

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

1st Special Session

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

1974

Kennebec Journal
Augusta, Maine

Mr. Kahill, the uncle of one of our competent and attractive committee clerks, Mrs. Marie Brotherton, now employed in the Senate, was world renowned in his field. He studied at the Pennsylvania Academy of Fine Arts, the Boston Museum of Fine Arts and later in Paris, Naples and Venice. His works are now on display in various museums throughout the world.

In 1962 Congressman Tupper sponsored a congressional resolution to have the statue cast in bronze and placed on permanent display at a suitable location in Washington, D. C. In passing this legislation, the Congress stipulated that the cost would have to be borne by the State of Maine. Mr. Tupper was not able to get the appropriation from our state, so the matter was placed in limbo until 1967. At that time, a new street had been built in Washington and named "Maine Avenue." I then filed a bill in our legislature to have it cast for an amount not to exceed \$10,000 and erected at a suitable spot on our avenue. After much consultation and travel, I finally secured the approval of the National Planning Commission and the Washington Commission of Fine Arts. The bill passed both our House and Senate but, once again, died on the Appropriation Table.

Ever since that time the entire subject has lain dormant until last summer when the model, Mr. Elroy Johnson of Harpswell, a lobsterman himself, died. A picture of the statue was once again shown in the newspapers throughout the state. Suddenly, this brought forth numerous inquiries from various organizations which wanted permission to have it cast at their own expense. Most of these came from Portland and its environs.

Mrs. Brotherton agreed with the Department of Marine Resources and me that some appropriate location in that city would be desirable, since her uncle not only lived there but actually did his work there. Consequently, the redrafted bill itself states that this will be the location at no expense to the state.

At the committee hearing many people felt that a copy should also be placed somewhere in our Museum Complex in Augusta. This suggestion was considered favorably but once again

would require a state appropriation. Since I did not want to see the entire project once again die on the Appropriations Table, I decided on the amendment route.

Now if funds are not available, the amendment alone can be killed. In this manner, work can proceed promptly on one permanent duplicate of this treasured piece of art. Now, at last, this most worthy project can actually become a reality.

Thereupon, House Amendment "A" was adopted.

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

Order Out of Order

Mrs. Boudreau of Portland presented the following Order and moved its passage:

Ordered, that Arlene Collins, Priscilla James, Mark McIlwain, Clarence Gibson, Jackie James and Terri Porta of Portland be appointed Honorary Pages for today.

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

Bill, "An Act to Regulate Procedures for Obtaining Short-term Permits for Motor Trucks" (H. P. 1970) (L. D. 2510)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent to the Senate.

Second Reader

Failed of Engrossment

Resolution, Proposing an Amendment to Constitution to Provide for Single Member Districts in the House of Representatives; to Provide for Reduction of the Number of Representatives to One Hundred Thirty-two, and Reapportionment of the House of Representatives before the General Election of 1976; to Provide for Further Reduction of the Number of Representatives to Ninety-nine, and Reapportionment of the House of Representatives and the Senate before the General Election of 1984; to Provide for Annual Sessions of the Legislature and to Limit the Matters which may be Considered in the Second Regular Session; 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, Representatives and Senators shall be Taken before the Chief Justice of the Supreme Judicial Court. (H. P. 1972) (L. D. 2513)

Was reported by the Committee on Bills in the Second Reading and read the second time.

Mr. Finemore of Bridgewater 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 wish you would please look at House Amendment "A" under filing 693. This is no gimmick and it certainly is germane because it pertains to the most controversial subject in the proposed package, the Executive Council. The amendment meets all the requirements. It is true reform; it is fairer. It assures a bipartisan Council. It would tend toward better cooperation and less bickering and party favoritism. In the end, it would promote efficiency.

Many of us would like to see the candidates for the Council run and be elected from all of the voters in their county. But, unfortunately, this is not possible under our Constitution. They would have to run from the entire district. So this is neither practical nor logical.

In the beginning, let me state emphatically that my determination is just as staunch as it was last year in July. My courage certainly is undaunted. I wish only to temper my enthusiasm with restraint.

I have no desire to suddenly present an unknown amendment to you, because this really is what is done during the last days of the session when certain people presented to us an amendment setting up a Legislative Council.

I have heard some people boast and say that they had us all fooled. That certainly is not so. I realized many days before and I honestly believe that at the time we could have defeated that, but the opposition of which I was a member

had bad luck. We really weren't quite fast enough on the draw and our head-off man was never recognized. I certainly could have resisted this and insisted on our rights, but at the time I had absolutely no desire to delay the session, and I knew that another time would come. That time is now here because I want you to bear in mind that, among other things, what this proposed redraft does is to still replace our present Council with the Legislative Council.

Although I have this amendment prepared, I am not going to present it right now, but I want you to know that it is in the wings waiting to sneak in if it is needed, and I oppose this bill being passed to be engrossed.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: It is not often that the Senator from Washington County and myself sign the same report coming out of the State Government Committee. Those of you who have watched my reports also know that in the regular session I signed this particular measure "ought to pass." I reported it out this time "Ought not to pass."

I went through a good deal of soul-searching as the session wore on, the regular session, and every time the vote was taken, I liked it less and less, but I continued to vote the way I had signed. I made up my mind that when it came back again in the special that I would not support it.

