

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Third
Legislature*

OF THE

STATE OF MAINE

Volume II

May 10 to June 15, 1967

**KENNEBEC JOURNAL
AUGUSTA, MAINE**

Label, Levesque, Lowery, Martin, Minkowsky, Nadeau, J. F. R.; Nadeau, N. L.; Quimby, Rocheleau, Ross, Sawyer, Scribner, Starbird, Sullivan, Tanguay, Thompson, Truman, Wheeler.

NAY — Allen, Baker, E. B.; Baker, R. E.; Benson, Berman, Birt, Bragdon, Brown, Buck, Bunker, Clark, Cookson, Crockett, Crosby, Cushing, Darey, Dennett, Dickinson, Drummond, Dunn, Durgin, Edwards, Ewer, Farrington, Foster, Gill, Hall, Hanson, H. L.; Hanson, P. K.; Harriman, Hawes, Henley, Hichens, Hinds, Hodgkins, Hoover, Huber, Humphrey, Immonen, Jannelle, Jewell, Kyes, Lewin, Lincoln, Littlefield, Lyette, Maddox, McMann, McNally, Meisner, Miliano, Mosher, Pendergast, Philbrook, Pike, Porter, Prince, Rackliff, Richardson, G. A.; Richardson, H. L.; Rideout, Robertson, Robinson, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Shute, Snow, P. J.; Snowe, P.; Soulas, Susi, Trask, Waltz, Watts, White, Wight, Williams, Wood, The Speaker.

ABSENT — Bradstreet, Couture, Danton, Dudley, Evans, Fuller, Hanson, B. B.; Haynes, Lewis, Noyes, Payson, Quinn, Roy, Townsend.

Yes, 57; No, 80; Absent 14.

57 having voted in the affirmative and 80 having voted in the negative, the motion did not prevail.

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

The Chair laid before the House the fourth item of Unfinished Business:

HOUSE MAJORITY REPORT (7)—Ought Not to Pass—Committee on State Government on Resolve Proposing an Amendment to the Constitution Providing for the Appointment of the Secretary of State by the Governor (H. P. 247) (L. D. 355)—MINORITY REPORT (3)—Ought to Pass.

Tabled—May 5, by Mr. Richardson of Cumberland.

Pending—Acceptance of either Report.

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

Mr. DENNETT: Mr. Speaker, I move the acceptance of the Majority "Ought not to pass" Report.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: As you may know, I am the sponsor of this Legislative Document and I will attempt to relate to you the reasons why I am in favor of it.

In accordance with any contemporary theory of Modern Government the Chief Administrative Officials of any State should be people responsible to the Elected Governor and thoroughly sympathetic with his point of view. Only in this manner will we obtain responsibility in the conduct of our Executive Branch to assure the citizens of the State a responsive and Democratic Government.

The government of Maine at this time is now hydra-headed. I am not attempting to tell you that it is a monster, but it is multi-headed and therefore often ineffective. Although the Governor of Maine is supposed to be the supreme executive and he is charged by the Constitution of Maine by seeing that the laws are faithfully executed, he is faced with the impossible situation of attempting to control and to direct administrative agencies that are not really subordinate to him.

One of the worst derangements in our system is the unfortunate Constitutional requirement that the Secretary of State be elected by the State Legislature in joint convention rather than be appointed by the Governor. I point out to you that Maine is one of only three states that has the Secretary of State elected by the Legislature. In all other states the Secretary of State is made more responsive to the will and contemporary sentiments of the voters of the state.

The Secretary of State should have a very close relationship to the Governor. According to the Constitution he keeps the records and he serves the Governor when

he operates through and with the Executive Council. How much more satisfactory would this system be if the Secretary of State and the Chief Executive were sympathetic with each others views. They should work under a framework which assures the public that the great ends of government will be attained rather than frustrated or shortcircuited by personal or partisan problems.

The Secretary of State as you may know also becomes the acting Governor in an emergency when neither the President of the Senate nor the Speaker of the House are available to replace the Governor. It is apparent to me that this high office should not fall by accident upon a person who has not brought his program or his person before the people of the State and who has not been identified with a successful gubernatorial candidate and his viewpoints as expressed during our State Elections.

