

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, March 11, 1971

Senate called to order by the President.

Prayer by the Rev. William A. Dunstan of Gardiner.

Reading of the Journal of yesterday.

Papers from the House**Non-concurrent Matter**

Joint Order re Director of Public Improvements investigate heating plant in State House Building (H. P. 1006)

In the House, March 5, 1971 Read and Passed.

In the Senate, March 9, 1971 Indefinitely Postponed in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I have been advised there is money in the budget to look into this heating problem, and I think the Senator from Kennebec, Senator Katz, covered the situation quite squarely the other day. I move that the Senate adhere.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate adhere. Is this the pleasure of the Senate?

The motion prevailed.

Joint Order

ORDERED, the Senate concurring, that the State Insurance Commissioner, Executive Secretary of the Maine State Retirement System and Legislative Finance Officer be directed to undertake a joint study of the provisions of (H. P. 8) (L. D. 8) "An Act to Revise and Clarify Laws Relating to Group Life Insurance Under Maine State Retirement System" to determine the advisability and feasibility of making the changes proposed and to submit a report of their findings and recommendations to the next special or regular session of the Legislature; and be it further

ORDERED, upon final passage of this Joint Order that copies be transmitted forthwith to said Insurance Commissioner, Executive

Secretary of the Maine State Retirement System and Legislative Finance Officer, as notice of the study to be undertaken. (H. P. 1069)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

House Papers

Bills today received from the House requiring Reference to Committees were acted upon in concurrence.

Senate Papers**Judiciary**

Mr. Conley of Cumberland presented, Bill, "An Act Relating to Election of Jury Trials in Misdemeanor Proceedings." (S. P. 438) (L. D. 1265)

Mr. Johnson of Somerset presented, Bill, "An Act to Provide Relief from Local Restrictions Hampering Construction of Low and Moderate Income Family Housing." (S. P. 439) (L. D. 1266)

Which were referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

Legal Affairs

Mr. Clifford of Androscoggin presented, Bill, "An Act Relating to Appeals Under Municipal Zoning Ordinances." (S. P. 440) (L. D. 1268)

Which was referred to the Committee on Legal Affairs and Ordered Printed.

Sent down for concurrence.

State Government

Mr. Johnson of Somerset presented, Bill, "An Act to Adopt a State of Maine Code of Military Justice." (S. P. 441) (L. D. 1279)

Which was referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

Committee Reports**House****Refer to 106th Legislature**

The Committee on Veterans and Retirement on Bill, "An Act to Revise and Clarify Laws Relating to Group Life Insurance Under Maine State Retirement System." (H. P. 8) (L. D. 8)

Reported that the same be referred to the 106th Legislature.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Leave to Withdraw

The Committee on Labor on, Bill, "An Act to Revise Eligibility Requirements for Unemployment Compensation Benefits." (H. P. 423) (L. D. 557)

Reported that the same be granted Leave to Withdraw.

The Committee on Liquor Control on Bill, "An Act Relating to Issuance of Malt Liquor Licenses." (H. P. 429) (L. D. 563)

Reported that the same be granted Leave to Withdraw.

Come from the House, the report Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Taxation on, Resolve, to Reimburse Bernard Powers of Newry for Loss of Cigarettes. (H. P. 106) (L. D. 148)

Reported that the same Ought to Pass.

The Committee on Transportation on, Bill, "An Act to Clarify the Duty of Licensed Users to File Use Fuel Tax Reports." (H. P. 247) (L. D. 328)

Reported that the same Ought to Pass.

The Committee on Transportation on, Bill, "An Act Relating to Snow Removal on State Highways in Built-up Sections of Certain Municipalities." (H. P. 311) (L. D. 411)

Reported that the same Ought to Pass.

The Committee on Transportation on, Bill, "An Act Relating to Temporary Registration Certificates for Vehicles." (H. P. 313) (L. D. 413)

Reported that the same Ought to Pass.

The Committee on Veterans and Retirement on, Resolve, Providing Retirement Benefit for Clyde Walker of Hallowell. (H. P. 319) (L. D. 419)

Reported that the same Ought to Pass.

The Committee on Veterans and Retirement on, Resolve, Providing a Minimum Service Retirement Allowance Under the State Retirement Law for Ernest F. Miller. (H. P. 373) (L. D. 479)

Reported that the same Ought to Pass.

The Committee on Veterans and Retirement on, Resolve, Providing a Minimum Service Retirement Allowance Under the State Retirement Law for Grace V. Pullen. (H. P. 374) (L. D. 480)

Reported that the same Ought to Pass.

The Committee on Liquor Control on, Bill, "An Act Relating to Definition of Retailer under Liquor Law. (H. P. 427) (L. D. 561)

Reported that the same Ought to Pass.

The Committee on Veterans and Retirement on, Bill, "An Act Relating to Retirement of, and Allowance for Widow of the Administrative Hearing Commissioner." (H. P. 445) (L. D. 579)

Reported that the same Ought to Pass.

The Committee on Transportation on, Bill, "An Act Relating to Fees for Replacement of Number Plates for Motor Vehicles." (H. P. 511) (L. D. 656)

Reported that the same Ought to Pass.

The Committee on Natural Resources on, Bill, "An Act Providing for Repair, Maintenance and Operation of State-owned Dam on Dead River, Androscoggin County." (H. P. 604) (L. D. 806)

Reported that the same Ought to Pass.

Come from the House, the reports Read and Accepted and the Bills and Resolves Passed to be Engrossed.

Which reports were Read and Accepted in concurrence, the Bills and Resolves Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on State Government on, RESOLUTION, Proposing an Amendment to the Constitution Raising the Municipal Debt Limit from Seven and One-half

to Fifteen Percent (H. P. 83) (L. D. 123)

Reported that the same Ought to Pass in New Draft Under New Title: "RESOLUTION, Proposing an Amendment to the Constitution Providing for Regulation of Municipal Borrowing by the Legislature." (H. P. 1041) (L. D. 1099)

Comes from the House, the report Read and Accepted, and the Resolve, in New Draft, Passed to be Engrossed.

