

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

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Legislature*

OF THE

STATE OF MAINE

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So, if memory serves me correct, that bill came out under 17-A or something similar to it.

The previous gentleman has referred to another bill which had a different concept to it. The second bill which was passed, modified down by amendment, would allow the people within the school administrative district to form a petition of 10 percent to introduce an article into the warrant to be acted on at a school budget meeting.

There is a distinct difference between the two bills I sponsored, and there certainly is a distinct difference in the discussion here this afternoon between the two gentlemen.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to oppose this particular amendment on its substance alone. The gentleman from Bangor, Mr. Murray, has described it pretty well, but just let me draw you a picture, ladies and gentlemen. We are talking about a school administrative district with perhaps 5,000 registered voters, and this can be comprised of towns anywhere from 2,500 registered voters down to 300 registered voters. Can't you just picture a town with say 500 registered voters, 250 of whom went and voted in the last election, 10 percent of that would be 25, that is less than two-tenths of one percent of the total registered voters in the whole district.

This is going way too far on the ability to initiate changes. Ten percent of all the voters in the district in each community is a reasonable figure. I hope you will defeat this amendment.

The SPEAKER: The pending question is on the motion of the gentleman from Houlton, Mr. Bither, that House Amendment "B" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

85 having voted in the affirmative and 32 having voted in the negative, the motion did prevail.

Thereupon, the Bill was passed to be engrossed as amended and sent to the Senate.

Order Out of Order

Mr. Goodwin of South Berwick presented the following Order and moved its passage:

ORDERED, that Stuart and Jean Kerr of Hightstown, New Jersey, be appointed Honorary Pages for today.

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

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

Bill "An Act Relating to Joint Standing Committees of the Legislature" (S. P. 560) (L. D. 1731) (H. "A" H-584).

Tabled — June 27, by Mr. Simpson of Standish.

Pending — Further consideration.

(House passed bill to be engrossed as amended by House Amendment "A" (H-584), Senate insisted on their action whereby they accepted the Leave to Withdraw as covered by other legislation report.)

On motion of Mr. Simpson of Standish, tabled pending further consideration and tomorrow assigned.

The Chair laid before the House the third tabled and later 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 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 27, by Mr. Martin of Eagle Lake.

Pending — Motion by Mr. Ross of Bath to reconsider a c t i o n whereby the Resolution failed final passage.

The SPEAKER: The C h a i r recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I am going to take, or I would like to take and go over some of this and explain it out, two or three reasons. One of them is, I have heard a lot of comments in the corridor, some of which a r e legitimate complaints and others that I think were c o m p l e t e misunderstandings. If there are any further questions I think that possibly they can be answered either by myself or some of the other members who have worked on this.

I think probably I have put as much work, as I said yesterday, as much work as anybody on this particular piece of legislation. Frankly, I have come to convince myself that over a period of time — this goes back over several years in developing some of this philosophy — that this today is as good a piece of legislation as could be devised to be able to come before this House and have at least any degree of consideration by members of both parties.

We are faced today I think — and this is one thing that bothers me a great deal — we are faced with several real serious problems. The first one is in the area of apportionment, on which I guess I probably have spent more time than I should have, but I seem to have become interested in it and it has been an i n t e r e s t i n g experience working on it.

I have before me here a ruling from the Attorney General dated January 5, in which I asked the question, what would be the latest date possible to reapportion the House of Representatives? And the ruling says that since the House was last apportioned in January 1964 in Maine Public Laws of 1963,

Chapter 233, effective January 17, 1964, the legislature must under the present constitutional provisions complete its apportionment before January 16, 1974.

I have also a Supreme Court ruling, it came to us a couple of days ago, in which it says in the very last page of it, and you could find this several places through this document also, that while they have answered question number one, which is whether the apportionment that was submitted to them, which is L. D. 984, fell within the guidelines of the equal protection clause of the 14th Amendment of the United States Constitution and also similar provisions in our own Supreme Court that the extremes in this were beyond any maximal allowance in even the latest Federal Supreme Court decision which has relaxed some of these provisions. They answer this question whether it would be possible to do it, whether the apportionment as relates to k e e p i n g representative districts within counties and whole municipalities as prescribed in Article 4, Part first, sections 2 and 3 of the Constitution of Maine as permissible under the equal protection clause of the 14th Amendment of the Constitution of the United States or the equal protection clause of Article 1, Section 6-A of the Constitution of Maine?

While they have answered question number one in the affirmative, the qualifications of the House Apportionment Committee report d e m o n s t r a t e s that a constitutionally p e r m i s s i b l e reapportionment of the House of Representatives is unattainable as a practical matter in the foreseeable future so long as the method of reapportionment as relates to keeping representative districts within counties and whole municipalities as prescribed in Article 4, Part first, Sections 2 and 3 of the Constitution of Maine remains in effect.

Now as I read this and put this whole picture together, at the present time it is completely impossible to apportion the Maine Legislature. By the 17th of January we have got to do it. The Supreme Court says that it can't be done

under the present constitution. We have no possible constitutional provision which allows us to do it.

