

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 6, 1973 to July 3, 1973

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

Came from the Senate with the Bill passed to be engrossed as amended by Senate Amendment "A" (S-245) and Senate Amendment "C" (S-264) in non-concurrence.

In the House: On motion of Mr. Farnham of Hampden, the House voted to recede and concur.

On motion of Mr. Simpson of Standish, the House voted to take from the table the first tabled and unassigned matter:

Resolve, to Apportion 151 Representatives among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine" (H. P. 472) (L. D. 984).

Tabled — May 3, by Mr. Simpson of Standish.

Pending — Acceptance of either Report.

Majority — "Ought to pass"

Minority — "Ought not to pass."

The SPEAKER: The Chair recognizes the gentleman from East Milinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker and Members of the House: The questions that we had relative to this particular apportionment have been answered by the court, primarily question seven which is on the front page, whether an apportionment in this plan would be permissible, the court's answer is in the negative. I would move the indefinite postponement of this resolve.

Thereupon, the Resolve was indefinitely postponed and sent up for concurrence.

On motion of Mr. Simpson of Standish, the House voted to take from the table the second tabled and unassigned matter:

Bill "An Act to Organize the Unorganized and Deorganized Territories of the State and to Provide for Management of the Public Reserved Lands" (H. P. 1382) (L. D. 1812).

Tabled — June 4, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

On motion of Mr. Simpson of Standish, the Bill was passed to be engrossed.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Simpson of Standish, the House voted to take from the table the fourth tabled and unassigned matter:

Bill "An Act Creating the Power Authority of Maine" (S. P. 550) (L. D. 1760) (S. "A" S-184).

Tabled — June 7, by Mr. Simpson of Standish.

Pending—Passage to be enacted.

On motion of Mr. Simpson of Standish, the Bill and all accompanying papers were indefinitely postponed in non-concurrence and sent up for concurrence.

Passed to Be Enacted

An Act Authorizing Licensing of Certain Games of Chance (H. P. 1631) (L. D. 2046)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

The following enactors appearing on Supplement No. 1 were taken up out of order by unanimous consent.

Passed to Be Enacted

An Act Creating Regional Library Systems. (S. P. 281) (L. D. 828)

An Act to Provide a Maine Citizen's Preference on State Civil Service. (H. P. 678) (L. D. 885)

An Act Revising the Reorganization of the Department of Manpower Affairs. (H. P. 1613) (L. D. 2030)

An Act to Amend the Benefit Financing Provisions of the Employment Security Law. (S. P. 674) (L. D. 2041).

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Orders of the Day

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

Resolution Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature and to Limit the Matters which May be Considered in the Second Regular Session; to Provide for Single Member Districts in the House of Representatives; to Provide for Reduction of

the Number of Representatives and Reapportionment of the House of Representatives and the Senate in 1983; to Establish an Apportionment Commission to Plan for all Reapportionments of the House of Representatives and Senate; to Abolish the Executive Council and Reassign Certain Constitutional Powers to a Legislative Council; and to Provide that the Oaths and Subscriptions of Office of the Governor shall be Taken before the Chief Justice of the Supreme Judicial Court (S. P. 673) (L. D. 2040) (H. "E" H-600).

Tabled — June 25, by Mr. Simpson of Standish.

Pending — Passage to be enacted.

Mr. Simpson of Standish requested a roll call vote.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I am sure that many many members of the House disagree with various parts of this conglomerate. My chief objections are two — annual sessions is the first. Annual sessions would be a great deal more costly. We would not be able to get such good candidates because many persons are willing to take time off from their business every other year, but they could not afford to take time off every single year. We could accomplish a great deal more with special sessions and we would spend much less time if the leadership would really limit the bill.

I want you to bear in mind that the President of the Senate and the Speaker of the House can now call a special session with the consent of the majority of the legislature, so it is no longer the exclusive right of the Governor, and in this way we could certainly handle annual appropriations.

The second reason I am opposed to this is the reducing of the size of the House. This would make it much more difficult for legislators who represent small towns to give them even more territory than they now have. The work on committees would be much more arduous because we would have fewer people on each.

The House now has a very excellent cross section of the electorate. I have always been very proud of this House and it is not unmanageable. The only problem that we possibly have is that sometimes debates are too long, but cutting down the size of the House would not eliminate this. This could be solved by a House rule that no member could speak over ten minutes on any one subject without unanimous consent.

But this is not really my main reason for opposition. My main objection is the fact that some proponents support these changes because they believe that we will get very good publicity, favorable public reaction and would improve our image and get excellent news coverage.

The average citizen is not really concerned about these changes. He is concerned about his taxes. But certain minority groups, which include our news media and the league of women voters are much in favor of these changes and they are motivated with good intentions. But I well remember when Governor Muskie was serving his second term in 1957. At that time many of the criticisms of the news media were that we needed a four-year term for governor and a change in our election date. The Republicans decided that if we went along with these, we would get good press, a lot of favorable reaction from the public and we would counter the false belief that the GOP was not willing to make changes but in reality was a do-nothing group of ultra conservatives, not prone to bend to the wishes of the people.

So with the blessing of the leadership and the Governor, we had our own mini-reform package at that session. We passed both bills. We got no credit for this. We had no favorable public reaction and as a matter of fact, we had more criticism than praise. It did not change our image one iota. Furthermore, I for one am sorry that I played a role in sponsoring the four-year term for governor. Originally this was supposed to be limited to one four-year term. But Governor Muskie was in and we had to compromise to make it two four - year

terms in case he wanted to run again. This was called the Muskie amendment. I now feel that this bill was a mistake, and changing our election date was also a blunder. Many thought that if we didn't like it we could change that, but most failed to realize that we are frozen to this action by the United States Constitution which says that once you make the change you can never change back. We have forever lost the publicity value of "as goes Maine."

Whether the slogan proved right or wrong, it always got millions of dollars worth of nationwide publicity, and each two years the eyes of the entire nation were fixed on Maine for a great many days. Our intentions then were good, but the mini-package backfired. I believe that such would be the case today if we passed this combination of constitutional amendments, and I am opposed to the enactment of this bill.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: This year we have accomplished much in the legislature so that we can try to improve and function in the most effective and efficient way possible. The 106th Legislature now has the great opportunity to turn its attention to completing the reforms we started in what may truly become known as the "Legislature's Legislature."

L. D. 2040 is, I believe, the most far-reaching and significant piece of legislation which has been considered by this legislature or by any legislature in a long, long time. The majority of the State Government Commission was most pleased to recommend that this resolution ought to pass. Although the committee has spent many hours in public hearings considering the various proposals included, the presentation of this as a package is the result of the thoughtful discussion and attention given these proposals by leaders of both parties, both within and outside the legislature. The resolution requires a two-thirds vote at enactment, being a constitutional amendment. If en-

acted, this proposal would be sent to the people in November for final adoption.

I believe that the citizens of Maine will give this far-reaching proposal their overwhelming endorsement, and that their vote in November will answer the question previously raised by the gentleman from Bath as to whether or not the people are really interested in this type of reform.

The proposed package includes many items. First, Maine would have annual sessions of the legislature, with limits on matters to be considered in the session held in even numbered years. This provision would standardize our present tradition and permit orderly annual budgeting. The restraints on non-budgetary matters would insure that only emergency and other important items would be considered.

Second, single member districts would replace the present system, in which all representatives from the biggest cities run at large. The change would encourage familiarity of citizens in cities with their representative and a resulting high degree of identification and responsibility by each representative. Representatives in cities would have a smaller area in which to campaign. In addition to these benefits would be the elimination of the unfair arrangement in which one citizen of Orono, for example, or any other smaller town has one vote in the House with one vote on the floor, but each citizen of Portland or another large city has many representatives with many votes on the floor.