Which was Read.

On motion by Mr. Quinn of Penobscot, tabled and specially assigned for March 19, 1971, pending acceptance of the Committee Report.

The Committee on State Government on, Bill, "An Act Relating to Acquisition of Land for National Forests." (H. P. 137) (L. D. 192)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1042) (L. D. 1100)

Comes from the House, the report Read and Accepted, and the Bill, in New Draft, Passed to be Engrossed.

The Committee on Transportation on, Bill, "An Act Providing Additional Driver License Examiners in the Division of Motor Vehicles." (H. P. 371) (L. D. 477)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1043) (L. D. 1101)

Comes from the House, the reports Read and Accepted, and the Bills, in New Draft, Passed to be Engrossed.

Which reports were Read and Accepted in concurrence, the Bills, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Liquor Control on, Bill, "An Act Relating to Definition of Class A Restaurant Under Liquor Laws." (H. P. 302) (L. D. 402)

Reported that the same Ought Not to Pass.

Signed:

Senators:

SHUTE of Franklin
HOFFSES of Knox
FORTIER of Oxford

Representatives:

STILLINGS of Berwick
BAILEY of Woolwich
IMMONEN of West Paris
MADDOX of Vinalhaven
HAWKENS of Farmington
GAGNON of Scarborough
SLANE of Portland
LIZOTTE of Biddeford
FAUCHER of Solon

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

Signed:

Representative:

TANGUAY of Lewiston

Comes from the House, the Minority Ought to Pass report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-42).

Which reports were Read.

Mr. Shute of Franklin then moved that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

Thereupon, on motion by Mr. Martin of Piscataquis, tabled and Tomorrow Assigned, pending the motion by Mr. Shute of Franklin to Accept the Majority Ought Not to Pass Report of the Committee.

Senate

Leave to Withdraw

Mr. Harding for the Committee on Judiciary on, Bill, "An Act Relating to Breaking and Entering with Intent to Commit a Felony or Larceny." (S. P. 103) (L. D. 265)

Reported that the same be granted Leave to Withdraw.

Mr. Tanous for the Committee on Judiciary on, Bill, "An Act Relating to Holding Title to Land for Forty Years or More." (S. P. 132) (L. D. 344)

Reported that the same be granted Leave to Withdraw.

Mr. Harding for the Committee on Judiciary on, Bill, "An Act Relating to Acknowledgment by a Notary of Instrument by a Corporation in Which He is Interested." (S. P. 223) (L. D. 669)

Reported that the same be granted Leave to Withdraw.

Which reports were Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Johnson for the Committee on State Government on, Bill, "An Act Relating to Financial Report of State Housing Authority." (S. P. 181) (L. D. 533)

Reported that the same Ought to Pass.

Mr. Clifford for the Committee on State Government on, Bill, "An Act Pertaining to the Salary of the Administrative Hearing Commissioner." (S. P. 237) (L. D. 699)

Reported that the same Ought to Pass.

Mr. Minkowsky for the Committee on Health and Institutional Services on, Bill, "An Act Relating to Group Fishing Permits for Inmates and Patients at State Institutions." (S. P. 177) (L. D. 529)

Reported that the same Ought to Pass.

Which reports were Read and Accepted, the Bills Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

Mr. Harding for the Committee on Judiciary on, Bill, "An Act Relating to Jurisdiction of the District Court in Proceedings to Quiet Title in Real Estate Matters." (S. P. 82) (L. D. 176)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 437) (L. D. 1147)

Which report was Read and Accepted, the Bill, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on State Government on, Resolution, Proposing an Amendment to the Constitution Reducing the Size of the House of Representatives and the Senate (S. P. 53) (L. D. 94)

Reported that the same Ought Not to Pass.

Signed:
Senators

Representatives:
WYMAN of Washington
JOHNSON of Somerset
HODGDON of Kittery
FARRINGTON
of Old Orchard Beach

DONAGHY of Lubec
MARSTALLER

of Freeport
STILLINGS of Berwick
STARBIRD

of Kingman Township
The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft Under Same Title: (S. P. 436) (L. D. 1146)

Signed:
Senator:

CLIFFORD
of Androscoggin

Representatives:
COONEY of Webster
CURTIS of Orono
GOODWIN of Bath

Which reports were Read.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: This bill in its original form was sponsored by the Senator from Aroostook, Senator Harding. And at the hearing I said that if indeed this was going to be the session of reorganization and reform I considered this the most important bill before the session. I still think so.

In its new draft, the Minority has reported out a provision that the Senate was to be composed of 31 members and the House 125 members. I honestly feel that perhaps this is a meaningful compromise — it is still far too large a chamber as far as I am concerned — but it reduces the legislature by 27. I don't know what it costs to support each one of us up here a session. Is \$5,000 a reasonable amount to pay for the heat it takes to warm our bodies, the parking spaces that we take up in such abundance? But if indeed it does cost \$5,000 a year to support each one of us, a reduction in the size of the legislature by 27 would mean a saving during the session of \$135,000. And perhaps better use can be found for this \$135,000 such as making the legislature a smaller but more effective body. Consequently, knowing full well that this constitutional amendment is in for some rough sledding, and hoping that it will get a fair shake and honest consideration, I move that we accept

the Minority Ought to Pass in New Draft Report of the Committee.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate accept the Minority Ought to Pass in New Draft Report of the Committee. Is this the pleasure of the Senate:

The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I feel that I have pulled the rug from under the proponents of this bill, especially when they amended it to 125 and 31, because at the time I felt that perhaps there should be a change in the size of the legislature, and I thought maybe this would be kind of a compromise. The original bill, I believe, originally called for 75 House members and 25 Senate members, or in that percentage, and I thought well, perhaps all these reports and articles that I have read over the past ten or eleven years had led me to believe that a more efficient legislature would be more workable and accomplish probably a lot more if there were fewer people.