Now this bill that we have before us that we are presently considering does have an equitable method of apportioning the Maine Legislature. It was drawn last week by a commission that worked on this last summer. The majority of the commission approved this plan; it allows the crossing of county and municipal lines, and is written into it a commission to do the job preferred of the legislature. It does have protections in it as far as the minority party is concerned in that it requires two-thirds of the legislature before it can become law, and also it makes provisions for moving it further up the line for a review in case that it cannot or does not obtain the necessary support in the legislature.

It also allows the same thing to be done by the Senate. It is true that it reduces the size of this House by some numbers in 1984. I think that this has come to the point where I can accept the fact that this is reasonable, and it sets the House and Senate up on a three to one ratio. This does make a good deal of sense.

The annual sessions of the legislature are something that we are presently doing. I think one of the most interesting provisions in there, it does allow legislation to be referred from one session to the other through study committees, something that presently is not being done, and something that I find in many many of the reports that I have seen from the research committee over the years, has much good studying been done there, and still when they get all done because there is no effective legislation come out of that committee, a lot of these reports have been found valueless and have gone down the drain.

The other part that I would like to seriously consider is the legislative council. Many people here feel strongly one way or the other on the legislative council.

I have spent a lot of time thinking on the legislative council and the Executive Council. I have

supported it in every legislative session since I have been here, but I have been doing it with more and more reservations all the time.

In 1965 I proposed the change whereby the minority party, whichever one it was, would have representation on the council. I introduced that legislation in four sessions of the legislature and every time it got only a minimum of consideration. But I think during that time there has been a slow deterioration in the feelings of the people towards the Executive Council. It is my own feeling that when any particular agency of government reaches a point where it does not have the confidence of a great majority of the people, and I am sure if the legislation to abolish the Executive Council was sent to the people today it would pass with an overwhelming vote. When we find that any particular agency has reached the point where people have lost confidence in it, I think the government should then give serious consideration to making some changes in how that agency of government will operate.

The legislative council, as I pointed out yesterday, does things that very few other legislative councils or any form of confirming body in the United States does, including the United States Government. Most all of it is invested in one House, mainly the Senate. In this case here, both the House and Senate will have opportunities to have input and make decisions on what or who will do the confirming.

Now just how much work is this legislative council going to have? From my evaluation of it, after the first three weeks in January the amount of work that it is going to have is very minimal. As was pointed out very excellently by the gentleman from Farmington, Mr. Morton, many of the programs and functions of the council have outlived their usefulness, they are taken care of mostly in the statutory provisions that we will have before us in the companion bill which follows this one.

I don't think that the legislative council is being given undue powers. I can't convince myself of this, I think the amount of

confirmation that they will have to do will not be excessive. I don't think that the amount of work that they will have to do will be excessive.

Frankly, all the way through this I see nothing that I can find objectionable. Most of the rest of the language in here is just cleaning up the Constitution in areas which we will find relate to confirmation. We do find other minor changes that have been put in here. If you want an explanation of that, that the following of the guidelines of the United States Constitution, the Chief Justice will swear in the Governor. It has always been by the president of the Senate, but this will bring the court in so that we will have all three branches of government involved in the development of our inauguration and installation of the Governor.

I hope that you will give serious consideration to this this afternoon, that you will give serious consideration to the problems involved if we don't do something in this area and that possibly this can become law.

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

Mr. DYAR: Mr. Speaker, Members of the House: This is the first time I have arisen to speak on governmental reform this session. I have addressed the Republican caucus on this matter, and I wouldn't be in my seat this afternoon if I hadn't been complimented within the last hour and a half. The compliment which I overheard is not hearsay. It is that I was the major roadblock in the Republican party to block governmental reform. Now, if they had said I was a stumbling block rather than a roadblock, I might be seated at the present time.

I feel that I was elected to represent the people of my district and the people of the State of Maine. I have been a Republican all of my life. I have served the Republican party. My wife has served the Republican party, and I feel that I know the thinking of the people at grass roots.

I suggested to leadership in the presence of others last Friday

afternoon that we had at least 30 Republican votes against this package and possibly 45, that we would have the help of at least 20 Democrats in holding up this package. I will not say that I was laughed at, but I was possibly left in the position of scorn. I was wrong, there was 69 rather than 65 votes.

I suggested that we compromise on this bill, that one simple amendment that I thought would guarantee passage at this time rather than see the whole package go down the drain. This compromise was to amend this resolution and this resolve to the point where we would elect the members of the governor's council. Now, I stand here this afternoon in my own ignorance to again make the statement that I feel, as an individual, that one simple amendment to elect the members of this council from the districts that they represent and we can pass this package.

I still maintain that if we hold out and try to pass this bill as written — this resolution and this resolve as written at the present time, there is going to be very little change in vote.

Now, I have stated in Republican caucus, the Republican State Committee brought Republicans from grass roots level into the Civic Center here in Augusta where there was seminars held on this governmental reform package. These people were county chairmen, town chairmen, finance chairmen and workers within my party, and I think if they read the message on that Saturday, they would realize the majority of Republicans, some 800 or 1,000 Republicans gathered in Augusta that day said they did not want to abolish the governor's council and replace it with a legislative council. I think they will find the majority were willing to see the governor's council elected. So, all I am asking this afternoon is rather than see this entire package go down to defeat is a simple amendment be presented to elect the members of the governor's council.

