

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL
AUGUSTA, MAINE

bowitz, Levesque, Lewin, Martin, McKinnon, McNally, McTeague, Meisner, Millett, Mitchell, Moreshead, Mosher, Nadeau, Page, Porter, Rand, Richardson, G. A.; Sheltra, Snow, Soulas, Starbird, Temple, Trask, Tyndale, White, Williams, Wood.

NAY—Baker, Benson, Birt, Bragdon, Brown, Bunker, Burnham, Carey, Casey, Chandler, Chick, Clark, C. H.; Clark, H. G.; Corson, Cote, Cottrell, Cox, Crosby, Cummings, Cushing, Dennett, Donaghy, Durgin, Dyar, Eustis, Farnham, Foster, Gilbert, Hardy, Haskell, Huber, Jalbert, Johnston, Kelleher, Kelley, K. F.; Kelley, R. P.; Lawry, LePage, Lewis, Lincoln, Lund, MacPhail, Marquis, Marstaller, Mills, Morgan, Norris, Noyes, Ouellette, Payson, M. W.; Pratt, Quimby, Richardson, H. L.; Rideout, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Stillings, Susi, Tanguay, Thompson, Vincent, Watson, Waxman, Wheeler, Wight.

ABSENT — Allen, Bedard, Brennan, Coffey, Faucher, Rocheleau, Santoro.

Yes, 74; No, 68; Absent, 7.

The SPEAKER: The Chair will announce the vote. Seventy-four having voted in the affirmative and sixty-eight having voted in the negative, the motion to indefinitely postpone does prevail.

Sent up for concurrence.

The Chair laid before the House the fourth tabled and today assigned matter:

Resolve Proposing an Amendment to the Constitution Regulating the Size of the House of Representatives (H. P. 356) (L. D. 464)

Tabled — February 26, by Mr. Ross of Bath.

Pending—His motion to Indefinitely Postpone.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Last week this was debated at some length and I thought I had made my position clear. The next day a certain legislator came to me and said you're the guy that wants to cut the size of the House. So before I start I want to state

emphatically that I approve the size of the House the way it is right now.

Now as a monitor you have often heard me say, for the benefit of the new members. I now say, for the benefit of all members including me there is a parliamentary lesson to be learned with last week's treatment of this strange little bill. It was my understanding then that we would debate it at that time to its conclusion, one way or the other. But as often happens once again I was foiled. We proceeded with our plan of attack, our flanks were protected and our guns in place. The battle was begun and my side had fired its major salvos. We still had small arms ready and waiting, when suddenly the opposition demanded a cease fire for the purpose of regrouping their forces. This was a most frustrating maneuver. We now find ourselves where we can't use our spent ammunition; we must change our tactics and call up our reserves.

Now I will not repeat today how manageable and efficient I think this House is, or much decorum we truly have or how high we're held in national esteem, but I will mention again what a high regard I have for all of the State Government Committee members, from the charming Women's Corps member, my colleague and friend from Bath, Miss Watson, to the astute and capable Executive Officer, the gentleman from Manchester, Mr. Rideout, up to the revered and master tactician who is the Commanding Officer, the gentleman from Kittery, Mr. Dennett.

I stated that I normally trust this group with a unanimous report because I feel that they're an omnipotent Brigade. I am sure they were motivated with good intentions, but I feel that this time they had a slight lapse. Because I fail to see that this is progressive or it is for efficiency. I believe it is change for change sake, which reminds me of a little poem by Robert Service entitled "There's a Race of Men," and I would like to quote just three short stanzas.

"They range the field and they rove the flood,

And they climb the mountain's
 crest;
 Theirs is the curse of the gypsy
 blood,
 And they don't know how to
 rest.
 If they went straight they might
 go far;
 They are strong and brave and
 true;
 But they're always tired of the
 things that are,
 And they want the strange and
 new.
 They say: 'Could I find my
 proper groove,
 What a deep mark I would
 make!'
 So they chop and change, and
 each fresh move
 Is only a fresh mistake."

I have often heard that politics is the art of compromise. I agree with that and I am willing to show my spirit of compromise. Last Tuesday we had two amendments, one to cut the size of the House down to 32 and another to increase it to 401. I would be very happy to compromise somewhere in the middle, shall we say 151, and I hope that this House will agree with my magnanimous offer.

