

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

Majority Report will prevail. This is a much needed program in the state. The state cannot afford to fund such a program over a continual period of time. However, this group is simply asking for seed money to get a much needed Half-way House program off the ground. Then it will be a completely community operated program.

As you will note, the two health professionals on the Health and Institutional Services Committee were signers of the Majority Report. I hope that the Majority Report will prevail. Thank you.

Whereupon, Mr. Lewis of Bristol requested a division.

The SPEAKER: The pending question is on the motion of the gentlewoman from Falmouth, Mrs. Payson, that the House accept the Majority "Ought to pass" Report in concurrence. All those in favor of accepting the Majority Report will vote yes; those opposed will vote no.

A vote of the House was taken.

80 having voted in the affirmative and 50 having voted in the negative, the motion did prevail.

The Bill was given its two several readings and tomorrow assigned.

Divided Report

Majority Report of the Committee on State Government reporting "Ought not to pass" 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)

Report was signed by the following members:

Messrs. WYMAN of Washington
JOHNSON of Somerset
— of the Senate.
Messrs. HODGDON of Kittery
FARRINGTON
of Old Orchard Beach
DONAGHY of Lubec
MARSTALLER of Free-
port
STILLINGS of Berwick
STARBIRD
of Kingman Township
— of the House.

Minority Report of same Committee on same Resolution reporting same in a new draft (S. P. 436) (L. D. 1146) under same title and that it "Ought to pass"

Report was signed by the following members:

Mr. CLIFFORD
of Androscoggin
— of the Senate.
Messrs. COONEY of Webster
CURTIS of Orono
Mrs. GOODWIN of Bath
— of the House.

Came from the Senate with the Minority Report accepted and the Resolution passed to be engrossed.

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Marsteller.

Mr. MARSTALLER: Mr. Speaker, I move that we accept the Majority "Ought not to pass" Report.

The SPEAKER: The gentleman from Freeport, Mr. Marsteller, moves the House accept the Majority "Ought not to pass" Report in non-concurrence.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I am delighted to be back in action when this little gem appears on our calendar. There is always a group of persons dedicated to any sort of changes, be it annual sessions, the abolition of the Council, the consolidation of departments, and various nefarious revisions.

In 1957, even I was caught up in this web of intrigue and change. I sponsored and saw through this House of Representatives the four-year term for governor. I have regretted it ever since.

Robert Service once wrote a poem about such persons. I quoted it last year; it still applies now, and if you will bear with me I will repeat it.

"They range the fields, they rove the flood,

They enclimb 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,

For they are strong and brave and true.

But they're always tired of things that are,

And they want the strange and the 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."

Now two years ago an innovative group suddenly came up with a dandy new idea, and that was to cut the size of our House from 151 to 96 in the name of efficiency, progress and reform. They said that they could pay higher salaries and attract more qualified people, that we perhaps could all have office space and clerical help.

In my opinion these reasons were not even tempting carrots. This year the other body has been magnanimous. They have only offered to cut us down by 25 while cutting themselves by one.

Our House is very manageable the way it is now. It has earned national acclaim for its decorum and dignity. Visitors who come here with knowledge of other legislative bodies are amazed at the orderly and efficient manner in which this House is run. Maine, as you know, in size is larger than all of the other New England states put together. Still we only have the second smallest House in New England.

We have not always had the same size House of Representatives. When we became a state in 1820 we started with 141 persons. Later this was increased to 200. Still later, with a population of one-half million persons, it was reduced to 151, where it stands now. And by and large our constituents are more demanding now than they were then. Some of you — and you know yourselves all too well — represent anywhere from 10 to 12 towns. How in the world could you possibly do more?

As for the quality of legislators, in my mind many of the present men and women in the House would automatically be out under such a scheme as this. I am not averse to logical changes. I am sure that certain departmental reshuffling is warranted. And later on I fully intend to vote for a new

method of electing the Governor's Council, even though my district will probably never have another Republican on the Governor's Council. And I am doing this because I feel that the present method of electing councilors is very very unfair.

However, this is very different in my opinion, this little dandy before us right now. It only parades under the guise of progress, and I now move that it and all its accompanying papers be indefinitely postponed. And when the vote is taken I request that it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: It would be impossible to add anything to the remarks of the gentleman from Bath, Mr. Ross. I simply want to make it known to this group that I concur with him 100 per cent in the position that he is taking in this matter.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: It makes me sad indeed to hear a gentleman, who has sponsored as much fine progressive legislation as the gentleman from Bath has, take such a negative position on an issue confronting the legislature of state-wide importance such as this one. It makes me feel even sadder indeed to learn that apparently neither the majority nor the minority parties have had the opportunity to consider this matter in their caucuses and to consider whether a position should be taken on it.

We seem to have ample time to discuss many issues that seem to me to be of far less importance to the future of legislative progress in this state. And as reluctant as I am to suggest that a measure which has been debated ought to be tabled, it seems to me before this measure is given such a hasty demise that at least it might be tabled in order to give an opportunity for some discussion in caucus by the respective parties.

