

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-Eighth Legislature

OF THE

STATE OF MAINE

VOLUME I

1957

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

“Ought not to pass” Report of the Committee. Is this the pleasure of the House?

The motion prevailed, the Majority Report was accepted and sent up for concurrence.

Passed to Be Engrossed

Bill “An Act relating to Display of Maine Alcoholic Beverage Products in State Liquor Stores” (S. P. 543) (L. D. 1525)

Bill “An Act relating to Definition of Registered Mail under Municipal Tax Laws” (H. P. 72) (L. D. 99)

Bill “An Act Increasing Number of Medical Examiners for Cumberland County” (H. P. 846) (L. D. 1200)

Bill “An Act Amending the Charter of the Sanford Sewerage District” (H. P. 1075) (L. D. 1544)

Bill “An Act Revising Laws Relating to Boilers and Unfired Steam Pressure Vessels” (H. P. 1077) (L. D. 1547)

Bill “An Act relating to Negligently Operating a Motor Vehicle so as to Cause Death” (H. P. 1078) (L. D. 1548)

Resolve relating to Moneys to Obtain Plasma (H. P. 676) (L. D. 965)

Resolve Authorizing the Commissioner of Finance and Administration to Convey Certain Land of the State in York County (H. P. 1076) (L. D. 1546)

Were reported by the Committee on Bills in the Third Reading, Bills read the third time, Resolves read the second time, all passed to be engrossed and sent to the Senate.

At this point, Speaker Edgar returned to the rostrum.

SPEAKER EDGAR: The Chair would like to thank the gentleman from Bangor, Mr. Stanley for, his excellent services as Speaker pro tem.

Thereupon, the Sergeant-at-Arms conducted the gentleman from Bangor, Mr. Stanley, to his seat on the Floor, amid the applause of the House, and Speaker Edgar resumed the Chair.

Amended Bills

Bill “An Act to Create a State Committee on Mental Health” (S. P. 534) (L. D. 1505)

Bill “An Act relating to Construction of a Building for Maine Employment Security Commission” (S. P. 538) (L. D. 1508)

Bill “An Act relating to Number of Medical Examiners in Penobscot County” (H. P. 170) (L. D. 217)

Bill “An Act relating to Systems of Drainage or Sewerage” (H. P. 753) (L. D. 1067)

Resolve Proposing an Amendment to the Constitution Changing the Date of the General Election (H. P. 66) (L. D. 93)

Were reported by the Committee on Bills in the Third Reading, Bills read the third time, Resolve read the second time, all passed to be engrossed as amended by Committee Amendment “A” and sent to the Senate.

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

Mr. JALBERT: I would like to rise for a point of inquiry. I am somewhat confused on this last item. I would like to ask that the House reconsider its action whereby it passed this measure to be engrossed.

The **SPEAKER:** The gentleman from Lewiston, Mr. Jalbert, moves that the House reconsider its action whereby the House passed to be engrossed Resolve Proposing an Amendment to the Constitution Changing the Date of the General Election. Will those who favor the motion for reconsideration please say aye, those opposed, no.

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

Resolve relating to Deficiency Appropriation for Department of Agriculture and to Provide Funds for Salary of Assistant County Attorney of Aroostook County (H. P. 980) (L. D. 1404)

Was reported by the Committee on Bills in the Third Reading, read the second time, passed to be engrossed as amended by Committee Amendment “A” and sent to the Senate.

Resolve Proposing an Amendment to the Constitution Changing the Tenure of Office of the Governor to Four-Year Terms (H. P. 157) (L. D. 204)

Was reported by the Committee on Bills in the Third Reading.

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

Mr. ROSS: Mr. Speaker, the action just taken on Item 13 may have surprised some of you. I think that that was part of the plan of the opponents of these constitutional amendments. They want to debate at the enactment and they don't want to have to debate twice. If I were in their position I would feel exactly the same way. As some of you know, I am not quite in that position, so I want to force the action on this Item 15 and I have several remarks that I would like to make at this time.

It has been said that as a Republican I certainly should not sponsor any legislation changing the term of office of our governor. I don't think that is so. It is not a Democratic measure, it has been sponsored many more times by Republicans in this legislature than by Democrats, and it has not been without support. Three times it has passed the Senate and once it has passed the House. But perhaps there is another reason why it is not too bad for me to sponsor this and perhaps it's a little more of an earthy one and more logical. As you may or may not know the first Governor of our great State of Maine in 1820 was elected from the City of Bath, and he was elected for one year by the way. So if this move can be construed, in any way, as a measure to desecrate this office, why should not I from that same town be willing to take the blame?

