

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

Sent down for concurrence.

Ought to Pass

Mr. Johnson for the Committee on State Government on, Bill, "An Act Relating to Financial Report of State Housing Authority." (S. P. 181) (L. D. 533)

Reported that the same Ought to Pass.

Mr. Clifford for the Committee on State Government on, Bill, "An Act Pertaining to the Salary of the Administrative Hearing Commissioner." (S. P. 237) (L. D. 699)

Reported that the same Ought to Pass.

Mr. Minkowsky for the Committee on Health and Institutional Services on, Bill, "An Act Relating to Group Fishing Permits for Inmates and Patients at State Institutions." (S. P. 177) (L. D. 529)

Reported that the same Ought to Pass.

Which reports were Read and Accepted, the Bills Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

Mr. Harding for the Committee on Judiciary on, Bill, "An Act Relating to Jurisdiction of the District Court in Proceedings to Quiet Title in Real Estate Matters." (S. P. 82) (L. D. 176)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 437) (L. D. 1147)

Which report was Read and Accepted, the Bill, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on State Government on, Resolution, Proposing an Amendment to the Constitution Reducing the Size of the House of Representatives and the Senate (S. P. 53) (L. D. 94)

Reported that the same Ought Not to Pass.

Signed:
Senators

Representatives:
WYMAN of Washington
JOHNSON of Somerset
HODGDON of Kittery
FARRINGTON
of Old Orchard Beach

DONAGHY of Lubec
MARSTALLER

of Freeport
STILLINGS of Berwick
STARBIRD

of Kingman Township
The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft Under Same Title: (S. P. 436) (L. D. 1146)

Signed:
Senator:

CLIFFORD
of Androscoggin

Representatives:
COONEY of Webster
CURTIS of Orono
GOODWIN of Bath

Which reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: This bill in its original form was sponsored by the Senator from Aroostook, Senator Harding. And at the hearing I said that if indeed this was going to be the session of reorganization and reform I considered this the most important bill before the session. I still think so.

In its new draft, the Minority has reported out a provision that the Senate was to be composed of 31 members and the House 125 members. I honestly feel that perhaps this is a meaningful compromise — it is still far too large a chamber as far as I am concerned — but it reduces the legislature by 27. I don't know what it costs to support each one of us up here a session. Is \$5,000 a reasonable amount to pay for the heat it takes to warm our bodies, the parking spaces that we take up in such abundance? But if indeed it does cost \$5,000 a year to support each one of us, a reduction in the size of the legislature by 27 would mean a saving during the session of \$135,000. And perhaps better use can be found for this \$135,000 such as making the legislature a smaller but more effective body. Consequently, knowing full well that this constitutional amendment is in for some rough sledding, and hoping that it will get a fair shake and honest consideration, I move that we accept

the Minority Ought to Pass in New Draft Report of the Committee.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate accept the Minority Ought to Pass in New Draft Report of the Committee. Is this the pleasure of the Senate:

The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I feel that I have pulled the rug from under the proponents of this bill, especially when they amended it to 125 and 31, because at the time I felt that perhaps there should be a change in the size of the legislature, and I thought maybe this would be kind of a compromise. The original bill, I believe, originally called for 75 House members and 25 Senate members, or in that percentage, and I thought well, perhaps all these reports and articles that I have read over the past ten or eleven years had led me to believe that a more efficient legislature would be more workable and accomplish probably a lot more if there were fewer people.

Then, on the other hand, I have met several people in the last month, and some of them were of the opposition party who had served in this legislature, and they felt that as far as this legislature was concerned that the true representation of the people of this state would be diminished actually if the size of the House and Senate were cut. And the word that this one gentleman used, he said you will have a bunch of "brownies" down there, the one party who is espousing the problems of the man in the street and the man that hasn't got much of a voice down here, and on the other hand you are trying to get people down there now who are going to tell him what to do. In other words, what he was trying to tell me was the fact that you are going to get fewer people deciding more things that are more important to the man on the street, and the average person, than you are when you have a greater group of people who are truly representative of the people that you are trying to do something for or trying to help.

I have thought this over many times and I think, if you will notice, the committee is pretty well split partywise on this bill.

One of the items brought out was the fact that the rural population would lose some of its representation. Some places would be without representation because, as you all know, if you come from a rural area the thinking there is—whether you agree with me or not, it is my opinion — decidedly different than it is in an urban area or a town or a city. The rural people think differently, they act differently, they are brought up differently, and yet the people in the bigger cities like Portland and Bangor, they think differently too. So, as far as I am concerned, I would move now that this bill be indefinitely postponed. I think we will be doing justice to this legislature by disposing of it now rather than having it kicked around here for another three or four weeks.

