

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

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OF THE

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marks of my good friend the gentleman from Chelsea, Mr. Allen. I think he is a little farfetched, bringing in airplanes and trucks. I don't know of any place in the United States or Canada that that is in effect. It may be somewhere. Of course Maine is far behind in many things, but there isn't a port, a deep water port in the United States or Canada that doesn't have pilotage, and I can't see why we should hold this port back in the hundred year class of a hundred years ago; that is about what my friend the gentleman from Bucksport, Mr. Pierce, showed a big book here, he didn't read much out of it but it was pretty old literature I would say, and this State today is on the move to surge forward. Progress is what we are preaching. We are talking it every day and we are raising money to promote it. I think certainly we should progress with the rest of the country. I hope the motion does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Call.

Mr. CALL: Mr. Speaker and Ladies and Gentlemen of the House: As to the remarks of the gentleman from Belfast, Mr. Rollins, yesterday, I wish the House to bear in mind the statement that he made: "They were very glad to get these pilots during the nasty weather, and I now move the previous question.

The SPEAKER: The gentleman from Cumberland, Mr. Call, has moved the previous question. In order for the Chair to entertain this motion the Chair must have the approval of one-third of the House. Will those who approve the motion for the previous question please rise and remain standing until the monitors have made and returned the count.

Obviously one-third having expressed their approval of the motion, the question now before the House is, shall the main question be put now. That motion is debatable with a time limit of five minutes on each speaker. Will those who favor the main question being put now please say aye, those opposed, no.

A viva voce vote being taken the motion prevailed.

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. Allen.

Mr. ALLEN: Mr. Speaker, I request a division.

The SPEAKER: The question before the House is the motion of the gentleman from Chelsea, Mr. Allen, that Bill "An Act to Create a Board of Pilot Commissioners for the Penobscot Bay", House Paper 1059, Legislative Document 1514, and all accompanying papers be indefinitely postponed. A division has been requested. Will those who favor the indefinite postponement please rise and remain standing until the monitors have made and returned the count.

A division of the House was had. Seventy-two having voted in the affirmative and fifty-three having voted in the negative, the motion prevailed, the Bill with accompanying papers was indefinitely postponed and sent up for concurrence.

The SPEAKER: At this time the Chair would like to recognize the presence in the gallery of the House of thirty-three seventh and eighth grade students from Boothbay Grammar School accompanied by Mr. Floyd Phinney their Principal, and by Mrs. Helen Gaw, Mrs. James Stevens and Mrs. Giles. On behalf of the House the Chair extends to you ladies and gentlemen a most hearty welcome and we hope you will enjoy and profit by your visit here today. (Applause)

#### **Passed to Be Enacted Emergency Measure**

An Act Amending the Rules of Descent (S. P. 551) (L. D. 1540)

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. 124 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.

#### **Finally Passed Constitutional Amendment**

Resolve Proposing an Amendment to the Constitution Changing the Tenure of Office of the Gov-

error to Four-Year Terms (H. P. 157) (L. D. 204)

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

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen: Lord Chesterfield once observed, "A politician you suggest should drive the nail that goes the best". My continued and determined support of this measure certainly proves that I am not a politician,—by no stretch of the imagination could you say that this poor old nail is going very easily. I have mentioned time and again that I do not consider myself a politician. I am just an average fellow interested in government and anything pertaining thereto. I can be outmaneuvered easily on any technical, political aspects, such as my inability to get a true roll call vote when this subject first came up. Coming so suddenly, my first thought was that this was not very good sportsmanship, but of course I soon realized that I was mistaken. A tactical retreat has won many an honorable victory. I hope such is not the case today, but in any event the whole procedure was educational for me and for this added knowledge I honestly want to thank my opponents.

May I repeat—this is not a Democratic measure. If it must be labeled as either, its history alone will show it to be Republican, but there are some of my opponents who claim that I am not a true Republican. If they mean that I am not a hidebound, ultra conservative person who is unwilling to favor progressive governmental changes for fear of upsetting political traditions, then they are right. Nevertheless, I find it difficult to believe that the majority of the people measure party loyalty because of a difference of opinion.

It has been said that this is not good government. I know that statistics don't mean much, but twenty-nine States have a four year gubernatorial term. I realize fully well and agree that just because others do something is no reason that we should follow. This only proves one point,—the majority of

our country does feel that it is good government.

When the Constitution of the United States was being drafted, Alexander Hamilton remarked relative to the consideration of a two year term for President, "The most to be expected from the generality of men in such a situation is the negative merit of not doing harm instead of the positive merit of doing good".

It has been mentioned that this would present the opportunity of building up a tremendous political machine. Personally, I cannot imagine such a thing in the State of Maine. When we think of these, we think of Pendergast, Hague or Curley. We think of paid workers, political favors, graft and corruption. Of necessity you must have large, thickly settled metropolitan areas where thousands of people, either through ignorance or coercion, are willing to vote as directed by ward leaders. The people of Maine just don't fit into this pattern. There is a difference between a machine and a person who has won the confidence of the people as evidenced by outstanding and increasing support at the polls.