Third, the size of the House will continue at 151 until the next census, after which, in the election of 1984, 99 representatives would be chosen for a smaller and, I believe, more responsible and efficient House. The smaller House would increase the space, telephone, staff and secretarial assistance available to each legislator, thus increasing his or her ability to do a thorough job for the people represented.

The Senate districts would be 33 in number, with each Senate district comprised of three House dis-

tricts, an arrangement which is both simple and sensible.

Because we have not reapportioned the House since the 1970 census, that would be accomplished by the 107th Legislature, using the single member districting principle but continuing the size of the House at 151 until the next reapportionment in 1984.

Fourth, the actual reapportionment would be commenced by an eleven-member commission, the members including representation of the majority and minority parties in the House and the Senate and three public members. Seven of the eleven members, as you will note, must agree in order to formulate a plan.

There are several provisions protecting the minority from being gerrymandered in a reapportionment process. The commission plan or a legislative revision must be approved by a two-thirds vote of the members of the legislature. The reapportionment is subject to the Governor's approval or veto. If the legislature fails to act within 100 calendar days, the Supreme Judicial Court makes the reapportionment.

Finally, any apportionment plan or law is specifically subject to judicial review. If the court finds the plan unconstitutional, the court shall make the apportionment.

These reapportionment provisions are intended to protect the minority, whichever party that might be and provide suitable input by the legislature, Governor, the public and the court.

Fifth, single member districts are required. Of much concern, especially to the larger municipalities, are the provisions for protecting their electoral integrity. All districts would be contiguous and compact, and the only time a municipal boundary could be crossed would be to create one district when the population of a city has a remainder and only after whole districts are created within that city. The language proposed would protect the cities from being cut into a pie and parcelled out to the suburbs.

Sixth, the Executive Council would be abolished and some of

its most important powers reassigned to a legislative council, with all members of leadership of both parties included on that council. Any action by the legislative council would require the affirmative vote of six members.

The amendment would further protect the minority by enabling any four members of the council to approve the introduction of bills in the second regular session. The council would elect its own chairman and meet at least monthly.

Duties of the council would include confirmation of important gubernatorial appointments and some other basic functions now performed by the Executive Council.

This constitutional reform bill, L. D. 2040, should be read in conjunction with the statutory package, L. D. 2021, which provides the concomitant changes necessary in the statutes.

Together, these proposals will tremendously improve the efficiency of our government and provide for responsible and responsive state government in the future.

This, I think, is landmark legislation, and I urge its adoption.

Order Out of Order

Mr. Whitzell of Gardiner presented the following Order and moved its passage:

ORDERED, that Lynn Spiro of Gardiner be appointed Honorary Page for today.

The Order was received out of order by unanimous consent, read and passed.

The SPEAKER: The Chair recognizes the gentleman from Berwick, Mr. Stillings.

Mr. STILLINGS: Mr. Speaker, Ladies and Gentlemen of the House: I am not and certainly do not want to be considered an obstructionist, but there are certain things in which I believe. I believe, for example, that this legislature should restore itself to its rightful place as the center of policy and decision making. But I see little in this proposal that will do that. What we really need to have is the courage to provide

ourselves with the wherewithal to do the job.

I would like to address myself to four of the items in this proposal and speak very briefly about them. First of all, annual sessions. I say that we have, in fact, been meeting in annual sessions several years now. Most of us recognize this. If what we are looking for is annual budgeting, we can do that by statute with no necessity to change the constitution.

Secondly, reduction in the size of the House from its present 151 to 99 members will, in my judgment, effectively disenfranchise the rural voter in Maine. I would suggest if Maine wants to retain some semblance of its rural flavor, we need rural representation in this House.

We constantly hear that government should be closer to the people, more responsive to them. This proposal, it seems to me, moves the people farther away from government, not closer to it.

I would also suggest that if it is reasonable and logical to reduce the size of the House in 1983, why is it not just as reasonable and logical to do it in 1973?

Third, reapportionment: I don't disagree, necessarily, with the reapportionment commission, but I do feel that the Supreme Judicial Court should play no role in reapportionment other than to tell us that we have done it improperly and order us to do it again.

Finally, I believe that the Executive Council plays a very important role in state government and should be retained. I wish that it were bipartisan, and, as many of you are aware, I supported a measure in the last two sessions that would have accomplished just that.

The legislative council that is proposed or leadership council, call it what you will, has two strikes against, it seems to me, from the start. First of all, it has an even number of members: ten, made up of the leadership of both bodies. If one House is controlled by one political party and the other House by another, then there is a council composed of five members of each party, and I

would suggest this could be an impossible situation, and they would accomplish little in this impasse situation. Further, I believe if there is to be a legislative council, it should represent the House and the Senate in proportion to the membership of each body. The one proposed does not.

Finally, it seems to me that our leadership is busy enough now without being saddled with additional burdens imposed by assuming many of the duties now performed by the Executive Council.

This legislature, I believe, can do much to improve itself and its ability to serve the people of Maine by providing the proper tools to do the things we all recognize we must do.

Again I hope I am not misunderstood in my opposition to this measure. I favor equipping this legislature properly to do its work to make it the center of decision making for the government of our state and to give it the capacity for fully representing the public interest.

I have only spoken to four of the items in this reform proposal, and it sort of reminds me of a maxim that, I guess, was handed down from some yankee horse trader — and I have some of them in my ancestry. When they went to buy a horse, the maxim was: "One white leg, buy him; two white legs, try him; three white legs, look well about him; four white legs, do well without him." I say this proposal has at least four white legs, and we would do well without it.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker, a parliamentary inquiry. We are facing here the proposal that we are now discussing — and there is a more or less similar one coming up next on the calendar — would the Speaker inform us as to which one requires 101 votes for passage and which one requires a two-thirds vote of those present and voting?

The SPEAKER: The matter which we are now debating, item 1 at the bottom of page 2, L. D.

2040, requires a two-thirds vote of those present and voting.

The next item, item 2 at the top of page 3, L. D. 2021, being an emergency item, requires 101 votes; that is, two-thirds of the entire elected membership of the House.

The Chair recognizes the gentleman from Exeter, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of this resolution. It is certainly landmark legislation as far as this 106th is concerned.

I would like to comment on the gentleman from Berwick, Mr. Stillings' comment that reducing the size of the House will disenfranchise the rural voters of Maine. If this is true, the rural voters, I believe, want it, because this certainly was one of the issues that my people in my rural area was concerned about when I was campaigning last fall.

The people in Maine do want a smaller House, they want a more business-like House, and they want a legislature that can defend itself against the bureaucracy which is growing at the expense of this legislature.

In regards to the comments of the gentleman from Bath, Mr. Ross, when he claims that the press is concerned but the people aren't, I say hogwash. The people are very concerned about what we do with this legislation. I think we should put our partisan differences aside, or self-interest differences aside. We should rise to the occasion here today. This one piece of legislation, I think, can make us a great legislature. I urge you to adopt it.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I must take issue with the good friend of mine from Penobscot County, because if there is one thing the people want, is that they want responsive government, and looking at this document that is presently before us, in my humble opinion, it is not responsible.

First of all, as Representative Stillings has stated, if you take

and reduce the size of the House, you are disenfranchising many many voters; and I say many voters, because I think that this body, 151 members, is responsible, they do represent their constituents. I think they can represent them better with a number of 151 than you can by reducing it to 99.

Eliminating the Executive Council is an issue that has been talked about in my city for many many years. I have been talked to by my constituents about it as you have yours, but I think we are misleading them — and I mean misleading them when we take the Executive Council, which is seven members, and increase it to ten and create what they call a legislative council. In my opinion this does absolutely nothing for the betterment of good government in this state. I do believe that the Executive Council has powers, statutory powers that it shouldn't have, but there is absolutely no reason why we can't amend the existing laws to reduce their power that bothers so very many people in this House.

