

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL
AUGUSTA, MAINE

Natural Resources and Ordered Printed.
Sent down for concurrence.
(See action later in today's session.)

Committee Reports House

The following Ought Not to Pass reports shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Concerning the Motor Vehicle Inspection Laws." (H. P. 163) (L. D. 189)

Bill, "An Act to Permit Vehicular Traffic to Turn Right at a Red Light." (H. P. 25) (L. D. 33)

Bill, "An Act Relating to Operating a Motor Vehicle Without a Current Certificate of Inspection." (H. P. 87) (L. D. 122)

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act Establishing a Seal for Official Use of the Legislature." (H. P. 58) (L. D. 70)

Reported that the same Ought Not to Pass.

Signed:

Senators:

CURTIS of Penobscot
WYMAN of Washington
GRAHAM of Cumberland

Representatives:

COONEY of Sabattus
PELOSI of Portland
QUINN of Gorham
LEWIN of Augusta
SNOWE of Auburn
CARPENTER of Houlton
KANY of Waterville
WAGNER of Orono

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Representatives:

FARNHAM OF Hampden
STUBBS of Hallowell

Comes from the House, the Minority Ought to Pass report Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read.

Mr. Curtis of Penobscot moved that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

Thereupon, on motion by Mr. Speers of Kennebec, tabled and tomorrow assigned, pending the motion by Mr. Curtis of Penobscot that the Majority Ought Not to Pass Report of the Committee be Accepted.

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act to Prohibit Dumping of Poultry on Highways." (H. P. 98) (L. D. 123)

Reported that the same Ought Not to Pass.

Signed:

Senators:

GREELEY of Waldo
McNALLY of Hancock
CYR of Aroostook

Representatives:

FRASER of Mesico
WEBBER of Belfast
JACQUES of Lewiston
BINNETTE of Old Town
WINSHIP of Milo
BERRY of Madison
STROUT of Corinth
KAUFFMAN of Kittery
LUNT of Presque Isle

The Minority of the same Committee on

the same subject matter reported that the same Ought to Pass.

Signed:

Representative:

JENSEN of Portland

Comes from the House, the Majority Ought Not to Pass report Read and Accepted.

Which reports were Read and the Majority Ought Not to Pass Report of the Committee accepted in Concurrence.

Senate

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Appropriating Funds for Replacement Volumes of the Revised Statutes." (S. P. 72) (L. D. 212)

Leave to Withdraw

Mr. Curtis for the Committee on State Government on, RESOLUTION, Proposing an Amendment to the Constitution Providing for Convening the Legislature on a Day other than New Year's Day. (S. P. 82) (L. D. 236)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

Second Readers

The Committee on Bills in the Second Reading reported the following:

Senate

Bill, "An Act Relating to Record of Sales of Used Merchandise of Auctioneers." (S. P. 73) (L. D. 213)

Bill, "An Act Relating to Filing of Record of Locations and Changes of Highways." (S. P. 83) (L. D. 237)

Bill, "An Act to Authorize the Issue of an Additional Pair of Specially Designated License Plates to Maine Members of the United States Senate and House." (S. P. 92) (L. D. 263)

Which were Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act Designating a Commemorative Day in Remembrance of Martin Luther King, Jr. (H. P. 271) (L. D. 242)

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Mr. O'LEARY: Mr. President, I would like to speak very briefly to this item, An Act Designating a Commemorative Day in Remembrance of Martin Luther King, Jr. I am going to be very brief, sir.

Martin Luther King preached non-violence, yet he was an apostle for violence because violence followed him wherever he went.

I now move the indefinite postponement of this bill and all of its accompanying papers.

The PRESIDENT: The Senator from Oxford, Senator O'Leary, now moves that this bill be indefinitely postponed.

The Chair recognizes the Senator from York, Senator Hichens.

On motion by Mr. Hichens of York, a division was had. Four having voted in the affirmative, and 29 having voted in the negative, the motion did not prevail.