Two points have been raised about referendum questions in general. The first is that the people aren't interested and that the floors of voting places are littered with uncast ballots. If we look at five examples of typical recent constitutional questions, we can easily understand the reason for this. 1. Clarifying voting by persons in Military Service. 2. Clarifying provisions in reference to State's borrowing power. 3. Exempting rental agreements with the Maine Schoolbuilding Authority from limitations on municipal indebtedness. 4. Extending pardon powers of the Governor and Council to offenses of juvenile delinquency. 5. To make temporarily inoperative any measure adopted by the people which fails to provide revenue for its service. Why should the people be interested in such questions? Of necessity, if changes are desired, they must be submitted to the people, but surely they are not the type of questions to fire the imagination. The second point has been made that the people will vote for anything, if the Legislature authorizes

its inclusion on the ballot. Let's look back at four recent examples of this. The following questions were turned down. 1. Voting machines in 1933. 2. The Veterans' Bonus in 1945. 3. Liberalizing municipal indebtedness in 1951. 4. Authority for a new office building in 1951. Over the years twenty-two suggested constitutional referendum questions have been rejected.

My final rebuttal point concerns getting out the vote. Some feel that to insure better representation in this House and Senate it is necessary to have a gubernatorial aspirant at the head of the ticket. Of course the vote will be larger in most places, but is that good or bad from the standpoint of State government? I am a firm believer that everyone should vote as a privilege and duty, but I am not convinced that a large vote alone assures the best Legislators. Those of us who go into politics at any level assume the obligation of a certain amount of campaigning, if we are truly interested in achieving success. If there are places where this is not necessary, the candidates are most fortunate. But if this exists only because someone else is doing the work, then that is hardly fair. Most of us would hate to feel that we are here only because of another person's diligence and ability.

So much for specific points. Although I may be criticized, since this is a bi-partisan assembly, I would like to make a few, brief partisan remarks. We are sent here to represent the people. In so doing, we should legislate according to our conscience and not any political faith. I am a representative first and a Republican second. If this were not a sound piece of legislation in my mind, I would not back it no matter what the political advantages might be. For instance, although I support this constitutional change wholeheartedly, I voted against a referendum to abolish the Council, since the ramifications would be too difficult to be generally understood. Even though the people would like to vote on that question, it would not be fair to them to vote on something without knowing what the consequences might be. But here is a subject which is certainly simple and straightforward.

At this point, let me dwell for a moment on my second duty as a Legislator, being a Republican. If, in our conscience, what we do is for the over-all good, then we are justified in considering the political implications. I am proud to be a Republican and, equally as well as any of my Republican colleagues, I would like to see our Party flourish.

It has been said that some of our recent losses are due to poor publicity. I have never been a newspaper man and I am certainly not a public relations expert, but how can we expect to have good publicity if we continue to do things contrary to the desires of the general voting public? Perhaps remarks such as this should be made relative to appropriations, taxation or highways. With these important matters still before us the subject under discussion today appears to be pica-yune. To the contrary, that is exactly why I mention it as a vehicle to improve Republican public relations.

In my opinion, this is a sound, logical, progressive step towards better government. It has definite widespread public interest and involves neither taxing the people nor spending their money. It cannot pass this Legislature without Republican support. By so doing, we would demonstrate that we are not stubborn obstructionists. Of course, I could not guarantee that this would automatically give us excellent publicity with added support at the polls. But I am convinced that, if we don't do it, we will receive constant and repeated statewide criticism and I ask Republican members of this Legislature whether you think we can stand much more of this.

As I mentioned in the beginning, I don't mind the slightest bit being outmaneuvered and I never take personal affront at being outvoted, but I hope the day never comes when people will say that I am outmoded.

Mr. Speaker, I move that this resolve be finally passed, and when the vote is taken I request it be taken by roll call.

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

Mr. CHILDS: Mr. Speaker, before I go into the merits of this particular constitutional amendment I hope for parliamentary expediency that no member here shall move for indefinite postponement as that would only complicate matters, and that we shall vote on passage only.

I think that today, we, as legislators and representatives of the people, are faced with a tremendous decision. That decision is not of the four year term for governor, or the change of election date—but a decision of much greater importance. It is the question that men and women have had to answer since time immemorial; the question being; should we render our decisions on our convictions or the convictions of those who may not respect our judgment and are in a position to impair us politically? These remarks are not aimed at the legislative proponents of these measures, as legislators, in my experience, have always held a respect for one another's judgment and convictions. This trait of having respect for the considered thinking of others is unquestionably one of the primary reasons this country has existed almost without conflict within itself. That we, who firmly and sincerely believe that certain constitutional changes are not in the best interests of good government, should be labeled as dead weight and ought to be thrown overboard in my opinion is a shameful example of disrespect for the judgment of others.

There are certain P. A. S. recommendations that I favor and those same recommendations are disfavored by others. If I were to make personal attacks on those whose thinking differs from mine, I would consider myself a very small man. An editorial in the Portland Press Herald not too long ago, in respect to a change in the Portland City Charter, stated that legislators should vote their convictions and if they felt a change in the city charter was not in the best interests of the people, they should vote against it, and even went so far as calling the referendum clause a gimick. My concept of the referendum clause on constitutional changes, I believe, is fairly much in line with all the

members of the Committee on Constitutional Amendments, and the proof of this is that no member of the Committee signed an Ought to Pass report on every constitutional change. Therefore, each member of the Committee, Republican and Democrat, must have voted his conviction; otherwise, all constitutional amendments would have come out with Ought to Pass reports. I say the members of the Committee were correct in their thinking, and this is obvious because of the way the Constitution was set up in regard to Amendments. The people have the final say—they are the ones who protect the Constitution. Not only is it necessary to convince 2-3 of the Legislature that the Constitution should be changed, but the final protectors of our Constitution, the people, must be convinced. If the framers of the Constitution had been of the opinion that the procedure should be otherwise, if they had believed that your convictions should be secondary, the constitution would not have required a 2-3 vote. A 1-3 vote or even less would have been the required amount.