Now prior to 1879, governors were elected in the State of Maine for one year, and one year only. At that time the job was not terribly difficult and it did not take too much time. We had no particular highway problems; the old horse could get along pretty well on most any road. We didn't have to worry about State Police because the horse couldn't go quite fast enough. Towns took care of their own school problems although we will grant that the teachers were only paid a few dollars a week. There was no such thing as the Department of Labor and Industry because industry not

only completely dominated but exploited their labor. The need for institutions was not as it is now because the world was not quite so complex. And if you were mentally ill it was considered a disgrace, and you were relegated either to the attic or to a closet. There were no particular fish and game problems. There were fish and game in our woods and in our streams, but the outsiders couldn't get into our state because they didn't have the good means of transportation that we have now, and the working man worked so hard that he didn't have time to do too much of it. Except for the fact that we had almost no luxuries whatsoever, that thousands of people died of disease, that man worked from dawn to dark to get barely enough to keep his soul and body alive, I guess they got along pretty well.

The Governor went to Portland until 1832, and then he came here to Augusta a few times a month. He chatted with a few friends and he signed a few papers and he attended a political dinner, and then he went home. But now as early as 1879, the people of this state realized that their problems were getting more complex so they changed that Constitution to have the Governor elected for a two-year term. Now it has been said to me that since then, or at least since 1900, our state hasn't grown very much in population, so why in the world has our government gotten so large and so complex, and why do we need any changes?

Without going into any particular ramification of these points, I would say that the reasons are pretty easy and you could put them in four categorical terms: education, transportation, communication, and equalization. No longer is man content with a life of drudgery, living in one place, and fortunately for the average working man, that no longer is necessary because he no longer is exploited. The standards of living have certainly been increased immeasurably, and the needs from our state are now tremendous, and in most instances the people are willing to pay for these in proportion. But now, of course, all of these changes have not been without their

pathetic side, and consequently we have this tremendous need for institutions, and we need things like the State Police to combat our tragic highway mishaps.

Now along with these changes, in my opinion, government must change from time to time. In this modern complex age, and notwithstanding those who still tell me that the Governor of the State of Maine is just a figurehead, I maintain that this job is one of the most difficult and thankless in our state. At the last meeting of the Citizens Survey of State Government, the Governor outlined to us his duties. I would like to relay them to you. First of all, he has the direct supervision of twenty-nine departments and eighty agencies. He is responsible for our policy and our planning. He, along with the Council, have to make three hundred appointments per year. Talking of the Council, he is the presiding officer at all times, of the Council. He is the Chief of Staff for the State for all sorts of political functions, and he gets three thousand invitations per year. Of course, he cannot attend all of these, but he attends the most important ones, and that certainly gets him over our state a great deal in the course of a year. He is the voice of the people, not only from the city level, but from the county level and the state level. His is the final place of appeal except on judicial matters, and on appeals such as this, he receives fifty thousand phone calls per year. Recently, he has been made to be also a legislator. He must present his own program and furthermore, he must carefully scrutinize every bill that comes out of the House or Senate for his signature.

Now if we are fortunate enough to have a capable man who is a competent executive, why should we make him interrupt this supervision of this program to conduct a strenuous political campaign? Some people will say that he should get out and get in touch with the people of our state; he should campaign and get around every two years. In his official capacity, he certainly gets around the state enough, and he is in contact with the people in the state, and getting around on these official functions is a great deal dif-

ferent than conducting a political campaign. Furthermore, our Governor is always available. I believe you all know that his home is open every day during the year. Anyone who has a genuine problem will certainly get his prompt attention, and if it is serious enough it will warrant a visit to your county or to your community. One of the strongest arguments that I have heard broached was, it would give an opportunity to remove a man after two years if we found out that we didn't like him. In the past eighty years, this has only been done five times, and four of those times were between 1910 and 1916. I was not in the legislature, as you probably know, at that time. I do not know of the political unrest or upheaval that was had then, but I do know that it was more than just the dislike of a governor. For instance, at the start of that period the Republicans had 99 members of this House. They went to a low of 64 members, and a high of 105 members. The Democrats went from a start of 52 to a low of 46 to a high of 86. In other words, this was a complete political switch for reasons, as I said, that I am not acquainted with. So I ask you, in these eighty years, when these men have not been reelected, was it because they had not done a satisfactory job, or was it a quirk of political fate? A few sessions ago, one of the major opponents in one of the key speeches against this measure said "Why should we worry about gubernatorial candidates anyway because the woods are full of them."

