

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL
AUGUSTA, MAINE

in here from out of state and for a tuition fee of \$800 get a Bachelors Degree and go back to their home state of Connecticut, New Hampshire, Massachusetts, anywhere, and increase the economy of their state at the expense of the folks here in Maine.

Over in New Hampshire they knew enough to keep the liquor prices down so that they will get some business from the State of Maine, but by the same token they keep the tuition fees up. In their state teachers colleges what we are charging \$200 for is in the neighborhood of \$800.

The SPEAKER: The pending question is on the motion of the gentleman from Stonington, Mr. Richardson, that the House accept Report "B" "Ought not to pass" on Bill "An Act Repealing Provision for Student Tuition in Co-ordination of Public Higher Education," House Paper 408, L. D. 519. If you are in favor of that motion you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

A vote of the House was taken.

33 having voted in the affirmative and 88 having voted in the negative, the motion did not prevail.

Thereupon, Report "A" "Ought to pass" was accepted, the Bill read twice and tomorrow assigned for third reading.

Divided Report

Report "A" of the Committee on State Government reporting "Ought to pass" on Resolve Proposing an Amendment to the Constitution Providing for the Appointment of the Secretary of State by the Governor (H. P. 357) (L. D. 465)

Report was signed by the following members:

Messrs. LETOURNEAU of York
BELIVEAU of Oxford

— of the Senate.

Miss WATSON of Bath

Messrs. STARBIRD

of Kingman Township

D'ALFONSO of Portland

— of the House.

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

Report was signed by the following members:

Mr. WYMAN of Washington
— of the Senate.

Messrs. DENNETT of Kittery
MARSTALLER

of Freeport

DONAGHY of Lubec

RIDEOUT of Manchester

— of the House.

Reports were read.

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

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

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Miss Watson.

Miss WATSON: Mr. Speaker and Ladies and Gentlemen of the House: I rise in opposition to the motion made by the gentleman from Kittery, Mr. Dennett.

My primary purpose in presenting L. D. 465 was to strengthen the role of the Governor. The need for a strong chief executive has long been recognized in American business and in our national government; yet due to weaknesses which can be traced back to Colonial days, we have made our governors chief executives in name only and not in fact. The Committee on Economic Development, which made a study called "Modernizing State Government" reported that only six states give their governors the means for exercising administrative authority commensurate with their responsibility to execute the laws.

Effective coordination of administrative activities is impossible unless the Governor has the power to appoint, control, and remove all major department heads. In the State of Maine there are four department heads whom he has no authority to appoint and the rest of the major department heads are appointed by him only with the advice and consent of the Council. Independent officials often have political ambitions of their own and therefore come in conflict with the Governor rather than work in harmony with him toward common goals. A member of what might be called the Governor's "Cabinet" should have basically the same philosophy of government as the chief executive.

It is becoming increasingly evident that there is no one individual who can be held accountable for the conduct of state government. All administrative agency heads should be directly responsible to the Governor, who, as the only state official elected by all the people, should in turn be answerable to the citizens of the state.

The appointment of the Secretary of State by the Governor is only one step, which along with appointment of the Attorney General by the Governor, abolition of the Executive Council, executive reorganization power, the item veto, and concurrent terms for department heads, would help give the Chief Executive the tools with which to deal efficiently and effectively with the complex and varied problems which face modern day state government.

I would therefore hope that this Legislature will allow those reform measures which require Constitutional amendments to be voted upon by the citizens of the State of Maine.

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker, 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 Members of the House: In support of my motion, I would first like to point out that this measure has been a perennial. I don't think that I can remember a session of the Legislature, and that goes back a few sessions, that a bill of this type was not introduced into these legislative halls. It has been consistently defeated.

Now having a strong Governor may be fine, but I think that a strong Legislature is also fine, and I would not under any circumstances like to see this body abdicate its powers and its privileges. Long has this body and the other, in joint session, controlled the election of the Secretary of State. The Secretary of State serves all the people as the Governor serves all the people, as the Legislature serves all the people.

