

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

*One Hundred and Third  
Legislature*

**OF THE**

**STATE OF MAINE**

**Volume II**

**May 10 to June 15, 1967**

**KENNEBEC JOURNAL  
AUGUSTA, MAINE**

T a b l e d — M a y 10, by Mr. Levesque of Madawaska.

Pending—Acceptance.

The SPEAKER: The Chair recognizes the gentlewoman from Winthrop, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Members of the House: First I wish to thank my good friend from Perham, Mr. Bragdon, and my good friend from Madawaska, Mr. Levesque, for giving this L. D. such tender, loving care last Wednesday when I was absent. I want to state that I believe this is good legislation and that I was happy to be the sponsor of this L. D. I believe in the near future Maine will enact this legislation and follow many of the other progressive states in our Nation who have this.

However, as we have other important legislation before us to benefit the state employees, and realizing that we have to have a cut-off point, I will now move that the House accept the unanimous, "Ought not to pass" Report.

The SPEAKER: The gentlewoman from Winthrop, Mrs. Baker, now moves that the House accept the unanimous "Ought not to pass" Report. Is this the pleasure of the House?

Thereupon the "Ought not to pass" Committee Report was accepted and sent up for concurrence.

The Chair laid before the House the fifth item of Unfinished Business:

Bill "An Act Creating the Short Form Deeds Act" (S. P. 537) (L. D. 1442) (In Senate, passed to be engrossed)

T a b l e d—M a y 10, by Mr. Benson of Southwest Harbor.

P e n d i n g — P a s s a g e to be engrossed. (H o u s e A m e n d m e n t "A" (H-252))

On motion of Mr. Benson of Southwest Harbor, retabled pending passage to be engrossed and specially assigned for Wednesday, May 17.

The Chair laid before the House the sixth item of Unfinished Business:

An Act Creating the Maine Higher Education Loan Authority Act (S. P. 59) (L. D. 72)

T a b l e d — M a y 10, by Mr. Birt of East Millinocket.

P e n d i n g — P a s s a g e to be enacted.

On motion of Mr. Richardson of Cumberland, retabled pending passage to be enacted and specially assigned for Wednesday, May 17.

The Chair laid before the House the seventh item of Unfinished Business:

HOUSE MAJORITY REPORT (8) — Ought Not to Pass — Committee on State Government on Resolve Proposing an Amendment to the Constitution Changing the Legislature to a One Body System (H. P. 1034) (L. D. 1500) — MINORITY REPORT (2) — Ought to Pass.

T a b l e d — M a y 11, by Mr. Benson of Southwest Harbor.

P e n d i n g — A c c e p t a n c e of either Report.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Danton.

Mr. DANTON: Mr. Speaker and Ladies and Gentlemen of the House: First I wish to thank the gentleman from Southwest Harbor, Mr. Benson, for being so gracious as to table this matter so I would have the opportunity to make a few remarks regarding this piece of legislation.

I was prompted to introduce this matter because of recent United States Supreme Court decisions which have established the general rule that state legislatures must have its members elected on the basis of population. In abiding with this rule the State of Maine, when reapportionment becomes an accomplished fact, will have legislators in both branches who will have been elected by the same electors at the same time and for the same tenure. This in effect wipes away any good reason for continuing with a two branch form of government. The argument for having a two branch system is predicated upon a dissimilarity in the structure and composition of the two bodies.

The American colonies had a government which consisted of the Governor who was appointed by the King, a branch representing aristocracy and a branch representing the people. Later, after the Revolution, the two chamber form of government was adopted more because of expediency. There is no evidence that great consideration was given as to the efficiency of the form of two chambered government. Eventually, however, the question of whether a unicameral, a one branch form of government, should replace the bicameral or the two body form of government. And each form of government had its supporters.

The unicameral form was supported by William Penn and Benjamin Franklin, while the bicameral form was supported by John Adams and John Jay. The supporters of the bicameral form of government based their argument on the belief that the two chambered government would have two chambers composed of members who would be elected by different electors and who would represent different people, or different classes. They felt that one body should be representative of one class and the other body would be expressing a different view and representing a different class. Their arguments were based mainly that the two branches would afford a means of granting representation to two different classes and interests.

I submit to you that this difference does not exist today between the two branches of the Maine Legislature. I point out to you the fact that our committees, head by themselves, illustrate that the two branches are not dissimilar in that we have joint standing committees. I ask you that you don't compare our state government with the Federal Government insofar as the bicameral approach is concerned. It was necessary that a two chambered government be adopted at the Federal level. The United States Senate was actually a device which was used so as to provide to small states an equal voice in the conduct of the affairs of the Federal Government. This

is how the smaller states were attracted to join the Union.