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

Mr. COTTRELL: Mr. Speaker and Members of the House: I feel that I must speak. I really do not want to. I am not prepared like I wish I might be. Representative Ross has given me a pattern of short, precise, intelligent presentations. When I first came up here, I tried to follow that pattern.

I feel that I must speak. Maybe I am too much of a traditionalist and fundamentalist. I would like to be known as a teacher of history and government rather than anything else. I tried to get the kids in my classes to say a prayer every morning thanking their creator that they were born in this great country.

Now, as to this particular matter, it really tears my conscience. I want to be loyal to my party, I want to be loyal to the country, and I want to be loyal to myself. I can agree with most of the things in this package. As I say, I am a traditionalist. I hate to see us eliminate the council. Other states have, but the council was originally set up to exercise the control over the power of the royal governor and at that time, of course, we only had a few colonies.

New Hampshire has retained it, Massachusetts has retained it. They fought great battles to get our constitution into being, and just because other states do not have the council, it is no strong reason for me to object to it. I object to this idea of annual sessions as long as we can have annual budgets.

We are only a million people. We don't have to follow the patterns of other states under the guise of proposed, hopeful reform. This biennial budget to me has always been a problem. I know that probably 60 per cent of the people don't even know the meaning of biennial budget and so forth and so on.

Single districts don't bother me. You might say I am an old man, I don't care whether I am re-elected or not, but the situation in Portland to me is irrational. When you — well, let me say this first. As Representative O'Brien, my dear friend from Portland, has

pointed out, the used car dealer stands ahead of us in the opinion of the populace, and to me, in our Portland situation presenting the electorate with a choice of picking 11 out of 22 candidates is expecting too much of the electorate. I happened to be on the Reapportionment Committee in 1963 when after the Supreme Court decision, we were forced to reapportion. From my understanding of the Supreme Court decision in Portland, we wouldn't have to cut Portland up into 10 pieces of pie. We could — where we have six wards that are population wise equal, following our council example, we could have one representative from each ward and four at large if it ever came to this, and I don't think the court would disapprove of that. As I say, the districting is not the big problem in my little mind, because too, the Democratic party has come of age, and I think they can stand on their own feet and compete with anybody in this state.

I could hope that we might postpone this until the Special Session to work out these things. Many times in the guise of reform and ideas and we are challenged, let's do something new just because it is new, it is untried. It know some have said that we are making history today. I hope that we can make good history. It goes through my mind that Patrick Henry, Patrick Henry: "Give me liberty or give me death." Yet, he fought against the constitution in Virginia, and because of his great efforts, it was almost defeated. Then Ben Franklin, an old man like myself, getting up after they got the constitution to present to the people said, "None of us are satisfied, none of us, but it seems to be the best thing we have got; and maybe as time goes on, we can correct the things we don't believe in now." So that is where I am.

Now, I would rather postpone it, but I will say this: First of all, I will vote against this today. Number two, if it is my vote that determines whether this is going to be in being, I will go along with it. That is about the end.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, I gave specific reasons why I opposed this bill, and there is no sense in debating the merits which, in my opinion, are not many anyway. I believe we should do to this what was done with a man called Sam McGee. He left the south to search for gold in the Yukon. Like some people here who are searching in vain for a nonexistent Utopia in the way state government should be reformed.

Sam was not feeling good and he was always cold, and one day the dogs were fed, and the stars o'erhead were dancing heel and toe.

He turned to me, and "Cap," says he, "I'll cash in this trip, I guess;

And if I do, I'm asking that you won't refuse my last request."

Well, he seemed so low that I couldn't say no; then he says with a sort of moan:

"It's the cursed cold, and it's got right hold till I'm chilled clean through to the bone.

Yet 'tain't being dead — it's my awful dread of the icy grave that pains;

So I want you to swear that, foul or fair, you'll cremate my last remains."

A pal's last need is a thing to heed, so I swore I would not fail;

And we started on at the streak of dawn; but God! he looked ghastly pale.

He crouched on the sleigh, and he raved all day of his home in Tennessee;

And before nightfall a corpse was all that was left of Sam McGee.

On I went, though the dogs were spent and the grub was getting low;

The trail was bad, and I felt half mad, but I swore I would not give in;

And I'd often sing to the hateful thing, and it hearkened with a grin.

Till I came to the marge of Lake Lebarge, and a derelict there lay;

It was jammed in the ice, but I saw in a trice it was called the "Alice May."

And I looked at it, and I thought a bit, and I looked at my frozen chum;

Then "Here," said I, with a sudden cry, "is my cre-ma-torium."

Some planks I tore from the cabin floor, and I lit the boiler fire;

Some coal I found that was lying around, and I heaped the fuel higher;

The flames just soared, and the furnace roared — such a blaze you seldom see;

And I burrowed a hole in the glowing coal, and I stuffed in Sam McGee.

Then I made a hike, for I didn't like to hear him sizzle so;

And the heavens scowled, and the huskies howled, and the wind began to blow.

