

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

***One Hundred and Fifth
Legislature***

OF THE

STATE OF MAINE

Volume III

June 16, 1971 to June 24, 1971

Index

1st Special Session

January 24, 1972 to March 10, 1972

Index

**KENNEBEC JOURNAL
AUGUSTA, MAINE**

SENATE

Wednesday, February 2, 1972

Senate called to order by the President.

Prayer by the Rev. Fr. Leonard E. LeClair of Augusta.

Reading of the Journal of yesterday.

Papers From the House Joint Resolution

February 1, 1972

WHEREAS, during the regular session of the 105th Legislature, two bills were determined by the Legislature to have been validly initiated by the electors of the State of Maine pursuant to Article IV, Part Third, Section 18 of the Constitution of the State of Maine, namely, a Bill, I.B. 1, entitled "AN ACT Repealing the 'Maine Income Tax Law' ", and a Bill, I.B. 2, entitled "AN ACT Relating to the Form of Ballots in General Elections"; and

WHEREAS, the 105th Legislature did not enact either one of said bills without change, nor adopt any competing measures and transmitted both measures to the Governor with a recommendation that both measures be referended pursuant to the Constitution without a competing measure; and

WHEREAS, both measures were transmitted to the Governor pursuant to the Constitution; and

WHEREAS, the electors initiating both bills specifically requested that if the Legislature should not enact the proposed measures without change that the measures be referred to the people at a special election ordered by proclamation of the Governor to be held not less than four nor more than six months after such proclamation; and

WHEREAS, the 105th Legislature adjourned without day on June 24, 1971, and the Governor issued a proclamation on July 1, 1971, setting November 2, 1971, as a referendum date upon the initiated bill, I.B. 1, entitled "AN ACT Repealing the 'Maine Income Tax Law' ", which referendum was held on November 2, 1971; and

WHEREAS, the Governor of the State of Maine has the clear constitutional duty to issue the

proclamation pursuant to Article IV, Part Third, Section 18 of the Constitution within a reasonably short period of time after the Legislature adjourned without day, which now was over 221 days ago; and

WHEREAS, the Governor of the State of Maine has promised the petitioners in writing that he would issue a proclamation so that the bill entitled "AN ACT Relating to the Form of Ballots in General Elections" could be referended on June 19, 1972; and

WHEREAS, the Governor of the State of Maine has failed to perform his constitutional duty and his written promise; and

WHEREAS, the Superior Court for Kennebec County in the case of Kelly v. Curtis, Civil Action Docket No. 911 determined on January 31, 1972, that the Governor has failed to do his duty and has ordered him to issue the proclamation required by the Constitution; and

WHEREAS, one of the most fundamental rights of the people in the Constitution of Maine is to initiate and vote upon initiated measures;

NOW, THEREFORE, BE IT RESOLVED: By the Members of the House of Representatives and the Senate of the 105th Legislature in special session that they respectfully request and urge the Honorable Kenneth M. Curtis to perform his ministerial constitutional duty as Governor of Maine and issue forthwith the proclamation pursuant to Article IV, Part Third, Section 18 calling the special election in I.B. 2, "AN ACT Relating to the Form of Ballots in General Elections," to comply with the Court's order or judgment. (H. P. 1563)

Comes from the House, Read and Adopted.

Which was Read.

The PRESIDENT: Is it now the pleasure of the Senate that this Resolution be adopted in concurrence?

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I move that this order be

indefinitely postponed and I would like to speak briefly to my motion.

The PRESIDENT: The Senator from Aroostook, Senator Harding, moves that this Joint Resolution be indefinitely postponed. The Senator has the floor.

Mr. HARDING: Mr. President and Members of the Senate: In regard to the order presented to the Senate today, and passed by the House yesterday, I wish to speak briefly.

I want to agree that the question of the method in which the ballot is presented to Maine voters is a most important one. There are those who argue that to change our ballot style will be a most important reform in Maine Government, that it will usher in an age when all Maine legislators will be men of superior wisdom and quality simply because they have been elected by a ballot style in fashion with Massachusetts' rather than the one which has existed in Maine for decades, and that if we will but enact this reform that we will bring to Maine the high standards and quality that now exist in Massachusetts' politics.

Now, I have no final insight into whether or not these claims are true, but I might add in passing that it is my belief that Maine has not been badly served by legislators, including all of the present company, who were elected by this method. I must say that I have had a change of mind since 1965 on this matter; I find that the only people who really want this changed are those who have political ambitions. The average voter likes it very much as it is, because he has a choice: he can either vote the straight ticket or he can split his ticket. And we do know that Maine voters in overwhelming numbers make the choice of splitting their ticket.