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

Mr. DENNETT: Mr. Speaker and Members of the House: I arise this morning with somewhat of a feeling of fear and trepidation. You have heard the magnificent onslaught by the forces of the enemy. I have no doubt but the oration which you have just heard will go down in the annals of this House as one of the classic examples of rhetoric.

Now I know that the gentleman from Bath worked long and far into the night on this magnificent discourse. But I in my poor and humble manner can only take a few remarks off the top of my head. I could not write a speech such as the one that you have just heard, because as you all know that I have a great deal of difficulty with words that contain more than two syllables. But nevertheless, I will attempt to give you this morning the reasons for the unanimous "Ought to pass" Report of the Committee.

I think this morning that a moment of truth has arrived in this House. For many many years the ghosts of legislative reform have haunted these hallowed walls. Session after session we have had bills introduced which would institute reforms in our legislative process. Now this morning you have before you in this legislative document, the very key, the very foundation of any legislative reform. To attempt legislative reform with a large House, the cost would be both exorbitant and prohibitive. With a smaller House, accomplishments in this field could be made.

Now, we have 151 members. I would not for one moment cast any aspersion on the abilities or the integrity of a single member. I too believe that we have a good House; I too believe that perhaps a smaller House could be a more efficient House.

This morning it is time for the members of this House, the men and women of this House, to examine the problem that lays before me. This takes an immense amount of courage. We will be frank, we will be honest. Are 55 members of this House willing to vote themselves out of a job? This is a very very difficult problem; it's a problem that we all must face. We must face it with courage and with sincerity if we are to institute these legislative reforms such as staff, such as legislative pay raises, many many things that perhaps would be of advantage. Again I remind you that we can do it only with a smaller House if we have any regard to the costs that would be involved. I would ask you this morning to reject the motion to indefinitely postpone and vote once again for the bill, I believe it's to be passed to be engrossed. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Lund.

Mr. LUND: Mr. Speaker, Members of the House: This is a difficult league to run in, and I don't propose to run against the speakers we've just heard. However, I think that with the year of rhetoric and perhaps a little frivolity here, there is a danger that the House

might lose sight of this as a very important measure, not simply because it deals with the House as a unit, but because it represents, I believe, the first step and a first step that we must take if we are to reform the legislative process and make it one that can properly carry out its function in this day and age. And without trying to elaborate on this topic a great deal I simply would like to have the members think a little bit about the changes that have taken place in the State of Maine since it became a State, the changes of communications and the changes in method of transportation, and to ask themselves, each one of you, whether these changes warrant the consideration of compensating changes at the state level.

Time was when it took days and literally weeks for news to reach your constituents, and it took days and literally weeks to reach the State House in order to carry out the mandate. Here we drive back and forth from literally the farthestmost parts of the state, and the word goes out and comes back between ourselves and our constituents in a very brief time. And it seems to me that with this vast change in transportation and communication the necessity for a House the size that we have now is changing and that we ought to face the need for change, and we ought to take this first step as a meaningful step in the direction of legislative reform.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I am somewhat amazed at what I have been listening to here this morning. I wonder how many people here realize that the territory I now represent is bigger than the State of Rhode Island. It's 80 miles long and it's 44 miles wide and it's only one segment of Washington County.

I wonder how many people have considered the geophysical layout of the State of Maine as regards to counties and districts. If this is passed and becomes a law in the state on reapportionment of

the House downward, it means that there will be three Representatives out of Washington County and one Senator.

I now find it takes me two hours to go from one end of my district to the other if I can avoid the state police, which I haven't been able to do successfully. Now then, when you reach these people, you have diversions of opinion all through your area. I am finding this especially so during this legislative session. To further inculcate this thing into a law would deprive these people of true representation throughout the Washington County area. I would not try to digress into the other parts of the state because I am not familiar with their territories, but I presume you members here are.

I've heard pro and con on this, but I think if this thing was to be done we'd be downgrading the vote of the people of the State of Maine, we'd be downgrading their thinking, we'd be downgrading their representation here in the House and which I think they're entitled to as the tax payers of the State of Maine. I think it deserves a lot of thinking.

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

Mr. LEVESQUE: Mr. Speaker, Ladies and Gentlemen of the House: I think probably this morning you're witnessing the beginning of not the ides of March, but the winds of March.