Over a great period of years this has worked out very well, and there has been no interference from the Executive with this department of government, and neither can I see where the Legislature has ever offered any great interference. I hope this morning you will go along with my motion to accept Report "B" the "ought not to pass" report of the Committee.

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

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen of the House: I support the motion of the gentleman from Kittery, Mr. Dennett, and I would remind the members of the House that the House and Senate that is our Legislature, enjoys a close relationship with the Secretary of State's office, that there are many instances where his duties are tied very closely to the legislative process, and I see no good reason to change this historic alliance that has proven to work very very nicely.

I would also like to point out, since the gentle lady from Bath, Miss Watson, brought this subject up, that our recent political history show us, in essence, where a Secretary of State was a full-time candidate for Governor. I don't think that we operate under that limitation at the present time. I believe that the present situation is a good one, is one that should continue, and we, the members of the Legislature, should retain this relationship.

I do want to point out that I personally support making the terms of major department heads coterminous with that of the Governor, and I also support, as do other members of leadership, realignment of the responsibilities and duties of the Executive Council. We are talking here about the Secretary of State and nothing else. And I say we should maintain this system which has operated so well for so long.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the

House: First you have heard the speaker that was the sponsor of this document this morning, who made some very eloquent remarks, and then you heard the gentleman from Kittery, Mr. Dennett, in opposition to supporting legislation of this nature. All this, as has been indicated, has been before the Legislature a good many sessions, and somehow or other there is very little lines between the Legislature and the Secretary of State, but only five or six months every other year.

Now granted there is no conflict in the Secretary of State's office as far as we are concerned, and there is most likely no conflict between the Chief Executive and the Secretary of State as it is in the office now, but we certainly think that there could be, and there should be, a closer unification of the operation of state government.

If we are going to strengthen the legislative branch of our government, all well and good. If this system is so good as to the Secretary of State and a few other Constitutional offices, then the Legislature, in order to strengthen themselves, we should take the ultimate position of appointing all the department heads in state government. But that is not what we are faced with this morning. Granted there is no conflict of interest between the Legislature and the Secretary of State, but we think there would be a closer and a more unified and control of operation if the Secretary of State was either elected by the general public, or was appointed to serve one master and not 185 masters.

So for these reasons you will find that most of the Secretaries of State of our country are either under the direct supervision and accountable to the Governor, or the Chief Executive or are accountable to the general public, by having to run for office. So this is one of the reasons that we think that this type of reform should be reverted back to the general public and find out what their reactions are, whether the Secretary of State is a person who should be elected by the general public, or whether he should be under the direct and

immediate supervision of the Chief Executive, to make it a better working form of government. And then, by the same token, we could also take the necessary steps to make sure that we strengthen our own hand as a legislative group.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Kittery, Mr. Dennett, that the House accept Report "B" the "Ought not to pass" Report. The yeas and nays have 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; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

More than one fifth having expressed the 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 Report "B," the "Ought not to pass" Report on item 30, Resolve Proposing an Amendment to the Constitution Providing for the Appointment of the Secretary of State by the Governor, House Paper 357, L. D. 465. If you are in favor of accepting Report "B" you will vote yes; if you are opposed you will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, Barnes, Benson, Berman, Birt, Bragdon, Brown, Buckley, Bunker, Chick, Clark, C. H.; Clark, H. G.; Corson, Crosby, Cummings, Curtis, Cushing, Dennett, Donaghy, Dudley, Durgin, Dyar, Erickson, Evans, Farnham, Finemore, Foster, Good, Hall, Hanson, Hardy, Hawken, Henley, Hewes, Hichens, Huber, Immonen, Jameson, Johnston, Kelley, K. F.; Kelley, R. P.; Lee, Lewin, Lewis, Lincoln, Lund, MacPhail, Marstaller, McNally, Meisner, Millett, Mosher, Norris, Noyes, Page, Payson, Porter, Pratt, Quimby, Rand, Richardson, H. L.; Rideout, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Snow, Soulas, Stillings, Susi, Thompson, Trask, Tyndale, White, Wight, Williams, Wood.