Then, on the other hand, I have met several people in the last month, and some of them were of the opposition party who had served in this legislature, and they felt that as far as this legislature was concerned that the true representation of the people of this state would be diminished actually if the size of the House and Senate were cut. And the word that this one gentleman used, he said you will have a bunch of "brownies" down there, the one party who is espousing the problems of the man in the street and the man that hasn't got much of a voice down here, and on the other hand you are trying to get people down there now who are going to tell him what to do. In other words, what he was trying to tell me was the fact that you are going to get fewer people deciding more things that are more important to the man on the street, and the average person, than you are when you have a greater group of people who are truly representative of the people that you are trying to do something for or trying to help.

I have thought this over many times and I think, if you will notice, the committee is pretty well split partywise on this bill.

One of the items brought out was the fact that the rural population would lose some of its representation. Some places would be without representation because, as you all know, if you come from a rural area the thinking there is—whether you agree with me or not, it is my opinion — decidedly different than it is in an urban area or a town or a city. The rural people think differently, they act differently, they are brought up differently, and yet the people in the bigger cities like Portland and Bangor, they think differently too. So, as far as I am concerned, I would move now that this bill be indefinitely postponed. I think we will be doing justice to this legislature by disposing of it now rather than having it kicked around here for another three or four weeks.

The PRESIDENT: The Senator from Somerset, Senator Johnson, now moves that Legislative Document 1146, Senate Paper 436, be indefinitely postponed.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I am very disappointed with the talk my seatmate has made here. I had gathered from talking with him and some of the other Senators that since this does not, in effect, affect this Senate—we will still come out under this bill with the same number that we have, 31; we have 32 now but we are supposed to have an odd number, and I had supposed that 31 might be the number that we would reach—so, anyway, this does not affect us very much.

The body to be affected under the new draft is the House of Representatives. I had been hopeful, at least, that we might let the House say what they felt about it before we put this matter to an untimely death.

I would say—and this is borne out, if you have been reading, as I am sure you have, Time Magazine, Newsweek, U.S. News & World Report, all of the publications on the state legislatures—I am being very kind when I say

that the state legislatures are not held in high regard. In fact, they are at a very low point. The people of this state and this nation rightfully feel that we don't know what we are doing, and we don't have the opportunity to find out what we are doing. And contrary to what my good friend, Senator Johnson, has said, that we can protect the rural people; in order to protect anybody you have got to know what you are doing. Under this set-up, the way it is here, we just do not know.

Under your committee set-ups, and I know I work in Judiciary where we have some research, but we just do not have the opportunity, the information and the knowledge that we need to pass upon these things. I know that is true in Education. I have sat on the Appropriations Committee, and we just have a very smattering of knowledge of what is happening. That is wrong as far as the people of Maine and the nation are concerned; they deserve a better break. Particularly it is true when an action that this legislature has taken, that is, the passing of the income tax, this is going to be referred to the people and they are going to vote on it. The people of this state believe that we don't know what we are doing, and this is going to be reflected. We are going to have to go out and campaign to the people, and this is a reflection upon us. So I think that we have an obligation at least to the people to say we are trying, that we are trying to make some of these reforms, and maybe we can't make them all the way as far as everybody would like, but at least we are trying.

So all I ask for today is to just let the other body which is going to be affected by this have a chance to express their views of whether or not they are going to tell the people of Maine that at least we are trying. So I would hope that you would vote with me today on this, and I would ask for a division on the motion which the Senator from Somerset, Senator Johnson, has made. I would hope that you would vote with me so at least we can tell the people of Maine that we tried.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I think the statement of the good Senator from Aroostook, Senator Harding, just now kind of points up the point of let's pass the buck, and let somebody else try to pull the chestnuts out of the fire for the people who would like to change this. In fact, he says "Let's not us decide on this, but let the other body decide, which is the one that we are cutting."

This leads me to believe that maybe the people are right and we don't know what we are doing here.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I must agree with the good Senator from Aroostook, Senator Harding, that the people don't think we know what we are doing, but I think that the smaller the district the better chance it gives them to tell us what they think we should be doing. I find that they don't hesitate to do it.

Now, in my district, and we are not talking about Senate districts particularly, but I have to travel about 300 miles to go from one end of my district and return. I think some of the House districts are the same, perhaps not quite as much, but proportionately the districts are fairly large. I don't think the good Senator from Kennebec, Senator Katz, with his snug little district, or the good Senator from Aroostook, Senator Harding, realize what these people are thinking and they want to talk to their legislators. I don't think the House is unwieldy and I just don't think the size of it should be reduced.

Further, I think to spend time on this, when it requires a two-thirds vote, is an exercise in futility.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: To pursue the exercise in futility, there seems to be a general impression that Maine is a large state. Well, once you get outside

New England, Maine is not a large state; we are a small state. And it seems to me, trusting my memory, that a member of the Maine House of Representatives represents fewer people than any other legislator in the United States barring, as I recall it, New Hampshire, of course, and Connecticut, which has a New England tradition, but I think the only other state is North Dakota.

During the last campaign the subject of the Maine Legislature and its size came up again and again because I brought it up. Particularly with people like the elderly, who felt that they needed services from the Maine Legislature, the low income people. You tell them that there just isn't enough money to go around, and then you ask them whether it is absolutely essential. And believe me, I mean no disrespect by this at all because the group I am going to talk about are some of the outstanding legislators in the state, but it is a little hard to explain to someone who sees a human need that isn't being filled, and you tell them there isn't any money, and they can't understand why it is necessary to pay the salaries, the upkeep, the parking spaces, the reports and the ancillary services that go to support eleven legislators from the City of Portland. This is what we are talking about.

