

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
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The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. Katz of Kennebec was granted unanimous consent to address the Senate:

Mr. KATZ: Mr. President, are you suggesting that the matter is no longer before us?

The PRESIDENT: That is correct.

Mr. KATZ: A motion is in order though?

The PRESIDENT: A motion is in order for reconsideration.

Mr. KATZ: Mr. President, maybe I had better take advantage of my unanimous consent and pose a question. I think that the basic misgivings that I had about the vote this morning was that this probably should be referred, if I am to be consistent, to a future session of this legislature; that was my intent. I think that subject to the ratification or disapproval by the people that I think that the attitude of those of us or many of us who voted against will change.

Mr. PRESIDENT: Would the Senator please defer for a moment? The Chair wishes to announce an error in the roll call vote.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Is the matter of voting still open?

The PRESIDENT: Yes, because the vote as previously announced was in error and the Chair was about to state the corrected vote.

Mr. VIOLETTE: I wish to change my vote from "Yea" to "Nay".

The PRESIDENT: The Senator from Aroostook, Senator Violette, wishes to change his vote from "Yes" to "No".

The Chair recognizes the Senator from Cumberland, Senator Carswell.

Mrs. CARSWELL of Cumberland: Mr. President, because of the information that the Senator from Kennebec has given, I wish to change my vote from "Yes" to "No".

The PRESIDENT: The Senator from Cumberland, Senator Carswell, wishes to change her vote from "Yes" to "No". The original

vote as given was sixteen Senators in the affirmative and fifteen Senators in the negative, with two absent. The vote was fifteen to fifteen. The vote has changed now and is recorded with the two changes, the Senator from Aroostook, and the Senator from Cumberland. Thirteen Senators having voted in the affirmative and seventeen Senators in the negative, the Resolution Fails of Adoption in non-concurrence and will be sent down for concurrence.

Mr. Katz of Kennebec was granted unanimous consent to address the Senate:

Mr. KATZ: If it were my desire to recommend this be referred to a special session of this legislature or the next regular session, should I make a reconsideration motion?

The PRESIDENT: The Senator is on the prevailing side, and a reconsideration motion is in order.

Mr. KATZ: Mr. President, before I make a reconsideration motion, would my motion then be in order?

The PRESIDENT: The Senate will be at ease for a moment.

(Senate at Ease)

Called to order by the President.

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

Thereupon, on motion by Mr. Katz of Kennebec, the Senate voted to reconsider its previous action whereby Ratification Resolution for 18 Year Old Vote Amendment Failed of Adoption.

On further motion by the same Senator, tabled and Tomorrow Assigned, pending Adoption.

The President laid before the the Senate the fourth tabled and specially assigned matter:

HOUSE REPORTS — from the Committee on State Government on Resolution, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money. (H. P. 438) (L. D. 573) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — April 6, 1971 by Senator Violette of Aroostook.

Pending — Acceptance of Either Report.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I move that we Accept the Minority Ought to Pass Report. I think that this is good legislation. I think it is good in the sense that I think it would allow perhaps a more rational consideration of appropriation bills that go through the legislature and go to the Governor's desk for consideration.

In this manner I do not in any way want to indicate that the legislature would be abdicating any of its duties, any of its powers with regards to consideration of legislative matters.

As we know it appropriation bills are very, very often bulky bills. They contain numerous items. I don't know how many items that the current appropriation services budget contains but I am sure it is in the hundreds probably. I am sure that while we are undoubtedly in basic agreement on perhaps a very, very large percentage of the budget, nevertheless, I am sure that there are some items in which there can be reasonable differences of opinions. We are now in the process of considering our current services budget, and I think there are a few areas of disagreement between the governor and perhaps members of the legislature with regard to a few items. I think that giving the Governor the power, what you call the item veto, I think in many instances not necessarily precludes, but I think would avoid, perhaps, some tough positions being taken. Some hard feelings are perhaps developing between the Executive and the Legislative Branch and hard positions being taken on account of perhaps a very few items on a very, very large major appropriation bill. If this legislation were authorized you could, without any problem, approve the vast majority of an appropriations bill and leave those in which there are disagreement, leave those out and work on those.