The opponents of the four year term for governor and change of election date have been accused of G. O. P. Old Guard thinking. That is certainly an unfair statement, if the accusers know what the terminology "Old Guard" signifies. I, and other opponents of these two particular measures are on record as having been in favor of many pieces of progressive legislation. I personally have sponsored legislation to increase taxes in order that our people would have more and better services. I have attempted to merge commissions and change the make-up of commissions so our State would be run more efficiently. I am also a sponsor of one of the Constitutional Amendments. Therefore, I cannot consider myself and other opponents as Old Guard Lawmakers.

My opposition to a four year term for Governor has absolutely nothing to do with partisan politics. I am opposed to this measure as I firmly believe it is not in the best interests of the people of the State of Maine. I believe that the Chief Executive of this State should remain as close to the people as pos-

sible, and I know of no better way than for a Governor and his party to campaign every two years and get out among the people and either stand or fall on their record. Politics is the most essential part of a democratic government and campaigns and elections are the most important parts of politics. A governor who finds it necessary to go before the people only twice in eight years is in a position to build up a tremendously powerful political machine. He is practically in a position to name his successor. This is not a matter of theory but of practical politics. It has been proven over and over that long terms of office, whether on a local, State, or National level, have not been in the best interests of the people. The aforementioned are some of the reasons why I oppose this Constitutional Amendment. This is my conviction and the way I shall vote, as I do not consider a four year term for Governor progress, because I do not believe that progress is taking government away from the people.

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

Mr. ROWE: Mr. Speaker, and members of the House: In a very brief period of time, I would like with your indulgence to address myself to the Republican members of this legislative body, or to what is debatable to no one, in numbers the majority party of this house.

The remarks which I am about to make can in one sense said to be a disservice to my party. For why should I be concerned with your thinking and your judgments over legislative matters now pending before us? I suppose I should be content if a portion of your group is determined to make some gross errors in matters of simple judgment . . . knowing full well that the mistakes that you make today, the harvest of which my party will reap in 1958. This will most assuredly be done. When the jurors of the State of Maine bring your stewardship to account, you can be certain that they will be more exacting than they were in those years of '54 and '56. The 30 and odd members of

your party who are no longer with us is a testimony to that fact.

However, both my party and I . . . and most important the people of our state . . . are deeply and seriously concerned with the judgments you will make on the constitutional changes now before us. Whether your prestige increases as a result of desirable and correct judgments is unimportant to us. There is more than an election to be won in '58. What is important to the members of both your party and my party, and particularly to the people of the state, is the selection, the molding and finally the passage of the best kind of legislation.

The items at hand are the several proposed constitutional amendments and particularly the proposed change from a two to a four year term for the office of governor. Therefore, although these remarks can be applied to a wider area, let us proceed to the matter at hand . . . the four year term of governor.

For several months now, indeed for several years, thru the many media of communication the spokesmen of your party on the three levels, local, state and federal, have exhorted and urged that your party must assume a "new and forward look." In this expression of the "new and forward look" the phrases "dynamic conservatism," "progressivism," and others have been coined. These phrases are, however, meaningless shadows if your party does not give them tangible form. Frankly, the private citizens of our state are confused, and I must say that I share in their bafflement. Up until this time your party or at least a significant number of its legislators have showed either a hostility or indifference to government reorganization . . . one item alone being the four year term for governor. How then is this attitude of indifference and hostility to be reconciled with the "new forward look" which your party has pledged to the people of this state?

I would say too . . . that you should recognize this hostility and indifference for what it is. It is time that we unmask this albatross which hitherto has poised as the anchor holding the good ship of state within the calm waters of the

harbor. The land must someday in-undate itself, and then, too late, the ship of state will be left floundering upon the unsuspected reefs.

Generally too, underlying this hostility and indifference to government reorganization is a group whose philosophy of government is both strange and disturbing. They conceive of government as a completely necessary but evil tool ordering the affairs of the community. Strangely enough, this is not merely an incidental but an essential premise upon which the Union of the Soviet Socialist Republics is based.

There are the people too who wail about the bigness of federal government, while at the same time they would sabotage any attempt to strengthen our state government. The consequence is obvious to any thinking individual. A weak and inept state government by virtue of its impotency alone is a constant and encouraging invitation for federal intervention. President Eisenhower himself has defined this relationship time and time again. For example, witness the problem in the South. It is then dishonesty or mental weakness to complain about the bigness of federal government while at the same time employing any and sundry means to prevent the construction of a more efficient government at the state level.

Finally, a word about the individual and the community. There are those who have fought government reorganization because they have been seriously and honestly concerned with the newly acquired status of the individual consequent of the reorganization. Simply put, they have sincerely asked the question. . . will the individual be equally, less or more free than he was prior to reorganization. But they too have often confused the issue at hand, since they begin with the premise that an efficient government means less freedom. I would propose for your consideration that the converse is true. . . the more efficient a government the greater the share of freedom for the individual. The Nazi governments of the '30's and the '40's, and the Communist governments behind the iron and the bamboo curtains today are clear and lucid examples of grossly inefficient governments with their con-

sequent and inevitable repression of the individual.

