

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth  
Legislature*

OF THE

STATE OF MAINE

**Volume III**

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**1st Special Session**

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KENNEBEC JOURNAL  
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Speaker appointed the following Conferees on the part of the House:  
 Mrs. BAKER of Orrington  
 Messrs. MORESHEAD of Augusta  
 LUND of Augusta

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, I would ask if the House is in possession of Senate Paper 491, L. D. 1585, Resolve Proposing an Amendment to the Constitution Providing for a Full-time Attorney General to Hold Office for Four Years?

The SPEAKER: The answer is in the affirmative.

Mr. BIRT: Mr. Speaker, I move that we reconsider our action of yesterday whereby this bill was passed to be engrossed as amended by House Amendment "A" and House Amendment "C" as amended by House Amendment "A" thereto.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, moves that the House reconsider its action of yesterday whereby this Bill was passed to be engrossed as amended by House Amendment "A" and House Amendment "C" as amended by House Amendment "A" thereto. Is this the pleasure of the House?  
 (Cries of "No")

The Chair will order a vote.

The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, I would speak to that motion.

The SPEAKER: The gentleman may proceed.

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: House Amendment "C" provides that the Attorney General would be elected statewide, and this has been bothering me for quite some time, and the more I look at it the more convinced I am that it might not be a good move. I am completely in concurrence with the idea of making the Attorney General's office a full-time job, and also in agreement that a four-year term of office would be very acceptable. But I cannot convince myself that the type of people that you would

want to occupy the office of Attorney General would be able to spend both the time and the money to get themselves elected to a job of this level.

Take state-wide elections at the present time, \$50,000 to \$75,000 is not uncommon to be spent on running state-wide in a popular election, and this is not even taking into consideration the possibility that there might be a primary battle in which the candidate would be individually entirely on his own responsibility.

The House Amendment "A" to House Amendment "C" says that the pay and allowance of the Attorney General shall be the same as the justice of the superior court. The superior court justice today receiving in the area of \$18,000 paid over a period of four years, he would receive \$72,000, and I fail to understand how that a person would want to run state-wide and spend \$50,000 to \$75,000 to take a job which he had only a possibility of netting \$72,000 over the run of four years. It seems to me that we are moving in the wrong direction in wanting to adopt this Amendment "B". The original bill called for a state-wide election. They reported out of State Government Committee to set up the office on a full-time four-year basis but it left it to be elected at the same method that it presently is, by the Legislature.

I feel this has worked reasonably well over the last many years and I would hope that the House would go along on the reconsideration motion.

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

Mr. RIDEOUT: Mr. Speaker and Ladies and Gentlemen of the House: This bill boils down to three basic tenets. One is full-time Attorney General for four years on the same salary scale of a superior court justice, The third and last thing that Mr. Birt apparently objects to is the method by which the Attorney General will hold his office.

Now obviously from the reports of the Committee and the general

stir this has caused, there is a difference of opinion. Some of us believe that the Attorney General should be elected. Some believe he should be appointed by the Governor. Some believe he should be elected by the Legislature, which is currently the case.

Now I think the issue should boil down to this. If you vote for reconsideration, you are voting against the election of the Attorney General, and I think it is an honest area of disagreement. I, for one, have changed my mind from the time of the committee hearings whereby I feel that I like the bill with the amendments as it is, an elected full-time, four-year Attorney General with the appropriate salary that he should get, and I would offer this to you in a way of an explanation.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I rise in support of the reconsideration motion, simply on the same grounds that I believe the gentleman from East Millinocket, Mr. Birt objects to, and that is the state-wide election of the Attorney General. And I too object for the same reason.

I have no fault to find with any of the other amendments, particularly a four-year term and raising his pay to the level of a superior court justice. But I too agree that it seems rather absurd for any man running on a state-wide basis with the costs that are involved, to get a good man who would really do a job and just possibly break even and have four years work for fun.

Now I well realize that other states do elect their attorney generals, and they are appointed in other manners too in other states. But I still think that here in the State of Maine we have the best process for electing the Attorney General, electing him by the Legislature, and over a period of years we have had some pretty good Attorney Generals even when the minority party elected. I couldn't find any fault with their choice of attorney general and

neither do I find any fault with those who have been elected by a Legislature of the majority party. I certainly hope that you would vote to reconsider.

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

Mr. STARBIRD: Mr. Speaker and Members of the House: When this bill was first reported from our committee, I was with the two, myself and a member of the other body, who signed a report favoring the original bill which was essentially the same as Amendment "C". The bill was re-committed to committee and thinking that I could only get a part of what I thought was necessary, I like many of us here was willing to go along with part of a loaf rather than reject the whole thing. I at least got some improvement, so I went along with the unanimous report that was reported out. But I must join with Representative Rideout today in supporting him in voting against the reconsideration motion because I feel that the bill in its present form for the statewide election is a good one and I think that the Attorney General will better reflect the thinking of the State at large in this matter. So I urge you to vote against the reconsideration motion.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: First I would like to make it very clear to the members of the House that even if the Attorney General should have to run for office and be elected by the people I am not a candidate for that office. Not being a member of the profession, I do not think that I am going to start a campaign for that kind of position and that is very clear.

I do hope that the members of this House will not move to reconsider this document because I think that this position of the Attorney General in our own State where this would be and still is a policy making decision that certainly a person of the right calibre that wishes to be part of the policy making decisions of the At-

torney General's office would have to have the consensus of the people of the State of Maine in order to rightly decide on these policies to reflect the general consensus of the population.