I concur wholeheartedly with the gentleman from Kittery, Mr. Dennett, as to the feasibility and possibilities of what is to happen in the future. I also concur with the gentleman from Augusta, Mr. Lund, and it seems to me that at very best not too many moons ago, as was mentioned in this House, that it's time for a change. I think it's high time for a change. As was indicated, information to the outlying areas in our state, when the logistical number of 151 was established, if you got it in a week you were lucky. If you didn't get it in a week, you never got it. So the information that was made available some years

ago in a week maybe got back to the Capitol in a month; and a lot of it never got out and a lot of it never came back.

The gentleman from Kittery, Mr. Dennett has pointed out, are we as member of this House, are we to fear our own numbers? Or maybe as the gentleman from Bath, Mr. Ross has pointed out, have some of us run out of ammunition in our own localities for fear that we may not be reelected to this branch of the Legislature? Between the fears and the time for changes, I fear that the members of this House have an opportunity here to better their lot as a legislative group. If the fear of running out of ammunition I am sure that before the end of this session there will be enough ammunition for each and every community for you people to go back.

If the gentleman from Eastport, Mr. Mills fears the state trooper, there we might be able to institute when this logistical number of 151 was brought to our fold, we may be able to reinstitute the horse and buggy that they might have had to go round his district fence. How much of that particular area was able to be covered, persons trying to go around the state police today, in a fancy car?

So I ask the members of this House this morning to look at the true picture, not as it is now but of the possibilities of bettering our own lots and the legislative arm of our government. And if we can do this by trying to bettering our laws, also providing the same information to our people, I don't think that the number of ten or twelve thousand population is too much to ask an individual representative. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Fort Kent, Mr. Bourgoin.

Mr. BOURGOIN: Mr. Speaker and Member of the House: As at the time I went to school I never was on a debating team because there was no debating team at that time, but I would like to bring a couple of notes to your attention. The Representative would be

representing ten thousand people instead of six thousand forty. We have a Senate District that is 230 miles long served by a member in the other house which is doing a very good job, and I don't believe our districts would be too big, and as a retired man I am willing to step out and give the younger man a chance to replace me, who would do much better work than I am able to do. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker and Members of the House: I promised my constituents that I would speak in favor of this bill. I wonder how many of us really feel that there is any particular magic in numbers. They tell us that there's no magic in the age of 21 years. Why should there be magic in certain numbers of representation? We have the State of New Hampshire with 400 Representatives. A good many times just a little village over there has their own representative; that's wonderful. But I find in talking to people over there, the only people that are satisfied are the constituency. They don't have to pay very much for their Representatives and it seems to work fine. It's alright if we want to do it that way. But I did have an acquaintance, he's gone now, who came down into legislature in 1912, an old gentleman and friend of the family. He had to change trains twice or three times to get here. It was an all day problem. When he wanted to go around the three towns that he represented with a horse and buggy, he'd stop overnight in one of the towns.

The reason that I will support this bill is that it doesn't seem understandable that if we needed the same representation, the same number of people 75 or 100 years ago in the horse and buggy days, it seems to me that we do not need that number now. Again though, numbers in themselves mean nothing. The State of California Representatives represent 200,000 people in one Representative. I think that the

answer is to reform government as we feel that it would be, as Mr. Dennett states, more adaptable to reform, and then to apply other measures to adapt to it.

If some of the areas of representation require a tremendous amount of transportation, I feel that there should be expense accounts available to the members of this body to compensate. I have felt that for a long time. There are some Representatives that their area is very compact, and they can contact their constituency, perhaps all by phone, or they can visit any of them with a half an hour's driving. There are other members of this body, in order to visit the various towns, have to do hundreds of miles of driving, and I feel that that's a matter of monetary reimbursement. I don't think that that should really be a criterion in the size of this body. So I for one feel that it is time for a change and a reduction in size of state government.

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

Mr. STARBIRD: I won't say too much because most of the arguments pro and con have already been made. I was one of those doubtful ones that had to be convinced of this usefulness of this bill. And after studying it over, after spending some time studying the ramifications of this bill, I have finally come to the conclusion that it is a good one. I'm one of these fellows like Mr. Mills that has an area close to the size of the State of Rhode Island to represent. I should imagine probably under this bill it might be increased considerably. But I think if several of the other measures that go along with this are enacted later on I don't think it would be too difficult to cover such an area.

