

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Second  
Legislature*

OF THE

STATE OF MAINE

1965

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element can be reduced by electronic voting we would all be for it, but I think from a practical standpoint we realize that a sum of one hundred and twenty-five thousand dollars this year is just out the window. And that is why we moved for the minority report. I think this is good legislation but it is just not feasible at this time.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Katz.

Mr. KATZ: Mr. Speaker, Ladies and Gentlemen: I think that I should point out to the House that if this is the basis of the opposition, there is no appropriation called for. This is a constitutional amendment. It is going to go to the people. It is going to be the next Legislature that is going to have to find the money; and may I say that if this is the basis for the minority committee report, we have kind of washed it out and I hope that they now join us with the proponents.

If I understand that this is a motion to accept the "ought not to pass" report, I would hope that those who are in favor of this bill will vote against this motion to accept the minority "ought not to pass" report.

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

Mr. LEVESQUE: Mr. Speaker, a parliamentary inquiry. Has anybody asked for a division on this motion?

The SPEAKER: A division has not been requested.

Mr. LEVESQUE: Therefore, Mr. Speaker, I now request a division.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, requests a division on the question. Is the House ready for the question? The question before the House is on the motion of the gentleman from Harrison, Mr. Pitts, that we accept the Minority "Ought not to pass" Report and the gentleman from Madawaska, Mr. Levesque, requests a division.

All those in favor of accepting the Minority "Ought not to pass" Report on Resolve Proposing an Amendment to the Constitution to

Require a Roll Call Vote Upon all Bills on Final Passage," House Paper 377, L. D. 479, will kindly rise and remain standing until the monitors have made and returned the count.

A division of the House was had.

Thirty-six having voted in the affirmative and ninety-eight having voted in the negative, the motion did not prevail.

The SPEAKER: The question before the House now is the motion of the gentleman from Augusta, Mr. Katz, that we accept the Majority "Ought to pass" Report. Is this the pleasure of the House?

Thereupon, the Majority "Ought to pass" Report was accepted, the Resolve read once and assigned for second reading tomorrow.

The SPEAKER: The Chair at this time would like to recognize in the balcony of the House, forty-three pupils of the eighth grade, Members of the Civic Club of the Saint John the Baptist School of Winslow. They are accompanied by Mother Superior Rose Emily and Sister Mary of the Nativity. They are the guests of the gentleman from Winslow, Mr. Roy. On behalf of the House the Chair welcomes this group and we hope that your visit will be both educational and enjoyable. (Applause)

### Divided Report

Majority Report of the Committee on State Government reporting "Ought not to pass" on Resolve Proposing an Amendment to the Constitution Providing for the Election of the Secretary of State and His Succession to the Office of Governor (H. P. 553) (L. D. 724)

Report was signed by the following members:

Messrs. MAXWELL of Franklin  
WILLEY of Hancock  
— of the Senate.  
Messrs. LIBHART of Brewer  
BERRY  
— of Cape Elizabeth  
KATZ of Augusta  
PITTS of Harrison  
— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Resolve.

Report was signed by the following members:

Mr. STERN of Penobscot  
— of the Senate.

Messrs. STARBIRD  
of Kingman Township  
EDWARDS of Portland  
DOSTIE of Lewiston  
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker, I move that we adopt the Minority "Ought to pass" Report.

The SPEAKER: The gentleman from Kingman Township, Mr. Starbird, moves that we accept the Minority "Ought to pass" Report.

The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, before the House votes on this motion probably I should say a few words about it.

The amendment itself would do a number of things, which I feel should be brought to the attention of every member of the House, primarily since I happen to be the sponsor of this L. D. This L. D. itself proposes an amendment to the Constitution providing for the election of Secretary of State and his succession to the Office of Governor. I might point out that the position of the Secretary of State at the present time already exists and his duties are spelled out by the Constitution. The bill would not tend to spread out the authority of the Governor any thinner than it presently is.

