

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 Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

Divided Report

Majority Report of the Committee on State Government reporting "Ought not to pass" on Resolution Proposing an Amendment to the Constitution Providing for the Appointment of the Attorney General by the Governor (S. P. 284) (L. D. 840)

Report was signed by the following members:

Messrs. JOHNSON of Somerset
WYMAN of Washington
— of the Senate.
Messrs. DONAGHY of Lubec
MARSTALLER of Free-
port
STILLINGS of Berwick
CURTIS of Orono
HODGDON of Kittery
— of the House.

Minority Report of same Committee on same Resolution reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Mr. CLIFFORD
— of Androscoggin
— of the Senate.
Mr. STARBIRD of Kingman
Township
Mrs. GOODWIN of Bath
Messrs. FARRINGTON
— of Old Orchard Beach
COONEY of Webster
— of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker, I move that the Majority "Ought not to pass" Report be accepted.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, moves that the House accept the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Webster, Mr. Cooney.

Mr. COONEY: Mr. Speaker and Ladies and Gentlemen of the House: I would hope that you would defeat the present motion. I signed this bill for a number of reasons "Ought to pass." I think really we should be debating just two central issues this morning: whether we want the Attorney General to be elected by the people

or we want him to be appointed by the Governor.

And of these two, I prefer the one that is under discussion right now. I do it for several reasons. First of all I think that if we were to elect him popularly we would be adding unnecessary politics to an office that should not be politically encumbered. The political parties right now are under considerable strain financially, and I think that this office, were it to be popularly elected, would add considerable additional burden to both political parties.

Finally, I do not feel that our chief law enforcement officer should be someone who would owe or could possibly owe any favor to any private group that might contribute to his campaign. And finally, I think it is wise governmentally to have a unified executive branch, a branch where the Governor can select those people whom he is going to work with.

So I would urge you this morning to oppose the present motion and then accept the motion to go along with the Minority "Ought to pass" Report. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Members of the House: I think about the only answer that is needed on this, the proponents of the bill definitely stated that we should have a man in the Attorney General's office who is the Governor's man. Now this could be a Republican or a Democrat, but the majority of the committee, and I hope those in the House, will feel that the man in the Attorney General's office should be nobody's man. He should be taking care of the interests of the public of the State of Maine, all its citizens, and all its taxpayers. And I would hope you would go along with the original motion. I request a division.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I am extremely pleased to hear the Chairman of the State Government Committee tell us that

the Attorney General ought to be no one's man. I agree that the Attorney General ought to be the peoples' representative.

I have been concerned with that problem, and I am concerned about it today. I think that many of us of both political parties have been concerned with the problems that are created when you have a Governor of one political party and an Attorney General of another political party; and for that matter going one step further, when both of them have campaigned against one another it makes it that much more difficult, regardless of politics, regardless of party, in any attempt of arriving at a point of compromise or cooperation.

This, I think, in part is not due, or is not caused perhaps by parties as much as it is sometimes caused by personalities. I think personally, and speaking for myself, I think I would feel much better if the Attorney General were indeed appointed by the Governor, since the Governor is after all the people's Governor, and he is and ought to be responsible for everyone within state government.

I think, of course, that if we can't get this, then any system is better than what we have got now. I would hope that you would vote against the motion of accepting the Majority Report, and when the vote is taken, Mr. Speaker, I would ask that the vote be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: I do not believe at the present time that we have conclusive evidence in support of such a change, and I would hope that you support the motion before us, the "Ought not to pass" Report. Thank you.

The SPEAKER: 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 members desiring a roll call vote will vote yes; those opposed will vote no.

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 Lubec, Mr. Donaghy, that L. D. 840, that the House accept the Majority "Ought not to pass" Report in concurrence. If you are in favor of the motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YES — Albert, Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Birt, Bither, Bragdon, Brawn, Brown, Bunker, Call, Churchill, Clark, Collins, Cote, Crosby, Cummings Curtis, A. P.; Curtis, T. S., Jr.; Donaghy, Dudley, Emery, D. F.; Evans, Finemore, Gagnon, Gill, Good, Hall, Hanson, Hardy, Haskell, Hawkens Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Kelleher, Kelley, K. F.; Kelley, R. P.; Lawry, Lee, Lewin, Lewis, Lincoln, Littlefield, Lund, MacLeod, Maddox, Marstaller, McCormick, McNally, Millett, Morrell, Mosher, Page, Parks, Payson, Porter, Pratt, Rand, Rollins, Ross, Scott, Shaw, Shute, Silverman, Simpson, T. R.; Stillings, Susi, Trask, Tyndale, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

NO — Bedard, Bernier, Berry, P. P.; Berube, Binnette, Boudreau, Bourgoin, Bustin, Carrier, Carter, Clemente, Conley, Cooney, Cottrell, Curran, Cyr, Dow, Doyle, Drigotas Emery, E. M.; Farrington, Faucher, Fecteau, Fraser, Gauthier, Genest, Goodwin, Hancock, Jalbert, Jutras, Kelley, P. S.; Keyte, Kilroy, Lebel, Lessard, Lizotte, Lucas, Lynch, Mahany, Manchester, Marsh, Martin, McCloskey, McKinnon, McTeague, Mills, Murray, O'Brien, Pontbriand, Rocheleau, Sheltra Slane, Smith, E. H.; Starbird, Tangway, Theriault, Vincent, Webber, Wheeler.

ABSENT — Carey, Dam, Dyar, Norris, Orestis, Santoro, Simpson, L. E.; Smith D. M.; Whitson.

Yes, 82; No, 59; Absent, 9.

The SPEAKER: Eighty-two having voted in the affirmative, and fifty-nine in the negative, with nine being absent, the motion does prevail.