I might in passing mention that although 10,000 is a nice round figure at the present time that each person would represent under this bill, due to the formula for computing apportionment that is in the present Constitution and will not be changed, only the number will be changed, the number of

people per Representative under the 1960 census would vary from somewhere in the low 9,000's up to close to 12,000, depending on what county you lived in. So there is quite a variation still. That is another area that should be reformed, but perhaps we shouldn't get into that now. I hope two thirds of us will be in favor of this bill.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: I don't normally speak twice on a bill. But in rebuttal I would like to point out such another move is in the making at the present time. Massachusetts has 240 members in the House of Representatives, and there is a bill before their Legislature which would cut this to 160. Of course, I would never attempt to compare the worth of these two bodies since, as a native born State of Mainer, I am extremely prejudiced. However, I would like to quote from the Boston Herald Traveler.

This paper openly admits it has devoted a good part of its journalistic career to lambasting the Massachusetts Legislature and individual legislators. However, they continue: "The contention that a smaller House would produce better and more efficient legislators sounds persuasive, but it won't! The reduction would only eliminate some superior legislators. It would further accelerate the trend towards higher salaries, more offices and more secretarial help. In a few years it would only cost the taxpayer more money." In conclusion they state, "that cutting the House membership would not make the legislature any better than it is today. However, it obviously would remove it further away from the people." Now I don't want to copy any of the Massachusetts legislative process except perhaps, for the benefit of my good friend from Lewiston, Mr. Jalbert, their very fine Massachusetts or "office type" ballot. Still, these remarks from a very critical press are as valid for Maine as they are for our sister state.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Huber.

Mr. HUBER: Mr. Speaker and Members of the House: I attended the public hearing, at which time the State Government Committee heard this resolve; as a matter of fact I have voluminous notes and if my quotations are incorrect I imagine that some member of the Committee can correct me. In discussion in reference to the Maine House of Representatives I do not recall ever hearing the words "unmanageable", "ungainly", "unwieldy", "uncontrollable". There was no suggestion that this Constitutional change would bring us any closer to anybody's average. As a matter of fact, I am sure that the sponsor was trying to make the point that this change could lead to improved quality and efficiency in state government. Almost everyone has a right to his own opinion. I happen to think that 96 can be just as truly representative of the people as 151. But that is not the point.

This change effective in 1973 would force the Maine House to take a close look at how we operate and hopefully improve what very truthfully is a good system right now. The gentleman from Kittery pointed out some of the obvious things that would result presumably from the change in the size of the House, realistic salary increases, possibly a reduction in the number of committees, employment of some full-time help either by committee or otherwise for research and drafting purposes. I think it has already been pointed out that the Committee for Economic Development in their policy statement on modernizing state government makes a rather strong recommendation that the size of most legislatures should be drastically reduced and no more than 100 members in larger states and substantially fewer in smaller ones. In the Council of State Governments in its national committee this was one of their four major recommendations last year, reduce the size of the House.

I wish that the gentleman from Bath had read all of the Boston Herald editorials and their comments in the past week or two regarding Massachusetts and its reduction of the size of their House;

and incidentally Governor Sargent at one time used this as an economy measure, believe it or not, in the pay raises that were discussed for the Massachusetts Legislature, and it turned out to be also one of the sixteen major recommendations of the so-called taxpayers voice, again as an economy measure. Personally this might effect some economy sometime but I prefer to consider this measure would generate increased efficiency in state government.

We find facts and figures on both sides of the argument. In the past four years fourteen states have changed the size of their House; ten have decreased the size and four have increased the size. Twenty-two states have houses that have over 100 members and the other twenty-seven are 100 or less. Alaska, which is a large state size-wise, geographically has the smallest number in its House, 40; Hawaii has 51; the State of Oregon has 60; and you have been told several times that the largest one is New Hampshire, 400.

The number 96 is a three to one ratio with the present size of the other body of this Legislature but does not commit the 105th to any specific reapportionment plan. The gentleman from Fort Kent mentioned that 151 means approximately a 6,000 population in the representative districts in the State of Maine. 96 would mean about 10,000. Just for the record you actually have at least one single representative district in the State now with a population of almost 9,000.

