

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

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

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

Resolution, Proposing an Amendment to the Constitution to Provide for Appointment of Justices of the Peace and Notaries Public to an Initial Term by the Governor with the Approval of the Executive Council and for Additional Terms of These Officers to be by Renewal of Commission, as Provided by Law (H. P. 1973) (L. D. 2514)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of same and none against, and accordingly the Resolution was finally passed, signed by the Speaker and sent to the Senate.

An Act Prohibiting Swimming or Bathing in Mt. Zircon Reservoir, Blanchard Reservoir and the Distribution or Pettengill Reservoir, all in Rumford, Oxford County (S. P. 844) (L. D. 2385) (C. "A" S-354)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Relating to the Budgetary Process of the Eleven New Regions for Vocational Education (H. P. 1945) (L. D. 2479) (S. "A" S-350)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Relating to Citizenship and Residency Requirements for Employment in the State's Classified Service. (S. P. 909) (L. D. 2516)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

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

Mr. CURTIS: Mr. Speaker and Members of the House: It has been determined that this needs an amendment, and for that purpose, I would ask that someone table it for one day.

Thereupon, on motion of Mr. Simpson of Standish, tabled pending passage to be enacted and tomorrow assigned.

An Act Relating to Duties of the Attorney General (S. P. 780) (L. D. 2236) (C. "A" S-352)

An Act Relating to the Due Dates of Property Taxes (H. P. 1903) (L. D. 2411)

An Act to Reorganize the Department of Military, Civil Defense and Veterans Services (H. P. 1975) (L. D. 2517)

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

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

Bill "An Act Relating to Elections to the House of Representatives" (H. P. 1985) (L. D. 2530)

Pending — Passage to be engrossed.

Mr. McKernan of Bangor offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-714) was read by the Clerk.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I guess probably I will move the indefinite postponement of this amendment, and I would like to explain just what I feel the overall effects of it are.

At the present time, the present law requires that we have to submit not less than one nor more than two percent of the voters, signatures of the voters who

were voting in the last gubernatorial election. Because of the apportionment, for one thing, and to set up some kind of a standardized procedure which made a lot of sense, at least in discussing this with the Election Laws Committee, it was suggested that we have 25 signatures per single representative and multiples of that for representatives running in multi-member districts, such as, in this case here, the City of Bangor. If we were to adopt this amendment, and I can fully appreciate the thinking of the gentleman from Bangor, Mr. McKernan, relative to the 25, why should I only have to have 25 and he has to have 125.

I wonder if we, for one thing, would take a look at the inequity that might be developed if we allowed a representative who represents the whole City of Bangor, in which there are 33,000 people, only requiring 25 signatures to get on the ballot, and yet, we would require a person running for the State Senate from the City of Bangor, and that would not include the whole of it because Wards 1 and 2 would be eliminated, but that person would have to get 77 signatures. I think that if we are going to stay consistent with the rules, and he being an attorney should be fully appreciative of the 14th Amendment, the Equal Protection clause and the Equal Rights and all of that, I think that everybody should be treated equally under this. And I think that as a result, the bill that has come out of the Election Laws Committee with a 12 to 1 "ought to pass," and the one person who signed against it, I believe, agreed with this part of the bill, I think that the indefinite postponement would be the proper motion.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, moves the indefinite postponement of House Amendment "A".

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I concur with the remarks of the gentleman from East Millinocket, Mr. Birt, and as Chairman of the Election Laws Committee, I hope you do indefinitely postpone this amendment.

Certainly it is not fair if you request a

person running from a small town to get between 25 and 50 signatures to have a person running from one of our larger cities, be it Bangor, Lewiston or Augusta, and being voted upon by several thousand people to have to get just the same number of signatures.

I once had a bill in to do away with nomination papers, but it was defeated. I was convinced that nomination papers are a very good election tool, and it is not difficult to get 125 or 150 or 200 signatures. I just can't see the fairness in making a person from a small town get as many or as few signatures as a person from a large city.

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

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to thank the gentleman from East Millinocket, Mr. Birt, for giving me what I guess is a promotion in calling me a lawyer. Unfortunately, I have another semester to go before I am going to get there.

His other point, comparing the members of the House of Representatives to members of the Senate I think is inappropriate. At least the Senators that I know seem to tell me that their office is a little more important than ours, and therefore I think they should have to get more signatures.

The reason that I introduced this, and I know that the gentleman from East Millinocket, again, has said that this present system was based on something we have been doing for years, and for years I have always felt that it was unfair. And now that we are going to change the system, I think that we ought to try to make it a little fairer. All my amendment does is require that candidates for the same office have the same requirements to get on the ballot to run for that office.

As you know, I am from Bangor and I would like to use that as an example, but I think you can all understand that my example applies to some multi-member district of two people all the way up to a multi-member district in Portland with 11.