The political party of the governor, as well as the individual himself, receives a certain mandate from the people when that governor is elected, since he represents the party as its candidate as well as the people as their elected official. Therefore, it is rejecting the will of the people to change not only individuals but also political parties upon the death of the governor in office. This has happened once with the

death of former Governor Clinton Clauson and a similar situation exists today, with one party the Democratic Party in control of both the House and the Senate, while the Republican Party is presently in control of the governorship. If anything should happen to Governor John H. Reed, then a Democrat would succeed him.

This bill guarantees continuity for four years, barring of course the death or resignation of the successor, of the same political party entrusted in the general election with the state's highest elective office. Therefore, to some degree it resembles our presidential-vice presidential succession pattern at the national level. It would insure a full-time administrator, who would then assume the top office. Such a setup of Secretary of State providing for his succession to the office of Governor is not something that I dragged out from a government book, but merely took it from the present Constitution of the State of Alaska. It has been in operation in Alaska since that state has been formed. It may be pointed out that it is a unique effort which provides for smooth working relationships between the governor and the state's substitute for lieutenant governor, in this case being the Secretary of State. As already pointed out, it worked somewhat like the election of the President and the Vice President of the United States in Alaska. Both run for their separate offices on a joint ticket and both must be of the same political party.

The Constitution of Alaska provides for the partnership of administration. I am not saying that this should be enacted into law, but am merely pointing out that this is a substitute for lieutenant governorship and I would hope that the Republican Minority would take a close look at it if they do not wish to support the lieutenant governor bill.

The SPEAKER: The question before the House is on the motion of the gentleman from Kingman

Township, Mr. Starbird, that we accept the Minority "Ought to pass" Report. All those in favor of accepting the Minority "Ought to pass" Report will say aye; all those opposed will say no.

A viva voce vote being doubted by the Chair, a division of the House was had.

Sixty-two having voted in the affirmative and sixty-seven 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.

### Divided Report

Report "A" of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to Trial Terms of Superior Court in Washington County" (H. P. 416) (L. D. 528)

Report was signed by the following members:

Messrs. STERN of Penobscot  
VIOLETTE of Aroostook  
—of the Senate.

Messrs. GILLAN  
of South Portland  
BERMAN of Houlton  
BISHOP of Presque Isle  
—of the House.

Report "B" of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Mr. GLASS of Waldo  
—of the Senate.

Messrs. DAVIS of Calais  
DANTON  
of Old Orchard Beach  
BRENNAN of Portland  
RICHARDSON  
of Cumberland  
—of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Milbridge, Mr. Kennedy.

Mr. KENNEDY: Mr. Speaker, Ladies and Gentlemen: I move that the House accept Report "A" and I would speak to my motion.

The SPEAKER: The gentleman may proceed.

Mr. KENNEDY: Ladies and Gentlemen of the House: First I

want to thank the Joint Committee on Judiciary for an even break because you will note that this is a five-five report. I also want to thank them for giving me equal time in discussing the merits of this bill. I introduced this bill at the request of the Washington County Bar Association early in the session. The testimony before the Judiciary Committee was comprised of the County Attorney of Washington County, the Clerk of Courts, the Secretary of the Washington County Bar Association and two attorneys from that county.

We have two terms of court at the county seat and one by tradition in the city of Calais, Maine. This is because of the days of the horse and carriage and the transportation by rail to convenience the people in the eastern division of our county, our county being about a hundred and twenty miles long. Since the advent of good highways, our county seat being in Machias which is nearly centrally located, would require about one hour's driving from the longest distance in the county to the county seat. Holding court in other than the shire town is an expensive operation because the records must be moved from Machias to Calais, the prisoners many times from the county jail in Machias to Calais for hearings, and since the advent of the district court system which is now in—one of them being in the City of Calais and the courtroom that had been provided for the Superior Court now being used by the District Court, there would be, I feel and the attorneys in the county feel, much conflict.

I think now is the time to hold all of our Superior Court sessions in the shire town of the county seat which is Machias, Maine. And I will emphasize again that there is only about an hour's driving distance from the largest distance away to Machias. And I would emphasize once more that all of the attorneys in Washington County are in favor of this proposal with the exception of one individual. I can sympathize with this particular attorney, because he serves his district well and ably