If there is one thing I think we need desperately, it is not one of the largest houses in the United States or one of the largest legislatures in the United States, it is an effective legislature. I agree completely, and this is my fifth term here, in all honesty, I have a feeling that even if we are thirtieth out of the fifty legislatures in the recent evaluation that was publicized so heavily, it is thirtieth, in a roll of mediocrity pure and simple. I suspect that deep down inside you share my frustration that you come here and you spend six months of your life, and you are not able to live up to your potential effectiveness because you are *E Pluribus Unum*, one out of many. And I think it is too many.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: One of the fallacies I hear again and again, as expressed by my good friend from Washington, Senator Wyman, is that if you have a small area you can keep in contact with your people. This is a real fallacy. How do you keep in contact with your people? How do I keep in contact with people as far as my law office is concerned? There are two methods by which most of us do. The one that is put forth here is that we represent the rural areas, and we drive down and we see old Zeb on a Saturday afternoon and discuss things with him. Well we did that a hundred years ago maybe, or fifty years ago, but the way you keep in contact with your people now, No. 1, is with a telephone.

And the messages that are delivered to me, I must tell you, it is very difficult, almost impossible, for a person to deliver a message to me and someone chases me down, they feel that I am just inaccessible. This has happened many, many times. Or if I want to call somebody, what facilities do I have to call and confer with a constituent here? It is practically non-existent. I mean, I have to do it out here in the presence of others and wait in turn for a telephone. Or suppose that I have a constituent who comes down and wants to confer with me, where can I confer with him? I can't.

I will tell you another thing. I have received on one particular matter that is pending here in this legislature over 700 letters, and there are not the facilities, so I have just given up, I cannot even reply to the people who are writing me about something which concerns them to that degree. I know some will say it is a religious issue, and so on, but what do those people feel who wrote to me? Now, this is the kind of contact that you have. And this idea that I am going to drive up and talk to old Zeb on some Saturday afternoon, this is irrelevant in this day and age. We don't have the opportunity now even to use the method of communication which is available or should be available to everybody, the telephone, and the one which is available and

ought to be available, to write letters.

We have a deplorable situation. The people realize it is deplorable. And every study that has been made, and these have been made by people who represent the Ford Motor Company, Standard Oil of New Jersey, the big companies throughout the nation, their studies have shown—and it is reported here in the Future of the State Legislature—that there is no justification for any legislature to have over a total of 100. With a total of 100, it means that then you can have office space, that you can write to your constituents, that you can confer with your constituents. In other words, you can be responsible and you can be effective. And for us to sit here and have the hypocrisy of saying that we are representing our people when you have one State Senator, and I am sure this is multiplied many times, who can't even reply to what your constituents are saying to you, it is absolute hypocrisy.

So all I ask is that at least, because we do need to have the people believe in us, particularly on this thing that is going out on referendum, that at least we tell them that we tried to remedy this. This is all that I ask for, so at least we can say that we tried.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: This is certainly a non-partisan matter, as has been rather obvious, and I had firmly intended to stay in my seat. However, when we are discussing the matter and we use as an argument that the opponents are hypocritical in their viewpoint if they don't agree with us, then I feel certainly that I must rise to defend the integrity of the members of the Senate.

I think we are losing sight of the fact here that we are talking about a laudable objective. But as Senator Wyman might have bluntly put it, it is an exercise in futility unless we look at the problem as a whole and try to solve the problem as a whole.

To solve the problem we are certainly going to have to make many other changes than just reduce the size of the House of Representatives. We are talking staffing, as has been mentioned by several of the debaters this morning, we are talking about annual sessions, we are talking about elimination of the Governor's Council, and we are talking about many, many things that must be done to make the legislature a more effective organization than it is now. With none of these facts do we agree or disagree. The League of Women Voters, for instance, have devoted a great deal of time to this subject in general, and to the reduction of the size of the Senate and House in particular. But I do feel that it is a problem which requires a comprehensive thinking; we are all concerned and dedicated to it. Let's not interpret opposition to this particular measure at this particular time as anything remotely resembling hypocrisy. We are all here dedicated and doing the best that we can with the tools that we have to work with, which aren't perhaps exactly what we would like to have to be able to use.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Because I do sincerely believe that this is the most important government reorganization measure before us this session, I request a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Carswell.

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: Having listened to the debate, I figured I had a little to offer to this. Now, let's look back on past elections, and let's look at the newspapers every day where you see a great deal of advertising so that the manufacturer can sell his product. Well, during the campaign either the candidate has a very good record to look back on, that he can open the books on and show the voters, or he has a fat wallet and the

tongue of Pericles. I think that these are the things that have to be brought out in the campaign with the news media and television so the public has a good chance to see who they want to vote for, or to decide who they want to vote for, I should say.

I would like to ask a question: How are you going to get the voters to vote for the right candidate? I mean, even though you make the size of the House smaller, how are you going to regulate who the voter votes for? I think it pays to advertise, as I said before, and this is the thing that matters. We should establish good records, pick good candidates, and give the voters something good to vote on.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I suppose it would be very, very laudable if the legislature took upon itself the task of working out a comprehensive program to improve the efficiency of the legislature. Unquestionably this is something that ought to be done and perhaps should have been done a long time ago. Certainly to date it has not been done, and maybe all of us, either individually or collectively, are somewhat to blame. But this doesn't mean that we can't start making improvements if we think that there are areas we can improve upon.

I think that the new draft before us is a start in the right direction. I am sure that it undoubtedly would not solve all the problems that confront us in our work here and our ability to best represent and serve our people, but I think it would be a step in the right direction. So I would hope that the Senate would accept the Minority Report and send it to the House where these people can look it over, as they are the ones who are affected, and let them indicate to us how they feel with regards to this subject. I personally feel that it is a step in the right direction and that if we cannot do it all at one time then we ought to go at it piecemeal, and this is a start.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: For the reasons I gave earlier, I am opposed to this legislation as it is not part of a comprehensive plan.

Senator Violette said that this appears to be a reasonable document and that it does not affect the Senate. I point out to the Senate that it specifies that the membership of the Senate shall be 31, and thus does change the law now which says it may be anywhere from 31 to 35, in odd numbers.

