

# 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**

Mr. LEVESQUE: Parliamentary inquiry.

The SPEAKER: the gentleman may proceed.

Mr. LEVESQUE: Mr. Speaker, may I request from the Speaker if it is not a rule of this House that no House will be in session while there are committee hearings?

The SPEAKER: The Chair would advise the gentleman that when Committee hearings are advertised and people are asked to come to testify, that the House will not be in session. However, the Chair understands that there aren't any hearings advertised for public hearings. All those in favor of adjourning until nine-thirty tomorrow morning will vote yes and those opposed will vote no, and the Chair will open the vote.

A vote of the House was taken.

47 having voted in the affirmative and 76 having voted in the negative, the motion to adjourn did not prevail.

Thereupon, on motion of Mr. Richardson of Cumberland,

Recessed until two-thirty o'clock this afternoon.

**After Recess**  
**2:30 P.M.**

Called to order by the Speaker.

The Chair laid before the House the fifth 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 Treasurer of State by the Governor (H. P. 248) (L. D. 356) — **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 Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker and Members of the House: I move the acceptance of the Majority "Ought not to pass" Report of the Committee.

The SPEAKER: The gentleman from Kittery, Mr. Dennett, now moves the acceptance of the Majority "Ought not to pass" Report.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: This is the second bill which I sponsored before the State Government Committee relating to powers of the Governor; the first of course was defeated this morning, that in which the Governor would have been given the power to appoint the Secretary of State. Since there was much debate this morning about legislative powers in relationship to gubernatorial powers, I will attempt to discuss some of this with you now.

Frequently, proposals which are designed to augment the power and prestige of the Governor of the State of Maine are challenged by Legislators and Executive Councillors as affording too much power for our Chief Executive. Although some may feel this way and I presume that some members of the Republican Party do, I believe that the public as a whole does not accept this point of view.

To create a real Chief Executive who can lead the state we need to provide him with increased authority, whether he be Republican or Democrat. We need to maintain a strong independent Legislature. This can be done. And we also need to maintain a healthy democratic responsibility of our Chief Executive to the voters of the State of Maine. This can also be done. And by so doing the public welfare will be safeguarded.

Adequate safeguards to check the Executive will remain. The Legislature would continue to be the most powerful branch of our State Government. We need not doubt that these adequate checks would continue to exist.

For example, public opinion will exert continuous force and the voters of Maine will hold the Governor responsible at the next election. If he chooses not to be a candidate, the voters would hold his political party and its candidates responsible for any misdirec-

tion or incompetency displayed while in office. The Legislature still would control the purse strings and no administration can operate a program without the provision of funds by the State Legislature. Also, the Governor is dependent on the Legislature for Statutes to create such programs that he thinks beneficial. The Governor is vulnerable to the Legislature's will by the possibility of any veto being overridden by a two-thirds vote of those present and voting in each house.

I hope that this partial list of checks and balances on our Governor indicates that we need not fear abuse of Executive power in the State of Maine. The contrary is the case. We need a strong Governor. Of course this L. D. in relationship to the appointment of State Treasurer is one of the bills which would take this into consideration.

It seems to me that control of the finances that have been placed at the disposal of the Executive Branch is an essential part of the Chief Executive's power. At the present time the finances are controlled in large measure by the State Treasurer who is elected and therefore responsible to the Legislative Branch. May I point out to you that we meet approximately seventy-five days every two years, and after that who is he responsible to? I am asking you today to give serious consideration to a proposed amendment which would reform the Constitution and strengthen the responsibility of the Governor of the State of Maine by making the Treasurer of the State an administrator appointed by the Governor rather than by the Legislative Branch of our Government. Mr. Speaker, I move that when the vote be taken, if be taken by the yeas and nays.