Another reason I presented this bill is because I feel that the people today are more concerned about the conduct of the state government than past generations. The people are well aware that the role of government affects their daily lives. Because of this I feel that they are interested in being governed as well as possible and are willing to entertain proposals that will accomplish this.

The unicameral form of government, or the one body form of government if you will, as proposed by this L. D. will merge both houses into one and then shrink its size. Representation will be in accordance with the U. S. Supreme Court decision and I think with its size smaller there will be less confusion and more order. The buck passing that sometimes occurs presently will stop if we have a single chamber. No longer will a measure be passed by one chamber with the hope that it will meet its death in the other.

With the unicameral form of government the average citizen will be able to understand the goings on and there will be better visibility with which to discern the legislator who might be under the influence of a vested interest group or acting in a manner which would not be to the full benefit of the people of the state. With lack of confusion, greater visibility and proper information, legislation may be considered expeditiously and economically with the one chamber form of government.

And for those who wonder whether or not this would work I might print out that all of our major cities such as New York, Chicago, Detroit, Miami, Los Angeles, San Francisco, who have a much greater population than we do in this state and who also have much more complex problems, manage to get along with a one branch government.

I also would like to point out to you that all the provinces in Canada with the exception of one have the one branch form of government, the unicameral form of government, and also most of your nations in Europe.

This measure if enacted will of course go to the people in referendum and I would like to think that this Legislature will give the people of the State of Maine the right to determine whether or not they would want to change their present legislative setup so as to adopt the one branch form of government. And for that reason, Mr. Speaker, I now move that the bill be accepted instead of the report. And when the vote is taken I request a division.

The SPEAKER: The Chair understands that the gentleman from Old Orchard Beach, Mr. Danton, moves that the House accept the Minority "Ought to pass" Report.

The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: I arise this afternoon to support my esteemed colleague and friend, a distinguished former chairman of the Committee on Judiciary, the gentleman from Old Orchard Beach. Whether any of us like it or not the winds of change are in full evidence all over the world, and Maine is not exempt. I know, to be realistic, that it is not probable to expect that the tremendous value of a unicameral legislature as contrasted to any minor disadvantage will recommend itself to the majority of the House this afternoon.

I look outside and I see it is gray and dismal, but regardless I shall give my vote to this progressive piece of legislation, which one of the greatest senators of all times from 1789 to 1957, the Honorable George Norris of Nebraska, a Republican did so much to promote; and I hope that many members of the House will go along.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: The first I was approached with the idea of a unicameral legislature, my first reaction was to oppose it. But like one of our committee members in executive hearing the other day mentioned, in quoting an old Chinese proverb, "It isn't

the size of the drop of water that wears away the rock; it's the constant drip." And so, being constantly exposed to arguments for a unicameral legislature I have to finally haul down my flag in support of the two body system and ride up in favor of the unicameral system.

Mr. Danton from Old Orchard I believe has pretty well covered the arguments for the unicameral body. There are probably several things that could be said against it but I will not go into these because I think that the advantages now, since we have been forced into a reapportionment that probably none of us really wanted, that the advantages probably will outweigh the disadvantages. And hoping that if this Minority Report is accepted this afternoon, that sometime along its way Mr. Danton might be permitted to amend out some of the things and add some of the things that probably are not quite correct in his present bill, I will go along and support as I had in committee the Minority Report and hope that two thirds of this House does also.

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

Mr. LITTLEFIELD: Mr. Speaker, Ladies and Gentlemen of the House: Let us make a few comparisons here. We know about the bicameral of the two-house legislature of Maine. Nebraska has had a unicameral or one-house legislature since 1937 with forty-three members elected on a nonpartisan ballot. Maine has an area of 33,000 square miles; Nebraska has an area of 77,000 square miles, twice the size of Maine. In 1960, the last census year, Maine had a population of 969,000 — let us call it a million. Nebraska had a population of 1,411,000, one and one half million. Maine has a House of 151 members plus a Senate of 34; that is a legislature of 185 members compared to Nebraska's 43 member legislature.

Here in Maine each House member represents about 5,000 people in a district. There is no reason why he could not represent 15,000 and cut the size of the House

to 50 members. There would be 100 fewer persons to prolong debates.