Thereupon, the bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

An Act Relating to the Erection of a Sign on Maine Turnpike for Pleasant Mountain Recreational Area. (H. P. 75) (L. D. 87)

Which was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

An Act Eliminating Waiting Period under the Employment Security Law. (H. P. 139) (L. D. 171)

This being an emergency measure and having received the affirmative votes of 32 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate the first tabled and Specially Assigned matter:

Senate Reports — from the Committee on State Government — Resolution, Proposing an Amendment to the Constitution Changing the Legislature to a Single Chamber, Unicameral System, with Single Member Districts. (S. P. 33) (L. D. 91) Majority Report — Ought Not to Pass: Minority Report — Ought to Pass as Amended by Committee Amendment "A". (S-5)

Tabled — February 6, 1975 by Senator Johnson of Aroostook.

Pending — Acceptance of Either Report.

Mr. Clifford of Androscoggin moved that the Senate accept the Minority Ought to Pass Report of the Committee.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. CLIFFORD: Mr. President and Members of the Senate: This is a resolution which proposes the change of the legislature from a two-house system or a bicameral system to a unicameral system. It would not take effect, of course, until it was voted upon by two-thirds of both the existing bodies and voted on favorably by the majority of the people in a statewide referendum election.

The historical reason for bicameralism, if you review history, has not been an internal legislative check and balance, but to give different groups representation within the legislative process. And the House of Lords, which represented the aristocracy, and the House of Commons, which represented the common people, in England is the best example, or one of the best examples, of the historical reason for the two-house system. The United States Congress or the House of Representatives, or the lower house, represents theoretically the people, and the upper house, or the United States Senate, represents the various states. In the state legislatures, the lower house traditionally represented the people and the upper house, or the Senate, represented various geographic and economic interests. But that historic reason no longer exists, at least in this country, because in 1964 the United States Supreme Court, in the case of Reynolds vs. Simms, said that in the upper house or the lower house, it is no longer constitutional to consider anything but population on a one man-one vote basis. So the historical reason for the bicameral legislation system no longer exists.

The only benefit which is cited and remains is a procedural one, that the second house gives a second look at legislation, but it does not give any longer a different look, and procedural matters

can be taken care of within one house by internal procedures within that house.

This bill provides for a unicameral single chamber legislature, originally calling for 75 members, that has been amended by the committee now to 99 members. It provides for single member districts for those representatives to be elected from.

In this country, Nebraska is the only state with a unicameral legislature, changing from a bicameral legislature to a unicameral in the 1930's. The Virgin Islands and Guam have unicameral legislatures. The Canadian Provinces have unicameral legislatures. England now has a defacto unicameral legislative system, with the House of Lords being stripped of all its power. All the American cities have unicameral legislative bodies, most of them being at one time or another bicameral legislatures.

I think the advantages of unicameral really are three: The first and most obvious would be an economic advantage. In the State of Nebraska, when they went from a bicameral to the unicameral system, there was a reduction in the cost of the legislature of nearly 50 percent, and it was 22 years before the cost of the unicameral legislature equalled the cost of the bicameral legislature in its last year of operation. This legislature now costs the taxpayers of the State of Maine \$22,000 a day to operate, two million dollars a year. There would be a substantial economic savings if we went to a unicameral system. It would allow more staff for the legislature and it would allow the legislators to be paid what they should be paid, without costing the taxpayers unnecessary dollars.

The second reason is that the individual legislator would be from a single member district and would be the legislator representing the district, and would be the person that people could look to and would be more accountable to the people of his district. He would be more visible. There would no longer be the excuse of, "Well, I tried but the other House killed the bill," or "We tried to kill it in our house but the other house passed it and there was nothing we could do about it." It would give more visibility to the individual legislator. It would give his position more prestige and, I think, in the end result would attract better candidates to run for the state legislature.

