some discussion in Report "A" on the ability or the acceptability of the Chief Executive being able to restrain from vetoing a total document if just one small area in a document is not acceptable. I think probably a lot of the states that have accepted this sort of item veto find it very interesting and very beneficial to the operation of state government and also the legislature where a big document is in total relatively acceptable but only to find that there may be one or two small items that are not acceptable.

I think this would make for better operation rather than to put a small insignificant bill that is of absolutely no value and might be punitive to some segment of our society, that the opportunity would be that the Governor in exercising this item veto would have the opportunity to bring out these items of completely not acceptable but the rest of the bill would be acceptable.

It is my hope this morning that the question of adopting Report "B" "Ought not to pass" would be defeated so that we could accept the merits of debate on Report "A" the "Ought to pass" Report and for further discussion in both branches.

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

Mr. DENNETT: Mr. Speaker and Members of the House: This item which is before us this morning is a Constitutional Resolve and as such would require a two-thirds vote to pass. I will realize the position of the gentleman from Madawaska, Mr. Levesque. He must due to his position stand up and defend the "Ought to pass" Report, but truly I believe that at this moment, and I think we all realize it, this is truly an exercise in futility.

It is difficult, it is impossible to pass this thing with a two-thirds vote. Now I think we have some very very serious legislation facing this body and I think we should get on with it rather than spending a lot of time arguing, which I think is truly about nothing. I think that the item veto could be used to great disadvantage. I think if errors creep into bills they can be corrected in the body because no one wants bills going out with errors, and I don't think they have to run the entire gauntlet up to a gubernatorial veto. I truly hope that this morning that you will accept Report "B" the "Ought not to pass" Report, and when the vote is taken I ask for a division.

Mr. Levesque of Madawaska then requested the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Members of the House: I suppose that I should get into this because I have had more experience with vetoes than any member of the House. The only two vetoes the Governor has handed us this year were on my bills and I mentioned the other day that perhaps he should have a blanket veto for me. But, and although I am a Republican, I have always favored item

vetoes on budgetary measures so if you see me vote this way this is why I will do it this morning.

The SPEAKER: Is the House ready for the question? The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All of those desiring a roll call vote will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. More than one fifth having expressed the desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Kittery, Mr. Dennett, that the House accept Report "B" "Ought not to pass" in concurrence with the Senate. If you are in favor of accepting the Report you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

#### ROLL CALL

YEAS — Allen, Baker, Barnes, Benson, Berman, Birt, Bragdon, Brown, Buckley, Bunker, Chick, Clark, C. H.; Clark, H. G.; Corson, Cote, Crosby, Cummings, Curtis, Cushing, Dennett, Donaghy, Durgin, Dyar, Erickson, Eustis, Evans, Finemore, Good, Hall, Hanson, Hardy, Haskell, Hawkins, Henley, Hewes, Huber, Johnston, Kelley, K. F.; Kelley, R. P.; Lee, LePage, Lewin, Lewis, Lund, Marstaller, McNally, Meisner, Millett, Mosher, Norris, Noyes, Page, Payson, Porter, Pratt, Quimby, Rand, Rideout, Scott, C. F.; Scott, G. W.; Shaw, Snow, Stillings, Susi, Thompson, Trask, Tyndale, White, Williams.

NAYS — Bedard, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Burnham, Carey, Carrier, Carter, Casey, Cottrell, Cox, Crommett, Croteau, D'Alfonso, Dam, Drigotas, Dudley, Farnham, Fecteau, Fortier, A. J.; Fraser, Gauthier, Gilbert, Giroux, Harriman, Hunter, Immonen, Jalbert, Jameson, Kelleher, Keyte, Kilroy, Lamberge, Lawry, Lebel, Leibowitz, Levesque, Lincoln, MacPhail, Marquis, Martin, McKinnon, Mills, Mitchell, Morgan, Nadeau, Ouellette, Ross, Santoro, Starbird, Temple, Vincent, Watson, Waxman, Wheeler.

ABSENT—Chandler, Coffey, Couture, Curran, Danton, Emery, Faucher, Fortier, M.; Foster, Heselton, Hichens, Jutras, McTeague, Moreshead, Richardson, G. A.; Richardson, H. L.; Ricker, Rocheleau, Sahagian, Sheltra, Soulas, Tanguay, Wight, Wood.

Yes, 69; No, 57; Absent, 24.

The SPEAKER: Sixty-nine having voted in the affirmative and fifty-seven in the negative, the motion does prevail.

#### Final Report

Final Report on the following Joint Standing Committee:

Sea and Shore Fisheries.

Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence.

#### Non-Concurrent Matter

Bill "An Act relating to Outdoor Advertising" (H. P. 670) (L. D. 861) which was passed to be engrossed as amended by Committee Amendment "A" in the House on April 11.

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

In the House:

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Marstaller.

Mr. MARSTALLER: Mr. Speaker and Members of the House: As I read this amendment, this does help the cities and the larger places where they have zoning in industrial areas set aside; but in smaller towns where these areas are not set aside, then any business that even would want a directional sign would not be able to have such a sign. I think this bill, even with the amendment, throws out the baby with the bath water, and I think that in our economy we do need directional type signs. I would hope that somebody might table this for two days while we might work on an amendment to bring in opportunity to have directional type signs to our businesses here serving the tourists in Maine. Thank you.