I am not against a type of a proven body as the Executive Council. I would like to have seen the bill that elected them, but be that as it may, we haven't got anything but this document before us this morning; and to create a legislative council, in my opinion, is extremely misleading for the people of this state. If the Governor can't work with seven people so-called, how is he going to work with ten with the majority party being the Republican party at the moment and possibly will be the next time around or even the Democrats with a Republican governor, how is he going to work and still going to be political. In fact, I would say they would be more political because due to the responsible positions that the floor leaders have in both respective chambers.

I think, in my opinion, this bill should not be enacted. We are not really contributing anything to help good government in this state, no matter what all my very good friends on the other side believe; and I uphold and believe in their principles, but I just can't see

where it is doing anything for a service to the people that I represent either.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I honestly believe that we are facing right today a piece of legislation which is landmark for the State of Maine, a piece of legislation which, if you really want to get down to the nuts and bolts of it, does a tremendous amount to strengthen government. I believe, personally, that it is just the first step in a long series of steps which ought to be undertaken to strengthen the government of the State of Maine.

In this particular proposal right here, we are giving it to the people to make their decision in the fall as to whether they want us to start to make these decisions.

Many of us have said before that maybe the council should go, maybe it shouldn't go, but we have never really given that decision to the people either as to whether it should or shouldn't.

Now, let's look at the council and the makeup of the council and some of the things that are in these two bills and put them side by side. First of all, we have been talking about keeping all the joint standing committees here more or less on full-time basis so that they could be working in lieu of the Legislative Research Committee. In my opinion, this is going to shorten these sessions each year, because these people would be working on legislation in the interim period and much of the staff work would be done. Therefore, we wouldn't have the divided reports and the numerous bills that are duplicated. Somebody has got to get control of the staff and these people and pull in some of the management part of the legislative operation. The leadership council or the legislative council would be just that.

Now, look at the bill and see just exactly what the legislative council has left. Now, I am talking about what it has left and what the operation of the present Executive Council has. The only

thing it really has left is the appointment powers or the confirmation powers of the judicial offices; in other words, our judges and also the top department posts in the state. Therefore, I don't see the council or the legislative council having that much work. It says they shall meet once a month. It also says they shall have six votes on anything that comes along.

Now, as a member of leadership, I know that if we were going to take over the entire operation the council has presently formulated, we could never do it; but as a member of leadership, I know that the work load and on the confirmation that it would not be that much. The remaining portions of it that are in the statutory provisions I do believe are necessary. They are the things that we are actually doing right now, and I am sure that all of you feel strongly about the fact that the committees ought to be working in the areas of their expertise and working a longer period of time.

As far as the even number of members of the council, I believe that is where we separate the men from the boys, because that is where we are going to have to have people appointed or nominated for top positions who are of outstanding caliber if they are going to get that number of votes. I don't see people playing politics along that line.

I will leave you with one other thought. In the legislative council, the way the thing is made up right now, the only two members it would take to get off the council by unanimous vote of both bodies or each individual body would be the Speaker of the House and the President of the Senate. The other members that make up that council could be removed at any time by their respective caucuses just by taking the majority floor leader or the minority floor leader or their assistants out of office in the caucus, and that would automatically put another new member right on the council. So the legislature would have a veto power right in its hands immediately as to the

makeup of the council if they felt they weren't doing the right job. I further believe that the reduction of the size of the House—I represent five towns right now, and I honestly say I could represent ten in the 105th and in this session. I realize right now I have a secretary, but I have other duties, too. But in the 105th, I had no problem representing my five towns; and in fact, I have found it was very easy to represent them, and I felt that it wouldn't take that much more.

I believe that when you reduce the size of the House, you are going to get a better man out running. Right now we have to go begging people to run in many instances, and I believe that when you get that type of a qualification — and ten years from now, if you have seen what has happened in the legislature in the last ten years, look what is going to happen in the next ten years. Then you will find that we are going to have to staff ourselves. We will have the staffing, we will have the facilities; and I predict that we will have the fellows that really want to run and they will be going out, and they will run. If they are qualified, they will get elected. I don't care what the party is and whether they are in the country or whether they are in the city. I do believe this is good legislation, and I hope that you will support it in its enactment.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: When I started discussing legislative reform more than nine years ago, I never thought that we would arrive at a point that we would have before this legislature a final document that we could either vote for or against, that we could send to the people for their ratification or lack of it, and that we could possibly attempt to do something about restructuring Maine state government.

When we began this legislative session, I had my doubts about whether or not we were going to do anything during this session. I must admit that this particular

document and the bill that follows it are not the way that I would like to see them worded in total, because there are many things that I would like changed, things which would benefit me and my party; but when you are working with a document that is an attempt to try to solve the problems of the state, you have to try to keep in mind as much as possible the views of both political parties and the views of as many people as possible.

To the argument that we could have a bipartisan Executive Council, I say we could have one now, because there is nothing in the Maine constitution that says that we cannot. Whatever legislature or legislative delegation could decide to elect a Democrat if it were a Republican council or a Republican if it were a Democratic council, this is entirely possible now. In 1965 when the Democrats controlled both Houses of this legislature, you had seven Republicans—I am sorry, seven Democrats on that council. This year you have seven Republicans. There is no question that Androscoggin County, for example, has by far a larger number of Democrats in its delegation than Republicans, and yet, this legislature did not choose to elect a Democrat to the Executive Council. The same was done by the Democratic party in 1965 when we controlled both Houses to this legislature.

To the argument that the legislative council that we are creating is going to be irresponsible and not responsive to the needs of the members, I say that we are going to create a body of men or women that are going to be much more responsive and responsible to your wishes. At the present time you have an Executive Council, once it is elected, whether you supported the individual or not, he does not have to face any one of us again whether it is in a Republican caucus or in a Democratic caucus. He simply does as he wishes and that is it, and if you don't like it, you can wait for two years, and you may choose not to put him back.

You are creating a structure where, in fact, you would have only

the Speaker and the President of the Senate that could be removed by a majority of both Houses individually. The others, myself included — and I suspect the way the Democratic caucuses have gone over the years that I might fear this a little bit, because I remember moves to impeach and remove, et cetera, since I have been here, that I might fear this type of approach but I don't; because I believe and I have faith in the members of my caucus that if I failed to do what I consider to represent the wishes of the majority on an appointment or reappointment vote, then I ought to be subject to their responsive views and their responsive ways of removing me. I am sure the gentleman from Waterville, Mr. Carey, is going to argue that this was going to make it the other way around. I am sure, in fact, he is fully aware that I think I have tried to represent the views of the majority of the members of my caucus, because I think that this is the way that it ought to work, that no member ought to try to run on his own but that he ought to try as closely as possible to do what the people want.

To the argument that people back home don't want it and newspapers are the ones pushing for this, I suspect that one way to find out is for us not to pass this and to find out what they want. This could very well happen. We might argue the people don't want this. Well, do we always have to wait for the people to be climbing down our throats to do something? Do we have to wait for a major scandal in order for us to move, or should we not try to be responsive and responsible?

To the issue of whether or not we are going to strengthen leadership, I think I have partially answered that question, but let me just continue by making this comment: In the nine years that I have been here — and some of you have been here much longer than I have — I have been flabbergasted and disgusted by the amount of power that bureaucracy had in this state. It is absolutely unreal. There is no need for us to make laws. There

is no need for us to even act at times, because bureaucracy will take care of it regardless of what we do. I know department heads and you know department heads that are just waiting for the day for us to adjourn so that they can start passing orders through the council to transfer monies from one division to the other and to create new bureaus and divisions within their own department, and this has happened. That is not unusual. It has happened before, and if we continue under the system that we have now, it will continue again. I can use examples to illustrate this, but I am sure that some of you can come up with better examples than I can.

The one issue I think which has made me go through, I suppose, the toughest decision that I have had to make on this issue was the issue of multiple districts and single member districts; because to members of my party, it creates a possibility or a threat as far as they are concerned. I might even suggest perhaps to the gentleman from Bath that when we go to 99, it might even create a threat to his being re-elected and running in a campaign against the gentle lady from Bath, Mrs. Goodwin, because at that point you would have one member from the City of Bath and not two.