One of the things that the Senator from Washington County often says in our State Government Committee deliberations, he wrinkles his nose and he says, "This is just change for the sake of change." I am not sure this is the case, but I do have a number of serious objections to this particular measure. The first and foremost of these is the matter of the single-member districts. We have recently had a Supreme Court decision which holds that single member districts are perfectly all right. You all have received a copy of that report.

The second feature I dislike very much is the reduction of the size of the House of Representatives. This is the House of Representatives. The Representatives

are closer to the people than are the Senators. This bill provides that the next legislature after this one will have only 132 members and that in ten years will be scaled down to 99. I think that is bad.

I would like to see some evidence that a smaller House would produce better legislation. In fact, we have seen some very good legislation go through this body only to be killed in a much smaller body. The only savings that would be here are financial savings, and we could be facetious and set off against the financial savings what it would cost to remodel the entire House of Representatives, taking chairs out, microphones out, fix the board and all the rest of it, but I don't think that is a major consideration. The major consideration is the loss of representation.

The annual session provision in the bill is okay, but we have it right now, so that is certainly no reason to vote for this package.

The abolition of the Executive Council is all right, but what I don't like about that is what it is replaced with. To give the powers of confirmation to the legislative branch in the form of the majority leader, the assistant leader, the Senate President, the Speaker of the House, I think is concentrating too much power in people who are not elected for this purpose.

I can see, not only will we be trading appointments, I can see trading of appointments mixed up with trading L. D.'s and budgets and special gubernatorial programs, and that is bad. I think the rest of the bill is all right.

I would caution also, the Democratic members of this House, that with the new reapportionment plan we stand a very good chance of being the majority party in the next legislature. If we pass this bill, we could very well be giving it away before we even get it. To me, and I know to many other members of this House, including the Republicans, whichever party has control in this body is important. I would urge my fellow Democrats to vote against this package. It is not a reform package; it is a bad deal.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I was listening to your repartee with the gentleman from Bath, Mr. Ross. As I understand it, the amendment is not being presented. As I understand it, the gentleman from Bath is against this package. What I think he was trying to tell us is that he probably can find some other vehicle besides this one to tack this on — his amendment — providing it is germane. Is this correct, I would like to ask.

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

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

Mr. ROSS: Mr. Speaker and Members of the House: In answer to the question of the gentleman from Lewiston, Mr. Jalbert, I will reply in the affirmative.

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: The legislative document which is before us now, the Resolution, is a very important reform measure to change the Maine Constitution. In my opinion, it would make for more responsive government, government which is more reflective and better reflective of the will of the people who are governed and would make the legislature more effective and efficient.

Specifically, the proposal does a number of things. The Executive Council would, indeed, be abolished. The Legislative Council would become the confirming body, and it seems to me that regardless of the partisan overtones that may have been expressed in this debate, there is a logical extension of the legislative power, especially since we find most governmental bodies in this country and other systems which have arrangements similar to ours throughout the world have approval of appointments provided by some organization from the legislative branch.

Next, annual sessions of the legislature would be provided. However, these second sessions would be specifically limited within the Constitution, and I think that is

important to some of us who have been here perhaps longer than we would like to be discussing issues which some of us wonder about their importance in a special session. It would be limited to budgetary matters to those included in the Governor's call, to specific recommendations from the Legislative Council and to study reports made by the joint standing committees.

There are several provisions made for a more realistic and orderly apportionment of the House and of the Senate. Specifically, an Apportionment Commission is provided. That Commission would have to make a report before the second session in which it had an opportunity to, within three days the legislature would have to either adopt that report or the report would become law. This has the specific advantage of removing the Supreme Judicial Court of the state from the situation in which it must itself draw the districts for either the House or the Senate. The Supreme Court would, however, continue to have original judicial review over any questions about the constitutionality of the apportionment plan. The House would be reduced first to 132 for the 1976 elections and later to 99 for the 1984 elections which reduction for 99 would be made after the next regular census.

Single-member districts would be provided. This is a very important issue to me. I think it is to some other members of this body, especially when we consider that some of us represent one community and are expected to represent all of the viewpoints and all of the people within our community, and in my own situation, for example, one citizen of Orono has got only one voice in this House of Representatives where a citizen of Bangor or Augusta or Portland or any one of the communities which has several members in the legislature has as many as 10 or 11 voices in the Maine House of Representatives.

Finally, there is a rather minor provision which provides that the oaths would be taken for Governor and for the Legislature before the Chief Justice of the Supreme Court.

Again, I hope that we will vote favorably at this point in the legislative process so that when the issue comes up

for final enactment where it requires a two-thirds vote, we can debate the issue in its entirety, and I would hope this year or sometime in the future send the matter to the people for their approval.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: To me, the most important feature of this reform package and the one that has the greatest potential for improving the output of this legislature is House reduction. When I ran for the legislature two years ago, I wanted to campaign on this issue. I was talking it over with a friend of mine and he advised me to forget it because, he said, "To most Maine people, reducing the House simply means tearing down the barn and the ell."