It was icy cold, but the hot sweat rolled down my cheeks, and I don't know why;

And the greasy smoke in an inky cloak went streaking down the sky.

In my opinion, this would be a fine solution today for this entire package.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: One of the things I think that we all realize in the field of political involvement, that there are times when we have to agree to disagree and at times agree to make compromises and at times to change our position when we think we may be right but in the future may be proven wrong. It is awfully difficult for us to know whether or not we are making the right decision, and I fully agree with all of you who feel and have hesitations about voting for and also against this package.

One of the things that interested me, however, was the fact that except for the gentleman from Strong, Mr. Dyar, very few individuals have raised a specific objection as to what they would like to see changed in order for them to vote for this particular package or vote against it. I would like to pursue that point, because I think it is an important one. It is one where it is possible in this

world of compromise that we just could arrive at one of those which could, in effect, give us legislative reform and would change what we think we ought to do.

I am interested in the comments that he made, and I wonder if I could pose a question to him if he would care to respond. I got, I guess, from what the gentleman was saying that he felt that confirmation as devised from this package ought to be handled by someone else than the legislative council. I am not particularly married to that council. I don't see that as necessarily being the save-all, and I would like to ask the gentleman if he was saying that what we ought to do is to have a group of men either elected by this body to do legislative confirmations or secondly, to have a group of men elected by the people to handle confirmations and further, whether or not we would be talking about those confirmation powers that are presently outlined in this package being given to the legislative council.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, poses a question through the Chair to the gentleman from Strong, Mr. Dyar, who may answer if he wishes. The Chair recognizes that gentleman.

Mr. DYAR: Mr. Speaker, Members of the House: In reply to the gentleman from Eagle Lake, Mr. Martin, it was quite obvious on my part that the people were indicating that they could go along with the present governor's council setup provided the members of the governor's council were elected by the people from the districts they served in. For example, next time around when Androscoggin County will have a representative on the council serving my district, that person will run on the ballot, Republican and Democrat, for the council seat. In that case, we realize that the Democrat will be sitting on the governor's council. Whether the county be solid Republican or solid Democrat, at least the people will have an opportunity to vote for the man they feel was most qualified to serve on that council, whether he be Republican or Democrat.

I will stand corrected on one statement I may have made my previous time up as to the number of people at the civic center. I based my statements on what I had read in the papers. There has been some objection to my pointing out that there was 800 people there. Whether there were 800 people there, 2000 people, 10,000 people or 100 people, I think these people represented the people from all sections of the state and I for one get the message as the Republicans representing those people as well as other people in the State of Maine, I got the message, and this is the reason I gave the answer to Mr. Martin. These people are not too happy to see a leadership council set up made up of legislators carrying on a double function.

I think one thing that has been pointed out to me by several people who have been active in state government - and they are Republicans - that they felt that there was an infringement here on the division between the legislative, judicial and executive, even though this package gives more responsibility to the Governor, who is our executive, that we as legislators who might be in leadership would be taking up something that might be an executive function and we would be breaching possibly the Constitution.

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

Mr. BROWN: Mr. Speaker and Ladies and Gentlemen of the House: May I ask a question of anyone who can answer it to the effect, what happens to the approximately a million dollars over the biennium which has been the contingency fund with the Governor's Council?

The SPEAKER: The gentleman from Augusta, Mr. Brown, 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 original thought had

been to give this to the legislative council. The Attorney General's office said that was a violation of the Constitution and that there had to be a separation of power. It was pointed out by the gentleman from Strong, Mr. Dyar, that this was one of those things that could have created a constitutional crisis, and so for that reason that had to be changed.

The way that it is structured in this particular agreement actually is that this money - and it varies depending upon the amount the Appropriations Committee wishes to assign to it - would be left basically in the hands of the Governor who would have to approve the transfers as a result of the agreements between Finance and Administration and the various departments. One of the things that would take place, of course, is that in the course of this operation, this carries with it the assumption that legislative committees would be standing committees and would be making recommendations to the legislative council and, therefore, to the Governor as to what ought to take place with that money. One of the fears that many of us explained was the possibility of individuals who might just decide to run wild with the money, and we were assured that without any problem that could be handled very simply because there are enough safety mechanisms left in this document which would protect the legislative body in terms of recalling itself very quickly and taking care of a problem if one individual were to abuse it.

The other thing that could very well happen would be if the money were in fact in the hands of an executive which could be in effect abused, and some people were concerned about that, but the restrictions could be written and would be written into existing statutes to protect that very thing.

For example, there are certain amounts that are given to the council for trips for various bands across the country or going to Washington to represent the state, whether it is the Inaugural

Committee or whatever it might be, the Cherry Blossom Festival, and these funds can be allocated by account within that by the legislature. That would be one of the things that we would have to do in order to protect ourselves.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: To specifically answer the question of the gentleman from Augusta, Mr. Brown, the next legislative document before us says that the Governor, with no approval from anybody, can spend this contingent fund up to the amount of \$800,000.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: When this piece of legislation first came over the horizon, it came piecemeal, and then it was put together in a package and we were told several times in the Democratic caucus that the Republican party, that is the leadership, wanted a complete package or nothing at all. Twice we defeated this package on the floor of this House and now it is reappearing with a little bait thrown in so that we poor fish that are sitting here will nibble at the hook and get caught.

