

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Fifth
Legislature***

OF THE

STATE OF MAINE

Volume III

June 16, 1971 to June 24, 1971

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1st Special Session

January 24, 1972 to March 10, 1972

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**KENNEBEC JOURNAL
AUGUSTA, MAINE**

remarks as being in any respect anti-Christopher Columbus, a man for whom I have the greatest possible esteem — but I would hope that this could be tabled for a day so that I might amend it to take out that portion of it which is offensive to me.

The **PRESIDENT**: The Chair recognizes the Senator from Cumberland, Senator Berry.

Thereupon, on motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

House-As Amended

Bill, "An act Relating to Filing Final County Estimates after Adjournment of the Legislature." (H. P. 1459) (L. D. 1902)

Bill, "An Act Relating to the Community School District Law." (H. P. 1463) (L. D. 1906)

Bill, "An Act Relating to Use of Artificial Lights for Lighting Game" (H. P. 1471) (L. D. 1914)

Bill, "An Act Relating to Kents Hill School." (H. P. 1489) (L. D. 1932)

Which were Read a Second Time and Passed to be Engrossed, as Amended, in concurrence.

Senate-As Amended

Bill, "An Act Relating to Municipal Finance." (S. P. 700) (L. D. 1881)

Which was Read a Second Time and Passed to be Engrossed, as Amended.

Under suspension of the rules, sent down forthwith for concurrence.

Orders of the Day

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

JOINT ORDER — Relative to a study of the Tax Structure of the State of Maine. (H. P. 1561)

Tabled — February 1, 1972 by Senator Berry of Cumberland.

Pending — Adoption of House Amendment "A" — Filing H-516.

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Adoption of House Amendment "A".

(Off Record Remarks)

Mr. Violette of Aroostook was granted unanimous consent to address the Senate.

Mr. **VIOLETTE**: Mr. President and Members of the Senate: I was not going to say anything regarding the reapportionment of the Senate, but wait for its distribution to all members of the Senate, which I am not sure has been done.

Since the President brought it up, perhaps I should take the occasion, first of all, to thank the Maine Supreme Judicial Court for completing the very unpleasant task which we gave them and for the dispatch with which they did their job. I am sure, as far as I am concerned, I think they proceeded with their work with objectivity, although I am sure perhaps not every member of the Senate would agree with that. But I think we ought to express our appreciation to them for their work.

I also perhaps would want to take this occasion to say that I think it is a fair plan, and I am sure that not everybody is going to agree to that either. I have always viewed the reapportionment of the Senate, at least at this date, as one which would reflect the political realities of the day, and I think this one does. I never felt that it should give my party a numerical advantage or give the other party a major numerical advantage. In fact, I always felt that any reapportionment should reflect the present conditions of the Senate and also the fact that today in any given election whoever organizes this Senate is a toss-up, and it may well be much more reflected in the type of candidates in the election itself than any other circumstance. You will recall that it was in the early morning following the last election before we knew whether this would be a Democratic Senate or a Republican Senate.

I also want to make one or two other comments and I make them without rancor. There has been a lot of discussion in the last few days here as to the constitutional rights of people and how they have been affected by being trampled upon by other people in disregard

for them. I don't know eventually how this reapportionment by the Supreme Court will be affected by the test of time. It generally accepted the Governor's Bipartisan Commission's plan which was developed. A few days ago we sustained the Governor's veto of a bill calling for redistricting of the Senate. This was a bill which we passed in the closing days of the last legislative session, calling for a 31-member Maine Senate, one which very few of us ever had an opportunity to look at and consider until we saw it on the floor of the Senate, and one which certainly I, as a member of the Senate Reapportionment Committee, had no knowledge of the existence of until I happened to see it when it came out on the floor of the Senate, and one which, by accounts of the other party, gave them 19 to 12 odds. It was a plan which the Governor's Bipartisan Commission unanimously rejected as being unconstitutional on all counts when you consider the factors which we have to consider in the constitutionality of legislative reapportionment legislation.

None of us ran around and hollered that the constitutional rights of people were being trampled upon or were being unnecessarily and improperly considered. We saw it for what it was: a bill which reflected the hopes of some people as to what ought to be politically as to the numerical division of the Senate. But I would submit to you that the constitutional right of people to a properly districted branch of the legislature is as important, if not more important than, whatever form the ballot may take. I think as we go about this session perhaps, it being an election year, trying to gain some political advantage in debate, and using the constitutionality of one thing or another in order to try to get some points, that we ought to try to remember that this is always a two-edged thing. Thank you very much, Mr. President.

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

Mr. KATZ of Kennebec: Mr.

President, I do not wish unanimous consent, because I intend to make a motion.

I call the Senate's attention to the fact that when redistricting took place the Executive Department had a substantial voice in the

— The PRESIDENT: The Chair would inform the Senator that there is nothing before the Senate, that there is no matter before the Senate.

Mr. KATZ: Mr. President, I would like to make a motion.

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

Mr. KATZ: Thank you, Mr. President. The Executive Department had a substantial voice in the districting of the Senate and the Court had full voice in the districting of the Senate. As a measure of our tremendous success, the one body that had no voice in the districting of the Senate was the Senate itself, and I think it might be appropriate, Mr. President, to move that when the Senate adjourn today we adjourn with an expression of love, affection and regret for those of us who will not be here next time.

Mr. Shute of Franklin was granted unanimous consent to address the Senate.

Mr. SHUTE: Mr. President and Members of the Senate: As most of you are aware, I was a member of the Reapportionment Committee, along with Senator Kellam, as appointed by the Governor. Throughout the summer we held several meetings and discussed all ramifications of reapportionment.

To begin with, I don't believe, and I am sure Senator Kellam shares this view, that it was entirely necessary for the Senate to reapportion itself this session; it could have waited for another year. I think in the future that the chief executive of this state ought to have for ready reference some kind of permanent commission which could look at this problem of reapportionment, because with our changing population we are going to experience the need for reapportionment every ten years, and there will be some