

# 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**

present. Will those Senators who favor taking the vote by the "Yeas" and "Nays" please stand and remain standing until counted. Obviously enough Senators having arisen, the vote will be taken by the "Yeas" and "Nays".

The question again is on the motion of the Senator from Cumberland, Senator Berry, that we accept the Ought Not to Pass Report of the Committee. Those in favor of accepting the Ought Not to Pass Report will say "Yes." Those opposed to accepting the Report will say "No." The Secretary will call the roll.

**ROLL CALL**

**YEAS:** Senators Albair, Anderson, Barnes, Beckett, Berry, Brewer, Curtis, Ferguson, Good, Greeley, Hildreth, Hoffses, Johnson, Katz, MacLeod, Ross, Sewall, Sproul, Viles, Young, and President Campbell.

**NAYS:** Senators Boisvert, Coururier, Duquette, Farley, Girard, Harding, Lund, Mills, Norris, Reny, Snow, Stern, Wyman.

A Roll Call was had. 21 Senators having voted in the affirmative, and 13 Senators having voted in the negative, the Ought Not to Pass Committee Report was accepted in concurrence.

**Divided Report**

The Majority of the 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) reported that the same Ought Not to Pass.

(Signed)

Senators:

WYMAN of Washington  
LUND of Kennebec

Representatives:

DENNETT of Kittery  
WATTS of Machias  
CORNELL of Orono  
RIDEOUT of Manchester  
PHILBROOK of South  
Portland

The Minority of the same Committee on the same subject matter

reported that the same Ought to Pass.

(Signed)

Senator:

STERN of Penobscot

Representatives:

STARBIRD of Kingman  
Township  
MARTIN of Eagle Lake

Comes from the House, Majority Report—Ought Not to Pass Read and Accepted.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President, I move we accept the Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Washington, Senator Wyman, moves that we accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I rise to object to the motion of the Senator from Washington, Senator Wyman. On this black Friday we are seeing a lot of opportunities to improve our State go down the drain.

I think actually the majority party has paid a tribute to these measures by scheduling them to be heard all on the same day. Because the people of Maine, if they were scheduled on different days, would have a better understanding of the contents of each bill. Each of these bills are progressive measures. I think this is not a coincidence that they are scheduled all to be heard today because the majority party, it seems to me, realizes that the people are very much aware of what is going on, and they are looking for progress, and on these days that you see progressive moves, when they have them scheduled all on the same day I think the hope is that they will not come to the attention of the Maine people. The people in Maine will be aware of this, and the people in Maine will also be aware of the great discourtesy which has been shown here to the minority party and the Governor

in this matter. I think one thing that can be said about the people in Maine is that they do expect us legislators to come down here and fight a hard fight. But they do expect us also to be courteous and follow the rules of the game, so to speak. I suggest to you that on this day, when a simple request for a tabling motion has been made - and these requests have always been universally granted in other instances - in fact, this very day other requests on minor matters have been granted, but on these particular things they are all lumped in on the same day, and the people of Maine are going to ask why.

In regards to this amendment to the constitution providing that the governor appoint the Secretary of State, a lot of people think that government is a lot different from business and has a different set-up, but the State of Maine is big business. The State of Maine in the next biennium will be spending something like \$450,000. We have the responsibility of having an efficient set-up so that our taxpayers will be getting the maximum amount for their dollars. If you had a corporation set up so that the president of the corporation could neither hire nor fire his treasurer, could neither hire nor fire his secretary, and could neither hire nor fire his attorney general, or his lawyer, let's say, I think that president would have his hands pretty well tied. We are tying the hands of the Governor and making it extremely difficult for him to administer the affairs of the State. And the people who are paying for this are the taxpayers of Maine, the inefficiency of this government. You folks here are familiar with our state government, have visited around the various departments, I am sure that there is no one here that is satisfied that the State of Maine is being run as efficiently as it could be run. And it is using these practices in business that have been shown to be successful; we just aren't. We have two standards of conduct.

