

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

SIMPSON of Millinocket

KELLEY of Machias

— of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (H. P. 1255) (L. D. 1575) under same title and that it "Ought to pass"

Report was signed by the following members:

Messrs. MARCOTTE of York

LEVINE of Kennebec

— of the Senate.

Messrs. McTEAGUE of Brunswick

GENEST of Waterville

BEDARD of Saco

BUSTIN of Augusta

— of the House.

Reports were read.

(On motion of Mr. Good of Westfield, tabled pending acceptance of either Report and specially assigned for Tuesday, April 6.)

Divided Report

Tabled and Assigned

Majority Report of the Committee on Labor reporting "Ought not to pass" on Bill "An Act to Revise Eligibility Requirements for Unemployment Compensation Benefits" (H. P. 423) (L. D. 557)

Report was signed by the following members:

Mr. TANOUS of Penobscot

— of the Senate.

Messrs. GOOD of Westfield

LEE of Albion

ROLLINS of Dixfield

Mrs. LINCOLN of Bethel

Messrs. KELLEY of Machias

SIMPSON of Millinocket

— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Messrs. MARCOTTE of York

LEVINE of Kennebec

— of the Senate.

Messrs. McTEAGUE of Brunswick

BEDARD of Saco

GENEST of Waterville

BUSTIN of Augusta

— of the House.

Reports were read.

(On motion of Mr. Good of Westfield, tabled pending acceptance of either Report and specially assigned for Tuesday, April 6.)

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 Secretary of State by the Governor (H. P. 436) (L. D. 570)

Report was signed by the following members:

Messrs. JOHNSON of Somerset

WYMAN of Washington

— of the Senate.

Messrs. HODGDON of Kittery

CURTIS of Orono

STILLINGS of Berwick

HANSON of Gardiner

MARSTALLER

— of Freeport

DONAGHY of Lubec

— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Resolution.

Report was signed by the following members:

Mr. CLIFFORD

— of Androscoggin

— of the Senate.

Messrs. COONEY of Webster

FARRINGTON

— of Old Orchard Beach

Mrs. GOODWIN of Bath

Mr. STARBIRD

— of Kingman Township

— of the House.

Reports were read.

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

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

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 Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I find myself again this year, as I have been for the past four sessions, talking about governmental reform. I stand here fully realizing that we don't even have a majority, and so it is impossible to even have the committee report accepted.

I think for those of us who feel that there has to be something done to solve the problems, we feel

that this is one of the things that has to be done. Unfortunately it is not going to be done. I would hope, and I say this kiddingly, that the majority party will some day come to see our point of view; that some day the majority party will by this idea, and perhaps when we become the majority party we will have enough votes from the minority to pass this thing by a two-thirds vote.

And so, Mr. Speaker, I would not want to belabor the point. I would think that we discuss this every session I have been here, it doesn't get anywhere. I would simply ask that when the vote be taken it be taken by the yeas and nays, and let's get it over with this morning.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Lucas.

Mr. LUCAS: Mr. Speaker and Ladies and Gentlemen of the House: Most commonly we consult custom and example rather than reason. Hopefully this time around you will see merit enough to be courageous to suggest its passage.

I don't believe partisan politics should have anything to do with this proposal because we are discussing governmental efficiency reform, and we would be taking a forward step when we could transcend the politics of the situation and look beyond to the question, — what would be most beneficial toward streamlining our governmental operation and making the system work more responsibly for the Governor and for the people of the state?

Now it is easy to understand how we are prisoners of the past when we look at the evolution of the State Constitution and the restrictive nature that this document has on the Governor. Since that time that the Constitution was drafted in 1819, the office of the Governor has developed varying degrees of power, prestige and leadership.

Now the strongest constitutional authority is held by the Governor of New Jersey, designated as a strong Governor's state. Maine is listed among the numerous weak Governor states along with Flor-

ida, Oregon, New Hampshire and Massachusetts.

Now lest you misinterpret that last statement considering our divergent political views and the reflections upon our present and our past governors, weak governors are so designated by constitutional limitation and not by personality or party affiliation.

Today there is a glaring need for more executive control. I think this has been demonstrated in the last six weeks of our struggle here. We are increasingly recognizing this fact, however, not as quickly as we should. People are demanding a more responsive government. Simply to continue the present structure designed for another time will not meet this demand.

Ever since the Gardiner Report of 1930, the removal of the control of the employment of the Secretary of State by the legislature has been asked. I challenge you to act in the best interest of good government, forsaking political and state. To have the Secretary of State, who has important duties, talk separate from and even potentially hostile to the Chief Executive of the State is poor administrative practice in my opinion. That is why this bill is presented, and that is why I urge you to support the minority report of this bill. If you do believe in the practice of democracy, I ask you to allow the people of Maine to pass judgments on the merits of executive authority in the referendum issue that will go with this bill.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: Inasmuch as the good gentleman from Eagle Lake, Mr. Martin, the Minority Leader, has conceded to the results of the vote, and in the interest of economy and time, I suggest that we get on with the vote.

The SPEAKER: The pending question is on the motion of the gentleman from Lubec, Mr. Donaghy, that the House accept the Majority "Ought not to pass" Report. The yeas and nays have been requested. For the Chair to order a roll call it must have the ex-

pressed 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 the House accept the Majority "Ought not to pass" Report on Resolution Proposing an Amendment to the Constitution Providing for the Appointment of the Secretary of State by the Governor, House Paper 436, L. D. 570. If you are in favor of accepting the Majority "Ought not to pass" Report you will vote yes; those opposed will vote no.

ROLL CALL

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

NAY — Bedard, Bernier, Berube, Binnette, Boudreau, Bourgoin, Bustin, Call, Carey, Carrier, Carter, Clemente, Conley, Cooney, Cote, Cottrell, Curran, Cyr, Dam, Dow, Doyle, Drigotas, Emery, E. M.; Farrington, Faucher, Fecteau, Fraser, Gauthier, Genest, Goodwin, Hancock, Hewes, Jalbert, Jutras, Kelley, P. S.; Keyte, Lebel, Lucas, Lund, Lynch, Mahany, Manchester, Marsh, Martin, McCloskey, McKinnon, McTeague, Mills, Morrell, Murray, O'Brien, Orestis, Pontbriand, Rocheleau, Slane, Smith, D. M.; Smith, E. H.; Tan-

guay, Theriault, Vincent, Webber, Wheeler, Whitson.

ABSENT — Berry, P. P.; Brown, Churchill, Gill, Hodgdon, Immonen, Kilroy, Lawry, Lessard, Lizotte, Santoro, Sheltra, Starbird.

Yes, 74; No, 63; Absent, 13.

The SPEAKER: Seventy-four having voted in the affirmative and sixty-three in the negative, with thirteen being absent, the motion does prevail.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on State Government reporting "Ought not to pass" on Resolution Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money (H. P. 438) (L. D. 573)

Report was signed by the following members:

Messrs. JOHNSON of Somerset
WYMAN of Washington
— of the Senate.
Messrs. HODGDON of Kittery
CURTIS of Orono
STILLINGS of Berwick
HANSON of Gardiner
MARSTALLER
— of Freeport
DONAGHY of Lubec
— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Resolution.

Report was signed by the following members:

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

Reports were read.

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

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

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