Now, the paramount issue in this controversy, however, is whether or not our ballot will be used for the convenience of the voting public or the convenience of the Republican Party. As some of you may remember, the initial change in which the presidential ballot was combined with the state ballot was prepared and consummated by a

Republican Legislature in time for the presidential election of 1960, when it was anticipated that a Republican sweep was in the offing. Such proved to be the case when Richard Nixon overwhelmingly defeated John F. Kennedy in Maine and brought with him three Republican congressmen, one Republican United States Senator, and Republicans controlled two-thirds in number of both branches of the legislature.

Again in 1962 there was a Republican sweep. They did very well. And it was mentioned what a fine system this was, it worked so well, that you did have a choice: you could either split your ticket, if you wished, or you could vote the straight Republican ticket. And why change a thing which had worked so well for Maine people, and especially the Republican Party.

Now, our present form of ballot became a problem only when the shoe was on the other foot in 1964, with Lyndon Johnson's sweep over Barry Goldwater, and that good old straight ticket no longer would work as well. From then on, Republicans looked with continuing alarm at the present system of voting and began to feel more and more that it adversely affected their interests.

Now, under the State Chairman, that distinguished gentleman, Cyril Joly, who has done so much for the Democratic — I mean the Republican Party, an attempt was made to initiate a referendum through petition, but the petition drive fell woefully short of its goal. It looked indeed as if the Republican convenience would no longer be a criterion for determining how people in Maine would vote.

Then all of a sudden from another state, from that state where true purity in politics exists, Massachusetts, as a matter of fact, a gentleman of great means, a multi-millionaire, appeared sensing an opportunity to fill a power vacuum in the Maine Republican Party. Rich, good-looking, young Robert Monks wanted to show the Grand Old Party in Maine what his money and brilliance could do for them. So he went out to obtain signatures on a petition to change the

ballot. It has been reported, and not denied, that he paid something like \$15 a day to those who would circulate petitions, and when confronted with this on TV he made this statement: he said, "If you use people, you have to expect to pay them." And I suppose that is fair enough, isn't it? He himself admitted spending close to \$5,000 on this drive and, of course, as you know, this was a grass roots inspired thing of people who wanted to have reform in state government.

Incidentally, Mr. Monks has set up an equally lavish registration drive in this state in which he pays his solicitors, it is reported, \$80 a week, plus 25 cents for every registration, 50 cents for every party enrollment and, best of all, \$1 for every Democrat changed to Republican. Now as Mr. Monks through this lavish financing was telling the Republican hierarchy, "See how many petition signatures and registrations I can get for you with my millions," well, think about how many votes this can be transferred to in the next election. Thus, Citizens for Ballot Reform joined a growing list of political front groups financed by Robert A. G. Monks's money, and the wheels of the computerized, up-to-date city operation imported from Massachusetts began to turn. Of course, one thing the hired guns in the Monks campaign didn't bother to tell the people who were signing this petition was that they were not just expressing a wish to get rid of the big box, they would also be introducing the Massachusetts type office ballot with all of its complications and possibilities for error, but as Robert Monks said, "It will bring the purity to us that exists in Massachusetts politics."

Now, the entire question of ballot reform in the Republicans' eyes comes down to the question of timing: It will be ballot reform in June, when only a limited number of the electorate will vote, but it will not be ballot reform in November, when the largest possible number of Maine citizens would express their opinions.

Indeed, the attorney for Citizens for Ballot Reform, who happens,

incidentally, to be a former Chairman of the Republican State Committee, admits with refreshing candor "Time is running out for us." Now, why should time run out for ballot reform if the reform is truly and generally desired? Why shouldn't we insure when we propose to take away a right of the people, namely, their right to vote a straight party ticket or split their ticket, which the Republicans so defended in the early 60's, that the greatest number of voters possible be entitled to make the decision? Now, time is running out, not on ballot reform, but on the Republican Party's manipulation of the use of ballots in Maine. Yet to my Republican friends I say do not despair. Right now, although you seem to have complete assurance and confidence that Edmund S. Muskie will be the Democratic nominee for President, and of course I pray that you are right, nothing in life or politics can ever be taken for granted. We may suddenly see our situation reversed, and a ticket headed by Margaret Chase Smith and Richard Nixon that could exert a drawing power of considerable magnitude, or perhaps the new Lochinvar of the Bay State, Mr. Robert Monks, will have effectively paved his way with gold to the head of the Republican ticket, on which his wealth would exert a strong influence. Now, all that he did for you in obtaining the signatures for a petition drive he might well do for you at the head of the ticket on which Maine citizens might have the option of voting a straight ticket. So all is not lost, and the fortunes of war are ever apt to change.