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

Mr. SUSI: Mr. Speaker, I move this be tabled for one day.

Whereupon, Mr. Ross of Bath requested a vote on the tabling motion.

The SPEAKER: A division has been requested on the tabling motion. All in favor of tabling for one legislative day will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 61 voted in the affirmative and 73 voted in the negative.

Whereupon, Mr. Martin of Eagle Lake requested a roll call.

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. The Chair opens the vote.

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: If you are in favor of tabling Resolution Proposing an Amendment to the Constitution Reducing the Size of the House of Representatives and the Senate, Senate Paper 53, L. D. 94, you will vote yes; if you are opposed you will vote no.

ROLL CALL

YES — Albert, Ault, Baker, Barnes, Bartlett, Bedard, Berube, Bourgoin, Bustin, Carter, Clark Cooney, Cottrell, Cummings, Curtis, T. S., Jr.; Cyr, Dow, Drigotas, Dyar, Emery, D. F.; Farrington, Faucher, Fecteau, Gill, Goodwin, Hancock, Haskell, Hayes, Henley, Hewes, Immonen, Jalbert, Kelley, P.S.; Lawry, Label, Lincoln, Lucas, Lund, Lynch, Manchester, Martin, McCloskey, McTeague, Millett, Morrell, Murray, Norris, Orestis, Parks, Pontbriand, Porter, Shute, Simpson, L. E.; Simpson, T. R.; Smith, D. M.; Smith, E. H.; Susi, Theriault, Trask, Tyndale, Webber, White, Whitson, Wood, M. W.

NO — Bailey, Bernier, Berry, G. W.; Berry, P. P.; Binnette, Bither,

Boudreau, Bragdon, Brown, Brown, Bunker, Call, Carey, Carrier, Churchill, Clemente, Collins, Conley, Cote, Crosby, Curran, Curtis A. P.; Doyle, Dudley, Emery, E. M.; Evans, Finemore, Fraser, Gagnon, Gauthier, Genest, Good, Hall, Hardy, Hawkins, Herrick, Hodgdon, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Lee, Lessard, Lewin, Lewis, Littlefield, MacLeod, Maddox, Mahany, Marsh, Marsteller, McCormick, McKinnon, McNally, Mills, Mosher, O'Brien, Page, Payson, Pratt, Rand, Rocheleau, Rollins, Ross, Scott, Shaw, Silverman, Slane, Starbird, Stillings, Tanguay, Wheeler, Wight, Williams, Wood, M.E.; Woodbury.

ABSENT — Birt, Dam, Donaghy, Hanson, Jutras, Lizotte, Santoro, Sheltra, Vincent.

Yes, 64; No, 77; Absent, 9.

The SPEAKER: Sixty-four having voted in the affirmative and seventy-seven in the negative, the motion to table does not prevail.

The pending question is on the motion of the gentleman from Bath, Mr. Ross, that both Reports and Resolution be indefinitely postponed. 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.

The Chair recognizes the gentleman from Orono, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Ladies and Gentleman of the House: I am one of the nefarious people that has been identified by the representative from Bath. I am in favor of a change in the size of the House. L. D. 1146 that is before us is a bit of a compromise. The original proposal advocated a Senate of 17 members and a House of 25 members. The L. D. before us advocates a Senate of 31 and a House of 125.

My thinking personally is that perhaps 99 or 100 would be a more efficient size for the House, but I think that any reduction would be an improvement. A House of 125 members would mean that the average constituency would be approximately 8,000 citizens. Some of us already represent more than 8,000 citizens. And I hope that our citizens are not suffering.

Some of the cities, of course, under any change would have fewer representatives, since their representatives are elected at large.

From a cost standpoint, reduction of the House membership makes sense. Although it has been estimated that present fiscal support of the Maine Legislature is well below one per cent of our total state expenditures, it is in reality a very modest figure; yet Maine ranks high among the states in its percentage of legislative support. The combination of a large House and a small population and a poor state explains this paradox in our expenditures on our legislature.

From a governmental standpoint, the pros and cons of the 1969 bill to reduce the House to 196 were fully debated. One legislator complained that if the bill passed his district would measure the size of Rhode Island. Another responded that his district was already 30 by 44 miles. Still another countered that one Senator was ably servicing a district 230 miles in length. But these views serve to illustrate the point that all distances are, after all, relative, and that today's instant communications and improved travel do make large districts manageable.

I cannot read from Robert Service this morning, but I would like to read a short section of the Federalist Papers that contain a warning, I think, that applies today.

"In all legislative assemblies the greater the number comprising them may be, the fewer will be the men who will in fact direct their proceedings. The people can never err more than in supposing that by multiplying their representatives beyond a certain limit they strengthen the barrier against the government of the few. Experience will forever admonish them that on the contrary, after securing a sufficient number for the purpose of safety of local information, and of diffusive sympathy with the whole society, they will counteract their own views by every addition to the representatives."