Under the one man-one vote decision handed to us by the Supreme Court, I can see no point in having two houses to represent us. Our present system is becoming expensive, way beyond the reach of the taxpayer. We come here to make laws, Bills are introduced and passed back and forth between the two houses at an expense of \$9,000 per day. After we have been here six months many of the bills that are passed end up on an Appropriations table. On the final night of the session, it is found that there is not enough money to support many of the bills; then into the wastebasket they go. The only thing left is the bill for those \$9,000 days, which has to come from money provided by the taxpayer.

No business establishment could conduct its affairs in such a manner. The rules of our government are changing. Not only Maine, but you will find that many other states will soon be thinking about a unicameral legislature. No longer can we continue to come here, sitting on a dying limb of the tree of government which started to decay after the Supreme Court took over.

Our system will have to change. Coming here every two years and searching for someone or something to tax will reach an end and we had better think about making the change before someone makes it for us.

Had I been in this House in the 1930's when Senator Norris of Nebraska was working for the unicameral Legislature, I think a similar bill to the one before us now would have been here. I am glad to support the motion of Mr. Danton of Old Orchard and I commend one of our younger legislators for having the courage to sponsor this bill.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker and Members of the House: I stand before you here this afternoon as a signer of the Majority "Ought not to pass" Report of the

Committee. First, I would endeavor to impress on the members of this House that this is not a partisan bill. As you have noticed, you have had speakers on both sides of the aisles speak in favor of it and there are signers on both sides of the aisles on the Majority "Ought not to pass" Report.

I would commend the gentleman from Old Orchard Beach, Mr. Danton, on a wonderful presentation. He made an excellent presentation before the Committee and, too, today, he certainly has brought out his feelings on the matter. I am not entirely out of step with his thinking. But I do think that at the moment, this bill is inopportune, it is untimely, and we, at this moment, are not ready for legislation such as this. We have our two Houses with our checks and balances, perhaps in the distant future we could consider such legislation, but today, I am certain that this Legislature is not ready for it, and I now move, Mr. Speaker, that this bill and its accompanying papers be indefinitely postponed.

The SPEAKER: The question now before the House is the motion of the gentleman from Kittery, Mr. Dennett, that both reports and resolve be indefinitely postponed.

The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker and Members of the House; In my individual capacity, not as the Majority Floor Leader, I'd like to pose a question to the gentleman from Old Orchard Beach, Mr. Danton, after first commending him on proposing this legislation and telling him how fortunate he is that this matter was tabled, as I recall at the time it was tabled that was a somewhat difficult proposition. I would inquire of my good friend, and he is, whether or not under the present Supreme Court decision it is possible that Senate reapportionment, that is, reapportionment of the State Senate can, within the Constitutional guidelines of certain percentage of the population, take into account such things as geography, and economics. And for

this reason, if he were to agree with that proposition, would he say then that the Senate would not be representing precisely the same electorate, it would in fact, would it not, be representing a geographic or economic consideration in addition to pure population?

The SPEAKER: The gentleman from Cumberland, Mr. Richardson poses a question through the Chair to the gentleman from Old Orchard Beach, Mr. Danton, who may answer if he chooses. The Chair recognizes that gentleman.

Mr. DANTON: Mr. Speaker and Ladies and Gentlemen of the House: I am very happy to answer my good friend from Cumberland, Mr. Richardson. It is my understanding that the doctrine as set forth by the United States Supreme Court is based solely on the one man-one vote theory, and area does not come into consideration.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: If I can amplify somewhat on the statement of Mr. Danton, population is the primary factor involved, it is true. But I think that most of the members of the Reapportionment Committee, as I know, wherever this can be taken in, will consider other factors like interest, like economics, like geographical areas, etc., in considering senatorial districts, and we are somewhat bound in a tight line with this primary population factor but I think other factors can be taken into account. I think other factors could probably be taken into account in a unicameral legislature even though population will be the primary factor to determine legislative district.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Kittery, Mr. Dennett, that both Reports and Resolve be indefinitely postponed on L. D. 1500, Proposing an Amendment to the Constitution changing the Legislature to a One Body

System, and the Chair will order a vote.

Mr. Starbird of Kingman Township requested a roll call.

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 of those desiring a roll call will vote yes, those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Kittery, Mr. Dennett, that this Resolve be indefinitely postponed.

The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker and Members of the House: In view of the fact a roll call has been ordered, in my individual capacity I wish to indicate to the House my reason for voting as I am going to vote. I understand the law more in line with the gentleman from Kingman Township, Mr. Starbird, that within the permissible limits we can take into account economics, geography, and it is for this reason that I feel that until such time as we have seen whether or not our State Senate can within these guidelines represent something more than merely one man-one vote, until that time is legally certain, I would agree with the gentleman from Kittery, Mr. Dennett, that this is an untimely move on the part of the House, and I will therefore vote in favor of indefinite postponement.