I do feel on this issue that it is a very very tough one, and it is a very tough decision for me to make. I have made it finally, and I am going to support the package, because I feel in the total analysis, the total package or the total program is going to do something for the people of Maine; and they, after all, are the ones that we are trying to represent here and not ourselves.

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

Mr. JALBERT: Mr. Speaker, Members of the House: I don't think the gentleman from Bath, Mr. Ross, will have to invoke the ten minute gag rule this morning.

Commenting further about him and in answer partially to the gentleman from Eagle Lake, who I know is speaking for himself, there won't be any difference, 151

or 99, because the gentle lady from Bath, Mrs. Goodwin, and the gentleman from Bath, Mr. Ross, have been running together for years.

Now, as far as this package here is concerned, I have attended, since I have been a member, over 40 special sessions of the legislature. I — because I worked very hard on Part I, it suddenly dawned on me that we might possibly attempt once to try the one-year budget route, toss it out to the chairman, the Senate chairman and the House chairman of the Appropriations Committee, discuss it with the committee and it is now before us. The President of the Senate, the Speaker of the House can call a special session anyway.

I have presented four times the bill for annual sessions of the legislature. I think with the measure we passed of the President of the Senate and the Speaker of the House being able to call — as well as certainly the Governor — us to special session, I think things are all right as they are.

Now, I would like to touch on one comment as made by the gentleman from Standish, Mr. Simpson, concerning committees meeting. I refer to the first step of the legislative reform as submitted by the honorable gentleman from Berwick, Mr. Stillings. On page 14, first of all, the provision of professional staff first to the major committees and later to the other committees will dictate substantial changes in the way committees proceed in their work. The staff does not come to the legislature fully equipped to do its job. It must be directed, guided and used properly by the committee and its chairman.

Secondly, the proposal to reshape the work of the Legislative Research Committee and to use the sessional committees as sub-committees of the Legislative Research Committee in the interim has profound implications for the sessional committees.

Thirdly, the proposal to begin to develop the capability of legislative review and evaluation also has profound implications for the sessional committees.

These recommendations taken together argue for the development of the committees as continuing bodies of expertise in their area and so on, which goes to prove, number one, that we do not have to have passage of this bill in order to have committees meet. We can do it by order coupled with the fact that this is not even in the bill itself. There is nothing about — this is just guilting the lily. If we want to meet here, all committees, all we have to do is pass an order that will allow us to meet. There is absolutely zero in this bill that says that committees will meet. We don't need this bill to meet. We can meet by just passing an order, and we can meet anytime that we care to.

Now, insofar as the further comments of the gentleman from Standish, Mr. Simpson, of saying that as far as the council is concerned or the leaders, the makeup of the council, you would allow reasonable men to sit down and get together and agree. Reasonable men did get together last Thursday. The gentleman on the left put in an order on districting that would bring the two thirds in. He presented the order. The gentleman on the right got up, made a motion to kill the order. I said I am willing to compromise. He looked at me and smiled. That was the end of it, bang. That is the compromise. That is ridiculous to listen to conversation like that. At this stage of the game, on June 26, I have been listening to it since January 1. There has got to be an end somewhere.

Now, as far as I am concerned, I could very well be a candidate, and I could probably be successful in the leadership spot. The last thing I would want is to be a member of the Governor's council, and that is what I would be, because it would give me too much of a hammer as it would give any leaders the big hammers that they needed. If they were going to have it, here would be my suggestion. My suggestion would be that each party would meet, and the rural members of the House would meet and they would elect their member or members, and the urban team would meet and they would elect

their member or members. Why, you could wind up with a member in the front office from the rural area and an entire membership of the leadership from the rural areas and heck would be to pay and vice versa. It could be urban. So I think that is a very bad argument to bring about.

I got a notice yesterday by a newspaper from the League of Women Voters. They forgot single member districts or multiple districts. They brought the Attorney General into the picture. The Attorney General was passed in the other branch overwhelmingly by two thirds. I knew I couldn't get two thirds, it was my bill. I dropped it, it was dead. It did not mention other areas that should be brought out. Now, probably I am not a very popular person at home. There must be something wrong somewhere. I haven't had one single member, one single person, one in my City of Lewiston, not one mention this bill to me in any way, shape or manner, pro or con. That gives me the message. I hope this bill fails of enactment.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I had the good fortune of serving on the interim committee on legislative reform. Our staff work for that legislative reform committee was done by personnel from the Eagleton Institute of Rutgers, and it was funded by a Ford Foundation project for upgrading of American legislatures.

Every provision of the legislation that we have before us here today was discussed by our committee, worked over by the staff people who are, by the way, very knowledgeable people in this field and recommended by our committee.

The basic goal of this legislation, as I see it, is to upgrade the Maine legislature. Our role as a legislature is to know the needs and desires of the people of Maine and to relate those needs and desires to the legislation that comes out of this legislature. I believe that through the years our effectiveness as a legislature has been reduced comparatively by the growing

strength and dominance of the executive and the bureaucracy that is related to it. As they have grown in strength, our contribution to the governmental process has been comparatively less. I believe the passage of this legislation would strengthen the role of the legislature, and by so doing, increase the role of individual citizens of Maine in the governmental process.

Leadership of both of our parties have worked long and hard to get this legislation to this stage, and I hope that today we can give it our overwhelming support.

The SPEAKER: The Chair recognizes the gentlelady from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker, Members of the House: I would like to address myself first to multi-member districts, which seems to be the big hangup in my party. If you will examine the record of Democratic strength in this legislature since 1953, you would find the Democratic members increased rather steadily before multi-member districts and has taken a different turn since multi-member districts were established in 1965. In 1959, for example, this House had 58 Democrats and in 1967, after multi-member districts, we had only 55 members. The last election we lost six seats from multi-member districts that we held in the 105th, and yet, our numbers here today is greater by one this time than it was last session. So I really question the premise that multi-member districts are essential to increased Democratic numbers in this legislature.

I think perhaps its value to Democratic strength has been overrated by both parties. We could, I suppose, lose a seat or two in Portland, but I think the voters of my city want and deserve to have the opportunity at least to vote intelligently and when they are confronted with 20 to 25 names on a primary ballot and 22 in a general election, informed voting is impossible. There is no way, even a conscientious citizen can know the views of 22 candidates. It is difficult enough to follow one or two, especially with all the other races going on at the

same time, and I for one am not going to vote to perpetuate a system that allows candidates to slide into office anonymously, regardless of party. It is confusing and frustrating and unfair to the voters and it is not particularly flattering to the winning candidate.

In my opinion, this is the most progressive piece of legislation to cross our desks this session, and I don't think that any legislator can honestly say that his reelection to this House or whichever party is dominant is more important or more valuable to the state and the people of Maine than this document. Everyone stands to gain far more than they are giving up in every area you can mention. The ordinary member's responsibility, the contributions are enhanced in several ways, through greater committee work, through electing of the legislative council and by establishing single member districts where they do not now exist. Actually our leadership will have the more significant role in important government decisions and they will have to be responsive to the ordinary member because we put them there and we can remove them. The same cannot be said of our present Executive Council. The legislature as a whole, will be stronger, the Governor's office will be strengthened and we will be able to control and lead the bureaucracy, and the people of the state will have a better and more responsive state government.

Since this is a compromise measure, everyone can find something he doesn't particularly like, but I would hope that personal and impartial consideration would be kept in proper perspective and that you vote not as a Republican or a Democrat, but vote only as a representative of the people of Maine.

The vote for passage of this is close and no one can predict right now how it is going to come out, but if any of you have to be undecided, please bear in mind that we have a rare opportunity to make our Constitution suitable to meet the needs of the 20th century just a few years before the 21st arrives and we may never be able to achieve the bipartisan

support we have today for these worthwhile reforms, so let's not blow it for something that may never happen or what may happen whether we pass this or not.