I do not think that this is the right way of doing things and I hope that we who have stood here, spoken against and voted against this package shall continue to do so until it is finally disposed of.

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: I do not mean this in a facetious way at all, I mean this in a very serious vein. I read in the newspapers, listened to the radio and watched on the tube one remark made time and time and time again. If single member districts do not pass, the other packages did. That remark was made by the good gentleman, whom I have publicly praised, Mr. Simpson from Standish. How then

does he account, making that statement repeatedly and on two occasions after we defeated and failed to enact this measure we are discussing now, he voted for the next measure.

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

Mr. BRAWN: Mr. Speaker and Ladies and Gentlemen of the House: I have some bus tickets for next Saturday to go on a boat ride, and I hope we get out of here in time so that I can use them.

You know, as I heard Mr. Ross give his poem here, I heard the parody to that long before I heard the poem. I cannot repeat that here because I know I would get the hammer, but I think we have discussed it enough and I do not think we are going to change a mind here if we talk until next Christmas, and I hope we put the question.

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

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: I was hoping I would get a question and answer from the gentleman from Standish in that corner and not a substitute reply. I still ask the question and I still would make — possibly for another reason — we might just as well vote because this will come back with an amendment anyway. If that amendment doesn't go by, it will come back with another amendment, because let's face the facts as they are. No matter what happens, just as long as certain individuals get single member districts, they will go home happy. Why not be honest about the thing? I am being honest about it.

Now this bill never had a hearing. Somebody said this bill had a hearing. When did single member districts have a hearing? I would like to have someone give me the answer to that question.

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

Mr. BIRT: Mr. Speaker and Ladies and Gentlemen of the House: There was a bill before that

special committee on apportionment that had a hearing on single member districts. I think the gentleman from Lewiston, Mr. Cote, was there at that time.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I am not sure if I would be happy or pleased thinking that I am a substitute for the majority floor leader. I suspect that there would be a much different view or opinion from that corner if I was sitting there.

I do have to respond though to the gentleman from Lewiston, Mr. Cote. I wish that I would have had his speech he gave this morning when he talked about the bill dealing with the lottery that had been defeated and redefeated and which I had always continuously voted for. If that had been the case, that bill never would have been back this morning. I do not think that whether or not something has been defeated 55 times or once is reason why anyone ought to consider saying that this is the end of it.

As I said earlier, I think that all of us, speaking for myself, whatever part that I may have played. I hope that my mind has been open enough in order to accept suggestions and open enough to try to work out things which might be workable and try to arrive at a consensus that we might then work together. After all, we are not interested in ourselves here today. We are supposed to be representing the citizens of Maine, and if we can work out something that is acceptable to them, then I think that is obviously what we ought to be working toward and trying to work in that direction.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Briggs.

Mr. BRIGGS: Mr. Speaker and Ladies and Gentlemen of the House: I beg your indulgence for a moment or two. I realize the hour is late. I feel compelled to rise to support the idea of legislative reform because I think it is a sound and progressive one. It

should be made more than abundantly clear to everyone in the House the reasons why certain members seem to find this reform package objectionable. There is one thing about it which I would wish could be put in better perspective and that is, I wish that it were not necessary for us in these waning hours of the 106th session to attach every manner of ulterior motive to the package of legislative reform which has been presented to you because I, frankly, do not feel compelled to attach such ulterior motives to it. I think that in the main the package has been worked on very carefully and very honorably and diligently by the persons who presented it to us. I think it is a progressive package and I can realize full well how much more easy it is for all of us to continue our comfortable old ways.

I realize also that I do not think this speech is going to probably change a vote, but I must say that I feel that the principal reason for our rejection in this session is the feeling of comfort and satisfaction with the way things are as they are. I do not think this is the way this state or the world will operate now or in the future. I think that the winds of change are in motion and I think we would be very well served to accept a reform package which could be a credit to this legislature and to the entire State of Maine. The only obligation we have before us as members, as I have said before, is to do our very best to do a good job for our citizens in our state, and I think the acceptance of a reform package such as this one would have broad and important meaning for the citizens of the state and would be very beneficial and should be accepted.

The SPEAKER: The Chair recognizes the gentlelady from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker and Ladies and Gentlemen of the House: I support legislative reform and would like to briefly address myself to the section on single member districts which seems to pose a problem to some of us.

Irrespective of party affiliations, the passage of this reform will better serve the citizens of our state. Presently, if we come from a multi-member district, many times the constituents do not know to whom they should bring their problems and in a sense there is no rapport between the citizen and legislator. Consequently, many legislators are unaware of the needs of their constituents and respond accordingly.

Secondly, single member districts will help to bring to the field of politics candidates young and old who, although fully qualified to run for state office, are now discouraged from doing so for fear of being unable to effectively achieve recognition from some groups.

Thirdly, both major political parties would be forced to sponsor the finest candidates available. If as a party, any party, we pride ourselves in having the better candidate, then there should be no problem and no risk at all.