I went ahead anyway, and I discovered, not to my surprise, that they did know that the House meant a branch of this legislature and reducing it meant fewer members. I received nothing but a positive response from everybody I talked to about this, and that is people from all walks of life and not merely the League of Women Voters.

I favor House reduction because I believe that with fewer members we could, with a clear conscience, raise the salaries of those remaining to a level somewhat more commensurate with the amount of work involved here. And as you all I think will agree with me, the staff that we hired last session has been a Godsend to the committees, but they are still too few and spread too thin. When we had before my committee a bill to increase the number of commissioners on the Public Utilities Commission, it was brought out that if what we wanted was to increase the responsiveness of this commission, what we needed was not more commissioners but more staff. Likewise, if we wanted to improve the responsiveness of this legislature, what we need are fewer chiefs and more Indians. With fewer members, we could increase salaries and increase the staff at no additional cost to the state. In addition, those remaining could be better informed about legislation that passes through here, and the voters could keep better

track of the performance of their Representatives. In other words, there would be greater accountability, and that's certainly a highly desirable feature in elected Representatives and one that because of recent national events has gained even more importance to the voters. Also, increasing the salaries would allow a greater cross-section of representation of professions here than we now have.

As for the other part of this reform package, I support single-member districts if they are apportioned by bipartisan commissions as this resolution provides, and I support abolition of the Executive Council in transferring its major appointment approval powers to the Legislative Council, and I support annual sessions with limitations on the second year. But since we no longer have the big box, I don't think single-member districts will change the political complexion of this House that much.

As for annual sessions, it is just putting in the Constitution what we have been doing for the past five sessions anyway.

Abolition of the Executive Council will do a bit more to add to the influence of this legislature, but I don't believe all of these changes combined and multiplied by a hundred will do as much to improve the quality of this legislature and the type and kind of legislation we pass out of here as House reduction.

Therefore, although I support all of these major changes, I am most enthusiastic about the House reduction, and I hope you all support this reform package.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I am against this L. D. because of the fact that it does reduce the members of this House. The governing powers, if this should happen, will give it all to the cities; the rural districts would have no representation.

Take myself, for instance, I have about a fifty-mile radius to represent at this particular time. I have all I can do to visit these people. Now, if they cut this down and give this area in the rural, that

would give twice the amount of the area which I now have. These people would not be heard of. In the city where you represent only a few streets a district, you certainly can represent them easily, this I grant, but this is not true. I go to my people when they call me; I fight for my people. They know me personally in the rural area, which in the cities is not true, and I hope you will go along with defeating this L. D.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would pose a question to the gentleman from Orono, Mr. Curtis, in reference to the Reapportionment Commission that this bill provides for. It seems to me that the provisions of this bill call for a different approach to the reapportionment issue than did the so-called reform package during the remainder of the last regular session. So I would ask him to explain this one and also compare it to the one that we had last year.

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

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

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I would be pleased to explain it. The proposal is one that would provide for a bipartisan commission to be appointed, and that commission would make a recommendation. It would have a year at least in which to work on its proposals, and it would make a recommendation back to — the report actually goes to the Secretary of the Senate, and when that recommendation was made to the legislature, then the legislature would have one month in which to either adopt its own proposal, which could be entirely separate from what was recommended by the commission, or automatically the commission's proposal would become the districting plan.

Now, there is no provision in this arrangement for a direct involvement of the court system at all, except as it might occur with any kind of an arrangement in which someone were to appeal

either the commission's plan of what had been provided by the legislature. In that case, someone could bring an original suit before the Supreme Court of the State of Maine on constitutional grounds and challenge the districting plan.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I hold in high regard the gentleman from Orono, Mr. Curtis, although I think he vouchsafed a hopeless cause here this morning, because this bill that we have before us, as Mr. Bustin has stated and Representative Ross has stated, isn't reform at all. It certainly doesn't help the people of the State of Maine, in my opinion, to reduce this House, and I will tell you why. I love this House just like you people here do. We certainly represent the people of this state. We can't be managed by the third House, whatever they call it. You and I are individuals here, we come from all walks of life, and if we reduce the House to 132 or if we reduce it to 99, we are not accomplishing a thing for the people of the State of Maine.

Representative Najarian from Portland said if we reduced it to 132 or 99, then we could possibly - I don't know whether she was using this for an excuse or not, to increase the salaries of the members of this House and I think that they should be increased. But the thing is, we are not doing a service for the people of this state. Every single one of you here, 150 of you besides myself, represent a trend of thought, you represent a constituency that is probably somewhat different from mine and mine from yours. That is why it is good, that is why it is safe. And the magic number 151 has seemed to work very well in this state for a number of years.

We have an upper chamber that is represented, there are 33 over there, and they certainly are outstanding individuals and they represent their areas well, but they aren't, in my opinion, the body of the people. This is the body of the people just like the lower House is in the Congress. To abolish the Executive Council, as Representative Bustin stated, and to give these duties, assign them to the leadership of the

House that is overworked now would be irresponsible on our part.

I think the proposed amendment that Representative Ross has got should go on some bill. The Council should be elected by the majority members in their own counties. It seems like a very reasonable thing, or even elected by the people of Maine. But to accept this package, in my opinion, would be irresponsible. It certainly would not benefit the people of the State of Maine one bit except possible special interest groups.

