

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One-Hundredth Legislature*

OF THE

STATE OF MAINE

1961

DAILY KENNEBEC JOURNAL  
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Questions on Sale of Liquor." House Paper 1075, Legislative Document 1483, was read twice, and the Bill assigned for third reading tomorrow.

The Chair laid before the House the fifth tabled and today assigned matter:

HOUSE DIVIDED REPORT—Majority Ought Not to Pass—Minority Ought to Pass—Committee on State Government—Resolve, Proposing an Amendment to the Constitution for Appointment of Secretary of State by the Governor with Consent of the Senate." (H. P. 637) (L. D. 854)

Tabled — March 10, by Mr. Fogg of Madison.

Pending — Acceptance of Either Report.

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

Mr. LOWERY: Mr. Speaker and Members of the House; I move that the Minority Report be accepted, and I wish to speak briefly on the subject.

The SPEAKER: The gentleman may proceed.

Mr. LOWERY: The legislation that I have introduced is not new. It has been introduced before in previous legislative sessions and has been the subject of many heated debates. It is legislation that has been strongly recommended in the past in the Public Administration Survey Report and also by the former Committee on State Government. As you know, the recommendation is an effort to strengthen the executive branch of government.

In reviewing all former debates on the subject, it is most difficult to find a single logical objection. Defeat of the issue in the past has been purely and simply on party lines. I do not believe that this should be the attitude of the members of this Legislature who are primarily interested in good government, and I believe that regardless of party, if we favor a strong executive branch of state government, we should consider this proposal on its merits.

I intend in my remarks to cast no reflections on the present holder of this office. I have great re-

spect for him. I consider him a real servant of the state and a truly dedicated public official. However, the point that we have to consider is that of executive responsibility. Under Article V of the Constitution of the State of Maine, it clearly states that the supreme executive power of the State shall be vested in the governor, yet we weaken that statement in the same Article when we delegate the choice of one of the most responsible positions, that of Secretary of State, to election by the Legislature. The Secretary of State should be the right hand of the Governor. Under the Constitution, it is the Secretary's duty to keep all records of the State; to attend the Governor, council and branches of the Legislature; to keep and preserve the records of all the official acts and proceedings of the Governor and Council, Senate and House of Representatives and, when so required, to lay the same before either branch of the Legislature.

A position of such responsibility, so closely allied to the office of the chief executive, should require that the selection and the responsibility for that selection, be made by the Governor.

If the Legislature should make a bad selection, as could conceivably happen under the present system of election, it would be impossible to hold it responsible for the action. There is not one individual at whom to point a finger of blame at. In other words, the Legislature cannot be held accountable by public opinion as a governor can.

One of the main objections to this resolve in the past has been that in making this appointment it would grant more power to the Governor and also that election by the Legislature takes the job out of politics. I ask you to draw your own conclusions as to the latter. As for granting more power to the Governor, this argument does not hold water. He is now empowered to appoint the high court judges, the Chief Justice and the Department heads. Certainly he should be empowered and be considered completely competent to make his own selection for Secretary of State.

Therefore, I ask acceptance of the Minority Report.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I rise in opposition to the motion of the gentleman from Brunswick, Mr. Lowery, and I will agree with him on one point, and that is the point of logic. I believe the arguments perhaps on both sides are purely logical; it all depends on what and to what political philosophy that one subscribes.

Now the strengthening of the executive is readily admitted by the gentleman from Brunswick, and I think that is the one thing that the philosophy of the majority party in the main opposes. I think that history has shown down through the years that when the legislature was stripped of its powers and the powers placed in the hands of the executive, the powers of the people in themselves had been weakened. Way back even in our Revolutionary days I think you will all recall that one of the things even in the Declaration of Independence was the opposition to the fact that the governors, the provincial governors had stripped the legislatures of their powers and had taken it upon themselves.

Another thing that this tends to do, it is a move of course actually toward abolishing the Governor's Council. Another thing that it does, and I think in itself, this is a most logical argument, and presents a very serious thing, and that is placing the powers of confirmation in one branch of the Legislature only. Heretofore and down through the years this Legislature has acted with a bilateral course. Both bodies in joint convention have always appointed these various people to offices. This would place in the hands of one body alone the right to confirm, and it is my feeling; I believe it was the feeling of the majority of the Committee, that this, in stripping one body of power and investing it solely in another, tends to divide the Legislature itself.