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker and Ladies and Gentlemen of the House: Twice this morning reference has been made to recall of legislative leadership, and I would pose a question through the Chair to anyone who would care to answer. How many times in the last 153 years has a President of the Maine Senate, a Speaker of the House or a member of leadership of either body been recalled or impeached by members of his own caucus?

The SPEAKER: The gentleman from Strong, Mr. Dyar poses a question through the Chair to anyone who may answer if he or she wishes.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: The best I can do is recall from some incidents individuals have told me that were here prior to my being here. For nine years this has not occurred, even though attempts have been made in some instances. In the case of past history, I have been told that there were instances where minority and majority floor leaders have been removed or have resigned voluntarily after being threatened. I cannot give you names because I am not aware of who they might be.

I think one of the reasons why they have never been removed is because they didn't have any power anyway, so there is no need to have to remove them. Under the existing system that we operate under, the gentleman from Brunswick, Mr. McTeague, myself, the gentleman from East Millinocket, Mr. Birt, the gentleman from Standish, Mr. Simpson, other than the fact that we are supposed to stand here and do things for the party, we have very little power in terms of exercising any influence or trying to get things done and whatever power

that we might have is what you people give us as votes on the floor on various issues. But as far as power to do anything in the terms of having power such as holding power, I don't believe that the system under which we operate now creates a system where there is any power whatsoever.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Ladies and Gentlemen of the House: I am not going to waste your time because I figure it is a waste of time talking about this bill that, in my opinion, won't pass anyway. I think this goes too far too fast, and I haven't had one request from anyone back in my whole district. There are parts of it, certainly, I could buy, but I feel like I have been to a big auction that is just winding up, when they throw what is left in the pile — that's the closing days of the legislature — and we throw everything in the pile and say, let's buy it as it is. There might be one item in there you want, but there are ten you don't want. I don't buy items in this manner and I hope the rest of the House feels the same way.

I think we could well go along, we would all do better perhaps if there were less members in the House and I would like to see the council have less power, but what I would like to take away has been given to them by this House and could be taken away by the House — given to them by statute.

I would like to keep the council at this time and I would like to keep them with what was given to them by the Constitution. If there are things they are doing that we don't like, we can take that away, the same as we gave it to them, the powers that we passed on year after year to them. I think some should be taken away, but this bill is not the vehicle. This bill is like I tried to tell you, I will tell you once more — put everything in the pile and say this is the closing day, buy it or else. This we don't do. We are not going to do it this morning. I am not going to and I know the rest of

you won't, so I am not going to waste time talking about it.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Sheltra.

Mr. SHELTRA: Mr. Speaker and Ladies and Gentlemen of the House: First of all, I would like to make it perfectly clear, I am nobody's corporal and I do my own thinking. Secondly, this is my third session and it behooves me to think that we have to have this package deal at the end of every session. When you or I present a bill, we present it individually and it is voted on because of its own merits or demerits, but this idea of having to buy maybe four good parcels and having to go along with two bad ones along with it, I can't for the life of me see this logic at all. If leadership wants to come up with these different packages, they should still be voted on individually.

My feelings on some of the items like the Executive Council, for instance, my greatest objection is that there are seven of one party. I think it should be four and three, and I think perhaps it might be even better if it might become an elective office instead of an appointed one — I mean elected outside of the legislature.

Insofar as single member districts, which is another bugaboo as far as I am concerned, I can only talk or refer to my own environment in my own district. I feel strongly this way — I believe in the single member districts, providing that the members could be elected at large, and I disregard this fallacy that you are going to have better qualified candidates by having a smaller area. In my own particular bailiwick, what would happen would be that it would be so much easier because this would become a popularity contest. Someone coming from a large family would walk in there and qualifications wouldn't enter the picture at all. Whereas, if you have to get off your butt and go canvass the whole city, it makes it a different story entirely and this is why I can't go along with this package.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. LaCharite.

Mr. LaCHARITE: Mr. Speaker and Ladies and Gentlemen of the House: I rise today to speak in favor of this reform package. I truly believe that the reform package will make the legislative branch on a more equal basis with the executive branch. As the gentleman from Berwick, Mr. Stillings, has stated, we are now more or less in annual sessions. Since this is the situation, I can see no reason for not changing the Constitution and making annual sessions a part of the Constitution.

I believe that most of the opposition to this package comes from those members who are opposed to the single member districts, and opposed to the single member districts because they are afraid that their party or my party may lose seats in the House. Well, I submit to you that regardless of party, if a candidate is a good candidate, the people will elect him to this body.

Moving on to the Executive Council, I introduced legislation this session that would abolish the Executive Council. Abolition of the Executive Council has been discussed at great length during previous sessions of the legislature and I know you are all familiar with the issues raised by this legislation. But I would like to touch very briefly on some of the basic arguments in my support of the abolition of this council.

As has been said many times, the Executive Council is an antiquated relic of colonial times. Of the 13 original colonies, 11 of them abolished the council when they became states. Not a single state that has abolished it has ever felt the need to have it resurrected. Of the 37 states that came into the union, only one saw the need for an executive council, and this was the State of Maine. Maine's adoption of the council was apparently a holdover from its ties with Massachusetts.

In the entire United States there are now only three executive councils. New Hampshire has one with very limited powers that is elected by the people, as does Massachu-

setts. In Maine, the Executive Council is elected by the majority party of the legislature. Thus, our Executive Council is not only not representative of the people, it is not representative of the legislature. It is representative only of the majority party.

But perhaps more important than the above, the executive powers of the state are lodged primarily in the Governor, and our tradition of separation of powers demands that the Governor be able to do as the Constitution requires, and that is to see "that the laws are faithfully executed."

Now is the time to abolish the Executive Council and thereby promote the efficient, coordinated management of the state's affairs.

Going on to the reduction of the House, I definitely feel that reduction of the House would bring a better legislature. I am sure that salaries would be increased, the staff would be much better and you would have a better quality of persons coming here. Therefore, I hope and I urge you to support this package.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I rise to oppose this L. D. Since I have been here, and this is only my second term, I have seen bills come before us that have never been advertised, never had a public hearing whatever. Now we hear all about we want a better quality. As one gentleman rose here and said, "the legislative body is getting poorer all the time." I would like to ask that gentleman if he thinks he is poor quality and why did he run? This is the question I would like to have answered.

Gentlemen, they say you have to twist your arm to get you to run. No one twisted my arm to have me run, and I had opponents against me, and I had the Maine Teacher's Association that backed opponents to get me out of here and they told me they were going to trim my tail. I beat that opponent 2 to 1 in the primaries and then I went on with them working with my democratic opponents to trim me and I won again. I may

lose this seat should I ever run again, but it won't be that I did not try to do the best I knew how and tried to be a credit to my people who put me here, and if I haven't, I ask forgiveness of them, and I hope they will defeat me the next time if I have faltered along the way. I hope today that you will not go to work and put this into bureaucracies so bad that this will cost the taxpayers twice what is costing them now.

In our small districts, of which I do represent, I represent six communities, not five, and mine are approximately 44 miles in length apart, I have all I can do now to cover this to give them adequate coverage. What would I do if it doubled up if I were here? If I can't cover six, how could I cover 12? Ladies and gentlemen, I hope you go along and defeat this L. D.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I opposed this Utopian piece of legislation, it is just a dreamers dream. Why I oppose it, in the first place, I don't want to bring the size of the House down to 99 and take government away from the people and create a dictatorship here in Augusta. We have a suburban state, and everybody should be represented and territories should not be cut down.

The other reason I oppose it, I don't want to be dictated also by leadership. At this session of the legislature, leadership should have done something for the individual legislator. They went along and hired people, they boosted their staff and kept them in their offices where individual legislators could not get at them to try to get some help. Luckily, some of us have been here a few semesters, so we don't need that help, we know what we are doing.