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

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I realize that legislative reform is not an issue with too much sex appeal, and I received only one communication from a constituent in Bath. He slipped the letter under my door yesterday and I would like to read just one sentence from it. "Frankly, I have always felt that the quality of representation could be elevated in inverse ratio to the number of people we elect to represent us." I agree with him. Under the new reapportionment plan, I have lost 2,900 people out of the City of Bath. I would like to have them back, and I hope the feeling is mutual.

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

Mr. TRUMBULL: Mr. Speaker, Ladies and Gentlemen of the House: I am going to support one portion of this, the end portion to provide that oaths and subscription of office of the Governor, Representatives, Senators should be taken before the Chief Justice of the Supreme Court. The rest of it I consider to be unsupportable at all. If we really want to talk about efficiency in government, the most efficient form of government is a dictatorship. If we want to get right down to it and cut this House down so far that we can get right down to the fact that one person could rule it, run it completely, have only one individual involved in it, that is the most efficient form of government. If anybody thinks that the other body because of its fewer numbers is more representative of the people, they sure don't know what is going on up here. That body is much

more manageable and creative in what it wants to control than this body ever is. I think that we really want to represent the people in Maine and do them a service, let's leave this body just the same size it is now and let's not enslave the people for the next ten years by changing this around in such a manner that they will never know who their representatives are. We will probably set the government of the State of Maine back at least 50 years if we operate on this basis at all. Those of you that want the size change, why don't you change it right here and now. Why not have the courage to do something about it instead of waiting until 1984.

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

Mr. JALBERT: Mr. Speaker and Members of the House: it was only a week or so ago that the leadership of both parties got into a mild bit of discussion and from it grew the words that we had not accomplished too much at this session. I would probably take issue with that, also that we have been here and will be here longer than we thought we should.

I would agree that it being February 19, that the time is upon us now to contribute what we can toward adjournment. I contributed what I could toward adjournment when I appeared before the Reference of Bills Committee by telling them I thought one of my bills had real merit. They believed me because the bill is now signed into law, and it called for an appropriation. I told them that they could withdraw the other bills if they wanted to. And I told them very definitely, Mr. Speaker, in passing, and I was looking directly at you, I felt that they were not of the greatest importance.

I think probably this would be a perfect time for us to save time, because even if this is engrossed today, Mr. Speaker, and am I not correct in saying that when it comes up for enactment you are going to have two thirds of those voting and present?

The SPEAKER: The Chair answers in the affirmative.

Mr. JALBERT: Because it is a Constitutional Amendment, and there is as much chance of getting two thirds of those present on this bauble as I have got

of joining the Republican Party.

I believe in saving time. I don't believe in just talking about it. If this comes back for enactment, it will just get jokers like myself and other fine people on their feet to speak on it. So we might just as well, we have got the laundry into the laundramat. Let's put it in the basket, carry it home, fold it up and put it back in the drawers.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I would like to offer the gentleman from Lewiston a change of enrollment card, but I am afraid I might hurt the chances of getting some votes out of my own party who might disagree with him becoming a Republican.

Ladies and gentlemen, I think there are a couple of points here that ought to be brought up. And if we are going to debate the issue today, now is the time to do it.

First of all, this is an amendment to the Constitution which takes a vote of the people in this state to implement. All it takes is for us to give it to those people to make that determination. And I would be willing to bet money right here and now, you send this package out to the people in November and it will pass two to one. That is my personal conviction. I have talked to a good many people in this state all over this state, and I think it would make an excellent opportunity for us to go right out and campaign on it, including all the gubernatorial candidates.

I was glad to hear for a change that a Democrat, namely, the gentleman from Augusta, Mr. Bustin, stand up and say that the Democrats got a bad deal out of the Republicans.

Furthermore, I would also bring your attention to the Legislative Council. I personally don't care whether the Legislative Council has these confirmation powers or not. We are talking about confirmation of possibly twenty-four people over a four-year period — twenty-four people, if you look at the entire package. Now, I don't know who better represents the legislature than the leadership. We are the ones that you elected into that position. And I would tell you right now that eight of

those people can be removed at any time you want to remove them if you don't think they are upholding your wishes or that they are not supporting your point of view.

I would also call to your attention that it is not the next session of the legislature that will be reapportioned into 132 members on a single-member district plan, but it is the session after the 107th, providing the people pass it and allow this and want it. 99, that does not go into effect until 1984. As to the benefits of the people of the state, I personally believe it would have a tremendous benefit to the people of the state.

I honestly believe right now that this reform package is a good proposal. When I look at the Council I think there is a couple of things right there that I have talked to Council members about lately that even make me more convinced that we ought to do something about it.

First, every time we pass a budget around this place and we say that we only want X-number of dollars to go into some bureau, we no more than leave here when that bureau comes back to the Council and they say, "We have over-spent ourselves; we haven't got money to stay alive for the rest of the four or five months of the fiscal year." The Council gives them the money. That is contrary to legislative intent.

Furthermore, as I said on the floor here the other day, when we say we don't want X-number of new employees in a particular bureau, and they go back to the Council and they say we want X-number of dollars, we will hire them as consultants, that is contrary to legislative intent. I don't believe there is a thing that that Council is doing that we can't do better, and we ought to put it right in the legislative halls right where it belongs.