And I want to assure the members of the Senate on the other side of the aisle that we will be as compassionate with you as you have been with us if we should gain control, and so who could expect any more than that. So, let's not look to our immediate advantage, but settle this question on its own merits, with the greatest number of Maine voters having a chance to express themselves. Thank you.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I hasten to stand on my feet to answer my good friend, Senator Harding from Aroostook, on his charges in this matter. Believe me, I had not intended to speak this morning.

But I have been rather close to this particular question myself, and I fully agree with much of what Senator Harding has stated this morning. However, there is one underlying factor that he seems to forget, and that is the rights of the people of the State of Maine. These are the rights that are being abrogated when this particular referendum is not sent to the people in due and reasonable time.

We debated this matter at the regular session, as you will recall, and the prime concern and interest of a referendum of this nature is their rights under the Constitution of the State of Maine, that they be given an opportunity to see whether they want to do away with the old system of voting or whether they do, in fact, want ballot reform. It is not for the Republicans or the Democrats of this state to determine whether this right be given to them; it is theirs, and it is theirs under the Constitution of the State of Maine. We have no choice but to give them the opportunity to vote on this very important issue as soon as possible. To delay it is justice denied, and I ask you to vote in favor of this resolution and I ask that the resolution be read in full. Thank you.

The PRESIDENT: The Secretary will read the resolution.

Thereupon, the Secretary read the resolution in toto.

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

Mr. Conley of Cumberland moved that the Joint Resolution be tabled and specially assigned for February 20, 1972 at 2 o'clock in the afternoon.

Mr. Hoffses of Knox then requested a roll call on the tabling motion.

The PRESIDENT: 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 at least 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 recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President, I would pose a question to the Chair. On the motion of my good friend from Cumberland, Senator Conley, he has moved that this matter be tabled to a Sunday, and under the Constitution I don't believe that the Legislature can meet on a Sunday. I wonder if this might have an effect on the motion itself.

The PRESIDENT: Would the Senator from Cumberland, Senator Conley, care to change the date in his motion?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President, I will make that the 21st at 2:00 P.M.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that this matter be tabled and specially assigned for 2:00 P.M. on February 21st. A roll call has been ordered. A Yes vote will be in favor of the tabling motion; a No vote will be opposed.

The Secretary will call the roll.

ROLL CALL

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

NAYS: Senators Anderson, Berry, Carswell, Chick, Dunn, Greeley, Hichens, Hoffses, Johnson, Katz, Moore, Peabody, Quinn, Schulten, Sewall, Shute, Tanous, Wyman, and President MacLeod.

ABSENT: Senator Clifford.

A roll call was had. Twelve Senators having voted in the affirmative, and nineteen Senators having voted in the negative, with one Senator absent, the motion to table did not prevail.

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

Mr. KATZ: Mr. President and Members of the Senate: Maybe the press is right, maybe this is just a flap between a bunch of politicians. The callous motion that the Senator from Cumberland, Senator Conley, just made indicates that we are all taking this in the spirit of good fun and routine enjoyment.

I expressed myself yesterday and I sincerely believed the press was wrong. And I believe the Senate is approaching this like a Roman circus. Since I spoke yesterday I spoke to several people who circulated the petitions in Augusta, people I know and trust, and asked them about their experience in circulating the petitions. What did they say to the people and what did the people say to them? There was no mention of being paid, no mention of buying votes. They assured me that the people who signed knew what they were signing; the people asked for a right to speak.

The Senator from Aroostook, Senator Harding, spoke for nine minutes this morning. Eight and a half minutes were a smoke screen and thirty seconds were to the point. The question is not whether the big box is a good thing, the question is not whether the Republicans or Democrats will benefit from the change, the question is not whether Bob Monks has spent some of his money to get the referendum brought to the people, or indeed whether he is going to be a candidate, or whether Muskie is going to be the Democratic nominee. The question is the right of the people.

You know, I find myself so defensive with some of my constituents whose opinion of politics is of the lowest possible order. And I remember Senator Martin in his first exposure to the political infighting that takes place in the Senate that he vowed not to return. Perhaps he was more right than wrong, because what has been going on in Augusta these past couple of days has reduced my confidence as a defender of the system.