The PRESIDENT: The Senator from Somerset, Senator Johnson, now moves that Legislative Document 1146, Senate Paper 436, be indefinitely postponed.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I am very disappointed with the talk my seatmate has made here. I had gathered from talking with him and some of the other Senators that since this does not, in effect, affect this Senate—we will still come out under this bill with the same number that we have, 31; we have 32 now but we are supposed to have an odd number, and I had supposed that 31 might be the number that we would reach—so, anyway, this does not affect us very much.

The body to be affected under the new draft is the House of Representatives. I had been hopeful, at least, that we might let the House say what they felt about it before we put this matter to an untimely death.

I would say—and this is borne out, if you have been reading, as I am sure you have, Time Magazine, Newsweek, U.S. News & World Report, all of the publications on the state legislatures—I am being very kind when I say

that the state legislatures are not held in high regard. In fact, they are at a very low point. The people of this state and this nation rightfully feel that we don't know what we are doing, and we don't have the opportunity to find out what we are doing. And contrary to what my good friend, Senator Johnson, has said, that we can protect the rural people; in order to protect anybody you have got to know what you are doing. Under this set-up, the way it is here, we just do not know.

Under your committee set-ups, and I know I work in Judiciary where we have some research, but we just do not have the opportunity, the information and the knowledge that we need to pass upon these things. I know that is true in Education. I have sat on the Appropriations Committee, and we just have a very smattering of knowledge of what is happening. That is wrong as far as the people of Maine and the nation are concerned; they deserve a better break. Particularly it is true when an action that this legislature has taken, that is, the passing of the income tax, this is going to be referred to the people and they are going to vote on it. The people of this state believe that we don't know what we are doing, and this is going to be reflected. We are going to have to go out and campaign to the people, and this is a reflection upon us. So I think that we have an obligation at least to the people to say we are trying, that we are trying to make some of these reforms, and maybe we can't make them all the way as far as everybody would like, but at least we are trying.

So all I ask for today is to just let the other body which is going to be affected by this have a chance to express their views of whether or not they are going to tell the people of Maine that at least we are trying. So I would hope that you would vote with me today on this, and I would ask for a division on the motion which the Senator from Somerset, Senator Johnson, has made. I would hope that you would vote with me so at least we can tell the people of Maine that we tried.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I think the statement of the good Senator from Aroostook, Senator Harding, just now kind of points up the point of let's pass the buck, and let somebody else try to pull the chestnuts out of the fire for the people who would like to change this. In fact, he says "Let's not us decide on this, but let the other body decide, which is the one that we are cutting." This leads me to believe that maybe the people are right and we don't know what we are doing here.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I must agree with the good Senator from Aroostook, Senator Harding, that the people don't think we know what we are doing, but I think that the smaller the district the better chance it gives them to tell us what they think we should be doing. I find that they don't hesitate to do it.

Now, in my district, and we are not talking about Senate districts particularly, but I have to travel about 300 miles to go from one end of my district and return. I think some of the House districts are the same, perhaps not quite as much, but proportionately the districts are fairly large. I don't think the good Senator from Kennebec, Senator Katz, with his snug little district, or the good Senator from Aroostook, Senator Harding, realize what these people are thinking and they want to talk to their legislators. I don't think the House is unwieldy and I just don't think the size of it should be reduced.

Further, I think to spend time on this, when it requires a two-thirds vote, is an exercise in futility.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: To pursue the exercise in futility, there seems to be a general impression that Maine is a large state. Well, once you get outside

New England, Maine is not a large state; we are a small state. And it seems to me, trusting my memory, that a member of the Maine House of Representatives represents fewer people than any other legislator in the United States barring, as I recall it, New Hampshire, of course, and Connecticut, which has a New England tradition, but I think the only other state is North Dakota.

During the last campaign the subject of the Maine Legislature and its size came up again and again because I brought it up. Particularly with people like the elderly, who felt that they needed services from the Maine Legislature, the low income people. You tell them that there just isn't enough money to go around, and then you ask them whether it is absolutely essential. And believe me, I mean no disrespect by this at all because the group I am going to talk about are some of the outstanding legislators in the state, but it is a little hard to explain to someone who sees a human need that isn't being filled, and you tell them there isn't any money, and they can't understand why it is necessary to pay the salaries, the upkeep, the parking spaces, the reports and the ancillary services that go to support eleven legislators from the City of Portland. This is what we are talking about.