I am saying that this is a good package; it is a package we should be willing to send to the people of this state and let them make up their minds whether they want legislative reform or governmental reform. And I will assure you if we send it out it will come back passed.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: Very briefly, I was surprised Sunday evening.

I have always run from Brewer, and in the reapportionment I was given the town of Veazie. So I went up to their Republican caucus, and I would say that I went in this as kind of a stranger, and they talked about these very matters. They voted in their caucus to send in to the Republican platform a recommendation that the size of the House be reduced. Those people are very, very interested in having a chance to vote on this whole reform package. They say and this is the general run, — I went in, mostly strangers there, and they said that they would welcome and want the opportunity to vote on this reform package.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker and Ladies and Gentlemen of the House: I don't believe the people would vote as intelligently on this Constitutional Amendment as they might if they knew the operations that are carried on in this State House. I had a very vivid example of it in the regular session. I sponsored three bills that would have given a great deal to the people of the State of Maine. They were lobbied almost to death over a weekend and killed in a body of thirty-three members.

A fewer number in either House makes it quite possible for a very powerful lobby to operate in ways that the people of the State of Maine do not recognize.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: It may come as a shock to some of you, but I am going to vote against the package this morning, and I am going to tell you why. It has nothing to do with single-member districts. I voted for that before and I probably will continue to vote in that light. But I am concerned about the method of reapportionment. The approach was changed from what appeared in L. D. 2040, as we had finally agreed to, and I was not aware it had been changed until this morning. I do not appreciate the opportunity to get gerrymandered, and I don't think that anyone else does either.

It seems to me the approach, whether it be Democratic or Republican, as to

whether or not the people are going to elect ought to be decided in as fair a way as possible. That is one of the reasons why I oppose the so-called amendment to the reapportionment plan this year. Any group, any political party, can reapportion itself very well provided it doesn't have to worry about anyone else. It can guarantee a majority or minority without a problem at all. The Supreme Court has to be the final say in my opinion. Now, some of you may argue that this is not the way to take, and that it is much easier if the courts never do have to deal with it. But after all, if we can't trust them, who can we trust?

As I view the situation now, the gentleman from Standish and myself can start arguing about who is going to control the legislature next time. But neither one of us is going to be decisive, and neither one of us really has a good idea what Jean Dixon is going to say. We know one thing, that the people will decide come November. They will elect the members of this body. And I think maybe they may just follow the guide of what the people in Mr. Ford's district did in the State of Michigan. But that is my own personal opinion; I don't know that. We have to wait on what the people will do. That is where the power lies.

But the over-all factor is very simply that we ought to make sure somehow that legislative reform gets back to the people.

I think it is a mistake maybe to put all of these into one item and let it ride or fall on that one issue. Many of us can vote for a certain number of these items, and we can't vote for others. I don't see why we cannot simply amend it and put each one up and let the people pick, issue by issue, as to which ones they want. Are we saying that they are not smart enough to do that, or are we saying that we have to work out a deal here before it gets to them? I don't know; I haven't got an answer to that one. We figure that obviously it is better if we put it out in a package.

If the gentleman from Bath, Mr. Ross would ever offer that amendment, I think I would probably — and it were adopted — I must admit I would be rather upset. Because over the years if the Republican Party, or for that matter the Democrats when they controlled it in 1965, had ever wanted to, they could

have elected members of the opposite party, and they could have elected four years ago when Androskoggin County controlled all sixteen votes or so in that county. They could have let the Democrats choose a Democrat to sit on the Executive Council. There is nothing unconstitutional about that. That is perfectly allowable. But the Republican Party was not about ready to do that, and I suspect the Democrats were not ready to do it in 1965. I suspect if we control next time that we might do the same thing. We might say, "Why not for two years, when they have had it for a hundred."

I think somehow we have to figure out a way to let the people vote on the issues. I am not saying that on final enactment that I am going to vote against legislative reform of this kind if somehow all these things are not done. But I, this morning, will not vote for it, if nothing else in the form of protest.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Relative to the major point that the gentleman from Eagle Lake, Mr. Martin, just raised as to change that has been made. I would point out to him that L. D. 2071 was the original document that was issued, introduced by myself, and it calls for exactly the same language relative to the court's position that is in the document we are considering this morning, 2513.

Now as far as the court is concerned, I had hoped that possibly this might be discussed more extensively on enactment. But being as we have gone into it this morning, I will take out some of the comments that I intended to make at a later time.

But I feel that as far as the court's position is, that we as a legislature have a responsibility to solve our own problems. We should not duck out from under them by sending them to the Supreme Court. The court does not wish to be involved in apportionment, and we as a legislature should do everything in our power to insulate the court from the political thicket of our environment. Only by so doing can we always hope to look at the court as the area of last resort and expect it to remain in a completely

non-political and unbiased position. The court's sole functioning in the area of apportionment should be that of judicial review.