I noticed while previous speakers were talking the grins and laughter of the partisans on both sides of the aisle surrounding me indicates that they feel this is a charade,

and maybe it is. I think that perhaps there is little that this vote will accomplish, but it will express my conscience, not my partisan conscience, but my conscience.

Senator Conley's motion, the remarks of Senator Harding, and perhaps some of the partisan remarks you will hear from both sides of the aisle indicates that maybe, superficially the press is right, but deep down inside I have got the damndest respect for the right of the people to their day in court promptly, not when a partisan Governor decides to get around to permitting them to vote. His arguments have been so spurious as to be callous: let's wait until November when we can get a bigger turnout. Yet we called for a special election on the single most important issue facing the state in my time in a special election for repeal of the income tax, and history indicates that a special election gets the poorest voter turnout. So let's have our partisan fun here today, but let's remember that perhaps the press is wrong, and deep, deep down inside we know that there are more important issues involved and, to some extent, the Senate is tarnishing its image with the people by thumbing its nose at the 40,000 people, many of them my constituents, who said that they want their day in court promptly.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. Hoffses of Knox then requested a roll call.

The PRESIDENT: 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 at least 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 pending question before the Senate is the indefinite postponement of House Paper 1563. 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 Bernard, Carswell, Conley, Danton, Fortier, Graham, Harding, Kellam, Levine, Marcotte, Martin, Minkowsky, and Violette.

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

ABSENT: Senator Clifford.

A roll call was had. Thirteen Senators having voted in the affirmative, and eighteen Senators having voted in the negative, with one Senator absent, the motion to Indefinitely Postpone did not prevail.

Thereupon, the Joint Resolution was Adopted in concurrence.

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

Mr. TANOUS of Penobscot: Mr. President, I now move that we reconsider our action whereby we adopted this resolution, and I urge all of you to vote against me.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, moves that the Senate reconsider its action whereby it adopted this joint resolution in concurrence. Is this the pleasure of the Senate? As many Senators as are in favor of reconsideration will please say "Yes"; those opposed "No".

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

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President, I move that the Secretary of the Senate be directed to deliver a certified copy of the Joint Resolution, House Paper 1563, to the Governor and to communicate his action to the Clerk of the House.

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves that a certified copy of this Joint Resolution, House Paper 1563, be delivered by the Secretary to the Governor of the State and that the Secretary's action thereon be communicated to the Clerk of the

House. Is this the pleasure of the Senate?

The motion prevailed.

Communications

University of Maine
at Portland-Gorham
College Avenue
Gorham, Maine 04330
Department of Education
January 27, 1972

Mrs. Bertha W. Johnson
Clerk of the House
105th Legislature,
Special Session
State House
Augusta, Maine 04330

Dear Mrs. Johnson:

Submitted under separate cover is my analysis of the returns from the statewide survey of seniors as ordered by the 105th Legislature in House Order number 1349.

The problems encountered in the analysis are described in detail in the report itself as well as verbally to the sponsor of the Order, Mr. Cottrell of Portland.

Respectfully yours,
s/Dr. Merrill E. Cobb,
Chairman Department of
Secondary Education
University of Maine
At Portland-Gorham
(H. P. 1562)

Comes from the House, Read and Ordered Placed on File.

Which was Read and with accompanying papers Ordered Placed on File.

Committee Reports House Ought to Pass

The Committee on Public Utilities on, Bill, "An Act Increasing Borrowing Capacity of York Sewer District." (H. P. 1499) (L. D. 1941)

Reported that the same Ought to Pass.

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

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

The Committee on Natural Resources on, Bill, "An Act to Amend the Laws Pertaining to the

Protection and Improvement of Air by Establishing Ambient Air Quality Standards." (H. P. 1549) (L. D. 2008)

Reported that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-517).

Which report was Read and Accepted in concurrence and the Bill Read Once. House Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended Tomorrow Assigned for Second Reading.

Senate Ought to Pass— as Amended

Mr. Moore for the Committee on Public Utilities on, Bill, "An Act Relating to Transit Districts." (S. P. 704) (L. D. 1885)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-323).

Which report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Second Readers

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

House

Bill, "An Act to Authorize Counties to Adopt a Food Stamp Program." (H. P. 1460) (L. D. 1903)

(On motion by Mr. Berry of Cumberland, temporarily set aside.)

Bill, "An Act Increasing Funds for Lincoln County Court House Capital Improvements." (H. P. 1461) (L. D. 1904)

Bill, "An Act Relating to Penalty for Dogs Killing or Wounding Wild Animals." (H. P. 1470) (L. D. 1913)

(On motion by Mr. Hichens of York, temporarily set aside.)