I think that I could go on quite at some length explaining other reasons why I believe this is not a good bill, but the hour is going on and the time is brief, and I do not wish to impose myself upon you. And I would certainly ask that the Minority Report does not prevail, and that when the vote is taken that it be taken by division.

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

Mr. LOWERY: Mr. Speaker, I would like at this time to say that any Constitution should be reviewed from time to time. What may have been a satisfactory arrangement in 1820 does not mean necessarily that it is acceptable in 1961. The need for strengthening the executive branch of state government has been recognized in other states as well as in Maine, and is being continuously advocated by both political parties.

Various Constitutional changes to that end are being sought in California, Georgia, Kansas, New York, North Carolina, Vermont and Wisconsin. Proposals for administrative reorganization are becoming much more numerous from the executive branches themselves. For example, in Colorado, the Governor is proposing by Constitutional amendment the creation of a Governor's cabinet. Connecticut, Oklahoma, South Dakota and Utah are all advocating changes in their Constitutions that would strengthen the executive branch. And that is in effect what we are trying to do with the introduction of this resolve.

In our two newest states, Alaska and Hawaii, whose Constitutions are considered near models, and were written for our times, it is significant to note that the office of Secretary of State is considered as a most vital part of the executive branch of government. In Alaska, the Governor and Secretary of State are elected on the same ticket, and the Secretary of State is next in line for succession. In Hawaii there is no office of Secretary of State, but the duties are being performed by the Lieutenant-Governor.

This is a Democratic measure we will admit. I still ask that the Minority Report be accepted.

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

Mr. DOSTIE: I move a roll call on this please.

The SPEAKER: A roll call has been requested. Is the House ready for the question? For the Chair to order a roll call, it must have an expression of a desire for a roll call by at least one-fifth of the members present. Will those who desire a roll call please rise and remain standing until the monitors have made and returned the count.

An insufficient number arose.

The SPEAKER: Obviously, less than one-fifth of the members present having arisen, a roll call is not ordered. A division has been requested. The question before the House is the motion of the gentleman from Brunswick, Mr. Lowery, that the House accept the Minority "Ought to pass" Report on Resolve, Proposing an Amendment to the Constitution for Appointment of Secretary of State by the Governor with Consent of the Senate, House Paper 637, Legislative Document 854. Will those in favor of accepting the Minority "Ought to pass" Report, please rise and remain standing until the monitors have made and returned their count.

A division of the House was had. Thirty-one having voted in the affirmative and one hundred having voted in the negative, the motion did not prevail.

Thereupon, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

Mr. Anderson of Greenville was granted unanimous consent to address the House briefly.

Mr. ANDERSON: Mr. Speaker and Members of the House: The hour is late, and my remarks will be very brief. You heard a description of the activities given by the gentleman from Freeport, Mr. Crockett, this morning. And in order to extend to the returning House members the courtesy that has been extended to them over the past years, I am now going to make

a request. I now ask unanimous consent that during the day tomorrow all former members and officers of the House be invited to occupy seats inside the rail.

The SPEAKER: The gentleman from Greenville, Mr. Anderson, has requested unanimous consent that during the session tomorrow, that all former members and officers of the House be invited to occupy seats inside the rail. Is there objection? The Chair hears none.

The motion prevailed.

The SPEAKER: The Chair would like to explain to the House that we have two Committees functioning tomorrow. One Committee is on the One-Hundredth Legislature, the Chairman of that Committee is the gentleman from Freeport, Mr. Crockett; and we have another Committee which functions every year that the Legislature is in session, Welcome Back Day, and the Chairman of that Committee is the gentleman from Greenville, Mr. Anderson.

Mr. Rust of York was granted unanimous consent to address the House briefly.

Mr. RUST: Mr. Speaker, Ladies and Gentlemen of the House: It is a great pleasure for me to make a few remarks today about one of Maine's fine educational institutions, in fact, one of the finest of its kind in the entire United States. An institution which not only cuts and polishes the rough stone of the mind, but provides the cloth out of which the individual's character is cut. I am speaking of the Maine Maritime Academy at Castine.

This institution was founded in 1941 to train Maine boys for careers in the United States Merchant Marine. Going to sea has been a traditional career for Maine men and is embodied in our State Seal. The Academy started with a dozen boys with a twelve months' course of instruction at a vacant summer inn known as the Pentagoet. Today it has close to four hundred boys, offers a four year course of study leading to a degree in Marine Science, a license in the United States Merchant Marine and a Naval Commission and it is bulging