Now remember this, this is the Constitutional amendment. It must be approved finally by the citizens of the State of Maine in referendum vote. The next Legislature, the 105th, is not affected size-wise, but the 105th must reapportion the House regardless of what the Constitution says about the number of members. If approved by the voters the first Legislature affected would be the 106th which will meet on the first Wednesday of 1973.

I urge you to vote against the pending motion and I would ask for a roll call.

The SPEAKER: Is the House ready for the question? The pend-

ing question is on the motion of the gentleman from Bath, Mr. Ross that the Resolve be indefinitely postponed. A roll call has 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 those desiring a roll call will vote yes and those opposed will vote no. The Chair opens the vote.

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 Bath, Mr. Ross that Resolve Proposing an Amendment to the Constitution Regulating the Size of the House of Representatives, House Paper 356, L. D. 464, be indefinitely postponed. All of those in favor of indefinite postponement will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Barnes, Benson, Binnette, Birt, Boudreau, Brown, Buckley, Burnham, Carey, Carrier, Casey, Chick, Clark, C. H.; Clark, H. G.; Cote, Cottrell, Crosby, Croteau, Cummings, Curran, Curtis, Dam, Donaghy, Drigotas, Emery, Eustis, Evans, Finemore, Foster, Gaudreau, Gauthier, Gilbert, Giroux, Hall, Hanson, Hardy, Haskell, Hawken, Heselton, Hichens, Hunter, Immonen, Jalbert, Jameson, Johnston, Jutras, Kelleher, Kelley, R. P.; Keyte, Kilroy, Laberge, Lebel, Lee, Leibowitz, LePage, Lewis, Lincoln, MacPhail, Marquis, Marsteller, McNally, Meisner, Millett, Mills, Moreshead, Morgan, Mosher, Nadeau, Norris, Page, Payson, M. W.; Porter, Pratt, Richardson, G. A.; Richardson, H. L.; Ross, Scott, C. F.; Scott, G. W.; Shaw, Soulas, Stillings, Tanguay, Tyndale, Wheeler, Wight, Wood.

NAY — Baker, Bernier, Bourgoin, Bragdon, Bunker, Carter, Chandler, Coroson, Couture, Cox, Crommett, Cushing, D'Alfonso, Danton, Dennett, Dudley, Durgin, Dyar, Farnham, Fecteau, Fortier, A. J.; Fortier, M.; Fraser, Good, Harriman, Henley, Hewes, Huber, Kelley, K. F.; Lawry, Levesque, Lewin, Lund, Martin, McKinnon, McTeague, Mitchell, Ouellette,

Quimby, Rand, Rideout, Sahagian, Sheltra, Snow, Starbird, Susi, Temple, Thompson, Trask, Vincent, Watson, Waxman, White.

ABSENT — Allen, Bedard, Berman, Brennan, Coffey, Faucher, Noyes, Rocheleau, Santoro, Williams.

Yes, 86; No, 53; Absent, 10.

The SPEAKER: The Chair will announce the vote. Eighty-six having voted in the affirmative and fifty-three in the negative, the motion does prevail. It will be sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, I rise on a point of parliamentary inquiry.

The SPEAKER: The gentleman may pose his inquiry.

Mr. JALBERT: Mr. Speaker, if one would have voted wrong on a roll call and the roll call is over, it is my assumption that it's all over as far as he is concerned also, is that correct?

The SPEAKER: The Chair would advise the gentleman that after the vote has been announced there is no recourse, accept it as it is.

Mr. JALBERT: That wouldn't stop anyone from moving to reconsider if he was on the prevailing side, would it?

The SPEAKER: The Chair would advise the gentleman that anyone voting on the prevailing side has the privilege of voting to reconsider or making that motion.

The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, regards the question that the gentleman from Lewiston —

The SPEAKER: Does the gentleman pose a parliamentary inquiry?

Mr. BINNETTE: I do, sir.

The SPEAKER: The gentleman may state his inquiry.

Mr. BINNETTE: Inquiry relative to the question that was raised relative to the reconsideration. I now move that we reconsider our action on that bill and I hope you will all vote against me.

The SPEAKER: The gentleman from Old Town, Mr. Binnette, having voted on the prevailing side,