Bill, "An Act Relating to Closed Season on Deer on Swan Island, Hancock County." (H. P. 1472) (L. D. 1915)

Bill, "An Act Relating to Authorized Equipment Purchases

at the Bangor State Hospital." (H. P. 1474) (L. D. 1917)

Bill, "An Act Correcting an Inconsistency in the Pharmacy Laws." (H. P. 1475) (L. D. 1918)

Bill, "An Act Relating to Loans to Candidates for Practice of Osteopathic Medicine in Maine." (H. P. 1476) (L. D. 1919)

Bill, "An Act Relating to Change of Name and Powers of Anson Academy." (H. P. 1484) (L. D. 1927)

Bill, "An Act Providing for the Observance of the 200th Anniversary of the American Revolution." (H. P. 1503) (L. D. 1945)

Bill, "An Act Creating a State Employees' Suggestion Awards Board." (H. P. 1507) (L. D. 1949)

Bill, "An Act Imposing a Tax on the Unorganized Territory Within the Maine Forestry District for Spruce Budworm Control." (H. P. 1510) (L. D. 1952)

Bill, "An Act To Exempt Incorporated Volunteer Ambulance Corps from Sales and Use Taxes." (H. P. 1511) (L. D. 1953)

Bill, "An Act Relating to Veterans Preference in State Employment." (H. P. 1516) (L. D. 1958)

Bill, "An Act Relating to Educational Assistance for Certain Widows, Wives, Orphans and Children of Veterans and Wives and Children of Prisoners of War." (H. P. 1519) (L. D. 1961)

(On motion by Mr. Anderson of Hancock temporarily set aside.)

Resolve, in Favor of Cole's Express for Truck Damage. (H. P. 1490) (L. D. 1933)

Resolve, to Reimburse Mrs. Clarisse Fournier of Jackman for Property Damage due to Highway Maintenance. (H. P. 1491) (L. D. 1934)

Resolve, Providing a Minimum Service Retirement Allowance Under the State Retirement Law for Emil Arseneault. (H. P. 1524) (L. D. 1966)

(On motion by Mr. Anderson of Hancock, temporarily set aside.)

Resolve, to Correct an Error in the Service Retirement Allowances Under the State Retirement Law for Linwood A. Webber. (H. P. 1521) (L. D. 1963)

(On motion by Mr. Anderson of Hancock, temporarily set aside.)

Resolve, Providing a Retirement Allowance Under the State Retirement Law for Mrs. John Howe. (H. P. 1522) (L. D. 1964)

(On motion by Mr. Anderson of Hancock, temporarily set aside.)

Resolve, Providing a Minimum Service Retirement Allowance Under the State Retirement Law for Leo G. Bartlett. (H. P. 1523) (L. D. 1965)

(On motion by Mr. Anderson of Hancock, temporarily set aside.)

Bill, "An Act Relating to Property Tax Exemption of Certain Pollution Control Facilities." (H. P. 1560) (L. D. 2020)

Bill, "An Act to Revise Certain Laws Relating to Banks." (H. P. 1559) (L. D. 2019)

(On motion by Mr. Katz of Kennebec, temporarily set aside.)

Which were Read a Second Time and, except for the matters set aside, Passed to be Engrossed in concurrence.

The President laid before the Senate the matter temporarily set aside by Mr. Berry of Cumberland, Bill, "An Act to Authorize Counties to Adopt a Food Stamp Program," (H. P. 1460) (L. D. 1903), pending Passage to be Engrossed.

Mr. Berry of Cumberland then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-328, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The federal government has given indication that the surplus food program is going to be administered a little bit differently in the future than it has in the past. The proposed amendment will make it permissive for county governments to participate in this program so they will be able to administer both the stamp program and the surplus commodity program. I emphasize that it is very permissive and just makes it a working procedure. There is no attempt to do anything here other than to facilitate this matter which is bound to come to a head very shortly.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "A"?

Thereupon, Senate Amendment "A" was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Under suspension of the rules, sent down forthwith for concurrence.

The President laid before the Senate the matter temporarily set aside by Mr. Hichens of York, Bill, "An Act Relating to Penalty for Dogs Killing or Wounding Wild Animals," (H. P. 1470) (L. D. 1913), pending Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS of York: Mr. President and Members of the Senate: An Amendment is being prepared for L. D. 1913, and I respectfully ask someone to have this tabled for the next legislative day.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Hoffses.