NAY — Bedard, Bernier, Binnette, Boudreau, Bourgoin, Brennan, Burnham, Carey, Carrier, Carter, Casey, Coffey, Cote, Cottrell, Couture, Cox, Croteau, D'Alfonso, Dam, Danton, Emery, Eustis, Faucher, Fecteau, Fortier, A. J.; Fortier, M.; Fraser, Gauthier, Giroux, Heselton, Hunter, Jalbert, Jutras, Kelleher, Keyte, Laberge, Lawry, Lebel, Leibowitz, LePage, Levesque, Marquis, Martin, McTeague, Mills, Mitchell, Morgan, Nadeau, Ouellette, Rocheleau, Sheltra, Starbird, Tanguay, Temple, Vincent, Watson, Waxman, Wheeler.

ABSENT — Chandler, Crommett, Curran, Drigotas, Gilbert, Harri-man, Haskell, Kilroy, McKinnon, Moreshead, Richardson, G. A.; Santoro.

Yes, 79; No, 58; Absent, 12.

The SPEAKER: Seventy-nine having voted in the affirmative and fifty-eight in the negative, the motion does prevail.

Sent up for concurrence.

Third Reader Amended

Bill "An Act relating to Solicitation of Eye Services and Appliances" (S. P. 265) (L. D. 869)

Was reported by the Committee on Bills in the Third Reading and read the third time.

Mr. Soulas of Bangor offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-200) was read by the Clerk and adopted and the Bill passed to be engrossed as amended in non-concurrence and sent up for concurrence. (Later Reconsidered)

Passed to Be Engrossed

Bill "An Act Increasing Borrowing Capacity of School Administrative District No. 14" (S. P. 309) (L. D. 1027)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

Third Reader Indefinitely Postponed

Bill "An Act to Create a School Administrative District in the Town of Jay" (H. P. 428) (L. D. 552)

Was reported by the Committee on Bills in the Third Reading and read the third time.

The SPEAKER: The Chair recognizes the gentleman from Monmouth, Mr. Chick.

Mr. CHICK: Mr. Speaker, I move this bill be indefinitely postponed, and I would speak to my motion.

The SPEAKER: The gentleman from Monmouth, Mr. Chick, moves that item 3, L. D. 552, be indefinitely postponed. The gentleman may proceed.

Mr. CHICK: Mr. Speaker and Members of the House: I'd like to point out to the members that the Town of Jay in 1968 made a mill effort of .0158 toward their schools. Now of the 470 municipalities in the state, I don't believe there was over a half dozen, at the most, that made as less an effort to education as the Town of Jay.

Just for the record, I am not going to list many municipalities, but I would like to list just a few in the vicinity of Jay. SAD 9, Farmington, makes a mill effort of 60 as against 15.8 of Jay; Dixfield, 36 mills plus; Livermore, 43.6; Turner, 57.4.

Now, if the Town of Jay wants to get in an SAD District, they could combine with one of the surrounding towns and join a SAD with them, but I think the testimony here last Friday was that they did not want to share their big paper mill, the tax money they recovered from the big paper mill with the surrounding towns, and I don't blame them for that, if they want to operate their own schools under their own setup, but I don't think they should be permitted to form a SAD.

It was pointed out at the committee for instance, that the—I think it was about one third of the employees at the big paper mill come from the Town of Jay, the rest of them come from surrounding towns, and I would like to call the attention of the House to the fact that they wouldn't have the paper mill in the Town of Jay if it wasn't for the help they secured from the surrounding towns, and yet they want to keep all of the tax money in the Town of Jay, and the surrounding towns have a problem of educating the pupils from, as I