Therefore, Members of the House, I urge the members of both political parties to consider the merits of this L. D. and when the vote is taken, I request it be taken by the yeas and nays.

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

Mr. DENNETT: Mr. Speaker and Ladies and Gentlemen of the House: Perhaps in reply to the gentleman from Eagle Lake, Mr. Martin, I would like to make a few brief remarks. I believe very strongly in the powers and prerogatives of the Legislative body. All down through history, the surrender of these powers by legislative bodies have led to chaos and destruction even, many times, in political systems.

I feel very strongly we should retain as a Legislative body the powers we have and not, under any conditions, surrender them to one person. The checks and balances of the powers of the executive and the legislative are very necessary to good government. Again, I strongly urge you to support the "Ought not to pass" Report of the Committee.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: Merely to rebut some of the remarks made by the gentleman from Kittery, Mr. Dennett, I would point out that I certainly agree that we need checks and balances, but this is not one of them.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Again I must ask you, in due course and in deference to a governor, or the office of the Governor, in deference to all the people of this State of Maine, should they have a right or a privilege to act on any of these votes that have been before us that have been changed by so many states over the years, that the rights of the Legislatures should be all supreme where some of these governmental reforms have proven beneficial in other states to better the service to the state and to all its population? This is of prime interest to the people, that they should have the right to vote and decide on this if this is presently the best system that is available and presently the best system that we should have and retain for the next hundred years.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: I agree one hundred percent with the gentleman from Kittery, Mr. Dennett, and, suggest here that we should not surrender Legislature prerogatives, and I must say that I am very much opposed to the gradual erosion of responsibility. I urge every member of the House to vote in favor of the acceptance of the Majority Report of the Committee on State Government, which is "Ought not to pass." It is of course very fashionable here in Augusta to give as an argument in favor of some measure that the people should decide. I submit to you that this is one area along with many others,

that we have to face our responsibilities here. We have to bear the brunt of criticism if there is any and praise if there is any of that, for our actions. The Democratic party has no corner on proposed reform. I would remind you that one very substantial reform in the form of our ballot has already been vetoed by the Executive. It is for this reason that I urge you to vote on the merits of this bill, and on that basis I think you will vote "Ought not to pass." Thank you.

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

Mr. COTTRELL: Mr. Speaker and Ladies and Gentlemen of the House: I'm going to confine my remarks to just two sentences. There's been, I think, some information about Legislative powers, Executive powers. When we look at our Federal Government, we see that it runs with a separate Executive Department in which the President of the United States appoints all of his Cabinet members, Secretary of State, Secretary of the Treasury, and so forth and so on.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: In my term of office here in this House I have heard it said many times and I probably have heard it many times from the Republican circles in the State Capitol, that they are all and always have been for home rule. I'm wondering this morning just how much this home rule goes back to. If the Republican philosophy that we have heard here for so many years is for home rule, what is so wrong in bringing these issues back to the people and find out what their home rule or philosophy is all about? Again I find myself in the position of asking, after we adjourn here, for after we adjourn here — period. How much responsive is the present Secretary of State or any Secretary of State is going to be responsive to the Legislature? In response to the remarks made by the Majority Floor Leader, Mr.

Richardson from Cumberland, on the veto of the ballot by the present Executive, I must say that he has voted against it, but that was only to take away the right of some of the voters in the manner that they were going to vote. And I don't think that was very good reform by taking a right away from the people instead of trying to give them the right to vote on issues.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. As many as desire a roll call will vote yes, those opposed will vote no, and the Chair will open the vote.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Kittery, Mr. Dennett, that the House accept the Majority "Ought not to pass" report on Resolve Proposing an Amendment to the Constitution Providing for the Appointment of the Secretary of State by the Governor, House Paper 247, L. D. 355. All those in favor of accepting the Majority "Ought not to pass" Report will vote yes, those opposed will vote no, and the Chair opens the vote.