As a last word, and this is most important. . . there are but two of the several constitutional changes before us proposing areas of reorganization which can be seriously questioned as lacking statewide support. We know this to be true. In such a situation the constitution provides the legislative bodies with the means of referring these changes to the people to ascertain in fact. . . are these your wishes? For some months now there has been reasonable evidence for us to believe that these changes are desired by the citizens of our state. Our duty then, it would seem to me, is simple and clear. . . the four year term for governor and other changes which in your opinion are receiving statewide support must be sent to the people in the form of referendums. A vote against any one of these proposed referendums at this point connotes a basic distrust of the voting citizen; a vote against any one of these referendums spells out a fear of the voting citizens' good judgment; finally a refusal to refer these changes to the people manifests a basic suspicion of our democratic processes. Let us make no mistake about this. There is reasonable evidence that the people of our state are asking to consider these changes because in their good judgment they spell better and more efficient government.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker and Members of the House: I believe in progress if the people substantiate it by their vote. I, like my good friend and able freshman legislator, Mr. Rowe, the gentleman from Madawaska, even if I cannot win a bill to advance our State on the road to progress, am not averse to supporting one of my colleagues in his efforts. I can see no danger in allowing our voters, the citizens of Maine, to vote on this issue of the Four Year Term for Governor. I hope that the motion prevails. Let the Republicans get credit for some progressive thinking.



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

Mr. FROST: Mr. Speaker and Members of the House: It is my opinion we should pass this constitutional change. The people of Maine cannot vote on a negative vote. They must have a positive vote to vote on. Also, in living with these legislators I have discovered in talking to them that if you talk to a Republican who is opposed to these changes he says it is a Democrat measure. If you talk to a Democrat who is opposed to it he says it is a Republican measure. I don't think it is either. I think it is a measure for progress and one that should be offered to the people. I can't make a real address like some of these other fellows because I was milking cows when they were going to school. I do say, however, that we must make these changes or at least offer them to the people. I thank you.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Browne.

Mr. BROWNE: Mr. Speaker and Members of the House: In discussing any question, I have always found it advisable to attempt first of all to define the problem or problems involved and once those have been defined to attempt in so far as possible to come up with some solutions and then from these solutions to select those which are the most worthwhile. Thus far the problem has not been discussed by the proponents with reference to this measure. It has been more or less assumed that all parties involved have preconceived notions, preconceived ideas and definite positions which have already been adopted and from which no one wishes to move and therefore, the discussion thus far has been with reference to the emotional angle which surrounds this problem, together with political expediency. To me these are fringe matters and should be treated as such. The problem involved herein is a basic question of the philosophy of government. One philosophy would have a powerful chief executive. A chief executive in whom there was a concentration of power. The other would limit that office and

would have some control over that official. That is the problem. Now what do the proponents offer as reasons for supporting this particular measure? First of all, progress. Secondly, it is easier for the governor to campaign. Thirdly, the two-year term has outgrown its usefulness, and fourthly, the people should have a right to speak. Now, here are some of the arguments offered by the proponents to bolster the reasons they have given for this change. First of all they have stated on the house floor, or in the papers or in the corridors that the opponents of these measures are obstructionists. Secondly the opponents, together with any party they may be affiliated with are doomed to political extinction.

In spite of the fact that this and other measures have been introduced by the Republicans and Democrats alike, it has become labeled a party issue, the Democrats having been labeled as the party which has been traditionally active in sponsoring these measures, and the Republicans have been labeled as the party of opposition. This can be substantiated undoubtedly by pointing to the records in which it will show that at the time the vote was taken in any past legislatures in which these matters were considered the Democrats voted in favor where the Republicans, or the majority of them, voted in opposition. I say to you, Ladies and Gentlemen, that the minority party has been in a position to indulge in acts of political expediency without responsibility knowing that the measures would undoubtedly not receive passage, and I suspect that many of them hoped that this would be true. This privilege has not been one which the Republicans could enjoy. Certainly if the support these measures have received this session by the proponents is any indication of the support they have offered in past sessions—one might very well doubt their sincerity of motive or purpose and it is no wonder to me that these measures have failed of passage.

And because of this situation, democratic political thermometer runs high, so they say, because it

looks well when they can rise as a body on these measures which have been clouded by emotion to shout that they have been championing them for years. And yet only a few short weeks ago when these measures were being heard before the Constitutional Amendments Committee, the minority floor leader was pleading with his members for some support. Of course, it poses some hardship upon the Governor or a candidate to that office to campaign, but I do not think that that alone justifies the changing from the two-year term to the four-year term for Governor. Throughout the incumbent's term in office he is campaigning all the time if he is interested in re-election or in any other office. To be sure it is different in getting around the state participating in various functions and speaking on various occasions throughout his term then it would be in conducting a campaign. However, it can be done much more leisurely. Subject matters may be discussed and put across at these times which might be difficult to do in a campaign because in a campaign your opponents and the public in general are looking for things to attack or support; and one would have a divided audience, either with you or against you and very much so. However, in one's leisurely speaking engagements or participations throughout his term of office he occupies a more favorable position with audiences generally in their thinking, understanding and the attention he receives. In some states the arguments for a four-year term versus a two-year term with its related campaign problems could be much more acute and much more important than it is here in the State of Maine.

Now what about the statement that a four-year term for Governor spells progress. I am at a loss to interpret this in that light. I cannot see how the four year term can be labeled as progressive legislation and voted either for or against on that basis. To me it is completely illogical. I have already stated that I am aware of the fact that there are problems in campaigning. I am also aware that when one is forced to campaign, it takes some of his attention from his administrative

duties. At the same time, however, and on the other side of the ledger, when the Governor or any candidate is around through the state discussing issues he is acquainting himself more fully and more completely with these problems and these issues and I dare say that on many occasions a candidate has changed his position and justifiably so on some of the matters which subsequently came to his attention on the basis of his being forced to be around the State to become acquainted with the issues sometimes in their minute details. Now to me this is not bad, this keeps your government close to your people. Your government is more responsible and responsive to the people. The general public feels close to it, takes more interest in it. Some of our proponents have argued that in the beginning our governors were elected for a one-year term. It was subsequently changed to a two-year term. It is now logical therefore, they argue that the term should be enlarged to four years. If this is true and if this is the reason, for the change, I dare say that we should probably discuss not the four-year term but a six or eight year term at this time. There has always been conflicts throughout the history of the development of our government between those who would have powerful states or powerful local units versus those who would centralize the power or control in the federal government. There have been conflicts on methods and manners of representation such as area representation or representation by population. Here in Maine at this time we are concerned with the issue of whether or not we wish a concentration of power in our chief executive or whether we wish limited powers, and I do not think that it is logical or reasonable to cloud this issue with emotions and with such slogans as old guards, progressive legislation or obstructionists; the issue is a basic one, and it involves more than the one measure under consideration at this time.