I think that the reduction of the House from 151 to 125 is not a practical reduction. The House, if it should be reduced in size, should be reduced down to some workable figure like 93 or something like that. This is where we should go. With these objections, in addition to the other ones, I urge you to vote for the motion.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Somerset, Senator Johnson, that Resolution, Proposing an Amendment to the Constitution Reducing the Size of the House of Representatives and the Senate, be indefinitely postponed. A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of one-fifth of those Senators present and voting. Will all those Senators 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 Chair will restate the question. The question before the Senate is the motion of the Senator from Somerset, Senator Johnson, that Legislative Document 94, Senate Paper 53, Resolution, Proposing an Amendment to the Constitution Reducing the Size of the House of Representatives and the Senate, be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Berry, Carswell, Dunn, Greeley, Hichens, Hoffses, Johnson, Martin, Moore, Peabody, Quinn, Schulten, Tanous and Wyman.

NAYS: Senators Bernard, Chick, Clifford, Conley, Danton, Fortier, Graham, Harding, Katz, Kellam, Levine, Marcotte, Minkowsky, Shute, Violette and President MacLeod.

ABSENT: Senator Sewall.

Mr. Conley of Cumberland was granted permission to change his vote from "Yes" to "No".

A roll call was had. Fifteen Senators having voted in the affirmative and sixteen Senators having voted in the negative, with one Senator absent, the motion did not prevail.

Thereupon, the Minority Ought to Pass in New Draft Report of the Committee was Accepted, the Bill, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act Providing Funds for Shalom House, Inc., a Halfway House, in Portland." (S. P. 272) (L. D. 800)

Reported that the same Ought to Pass.

Signed:

Senators:

HICHENS of York
GREELEY of Waldo

Representatives.

PAYSON of Falmouth
CLEMENTE of Portland
CUMMINGS of Newport
DOYLE of Bangor
SANTORO of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Senator:

MINKOWSKY
of Androscoggin

Representatives:

BERRY of Madison
LESSARD of Lisbon
DYAR of Strong
LEWIS of Bristol
McCORMICK of Union

Which reports were Read,

Thereupon, on motion by Mr. Hichens of York, the Majority Ought to Pass Report of the Committee was Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

Second Readers

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

House

Bill, "An Act Relating to Salary of Executive Secretary of the Board of Barbers." (H. P. 65) (L. D. 106)

Bill, "An Act Regulating Imitation Milk and Milk Products." (H. P. 376) (L. D. 491)

Bill, "An Act to Authorize the Beaver Cove Water Company to Utilize the Water of Moosehead Lake." (H. P. 541) (L. D. 713)

Bill, "An Act to Validate Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 22, (H. P. 645) (L. D. 875)

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

Senate

Bill, "An Act Relating to Computation of Housing Expenses for Members of the Legislature." (S. P. 241) (L. D. 702)

Bill, "An Act Relating to Trust Assets of Banks and Trust Companies." (S. P. 427) (L. D. 1125)

Bill, "An Act Authorizing a Mortgagee to Bid and Purchase Real Estate Sold under Power of Sale." (S. P. 117) (L. D. 296)

Bill, "An Act to Extend Unemployment Compensation Benefits during High Periods of Unemployment." (S. P. 156) (L. D. 425)

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

Sent down for concurrence.

Senate — As Amended

Resolve, Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans. (S. P. 88) (L. D. 217)

Which was Read a Second Time and Passed to be Engrossed, as Amended.

Sent down for concurrence.

Enactors

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

An Act Reating to Certain Penalties Under Fish and Game Laws. (H. P. 170) (L. D. 228)

Which 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:

Bill, "An Act to Clarify the Recreational Authority Act." (H. P. 81) (L. D. 121)

Tabled—March 4, 1971 by Senator Moore of Cumberland.

Pending—Passage to be Engrossed.

Thereupon, the Bill was Passed to be Engrossed in concurrence.

The President laid before the Senate the second tabled and specially assigned matter:

SENATE REPORTS—from the Committee on State Government on Resolution, Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions. (S. P. 57) (L. D. 96) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled—March 9, 1971 by Senator Berry of Cumberland.

Pending—Motion by Senator Levine of Kennebec to Accept the Minority Ought to Pass Report.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: The State Government Committee heard this particular bill. To my knowledge, there were two people that spoke in favor of it, the sponsor and the League of Women Voters. If this is a real hot issue I would like to know

where the thousands of people were that wanted this changed.

I have a record here of the annual sessions that this Legislature had, and we have had annual sessions in the legislature from 1956 on except one year, I believe, which was in 1962. These sessions were called by the Governor. They were adequately worked. The bills that were there were adequately disposed of, and they were called at the time that the need was apparent. The Governor called these sessions, and they lasted in some cases three days, and some twenty-seven days, and the greatest off-year was thirty-three days, I believe, which was last year. And they accomplished all that had to be accomplished as cheaply and with as least time as possible. What I am saying, what I am trying to get through to everyone here, is that we have had annual sessions since 1956, except for one year 1962-63.

The bill reminds me of some one trying, if you will excuse the expression, to beat a dead horse to get him up. The legislature now can call itself into session. The Governor can call it into session, and I would almost feel that there is absolutely no need for this bill.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I am very much opposed to annual legislative sessions.

My basic reason is that the cost of annual sessions would be way, way in excess of biennial sessions, and would offer little efficiency contribution to our present legislative process.

Due to increases in salaries and allowances, the ever-expanding cost of printing and other items necessary to proper systematic functioning, the cost per day to operate this legislature is approximately \$15,000.

Annual sessions would double the cost to the taxpayer, for it is my firm belief that after the first year or two the sessions would be just as long as they are now.

Another alarming thought is that annual sessions would promote professional legislators. Assuming this comes about, most of these law makers would undoubtedly be lawyers. And believe me, lawyers don't work for peanuts. The first thing they would do is raise their salaries to fifteen or twenty thousand dollars a year.

There is no question, special sessions are inevitable, and as a rule only last three or four weeks. In this short time we can iron out any crucial matters that come up and make necessary budget adjustments. So why should we burden the taxpayers with the fabulous cost of annual sessions. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE of Franklin: Mr. President, I would like to request that the Secretary read how the committee members reported on this particular bill.

The PRESIDENT: The Secretary will read the report.