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

Mr. DENNETT: Mr. Speaker and Members of the House: Because of reasons before stated on the previous bill which I think are wholly valid in their application to this one, I simply urge you to go with the Majority "Ought not to pass" Report of the Committee.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I don't think I would want to add any more than what the Representative from Eagle Lake, Mr. Martin, has pointed out, but only to point out the importance of these governmental reforms that at some stage in our state should receive some attention as to the powers of the Governor, whether it be the present or the future Governor, that somewhere these powers have changed over the years and we should try in all the sincere effort to give the power of the Executive some leadership as to the governing of our state.

Now as was pointed out this morning, a number of our states have recognized these needs for better government, for better service to the population of our state, and certainly we in the loyal opposition here today certainly feel that our state should consider some of these documents so that the Chief Executive, the Legislature and the Judicial branch could better serve all of the people of the State of Maine. I would hope that you would vote against the Majority "Ought not to pass" Report.

The SPEAKER: Is the House ready for the question? 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. All of those desiring a roll call will vote yes and those opposed will vote no and the Chair opens 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 Treasurer of State by the Governor, House Paper 248, L. D. 356. All those in favor of accepting the Majority Report will vote yes

and those opposed will vote no, and the Chair opens the vote.

### ROLL CALL

**YEA** — Baker, E. B.; Baker, R. E.; Bedard, Benson, Berman, Bragdon, Brown, Buck, Bunker, Clark, Cookson, Cornell, Crockett, Crosby, Cushing, Darey, Dennett, Dickinson, Drummond, Dunn, Durgin, Edwards, Evans, Ewer, Farrington, Foster, Fuller, Gill, Hall, Hanson, H. L.; Hanson, P. K.; Harriman, Hawes, Henley, Hewes, Hichens, Hinds, Hodgkins, Hoover, Humphrey, Immonen, Jameson, Janelle, Jewell, Kyes, Lewin, Lincoln, Littlefield, Lycette, Maddox, McMann, McNally, Meisner, Miliano, Mosher, Pendergast, Philbrook, Pike, Porter, Prince, Quimby, Quinn, Rackliff, Richardson, G. A.; Richardson, H. L.; Rideout, Robertson, Ross, Scott, C. F.; Scott, G. W.; Shaw, Shute, Snow, P. J.; Snowe, P.; Soulas, Susi, Townsend, Trask, Waltz, Watts, White, Wight, Williams, Wood, The Speaker.

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

**ABSENT** — Allen, Birt, Bradstreet, Cote, Couture, D'Alfonso, Danton, Eustis, Giroux, Hanson, B. B.; Haynes, Huber, Lewis, Noyes, Payson, Rocheleau, Roy, Sahagian, Sullivan, Thompson.

Yes, 85; No, 46; Absent, 20.

The **SPEAKER**: 85 having voted in the affirmative and 46 having voted in the negative, the motion does prevail.

Sent up for concurrence.

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

**HOUSE MAJORITY REPORT**  
(6) — Ought Not to Pass — Com-

mittee on State Government on Resolve Proposing an Amendment to the Constitution Creating the Office of Lieutenant Governor and Providing for Succession of Office of the Governor (H. P. 286) (L. D. 406) — **MINORITY REPORT** (4) — Ought to Pass.

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

Pending — Acceptance of either Report.

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

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

The **SPEAKER**: The gentleman from Kittery, Mr. Dennett, moves the acceptance of the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Rumford, Mr. Beliveau.

Mr. **BELIVEAU**: Mr. Speaker and Members of the House: This bill was one of the few governmental reform bills that would not result in the surrendering of the so-called legislative prerogative. This would in effect relieve the Governor of many of his ex officio duties as well as placing the problem of succession as his first responsibility.

Now this is not again, as I mentioned earlier on another bill, it is not a novel approach. Some thirty-nine states today have Lieutenant Governors, four of which are New England states. I do not intend to take up a great deal of time outlining the elements or the merits of this particular bill, only to remind the members of this House that the public of course with the advent of a four-year term for Governor is entitled to have somebody in such a position who could easily and readily assume the office of Governor in the event that the Governor should resign or dies or is incapacitated in some manner. Now we have been very fortunate in Maine in that since 1820 we have had only four Governors die in office and who in turn were succeeded by individuals who had not been elected by the voters of the State.