The Constitutional Amendment committee heard some eight, nine or ten proposed changes to the constitution. Some of these were very broad and some bore a very close

relationship to others and the decision with reference to them should be considered in the light of such relationship. I am thinking of abolition of the council, annual sessions, and four-year term for senators, for example.

There are some amongst this body who would throw all of these to the people at one time, without regard to the possibility that some might pass and other related matters might not; without concern for whether or not they would even be understood. I ask you is this responsible behavior? If we were to do this we should well be criticized for doing an injustice to the people.

For once the emotional element is subtracted there remains the effect, the adjustments which must be made, and all the other ramifications which must be considered if the proposed changes were made and these matters must be considered long in advance of putting the question to the general public.

Now where was all the support from the grass roots so to speak for these measures? I never attended such quiet and uneventful hearings. Even the sponsors themselves offered only token support. One might get the idea that the sponsors were motivated by publicity rather than sound discretion.

If I had held myself out as a champion of these measures for years past I would have prepared myself for the hearing to the extent that I could discuss the issues involved, their ramification, and I would have been prepared to discuss the solutions as well. I would not have spread my support over all the amendments submitted with a blanket endorsement and offer only token support. Especially in face of the apparent lack of any particular public demand for these changes. Now if one argues, as I have heard it stated, that the general public could not have been expected to come before the Committee and discuss these technical issues it only bolsters my position when I say that we would be doing an injustice in now dumping these matters in to the laps of the general public. Any one who can endorse these measures right down the line for reference to the people

demonstrates a lack of maturity and understanding.

Some of the members have been criticized for saying that they were sent down here to vote on these issues and to use their discretion in these matters and therefore, were not hasty to send these to the people at this time. This position was criticized in the papers to the effect it was avoiding the problem. I take issue with this and for the following reason, I firmly believe this House is about as close to the electorate as any group could be on the state level. Many came from small communities where I presume you know a good percentage of your constituents. The cities send down from three to seven members. If there was a big move or unrest within the state for these measures, I certainly would have heard about it. I have been lobbied on about any issue one could mention which is before this legislature, but not once has anyone mentioned these constitutional amendments.

When the people are interested they start talking. When they start talking we hear about it and when we hear about it we respond, and until that time I don't think we can be honestly criticized for using our own best judgment.

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

Mr. DUDLEY: Mr. Speaker and Members of the House; I don't think it is hardly fair for this House to label this a party measure, Democrat or Republican; but I do think I am fair in saying this measure might have passed several years ago if it had not been for so many Republican members in the House. I'd like to look at this measure the same as a business man would who has run a business several years, and I'd like to point out how I view it, as such. I say when the people of Maine go to the polls and elect a Governor it is the same as it is when one hires a man to do a job for a certain number of years. After he has been on the job one year he finds it necessary to roam the roads to campaign. I feel as though we have hired him to do the work, and he must neglect his work to a certain extent in order to get out and campaign for another term. He

also may find it is necessary to make appointments that he otherwise would not make. I'd like to see the measure sent to the people. As I have said before in this House, I believe the people of the State of Maine are intelligent people and they don't mind voting on an issue of this nature. I think I have mentioned here before that most of us in this House thought that their decision of last September was satisfactory and I am sure we will feel their decision on this measure will be very satisfactory. Thank you.

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

Mr. COUTURE: Mr. Speaker, Ladies and Gentlemen of the 98th Legislature. I arise this morning in support of our very able floor leader and also my very good friend from Bath, Mr. Ross. I feel that I would be derelict in my duty to my constituents back home and to all the citizens of Maine if I did not say a few words in favor of this resolve.

We as legislators are not changing the tenure of office for Governor; we are merely sending it on to our people back home, the same people who made it possible for us to be up here today. They had faith in us and I feel that they proved their intelligence. Just looking around this House of Representatives proves conclusively that our people back home are intelligent and can be trusted to do what is right.

Ladies and gentlemen, it appears to me that this legislature does not want to please our people back home. We refused to take any forward steps in our pollution problem. We refused and ignored the pleas of our milk consumers, when we did not go along with the recommendation of the Milk Research Committee and pass L. D. 416. I am beginning to wonder if the only thing we are going to be remembered for is the increase of the sales tax, 24 millions of dollars in bond issues and an increase in registration and license fees.

I don't think that there is any doubt in anyone's mind how I feel about all the proposed changes in our Constitution. I feel that these questions are so vital to the people that they should go back to them. It is their Constitution and if they so desire

to amend it they should not be denied that privilege, and the passage of this measure is the only way we can grant them this privilege.

In closing, I would like to say that we are indebted to our people for the trust they have placed in us and I feel that by sending these questions back to them it would be a down payment on our long overdue trust in their intelligence. For these reasons I beg the passage of this measure. Thank you very much.