If there is one thing I think we need desperately, it is not one of the largest houses in the United States or one of the largest legislatures in the United States, it is an effective legislature. I agree completely, and this is my fifth term here, in all honesty, I have a feeling that even if we are thirtieth out of the fifty legislatures in the recent evaluation that was publicized so heavily, it is thirtieth, in a roll of mediocrity pure and simple. I suspect that deep down inside you share my frustration that you come here and you spend six months of your life, and you are not able to live up to your potential effectiveness because you are *E Pluribus Unum*, one out of many. And I think it is too many.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: One of the fallacies I hear again and again, as expressed by my good friend from Washington, Senator Wyman, is that if you have a small area you can keep in contact with your people. This is a real fallacy. How do you keep in contact with your people? How do I keep in contact with people as far as my law office is concerned? There are two methods by which most of us do. The one that is put forth here is that we represent the rural areas, and we drive down and we see old Zeb on a Saturday afternoon and discuss things with him. Well we did that a hundred years ago maybe, or fifty years ago, but the way you keep in contact with your people now, No. 1, is with a telephone.

And the messages that are delivered to me, I must tell you, it is very difficult, almost impossible, for a person to deliver a message to me and someone chases me down, they feel that I am just inaccessible. This has happened many, many times. Or if I want to call somebody, what facilities do I have to call and confer with a constituent here? It is practically non-existent. I mean, I have to do it out here in the presence of others and wait in turn for a telephone. Or suppose that I have a constituent who comes down and wants to confer with me, where can I confer with him? I can't.

I will tell you another thing. I have received on one particular matter that is pending here in this legislature over 700 letters, and there are not the facilities, so I have just given up, I cannot even reply to the people who are writing me about something which concerns them to that degree. I know some will say it is a religious issue, and so on, but what do those people feel who wrote to me? Now, this is the kind of contact that you have. And this idea that I am going to drive up and talk to old Zeb on some Saturday afternoon, this is irrelevant in this day and age. We don't have the opportunity now even to use the method of communication which is available or should be available to everybody, the telephone, and the one which is available and

ought to be available, to write letters.

We have a deplorable situation. The people realize it is deplorable. And every study that has been made, and these have been made by people who represent the Ford Motor Company, Standard Oil of New Jersey, the big companies throughout the nation, their studies have shown—and it is reported here in the Future of the State Legislature—that there is no justification for any legislature to have over a total of 100. With a total of 100, it means that then you can have office space, that you can write to your constituents, that you can confer with your constituents. In other words, you can be responsible and you can be effective. And for us to sit here and have the hypocrisy of saying that we are representing our people when you have one State Senator, and I am sure this is multiplied many times, who can't even reply to what your constituents are saying to you, it is absolute hypocrisy.

So all I ask is that at least, because we do need to have the people believe in us, particularly on this thing that is going out on referendum, that at least we tell them that we tried to remedy this. This is all that I ask for, so at least we can say that we tried.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: This is certainly a non-partisan matter, as has been rather obvious, and I had firmly intended to stay in my seat. However, when we are discussing the matter and we use as an argument that the opponents are hypocritical in their viewpoint if they don't agree with us, then I feel certainly that I must rise to defend the integrity of the members of the Senate.

I think we are losing sight of the fact here that we are talking about a laudable objective. But as Senator Wyman might have bluntly put it, it is an exercise in futility unless we look at the problem as a whole and try to solve the problem as a whole.

To solve the problem we are certainly going to have to make many other changes than just reduce the size of the House of Representatives. We are talking staffing, as has been mentioned by several of the debaters this morning, we are talking about annual sessions, we are talking about elimination of the Governor's Council, and we are talking about many, many things that must be done to make the legislature a more effective organization than it is now. With none of these facts do we agree or disagree. The League of Women Voters, for instance, have devoted a great deal of time to this subject in general, and to the reduction of the size of the Senate and House in particular. But I do feel that it is a problem which requires a comprehensive thinking; we are all concerned and dedicated to it. Let's not interpret opposition to this particular measure at this particular time as anything remotely resembling hypocrisy. We are all here dedicated and doing the best that we can with the tools that we have to work with, which aren't perhaps exactly what we would like to have to be able to use.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Because I do sincerely believe that this is the most important government reorganization measure before us this session, I request a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Carswell.

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: Having listened to the debate, I figured I had a little to offer to this. Now, let's look back on past elections, and let's look at the newspapers every day where you see a great deal of advertising so that the manufacturer can sell his product. Well, during the campaign either the candidate has a very good record to look back on, that he can open the books on and show the voters, or he has a fat wallet and the

tongue of Pericles. I think that these are the things that have to be brought out in the campaign with the news media and television so the public has a good chance to see who they want to vote for, or to decide who they want to vote for, I should say.