In Bangor, there are approximately

33,000 people. Therefore, we have five representatives. Why do we have five representatives? That is because each representative is supposed to represent approximately 6,500 people. Therefore, it comes out to five representatives. So theoretically, at least, we are representing 6,500 people, or else there wouldn't be five people from Bangor.

The thing that bothers me the most about the present system, at least under the gentleman from East Millinocket, Mr. Birt's suggestion, if I in fact do represent 33,000 people, why don't I get five times as many votes as the rest of you who only represent 6,500 people? Why can't I speak five times as many times as the rest of you if I represent five times as many people? Why can't I spend five times as much money in my campaign as the rest of you? I am still limited in those categories the same as each and every one of you who is a representative representing 6,500 people.

Also, I certainly would be happy to get five times as much money for serving here, since I represent five times as many people. But none of this happens, and I think that is right. I think that I do, because there are five of us from Bangor, I consider the five people from Bangor to be representing all 33,000 people and not just one of us. I think that we are all working to represent all 33,000. Therefore, I think it is unfair to make each of us get five times as many signatures as the rest of the people who run in single-member districts to get on the ballot. Because that means that the 33,000 people in Bangor who are entitled to five representatives must, before they can even get a candidate to vote for, have those people get five times as many signatures as any other 33,000 people in the state.

I think this is unfair, and I agree with the gentleman from East Millinocket that it is based on an ancient system. And since we are taking the opportunity to change it now, I don't see why we shouldn't change that inequity too and require that all candidates for the same office, that is the House of Representatives, get the same number of signatures before being placed on the ballot.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: Being a member of this Election Laws Committee, I have contacted people from the multiple districts. Nobody seemed to object to that ruling that we came about. These people that come from multiple districts, true, they have to get a great deal many more names than we who are in a single district. But by the same token, and in answer to the gentleman from Bangor, he thinks he should have five times the privilege of getting on the floor, what about the people of Portland? They would have to have ten times the number of opportunities to get up here and express themselves. I don't think a single-member district would have a chance to get up at all.

When you come to say that you represent just 5,500 people, I don't think that it is right to say that statement because I think every man here and every woman here represents the State of Maine, not only their district but everybody concerned. Therefore, I think it is no more fair and right that we should have a minimum number.

The SPEAKER: The Chair recognizes the gentleman from Camden, Mr. Hoffses.

Mr. HOFFSES: Mr. Speaker, Ladies and Gentlemen of the House: I also am a member of the Election Laws Committee, so I think I should make a comment or two here.

I would like to take issue with the gentleman from Bangor as to some of his remarks that he made that he only should have to require the minimum 25 signatures. I think perhaps, first of all, we should emphasize and stress the importance of this gentleman from Bangor, Mr. McKernan, that he is even more important, he is representing more people than the Senator from that portion of Bangor. He is representing thirty-three to thirty-four thousand people. By the same token, in the City of Portland, the members here in this body are representing some 70,000 people. Just think of it. Each of you are representing 70,000 people, where a

lowly Senator is representing only 30,000 people. So I hope you will feel the importance of your position representing this many people. So certainly on the strength of that, you would have no objections to your getting more signatures to run for this extremely important position.

If we are going to accept this amendment that this gentleman has proposed, I think perhaps that we should, in the light of the many candidates that we have for the gubernatorial position, perhaps we should put a further amendment in and say that any candidate for governor should have to have only a minimum of 25 or a maximum of 50 signatures to get his name on the ballot. I think that that is just as consistent as the amendment which the good gentleman from Bangor has offered at this time.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: Since the City of Portland was mentioned in connection with this amendment, I would like to say that I may surprise a few people, I am going to vote against this amendment today.

I don't really feel as though I personally am going to be greatly inconvenienced by having to get these extra signatures. Already we have to get a minimum of 206 signatures and a maximum of some 450. I don't think a few added signatures is going to hurt me. So as a member of the City of Portland, I am going to vote against this amendment.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I think the most simple solution to the problem of those representatives from multi-member districts that feel that they have to get too many signatures would be to vote for single-member districts, and then they would be equal with everybody.

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

Mr. BRAUN: Mr. Speaker, Ladies

and Gentlemen of the House: I have here before me the vote of the last election. Let me quote to you what happened in Bangor; "John R. McKernan, Jr., received 5,600 votes." Let me quote down to you the next one below, Stewart Smith, who is now running for another office only received 1,158 votes and I will go down through these there in the single districts, and I will show you that they had almost five to one, these people, had so why shouldn't they have more signatures.

The SPEAKER: The pending question is on the motion of the gentleman from East Millinocket, Mr. Birt, that House Amendment "A" be indefinitely postponed. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

83 having voted in the affirmative and 28 having voted in the negative, the motion did prevail.

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

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

Resolution, Proposing an Amendment to the 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