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

Mr. QUINN: Mr. Speaker, first I want to compliment and congratulate our eloquent and able Republican Assistant Floor Leader for the very eloquent address he gave in presenting his case. I regret very much, however, that I am not thinking the same way he is thinking and I can not go along with him in his crusade. I have no prepared speech to make. I have some very definite reasons why I have made my determination as I have, and I will merely refer to those reasons.

It has been said that if the Governor was given four years he would be a better Governor because he could give more of his time to the duties of his office and he would not have to worry about reelection every two years. Now, I don't think that is so. I believe if a man runs for Governor in the first instance and is elected Governor of this great State of ours, that he has the obligation to perform the duties of that office in his best efforts, to give all he can to performing the duties of that office as they are outlined in our statutes, and if he does, and he does a good job, come two years and there is no question but the electorate will send him back for another two years. His only worry is that he do a good job.

Now, I feel by going before the voters every two years he is doing nothing more than other office holders such as our congressmen, the members of the House and Senate themselves have to run every two years and many of our county officers have to run every two years, and I feel in this day and age when a great effort is being made to get out a large and representative vote,

it is necessary to have a ticket that the voters will be interested in. If the Governor was not on the ticket every two years that I believe would have a great effect on the size of the vote rendered in the different precincts. I believe he will have a larger vote if he is elected every two years. I also feel that if he is a good Governor and is reelected to a second term there is no reason why he could not be reelected to a third term if the people of the State of Maine feel he is the man they would like to have administer the functions of that office for another term. Now, our constituents sent us here to exercise our best judgment. I like to think that is the reason I am down here. I know I am not here because of any popularity contest.

Now, a short while ago I had occasion to meet with some of the citizens who sent me here from my own city of Bangor, on other matters pertaining to legislation that they were interested in, and I was a little disturbed about the proposition of whether or not they expected me here to exercise my best judgment on all the facts as I have learned them by my contact with State government or whether they expected me to vote for these constitutional amendments merely to have them come back and have the people vote in referendum on them. And to a man, the people in that group said, "We elected you to go down there and learn the facts and exercise your judgment in each instance. We do not care to have them referred back to us." Now, that being their feeling, if we should vote merely to send them back to the people, we are saying to the people that we are in favor of them, that it is our best judgment that the term should be changed. Now, I say we don't want to do that. We want to exercise our best judgment here today in line with what that determination is, and not vote in favor of any of these amendments merely to return them for popular vote.

Now, we have been here, some of us for our first term and some others of us have been here many terms, and because of our association here in the House and with the activities in the Senate, activities

in the Governor's office, in the Council, and in the State departments, we have learned much about State affairs. We have learned much about the functions and duties of the office of Governor and are better informed to make a decision than the electorate would be, many of whom have never even visited the Capitol.

It is significant to me and perhaps some of you have had the same experience that not one of my constituents at any time during this term, not one of them have approached me and asked me to vote for a four year term for Governor. That is the interest there is in the four year term for Governor. I dare say that there are many of you who have had the same experience. Apparently there is no great clamor for this reform. Apparently there is satisfaction that the two year term is the proper and efficient way of electing the Governor of this State. The only time I could get any reaction was when I broached the subject myself and sometimes the person I spoke with would immediately say, "Oh, the four year term, by all means." Then we would exchange thoughts on it and analyze the situation and invariably when we had completed doing that they would say, "Leave it as it is. It is all right."

Now, gentlemen, that is the reason for my stand in voting nay when the yeas and nays are called, and I hope those who think the same way will do likewise.

**THE SPEAKER:** The Chair recognizes the gentleman from Bingham, Mr. Shaw.

**MR. SHAW:** Briefly, Mr. Speaker, and Ladies and Gentlemen of the House; during the past week at a meeting held in my home town the question of a four-year term for Governor was placed before the meeting for the purpose of determining their sentiments. Those who asserted themselves at that meeting were opposed to the four-year term for Governor. When the question of whether or not the issue should be referred to the electorate was placed before them some of the first hands to show were those who were opposed to the four year term. Now, the response of that group was unan-

imous in favor of the referendum. If the four year term for Governor does become a referendum issue my present sentiments would compel me to vote against the four year term for Governor. Today when the yeas and nays are called I will say "Yea" because I feel definitely this issue should be referred to the electorate.

The SPEAKER: The Chair recognizes the gentleman from Buxton, Mr. Bruce.

Mr. BRUCE: Mr. Speaker, Ladies and Gentlemen: A week ago last Friday I heard one of the most eloquent speeches that I have heard on the floor of this House. I had been up to the time opposed to the four year term for Governor and other constitutional questions, but I thought perhaps I might be wrong. The following day we had a special election in one of the towns I represent and I made it a point to ask each person with whom I came in contact their opinion on the question. It was the most amazing result. I almost hesitate to say it, but not one single person was in favor of the four year term for Governor. In the first place, there was no interest in it at all, and when I asked the question they were opposed to it. I will not attempt to go into the merits of the case because it has been so adequately discussed by the gentleman from Bangor, Mr. Browne, and the gentleman from Bangor, Mr. Quinn, and others. I have been thinking over the weekend that perhaps my community being a country town and somewhat isolated, was not in step with the rest of the State, and I have been so in the habit of neglecting my business the last 20 weeks it didn't bother me too much to get on the telephone Monday morning and afternoon and I telephoned a great many people in the City of Portland in all walks of life and discovered that the question had been propounded at one of the important political clubs in Portland and it was voted down by an overwhelming majority. Then I said, "Perhaps Portland or the people I am in contact with are not the right ones" and I got on the long distance telephone and I did call a gentleman in a town close to the town of Bath and he has con-

nections there, and he was in favor of the four year term for Governor and the other Constitutional changes. The gentleman from Bath has apparently heard about the call. I also called a newspaper editor who has been advocating the change very forcefully in his publication and his editorial has been perhaps mentioned this morning. It is dangerous to quote anyone but I will make this statement, that he said there was no public clamor for a four year term and with his editorials he had been unable to arouse any interest in it. If I have misquoted him he has the power of the press to answer me. Last Sunday afternoon I had the privilege of appearing on the League of Women Voters news conference on Channel 8 and the interviewers gave me a hard time on the constitutional questions. They thought the electorate should decide the issue. So I faced the camera and I said, "If anyone listening to this program, or those of you who are listening to this program will write me care of the State House in Augusta, if enough of you write me I will change my opinion, and change my vote." Ladies and gentlemen of the House, I received two letters. Thank you very much.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Emmons.