Now, someone mentioned to me that we have a lot of talent in this Senate. Well, I think that is

true, but it is a question of whether that talent is going to be used, because we sit idly by because someone has said "Well, this is a party measure," and therefore, you go down the line on it. This talent will be unused, and I suggest to you that it is going unused. If you went out before the voters of Maine, you can't justify this position of denying your Chief Executive these powers of appointment and the right to hire and fire. It is not justifiable in business and it is not justifiable in our State Government, and it is not the way we run our Federal Government.

So, I would suggest to you on this black Friday that the people of Maine are going to be very unhappy with the decisions made here today, but the people of Maine are going to know about these decisions. And I think it is very regrettable, and it is a first rank discourtesy which I suggest the majority party has made to the minority party, and I very much regret it. But I assure you, despite the discourtesy, that we will try to work for the best interests of the State of Maine, and this discourtesy which was shown to us we will not return it to you. When the vote is taken I ask that it be taken by the "Yeas" and "Nays."

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator MacLeod.

**Mr. MacLEOD of Penobscot:** Mr. President and Members of the Senate: I rise to object to some of the remarks made by the Senator from Aroostook, Senator Harding, regarding the "rank discourtesy" which is the phrase he used to allude to the leadership of this Senate.

A member of his party, and a member of this body, two months ago spoke to four or five Senators of my own party upstairs in the retiring room and he said that he must confess he was treated more as a gentleman as a minority member of this body this session than he had been under previous leadership.

When we talk about tabling items, or being given the privilege to table, the leadership of this

Senate is charged with the responsibility of conducting this Legislature on an expeditious basis. And when we have several important items, as the Senator from Aroostook, Senator Harding, referred to the State Government matters, I can't think of any way better than to put them together in one day. When he refers to the discourtesy shown to the Governor by not allowing him to address us next week, I don't think there is any objection to his addressing us next week, but I will remind the Senate and remind the Senator from Aroostook that these items we are considering this morning were on the table in the House for about two weeks, and the Executive should have been aware of that. And if he had wanted to bring to our attention his wishes, he had ample opportunity to do so.

I would think that if,—in this item, the man who is now in the front office, and held this job for two years, and used that two years to run for the office he now holds —if he had spent more of his time in that office perhaps he would know more about State Government.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I rise to take exception to the remarks of the good Senator from Aroostook, Senator Harding. I am one of only two of the members of this Senate of the then minority party of the 102nd Legislature who is back here this time as a member of the majority party. I can say here and now that the courtesies extended by the 103rd Legislature of the majority party to the minority party are certainly every bit as gracious as those extended to us, the minority party, by those of the majority party of the 102nd Legislature.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Stern.

Mr. STERN of Penobscot: Mr. President and fellow members of the Senate: I rise, first, so my

fellow Senators will not get the wrong idea that I am not in favor of the arguments advanced by my good friend, Senator Harding, in his support for what I deem to be favorable and progressive legislation. You will notice that my name is appended to many of these State Government Reports, the Minority Ought to Pass Reports. The only reason that I haven't got up to support and argue in connection with these bills is that, first, you will remember that I spoke only the other day, imploring and begging the members of the Senate not to set these matters up on Friday, so I have a personal reason. I have got to try some cases this afternoon, and if I started debating everything I would never get to them. This is the day when many of us have to get home and we have to travel long distances. But I do want to make the comment that I am in support of this legislation.

We heard these matters at the last session, and we heard the pros and cons, and my feelings and convictions have not changed whatsoever. I feel that it is progressive legislation, and I think the only reason we are having this opposition is that if this favorable legislation was passed my good friends, the Republicans, would seem to think that this is something the Democrats should be given credit for. I don't care who gets credit for it. It may not be this year, but if will come, because it is progressive and it is for the best interests of the people. And when it is for the best interests of the people, when the election time comes, you will see the proof of it in the vote.

Now, I am not going to argue any more on this because I don't think that any argument, for or against, on any particular bill is going to influence anyone. And I will say this: it seems worthy to note that the Majority Committee Report seems to have the "kiss of death" except for legislation such as this which apparently is partisan politics.