I would like to ask a question: How are you going to get the voters to vote for the right candidate? I mean, even though you make the size of the House smaller, how are you going to regulate who the voter votes for? I think it pays to advertise, as I said before, and this is the thing that matters. We should establish good records, pick good candidates, and give the voters something good to vote on.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I suppose it would be very, very laudable if the legislature took upon itself the task of working out a comprehensive program to improve the efficiency of the legislature. Unquestionably this is something that ought to be done and perhaps should have been done a long time ago. Certainly to date it has not been done, and maybe all of us, either individually or collectively, are somewhat to blame. But this doesn't mean that we can't start making improvements if we think that there are areas we can improve upon.

I think that the new draft before us is a start in the right direction. I am sure that it undoubtedly would not solve all the problems that confront us in our work here and our ability to best represent and serve our people, but I think it would be a step in the right direction. So I would hope that the Senate would accept the Minority Report and send it to the House where these people can look it over, as they are the ones who are affected, and let them indicate to us how they feel with regards to this subject. I personally feel that it is a step in the right direction and that if we cannot do it all at one time then we ought to go at it piecemeal, and this is a start.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: For the reasons I gave earlier, I am opposed to this legislation as it is not part of a comprehensive plan.

Senator Violette said that this appears to be a reasonable document and that it does not affect the Senate. I point out to the Senate that it specifies that the membership of the Senate shall be 31, and thus does change the law now which says it may be anywhere from 31 to 35, in odd numbers.

I think that the reduction of the House from 151 to 125 is not a practical reduction. The House, if it should be reduced in size, should be reduced down to some workable figure like 93 or something like that. This is where we should go. With these objections, in addition to the other ones, I urge you to vote for the motion.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Somerset, Senator Johnson, that Resolution, Proposing an Amendment to the Constitution Reducing the Size of the House of Representatives and the Senate, be indefinitely postponed. A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted? Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair will restate the question. The question before the Senate is the motion of the Senator from Somerset, Senator Johnson, that Legislative Document 94, Senate Paper 53, Resolution, Proposing an Amendment to the Constitution Reducing the Size of the House of Representatives and the Senate, be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Berry, Carswell, Dunn, Greeley, Hichens, Hoffses, Johnson, Martin, Moore, Peabody, Quinn, Schulten, Tanous and Wyman.

NAYS: Senators Bernard, Chick, Clifford, Conley, Danton, Fortier, Graham, Harding, Katz, Kellam, Levine, Marcotte, Minkowsky, Shute, Violette and President MacLeod.

ABSENT: Senator Sewall.

Mr. Conley of Cumberland was granted permission to change his vote from "Yes" to "No".

A roll call was had. Fifteen Senators having voted in the affirmative and sixteen Senators having voted in the negative, with one Senator absent, the motion did not prevail.

Thereupon, the Minority Ought to Pass in New Draft Report of the Committee was Accepted, the Bill, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act Providing Funds for Shalom House, Inc., a Halfway House, in Portland." (S. P. 272) (L. D. 800)

Reported that the same Ought to Pass.

Signed:

Senators:

HICHENS of York
GREELEY of Waldo

Representatives.

PAYSON of Falmouth
CLEMENTE of Portland
CUMMINGS of Newport
DOYLE of Bangor
SANTORO of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Senator:

MINKOWSKY
of Androscoggin

Representatives:

BERRY of Madison
LESSARD of Lisbon
DYAR of Strong
LEWIS of Bristol
McCORMICK of Union

Which reports were Read,

Thereupon, on motion by Mr. Hichens of York, the Majority Ought to Pass Report of the Committee was Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

Second Readers

The Committee on Bills in the Second Reading reported the following:

House

Bill, "An Act Relating to Salary of Executive Secretary of the Board of Barbers." (H. P. 65) (L. D. 106)

Bill, "An Act Regulating Imitation Milk and Milk Products." (H. P. 376) (L. D. 491)

Bill, "An Act to Authorize the Beaver Cove Water Company to Utilize the Water of Moosehead Lake." (H. P. 541) (L. D. 713)

Bill, "An Act to Validate Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 22, (H. P. 645) (L. D. 875)

Which were Read a Second Time and Passed to be Engrossed in concurrence.

Senate

Bill, "An Act Relating to Computation of Housing Expenses for Members of the Legislature." (S. P. 241) (L. D. 702)

Bill, "An Act Relating to Trust Assets of Banks and Trust Companies." (S. P. 427) (L. D. 1125)

Bill, "An Act Authorizing a Mortgagee to Bid and Purchase Real Estate Sold under Power of Sale." (S. P. 117) (L. D. 296)

Bill, "An Act to Extend Unemployment Compensation Benefits during High Periods of Unemployment." (S. P. 156) (L. D. 425)

Which were Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

Senate — As Amended

Resolve, Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans. (S. P. 88) (L. D. 217)

Which was Read a Second Time and Passed to be Engrossed, as Amended.

Sent down for concurrence.