Perhaps it is either a change of time, or perhaps the job is getting more difficult, but I somehow think that these woods have been reduced to a pine grove, and as I see this pine grove, even this is not overcrowded with people who are first, willing; secondly, who are competent to assume this job, from either party.

Now, we have been sent up here as representatives to act for the people and to vote according to our conscience. I certainly realize that. I know that we cannot send every question to the people in referendum. But a question such as this that has been talked about so much, that has been publicized so much in

all of the media of radio, TV, and newspapers, I maintain that there are thousands of people in our state who are interested. I know there are those who are not interested, but I believe that those who are interested in good government are interested in this question either one way or another. Now, they have been deprived of their chance to vote for subjects such as this because we have usurped our prerogative to stop them. This measure and the measure of the change of election date are straightforward questions, and I certainly think that our people can vote logically and sensibly on them. And I sincerely hope that they are given an opportunity to do this.

In ending up my talk here today, I want to just mention one last thought. This has probably been mentioned before, it has probably been thought of before, but I just have never happened to hear it. In the benefit of those of you who are truly and honestly interested in economy, because of the nature of politics, it is necessary and absolutely necessary for the gubernatorial aspirant to propose certain programs which usually involve sizable appropriations. A suitable parallel to this might be collective bargaining. With the Legislature acting as the management side, think how much more of an economic advantage it would be to have a contract which would be binding for four years rather than have to renew it every two years.

Mr. Speaker, I now move that this resolve be given its second reading and that it be passed to be engrossed, and when the vote is taken, it be taken by roll call.

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

Mr. BRODERICK: Mr. Speaker and Members of the House: I agree with the eloquent presentation of the position of my colleague, the gentleman from Bath, Mr. Ross. I would like to state however, in relative to his opening remarks, that this is not necessarily a Democratic platform measure, and that the Republican Party has sponsored similar legislation on several occasions. I can assure you that the

Democratic Party is not interested in which party obtains the credit for the passage of this legislation. We are only interested in its passage.

The SPEAKER: The motion before the House is the motion of the gentleman from Bath, Mr. Ross.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: I was sure when the gentleman from Bath, Mr. Ross, got up to speak, that the inference he said the first governor came from Bath, and I thought that I got the inference that he hoped possibly the first governor to be elected to the four year term might come from Bath. (Laughter)

I am not going to make any lengthy remarks because I have spoken on this matter several times and my views are well known. I believe in the two year term for governor, and I have said it many times, I am not going to say it again. But I do feel really that if they are sending a governor up here for two years there probably would not be any great difficulty in being reelected.

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

Mr. CHILDS: Mr. Speaker, I only want to say that when the vote is taken this morning, and the gentleman from Bath, Mr. Ross, has requested a roll call vote, in order that this Legislature expedite matters, I hope that they all will vote with the gentleman.

The SPEAKER: The Chair recognizes the gentleman from Perry, Mr. Frost.

Mr. FROST: Mr. Speaker, it seems as though this is high time that this piece of legislation was passed out to the people, and I would like to go along with my colleague, the gentleman from Bath, Mr. Ross, in doing the same, having it passed out to the people for referendum. It has been proposed by both parties time and time again, and now I think is the time to do it.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I thought I

might explain to the gentleman from Bath, Mr. Ross, and at the same time congratulate him for his splendid remarks, that the reason I asked for reconsideration whereby item twelve was passed to be engrossed was to take the thunder away from the opposition, in view of the fact that I was very carefully looking at one of the major opponents to both this and the other measure, and I did not see his lips move in either direction.

One of the other reasons I arise now is to state also concerning item twelve, which is the change in election date, is that I thought at least I would say one word to the effect that I hope that the identity of the sponsor of this measure has not completely been forgotten. Certainly such is the case where I perused the newspapers this morning concerning this present piece of legislation. It is true as others have said that the measure has been sponsored before by both parties. It is asked for us to allow the people to vote on the measure finally. I have no more to say, I just presume when the other measure comes up for enactment we will hear a little thunder.