Mr. EMMONS: Mr. Speaker, on the matter of the constitutional amendments, I favor some and do not favor others. I am not particularly moved by the arguments of my friend, the gentleman from Madawaska, Mr. Rowe and I disagree with some of the premises on which his arguments are based, but I agree with him that this particular question should be sent to the people. Our government is getting more and more complex. Our administrative problems are getting more complex. Many of our problems are integrated with federal policies and problems. In the whole administrative area the matter of governorship and his duties are much more complex than they were thirty or forty or fifty years ago. Now, if we are having changes the way they can be done is by sending them to the people. I have a good deal of confidence in the people, especially if they are conversant with all the

facts. This is one amendment, at least, the matter of a four year term for Governor, in which all the people have sufficient facts and general knowledge of our present problems to express a definite opinion. In many town meetings I have found that where I may oppose some of the matters after they were thoroughly discussed and a majority have voted on the side I did not represent, I have found in most instances that they were right and I was wrong. I differ with my friend, the gentleman from Bangor, Mr. Quinn, that by sending this to the people we have placed our stamp of approval on it. I don't think that is at all so. I think we are simply saying to the people, "Here is a possible change. Here is a change that perhaps should be made, and we have confidence in you to know the facts." In this instance they should have all the facts to be able to express a good judgment based on those facts. If we also have the confidence that many of our representatives here have expressed there is nothing to prevent each and every one of us at the time of the referendum from going out and working either for or against it, and if we are against this four year term for Governor and if we have the confidence of the people they will respect our judgment.

The SPEAKER: The Chair will interrupt the debate long enough to request the Sergeant-at-Arms to escort to the rostrum the gentleman from Portland, Mr. Fuller, to serve as Speaker pro tem.

Thereupon, Mr. Fuller assumed the Chair as Speaker pro tem amid the applause of the House and Speaker Edgar retired from the Hall.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. Totman.

Mr. TOTMAN: Mr. Speaker and Members of the House: I hope there is one thing I do not do and that is to repeat any comments or arguments that have been made to date because you have certainly been patient and attentive in listening to some of the fine speeches that I think have highlighted the fact that you are first asked to make up your own minds, and sec-

only, you are being asked to allow the people to make up their minds. I would like to bring out one or two points in support of the present question which I do not think have been mentioned to date. One of the first and most important to me is the fact that in our own Party Convention last year a very serious request was made that a Constitutional Convention be held, and if I recall correctly, we of that party answered that request by saying, "We will take up these issues in the legislature and we will attempt to prove that we have an open mind and will allow those measures we feel worthy of consideration to go to the people". I am frankly a little bit skeptical of what the reaction will be amongst my own party members, and particularly the State Committee, who have on two separate occasions endorsed allowing this measure as one of three to go to the people, what will happen if we ignore their endorsement and ignore the request of the Party for a Constitutional Convention? Again I agree with the gentleman from Bangor, Mr. Quinn. You individually have got to be convinced that this measure has merit. On the other hand, I do agree with the gentleman from Bingham, Mr. Shaw, that perhaps it is very worth while to also allow the people to vote on these measures.

I'd like to make one final point briefly. If there is precedence in this legislature for allowing people to vote on issues you have to look no further than your own Legal Affairs Committee, who I think, after being here four terms, have consistently taken the position that if local issues such as water districts, sewerage districts, parking districts, et cetera, are in order legally, and reasonably intelligent, it is only fair to allow the people to vote on the issues as they wish. To me the failure of the people that you have heard here today to demand a four year term is very understandable. I have never heard any clamor from people for annual sessions. I have never heard any clamor from the people to change what in my estimation is a poor system of forcing legislators to take turns in their district. I think one of the

most unfortunate situations in this legislature, is to see some very able hardly get broken in, so to speak, and they have to step aside because they have this antiquated rule of automatically stepping aside for someone in another town. There are internal administrative improvements that this legislature could make which the people know little about or care about. We could improve this legislature, and I feel the same way about removing the burden from the Governor of campaigning every two years.

I certainly hope that when you vote you will vote with two points in mind. First, are you for it individually; and secondly, whether as a result of party clamor for a Constitutional convention and the endorsement of your State Committee you feel that these measures could be allowed to be referred to the people.

The SPEAKER pro tem: The Chair would like at this time to take the opportunity to announce the presence in the gallery of the House of the sixty-six eighth grade students from Cathedral Junior High School in Portland, Maine under the guidance of Sister Mary Rose, Sister Mary Pierre, Sister Mary Olivia, Sister Mary Corona, and Sister Mary Helena. On behalf of the House we extend you a cordial and hearty welcome and we hope you may profit from your visit with us today. (Applause)

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Kittery, Mrs. Burnham.