Another thing I resent about some of the proponents of this legislation is that five or six years ago they were not even residents of this state, now they are in the state trying to tell us what to do. I don't care for transplants, especially new transplants.

If we are going to give dictatorship powers to our leaders, we don't need this type of legislation. All we have to do here is pass a bill and say, you go ahead, you run this House, and we will just go home and sit back and just collect our salaries.

Each of us here that have been here quite some time, even the newcomers are all hard workers, we are all trying to do the best we can for our people back home, and I will be hanged if I am going to vote for a bill that is going to cut down the people's representation at this legislature. I don't think it is needed, I think it is a bad piece of legislation. They talk about reform, what is there to reform? What has this legislature done in the last 153 years that has been so bad? Each individual came here on his own merits, chosen by his people to work for the interest of the people of the State of Maine, and now they are trying to tell us we need to be reformed. The only thing I know about reform, we have changed the name of the reform school in this state. We don't call it reform school anymore. So why should we as individuals be reformed when we have done no wrong?

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I guess probably there isn't any member of this legislature in either body that has spent more time with this particular piece of legislation than I have. I think it is a piece of legislation that I had to slowly work with to be able to satisfy myself that I could live with all parts of it. I have come to the conclusion today that I can live with all parts of it. I think there are many compromises in it. Compromises have been made in many areas, particularly in the areas of apportionment and handling annual sessions.

As far as the annual sessions are concerned, in the six sessions I have been down here, five of them I have been called back in January, and I am fully aware, and I think we all are, that we

will be back here next January. This will establish the guidelines under which annual sessions are set up. This will establish the guidelines in which this second session we will come back.

I think that a good deal of good can come out of this second session. It allows the committee in the interim to do work on bills which presently they can't do and report these bills back to the special session. That is one of the provisions that has been written in. The leadership will have the same provisions that they have always had in governing the legislation that will be admitted as will the Governor, and it will allow for an annual budgetary review. The budget, the size that we are having now, I certainly think needs budgetary review, and I have had a good deal of experience, I feel, in that area myself.

As far as the meetings of the committee are concerned, it is true, they are not explained in this bill, they are in the statutory provisions in the bill which immediately follows. I think this can be handled in that bill. I don't think this is the type of thing that we would want to establish in the Constitution.

The compromises that have been made in this have been worked out between members of both parties. I think there has been a good deal of giving on my own part in some of these areas, things that I reluctantly gave up, but things that I think satisfy both parties, and does also make it so there is protection in this legislation for both parties, particularly in the areas of apportionment. I think that this bill does allow protection for the minority party, whichever one it happens to be.

It is true that it is a composite bill, but I think it requires a bill of this type in order to be successful. If it was fragmented into several bills, I am sure that probably none of them would pass because there are objectionable features to every one of these that every one of us object to in some areas.

I have heard mention the cost. I can't see where there is one cent of additional cost in this. I

think that possibly the reduction of the House will allow for increases in salaries which are absolutely necessary if we are going to attract the type of people that we want in this House, and it will also allow for the development of staff.

As far as your leadership positions are concerned, I agree very much with the comments that were made by the gentleman from Eagle Lake, Mr. Martin. The leadership positions really do not have any strength. I think this will strengthen them, but I don't think that it puts an undue amount of work on to them. I think that it is work they can easily handle. And assuming the duties of the Council, I think that after the first two or three weeks of the session, the amount of work that will have to be done by the legislative council will become very minimal.

I would comment too about the quality of staff and the work that the staff has done this year. It is true, the leadership did select this staff. In our own case, the two people that have worked on this end of the hall, as far as we are concerned, have done an excellent job. They have been available to all of the people of the House and our own party have done a good deal of work for many of us. They are always available during the session as many times someone has dodged in there and asked a quick question, and got an answer to it immediately to help our work on the floor. I think this is one of the most progressive moves that has been made. I think the staff has strengthened the whole leadership position.

I do think that this is a worthwhile piece of legislation. I think that you will find that everyone of us can find one or two points in it that we disagree with, but putting the whole thing together, I think it makes one of the most worthwhile packages that I have worked on. I certainly hope this passes.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: A very funny thing happened on the way to the races. Perhaps you heard the same thing I did from our majority leader when he got up and told about the idealistic situation that we have with the leadership. He doesn't seem to recall what happened last Friday afternoon. They were not going to play politics, we are not going to do this once this bill is passed, which I hope is not passed. I certainly recall or certainly didn't understand what was going on Friday if we have all joy and peace among the leadership, and it can happen again and on more vital things than what we had before us last Friday afternoon.

I hope that you will not put a ten-man council in here that just possibly cannot resolve itself to the balance of votes that could be worked out. This is one of the very fundamental things in trying to govern, and that is not have a complete balance. The closest thing that we have in our government to balance are the three branches, and here we are, our good friend Mrs. Najarian from Portland tells us this will strengthen the Governor. I am not too sure that the Governor's position needs to be strengthened, be he Republican or Democrat.

Recalling what happened in the recent past, I remember the Attorney General sending out state policemen. I remember the state policemen being recalled by the Governor's office. Is this fact to be denied? And we are going beyond this, part of this bill is to give the Governor without any control whatsoever from anyone, be it his own party, from legislative leadership, what have you, to give him the control of the contingent funds.

Now the control of the purse strings can take us back into the dark ages of the pork barrels, and believe me, that is all it would become, whether it was among the Republican or Democrats. I do not think this is progressive legislation. As a matter of fact, some parts of it are the most re-

gressive that I have heard of since I have been in this legislature.

I hope that you will all go along with Mr. Stillings, from Berwick when he says, we have a horse with four white legs, and let's not buy it.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Trumbull.

Mr. TRUMBULL: Mr. Speaker, Ladies and Gentlemen of the House: I think it is time that we addressed ourselves to at least three points on this that have been brought up. One has to do with the fact of let's send it out to the people. Looking at this and going into a voting booth, I suggest to you that I don't believe the people could understand what they were voting on at all. This matter is so long, so complicated, so all encompassing that people couldn't possibly understand it so that I don't believe they know the ramifications of what they are voting for.

Also, lets talk about the type of legislature that would come out of this package. I don't believe that we are going to get any more Maine citizen legislature if we pass this; what we are going to get are professional legislators, and you all know the results of the professional politicians already in Washington. I am sure you can go and see it on TV anytime.

I also dislike very much and feel that we are bonding the people of the State of Maine back into slavery under this Abyssinian nonsense by the fact that what isn't good in 1975 because it can't pass becomes good in 1983, I don't see why at all why we should enslave these people by trying to force something down their throat that a great many people feel is unpalatable two years hence but becomes palatable ten years hence, and this is slavery, no matter how you discuss it.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: At this time I move indefinite postponement of this bill and all of its accompanying papers and would

speak briefly to the motion. Over the past two weekends I have met with people composed of both parties, and after hours of discussion their message was clear — no package deals.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: First of all I would like to congratulate all those who have so far spoken on this matter for the well and reasoned manner in which this debate has been conducted.

However, I could not remain silent on a subject of such great importance to Maine. We stand today with the possibility of making history, the most fundamental and progressive change since Maine voted for Statehood in the year 1820. Some oppose annual sessions, and to me that is a joke because we are in effect having annual session anyway, but we call it a special session.

The issue of single member districts has been pretty well resolved by our Supreme Court. In the end, it is only a matter of fair play, it is an extension of the doctrine of one man, one vote.

Some oppose reduction in the size of the House. Are we not as capable of representing 10,000 people as we are of representing 6,500 people? If not, we should not be here. Our own Senators do a good job of representing 30,000-odd people. Our Congressmen from Maine each represent 500,000 people, and in my book both of these men do a very creditable job. If we are not capable of representing 10,000 people, we are not capable of representing 6,500. In the end, that matter is years away, and I am certain that there will be men and women in 1983 who will not be afraid of campaigning to represent 10,000 people.