So the bill in its present form I feel is excellent and will afford the office a four year term in which they can establish these policies and I think that the motion to reconsider at this time is a step in the wrong direction. I think the members of the House have made a decision that they would like to see the Attorney General on a four-year term and not only for that purpose but now that we have reinstated the clerk of courts on the ballot I think even more important that the Office of the Attorney General for a four year term should also be on the ballot.

So therefore I encourage the members of the House to vote against the motion to reconsider this document.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: Our forefathers in their wisdom saw that when constitutional amendments were to be presented by the Legislature they could only be enacted by a two-thirds vote of each body. Now it would seem apparent here this afternoon that unless we resolve our differences on this matter and come to some sort of an acceptable compromise, there may not be the necessary two thirds to make some moderate progress in this field.

Now the new draft that was reported to us from the committee came into this House, and for lack of a better phrase I will say in its pristine elegance, and Mr. Rideout had an amendment prepared which lay upon our desk for a day or so and I think one of the gentlemen from Houlton had an amendment which lay upon our desk for a day or so and when the bill came up for its second reading, being a resolve rather than an ordinary bill, Mr. Rideout very graciously presented his House Amendment "A" and it was accepted. And the gentle-

man from Houlton presented his House Amendment "B" for the two year term which it would seem would make the office more responsive to the people who elected the State's attorney and that too was accepted.

Now somehow in the process the bill got tabled for later in that day's session. Now I must apologize to the House at least for myself, because certainly I was unaware when one of my young friends in the House presented House Amendment "C". I had talked to this young gentleman about so-called House Amendment "C" and at one time he told me that he wasn't going to offer it so I was, frankly, lulled into a sense of security and I would think, although I am sure the gentleman from Kittery is well able to speak in his own behalf was also lulled into a sense of security.

So what happened, on the same day as I recall it, House Amendment "C" was offered, it went under the hammer. It was in effect an abrogation of House Amendment "B" which we put on that morning. This was not called to the attention of the House. It went under the gavel and lo and behold, when I saw the calendar of the other body the next morning, I spoke to the gentleman from Kittery and I said, "Something has happened here, here we have House Amendment "B" and House Amendment "C." House Amendment "C" is in direct abrogation of House Amendment "B", it was not called to the attention of the House. It went under the hammer.

So eventually it gets back to this House in non-concurrence because it didn't take too long for someone in the other body to figure out that House Amendment "C" was in direct conflict of House Amendment "B". So when it got back to the House, my good friend and able colleague from Kittery, Mr. Dennett wasn't in the House and I asked to have this matter tabled and extended the usual courtesies, but someone in the House said well we won't do this, we will let this bill go ahead to be engrossed and it will speed up

the process and so on and so forth.

Well, on that particular Friday the gentleman from Houlton was a realist and he knew that he didn't have enough votes to counteract the gentleman who wanted the bill to be engrossed and so on and so forth. So now we are back here today and I think that we honestly should support the gentleman from East Millinocket, Mr. Birt and give this matter a fair and complete airing because I don't know but I have the feeling that what happened with House Amendment "C" going under the gavel with no explanation being offered to the House that it was in direct abrogation of House Amendment "B", that this matter may possibly not get enacted.

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

Mr. MARTIN: Mr. Speaker and Members of the House: In case you haven't figured out already, I was the one that offered House Amendment "C". I told the gentleman from Houlton that I was contemplating offering the amendment and that I was not going to do so that morning. The gentleman from Houlton, Mr. Ber- man should have told you that he saw the amendment before it was printed which I had not even had a chance to look at.

Now in that afternoon session I offered the amendment, the gentleman was in his seat, and I saw no reason why I should go into any long detail about what the story was. So I think it is quite obvious that it was my impression at the time that the gentleman was in favor of it. I certainly believe that we should have an elected four-year term for Attorney General. I think that if we want to be responsive to what the people want I think we will also agree that this is so. The people have been clamoring for years that they want to elect the chief law enforcement officer of this State, and since the Attorney General is the chief law enforcement officer of the State of Maine, then I think the people should decide who the Attorney General should be, and

so I hope that you vote against the motion to reconsider as made by the gentleman from East Millinocket, Mr. Birt.

The SPEAKER: The Chair will order a vote. Is the House ready for the question? The pending question is the motion of the gentleman from East Millinocket, Mr. Birt, to reconsider. All in favor will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 56 having voted in the affirmative and 80 in the negative, the motion did not prevail.

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

Bill "An Act Creating a Human Rights Act for Maine" (H. P. 1263) (L. D. 1593)

Tabled — June 23, by Mr. McTeague of Brunswick.

Pending — Adoption of House Amendment "A" H-569.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Ladies and Gentlemen of the House: I just wish to say that I have great reservations on this bill. There is probably needed a human rights bill in this State. However, I have on the report chosen to go along with the Report C as compared with Report A and Report B, but later on if Report B was accepted, and I have a lot of objections about House Amendment "A" which was presented and which was the issue before us but I am told the sponsor of the amendment will withdraw it so I will retain my objections to the later amendment until that time.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Members of the House: We first prepared House Amendment "A" about two or three days ago and during the course of those two or three days a number of members both in the State Government Committee and other members of the House brought certain areas that might be problem areas