There are those who object to some of the sections only of this reform bill and so reject the whole package and yet, although disapproving of certain appropriations in the capital expenditure budget, they nevertheless supported that bill in total.

Perhaps under single member districts, some of us could be hurt personally in the primaries, but I don't think that we should jeopardize the whole reform package for fear of hurting our own ego. If you will permit me, ego, which is referred to as the anesthetic which nature gives us to deaden the pain of being a fool.

Some are eager to send the lottery bill to the people so that they can decide for themselves. We can do no less with legislative reform. I personally think that the citizens of Maine can choose wisely and will do so in referendum. We should not underestimate their ability to do so.

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

Mr. COTE: Mr. Speaker and Ladies and Gentlemen of the House: The lottery bill was brought up which I was in favor of. It

got killed and disappeared for a few months. It came back. I was still in favor of the lottery bill and I supported it because I believe in the lottery bill because the people in the City of Lewiston believe in the lottery bill.

I have been here for quite some time and I know what it is to be rebuffed and rebuked by your own party. It happened to me right on the floor of this House with a former minority leader because I did not vote for the income tax, and if the income tax came on the floor of this House today to be repealed, I still would vote to repeal it because I do not believe in the income tax. I am not going to vote for a bill that is going to perpetuate into office certain dictatorial powers over the members of this House, where he will be able to hold a hammer over your head if you have a bill whether you want it passed or not.

That is why I am against this bill. I am also against taking government away from the people and bringing it down from 151 to 99, that is another reason. I do not fear single-member districts. I can take care of myself in Lewiston, I think. I have been anyway up until now. That doesn't worry me one darn bit. What worries me is that we are trying to do something somebody claims, for other people, but in my opinion, we are trying to do something to the people — taking away government from them.

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

Mr. LaCHARITE: Mr. Speaker and Ladies and Gentlemen of the House: I strongly oppose this statement that we are taking it away from the people because the people are the ones who are going to decide whether they want this or not. Referendum is the only way to really allow the people to decide. We are elected to represent the people. Let's represent them properly and give them the chance to decide on this issue.

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 Chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker, Ladies and Gentlemen of the House: I have been asked two or three times in the last few days why it is that I, who probably rank one of the rankest of conservatives, supported this measure? I have defended this bill on the basis that I feel that either conservative, if he is going to be a responsive legislator should be flexible. Contrary to what some people may think, I do not always vote no, in spite of the picture the earlier part of the session in the Maine Times.

There are things about this bill that I do not like, but what is it we are attempting to arrive at? We are attempting to arrive at a more efficient method of handling the state business today in this accelerated time.

I do not believe that a conservative should say no just because he happens to be conservative every time. I do not believe that we should go along with change just because it is change. Neither do I believe that we should always object to change just because we want to be consistent. We are all human. I am one of the older members of the House, not in service, but in years.

I recall my father who was a life-long, strong, hard-nosed Republican. It seems that most of his life he spent we talked politics, stating what was going to happen to the country because of what the Democrats were trying to do. I recall very distinctly when F.D.R. perpetuated himself in office. My father said, "Well, you can see it is going to be a dictatorship, you will never see another Republican president." I listened. Later on, in his real old age he said, "Well, the Republicans got us out of that, but the next time you better watch out." Again I listened and I watched.

At one time I was a member of the Democratic party, and I saw fit to change. I have been satisfied since I changed. I have been satisfied most of the time to be called a conservative, but when one says that the people back home are insisting that members of the Governor's Council be elected by the people, I must have a strange breed up in my county, no one has ever asked me why the Executive Council is not elected back home. I defy you or I or anyone else to go up there and ask a hundred people on the streets of any of my towns who their executive councillor is, and find out if they can tell you, they just don't know. The most of them unless they have been in this legislature, don't know the first thing about what the council is supposed to do. We are the ones that are responsible for state government, that is what they elected us for.

As far as the part of this bill goes that reduces the size of the legislature, I have opposed it for three solid sessions. Now, even though I never laid claim to be a firmament, I have changed my mind. If a state senator can run and represent 30,000 people, I think we can run and represent 10,000. I think I am at least one third as good as a senator.

As far as the substitution for the council is concerned, I am not too happy with it. I have stated for three solid sessions I am opposed to eliminating the council, but a few knowledgeable people back home that have been members of the legislature have asked me why we did not change it.

As far as reducing the size of the legislature, I have always been hounded about that by my constituency. They do know that there is over 100 people down here and they, a good many times, don't think there should be over 50. In fact, I have had it recommended that we only have a session every five years. I think that would make a lot of them happy.

Now we are — and seriously — we are the keepers of nearly a million dollars a day business, and I think the time has come when we must systematically handle that business on an annual basis. I

heretofore opposed annual sessions. I said we already have them. Well, we do, but we only have them because the second session is sort of a catch as catch can idea. Either the Governor can call us into session for so called emergencies or the leadership, the Speaker of the House, President of the Senate can call us in after they have polled the majority of both bodies for our consent.

I don't see any reason why, if we are going to do it, we might not just as well set it up so that we convene the first Wednesday of every January, and I would hope that we would streamline the machinery well enough so that we could get out of there before July every year.