As to the Governor's Council, it has had its day. It has been a subject of controversy for years. The proposed legislative council will have about 10 percent of the authority that the present council has, so you need not fear of it being overworked.

The Governor, whoever he may be, will not in the future be able to pass the buck to the council. He will stand or fall on his own merits and his own decisions.

In conclusion, I urge you to look to the future. The past that we cherish cannot be brought back even if we wanted to. Many of us are of the age when our future is a short one. Let us march forward with courage. We do not fear change, while we live we intend to live life to its fullest.

I urge you to have faith in those who eventually will fill our seats. I urge you to vote for this well thought out package. It is your chance to make history; it is your chance to make the 106th Maine Legislature live in Maine's history.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: From the quiet that is settling over this body, I believe that we are sensing the gravity and the responsibility of these moments. I believe that we are ready now to come to grips with the issue, and I hope that we can set aside our temporary partisan considerations in deference to the great responsibility that we face, that we recognize the potential for the historical impact this measure holds and support its passage.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: After having fulfilled my duty as requested by the people back home, I now withdraw the motion for indefinite postponement.

The SPEAKER: The gentleman from Eastport, Mr. Mills, withdraws his motion for indefinite postponement.

The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker and Members of the House: Unlike what some people think about the single member districts, that is not my hangup on this whole thing. It is this legislative council that comes up. I don't think it is fair since we outnumber the other body by five to one that they

should have equal representation on that body with us.

In answer to some of the comments by some of the people, Mr. Simpson from Standish said that candidates are getting scarce. I don't think the gentleman will disagree with me when I say that the last crop of candidates we had for the 106th Legislature set a record for the number of candidates out for office. It only beat the record that was set by the number of candidates which ran for the 105th. When Mr. Donaghy from Lubec mentioned the control of purse strings bringing us back to the dark ages, I don't think he has to go back that far, all he has got to do is look at the executive branch in Washington today.

There are some extremely capable people in this House who could serve on that legislative council who are not in leadership, and I would give you some of the names, and I know I am going to leave out some of the names of some very capable people here, but these people are not in leadership: Mrs. Baker, Mr. MacLeod, Stillings, Palmer, Morton, Bither, Garsoe, and Dyar, and on the Democratic side Mrs. Berube, Hancock, Lynch, Santoro, and Lawry. I don't think any of you people can say that any of these people would not make good people on a legislative council. They are not in leadership, and except for one or two of them, none of them have ever sought any leadership position, but they could certainly do a very capable job on this.

I am not too crazy about adding more power to the leadership position so they could hold it over your head when the time comes for a vote saying, well, don't forget that there may be a little something in that contingency fund that we can vote on when you are not in session unless you go along with us now.

There are different things obviously in the appointments that would be confirmed by these people. The gentlewoman from Portland mentioned the loss of six seats as a possibility. I would tell her that six seats were lost in the last election. I would tell her that one

of those seats came from Waterville. I would also tell Mrs. Najarian, and I know that Mr. Genest would agree with me, and possibly Mr. Ferris, that one of the reasons one of those seats was lost is because the Democratic candidate that we ran had the very same position that Mrs. Najarian from Portland took, so I don't know about the people from Portland, but the people from Waterville knew enough anyway at this point to elect a Republican. Now if Mrs. Najarian doesn't feel that she is doing her job, that the people of Portland made a mistake, I might suggest she resign and have somebody else serve in her place. I ask any of you here to turn to your seatmate and tell him that he is not doing his job. I don't think you can do it.

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

Mr. CURTIS: Mr. Speaker and Members of the House: This is indeed a very serious and a very important issue before us, the most important issue, as several people have already spoken today, that will occur this year.

I would like to answer very briefly just two issues that have been raised by the opponents of the proposal. The first one was raised by the gentleman from Berwick, Mr. Stillings, when he said that he thought that the Supreme Court ought not to have any part in any kind of reapportionment plan, except for the necessary judicial review on the matters of constitutional issues. I suggest that the only time the Supreme Court will get involved in reapportionment is in that instance of judicial review and in the other instance if the legislature for some reason should fail to do our constitutional duty, that after 100 days, they indeed would get involved also.

The second issue is one regarding the rural voters, the rural constituents. It has been suggested that we are proposing slavery, that we are headed for disenfranchisement of many voters and so forth. I would suggest that the proposal of single member districts will bring us closer to the one-man

one-vote concept than anything else that this legislature could possibly do. Once again, I remind people who are from single member districts, like myself, from rural areas, from small towns, that the larger cities now have an easier time of combining their effective voting power because of the fact that they have multi-member districts and that those of us who are from the smaller communities will, in fact, enhance our own political power of the areas we represent by the passage of this document.

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

Mr. JALBERT: Mr. Speaker, and Members of the House: I can't understand how the gentleman from Orono, Mr. Curtis, can talk about the opponents of this bill. Neither one of these bills here, this one and the next one, had a public hearing. We are talking so much about the public, why not let them into at least a public hearing on the single or multiple districts. I didn't see public hearings on some of these other things here.

I certainly haven't heard a hue and cry from the public on this thing, and I am sure that the young gentleman from Orono, Mr. Curtis, hasn't himself.

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

Mr. CURTIS: Mr. Speaker, Members of the House: If I may just answer that question very briefly. As I said in my first presentation, all of these matters were considered in great depth in individual bills in public hearings before the State Government Committee.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Briefly, I would like to discuss this legislative council and its involvement in confirmation powers. There are several approaches in which confirmation can be accomplished; one present way that we have which is not truly representative of all the segments of

the people in the state or in the legislature because of the fact that it is a partisan council, an area that I have never been personally satisfied with.

We could go into several other approaches to it, one of them being one that is more strongly recommended and used in many states and used in the federal government in which the confirmation would be done entirely by the Senate, which would take it entirely away from the House. This being divided and giving both Houses a chance to have a say in confirmation made a lot more sense to us. I think it is a lot more practical approach. I don't think you would want to for that reason, because we have divided and given both Houses some opportunity to have some say in confirmation, that we would want to go in and prorate it according to the number of people — the number of members in each body. I think that this legislative council makes about as much sense as any idea that I have heard for handling confirmation powers.

Now, as far as the jurisdiction of the contingent fund and the amount of money that the Governor would have control over, actually, this is not a part of the piece of the legislation you have before you. Any decision on the contingent fund will have to be made in the next piece of legislation which is following, and that is in the statutory provisions. As far as I know or can see, the amount of money that he is going to have control over as far as being able to allocate is going to be relatively small. I don't think that he is going to be able to create any major controversies or do a great deal or amount of damage with the amount of money that he will have. Frankly, I think that everything that I can see with this piece of legislation, that it is a good piece of legislation.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: The gravity of this legislation has been carefully pointed

out this morning, and I can certainly agree with that.

I would like to address myself to one area of it which I perhaps have a little more insight in than most of you, having been a member of the Executive Council. Admittedly, it was six years ago, and it was one term, two years, which is all my small county was entitled to.

I hate to see the Executive Council go under this legislation. I have a sort of nostalgic view of it. It has been in the constitution for many years, and had this legislature acted responsibly over the years in the rules it set up to create and to elect the Executive Council, we would not have had the problems with it. The problem came from its partisanship over the many years, and as I sat there enjoying the job, liking the Executive Council, learning about the executive part of the government and about the government of the State of Maine, I was pleased to be there. I also realized that I was there as a very partisan — as a representative of a very partisan, small group. Now, I hope I wasn't too partisan in my acts on the Executive Council.

It was not elected properly, and therefore, it is not viable for the people of the State of Maine. It has appointments, and this is its most important function, political and important.

It handled pardons which was very interesting, it was exciting work; but basically, there was decisions based on staff work that we had, input that we had from very competent staff. Of course, the Governor, as you know has complete veto power over the council when it comes to pardons. They really cannot initiate anything as far as pardons are concerned.