Ladies and gentleman, may I urge you to support some kind of a reduction in the size of the House.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I am probably the one that Representative Curtis is referring to on territory the size of the State of Rhode Island. The State of Rhode Island has got 32,000; I have got 88 miles long, 40 miles wide. The same territory here in the State of Maine supports the full state government in the State of Rhode Island.

As Representative Ross from Bath has said, this gem has been before the legislature several times in varied forms. I think it ought to have the same treatment now as it did then, for the simple reason that to drive my territory from one end to the other is an hour and a half. In one part of it I travel through Canada for 62 miles to get to the shortest route into part of my district.

If you consider this giving representation to the people, then I can't agree.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: As a signer of the progressive "ought to pass" report, I would like to remind the gentleman from Bath that he was himself responsible for one of the most nefarious changes ever to take place in this legislature. It was he who first urged me to run. (laughter)

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

Mr. CALL: Mr. Speaker and Members of the House: My position is exactly as that of the gentleman from Perham, Mr. Bragdon. I am against the motion of "ought to pass," and I am not going to say any more because, as Mr. Bragdon feels, I feel that Mr. Ross covered the situation very adequately and very thoroughly. Thank you.

The SPEAKER: All in favor of 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 Bath, Mr. Ross, that both Reports and Resolution Proposing an Amendment to the Constitution Reducing the Size of the House of Representatives and the Senate, Senate Paper 53, L.D. 94, be indefinitely postponed. If you are in favor of the motion you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEAS — Albert, Bailey, Barnes, Bartlett, Bedard, Bernier, Berry, G. W.; Berry, P. P.; Berube, Binnette, Bither, Boudreau, Bragdon, Brawn, Brown, Bunker, Call, Carey, Carrier, Churchill, Clark, Clemente, Conley, Cote, Crosby, Curran, Curtis, A. P.; Doyle, Emery, E. M.; Evans, Farrington, Faucher, Fecteau, Finemore, Gagnon, Gauthier, Genest, Good, Hall, Hancock, Hardy, Haskell, Hawken, Hayes, Henley, Hodgdon, Immonen, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Kilroy, Lebel, Lee, Lessard, Lewin, Lewis, Lincoln, Littlefield, MacLeod, Maddox, Mahany, Marsh, Marstaller, McCormick, McKinnon, McNally, Millett, Mills, Mosher, O'Brien, Page, Parks, Payson, Pratt, Rand, Rocheleau, Rollins, Ross, Scott, Shaw, Shute, Silverman, Simpson, L. E.; Simpson, T. R.; Slane, Starbird, Stillings, Tanguay, Theriault, Trask, Tyndale, Webber, Wheeler, White, Wight, Williams, Wood, M. W.; Wood, M. E.; Woodbury.

NAYS — Ault, Baker, Birt, Bourgoin, Bustin, Carter, Collins, Cooney, Cottrell, Cummings, Curtis, T. S., Jr.; Cyr, Dow, Drigotas, Dyar, Emery, D. F.; Fraser, Gill, Goodwin, Herrick, Hewes, Jalbert, Kelley, P. S.; Lawry, Lucas, Lund, Lynch, Manchester, Martin, McCloskey, McTeague, Morrell, Murray, Norris, Orestis, Pontbriand, Porter, Smith, D. M.; Smith, E. H.; Susi, Whitson

ABSENT—Dam, Donaghy, Dudley, Hanson, Jutras, Lizotte, Santoro, Sheltra, Vincent.

Yes, 100; No, 41; Absent 9.

The SPEAKER: One hundred having voted in the affirmative and forty-one voted in the negative, nine being absent, the motion does prevail in non-concurrence.

Sent up for concurrence.

Non-Concurrent Matter

Report of the Committee on Labor on Bill "An Act to Revise Eligibility Requirements for Unemployment Compensation Benefits" (H. P. 423) (L. D. 557) reporting Leave to Withdraw which was accepted in the House on March 10.

Came from the Senate recommended to the Committee on Labor in non-concurrence.

In the House: In motion of Mr. Good of Westfield, the House voted to recede and concur.

Non-Concurrent Matter

Report of the Committee on Liquor Control on Bill "An Act relating to Issuance of Malt Liquor Licenses" (H. P. 429) (L. D. 563) reporting Leave to Withdraw which was accepted in the House on March 10.

Came from the Senate recommended to the Committee on Liquor Control in non-concurrence.

In the House: On motion of Mr. Stillings of Berwick, the House voted to recede and concur.

Messages and Documents

THE SENATE OF MAINE AUGUSTA, MAINE

March 12, 1971

Hon. Bertha W. Johnson

Clerk of the House
of Representatives
105th Legislature

Dear Madam Clerk:

The Senate today voted to join in a Committee of Conference on Bill, An Act Relating to Record of Plans by Registers of Deeds. (H. P. 728) (L. D. 816)

The President appointed the following members of the Senate to the Committee:

Senators:

PEABODY of Aroostook
SCHULTEN of Sagadahoc