The SPEAKER: Is the House ready for the question?

The Chair understands that the gentleman from Bath, Mr. Ross, has made two motions, which we must deal with one at a time.

The first motion before the House is that the Resolve be given its second reading, and if that motion prevails, the gentleman from Bath, Mr. Ross, has requested a vote be taken by roll call on the question of passage to be engrossed.

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

Mr. ROSS: I would just like to make a couple of comments if I may please.

The SPEAKER: The gentleman may proceed.

Mr. ROSS: As you will notice, this morning you have not heard from your opposition. I said that that was part of their tactics, and I said that if I was in their position I might well do the same thing so that I wouldn't have to debate it twice. But I certainly don't think that we should go so far as to make

this a matter that would not be along with your genuine convictions. The gentleman from Portland, Mr. Childs, made the suggestion that to expedite things you should all vote yea. Now, that is certainly a low blow to anybody. You should vote as you intend to vote, you have not heard the opposition, you will hear them next week. I am sure you have all heard them before, you know what their moves are. But I certainly hope that you vote today as you honestly believe on this measure.

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

Mr. CHILDS: Mr. Speaker, the only question before me this morning as far as I am concerned, is whether it would be expeditious and save time to vote yes. If I was voting this morning as far as my convictions were concerned on the matter of whether I am in favor of a four year term for governor I would vote no. This morning I shall vote yes, and when it comes up for enactment I shall give my reasons why I am opposed to this measure. I am only trying to expedite matters.

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

Mr. CROCKETT: Mr. Speaker and Members of the House: We have had before us this morning an eloquent speaker in our assistant floor leader, a wonderful man. But I am afraid you are going to be sold a beautiful package that you shouldn't buy.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Bangor, Mr. Quinn.

Mr. QUINN: Mr. Speaker, I feel that we should congratulate our assistant floor leader for the very eloquent and able talk he gave us today on his reasons why a four year term is in his judgement, the best thing for the State of Maine.

I myself, when it comes to the enacting stage, am going to express myself in opposition to his program, and at that time I will talk on it. Today I am going to vote yea as a compliment to him and his eloquent address which he gave us

here, solely for the purpose of making certain determinations.

The SPEAKER: Is it the pleasure of the House that the Resolve shall be given its second reading?

The motion prevailed and the Resolve was given its second reading.

The SPEAKER: This Resolve having had its two several readings and the Committee on Bills in the Third Reading having reported no further verbal amendments necessary, the question now before the House is shall this Resolve be passed to be engrossed.

The gentleman from Bath, Mr. Ross, has requested a roll call vote on the question of passage for engrossment.

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

Mr. ROSS: Mr. Speaker, if this House is not going to vote their convictions today, and I personally think they should, but if they are not I certainly don't want a vote of confidence for some silly little speech that I just made, and I will withdraw the motion for roll call, and when it comes up next week we can have our roll call then and the opposition can hear from me again. (Applause)

The SPEAKER: The gentleman from Bath, Mr. Ross, has withdrawn his request for a roll call vote.

This Resolve having had its two several readings and the Committee on Bills in the Third Reading—

The Chair recognizes the gentleman from Brunswick, Mr. Walsh.

Mr. WALSH: Mr. Speaker, in view of the fact of what has just happened, is there any objection to the sponsor of this Resolve if it lie upon the table specially assigned for Tuesday of next week as the first order of business?

The SPEAKER: The gentleman from Brunswick may make a motion to that effect. The motion will not be debatable.

Mr. WALSH: I will make a motion that this lie on the table until Tuesday of next week and be the first order of specially assigned business. No—you object to that?

The SPEAKER: The gentleman is out of order. If the gentleman has made a motion the Chair will put the motion.

The Chair will inquire of the gentleman from Brunswick, Mr. Walsh, as to whether or not his motion is that this be made a special order of business on Tuesday of next week?

Mr. WALSH: Mr. Speaker, may I approach the rostrum?

The SPEAKER: The gentleman may approach the rostrum.

(Conference at rostrum)

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Walsh.

Mr. WALSH: Mr. Speaker, I will withdraw my motion.

The SPEAKER: The Chair understands that the motion for tabling has been withdrawn.