Financial transfers occupied the most time, and frankly, they were much the most insignificant. Mostly routine housekeeping, nonpolitical in almost every instance with the exception of when some legislator had a pet project that he wanted to further, send a man to Montreal or something of that kind. Actually, the financial trans-

actions handled by the council are extremely routine.

So, for that reason, I feel that the outline for the legislative council that has been put forth here is not beyond their capacity while they are serving as we in the legislature, and I feel as though it gives them the area of responsibility that this House and the other body can have input to and can, therefore, have its influence felt. As Mr. Birt brought out, the legislative council will not have anything to say about the contingency fund. That has been stricken if you pass the constitutional provisions and the statutory provisions.

Now, this is a package and a package with a political solution, and we are exercising a political function as we sit here in this legislature today. Politics is the art of compromise, and this package creates a compromise. That is the way I look at it. I am not convinced that I think everything in it is perfect. I am not sure I am convinced that 99 members of the legislature is right, but I am sure of one thing, in 10 years we are going to need a more streamlined, better-informed, better-staffed legislature to offset the rapidly increasing power of the executive.

You had an excellent dissertation this morning on the unconscionable evil of multiple member districts. This is something that we must eradicate, and that is part of the compromise.

Finally, I have got a great deal of confidence in the people. This is what I really find is my strength as I stand here. People, when I have asked them, have been very happy to tell me what they thought, and I have received some fine information as I have sat in this legislature this session, sent bills home, asked for advice. "What do you think?" They have been perfectly willing to give me the input. I don't think we can expect, unless it is something that is going to affect an individual financially or in his business, that he is going to initiate input into this legislature. He elects us, and he expects us to do the job for him, and therefore, to say that you haven't heard

from the people on this bill is very understandable. They expect us to do this. It is political elitism to say that the people are not interested and that they can't understand things, because they can understand, and they do want to participate. So let's vote for this. Let's send it out to the people in referendum, and let's get the peoples' expression on this excellent piece of forward looking, progressive legislation.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Dunn.

Mr. DUNN: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the remarks of Representative Stillings and some others. In my opinion, this is not a peoples' bill. It is a politician's or leadership's bill. It would put too much power in the hands of too few. This is serious, and I hope it does not pass.

The gentleman from Lewiston, Mr. Jalbert and the gentleman from Bath, Mr. Ross, have been in this House many years, and their remarks should be listened to.

The SPEAKER: The Chair recognizes the gentle lady from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Members of the House: I stand before you this morning addressing legislators who, I feel, may somewhat reflect possessiveness on their own legislative seat. Maine ranks thirty-ninth in population in the United States. It has the eighth largest legislative body. Reduction in the size of the House of Representatives would, indeed, increase the size of the districts. I submit that by utilizing modern conveniences, telephones, postal services, highways, et cetera, the quality of representatives' government on the state level will not diminish appreciably. In fact, please note that the state Senatorial districts are three times as large. Senators manage quite well, my friends.

Fourteen states have more than twice the size of Maine in square miles or geographic area. These largest states in acreage have less population per square mile than Maine; yet, all have fewer House

members in their state governments. Five of these states have sixty members or less. Good representation is not a matter of mere members. Good representation depends on such factors as visibility, accountability, productivity, being well-informed on issues, an ability to act independently of partisan politics.

If this legislature is going to make intelligent decisions in the area of social services, land management, environment, education, the lobster industry, industrial development, housing, tourism and so forth, we must have a full-time legislature of manageable size with far more expert assistance than we presently enjoy. One hundred fifty-one members in the House of Representatives could do the job. Ninety-nine House members with properly supported service could do the job better.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Dunleavy.

Mr. DUNLEAVY: Mr. Speaker, Ladies and Gentlemen of the House: I hope that I never get to my feet to speak in favor of unfair legislation or in opposition to fair legislation. Single member districts will make representatives in this body more accountable, more visible and more representative of their people. Abolition of the Executive Council will remove an albatross from the neck of state government, an archaic vestige of colonial times usually composed of individuals who have been rejected by their electorate.

We can do few disservices so great to the people who put us here than to give political power to individuals who have been rejected by the people at the polls. This governmental reform package will make state government more responsive to the wants and the needs of the people of Maine, and I am for it.

In my view, if you don't love equality, you don't love democracy. If we pass this bill, we will have taken another step toward the dream of equality for all Maine people.

The SPEAKER: 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 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 enactment of L. D. 2040. This being a constitutional amendment, a two-thirds vote of the members of the House present and voting is necessary. All in favor of the enactment of L. D. 2040 will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berube, Birt, Bither, Briggs, Bustin, Carter, Chonko, Clark, Connolly, Cooney, Crommett, Curtis, T. S., Jr.; Dow, Drigotas, Dunleavy, Emery, D. F.; Farley, Farnham, Ferris, Flynn, Gahagan, Garsoe, Gauthier, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Haskell, Henley, Hobbins, Hoffses, H u b e r, I m m o n e n, Jackson, Jacques, Knight, LaCharite, La-Pointe, LeBlanc, Lewis, J.; Lynch, MacLeod, Maddox, Martin, Maxwell, McKernan, McMahon, McTeague, Merrill, Morin, L.; Morin, V.; Morton, Murchison, Murray, Najarian, Norris, Palmer, Perkins, Peterson, Pontbriand, Rolde, Rollins, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Susi, Theriault, Tierney, Trask, White, Whitzell, Wood, M. E.; The Speaker.

NAY — Albert, Berry, G. W.; Berry, P. P.; Binnette, Boudreau, Bragdon, Brawn, Brown, Bunker, Cameron, Carey, Carrier, Chick, Churchill, Conley, Cote, Cottrell, Curran, Davis, Deshaies, Donaghy, Dudley, Dunn, Dyar, Evans, Farrington, Faucher, Fecteau, Finemore, Fraser, Good, Hancock, Her- rick, Hunter, Jalbert, Kauffman, Kelleher, Kelley., Keyte, Kilroy, Lewis, E.; Littlefield, Mahany, McCormick, McHenry, McNally, Mills, Mulkern, O'Brien, Parks, Pratt, Ricker, Ross, Santoro, Shaw, Sheltra, Shute, Silverman, Sproul, Stillings, Strout, Talbot, Tanguay, Trumbull, Tyndale, Walker, Web- ber, Wheeler, Willard.

ABSENT — Cressey, Dam, Kel- ley, R. P.; Lawry, Soulas.

Yes, 77; No, 69; Absent, 5.

The SPEAKER: Seventy-seven having voted in the affirmative and sixty-nine having voted in the negative, with five being ab- sent, the motion does not prevail.

On motion of Mr. Carey of Wa- terville, it was

ORDERED, that James Richard- son of Cumberland be appointed Honorary Page for today.

Mr. Brown of Augusta presented the following Joint Resolution and moved its adoption:

WE, your Memorialists, the House of Representatives and Senate of the State of Maine in the One Hundred and Sixth Legis- lature, now assembled, most re- spectfully present and petition your Honorable Body as follows:

WHEREAS, Maine fishermen are currently losing the livelihood of generations through federal failure to control excessive foreign fishing off the coast; and

WHEREAS, Federal negotiations at the "law of the sea" conference even if successful will take 6 to 10 years to ratify and implement leaving little or no protection dur- ing the interim; and

WHEREAS, this inaction has prompted the Maine Legislature to declare Maine's fisheries man- agement jurisdiction 200 miles sea- ward from its boundaries or to the edge of the continental shelf; and

WHEREAS, the Congress of the United States must act now to extend United States fisheries management jurisdiction beyond 12 miles to the 200 mile limit be- fore fishing stocks are exhausted; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recom- mend and urge the Congress of the United States to use every possible means at its command to extend the fisheries manage- ment jurisdiction of the United States without interfering with Canada 200 miles seaward or to the edge of the continental shelf and thus reduce the chances of certain depletion of fishing stocks by overfishing; and be it further