Mrs. BURNHAM: Mr. Speaker and Members of the House: I am not going to try to add anything to the discussion that we have just heard. It seems to me that every point has been covered. I would like to state my position in the matter. I am not in favor of a four year term for Governor but I shall vote to allow it to go to a referendum.

At this point Speaker Edgar returned to the rostrum.

SPEAKER EDGAR: The Chair wishes to thank the gentleman from South Portland, Mr. Fuller, for his excellent services.

Thereupon, the Sergeant-at-Arms conducted the Gentleman from South Portland, Mr. Fuller, to his seat on the Floor, amid the applause of the House, and Speaker Edgar resumed the Chair.

The SPEAKER: The question before the House is on the motion of the gentleman from Bath, Mr. Ross, that the House finally pass 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. This being a constitutional change it requires the approval of two thirds of the House. The gentleman from Bath has requested a roll call. Those desiring a roll call will please rise. Obviously more than one fifth have risen and the roll call is ordered.

Those who favor the final passage of the resolve will say "Yes" when their names are called and those who are opposed to final passage will say "No". The Clerk will call the roll.

#### Roll Call

YEA—Andrews, Babineau, Baird, Bartlett, Bean, Winterport; Beane, Augusta; Beyer, Brewer, Broderick, Burnham, Carey, Cole, Cormier, Cote, Couture, Bath; Couture, Lewiston; Coyne, Cyr, Davis, Westbrook; Denbow, Desmarais, Dostie, Dudley, Dumais, Duquette, Earles, Edwards, Elwell, Emmons, Ervin, Farmer, Frost, Gallant, Hancock, Hanscomb, Hanson, Harriman, Harrington, Harris, Hatch, Heald, Hendricks, Hendsbee, Hersey, Hickey, Higgins, Hilton, Jacques, Jalbert, Johnson, Jones, Karkos, Kelly, Kinch, Knapp, LaCase, Latno, Letourneau, Mann, Maynard, Miller, Morway, Nadeau, Needham, Pierce, Plante, Porell, Prue, Rancourt, Rankin, Rollins, Ross, Bath; Ross, Brownville; Rowe, Madawaska; Roy, Saunders, Shaw, Smith, Portland; Stanley, Stilphen, Storm, Tevanian, Thackeray, Totman, Vaughan, Wade, Walsh, Walter, Warren, Wheaton, Whiting, Winchenpaw, Speaker Edgar.

NAY—Allen, Anthoine, Besse, Blanchard, Bragdon, Brewster, Brockway, Brown, Ellsworth; Browne, Bangor; Bruce, Call, Car-



ter, Etna; Carter, Newport; Carville, Caswell, Childs, Christie, Crockett, Curtis, Davis, Calais; Day, Edgerly, Emerson, Emery, Flynn, Foss, Frazier, Fuller, Graves, Hatfield, H a t h a w a y, Haughn, Hughes, Hutchinson, Leathers, Libby, Lindsay, Mathieson, Maxwell, Morrill, Quinn, Rich, Roberts, Rowe, Limerick; Sanborn, Shepard, Smith, Falmouth; Tarbox, Turner, Walker, Webber, Williams, Wood.

ABSENT: Hoyt, Jack, Jewell, Lane, Violette.

Yes: 93. No: 53. Absent: 5.

The SPEAKER: Ninety-three having voted Yes and fifty-three having voted No, and five absentees, the motion does not prevail. The Chair must declare that the Amendment fails of passage and it will be sent to the Senate.

Mr. Ross of Bath was granted unanimous consent to address the House.

Mr. ROSS: Mr. Speaker, that was certainly a very close vote, I would say. I did not use the parliamentary procedure of changing my vote. I did not want to do that. The friends in the House who voted against me are Republicans with honest convictions and I certainly respect those convictions. Perhaps your convictions are right and mine are wrong. I know that this will have nothing to do with our continued friendship, and I certainly will continue to cooperate to the very best of my ability in all our future legislation. Thank you. (Applause)

The SPEAKER: The House will be at ease for ten minutes.

#### House at Ease

Called to order by the Speaker.

The SPEAKER: At this time the Chair would like to state that if any members who spoke previously on the matter just disposed of have got a written speech or any memoranda of any kind in writing, it would help the House Reporter who is laboring singlehanded and under great difficulties if you would give him your written words to be inserted in the record. The Chair is advised that if you wish them back you will get them back after he has entered them in the record.

The Chair would also request that when the House reconvenes this afternoon, that the attendance be as good as it was this morning. We have several more important issues coming up immediately on reconvening and in view of the excellent attendance this morning, we hope for the sake of those involved in these issues that the attendance will be here in good shape at one-thirty.

Thereupon, on motion of Mr. Leathers of Hermon,

Recessed until one-thirty o'clock in the afternoon.

#### After Recess

1:30 P.M.

The House was called to order by the Speaker.

On the disagreeing action of the two branches of the Legislature on

Bill "An Act relating to Injury to Monuments and Places of Burial" (H. P. 920) (L. D. 1310) the Speaker appointed the following Conferees on the part of the House:

Messrs. QUINN of Bangor  
FRAZIER of Lee  
SHAW of Bingham

On the disagreeing action of the two branches of the Legislature on

Bill "An Act relating to Hours of Selling Liquor" (H. P. 429) (L. D. 605) the Speaker appointed the following Conferees on the part of the House:

Mrs. CHRISTIE of Presque Isle  
Mr. CROCKETT of Freeport  
Mrs. HENDRICKS of Portland

THE SPEAKER: The House is proceeding under Enactors and the item before the House is item number three.

#### Constitutional Amendment

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

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: Much was said this morning during the course of debate concerning political parties, political make-ups of bills, and