But I think the most important reason, the real reason, why this body should consider this bill seriously is that it would add strength to the legislative branch of government, and I think this is by far the most important reason for this bill to pass.

There has been an explosion of government in the last 30 years, and that explosion has largely taken place in the executive branch. The legislative branch has remained the same and has become more and more impotent, and yet it is the branch closest to the people. It should be as efficient as the executive branch so but there would be a better understanding of the issues. The legislative branch clearly needs the ability to act, and act decisively, in these times, and to act to cope with the executive branch.

There are other legislative reforms before this legislature. It seems to me that this is the true reform to make the legislature a co-equal branch of the government.

We hear a lot about checks and balances. Checks and balances should exist among the branches of government, and we have

had too many checks and balances within the legislative branch and not enough checks on the executive branch. This would do a great deal to restore equality among the branches of government.

As I have said before, ultimately this would have to be approved by two-thirds of both houses and then approved by the people. I would hope that we could give it initial approval, test the reaction in the other chamber, and then make the final decision on final enactment. Thank you, Mr. President.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: I don't want to take much time in this body discussing this bill. I think probably the members of this body are aware of the merits. I just would like to point out a couple of things in disagreeing with my good friend, the Senator from Androscoggin, Senator Clifford.

He purports that there are three reasons why we should pass this bill, and I suggest that none of the reasons raises itself to a level where we should undertake to change the constitution.

The one I think that is the most maybe telling in this day is the one of saving costs. There is no doubt that if we were to reduce the members of this legislature by any means, and that would include doing away with one body of it, that we would save costs if we took no steps further. But the good Senator from Androscoggin goes on to suggest that then the legislature could improve itself by increasing its staff and increasing its salary. If this were to be the case, I think probably the costs would be washed out. In fact, this is one of the best arguments put forth for this bill, that it would allow us to increase the staff and it would allow us to increase the salary, and therefore maybe improve upon the job that we do as a legislature. I suggest that there is no casual relationship between reducing our staff and have savings and then spending more money on ourselves. If we want this legislature to stand up and take its proper role in relation to the executive, then we have to stand up and staff it and pay ourselves a proper amount. It is not related to this other item. We shouldn't be ashamed of the amount of money we spend. It is one of the smallest and cheapest parts of the state government we have.

In this regard, I think it is interesting to point out that the State of Nebraska is about half again as big as Maine. There are 49 members of the unicameral legislature in the State of Nebraska and they are paid, for all intents and purposes, the same amount of money as the members of this legislature are, and they have less staff.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Curtis.

Mr. CURTIS: Mr. President and Members of the Senate: The State Government Committee has considered this particular proposal before, two years ago, also presented by the gentleman from Androscoggin, Senator Clifford, and the committee and myself in particular appreciate the extensive research and the very able presentation which he and the organizations which came before us in public session used to substantiate their arguments and their proposals that we should have this massive change. The fact

of the matter remains that it is a massive change that is proposed.

I would respond briefly to three of the proposals or reasons that have been given. First, I suggest that a bicameral legislature is very desirable as a protection against undue and hasty action by a branch of state government. I will tie that very closely into my reaction to the proposal and the argument that is presented by the sponsor of this bill that relations with the executive branch of state government would improve by strengthening the legislature.

I would suggest that if we were one body instead of two that it would be much easier for any governor in the future to dominate a single body, either by association with the same political party or by intense pressure that could be placed very quickly in encouraging rapid action. This, of course, is a matter of speculation as to what the relationship would be in the future, but I would suggest we are very fortunate in having a situation in the present in which the rights of the people are protected by requiring due deliberation rather than hasty action in much legislation.

It's not hard to remember that the very first law which we enacted this year as a legislature was one which corrected a mistake that was made earlier. Now that argument, of course, I suppose cuts both ways. Perhaps a single body with lots of staff might not have made that mistake. But on the other hand, perhaps we also pick up lots of mistakes that are made by the other body here, and they do likewise, which, if we were just a single body and of a single mind, would not be corrected.