I think it would provide for perhaps a more orderly progress of appropriation legislation through the legislature and through the final enactment. It is close to forty

states now that provide for this authority on the matter of the Governor. It doesn't mean that because the majority of the states have it that perhaps it is good. I think it would be good legislation. I think it would make a contribution towards orderly progressive appropriation legislation. I would hope that the Senate would accept the Ought to Pass Report.

The PRESIDENT: The Senator from Aroostook, Senator Violette, moves that the Senate Accept the Minority Ought to Pass Report of the Committee on Resolution, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money.

The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I hate to disagree with the good Senator from Aroostook, Senator Violette but if this legislation passes, a Governor with enough votes for the right to veto could do anything he wants to. I don't think we will need any Appropriations Committee because they will know before, that either you go along with me or I am going to veto it. I think we have been doing very well in the State of Maine under the present laws and rules. I don't want to see them changed and give one man a dictatorship. Thank you.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I entirely concur with the remarks of the good Senator from Kennebec, Senator Levine. There may be some cases, I believe, that this bill would work well and other times in the majority I feel the bill would not work very well. I think Senator Violette of Aroostook has some good points in his remarks, however, I think that the part of politics as we know it, and as Senator Levine has so forcefully brought out, that many times there will be an item in a bill that the legislature will want and yet have it vetoed. And on the other side giving the gentleman in the front office everything that he

wants and yet losing out on perhaps some item that they are very much in need of.

On the other hand, this committee has heard thirty - seven, we had thirty-seven bills approximately that had to do with constitutional changes, I think as the great Democrat, Al Bryant said, a week or so ago, that our constitutions have worked very well in playing the rules of the game and abiding by the procedures, and in very few cases have they failed to work out to the public's advantage. I would request, Mr. President, a division on the motion.

The PRESIDENT: A division has been requested. Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: I would request a roll call.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call it requires the affirmative vote of one-fifth of the Senator and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted. Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from Aroostook, Senator Violette, that the Senate Accept the Minority Ought to Pass Report of the Committee on Resolution. Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money.

The Chair recognizes the Senator from Cumberland, Senator Carswell.

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I feel very badly, but I have to disagree with the gentleman from Aroostook, Senator Violette. I feel that numbers of Senators and Representatives were elected by a great many people, Independents, Republicans, and Democrats, and I don't feel that they would be happy at us giving our power to the Executive Branch.

The PRESIDENT: A "Yes" vote will be in favor of Accepting the Minority Ought to Pass Report

of the Committee on the Resolution; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators, Bernard, Clifford, Conley, Danton, Fortier, Graham, Harding, Martin, Minkowsky, and Violette.

NAYS: Senators Anderson, Berry, Carswell, Chick, Dunn, Greeley, Hichens, Hoffses, Johnson Katz, Levine, Marcotte, Moore, Peabody, Quinn, Schulten, Sewall, Shute, Tanous, Wyman, and President MacLeod.

ABSENT: Senator Kellam.

A roll call was had. Ten Senators having voted in the affirmative, and twenty-one Senators having voted in the negative, with one Senator absent, the motion did not prevail.

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted in concurrence.

The President laid before the Senate the fifth tabled and specially assigned matter:

Bill, "An Act Authorizing Emergency Closing of Financial Institutions." (H. P. 1239) (L. D. 1525)

Tabled — April 6, 1971 by Senator Schulten of Sagadahoc.

Pending — Passage to be Engrossed.

Mr. Danton of York presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-72, was Read.

On motion by Mr. Schulten of Sagadahoc, tabled and Tomorrow Assigned, pending Adoption of Senate Amendment "A".

The President laid before the Senate the sixth tabled and specially assigned matter:

Bill, "An Act to Eliminate Moose River from the Maine Forestry District." (H. P. 141) (L. D. 196)

Tabled — April 6, 1971 by Senator Wyman of Washington.

Pending — Consideration.

On motion by Mr. Wyman of Washington, retabled and specially assigned for April 15, 1971, pending Consideration.

The President laid before the Senate the seventh tabled and specially assigned matter:

Bill, "An Act Making Additional