Now I know people have said, why are you, such a conservative, buying this bill? I told leadership the first part of the session, I stated in caucuses, if the leadership could come up with a package that they, both parties in the leadership, think they can buy, I will vote for it, and that is exactly what I have done. If the bill can go through, I am sure that the people then will have it explained to them, have plenty of opportunity to decide whether they want the annual sessions — that is one thing that the people have said back home. You go down every year, why don't you make it official? I have resisted that year after year.

You know, if we pass this bill, I would be kind of happy to go home and say, "Well, I have changed my mind this session, you can reelect me or not next time, but I have done most of those things that you suggested I do, except that I haven't voted to eliminate the legislature." I don't plan to do that. But I am not trying to change anybody I am not urging anybody I am just standing up here facing the legislature, this is only my fourth term — I expect to get 15 or 20 more in before I die — and telling you why I am voting for this package.

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

Mr. JALBERT: Mr. Speaker and Members of the House: You know,

since the very first day I met him, I have always had a great deal of respect and admiration for the gentleman from Norway, Mr. Henley, and he will be the first to admit, as I will be the first to admit, that I talk sometimes a little too often and that he has talked a little too often at times, but I feel that I learn something from him every time he gets up, and today was just another day that I learned something. He described his father as a hard-nosed Republican, so that today he shattered the axiom like father like son.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: My good friend Mr. Henley in his remarks said that at one time he was a Democrat and since then he has changed to be a Republican and he is happy. Well I would like to tell Mr. Henley, at one time I was a Republican, I changed to be a Democrat, and I am even happier.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I will be very brief, my reservations are very, very serious, and they don't involve some of the points that have been brought up by others. I am very concerned about the Legislative Council taking the place of the now existing Governor's Council. I see these two people in the two corners, maybe not as of today, but down through the years, if they are able to get together they are a pretty strong arm against any legislation the governor may have before us. Now this has gone on during my long tenure here. Anytime they get together and the Governor has a program, these two people that sit in the front corner, whether it be today or it was ten years ago, have a very strong arm against the front office. I think the Governor is elected by the people and should be able to carry out at least some of his programs.

I think this is a step in the wrong direction, and this is what I oppose the most. I oppose this annual session mainly because in my long

many years here, every year I hear the same bills twice. The lottery bill was a good example and many others. I have heard them every year since I have been here, sometimes eventually they pass. If we had some way of determining what could be heard every other year, but as I understand it, we will still hear the same thing chewed over year after year. Now this I would be opposed to, but my major concern is about this council, legislative council.

I think there is some conflict of interest in the field of the contingent fund, and there will be others as time goes on. You will find when you get into it a little deeper that you have opened up quite a bag of worms. You will also find that when your constituents that haven't cried on your shoulder for this much reform, when they go to the polls to vote, they are going to find a very difficult question. It is going to take them an hour to read and try to make up their mind what they want to do with a package this big. I think they would be better informed if they were asked to do away with certain specific items. But when you try to put a thing like this in a bag and sell it as a package, there is a lot of things in there people don't understand, and I think some people today say, well, it must be all right, the legislature voted for it.

I want to be on record and I want my people to know that I didn't vote for any package. However, there are certain things in it that I probably could buy, but a package like this that asks so much of the people at one time to go to the polls to vote for something like this, they are poorly informed and they will be there and I can just see the line waiting at the polls now to vote for a monstrosity like this. They have got to read it and try to comprehend it all on election day. I think this is asking too much of the people, and I think already we have put too many of these reforms before the people, too much is going out from here. They expect more of us. They expect that we are intelligent enough, that we are

big enough people to decide issues, that we don't have to send as many of these things back to the people. Like the lottery bill, for instance, we should have been able to decide that here. Many other issues, we should be men enough and big enough to decide these issues here, and this goes for this one.

I realize it is a referendum, to change the Constitution has to go to the people, but we send many things to the people that we don't have to. Why we are going to have the people going to the polls and voting on nearly every bill that comes before us if we keep on. They are going to have pages to go in and vote for, and they are getting disgusted. They think that they would like to vote for people that are big enough and able enough to do the job down here.

I am not concerned about those ten of us here 51 or 91, this don't bother me I am not concerned about that. I am concerned mainly about this legislative group that we are trying to replace, and I think I can say truthfully that while we had Democrat Governor's Council, and I have served here while we had Republican Governor's Council, and the quality of these men that have served on this council in my long many years here has been of the best characters in this whole state of Maine, the best that could be chosen, and I think they were by far better than any group we could have taken down through the years from leadership. I am sure of that. It is my own honest, humble opinion that they have done a reasonably good job if we give them the tools to work with.

I think there are certain things we should do. We have passed on duties on the council they shouldn't have, but the House did it here. They keep delegating power to them year after year and I would like to see some taken away. We don't have to send that out to the people to take this away. We gave them this power, and we delegated it to them, piecemeal or all in one junk.

Several years ago a Representative from Brewer, Mr. Libhart and I sponsored a bill for this House

that did just that, took away all the duties of the council that was given to them by this body.