So with those arguments, I would suggest it is an interesting idea to think about for the future, but that for the present, at least, I hope that we will stick with some less massive reforms but some other ones that are also pending before this legislature. Mr. President, I would hope that there would be a division.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Graham.

Mr. GRAHAM: Mr. President and Members of the Senate: I rise to support the Senator from Androscoggin, Senator Clifford. What is the essence of democracy? Not the judiciary, not the executive, but the legislative body, the freely elected representatives of the people.

Over the world democracy is in retreat. In Chile it has been murdered. In Italy it is in chaos. Why? Because bicameral legislatures have been unable to cope with the rapid change of our times. Buck passing deadlocks have hamstrung these legislatures.

What has Congress done in two years? It took Congress two years to deal with Watergate, and we are still waiting for Congress to deal with the depression and with unemployment. Bicameral legislatures have been losing power and losing prestige.

A single chamber legislature, call it a Senate if you like, and large enough to be truly representative, a unicameral legislature would be accountable and responsive. People would know who and who alone represents them in Augusta. A unicameral legislature could act with speed, decisiveness and authority. Instead of weakening democracy, unicameralism would restore it, dynamic and reborn to the people. I urge you to support the minority ought to pass report.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: I would request that the vote be taken by the yeas and nays, and I would point out that this would not become effective until the election of 1982 and the unicameral legislature, were it approved by the people, would begin to sit in 1983. It seems to me that there is plenty of time for such a substantial change.

As I mentioned before, I would hope that we could give it initial approval to see what the reaction of the other body is, and then make the final decision on the enactment stage. As you know, it is a constitutional amendment and it requires the affirmative vote of two-thirds of the membership of each body and approval by the people in referendum. I would hope that it is a significant enough idea, it has sufficient justification, that we could give it initial approval, send it to the other body and test the waters in that other body. Thank you, Mr. President.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I speak this morning as the Senator from Kennebec, and not as majority leader. I disagree with my good colleague from Androscoggin, Senator Clifford, when he suggests that we should approve this measure this morning solely in order to test the reaction in the other body. The reaction in the other body will be very well known to us, regardless of what we do here this morning, and to postpone a decision and make the final decision only on enactment really does not seem to make much sense to me because we have the opportunity at the present time to make our decision known on this particular matter.

As we all know, we have nearly 3,000 bills that are introduced into the legislative session every year. Only one-third of those bills ever finally get passed. And many people in the State of Maine and throughout the United States feel that is probably too many in all of our legislative bodies. My point is that it is very difficult for a bill to actually be enacted into law.

And far from the comments of the good Senator from Cumberland, Senator Graham, when he asks that the legislative bodies be able to act with dispatch and with authority, I would submit, Mr. President, that the very essence of democracy is to be able to act with a great deal of caution and a great deal of discussion and a great deal of thought, and then only very carefully and very gingerly do we enact laws which affect the lives of every individual in the State of Maine. And that really is the essence of the two-body legislature, that whereas one body may take a very quick look at some matter and then finally pass it, the other body is always there to take the second look and to add a different view.

So I would oppose the motion of the good Senator from Androscoggin, Senator Clifford, and I would urge my colleagues to vote against the motion so that we may make the feeling of this body very well known at the present time.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Androscoggin, Senator Clifford, that on Resolution, Proposing an Amendment to the Constitution Changing

the Legislature to a Single Chamber, Unicameral System, with Single Member Districts, the Minority Ought to Pass Report of the Committee be accepted. A roll call has been ordered.

In order for the Chair to order a roll call, under the Constitution it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion of the Senator from Androscoggin, Senator Clifford, that the Senate accept the Minority Ought to Pass Report of the Committee on Resolution, Proposing an Amendment to the Constitution Changing the Legislature to a Single Chamber, Unicameral System, with Single Member Districts. A "Yes" vote will be in favor of the Minority Ought to Pass Report of the Committee; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry E., Carbonneau, Cianchette, Clifford, Cyr, Danton, Gahagan, Graham, Johnston, Katz, Marcotte, McNally, Pray, Reeves.