There was an article in the paper the other day, or just this morning, by Hanson in the Portland Press,

which indicated that this Legislature was paying little or no attention to the Committee Reports. And I don't think we are. But you will notice that we are on these particular bills that apparently have the tag of party leadership. But I am not going to debate any further on any of these bills except to state that for the past bills which my good friend, Senator Harding, has argued upon, and these which are coming up, on which my name is appended to the Minority Ought to Pass Report, I am supporting him and I am supporting his arguments, and I don't expect anyone to be persuaded. If you are, you ought to let me know before you vote, because I have a weak heart.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: When Senator Hoffses stood up and took his handkerchief out I was very much impressed because, boy, we have seen some crying here this morning.

We start using words like "What the people of the State of Maine think," and when we start using words like "discourtesy," we are reflecting on the people of the State of Maine and their intelligence, we are reflecting on the make-up of this Legislature and its intelligence, and we are reflecting on the leadership of the majority party and their treatment of the minority party.

I submit to you, Members of the Senate, that the leadership of this Senate are pillars of tolerance and courtesy. Senator Harding has had ample advance notice of what was going to take place today. He could have stood up and argued this matter on its merits. A great deal of his talk was devoted to completely irrelevant matters which have nothing to do with the appointment of the Secretary of State by the Governor.

I am opposing this legislation on specific grounds. I am opposing this legislation in that it would give the Governor a chance to build up a beautiful political ma-

chine. I pick no bones with the action of Governor Curtis to date on his appointments. But I do see, if this legislation is passed, ample opportunity for the development of a personal following occupying key positions in our State. I would submit that the answer to such problems would be either more frequent meetings of the Legislature or the appointment of committees to work closely with the operations of our government during the absence of the Legislature.

I believe that it is incorrect to say that this is black Friday because one's personal views are not being followed by a majority of the Senate. I believe that it is incorrect to say that it is a bad day for the State of Maine because progressive legislation is going down the drain. These are personal beliefs of the people who say them. No one can speak for what is good legislation, what is good for the State of Maine, and what the people of the State of Maine think. I would point out, in conclusion, that when the people of the State of Maine send people to the Legislature they make their mind up.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY of York: Mr. President and Members of the Senate: I have been around here since 1949. I have been under some tough leadership in the majority party when I was a member of the minority party. But I am disgusted here this morning to see the leadership deny us the right to table, something that we were given under the Honorable John Green, when he was President of the Senate, and the Honorable Robert Haskell. As a small minority we were given recognition.

There seems to be here, and it doesn't go with me in my political life, a little hatred upon the part of some for the minority party, from the words that have been spoken, but, after all, we are two political parties; we don't want to kid ourselves one way or the other, and we are playing politics. All the minority party asked for here this morning was a motion to table

some matters until a later date, and we were refused that. I do feel disappointed in those that I have been associated with. I have tried to play fair with the majority party. I have left my party at some times in the years that I have been here. I can assure you that we should have had that courtesy of laying these matters on the table until we could have gotten our heads together to talk it over. I haven't even talked it over with our minority leader, although it is in our platform.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: With reference to the remarks of the good Senator from York, Senator Farley, about not being given the privilege to table, these bills were tabled in the House for approximately two weeks. Everyone was aware of the time and the date they would come off the table. We had one bill here that was tabled in the Senate, and the Majority Floor Leader was told that it would be tabled and taken up on this date, or that date.

It seems to me that the Democratic Party is attempting to change the structure of State Government, and they are doing it in a way that perhaps the average person would find impossible. In other words, they are starting at the top and going down. I think that everyone here realizes that to get to the top and do something right you have got to take the first step. I would say — of course, some of them will deny that it is governmental reform — but when the Governor vetoed the big "X" that we passed through, and the minority party objected to that bill, I would say that they failed in that respect to take their first step in good structural governmental reform.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I would refer you to your House Calendars, which I think most of you have on your desks, as to when these items were

tabled in the House. I think practically all of them were tabled May 5th, which is not quite two weeks.