The SECRETARY: The members of the committee who signed the Ought Not to Pass Report are: Senator Clifford, Senator Johnson, Senator Wyman, Representative Hodgdon, Representative Stillings, Representative Marsteller, and Representative Donaghy.

The members who signed the Ought to Pass Report are: Representatives Cooney, Farrington, Goodwin, Starbird, and Curtis.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: As you all know, this bill is not a partisan bill. I agree with my good friend, the Senator from Hancock, Senator Anderson, that we are all trying to do a good job here. But with the system that we have now we can't do a good job.

I, myself, don't want this body to become a professional body. We don't have to become professional politicians and make our livelihood by serving in this legislature. But this is big business, and no big business can operate the way they did fifty years ago and do a good

job. This is a \$400 million business, \$200 million annually, and you can't come here in every other year and have your budget figured out two years in advance because, as I mentioned before, it will never come out right.

If you want to do a real honest job then you should try to have annual sessions. We don't have long sessions. We can change the method by which our bills come in to us. Some bills don't have to come to us, so the first year shouldn't last more than three and a half to four months. The second year we can do in about six weeks. So we can do a good job for the people of the State of Maine, and save them money. That is what this bill is for. This bill is not aimed at making us come to Augusta and work for two years; it is aimed mainly, after it is amended, to do the job faster and more efficiently for the people of the State of Maine and to save them money. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I have an amendment which, if the Minority Ought to Pass Report is accepted, I would offer. This would provide that the session would not last in the even years more than sixty calendar days, and that the legislature would only consider appropriation bills and such emergency matters as the majority of the leaders of both political parties would be deemed of that nature.

Of course, the fact of the matter is that we now have annual sessions. The only thing that this would do, and which ought to be done, is that we should prepare our budgets on a yearly basis rather than on a two-year basis as we now do. As anyone knows who has served on the Appropriations Committee, I believe most are agreed that a very, very difficult thing to do is to predict what we are going to do two years from now. It is very difficult to predict your revenues and your expenses for one year, but two years is very difficult. In fact, you can be off as much as thirty million dollars, as we were on this estimate as to

how much we were going to take in; this is on a two-year basis.

There is no business that would try to prepare a budget—you don't see any annual reports, such as you people see, of a business doing it on a two-year basis. You just can't do it on a business basis. So this would make our legislature more businesslike, and I do think we have to appeal to the business community. This is what the amendment does which I would offer, if this group does accept the Minority Ought to Pass Report, I would offer this amendment, and I think again that this would help restore the confidence of the people of Maine in our legislative system.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I think this is another area where we can make a contribution to the improvement of our state government. I think, with the amendment which Senator Harding would offer limiting the session in the off-year to sixty calendar days, it would not be unduly long, and would not tend to create another lengthy session.

I am not in complete accord with Senator Anderson on one score. I think that I, as an attorney who leaves my practice for six months every two years for the glorious salary of \$2,500, I assure you that I am not interested in staying here a day longer than I have to, whether I am a lawyer or not. But I do think with annual sessions, I think we could lengthen the term of the regular session, and I think we could do a much better job on budgetary matters. I liken the state trying to work out its budgetary problems, its revenues and expenditures, to a corporation which does an annual business of \$200,000,000, and having one board of directors' meeting every two years to see how it is going to operate the finances of its business. In a sense, this is what the State of Maine does. And I think our government has grown to the extent where it is not a good practice, where we ought to

look at our budgetary matters particularly on an annual basis. Our Appropriations Committee could work on an annual basis, and instead of waiting to see if a special session is going to be called, whether it is going to deal with budgetary matters or not, or other matters, it could work and program its work and present to the legislators on an annual basis much more current and much more efficient budgetary recommendations. I think in this way we could have a much more efficient operation.

Another area where I think the improvement of the legislature would come about is that with the large turn over in our legislators annually we have a one-third turn over in our legislature, which means that every session we have a very, very large number of our legislators that are new and who do not have the experience in legislation. Everybody admits it takes you a full term to get the full legislative process under your belt. In fact, we have heard said today from veteran legislators that even after they have been here for several terms they still have a difficult time, with the few opportunities we have to work with, in knowing exactly how we should do the best job. I think on coming back the second year, with our legislators having had one session under their belt, I think that the matters that we would have to consider in the second year, I think they then would be much better posted and would have a much better understanding of the legislative process, so they could make a much better contribution in the second year of their legislative duties than they could the first year, particular those included in the one-third who are new members.

I am not interested in staying here one day longer than we absolutely have to, but I think this is a step in the right direction. I think limiting the second-year session is a good step in the right direction, which would not unduly prolong the legislative process, and it would certainly allow us to do a better job on budgetary matters.

I think this important, so I hope that the Senate would accept the Minority Ought to Pass Report so the amendment can be introduced, and I would request a roll call.

The PRESIDENT: A roll call has been requested. The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I feel somewhat compelled to speak on this matter to bring one or two points to your attention.

First, there is not one member of this legislature who is required to come here and to stay any length of time whatsoever. If you don't like the time that it takes to attend to your legislative duties, don't run for office.

Another thing: I have been around these Senate halls for some time now. From the point of continuous service, I think I have been here the longest. And I can recall that we have had annual sessions ever since I have been here. We have had one or two special sessions every year.

Another point is the cost. We are talking out of both sides of our mouths at the same time. We are talking about saving the taxpayer money, and then we are talking about annual sessions. Now, what do we mean? Do we mean that we want to save the taxpayer money, or do we want to have annual sessions? All of us here know what it costs for the legislature to stay in operation each day. I have seen perennial bills appear year after year, after year, and if we go to annual sessions those bills are going to continue to appear year after year, and we are going to have annual sessions which run just as long as the biennial sessions do now.

I do not believe that this is a step in the right direction. If we want to have a complete governmental reorganization and go to annual sessions, then let's have a complete reorganization and not do this business piecemeal.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: The distinguished Senator from Knox, Senator Hoffses, has pointed out that if anyone doesn't want to come here he doesn't have to. I feel a little differently about it. When we come here we come to do a job for the people of the State of Maine, and we try to do the best that we know how.