THE SPEAKER: All those in favor of indefinite postponement of the Reports and Resolve Proposing an Amendment to the Constitution Changing the Legislature to a One Body System, House Paper 1034, L. D. 1500 will vote yes, those opposed will vote no, and the Chair opens the vote.

#### ROLL CALL

YEA—Baker, E. B.; Bedard, Benson, Birt, Bragdon, Bunker, Carey,

Clark, Cornell, Cote, Crockett, Crosby, Curran, Cushing, Dennett, Drummond, Dunn, Durgin, Edwards, Evans, Ewer, Fecteau, Fuller, Hall, Hanson, B. B.; Hanson, P. K.; Harnois, Harriman, Hawes, Hennessey, Hewes, Hichens, Hodgkins, Hoover, Humphrey, Hunter, Jewell, Keyte, Lebel, Lewin, Lincoln, Lowery, Lycette, Maddox, McManan, Miliano, Minkowsky, Mosher, Pendergast, Pike, Porter, Rackliff, Richardson, H. L.; Rideout, Robertson, Robinson, Ross, Sawyer, Scott, C. F.; Shaw, Shute, Snow, P. J.; Snowe, P.; Susi, Tanguay, Thompson, Trask, Waltz, Watts, White, Wight, Wood, The Speaker.

**NAY**—Belanger, Beliveau, Berma, Boudreau, Bourgoin, Bradstreet, Brennan, Brown, Buck, Burnham, Carrier, Carroll, Carswell, Champagne, Conley, Cottrell, Crommett, Danton, Darey, Drigotas, Eustis, Fortier, Fraser, Gaudreau, Giroux, Haynes, Healy, Henley, Huber, Jameson, Levesque, Littlefield, Martin, McNally, Meisner, Prince, Quinn, Rocheleau, Scribner, Soulas, Starbird, Truman, Wheeler.

**ABSENT**—Allen, Baker, R. E.; Bernard, Binnette, Cookson, Couture, D'Alfonso, Dickinson, Dudley, Farrington, Foster, Gauthier, Gill, Hanson, H. L.; Harvey, Hinds, Immonen, Jalbert, Janelle, Kilroy, Kyes, Lewis, Nadeau, J. F. R.; Nadeau, N. L.; Noyes, Payson, Philbrook, Quimby, Richardson, G. A.; Roy, Sahagian, Scott, G. W.; Sullivan, Townsend, Williams.

Yes, 73; No, 43; Absent, 35.

The **SPEAKER**: The Chair will announce the vote. Seventy-three having voted in the affirmative and forty-three having voted in the negative, the motion to indefinitely postpone does prevail.

Sent up for concurrence.

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

Resolve Regulating Fishing in Beaver Tail Pond, T. 14, R. 10 and T. 14, R. 9 and Fish River Falls, Aroostook County, and Long Pond, Kennebec County (H. P. 505) (L. D. 718) (In House, passed

to be engrossed as amended by Committee Amendment "A" (H-203) as amended by House Amendment "C" thereto (H-220) (In Senate, passed to be engrossed as amended by Senate Amendment "A" (S-115)

Tabled—May 11, by Mr. Cookson of Glenburn.

Pending—Further consideration.

The **SPEAKER**: The Chair recognizes the gentleman from Easton, Mr. Rackliff.

Mr. **RACKLIFF**: Mr. Speaker, I move this Resolve be indefinitely postponed.

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

Mr. **MARTIN**: Mr. Speaker, I move we recede from our former action and concur with the Senate.

The **SPEAKER**: The gentleman from Eagle Lake, Mr. Martin, now moves that the House recede from its former action and concur with the Senate. The Chair would advise the gentleman from Easton, Mr. Rackliff, that indefinite postponement does not have precedence over receding and concurring. Is it the pleasure of the House to recede from its former action and concur with the Senate?

(Cries of "No.")

The Chair will order a vote. All those in favor of receding and concurring with the Senate will vote yes and those opposed will vote no and the Chair opens the vote.

A vote of the House was taken. 52 having voted in the affirmative and 53 having voted in the negative, the motion did not prevail.

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

Mr. **MARTIN**: Mr. Speaker, I move this matter be tabled until the next legislative day.

The **SPEAKER**: The gentleman from Eagle Lake, Mr. Martin, moves that this matter be tabled until Tuesday, May 16.

Mr. Rackliff of Easton requested a vote.

The **SPEAKER**: A vote has been requested. All those in favor of tabling will vote yes, those op-