I have talked with at least one retired justice of the Supreme Court. I have never talked with a member of the Supreme Court relative to apportionment. But I have talked with one justice who was involved in it back some years ago. He told me very emphatically, I have had letters from him, and he pointed out continuously that the court does not want to be involved in apportionment; they do not want it sent to them; they do not feel it is their responsibility. They feel their responsibility is interpretation of the law. But he also said very emphatically that if you do send it to us we will do it. He said, "We have the courage to face up to our responsibility." But he said, "This is not where apportionment belongs." I believe that it belongs here. I believe that the plan that was worked out last time by the Apportionment Commission worked out very successfully. I think probably the most satisfying thing I found in the whole thing was the comment where they said that the plan which was developed came very, very close to the plan of the Supreme Court requirements. I think it can be done by a commission. Many states do it. The legislature has a right to review it. I see nothing wrong with the system that is used. The fact that it did go to the court is mainly on the decision on the one amendment, whether we should or should not have to have single-member districts.

In reviewing that particular point, the court did not say that single-member districts were illegal or they did not say they were legal. They indicated that no decision had come down from the United States Supreme Court saying they were illegal. They said for that reason the decision on it was a legislative decision. I don't think they took a real position on it. They left the position for a determination of whether we should or should not be divided into single-member districts up to this body.

I think practically every person who has ever reviewed any form of apportionment and has studied it feels that the only fair system is to use single member districts. Political scientists all

over the country have continuously written articles indicating that single-member districts is the only fair way that each person should be represented by his own representative, and he should vote for one representative and one representative alone.

Relative to the reduction of the size of the House, part of the background of that particular issue is to attempt to develop legislative districts in relation to House districts. Prior to 1962, counties could individually have their senators. But because Reynolds Simms decision in which it said both bodies of a bicameral legislature necessarily had to be apportioned on the basis of population, it changed the whole ball game and necessitated crossing both county and in some cases town lines, municipal lines. For that reason, many people who thought that it would be worthwhile to try to develop House districts and then, move from there up one step and put the number of House districts into representative districts; the 109th, 32, and the 99 represent the ability to do this particular situation.

I think there is another issue that we should give serious thought to this morning, and that is the fact that last week we did receive from the court an apportionment plan. Now, to go into that a little more extensively, last spring we sent to the Maine Supreme Court some questions as to whether the Maine Constitution was capable of being used to apportion this House. The Court answered these questions by saying it was apparent it was impossible to apportion this House according to the present provisions of the Maine Constitution.

The decision that we received from the Maine Supreme Court did a thorough job of researching the entire problem of apportionment and how it relates to the State of Maine. And they went back over all of the court decisions over the last 12 years. They also indicated in the decision that we have before us that came in last week that they referred back to the questions that were sent to the court last spring.

The court had followed the guidelines of the Apportionment Commission and did allow the crossing of both county and municipal lines. I think we find

ourselves in a position this morning of having a Constitution that is completely unworkable. And I think that we should give serious thought to the fact that we need to change this Constitution to make it workable according to Supreme Court decisions. Now, the plan that is before us this morning in this bill on apportionment does allow the crossing of both county and municipal lines. I think we should give serious thought to that position too.

Frankly, I hope that you would give this bill enough votes to pass it through to the enactment stage, and then we could give it more serious consideration at that level.

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

Mr. JALBERT: Mr. Speaker and Members of the House: First, I would like to comment that insofar as breaking this bill up as was talked about by the gentleman from Eagle Lake, and I welcomed his vote, breaking this bill up into individual packages would mean that we would be here until somewhere around September 15. Now, the gentleman goes like this; I go like this. Because I have got other things to do, and I am serious.

Secondly, I would like to address myself to the gentleman from East Millinocket, Mr. Birt, that Friday was Friday. We told him we loved him. Inside the railing the picnic is all over. If Mr. Birt wants single-member districts and would give up his right arm to have them, I don't. Now, as far as my very dear friend from Standish, Mr. Simpson, as far as I am concerned I am amazed to hear him say that he wouldn't offer me an enrollment card because he is afraid that he might lose some friends. As far as I am concerned, I would not make that accusation. As far as he is concerned, I would welcome him if he would move into Lewiston. And I don't think that he would have any other choice anyway if he wanted to live a happy life. But that would be up to him. Some people like to stand alone.

But there is worry if you want to talk politics. There is worry why you want to talk politics. There is worry today as there has been for two weeks. Back a few weeks ago for the first time in 56 years there has been a young Democrat from

Norway, a gentleman from Norway, Mr. Twitchell. Ten days ago we captured a seat in Pennsylvania that we hadn't had for 26 years throughout the country, ward after ward after ward in every city. Kansas has gone Democratic for the first time in the history of the country. And last Friday night Kurt Dieffenbecker, I listened and watched the Vice President of the United States proclaim his friend who is going to be elected to replace him. And for the first time in 62 years, lo and behold, his friend, the Republican, did bite the dust, and we got that seat. There is cause to worry. It might very well be that the situation might be reversed. The gentleman from Standish, Mr. Simpson, might be serious about considering changing his enrollment.

This is not a matter of record. I don't know what the pitch is they are going to use tonight. I don't know what the National Republican Chairman is going to use tonight for an argument, because I heard him last Sunday make the statement how easy it would be to regain Vice President Ford's seat. But I am not here to talk politics.