Any system can be improved if you are willing to improve it. A system that hasn't been changed for many years definitely can be improved.

If my good friend, Senator Hoffses, would like to see annual sessions, maybe if he reads the amendment I had drawn up and wanted to present, I think that might change his thinking a lot and perhaps he would go along with me. I would suggest that perhaps he would like to introduce it, because I have talked to a few of the other members and they thought it might be a little bit too rigid, too strong, but it would definitely cut down on the time we would meet here both in the first year and second year.

I suggested that on the bills pertaining to fishing or hunting that I might not be the smartest man here, but I am not intelligent enough to vote on most of them, because I don't know where the lakes are and I am not too much of a fisherman, so I vote on them but I don't think my mind is clear on what I am doing. Also we have a lot of resolves on damages done by the state that come in here, and I suggested in my amendment that up to \$500 they should go to the Highway Department, because I don't see how we are really doing justice when we vote on those resolves if we don't go out and see the damage that was done there. How can anybody vote on a resolve and award somebody \$150, or \$200 for bee hives or something if he hasn't been there and seen it or knows anything about it. If we would take some of these bills and send them to the appropriate agencies, that would save us at least two months in the first year.

I also would recommend that in one year we should just take up to twenty bills and the budget, and

that shouldn't take us more than a month. So, altogether it would take us less time by having annual sessions than what it does now, we would save the taxpayers some money, and we would not be guessing as we have to do now.

My business is not as large as the State of Maine's is, but I hope that by 1975 I will do as much, and I can't guess for two years ahead. We meet every week with our managers and we talk things over. By doing so, I think I am paying my bills pretty good, or I am doing a little bit better than the State of Maine does frankly. Thank you.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I have been very interested in what the good Senator from Kennebec has been saying, Senator Levine. If my memory serves me correct, he didn't bother to attend the special session last year.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I did attend most of the special session. For two weeks I was sick. I don't think any member would come here if he had to have an ambulance to bring him in. Thank you.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I think when we speak about money, we must begin to consider money management is one of our big problems. I feel that annual sessions would provide the means by which to have better money management, and I am in favor of the bill.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I have located my sheet. We are all talking about annual sessions, and the sheet here shows

that we have had annual sessions every single year as far as I have researched here, back to 1957. 1957 was a regular session, 1957 in October a three - day special session, 1958 three days, and in the same year, 1958 again, two days, so that made five days in one year, the off - year. 1959, the regular session. In 1960 a special session, ten days. 1961 was a regular session, and in the same year five days, in 1961. 1962 was the only year that there was no session, so if we are going to pass a law we would have had a session that year. I could go down through the rest of it, and it all proves out that there has been business handled adequately in these particular five days, three days, twenty - three days, one day and so forth.

But as far as money is concerned, and so forth, everyone is talking about savings, but if you added the days that we would be in special session for another three months or two months there, at today's figures it would run into about \$780,000 for a two - months special session. And then we would probably come back in July and October to handle something that had to be urgently attended to, so we would have probably two special sessions a year. So, if you are talking about annual sessions, we have got it, and I think we should stay with the present procedure.

The PRESIDENT: The Senator from Kennebec, Senator Levine, asks leave of the Senate to speak a fourth time. Is there objection? The Senator has the floor.

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: The main thing about annual sessions is that we could consider the budget every year. As the good Senator from Aroostook, Senator Harding, has just said, we were off by \$30 million or better the last time on the estimated income from the income tax. I think that is unjustifiable to the people. So by having annual sessions, the budget would be considered annually and we would be doing a better job for the people of the State of Maine, and that is what we were elected for.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I believe the message that is trying to be conveyed here this morning by those who are supporting this measure is the fact that we are trying to establish better efficiency in government. We certainly know that every two years when we come up here that the bureaucracy of state government grows larger, and larger, and larger. I think one of the departments that we established in the last session, it is obvious, all you have to do is look at the budget this year to see what they are asking for, and that is the Environmental Improvement Commission, and I just use that as an example.

The thing is that we sit down when we get this budget document in front of us, and many of us really, being resigned to the tasks that we have of attending committee meetings and also sponsoring legislation that we are interested in, in trying to follow these different measures through the session we have very little time to actually become involved in the expenditures of state government.

From time to time I have occasions to go to Democratic State Conventions throughout the state. I also take the time, when the Republican Party is kind enough to bring their convention to the City of Portland, to sometimes frequent that convention. I noticed and followed with great interest during the last convention that was held in Portland, and I thought after reading in the newspapers that the Republican Party was really becoming quite liberal in the sense that they almost passed for their party platform the annual sessions bill — at least they almost went on record as supporting annual sessions. And I thought that was a great, great move until from out of the dark ages someone stepped forward of years gone by and thought that it would be one of the biggest mistakes they could make. So naturally the convention turned the resolution down. But at least for a while I thought it was possible that the Republicans were

going to get on their best foot and start looking a little bit progressively toward the management of our departments up here.

I think it is really sad when Senator Johnson says that we do have annual sessions, because we talk about how long it takes for one really to become familiar with the operations of the legislature, and we come back in the off - year for three days or so, I think we just about get enough time to take our rubbers off and put them back on and go home. So, I think, if we are talking about better efficiency in government, then we ought to get into the arena more often to keep our eyes on these departments.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I feel that I must join the partisan parade as being drummed by our good Assistant Minority Floor Leader, Senator Conley from Cumberland. I am not one to be in the van of such a cortege.

As I look over the amendment and look at the bill, it of course obviously does nothing, and that is why I do not understand the rhetoric of my friends from the opposite side of the aisle. As a matter of fact, if we were to be completely honest, and of course thirty - two of us are completely honest here, Senator Harding's bill is limiting the legislative freedom, because now there is no limit to our special sessions and they can go on and quite to the contrary, as indicated by Senator Conley who indicated that it takes something like six weeks to take his rubbers off, I would point out that that is just about how long we have been here for the last two sessions. As a matter of fact, I recall the affair that was staged by the then Majority Party in the 102nd Legislature. It was quite a long orgy, as a matter of fact. Truly the bill does absolutely nothing except hamper the legislature. He says, "It shall not go on for more than sixty calendar days." That is two months, and I can see as time goes along that maybe we need to be here more than two months.