Now I don't want to take away what is given to them by the Constitution because I still think that is a pretty good document, it was well written and our forefathers had good foresight when they set this form of government up. I do think the Governor's Council probably should be elected by the people to be more reflective of people, either that or elected by the delegation from each county. Sure, I believe there is a need for modest change and should be, but I think this is a drastic one and takes in a lot of things that shouldn't come to pass at this time, that the people won't appreciate it, and there is nobody back home crying on your shoulder for this much change, believe me.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Bath, Mr. Ross, that the House reconsider its action whereby this Resolution failed of final passage. All in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Berube, Birt, Bither, Briggs, Brown, Bustin, Carter, Chonko, Churchill, Clark, Conley, Connolly, Cooney, Cottrell, Crommett, Curtis, T. S., Jr.; Dow, Drigotas, Dunleavy, Dyar, Emery, D. F.; Farley, Farnham, Fecteau, Ferris, Flynn, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Haskell, Henley, Hobbins, Hoffses, Huber, Immonen, Jackson, Jacques, Knight, LaCharite, LaPointe, LeBlanc, Lewis, J.; Lynch, MacLeod, Maddox, Martin, Maxwell, McCormick, McHenry, McKernan, McMahon, McNally, McTeague, Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, Palmer, Perkins, Peterson, Pontbriand, Rolde, Sheltra, Shute, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Sproul, Susi, Theriault, Tierney, Tyndale, White, Whitzell, Wood, M. E.; The Speaker.

NAY — Albert, Baker, Berry, G. W.; Berry, P. P.; Binnette, Boudreau, Bragdon, Brawn, Bunker, Cameron, Carey, Carrier, Chick, Cote, Curran, Dam, Davis, Deshaies, Donaghy, Dudley, Dunn, Evans, Farrington, Finemore, Fraser, Hancock, Herrick, Hunter, Jalbert, Kauffman, Kelleher, Kelley, Keyte, Kilroy, Lewis, E.; Littlefield, Mahany, Merrill, Mills, Morin, L.; O'Brien, Parks, Pratt, Ricker, Rollins, Ross, Santoro, Shaw, Silverman, Stillings, Strout, Talbot, Tanguay, Trask, Trumbull, Walker, Wheeler, Willard.

Yes, 88; No, 58; Absent, 5.

The **SPEAKER**: Eighty-eight having voted in the affirmative and fifty-eight in the negative, with five being absent, the motion to reconsider does prevail.

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

Mr. ROSS: Mr. Speaker and Members of the House: Of course, as you know, the reason that I moved for reconsideration was that this bill should not be held, I didn't think, and somebody had changed their vote and were planning to hold it, but it has been held anyway.

I now do not want to see this bill enacted, and I hope people vote against final enactment, and when the vote is taken I request it be taken by the yeas and nays.

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 final passage of Resolution relative to Constitutional Revisions, Senate Paper 673, L. D. 2040. This requires a two-thirds affirmative vote of those present and voting. All those in favor of final passage will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berube, Birt, Bither, Briggs, Brown, Bustin, Carter, Chonko, Clark, Conley, Connolly, Cooney, Crommett, Curtis, T. S., Jr.; Dow, Drigotas, Dunleavy, Emery, D. F.; Farley, Farnham, Fecteau, Ferris, Flynn, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Haskell, Henley, Hobbins, Hoffses, Huber, Immonen, Jackson, Jacques, Knight, LaCharite, LaPointe, LeBlanc, Lewis, J.; Lynch, MacLeod, Maddox, Martin, Maxwell, McKernan, McMahon, McNally, McTeague, Morin, V.; Morton, Mulhern, Murchison, Murray, Najarian, Norris, Palmer, Perkins, Peterson, Pontbriand, Rolde, Sheltra, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Susi, Theriault, Tierney, Trask, Tyndale, White, Whitzell, Wood, M. E.; The Speaker.

NAY — Albert, Berry, G. W.; Berry, P. P.; Binnette, Boudreau, Bragdon, Brawn, Bunker, Cameron, Carey, Carrier, Chick, Churchill, Cote, Cottrell, Curran, Dam, Davis, Deshaies, Donaghy, Dudley, Dunn, Dyar, Evans, Farrington, Finemore, Fraser, Hancock, Herrick, Hunter, Jalbert, Kauffman, Kelleher, Kelley, Keyte, Kilroy, Lewis, E.; Littlefield, Mahany, McCormick, McHenry, Merrill, Mills, Morin, L.; O'Brien, Parks, Pratt, Ricker, Rollins, Ross, Santoro, Shaw, Shute, Silverman, Sproul, Stillings, Strout, Talbot, Tanguay, Trumbull, Walker, Wheeler, Willard.

ABSENT — Cressey, Faucher, Kelley, R. P.; Lawry, Webber.

Yes, 83; No, 63; Absent, 5.

The **SPEAKER**: Eighty-three having voted in the affirmative and sixty-three in the negative, with five being absent, the motion does not prevail.

Sent to the Senate.

Order Out of Order Tabled and Assigned

Mrs. Lewis of Auburn presented the following Joint Order and moved its passage:

WHEREAS, countless policy decisions are made in the course