Thereupon, on motion by Mr. Hoffses of Knox, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

The President laid before the Senate the matter temporarily set aside by Mr. Anderson of Hancock, Bill, "An Act Relating to Educational Assistance for Certain Widows, Wives, Orphans and Children of Veterans and Wives and Children of Prisoners of War," (H. P. 1519) (L. D. 1961), pending Passage to be Engrossed.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: We have run into a little financial difficulty on this bill, L. D. 1961. The Legislative Finance Officer, Mr. Garside, would like to do a little research on this, and I would be grateful if one of my colleagues would table this until Tuesday, February 8th.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Hoffses.

Thereupon, on motion by Mr. Hoffses of Knox, tabled and specially assigned for February 8, 1972, pending Passage to be Engrossed.

The President laid before the Senate the matter temporarily set aside by Mr. Anderson of Hancock, Resolve, Providing a Minimum Service Retirement Allowance Under the State Retirement Law for Emil Arsenault, (H. P. 1524) (L. D. 1966), pending Passage to be Engrossed.

Mr. Anderson of Hancock then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-327, was Read and Adopted and the Resolve, as Amended, Passed to be Engrossed in non-concurrence.

Under suspension of the rules, sent down forthwith for concurrence.

The President laid before the Senate the matter temporarily set aside by Mr. Anderson of Hancock, Resolve, to Correct an Error in the Service Retirement Allowances Under the State Retirement Law for Linwood A. Webber, (H. P. 1521) (L. D. 1963), pending Passage to be Engrossed.

Mr. Anderson of Hancock then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-324, was Read and Adopted and the Resolve, as Amended, Passed to be Engrossed in non-concurrence.

Under suspension of the rules, sent down forthwith for concurrence.

The President laid before the Senate the matter temporarily set aside by Mr. Anderson of Hancock, Resolve, Providing a Retirement Allowance Under the State Retirement Law for Mrs. John Howe, (H. P. 1522) (L. D. 1964), pending Passage to be Engrossed.

Mr. Anderson of Hancock then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-325, was Read and Adopted and the Resolve, as Amended, Passed to be Engrossed in non-concurrence.

Under suspension of the rules, sent down forthwith for concurrence.

The President laid before the Senate the matter temporarily set

aside by Mr. Anderson of Hancock, Resolve, Providing a Minimum Service Retirement Allowance Under the State Retirement Law for Leo G. Bartlett, (H. P. 1523) (L. D. 1965), pending Passage to be Engrossed.

Mr. Anderson of Hancock then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-326, was Read and Adopted, and the Resolve, as Amended, Passed to be Engrossed in non-concurrence.

Under suspension of the rules, sent down forthwith for concurrence.

The President laid before the Senate the matter temporarily set aside by Mr. Katz of Kennebec, Bill, "An Act to Revise Certain Laws Relating to Banks," (H. P. 1559) (L. D. 2019), pending Passage to be Engrossed.

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

Mr. KATZ of Kennebec. Mr. President and Members of the Senate: When this bill was introduced what it did was to recognize the fact that Columbus Day is a national holiday and it sought to include Columbus Day amongst the bank holidays in the State of Maine.

The committee amendments expanded it to include some clean-up work elsewhere in the banking laws. I have no criticism of the amendment, but I raise a question about the bill itself, the implication that banks in Maine should be closed legally on Columbus's birthday. Columbus's birthday has no implication for the State of Maine; we don't recognize it, we never recognized it. The major impact of the bill is for the convenience of the banking institutions in the State of Maine. But as far as the public is concerned and as far as the broad segment of the public that uses banks for convenience, insofar as the business communities in the State of Maine, I think it probably would be very disadvantageous to close down all of our banks one more day.

I would hope — incidentally, I do not wish you to construe my

remarks as being in any respect anti-Christopher Columbus, a man for whom I have the greatest possible esteem — but I would hope that this could be tabled for a day so that I might amend it to take out that portion of it which is offensive to me.

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

Thereupon, on motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

House-As Amended

Bill, "An act Relating to Filing Final County Estimates after Adjournment of the Legislature." (H. P. 1459) (L. D. 1902)

Bill, "An Act Relating to the Community School District Law." (H. P. 1463) (L. D. 1906)

Bill, "An Act Relating to Use of Artificial Lights for Lighting Game" (H. P. 1471) (L. D. 1914)

Bill, "An Act Relating to Kents Hill School." (H. P. 1489) (L. D. 1932)

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

Senate-As Amended

Bill, "An Act Relating to Municipal Finance." (S. P. 700) (L. D. 1881)

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

Under suspension of the rules, sent down forthwith for concurrence.