I know this item has been brought up again and again as to whether or not it was reform to have the elimination of the big box. I don't see that it is actually pertinent to this particular matter, but I would say this: that when you eliminate that big box you are taking away a right that the voter has. By these measures we are talking about we are trying to give the voters a greater control, a greater say, in their State Government. Of all of the arguments which have been made here this morning, I haven't heard a single one on the merits of whether or not the Governor should have the right to appoint the Secretary.

I would also point out that the Senator from Penobscot, Senator MacLeod, said that the present Governor did not attend to his duties as Secretary of State. Whether or not that is true, there is this basic weakness in the composition of your Legislature appointing department heads, because each department head has 185 bosses and, therefore, no boss. This is a weakness, and this is what we ought to correct, because it is costing our people a lot of money to have this inefficient form of government.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I would like to remind the good Senator from York, Senator Farley, whom I consider a close personal friend, a committee member who has rendered a great deal of service to the committee which he has served on with me, but I would have to remind that good Senator that he was not a member of the 102nd Legislature so, therefore, I would not feel that he was in as good a position to determine just the extent of the courtesies granted by the majority party to the minority party. And I would re-emphasize the remarks which I made before, and that is that in this 103rd Legislature, the majority party has extended equal-

ly those courtesies, and I believe we have gone beyond in some cases those extended by the majority party of the 102nd Legislature to the minority party.

The PRESIDENT: The Senator from Aroostook, Senator Harding, has requested that the vote be taken by the "Yeas" and "Nays." As many as are in favor of taking the vote by the "Yeas" and "Nays" will stand in their places until counted.

Obviously a sufficient number having arisen, the vote will be taken by the "Yeas" and "Nays." The pending question is on the motion of the Senator from Washington, Senator Wyman, that we accept the Majority Ought Not to Pass Report of the Committee. As many as are in favor of the motion will vote "Yes"; those opposed to the motion, "No." The Secretary will call the roll.

#### ROLL CALL

**YEAS:** Senators Albair, Anderson, Barnes, Beckett, Berry, Brewer, Curtis, Ferguson, Good, Greeley, Hildreth, Hoffses, Johnson, Katz, Lund, MacLeod, Mills, Ross, Sewall, Viles, Wyman, Young, and President Campbell.

**NAYS:** Senators Boisvert, Coururier, Duquette, Farley, Girard, Harding, Norris, Reny, Snow, Stern.

**ABSENT:** Senator Sproul.

A roll call was had. 23 Senators having voted in the affirmative, and 10 Senators having voted in the negative, the Majority Ought Not to Pass Report of the Committee was accepted in concurrence.

#### Divided Report

The Majority of the 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) reported that the same Ought Not to Pass.

(Signed)

Senators:

WYMAN of Washington  
LUND of Kennebec

Representatives:

DENNETT of Kittery  
WATTS of Machias  
CORNELL of Orono  
RIDEOUT of Manchester  
PHILBROOK

of South Portland

The Minority of the same Committee on the same subject matter, reported that the same Ought to Pass

(Signed)

Senator:

STERN of Penobscot

Representatives:

MARTIN of Eagle Lake  
STARBERD

of Kingman Township

Comes from the House, Majority Ought Not to Pass Report, Read and Accepted.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President, I move we accept the Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Washington, Senator Wyman, moves that we now accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: As we move on this black Friday, I think this particular measure points up all of the arguments best to be made about control of our State Government.

You have seen in 1964, I believe it was, that the Legislature had a study made as far as investing state funds was concerned, I believe it was the P.A.S. Report, and it was pointed out that we were wasting hundreds of thousands of dollars of taxpayers' money by not having our money invested; it was just lying idle in the banks.

As I mentioned, when you have 185 bosses you have no boss, and this went unnoticed and the State of Maine lost millions of dollars thereby. This is the best example of all. I want the people of Maine to know how the members of the Senate feel about this, so that if we wish to fall into the same pos-