I am here to talk facts. And the fact of the matter is this, I can dig up the record. And if you will adjourn for five minutes I will dig up a newspaper in which the gentleman from Standish, Mr. Simpson said, "I want single-member districts, period." As a matter of fact, he made the statement he didn't care how long we stay here. Because he was on the other side I would say that as far as I am concerned if he wanted an enrollment card I would preface my remarks by giving him one of my enrollment cards, for the fact I don't know how many enemies you are going to make, Louie, by using this tactic for getting me into the party.

I am wondering just where these messes were a few years ago when I first landed here when there was only 13 of us. I can well remember when a great many of us spent a lot of time in the only place, real hotel available, the Augusta House, where all bills were passed, when I mentioned some two decades ago that we might consider single-member districts. And I was told in no uncertain terms. "Get lost."

You can't win elections by gimmicks; I found that out in the course of time. It is

very comfortable for the gentleman from Standish, Mr. Simpson, to make a lot of statements he makes because he has the members behind him. I think this morning he might be a little surprised, just a little. If he can hold 79 votes together this morning in his party, including him, I will eat this mike, and I will digest it, too.

Now, let's forget these arguments about saying I would hope that this bill would be kept alive until the enactment stage. I vote my left small toe crawling out of my crib for that argument. That is as old a chestnut as the hills. You have hollered about going home. You have hollered about time. Well, let's do it right. Let's start now. And I still would welcome the gentleman from Standish, Mr. Simpson, and I wouldn't insult him either.

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

Mr. ROSS: Mr. Speaker, just in case in my rambling and roving into another pasture to which my proposed, possible, future amendment distracted you, I am definitely and decidedly voting no this morning.

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

Mr. LaCHARITE: Mr. Speaker and Ladies and Gentlemen of the House: I rise this morning in opposition to this package. As you know, I am in favor of some legislative reform, but I don't believe this package will do it. I think inserting single-member districts in there is one way of getting this through. People will probably vote on this package if it goes to them, as Mr. Simpson has said, but not realizing the whole intent of this legislation.

I am in favor of annual sessions. And I am in favor of abolishing the Executive Council, but not to give the powers to the Legislative Council.

I, therefore, move, Mr. Speaker, that this bill with all its accompanying papers be indefinitely postponed, and I ask for the yeas and nays.

The SPEAKER: The gentleman from Brunswick, Mr. LaCharite, moves indefinite postponement of this bill and all accompanying papers.

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

Mr. MARTIN: Mr. Speaker, Ladies

and Gentlemen of the House: I just managed to pick up Monday's copy of the Bangor Daily News. I must admit I am amazed by its headline. And I am sure that maybe it is misquoting our beloved Speaker, when he predicts advances in an address to the Somerset County Republicans at the Madison Grange Hall, and I know that he certainly really doesn't believe that. I do want to point out one thing in here, that it does amaze me to some degree, and I am sure that the gentleman from Cape Elizabeth and I will discuss this at some length later, that I am sure that it is a misprint in the paper that the GOP are given credit for passing the Marine Resources bill, the federal laboratory building at Boothbay Harbor, the Satellite Vocational School, the federal food stamp program throughout the state are credited entirely to Republican passage. I am sure that this is a mistake because most of these were emergency bills and they needed 101 votes, and there are a few of us Democrats who spoke for and voted for these issues. I do point out that papers have a way of giving us the bad mike, maybe, and I am sure that the gentleman from Standish, Mr. Simpson, would agree that politics sometimes get involved when we get out on the campaign trail. I am sure there will be all kinds of reasons why someone voted either way on this particular bill.

But the point, though, that I think all of us ought to remember is very simply this. If I have rambled, I was hoping to make a point and I think I may have made it with a couple people I was trying to make it with, is that in the final analysis the people are going to decide. And if they decide that they want us, that is the Democrats back here in a majority next time, they will do that.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Initially I hope that the gentleman from Eagle Lake, Mr. Martin, also read the last paragraph of that particular article. It is rather interesting. Relative to the comments of the good gentleman from Lewiston, and I appreciate all the kind comments that he has made previously, I was interested in one comment in which he commented about the gentleman from Standish and

his feelings on single-member districts.

I guess the thing I am most surprised at this morning is that for so many years I have found it in the platform of the Democratic party, they have continually opposed the Governor's Council on the floor. I think I read in the paper not too awful long ago that the one desire that the Governor had before he left office was to get one more crack at the abolition of the Governor's Council. Today I find so many members of the Democratic party are embracing the Governor's Council as being a good instrument of government.

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

Mr. COTTRELL: Mr. Speaker, Ladies and Gentlemen of the House: I think as we play our game and perform before the press and the public as we are, I think we are mouse-trapping ourselves. I am willing to state frankly that I think it was very poor judgment to introduce a big package like this at a special session, a package in which we are trying to determine things ten years from now when we have so many things to determine right here today. I have a feeling that as time goes on there will be single districts eventually. I have noticed in the increasing numbers of Democrats in our party that they favor single districts, not a majority. I think that perhaps maybe you will want to reduce the number in the House as time goes on. I can't see the philosophy though with trying to use omniscience and all wisdom by stating that in four years we will be 132 and in ten years we will be 99. I think it is asking too much.