Orders of the Day

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

JOINT ORDER — Relative to a study of the Tax Structure of the State of Maine. (H. P. 1561)

Tabled — February 1, 1972 by Senator Berry of Cumberland.

Pending — Adoption of House Amendment "A" — Filing H-516.

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Adoption of House Amendment "A".

(Off Record Remarks)

Mr. Violette of Aroostook was granted unanimous consent to address the Senate.

Mr. **VIOLETTE**: Mr. President and Members of the Senate: I was not going to say anything regarding the reapportionment of the Senate, but wait for its distribution to all members of the Senate, which I am not sure has been done.

Since the President brought it up, perhaps I should take the occasion, first of all, to thank the Maine Supreme Judicial Court for completing the very unpleasant task which we gave them and for the dispatch with which they did their job. I am sure, as far as I am concerned, I think they proceeded with their work with objectivity, although I am sure perhaps not every member of the Senate would agree with that. But I think we ought to express our appreciation to them for their work.

I also perhaps would want to take this occasion to say that I think it is a fair plan, and I am sure that not everybody is going to agree to that either. I have always viewed the reapportionment of the Senate, at least at this date, as one which would reflect the political realities of the day, and I think this one does. I never felt that it should give my party a numerical advantage or give the other party a major numerical advantage. In fact, I always felt that any reapportionment should reflect the present conditions of the Senate and also the fact that today in any given election whoever organizes this Senate is a toss-up, and it may well be much more reflected in the type of candidates in the election itself than any other circumstance. You will recall that it was in the early morning following the last election before we knew whether this would be a Democratic Senate or a Republican Senate.

I also want to make one or two other comments and I make them without rancor. There has been a lot of discussion in the last few days here as to the constitutional rights of people and how they have been affected by being trampled upon by other people in disregard

for them. I don't know eventually how this reapportionment by the Supreme Court will be affected by the test of time. It generally accepted the Governor's Bipartisan Commission's plan which was developed. A few days ago we sustained the Governor's veto of a bill calling for redistricting of the Senate. This was a bill which we passed in the closing days of the last legislative session, calling for a 31-member Maine Senate, one which very few of us ever had an opportunity to look at and consider until we saw it on the floor of the Senate, and one which certainly I, as a member of the Senate Reapportionment Committee, had no knowledge of the existence of until I happened to see it when it came out on the floor of the Senate, and one which, by accounts of the other party, gave them 19 to 12 odds. It was a plan which the Governor's Bipartisan Commission unanimously rejected as being unconstitutional on all counts when you consider the factors which we have to consider in the constitutionality of legislative reapportionment legislation.

None of us ran around and hollered that the constitutional rights of people were being trampled upon or were being unnecessarily and improperly considered. We saw it for what it was: a bill which reflected the hopes of some people as to what ought to be politically as to the numerical division of the Senate. But I would submit to you that the constitutional right of people to a properly districted branch of the legislature is as important, if not more important than, whatever form the ballot may take. I think as we go about this session perhaps, it being an election year, trying to gain some political advantage in debate, and using the constitutionality of one thing or another in order to try to get some points, that we ought to try to remember that this is always a two-edged thing. Thank you very much, Mr. President.

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

Mr. KATZ of Kennebec: Mr.

President, I do not wish unanimous consent, because I intend to make a motion.

I call the Senate's attention to the fact that when redistricting took place the Executive Department had a substantial voice in the

— The PRESIDENT: The Chair would inform the Senator that there is nothing before the Senate, that there is no matter before the Senate.

Mr. KATZ: Mr. President, I would like to make a motion.

Thereupon, Mr. Katz of Kennebec was granted unanimous consent to address the Senate.

Mr. KATZ: Thank you, Mr. President. The Executive Department had a substantial voice in the districting of the Senate and the Court had full voice in the districting of the Senate. As a measure of our tremendous success, the one body that had no voice in the districting of the Senate was the Senate itself, and I think it might be appropriate, Mr. President, to move that when the Senate adjourn today we adjourn with an expression of love, affection and regret for those of us who will not be here next time.

Mr. Shute of Franklin was granted unanimous consent to address the Senate.

Mr. SHUTE: Mr. President and Members of the Senate: As most of you are aware, I was a member of the Reapportionment Committee, along with Senator Kellam, as appointed by the Governor. Throughout the summer we held several meetings and discussed all ramifications of reapportionment.