NAYS: Senators Berry R., Collins, Conley, Corson, Cummings, Curtis, Graffam, Greeley, Hichens, Huber, Jackson, Merrill, O'Leary, Roberts, Speers, Thomas, Trotzky, Wyman.

A roll call was had. 14 Senators having voted in the affirmative, and 18 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted.

Sent down for concurrence.

Order

Out of order and under suspension of the rules, on motion by Mr. Conley of Cumberland,

WHEREAS, we all humbly serve in this Legislature in order to insure a better world for our most important natural resource, our future generation; and

WHEREAS, Samantha Michelle Merrill joined us at 4:26 a.m. this morning, weighing in at 8 pounds, 7 ounces, to become one of Maine's newest citizens; and

WHEREAS, her mother, Linda, is blissful at this event of presenting Samantha, their first blessed event, now, therefore, be it

ORDERED, that We, the Members of the Senate of the 107th Legislature, now assembled in regular session, extend our sincerest congratulations to Senator Philip Merrill and his wife, Linda, on the birth of their daughter; and be it further

ORDERED, that a suitable copy of this Order, attested by the President of the Senate be transmitted forthwith to these proud parents in honor of the occasion.

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: I couldn't let this order be passed without saying a few words on it. I recall several years ago when I had as a seat mate in the other body of this legislature a fine old gentleman by the name of Sam Pitts, he once referred to me as the greatest Democratic sire in Cumberland County, and I can only say to Senator Merrill with his first offspring, God bless him and the new born and his

wife. I hope he is off to a fine start and I hope he surpasses me immediately. (Applause)

The PRESIDENT: Is it the pleasure of the Senate that this order be passed?

Thereupon, the order received Passage.

Mr. Merrill of Cumberland requested unanimous consent to address the Senate:

Mr. MERRILL: Mr. President and Members of the Senate: On behalf of my wife, my new offspring and myself, I would like to thank the Senate for their action today, and just make a couple of observations.

First of all, I am afraid Mr. Conley holds up a standard to which I am not humble in not saying that I will never be able to live up to. I think that he will remain unchallenged in Cumberland County for some time to come.

Beyond that I would like to say that I have had two great honors this year: one was becoming a member of this body, and for that honor I worked very hard. And the other was becoming a father this morning, and that there was no work involved in that, believe me. What this says about the work ethic I don't know, but thank you.

The President laid before the Senate the second tabled and Specially Assigned matter:

Bill, "An Act to Authorize Bond Issue in the Amount of \$1,050,000 for Acquisition and Construction of Facilities for the Care and Treatment of the Severely and Profoundly Mentally Retarded." (S. P. 172)

Tabled — February 11, 1975 by Senator Speers of Kennebec.

Pending — Reference.

(Committee on Reference of Bills suggested this Bill be referred to the Committee on Appropriations and Financial Affairs.)

On motion by Mr. Speers of Kennebec, referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

Reconsidered Matter

On motion by Mr. Speers of Kennebec, the Senate voted to reconsider its prior action whereby Bill, "An Act Appropriating Funds for Spruce Budworm Control Program Research and Assessment Surveys" (S. P. 186), was referred to the Committee on Natural Resources and Ordered Printed.

Thereupon, on further motion by the same Senator, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

The President laid before the Senate the third tabled and Specially Assigned matter:

Joint Order — Relative to Listing of State Employees and Salaries. (H. P. 448)

Tabled — February 11, 1975 by Senator Speers of Kennebec.

Pending — Passage.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: If there is one characteristic common to this legislature and to the executive of this state in this year, it is the need for saving money. We have an order before us today that I am told would cost \$4,500 to the State of Maine all told: \$2,500 for the actual printing and