I call to your attention that we are a state of somewhat just under a million people in 1970 and we were a state of somewhat just under a million people in 1960, and I agree wholeheartedly that our major problem is the red tape and the bureaucracy, but we still have the same tax base, we still have the same people paying for the expense of state government, and this is what we should be devoting ourselves to. If you want to be honest about it, and I think we do, we don't want to limit our scope. It seems to me that this is somewhat of a partisan viewed proposal at the moment. I certainly don't view it in this vein, of course, because two years ago I put in the bill for annual sessions. I am no turncoat when I say now I am wholeheartedly opposed to annual sessions. I had the pleasure of meeting the speaker of a mid-western state house of representatives last summer, and he pointed out that they had just recently put in annual sessions in his state, and the dire forebodings which I had not heeded from statesmen such as Senator Moore of Cumberland and Senator Wyman from Washington, their words had not fallen on my attentive ears. They are right. This gentleman said that the worst thing that had happened to his legislature was annual sessions because it did develop a breed of professional politicians. No longer were the good attorneys coming down, no longer were the businessmen coming down to annual sessions. So I would oppose this legislation and urge you to vote against the motion.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: In fairness to my good friend and seatmate here, the Senator from Cumberland, Senator Conley, it doesn't take him six weeks to take off his rubbers; it only takes him three days. I think that should be clarified.

Also I think my amendment should be clarified. We are not talking, of course, about the regular sessions like we are now in where we would go as long as we

needed to go. It reminds me of the arguments though that I get on this annual sessions, it is like "Catch 22", if you don't put in any limitation, my good friend, the distinguished colleague from Washington County, Senator Wyman, says, "Look, they are going to drag on forever." So I said, "All right, then I will put in a limitation and we can't go over sixty days." And my good friend and dear supporter in years past, the Senator from Cumberland, Senator Berry, gets up and says, "Look, now you are limiting us." You see, it is so hard to win.

Of course, the fact of the matter is that in the even numbered years we would be limited to the sixty days. This has been adequate in the past. And we are specifying what we are going to be here for under this amendment. We are going to be here to take care of appropriation matters, and only emergency matters in addition to that.

It is not all that bad. And I don't look for this legislature to take large steps forward, but if we could move an inch this time I would be so grateful. Thank you.

THE PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: This has been very well covered, the expense of it, and the fact that we are having annual sessions now. We choose a Governor and he calls a session when it is needed. It is restricted a reasonable amount, and it seems to me that it does work out perfectly.

This makes me think of a younger member on one of my committees who teaches school. He told me, he says, "You know Hollis, I think every school teacher ought to go to the legislature, because I think he would find how much different it is from what they teach us in school." Now, this proposal for annual sessions is wonderful in theory. It just sounds beautiful, but all we need to do is look at our mother state of Massachusetts. Massachusetts for a while was on biennial sessions, and then — I

think I can remember it; I think I am old enough to — Massachusetts went back to annual sessions, and using somewhat the same reasoning. Now all you have to do is look at Massachusetts, and Massachusetts has practically twelve - month sessions. Heaven knows what it costs them, but thousands and thousands of dollars.

If this legislature can make a move and start to establish annual sessions, limited annual sessions, then this same legislature can make another move later on, or another legislature can make a move, to lengthen those sessions. I think that we have something good here in Maine and we should let well enough alone. I support my Chairman.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: We have listened to a long debate on this subject. We have discussed all the angles of it, including the time it takes to put on and take off rubbers.

I move the previous question.

The PRESIDENT: The Senator from Penobscot, Senator Quinn, moves the previous question. The question now before the Senate is: shall the main question be put now? As many Senators as are in favor of having the main question put now will say "Yes"; those opposed, "No."

A viva voce vote being taken, the motion prevailed.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Kennebec, Senator Levine, that the Senate Accept the Minority Report on Resolution, Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions. A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of one-fifth of those Senators present and voting. Will all those Senators 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 Chair will state the

question once again. The pending question is the motion of the Senator from Kennebec, Senator Levine, that the Senate accept the Minority Ought to Pass Report on Resolution, Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions. A "Yes" vote will be in favor of accepting the Minority Report; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Bernard, Carswell, Conley, Danton, Fortier, Graham, Harding, Katz, Kellam, Levine, Marcotte, Minkowsky, Shute, and Violette.

NAYS: Senators Anderson, Berry, Chick, Clifford, Dunn, Greeley, Hichens, Hoffses, Johnson, Martin, Moore, Peabody, Quinn, Schulten, Tanous, Wyman, and President MacLeod.

ABSENT: Senator Sewall.

A roll call was had. Fourteen Senators having voted in the affirmative and seventeen Senators having voted in the negative, with one Senator absent, the motion did not prevail.

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

Sent down for concurrence.

The President laid before the Senate the third tabled and specially assigned matter:

JOINT ORDER — Relative to Joint Select Committee of Inquiry to Study the Department of Mental Health and Corrections. (S. P. 423)

Tabled — March 9, 1971 by Senator Berry of Cumberland.

Pending — Passage.

Mr. Berry of Cumberland then moved that the matter be retabled and specially assigned for March 16, 1971.

Thereupon, on motion by Mrs. Carswell of Cumberland, retabled and specially assigned for March 17, 1971, pending Passage.

The President laid before the Senate the fourth tabled and specially assigned matter:

Bill, "An Act to Establish Step-parents Responsibility to Support Stepchildren." (S. P. 429)

Tabled — March 10, 1971 by Senator Dunn of Oxford.

Pending — Reference.

On motion by Mr. Dunn of
Oxford, referred to the Committee
on Judiciary and Ordered Printed.

Sent down for concurrence.

(Off Record Remarks)

On motion by Mr. Hoffses of
Knox,

Adjourned until 9 o'clock tomorrow
morning.