ROLL CALL

YEA—Allen, Baker, E. B.; Baker, R. E.; Benson, Berman, Birt, Bragdon, Brown, Buck, Bunker, Clark, Cookson, Cornell, Crockett, Crosby, Cushing, Darey, Dennett, Dickinson, Drummond, Dunn, Durgin, Edwards, Eustis, Ewer, Farrington, Foster, Gill, Hall, Hanson, H. L.; Hanson, P. K.; Harriman, Hawes, Henley, Hewes, Hichens, Hinds, Hodgkins, Hoover, Huber, Humphrey, Immonen, Jameson, Jannelle, Jewell, Kyes, Lewin, Lincoln, Littlefield, Lyette, Maddox, McMann, McNally, Meisner, Miliano, Mosher, Pendergast, Philbrook, Pike, Porter, Prince, Quimby, Rackliff, Richardson, G. A.; Richardson, H. L.;

Rideout, Robertson, Robinson, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Shute, Snow, P. J.; Snowe, P.; Soulas, Susi, Thompson, Trask, Waltz, Watts, White, Wight, Williams, Wood, The Speaker.

NAY—Bedard, Belanger, Beliveau, Bernard, Binnette, Boudreau, Bourgoin, Brennan, Burnham, Carey, Carrier, Carroll, Carswell, Champagne, Conley, Cote, Cottrell, Crommett, Curran, D'Alfonso, Drigotas, Fecteau, Fortier, Fraser, Gaudreau, Gauthier, Giroux, Harnois, Harvey, Healy, Hennessey, Hunter, Jalbert, Keyte, Kilroy, Lebel, Levesque, Lowery, Martin, Minkowsky, Nadeau, J. F. R.; Nadeau, N. L.; Rocheleau, Sawyer, Scribner, Starbird, Tanguay, Truman, Wheeler.

ABSENT—Bradstreet, Couture, Danton, Dudley, Evans, Fuller, Hanson, B. B.; Haynes, Lewis, Noyes, Payson, Quinn, Roy, Sullivan, Townsend.

Yes, 87; No. 49; Absent 15.

87 having voted in the affirmative and 49 having voted in the negative, with 15 being absent, the motion prevailed.

Sent up for concurrence.

Mr. Levesque of Madawaska was granted unanimous consent to address the House.

Mr. LEVESQUE: Mr. Speaker and Members of the House: It is now twenty-two minutes to one. Most of you, ladies and gentlemen of this House, are going to have to go to dinner. Some of you have committee executive sessions at 1:30 and 1:00. The Committee on Judiciary, Towns and Counties, Inland Fisheries and Game have executive committee hearings this afternoon; some have committees that are posted for hearings this afternoon. I find it almost impossible to find that we're in the discussion of a document before a committee hearing to find that the Republican members of that Committee are going to have to leave to attend the caucus and then a session this afternoon at 2:30. I think probably I have pointed out earlier in the session,

and I go back to this, that somehow or other there was a wrench in the wheels, that the wheels were not turning for so long and now we find ourselves in a position of rush, rush, rush, all in one day. I find this quite irregular and quite reckless in some areas and I don't think that this is an absolute necessity that those things should be done or all come up under one day. So therefore, Mr. Speaker, I would move that we adjourn until nine-thirty tomorrow morning.

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, now moves that the House — the Chair would advise the gentleman that he did debate an adjournment motion.

The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, I move that we recess to reconvene at two-thirty this afternoon.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Carswell.

Mrs. CARSWELL: Mr. Speaker and Members of the House: The Health and Institutional Services Committee is going to have a meeting this afternoon and we are going to take up some controversial matters, and two-thirty certainly will not be time enough for me to get back and at the same time do my job in the Committee properly.

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

Mr. BRENNAN: Mr. Speaker, I move we adjourn until nine-thirty tomorrow morning.

The SPEAKER: The gentleman from Portland, Mr. Brennan, now moves that the House adjourn until nine-thirty tomorrow morning.

Mr. Richardson of Cumberland requested a vote.

The SPEAKER: A vote has been requested. All those in favor of adjourning until nine-thirty tomorrow morning will vote yes, those opposed will vote no and the Chair will open the vote.

For what purpose does the gentleman rise?