To begin with, I don't believe, and I am sure Senator Kellam shares this view, that it was entirely necessary for the Senate to reapportion itself this session; it could have waited for another year. I think in the future that the chief executive of this state ought to have for ready reference some kind of permanent commission which could look at this problem of reapportionment, because with our changing population we are going to experience the need for reapportionment every ten years, and there will be some

distinctive changes taking place in our population growth, I am sure.

As a member of the Reapportionment Committee, it was I who made the motion to discard 1862 from further consideration. I did so because as a member of this committee I had an opportunity to study it thoroughly. As all of you are aware, the Republicans in caucus and the Democrats in caucus received their own versions of a reapportionment plan literally flung at us in the closing moments and, in our desire to adjourn, not really enough study was given by either party to the proposals presented to it. There were some definite flaws in 1862 and after having studied it, and being made aware of it, I offered the motion that it no longer be considered for further judgment by the committee.

Subsequently many other plans were proposed, some of them which would have given cause for Governor Gerry to become reincarnated almost overnight, but the final plan is not the plan that was sent to us by the court, the final plan which received almost unanimous action by the commission. The plan that received almost unanimous endorsement by the commission was one which would have separated two good Senators, Senators Greeley and Hoffses. The one, as I understand it, which will be before us will place them in the same district, so when this session adjourns one or the other will not be back with us for another time around, and I think this is a pity.

There were some mathematical changes in the commission plan which could have been improved upon, and I felt that at one point the two parties were that close together in reaching an agreement, and had not certain members of the other party made dogmatic declarations in caucus which were reported in the press, I felt that the Republican Senators here could have gotten together with the Democrat Minority and approved a reapportionment plan without it having gone to the Court. This I regret very much because I think it would have been in the interest of good government.

On another matter, Mr. Presi-

dent and Members of the Senate, I felt very deeply this morning about some of the things said concerning the matter of an initiative referendum which came before my Committee on Election Laws. I.B. 2 received two public hearings, one before Judiciary, where over 47,000 names were presented before it. This same bill later on in the session came before the Election Laws Committee and politicians from both sides paraded before our committee giving us the pros and cons. I subscribe to the deep and sincere feeling evidenced before this group earlier today by Senator Katz when he expressed the opinion that a great deal was lost by the people in this state through the discussions that we have had, mainly in the press.

I would like to call attention to the Senator from Aroostook, Senator Harding, that even though he has impugned the good name of Massachusetts here today, the worst thing I find about Massachusetts is its automobile drivers. The ballot which is being considered, the so-called Massachusetts type ballot, is offered in many states, not just Massachusetts, and it is called an office type because each one of the candidates is separated by office. I think this contributes to good government. Furthermore, I would remind the Senator that I wasn't in politics in 1960. I think I was serving on a school board somewhere, a very minor capacity in politics, and I have taken an interest in the elimination of the big box and the executive council for a number of years. Be that as it may, the point remains that 47,000 people have been kept waiting, and now at the Governor's bidding, for over a year and a half following the point of submission of their names to this body, and I think this is a pity.

Mr. Kellam of Cumberland was granted unanimous consent to address the Senate:

MR. KELLAM: Mr. President and Members of the Senate: I have something of a cold so I am sure I will be very brief. I just wanted to make a comment in relation to the Reapportionment Commission

which the good Senator Shute has alluded to.

The plan that has been approved by the Court, of course, is somewhat similar to that plan, but is different in some respects, as the good Senator has pointed out.

I personally have maintained throughout the discussion on reapportionment that this is a function of the legislative process, and I find it quite distressing that the Senate is unable to meet a simple problem like this and agree as to what the reapportionment should be. This bothers me considerably more than the other matters which have taken up so much of our time this morning. It appears to me that if the Senate had been willing to discuss the matter, and base at least the foundation on the commission plan, we could have come up with a plan that was suitable for all of us. Those that I have heard the most objection from, or the districts which I have heard the most objection from, are arrived at by virtue of trying to solve some other problem. And I think that if we had met as a group and discussed

it that we could either have decided that we would continue the districts as they in some respects now are with problems in order to accommodate some of the incumbents. This was not to be, apparently, because every time I saw an alternate plan come forth from the other side there was always a rather grotesque looking map accompanying it with various odd shapes to it, which indicated to me a lack of sincerity in their desire to reach some sort of conclusion.

Like I say, my own feelings are that the Judiciary should not be a part of the reapportionment process and, therefore, I regret that this had to go to the Court for its findings. Since it did go to them, I suppose on the other side of it we should be pleased that they used as good judgment as they did and did follow the commission's recommendations to the extent that they did.

On motion by Mr. Hoffses of Knox,

Adjourned until 9:30 o'clock tomorrow morning.