As far as the Council is concerned, I have been here quite a while and probably too long, but we spent \$50,000 for a report on reforming our government. We have put some of them into effect. This report was done in the latter part of the 1950's, and they studied Maine pretty well then. And they said, "I don't think you will ever get rid of your Council. You may, but it is so engrained in the State of Maine that you may maybe change their powers, maybe you will elect them in a different way, but I don't think you are going to get rid of your Council."

I could talk and talk and talk. I have tried to study history and sometimes I

think that we ought to study more history to eliminate the opportunity of making the mistakes which have been made in the past. I threatened — excuse me for taking your time — but I threatened to say this on the floor of the House and I am going to say it. I was doing a little research and I read the Inaugural Address of Governor Hubbard of Maine in 1851. And among other things, he said, "We have got to do something to keep our young people in Maine. We have got to develop industry." Here it is 120 years later and we are still saying the same thing. We are still a sparsely populated state with a large geographical area. I think that is the cause of many of our problems, perhaps, but in 1850 we had about 600,000 people, and here today, 120 years later, we are trying to break a million.

I hope we could get on with this special session. I hope we could emphasize the positive and eliminate the negative — that old song we used to sing. I hope that we can be more efficient in my sense of our country today. They are sick and tired of old type politics. They want straight talking and some sense. And I hope this special session will not go on until June 1.

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

Mr. LaCHARITE: Mr. Speaker, Ladies and Gentlemen of the House: I may have gotten to my feet a little too quickly. I therefore withdraw my motion to indefinitely postpone. However, I do ask for the yeas and nays and I hope that you vote against this package.

Thereupon, Mr. LaCharite of Brunswick withdrew his motion to indefinitely postpone.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: My position on this package deal has not changed in this session or the regular session. At that time I spoke on the floor of the House and said I had been in contact with my people and they wanted me to vote against any package deals. When anything like this comes along, they requested that I ask that it be broken up into separate bills and decided in that fashion. Therefore, I will vote against this package deal.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Mr. Willard.

Mr. WILLARD: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman in the corner, Mr. Martin, and the gentleman from Lewiston, Mr. Jalbert, I admire their sign of competence, but I want them to understand that the Republican party is not going to lay down and die and there will be a fight in the next campaign.

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 on passage to be engrossed. All in favor of this Resolution, House Paper 1972, L. D. 2513, being passed to be engrossed will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berube, Birt, Briggs, Brown, Chonko, Churchill, Clark, Connolly, Cooney, Cressey, Curtis, T. S., Jr.; Dunleavy, Emery, D. F.; Farnham, Flynn, Gahagan, Garsoe, Goodwin, K.; Greenlaw, Haskell, Hoffses, Huber, Immonen, Knight, Lawry, Lewis, E.; Lewis, J.; Maddox, McNally, McTeague, Merrill, Morton, Murchison, Murray, Najarian, Norris, Palmer, Perkins, Pratt, Shute, Simpson, L. E.; Smith, D. M.; Snowe, Soulas, Susi, Trask, Tyndale, White, Wood, M. E.; The Speaker.

NAY — Albert, Berry, P. P.; Binnette, Bither, Boudreau, Bragdon, Brawn, Bunker, Bustin, Cameron, Carey, Carrier, Carter, Chick, Cote, Cottrell, Crommett, Curran, Dam, Davis, Deshaies, Donaghy, Dow, Drigotas, Dudley, Dunn, Dyar, Farley, Farrington, Faucher, Fecteau, Ferris, Finmore, Fraser, Gauthier, Genest, Good, Goodwin, H.; Hancock, Herrick, Hobbins, Hunter, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, LaCharite, LeBlanc, Littlefield, Lynch, MacLeod, Mahany, Martin, Maxwell, McCormick, McHenry, McMahon, Mills, Morin, L.; Morin, V.; Mulkern, O'Brien, Parks,

Peterson, Ricker, Rolde, Rollins, Ross, Shaw, Silverman, Smith, S.; Sproul, Stillings, Strout, Talbot, Tanguay, Theriault, Tierney, Trumbull, Twitchell, Walker, Webber, Wheeler, Whitzell, Willard.

ABSENT — Berry, G. W.; Conley, Evans, Hamblen, LaPointe, McKernan, Pontbriand, Santoro, Sheltra.

Yes, 52; No, 90; Absent, 9.

The SPEAKER: Fifty-two having voted in the affirmative and ninety in the negative, with nine being absent, the motion does not prevail.

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

Mr. JALBERT: Mr. Speaker, I move we reconsider our action whereby this bill failed of passage to be engrossed and when you vote, vote against my motion.

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

Mr. ROSS: Mr. Speaker and Members of the House: I suppose I should vote now for reconsideration so that I could offer my amendment. But I have no doubt that somewhere in this session I will find something germane that I can attach this amendment to, so I will vote no.

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

Mr. FARNHAM: Mr. Speaker, I now move that the reconsideration motion be tabled for one legislative day.

(Cries of No)

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Hampden, Mr. Farnham, that this matter be tabled pending the motion of Mr. Jalbert of Lewiston to reconsider and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

42 having voted in the affirmative and 93 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question now is on the motion of the gentleman from Lewiston, Mr. Jalbert, that the House reconsider its action whereby this Bill failed of passage to be engrossed. All in favor of reconsideration will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

Sent to the Senate.