The Chair now recognizes the gentleman from Auburn, Mr. Turner.

Mr. TURNER: Mr. Speaker, I think a good way to bring this thing to a head, I move indefinite postponement.

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

Mr. CHILDS: Mr. Speaker, I hope the House this morning will not go along with indefinite postponement until they have had an opportunity to have heard the arguments as far as our convictions are concerned. And until we have heard the arguments, until all the members of the House have heard both sides of the story I feel we should not decide this matter this morning, but I hope we will not go along with the indefinite postponement.

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

Mr. ROSS: Mr. Speaker, as I first heard the motion for indefinite postponement it seemed to me that that would be an excellent way to force the issue. But now the gentleman from Portland, Mr. Childs, who is one of the opponents, has expressed the same wish he did before, he wants everyone to vote against indefinite postponement. I still don't believe we are going to get a proper vote. But if the vote for indefinite postponement is made, I certainly hope that it does not prevail. And now, unless the gentleman from Auburn, Mr. Turner, takes the same action that I took

on my first motion, why I still want the roll call vote.

The SPEAKER: The motion before the House is the motion of the gentleman from Auburn, Mr. Turner, that Resolve Proposing an Amendment to the Constitution Changing the Tenure of Office of the Governor to Four-Year Terms, House Paper 157, Legislative Document 204, and all accompanying papers be indefinitely postponed. The gentleman from Bath, Mr. Ross, has requested a roll call vote.

The Chair recognizes the gentleman from Auburn, Mr. Turner.

Mr. TURNER: Mr. Speaker, I thought that was a good way to get things started, but I guess it is going to slow it up, so I will withdraw my motion.

The SPEAKER: The Chair understands that the motion of the gentleman from Auburn, Mr. Turner, has been withdrawn.

This Resolve having had its two several readings and the Committee on Bills in the Third Reading having reported no further verbal amendments necessary, is it now the pleasure of the House that this Resolve shall be passed to be engrossed?

The motion prevailed and the Resolve was passed to be engrossed as amended and sent to the Senate.

The gentleman from Fryeburg, Mr. LaCasse, was granted unanimous consent to address the House.

Mr. LaCASCE: Mr. Speaker, I don't know whether it is in order or not, but I would like to compliment the gentleman from Bath, Mr. Ross, on his speech. I think it has certain value from an educational point of view, not political. And I would like to move that we have 1500 copies printed so that we can send them home to our schools. Now, I don't have any idea of whether that motion is in order or not.

The SPEAKER: The proper procedure would be for the gentleman to have prepared an order to that effect and submit it to the House for a vote.

Passed to Be Enacted Emergency Measure

An Act Prohibiting Certain Implements and Devices in Certain Waters in Washington County (H. P. 769) (L. D. 1102)

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 division was had. 133 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act relating to Crab Fishing (S. P. 357) (L. D. 963)

An Act relating to Definition of Fiduciary under Law Appointing Nominees by Banking Institutions (S. P. 372) (L. D. 995)

An Act relating to Unclaimed Bodies (S. P. 450) (L. D. 1265)

An Act relating to Taking of Shellfish in Yarmouth and North Yarmouth (H. P. 485) (L. D. 675)

An Act relating to Digging Clams in Kennebunkport, York County (H. P. 513) (L. D. 723)

An Act relating to the Taking and Sale of Clams in the Town of Rockport (H. P. 551) (L. D. 778)

An Act relating to Digging of Clams, Quahogs and Mussels in Town of Yarmouth, Cumberland County (H. P. 571) (L. D. 881)

An Act relating to Penalty for Violation of Interstate Transportation of Shellfish (H. P. 791) (L. D. 1124)

An Act relating to Wholesale Sea Food Dealer's and Processor's License (H. P. 792) (L. D. 1125)

An Act Regulating Fishing for Tuna (H. P. 839) (L. D. 1193)

An Act Increasing Salaries of Judge and Recorder of the Yorkshire Municipal Court (H. P. 862) (L. D. 1225)

An Act relating to Sale of Lobster Meat Received from Outside the State (H. P. 909) (L. D. 1298)

An Act Regulating Taking of Alewives in Town of Mount Desert (H. P. 1060) (L. D. 1515)

An Act relating to the Operation of Bicycles (H. P. 1062) (L. D. 1517)